

Tutorial Letter 501/3/2018

Victimology CMY3705

**Department of Criminology and Security
Science**

IMPORTANT INFORMATION

This tutorial letter contains the Study Guide.

BARCODE



Dear Student

Welcome, to the FIELD OF VICTIMOLOGY— you have selected to study one of the most interesting and challenging fields within criminology. We hope that your experience of this module will be stimulating and that the content will influence and shape your vision of criminology today as well as in the future and motivate you to make a valuable contribution to society in whatever way you can apply your knowledge in your place of work, whether in the criminal justice system, private, business, corporate or as practitioners such as teachers, psychologists or social workers.

What is Victimology?

That branch of criminology that makes a scientific study of the relationship between an injured party and an offender. It examines the causes and the nature of the consequent suffering. Secondly, Victimology focuses on whether the perpetrators were complete strangers, mere acquaintances, friends, family members, or even intimates and why a particular person or place was targeted. Criminal victimisation may result in economic costs, physical injuries, and psychological harm. We also focus on how socioeconomic conditions and cultural practices can result in victimisation.

This module does not have a study guide, but a print version of the online learning units will be posted to you for your convenience. Please use the *myUnisa* facility to aid you in your studies as very valuable information is communicated to students via this forum. Refer to the *myStudies* booklet which will guide you through the process of using *myUnisa*.

Please visit Additional Resources and read the document titled, "How to manage my studies on myUnisa". This document will assist you in navigating your way through this module.

For your convenience, I have also included an extensive Glossary of Terms (under Additional Resources), widely used in Criminology and Victimology in various languages. This will aid your understanding of key terminologies used in this field of study.

BEFORE attempting any written assignments read through the document entitled "UNISA policy on copyright infringement and plagiarism" posted under Additional Resources. The "Academic Phrase Book" will further assist you with good assignment writing skills.

You are now equipped to begin with the Victimology module. We trust that you will approach your studies with confidence and enthusiasm.

Should you experience any problems with your studies, you are welcome to contact via email, the discussion forum of the course site or telephonically.

We encourage our students to enter into discussions with other students on the *myUnisa* system. This tends to make the learning experience less lonely. You are expected to visit the *myUnisa* site and your *myLife* email at least once per week for important announcements. Your lecturer will also visit the site on a regular basis.

Best of luck with your studies!

Mr N Bougard

UNIT 1: BRIEF HISTORY

This unit will provide a brief overview of the roots of Victimology as a sub-discipline of Criminology



Hans Von Hentig (image obtained at <http://upload.wikimedia.org/wikipedia/commons/thumb/7/7a/VonHentig.jpg/220px-VonHentig.jpg>).

For a large part of the twentieth century the victim of crime was marginalized or even ignored by the criminal justice system. Even criminologists disregarded the importance of victims in the study of crime (Kearon & Godfrey in Walklate, 2007). The field of Victimology thus emerged in the 1940s when two European criminologists, Von Hentig and Mendelsohn, the so called "fathers of Victimology," studied crime victims. They theorised that the victim's behaviour and attitude caused or contributed to the crime being committed. Interestingly, the field of Victimology originally devoted most of its energy to examining the numerous ways in which victims shared the responsibility for specific crimes with the criminal offenders.

You can visit the following webpages for further reading about the origin of Victimology: http://www.ehow.com/about_5539502_victimology-developed.html and http://www.lawcollegedehradun.com/lawreview/vol4_issue1_nov12/article5.html.

Definition of concepts

Look at the various definitions as delineated in the selected journal articles. The International Victimology Website (2008) focuses on victims as defined by the UN Declaration (A/RES/40/34, General Assembly, 29 November 1985): "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 harm can be physical, psychological, or economic.

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. Group harms are normally covered under civil and constitutional law, with "hate crime" being an emerging criminal law development, although criminal law tends to treat all cases as individualized (Walkgate 2007:23).

Besides "primary crime victims", we also study "secondary crime victims". These individuals experience the harm second hand, and include intimate partners or significant others of victims. We may even include "tertiary crime victims" who experience the harm vicariously, such as through media accounts or from watching television.

Many victims feel that defining themselves as a "victim" has negative connotations. Rather they choose to define themselves as "survivors."

History of Victimology

In his address "Victimology: fifty years on" Van Dijk (1997) outlined the history of Victimology at the 9th symposium of the World Society of Victimology. Access this source if you wish to delve further.

Refer to the sources cited for an overview of the history of Victimology and a sub-discipline of Criminology.

Historical sources on Victimology

The following historical sources can be cited to further explore the historical development of Victimology.

Von Hentig, H. 1948. The criminal and his victim. New Haven, Conn: Yale University Press.

Karmen, A. 1992. Crime victims. Pacific Grove, California: Brooks.

Mendelsohn, B. 1963. The Origin of the Doctrine of Victimology. *Excerpta criminologica* 3 (30).

Naudé CMB, Prinsloo JH, Ladikos A. 2006. Experiences of crime in thirteen African countries: results from the international crime victim survey. Electronic Publication. Turin, UNICRI-UNODC.

Newman, O. 1972. Defensible space. New York: Macmillan.

Schwartz, M & Pitts, V. 1995. Exploring a feminist routine activities approach to explaining sexual assault. *Justice Quarterly* 12 (1).

The list of sources above is an excellent tool that will assist you with assignments and provides a general orientation into the field of Victimology.

UNIT 2: VICTIM SUPPORT AND EMPOWERMENT

Secondary victimisation in the criminal justice system (CJS)



Image courtesy of cooldesign at FreeDigitalPhotos.net

Traditionally, courts ignored witnesses' needs. This, of course, led to secondary victimisation where many victims of crime were treated with disrespect and had their basic human rights ignored. This secondary victimization may even be experienced more negatively by the victim than the initial trauma related to the crime.

Definition of concepts

According to Vetten (2001), secondary victimisation can usually be described as the ill-informed, insensitive, blaming treatment of victims by officials who work for the criminal justice system. The definition can be further extended to include victimisation by the victim's family, friends or community.

Please visit the following link for further reading: <http://en.wikipedia.org/wiki/Victimisation>

Often this takes the form of blaming – where the victim is blamed for the crime or for somehow contributing to the crime.

Now that we understand what is meant by “secondary victimisation”, we can examine the processes involved in the secondary victimisation of individuals from the start of their contact with the criminal justice system – in other words, during the court process itself.

How does secondary victimisation occur?

Secondary victimisation often starts when the victim first reports the crime to the police. Victims, and especially women and children, who are victims of crime, and especially in the event of sexual assault or rape, have to face the police's disbelief that the crime occurred. The insensitive manner in which they are treated begins the process of secondary victimisation. Discouraging or preventing the woman from laying charges further perpetuates the victim's negativity and increases her sense of vulnerability.

Furthermore, both family and friends may discourage the victim from reporting the crime. All of this resistance from both family and the community or criminal justice officials may exacerbate the trauma the victim is experiencing, leaving this individual feeling alone and isolated. Often the negativity follows the victim into the court process. Few victims understand the dynamics of the court process, criminal procedures followed and evidentiary law.

According to Vetten (2001) victimisation takes place at various levels during the court process. She mentions the following: a failure to provide private waiting or report-taking facilities; not informing victims of court procedures and evidence (most victims have no idea how a criminal case is tried); failing to explain why certain questions are being asked or procedures followed; and not updating victims on the progress of the investigation or trial. All of this adds to the victim's distress and uncertainty and helps to perpetuate the trauma experienced. Long waiting periods for victims before they are examined and treated, as well as the time which often lapses between reporting an incident and appearing in court, may all contribute to and further exacerbate the victim's stress.

To make matters worse, during the hearing itself, the victims' rights may be infringed upon by the defence. For example, a failure (on the part of the prosecutor) to object to inappropriate cross-questioning in court of the victim by the defence attorney may be extremely traumatic to the victim and may even put the victim in the position that she or he looks guilty.

At this point we will stop to examine a case study.

Case study: Lindy

Instructions: Relate this case study to what you have read in the previous section.



Image courtesy of David Castillo Dominici at FreeDigitalPhotos.net

Lindy is a thirteen year-old girl who was sexually molested by her stepfather in 2005. He had been “grooming” her for a period of time and he probably thought his sexual advances would not be rejected. However, Lindy was so traumatised that she called her mother and the authorities were immediately alerted.

She was taken to a district surgeon to ascertain if she had been molested. She had to wait at the hospital for four hours before she was seen by the medical examiner. The whole procedure lasted eight hours. It took four hours for the police to take down her statement. At the police station she was referred to a social worker to help her work through the trauma. No social workers or counsellors were available to help her. She was then advised not to speak to a therapist by the prosecutor, since it was believed this might influence her evidence when she testified as a witness. Her parents were in the process of divorcing at the time and allegations were made by the offender’s defence that she was using the court case as an attempt to help her mother get custody of the other two siblings. Lindy was presented as a liar during the court proceedings. The accused had the funds to appoint a good attorney and had the services of both an attorney and an advocate. They were well prepared for the case. At each hearing the defence would put forward that Lindy had seduced the offender. She was blamed for the event.

Lindy asked the prosecutor to drop the charges against the accused. She developed serious behavioural problems; started taking drugs and lying to her mother. She was placed in a place of safety by the court because she had become uncontrollable and her family was unable to discipline her. The court case had a detrimental effect on her whole life, she constantly fought with her siblings who wanted her to withdraw from the case, and she was rebellious at school and withdrew from her family support structures. She was labelled at school as “bad” because of her disruptive behaviour and teachers could not understand why this usually pleasant and respectful learner was acting out. She started fighting with her friends. She made new friends with the people where she was buying drugs. Lindy started sleeping with the drug dealer to pay for her drugs. She eventually dropped out of school. She later begged her mother to allow her to drop the charges against the offender. She said she just wanted to get on with her life.

Lindy then fell pregnant and decided to make life changes for the sake of her baby. She agreed to proceed with the case against her molester. In 2011 the case has still not been finalised and each time is merely postponed by the defence.

From the above case study, one can see the far-reaching secondary effects experienced by victims of crime. Had Lindy merely kept quiet about the molestation she would not have experienced the trauma indicated above. Can you see why so many victims of crime remain silent about what has happened to them?

What is victim empowerment and support?

Victim empowerment refers to the process through which individuals who have suffered conflict and violence are helped to overcome their grief and resentment, thus enabling them to become more positive, proactive and self-motivated members of society.

It can also be defined as those strategies and public policies which provide communities with the skills and self-confidence, support and tools necessary to become more effective advocates of the rights and needs of victims in the light of institutionalised and historic discrimination (both in the government and private sector).

Victim support models

There are two basic models and a third which is a blend of the previous two. The first model suggests that services can be delivered as a specific form of welfare or charity. This model is governed by the ideology of care. The second states that 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. Internationally, several practical examples of both models are available, and will shortly be discussed. The ideal victim policy is a mixture of both models. In addition, we would like to argue for the importance of a third model or point of view namely the model which sees victim policies as an integral part of crime prevention.

The care model

Prime examples of the care model are those which involve or include state compensation schemes – especially those which apply generous standards in determining awards for victims of crime. Historically, state compensation schemes belong to the oldest provisions for crime victims (in many western countries, such schemes were introduced between 1965 and 1980).

In most cases, existing schemes fall short of being a fully satisfactory welfare provision for crime victims. Only some victims are eligible, and the actual delivery tends to be time-consuming and burdensome for the claimants. Victims who are poor will, of course, welcome any money received. In developing nations, where few people are fully covered by insurance for medical bills, state compensation is an important provision.

An important second category of care-oriented services are rape crisis centres, shelter homes for victims of spouse abuse and, finally, general victim support schemes. In most western countries these kinds of services were originally exclusively offered to female victims. In the 1980s similar services started to become available for all victims of all types of crime (including victims of burglaries, assaults and robberies). In the United Kingdom and the Netherlands, all victims of either serious or less serious crimes are now routinely contacted by trained volunteers, and offered immediate practical and moral support. The police are instructed to ask all relevant victims permission to give their names and addresses to local support schemes. This approach seems to work well.

The criminal justice model

The criminal justice model incorporates victims of crime and they are provided for and included within the criminal justice process. They are taken into consideration by the police, are referred to support agencies, are given advice on preventive measures, and have the right to be notified of the outcome of the investigation or of the ensuing criminal proceedings. **They have the right to inform the court of the impact of the victimisation in the form of a Victim Impact Statement**, and are afforded the right to receive restitution from the offender. In many parts of the United States, victims also have the right to express an opinion on the most appropriate punishment for the offender.

The prevention model

The implementation of justice-oriented provisions for crime victims is sometimes hampered by a lack of motivation on the part of the relevant professions. Helping victims is often not seen as part of the core business of the police or the prosecutor. Although the provision of these services is highly desirable as an end in itself, it is important to emphasize their importance in the prevention and control of crime. Given this, we therefore want to propose a third model of victim services namely; victim services as part of crime prevention.

There are at least four reasons why a better deal for crime victims is important in the fight against crime. The first is that most crimes are brought to the attention of the police by victims or their relatives. Also, the chance to arrest the offender and obtain a conviction largely depends on the information supplied by the victim. If many victims are doubtful whether reporting the case to the police will do them any good (as is clearly true in South Africa), this obviously seriously undermines police effectiveness. For criminal investigations to be at all functional, the victim's cooperation is obviously essential. This is why the number of satisfied victims ought to be used as a performance measure in criminal investigation departments.

Even more important for the reduction of crime is the role of potential and actual victims in crime prevention. Criminality can be prevented by doing something about the economic hardship of groups at risk and limiting their chances of becoming offenders. Actual offenders should also be empowered to stay crime free after their release from prison. Offender-oriented prevention, although fraught with difficulties, remains a must. Since the level of crime is, as discussed above, partly determined by the availability of suitable targets, potential and actual victims can also make an important contribution to the prevention of crime by improving their own self-protection measures. (Simply, because if potential victims offer fewer opportunities for crime, fewer opportunistic crimes will be committed.) There is growing evidence that only some of the crimes prevented by better protection are displaced to other targets. In short, victim-oriented prevention works.

Refer to Van Dijk, J. 1996. Victim empowerment and support in an international perspective. ISS Monograph 7: Putting victims on the agenda, if you want to read-up further on these issues. View the above in Additional Resources "Mono7.pdf".

South African perspective on victim empowerment and support

- **South African scenario regarding models of care**

From an international perspective, the rate of criminal victimisation in South Africa is fairly high owing to a combination of various risk factors. Firstly, the level of crime is driven up by the presence of economically deprived youngsters (as in many other developing nations), and at the same time by the availability of suitable targets (as in affluent nations). The high level of crime seems to have structural causes that need to be addressed by a comprehensive crime policy.

In South Africa, many crime victims who report their victimisation to the police are dissatisfied with their treatment. Many would like to receive some sort of specialised help, but this help is simply not forthcoming. The problems of crime victims are similar to those experienced elsewhere in Africa.

The victim policies that are needed to remedy this situation can be guided by either or both of the two prevailing victim support ideologies: the care ideology, and the criminal justice ideology. Many of the poorer victims of violence would greatly benefit from a state compensation scheme. It is also essential to develop a nationwide network of support agencies for all victims, possibly with the involvement of volunteers.

Experience in the United States and Europe suggests that a purely care-oriented approach will not suffice. The victim's demand that justice be done needs to be met and this can only be achieved by the criminal justice system itself. It seems advisable to draft a comprehensive bill of rights for crime victims in South Africa – one that includes proposed changes in the law, changes in procedures, and new codes of conduct for the professions involved.

As we have said repeatedly, **victim policies not only contribute to the making of a more caring and just society; such policies can also help to prevent and control crime.**

Potential and actual crime victims can support the police by placing the responsibility on community members to improve their own self-protection measures. Repeat victims can also help the police by installing burglar alarms, which may make it easier for the police to arrest perpetrators.

By treating victims more fairly, the criminal justice system can maintain or restore the victim's respect for the law and thus prevent a downward spiral of violence and resentment. In this perspective, helping crime victims is a task for welfare agencies and volunteers, in close cooperation with the police, the prosecutors and the courts. A victim policy clearly calls for a multi-agency approach.

Development of the victim empowerment programme from the National Crime Prevention Strategy (NCPS). In South Africa, unacceptably high levels of crime and violence continue to threaten the significant gains of transformation. The government response includes a range of policy initiatives, with the NCPS providing an overall framework for criminal justice policy and crime prevention.

The 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.

In recognising the inadequate support (historically) given to crime victims, 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 as an integral part of the NCPS. Broadly speaking, this programme aimed 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 "private justice" (e.g. vigilantism) and lead to a lack of public confidence in the system. International experience has shown that good management of direct and/or indirect victims and/ or witnesses is essential in assisting routine police investigations. Feedback to victims regarding the progress of investigations and prosecutions must become part of case management and needs to be regarded as a key performance indicator for effective police investigations.

One of the key outputs of the Victim Empowerment Programme 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. The service delivery model was to be based on interdepartmental and inter-sectoral collaboration. The main role players as described in the NCPS/VEP documents 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 in their endeavours to prevent and reduce crime and violence.

This model aims to move towards maximising 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. Crime victimisation may breed popular contempt for human rights, and the negative impact of this leads to widespread insecurity.

Many South Africans observe the Bill of Rights as providing greater protection to criminals. It was thus recommended that government adopt a crime prevention approach that places the rights and needs of victims at the centre of the strategy.

UNIT 3: DOMESTIC VIOLENCE

Read carefully through the introduction and concepts related to domestic violence to gain insight into the phenomenon. You will need to conduct further internet, library or paper based searches on each on the content sections of this learning unit.

Introduction and definitions of key concepts

Violence between family members has a historical tradition that dates back centuries and cuts across continents. As a result of this, many social scientists have proposed that within various societies the marriage license is a hitting license and most people believe that under certain circumstances, it is appropriate for partners to abuse one-another (Gelles & Cornell, 1986:36).

There is an ongoing debate over the definition of domestic violence. There has been no real consensus about this definition among researchers and lawmakers. Understanding violence, especially domestic violence, requires attention not only to the number of physical assaults but also to other related harmful behaviours, such as psychological or emotional abuse, economic deprivation, stalking and threats toward other family members, pets and property. These non-violent, but harmful behaviours may be antecedents of physical assaults and cannot therefore be excluded from the definition (Davis, Lurigio & Skogan, 1997:54).

Berns (2001:265) defines domestic violence as the physical, sexual, and/or psychological abuse that occurs between two adults in an intimate relationship regardless of marital status or sexual orientation.

Gelles (1997:12-13) states that one of the biggest problems in the field of child abuse, wife abuse and family and intimate violence has been to develop useful, clear, and acceptable definitions of violence and abuse. The author states that some researchers believe that when defining domestic violence, it is good to separate the so-called normal acts of “force” from the abnormal and harmful acts of “violence”. Although such a separation might seem desirable, distinguishing between acceptable and unacceptable acts proves more difficult than one can imagine. One major question is who decides which acts of violence are legitimate and illegitimate?

Gelles (1997:14) further states that the difficulty which arises when defining what acts are violent and what acts are physical, but not violent, is due to varying cultural and sub-cultural views which determine whether certain behaviour is or is not acceptable. He states that it would be too complicated to have a definition that is dependent on the situation within which the behaviour took place, the size of the offender, the size of the victim, and the reactions of those who directly observed the act or who was told about the behaviour. Gelles views violence as “an act carried out with the intention or perceived intention of causing physical pain or injury to another person”. The physical pain can range from slight pain, as the result of a slap or shove, to murder. Gelles states that to deal with the general assumption that spanking of children, should be viewed differently from using weapons against wives or children, it is useful to consider categories of the general definition of violence, namely, “normal” violence and “abusive” violence:

Normal violence consists of slaps, pushes, shoves and spankings that frequently are considered a normal or acceptable part of raising children or interacting with a spouse. These are the acts many people object to calling “violence”, for example, the use of hidings or spankings to discipline a child.

Abusive violence is a more dangerous act of violence than what is considered “normal” violence. This type of violence has the potential for seriously injuring the victim. This definition includes acts such as punches, kicks, bites, chokings, beatings, shootings, stabbings, or attempted shootings or stabbings.

The controversy created by this definition is that it does not take into account what actually happened to the victim/s of the violence, thus excludes the result of the act or the victim. Gelles (1997:15) states that the reason for not including consequences in the definition is that research on assault and homicide, which has been carried out by criminologists, has consistently found that the aspects that differentiate injurious violence from violence that causes no harm are typically random phenomena such as aim or luck. The author further states that physical violence is not the only form of violence that family members and intimate relationships experience, nor is it the most harmful form of intimate victimisation. The effect and consequences of emotional or psychological violence are greater and more profound than the consequences of physical victimisation alone.

Tshiwula (1998:81) states that, violence is the unlawful and negative exercise of physical force or the threat of such force, which includes attitudes and actions leading to emotional and/or spiritual injury. This author further states that domestic violence is a pattern of assaultive and coercive behaviour which includes physical, sexual and psychological attacks as well as the economic coercion that adults exercise against their partners.

Types of domestic violence

Domestic violence (and especially spousal abuse) should not be genderised i.e. certain types abuse happen only to males or females, but should be looked at holistically in terms of humanity.

Physical abuse

Gosselin (2003:11) states that physical abuse is the use of force or threat of force that may result in bodily injury, physical pain, or impairment. The signs of physical abuse may be external, internal, or both. External signs of physical abuse include, but are not limited to, bruises, welts, marks, burns, bleeding, missing or pulled hair, ripped clothing, crying, wincing, and the appearance of a drug-induced state in the victim. Additional signs of physical abuse may be human bites, cigarette burns, strangulation, immersion in scalding water, and poisoning. Internal signs of physical abuse include, but are not limited to, internal tissue or organ injuries, bone fractures, broken bones, bleeding, sprains, and dislocations.

Moody and McLeod-Butler (2000) describe how physical abuse within the domestic violence context causes physical harm or injury to the perpetrator's own household member, or an attempt to cause physical harm or injury to the perpetrator's own household member and with the ability to, under certain circumstances, create fear of imminent peril.

Gelles and Cornell (1986:21) state that when defining physical abuse, it is a good idea to separate the so-called "normal" acts of force (for example, pushing and shoving) from the "abnormal" and harmful acts of violence (for example, life-threatening abusive acts). They state however, that, this separation of terms might be desirable, but distinguishing between acceptable and unacceptable acts proves to be very difficult - especially in the context of domestic violence. One major question is, who decides which acts constitute abuse and which do not?

Many different terms for the concept of emotional abuse exists, such as, "emotional battering", "psychological abuse" and "verbal abuse". The concept of emotional abuse will be clarified for the purposes of this particular study.

According to Loring (1994:1), emotional abuse is an ongoing process in which one individual systematically diminishes and destroys the inner self (core characteristics, such as the self-confidence, assertiveness or beliefs and values) of another. The essential ideas, perceptions, and personality characteristics of the victim are constantly belittled by the attacker. Eventually the victim finds that these aspects of the self are seriously eroded or absent. Tolman and Edleson (1992:293) describe emotional abuse as “non-physical abuse”, “indirect abuse”, “psychological abuse”, “psychological aggression”, “psychological maltreatment” and “mental or psychological torture”.

Further research by Engle (1992) and Evans (1992) finds that “abuse is any behaviour that is designed to control and subjugate another human being through the use of fear, humiliation, and verbal or physical assaults. Emotional abuse is therefore any kind of abuse that is emotional rather than physical in nature. It can include anything from verbal abuse and constant criticism to more subtle tactics, such as intimidation, manipulation, and refusal to ever be pleased”. These authors state that emotional abuse is, “like brainwashing”, in that it systematically wears away at the victim’s self-confidence, sense of self-worth, trust in their own perceptions, and self-concept. Whether the abuse takes the form of constant berating and belittling, by intimidation, or under the guise of guidance, teaching, or advice, the results are similar. The authors state that eventually, the recipient of the abuse “loses all sense of self and any remnants of personal value”. Emotional abuse cuts to the very core of a person, creating scars that may be far deeper and more lasting than physical ones.

Stark and Flitcraft (1996:92) attempt to place emotional abuse within a cultural context by stating that cultures may vary in the degree to which women are treated in either an individualistic or collective way. According to Durkheim (in Stark & Flitcraft, 1996:92), the individual psyche is in itself a sacred object because it is an expression of one’s place in the social collectivity (part of a whole). What is considered abuse at the individual level is culturally determined, and what is considered abusive in one culture may not be regarded as such in another. Therefore, emotional abuse and specifically verbal aggression must be considered in its cultural context, for example, loud verbal expressions of one’s feelings is culturally acceptable in certain Latin and African cultures, and is therefore not considered abusive behaviour, as would be the case in for example, a more conservative European household. This is a very important factor to consider when describing emotional abuse as the abuse may be experienced differently according to the victim’s culture.

Sexual abuse and rape

Johnson (2006b, Domestic violence – Wikipedia) considers physical violence and sexual violence (including incest) as two separate phenomena and places the latter in three categories:

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.

The 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, for example, because of immaturity in age, illness, disability, or the influence of alcohol or other drugs, because of intimidation or pressure, or because of seduction and submission (as in female forms of sexual aggression).

An act of abusive sexual contact

According to an article by the National Coalition of Free Men (1990) 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. According to this definition, when one degenerates the act, ignore the means of coercion, and disregard the mechanism of perpetration, one can see that women rape men and women alike.

Davis and Snyman (2005:193) comment on men who are victimised sexually by women and state that male sexual socialisation encourages men to define any sexual experiences as desirable, however, this generally excludes homosexual involvement. This often leads to men who are sexually victimised by women, doubting their sexual orientation, as they are meant to “enjoy” any sexual advances from women. According to the authors, it is thus conflicting when the male victim finds the experience traumatic. This further highlights the view that sexual assault is about violence, anger and control over the victim, not lust or sexual attraction. Male sexual assault thus means that any man (heterosexual or homosexual) can be sexually assaulted regardless of age, size, strength, or sexual orientation (Davis & Snyman, 2005:193).

According to South African legislation rape is regarded as gender neutral. Rape has been defined in the Sexual Offences Act, Section 3(1) 2003 as follows:

Any person who intentionally and unlawfully commits an act of sexual penetration with another person, or who intentionally and unlawfully compels, induces or causes another person to commit such an act is guilty of the offence of rape.

Johnson’s (2006) definition of sexual abuse is useful as it highlights the emotional trauma of sexual abuse and the effect it has on victims who are unable to defend themselves against sexual predators. What is of particular significance are the aspects of “seduction and submission” used by female perpetrators. The National Coalition of Free Men (1990), Davis and Snyman (2005) and the Sexual Offences Act (2003), define sexual abuse in a gender neutral manner, which gives recognition to homosexual as well as heterosexual men who are victims 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 (but is not limited to) preventing the victim from finishing his/her education or obtaining employment.

For further reading visit http://en.wikipedia.org/wiki/Domestic_violence#Economic

Spiritual abuse

Spiritual abuse includes, using the spouse’s or intimate 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.

For further reading visit http://en.wikipedia.org/wiki/Spiritual_abuse#Spiritual_abuse

A systems theory perspective on abusive relationships

Systems theory was proposed in the 1940’s by the biologist Ludwig von Bertalanffy and furthered by Ross Ashby in his book Introduction to Cybernetics in 1956. Von Bertalanffy proposed that systems are open to, and interact with, their environments, and that they can acquire new properties through emergence, resulting in continual evolution or change. Rather than reducing an entity (for example, a family unit) to the properties of its parts or elements (for example, father, mother and siblings), systems theory focuses on the arrangement of and relations between the parts which connect them into a whole, referred to as holism (2008).

A system can be said to consist of four components:

- Objects – These are the parts, elements or variables within the system. They may be physical or abstract or both, depending on the nature of the system
- Attributes – These are the qualities or properties of the system and its objects
- A system has internal relationships amongst its objects
- Systems exist in an environment

A system, therefore, is a set of organisms or 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 on the other hand, receives information, which it uses to interact dynamically with its environment.

This openness increases its likelihood to survive and prosper (2008, <http://www.tcw.utwente.nl/theorieenoverzicht>).

Stark and Flitcraft (1996:67) state that the family may be viewed as a system of interacting individuals and relationships. It is part of larger systems or supra-systems, and it encompasses individuals and multiple interdependent relationships or sub-systems, for example, marital or sibling subsystems. Individuals and internal subsystems are locked together by the complex interdependency of mutual needs, communication patterns, commitments and loyalties. Thus, the family is more than the sum of its parts, and any action by one person or sub-system could affect all other members of the system. In addition, 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.

Conceptualising the abusive relationship as a system means that one can look at the process of actions and reactions as a continuous causal chain, each reaction becoming in turn a precipitant for a counter action. A system can also 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. Giles-Sims (1986:9) further explains that systems have boundaries that define where the system begins and ends, and what information or behaviour is an acceptable part of that system. Any 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, or the particular components of the system.

Violence is considered to be a mutual problem of couples, and that the violence has a specific function within the relationship, for example, it is used to regulate closeness and distance between the couple (Schurink, Snyman & Krugel, 1992:247). Such a relationship continues because the interpersonal interactions obtain an explosive momentum but remains stable, which keeps the relationship intact. Loring (1994:63) states that according to systemic theorists, 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. Another application by Loring (1994:64) of the systems perspective explains abuse in terms of the abuser's sense of inadequacy and the victim's need to feel that his partner is dependent on him. Feeling inferior to her partner (who is described as behaving in an "over adequate" manner), the abuser uses violence to bring the relationship back into equilibrium. The victim accepts the abuse and his powerlessness is accepted by both parties and serves as a security bond between them.

Because systems are relatively stable over a period of time, transitions require adaptation to many changes. These include the transition to married life, to having a first child, to a divorce, to the “empty-nest” stage of life, to aging and finally to death. These critical periods of transition or adjustments indicate that when people are going through transitions they are particularly vulnerable to physical and emotional problems. Factors such as social support and prior histories of coping with problems affect how people deal with major life transitions. Loss of a relationship is often experienced as loss of a part of oneself, and the greater the interdependence of the two people in the relationship the greater the feelings of loss. The transition from a relationship with an abusive woman may result in the man facing many new problems. For example, it may be that leaving an abusive wife raises issues that a man has not faced before, for example, being a single parent or being restricted with regards to access to or visitation with his children (Giles-Sims, 1986:14).

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. Generally individual systems maintain consistent levels of stability and change over long periods of time. When a crisis occurs, or when there is change in the environment in which the system exists, the internal regulation of the system may be disrupted. To remain viable, systems require some stability and some adaptation. Individual systems may have patterns of behaviour that have become stabilised, and even though patterns of behaviour may be destructive to individuals, for example, patterns of emotional and physical abuse, the system has adapted to those behaviours and is still a viable one. To change behaviour patterns that have become stabilised within the system requires some new input. For example, when abuse has occurred over time on a routine basis, the man may adapt to the abuse by withdrawal, suppression of feelings, or possibly displacement of his anger onto his children.

When one person is rejecting his or her partner, the other person within the system acts in a way to constrain the partner from leaving, in order to maintain the system despite the conflict. Giles-Sims (1986:22) further postulates that, couples that have more conflict tend to let conflict accumulate over time and to use tactics that are person, rather than issue orientated. Couples with less conflict have shorter conflicts and tend to be more issue oriented. The couples who experience more conflict were inclined to argue about their relationship more, which indicates how strong the tendency is to try to maintain an on-going family system. From a systems theory perspective, the maintenance of the system becomes more important over time than specific conflicts. Marriages that have long-enduring patterns of conflict can also be stable marriages as specific patterns of communication have become part of the system of interaction and they are relatively resistant to change. The system that includes this stable pattern of interaction is unlikely to change without input from another source that presents some new information. This new information could be some intervention program, a new opportunity, a new supportive friend within the system, or the openness of one member to a new perspective. This could assist the man in reaching a threshold of viability and cause him to leave the relationship as the system is no longer a viable one (Giles-Sims, 1986:11).

Women as Victims

- **Women as victims of sexual violence**

Davis and Snyman (2005: 190-192) are of the opinion that threats of physical, sexual and psychological violence is common to the daily lives of most women as it relates to the inequality between men and women. Whilst violent assault by strangers is well documented, the truth is that most women are most at risk to be attacked by men they know. This often results in self-blame by the victim and the victimisation is subsequently seldom reported to the police. Research found that women fear that they will be blamed or not believed by the police if their victim is known to them.

Sexual violence in the home i.e. intimate partner/domestic violence is increasing as the abuser gains control over his victim and is therefore able to perpetuate the violence without consequences. Davis and Snyman (2005:190-192) state that there is no denying that domestic violence knows neither race, gender nor class and that women are more likely to be victims of domestic violence.

Psychological dynamics of domestic abuse

The effects of ongoing/long-term abuse upon an individual, varies relative to the psyche of the person. Research on women abuse has produced several theories which attempt to explain and provide greater understanding of the dynamics of intimate partner violence and abusive relationships in general. These include battered woman's syndrome and learned helplessness, the theory of traumatic bonding and psychological entrapment, separation assault and anxiety, and post-traumatic stress disorder. There is however, no single, definitive pattern characterising all relationships within which there is violence and abuse (Davis & Snyman, 2005:190-192).

Battered woman's syndrome

The battered woman's syndrome 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 Walker (1984:55-70) describes as 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 inevitable consequence of phase one.

- The explosion/acute battering phase

As suggested by the name this phase is 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 pleas for forgiveness and promises that he will never commit further acts of violence against the woman. It's during this phase that most victims make the decision whether to leave or stay in the abusive relationship

Davis and Snyman (2005: 190-192) state that commonly the reaction of a victim of abuse is a sense of disbelief that the violence has actually happened to her. This may be followed by an emotional break-down, characterised by a combination of lethargy, depression, self-blame and feelings of helplessness in varying degrees. Thus, 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 that she has no control over the abusive relationship.

The theory of traumatic bonding and psychological entrapment

The theory of traumatic bonding is based the abused victim's confrontation with on-and-off patterns of abuse, which may lead to very strong attachment to the abuser. The effects of abuse and traumatic bonding are similar in ways to the Walker's model. **The basis of the victim's reactions is ascribed to the episodic nature of the abuse and not the battering cycle per se.**

This is based on an unequal power balance in the abusive relationship and one of the parties begins to experience low self-esteem as a result of the repeated abuse. **The abused victim begins to feel increasingly more negative about herself and more in need of her abuser.** She starts to see her abuser of all-powerful and as the relationship continues the victim starts to believe that she cannot do without the abuser (Davis & Snyman, 2005: 190-192).

The theory of separation assault

This theory stresses the psychosocial and psychological forces that prevents a woman from leaving an abusive relationship, or might draw her back into it. The theory focuses on the retaliation that the victim suffers from the abuser when she does or tries to leave the abuser. Mahoney (1991:6-7) postulates, "At the moment of separation or threatened separation...the batterer's quest for control often becomes most acutely violent and potentially lethal".

The theory of separation assault does not deny the effects of learned helplessness, but more fully explains the victim's reactions by combining practical difficulties and personal fears. The theory thus confirms the actual difficulties that exist when trying to leave an abusive relationship, whereas learned helplessness explains the perceived difficulties of that exit. It is important to state that not all abused women are helpless and submissive. Many victims of abuse are active survivors as they remain in the abusive relationship, not because they are passive about their situation, but because they have tried to escape but remain unsuccessful in doing so (Davis & Snyman, 2005:190-192).

Men as Victims/Husband Battering

Litman (2003:772) states that the phenomenon of husband abuse or husband battering is not as uncommon as is generally perceived. He is of the opinion that it tends to be ignored, dismissed, or selectively attended to. The reasons why men do not report their victimisation and why they stay in abusive relationships are well documented according to the author. He states that their victimisation occurs because of deeply ingrained myths regarding both the potential for, and incidence of, violence in women, and the vulnerability of men to such victimisation – myths that have led to the gross underestimation of the high incidence of female perpetrators in abusive families.

Violence towards husbands, or husband abuse, has been a controversial area in the study of domestic violence. There has been considerable debate on the topic, but very little scientific data exists (Gelles & Cornell, 1986:79). Dobash and Dobash (in Pagelow, 1983:189) insist that marital violence (and/or violence within dating or cohabitating relationships) can only be understood by taking into consideration events surrounding violent episodes and the social, historical and institutional processes, as well as cultural beliefs and ideals of the environment in which they occur. Female on male abuse or husband battering must be understood in the context of the more global problem of family or domestic violence because of its influence on social perceptions and policies.

George (1994:137-159) argues that more research is needed to help define the similarities and differences between male and female victims of domestic violence. The author believes that the general opinion in society that women are the only "legitimate" subject of domestic violence and that the number of abused men in society is very small, is a misconception. George further states, "The fact is, that taking a serious look at the phenomenon of battered men, may actually be a necessary next step to help decontaminate the study of domestic violence".

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 also falls under this umbrella term, which can include denying communication with friends and relatives or making communication so difficult that the victim chooses to avoid it, prohibiting access to the telephone or transportation and denying access to needed health care. Verbal or emotional forms of assault and control may include intimidation, coercion, threats or degradation. Physical and sexual assaults may occur, but Gosselin (2003:13) warns that isolated acts do not constitute battering as battering infers physical abuse over an extensive period of time. The term “husband battering” thus encompasses physical, emotional and sexual abuse.

Reid (2003:219) describes the “battered person syndrome” as a syndrome arising from a cycle of abuse by a person, often a parent or a spouse, that leads to the battered person to perceive that violence against the offender is the only way to end the abuse. In some cases the battered person murders the batterer, and in some jurisdictions evidence of the battered person syndrome constitutes a defense to the murder. This definition is broad and can be used for both male and female victims of abuse. Thus the “battered husband syndrome” as proposed by Steinmetz (1977:499) can be used according to Reid’s definition, as it draws a parallel with the “battered wife syndrome”.

According to Gross (<http://menweb.org/throop/battery/commentary/dgross-hbat.html>) husband abuse or battering should not be viewed as merely the opposite side of the coin to wife abuse or battering. Both are part of the same problem, which should be described as one person abusing or battering another person

The nature of abuse

One of the reasons for the dismissal of violence by wives against husbands or male partners is derived from the assumption that female violence is not as injurious or is less injurious than violence perpetrated by men. When reviewing data obtained in hospitals, both Goldberg and Tomianovich in 1984 and Smith in 1992 found that male victims of spousal abuse received injuries that required medical attention (in George, 1994: 137-159). Smith (1992) also reported that males tend to receive more severe injuries and lost consciousness more often than women who were victims of spousal abuse. Smith points out that the upper body strength of an average woman is less than the average man and so it is possible to argue that they have a lesser ability to injure. However, the difference in strength need not be large when using for example, a household implement as a weapon. The Journal of Men’s Studies quotes a few case studies to demonstrate this:

A man was admitted to St. Bartholomew’s Hospital in London after his wife had split his head with a meat knife. He was lucky to escape with his life (Harrison, 1986:34).

I’ve sewn up men who have had crockery thrown at them and bottles smashed over their heads. I once saw a man who looked as if he’d walked into a steamroller...he was covered in bruises and cuts (Harrison, 1986:35).

Mrs D...C..., ripped off one of her husband’s testicles. Surgeons failed to save it and the judge ordered the woman to pay £480 in court costs but did not make a compensation order (Wolff, 1992:22).

Seeking to determine whether females sustained greater injury than males, McLeod (in George, 1994:137-159) reported on an analysis of 6 200 cases of domestic violence reported to either law enforcement officers or the National Crime Survey interviewers. She found that women, who attacked men, were more likely to use weapons (seventy five percent of females used weapons while twenty five percent of males did so). Although the number of women attacked in the sample was larger, the extent of the injuries suffered by the male victims tended to be more serious. Thus women made up for their lack of physical strength by using a weapon, usually a household object.

Hoff (2004) cites the British Crime Survey of 1996 which found that in most cases the domestic violence incidents involved pushing and grabbing, but in forty seven percent of incidents the victim was also kicked, slapped or punched. The same study showed that about half the attacks resulted in injury, most commonly bruising, but one in 10 involved cuts and a small minority broken bones.

In one in five cases the spouses would throw things at each other, and in about a third of the cases children in the home either witnessed the attack or were aware of it or even injured as they tried to intervene. These results were equal for both men and women. Furthermore only half of the victims of domestic violence divulged any information about their victimisation. This was normally to a friend, neighbour or relative. The police were only approached in approximately twelve percent of the incidents.

Erin Pizzey (2004) also comments on various forms of abuse the male victim of domestic violence suffers at the hands of his female partner. Pizzey postulates that the female abuser (which she named the family terrorist) who is "hell-bent" on revenge will take such measures as:

- Stalking a spouse or ex-spouse
- Physically assaulting the spouse or the spouse's new partner/s
- Telephoning all mutual friends and business associates of the spouse in an effort to ruin his reputation
- Pressing fabricated criminal charges against the spouse (including alleged battery and child molestation)
- Staging intentionally unsuccessful suicide attempts for the purpose of manipulation
- Snatching children from the spouse's care and custody
- Vandalising the spouse's property
- Murdering the spouse and/or the children as an act of revenge

This behaviour pertains to individuals in varying degrees. Many people may lapse into periods of irrational or violent behaviour, but 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, which temporarily lulls the storm of domestic violence.

Pizzey concludes that in her experience both men and women are equally guilty of the above behaviour, but on the whole, because it is men's violence towards women that is studied and reported on the most, many people do not realise that to the same extent women are equally guilty of this type of violent behaviour.

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 (Davis & Snyman, 2005:175-176). 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.

Legislation

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 following:

- 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
- 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 (Davis & Snyman, 2005:175-176).

The Elderly as Victims

According to Twain (2008:1), elder abuse is a relatively new phenomenon, not only in South Africa but globally. It is also rapidly emerging as a growing social problem. Due to the increasing frequent cases of elder abuse by caregivers in society, foundations such as Helping Hands, in the United States of America are looking at alternatives for the care of the elderly and frail within communities. Primates are reared to care for the elderly thus alleviating the necessity for humans who are potentially abusive. This is a sad indication for so-called civilized societies.

Elder abuse occurs across all economic, ethnic, religious, gender and cultural groups. In South Africa the problem of elder abuse was previously the sole responsibility of the Department of Welfare (Social Development), which meant that abuse was only dealt with in homes for the aged. **Given that older people are now encouraged to live in their communities as long as possible, and the fact that most older people do live in their communities anyway, the responsibility for dealing with elder abuse has shifted to many more sectors of society.**

Definition of concepts

Websters New World Dictionary 2004 defines elder abuse as an umbrella term used to describe one or more of the following:

- Physical abuse is the wilful infliction of physical pain or injury, such as slapping, bruising, sexually molesting, or restraining.
- Sexual abuse is the infliction of non-consensual sexual contact of any kind.
- Emotional or psychological abuse is the infliction of mental or emotional anguish, such as humiliating, intimidating, or threatening speech and gestures.
- Financial or material exploitation is the improper act or process of an individual, using the resources of an older person, without his/her consent, for someone else's benefit.
- Neglect is the failure of a caretaker to provide goods or services necessary to avoid physical harm, mental anguish or mental illness, such as abandonment, denial of food or health-related services.
- Self-neglect is characterised as the behaviour of an elderly person that threatens his/her own health or safety.

O'Malley (2006:98) sought to place abuse and neglect within the wider context of inadequate care, defining it as "The wilful infliction of physical pain...mental anguish.... or deprivation by a carer of services which are necessary to the maintenance of mental and physical health". But Hudson (1991:57) maintained that the label of abuse could only be applied if it was clear that the carer or the caregiver intended to harm. According to them, O'Malley's definition excluded independent older people who could also be victims of abuse. Bennett and Kingston ask: What about the carer who inflicts pain, but has no wilful intent (perhaps because of lack of caring skills)?

An interesting argument comes from Pillemer and Wolf (2002:212), who see a tautological problem in attempting to use the word "abuse" to define itself. Even though forms of abuse are distinguished, neglect and abuse are basically defined as neglect and abuse. These two authors prefer the term "elder mistreatment". Other researchers define elder abuse as the physical, sexual, or emotional abuse of an elderly person, usually one who is disabled or frail (Heap 2008:15).

Elder abuse in South Africa

In 1987 the term "abuse and neglect of the elderly" was used to describe situations in which individuals over the age of 65 experienced battering, verbal abuse, exploitation, denial of rights, forced confinement, neglected medical needs or other types of personal harm, usually at the hands of someone who was responsible for help them in their daily activities.

By 1993 neglect and abuse of old people was no longer denied and there was an attempt to find out why it happened. Bennett called abuse "another iceberg phenomenon" and complained that definitions of it lacked clarity and precision. This was because investigators approached the abuse from various perspectives: the victim, the carer, the physician, the nurse, the agency, the social worker, and social policy.

The elderly as victims in South Africa

The 1968 Aged Persons Act was introduced in South Africa to regulate the running and functioning of homes for elderly white people. It was intended to address the exploitation and unjust treatment of aged persons in homes run for profit. The Act stated that homes had to be registered, that standards of care laid down had to be met and inspections were carried out to ensure standards were maintained (Assembly debates 21 April 1967 – 4639). Following this Act there was an explosion of homes for elderly white people. In succeeding years the focus on protection and inspection, even for white elderly in homes, seems to have been sidelined.

In 1981 The SA Council for the Aged spoke out against abuse of the elderly and held seminars throughout country (Eackley & Vilakazi 1995). In 1992 the organization Friends of abused frail elderly in homes was formed. A workshop on malpractices and mistreatment of residents of homes for the aged that year concluded that a distinction can be made between mistreatment (verbal, neglect, financial and over-medication) and abuse (physical, psychological, sexual, theft). SACA adopted a Declaration on the Rights of Elderly in 1993 and started to negotiate for an ombudsman.

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 over-crowding. "In communities with high levels of unemployment (and consequent poverty) heavy demands and pressure are placed on the elderly who receive social pensions."

The August 1, 1995 "You" Magazine carried an article on abuse in white old age homes in Cape Town. The article was about a voluntary group called the Concerned Friends of the Frail and Aged. Over a period of two years the CFFA received 300 complaints from people mistreated in old age homes. Focus on Elderly Abuse was set up in Cape Town with the object of exposing conditions in homes and lobbying for improved policies and practices.

In 1999, the International Year for Older Persons, the Health Department issued a report on the Abuse of Elderly, quoting an opinion survey based on questionnaires sent to organisations dealing with elderly. No age or race breakdowns were given. Of the responses, 69% had heard of abuse, 32% reported ill-treatment, 37% knew of emotional or psychological abuse, 36% of financial abuse, 11% of general maltreatment. Sexual abuse was not mentioned. Elderly respondents considered financial abuse the most important form: it included theft of pensions and being made to work for children without payment. A breakdown of abusers was: 55% grandchildren, 16% children, 20% husband/wife, 4% caregivers. The most common strategies proposed to address abuse were that the Government should enforce laws to protect the elderly, monitor abuse, educate the community to respect and care for the elderly and educate the elderly on their rights and the importance of reporting abuse. (Smaller numbers mentioned community facilities, life-line and pension security.)

In March 2000 Keikelame and Ferreira (2002) published a report on Elder Abuse in black townships on the Cape Flats. Their research was based on focus groups of elderly people in three townships. They claimed their study was the first to investigate actual elder abuse and they pointed out that the government's national strategy to prevent abuse was not based on any concrete local evidence. They found that more instances of emotional/verbal than physical abuse were reported and that this was linked with accusations of witchcraft. Instances of sexual abuse outnumbered all other types of abuse. Systemic abuse was also referred to and included bad treatment at clinics, pay points and offices.

In accounting for this some respondents blamed the government's marginalisation of old people. Generally groups felt the government had an important role in addressing the problem. Some favoured refuges for abused old people, but others were not happy with what was seen as contrary to tradition. Some blamed unemployment and increasing alcoholism and drugs. There was disappointment with the reluctance of social workers, the police and street committees to act on reports of elder abuse. Disappointment was also expressed with the new government for which they had fought. They wanted a stronger stance on crime and more concern for the welfare of older people.

Keikelame and Ferreira (2002) saw elder abuse as part of endemic domestic violence, with contributory factors being the weakening of family structures and urbanisation. They also talk of "the demise of social welfare and the collapse of formal support structures following reprioritization".

The study of race and ethnicity in relation to old age abuse is still at a very early stage. 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.

UNIT 4: CHILDREN AS VULNERABLE VICTIMS

In this unit we shall be examining what makes children vulnerable victims of crime and the different forms of abuse children can be exposed to when neglected and/or abandoned by adults.

Sexual exploitation of children

- **Commercial sexual exploitation**

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. (<http://www.unicef.org/uk/campaigns/campaign>)

Visit the following internet links for further information on the content sections in this learning unit:

http://en.wikipedia.org/wiki/Child_sex_tourism

http://en.wikipedia.org/wiki/Sex_tourism

http://en.wikipedia.org/wiki/Prostitution_of_children

http://en.wikipedia.org/wiki/Commercial_sexual_exploitation_of_children

http://en.wikipedia.org/wiki/Sex_trafficking_of_women_and_children_in_Thailand

Many trafficked children are destined for sex work. But many other children who have not been trafficked are also sexually abused for commercial gain: at least 97 countries have reported cases of the commercial sexual exploitation of children. It will always be difficult to say how many children are involved. This is a clandestine and criminal activity and, given their intense feeling of shame, most children never report the abuse. The last recorded estimates indicate that as many as two million children, mainly girls but also a significant number of boys are sexually exploited in the multi-billion dollar commercial sex trade each year. At any time, therefore, several million children will be engaged in sex work. In Southeast Asia alone, it is thought that one million children are involved.

Children in the sex industry

Although many children are forced to enter the sex industry, others are driven to it out of economic necessity, attracted by the high incomes they can earn. In Viet Nam, for example, children working as prostitutes in central Hanoi can earn £630 (US\$1 000) per month, when the average monthly wage is £15 (US\$25).

The sex industry, for both adults and children, comes in many different forms, some organized, some more casual. At the more formal end of the spectrum, sex is specifically traded as a commodity – bought and sold through brothels and bars, for example, or in the form of pornographic images.

Children may also work independently, offering themselves for cash, as do many of the 10 000 to 15 000 boys selling themselves to sex tourists on the beaches of Sri Lanka.

But 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 or clothing, or shelter or some kind of 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. The dividing lines between commercial and non-commercial exploitation are thus hard to draw. But at its heart, it is an exploitative relationship where adults use their superior power, physical or financial, to ensure that children comply with their sexual demands.

Working conditions

Many of the children working in the sex industry do so in horrific conditions. This is especially true of children who have been trafficked, who may be effectively imprisoned in the brothels. But most children working in brothels do so under very difficult circumstances. In Cambodia, for example, one survey of 53 girls found that most lived in small dark rooms and served five to ten customers per day. Almost all had suffered physical abuse at the hands of brothel owners and customers, the most common forms being hitting and kicking. Children in brothels have also been drugged to make them submissive – on the other hand, they may have turned to prostitution to maintain a drug habit.

Children working in brothels are also exposed continually to a wide range of sexually transmitted infections (STIs), as well as early pregnancy, and repeated abortions. But probably the greatest menace for child prostitutes nowadays is HIV/AIDS. A number of men now specifically seek out children for sex assuming that they are less likely to be infected. Some people who are HIV-positive even believe that sex with children, and particularly virgins, will remove their own infection. While many adult sex workers now insist that their clients use condoms, children are in a weaker position, either because they do not appreciate the danger, or because they are powerless to insist on condom use.

Beyond the health risk for children involved in sex work, 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: children in Viet Nam, for example, say that one of their worries is that they will be recognized by people from their home village. All this can produce anxiety and depressive states, including trauma.

Child pornography

One of the most insidious and pervasive aspects of the commercial sexual exploitation of children is through the distribution of child pornography. In the past, this 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. Since this is a clandestine activity, statistics are scarce, but the scale of the problem is evident from the result of just one operation. A child pornography ring that has since been broken up, the “Wonderland Club”, had 180 known members spread across 49 countries, including the UK, possessing 750 000 pornographic images and over 1 800 hours of digital video.

Since 1988, the United Kingdom has had explicit legislation against the production, distribution, or possession of child pornography. In the period between 1988 and 2002, 3 022 people were cautioned or prosecuted for possession of child pornography. These figures are set to increase dramatically with the results of Operation Ore – the response to 7 200 names passed on to UK police by US officials. With the fast-moving nature of the internet, legislation struggles to keep up. In addition, policing is hampered by the jurisdictional and logistical problems of sites being maintained in different countries and yet being globally accessible, and by the technical advances that protect the identity of those responsible for the sites.

Further reading and additional links about the topic can be accessed at

http://en.wikipedia.org/wiki/Child_pornography .

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" (Siegel, 1998:386). 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.

It is difficult to measure the number of children who are involved in prostitution in one form or another, but it was estimated in 2004 by Kreston that between 28 000 to 38 000 children are involved in survival sex in South Africa. It is further estimated that one out of every 12 sex workers in Johannesburg is under the age of 17 (Talk about children at risk, 1999:6).

Further reading about Survival sex is available here: http://en.wikipedia.org/wiki/Survival_sex .

Trafficking and exploitation of children

Since 1990 there has been numerous references to 'trafficking in people', 'human trafficking', 'trafficking in women and children' with specific focus on 'child trafficking' putting the emphasis on the way children are exploited. Dottridge (2004:9, 16) states that child trafficking is the business of taking children away from their family homes and transporting them elsewhere (often across borders) to put them to work by others, in order to make money. Children are trafficked for many different reasons all of which can be defined as exploitation. Eight forms of exploitation have been identified and include:

- Commercial sexual exploitation (for prostitution or pornography)
- Forced marriage
- Work as domestic servants
- Adoption (especially babies)
- Bonded labour
- Begging
- Illicit activities (e.g. burglary)
- Work that is so hazardous that it endangers the health/life of the child

The above highlight the constraints imposed on the freedom of movement of the children involved, who are virtually held captive. Girls are the main victims of trafficking and are associated specifically with the first three forms of exploitation, however, boys are also trafficked and both boys and girls (of all ages) are subjected to most forms of exploitation (Dottridge 2004:9)

Davis and Snyman (2005: 180-181) describe trafficking of children as the "transportation, recruitment, receipt or harbouring of an individual by means of the use of threat, fraud, force or through the abuse of power". Trafficking is the fastest growing industry for organised crime syndicates, especially children being trafficked for sexual exploitation. This takes the form of pornography distributed on the internet and children who are sold to paedophiles or paedophile rings. Some children are held in permanent captivity and subjected to repeated rape. This is frequently accompanied by drug and alcohol abuse enforced on the children to make them more complacent. These children often suffer from the harmful effects of unprotected sex, such as HIV/AIDS and other sexually transmitted diseases. The most difficult effects of sexual exploitation of trafficked children to treat are the emotional effects. The stigma suffered mostly by girls who are known or believed to have been exploited for commercial sex often leads to ostracising by their communities and in certain countries, parents or brothers even murder girls who have brought 'dishonour' upon the family (Dottridge, 2004:24).

Further reading about the nature of child trafficking is available at

http://en.wikipedia.org/wiki/Trafficking_of_children while the same web site also provides further reading about the topic below, i.e. the harm suffered by trafficked children.

The harm suffered by children who are exploited as a result of trafficking

Children removed from their family homes suffer both during the trafficking phase and during their subsequent exploitation. They suffer direct physical harm and long term emotional harm. Often they are also exposed to harm during 'safe-keeping' by the police or others responsible for 'protecting' them. Babies who are trafficked for adoption appear to suffer the least as they are mostly unaware of what is happening to them, but by being removed from their family of origin, they lose their cultural identity. Children who are trafficked illegally are exposed to all of the dangers of migrants being smuggled.

Thousands have been reported to have drowned in sea crossings in the Mediterranean in recent years as they are at the mercy of their smugglers and officials who find them (Dottridge 2004:34). **The effects of being trafficked and being forced to work in an exploitative situation depend on the age of the child concerned. Often both their socialisation and education are halted prematurely, leaving a permanent mark on the child.** The effects of sexual abuse can be particularly devastating and include fear, depression, low self-esteem and self-worth, poor social skills, anger and hostility, inability to trust and build meaningful relationships in later life, blurred roles and boundaries, appearing older (pseudo-maturity), sexualised behaviour, guilt, shame, feeling 'different' from others, isolation, substance abuse, self-harm (including suicide) and post traumatic stress disorder, amongst others (Dottridge, 2004:36). Child trafficking is a human rights violation in which the vulnerability of children is exploited for the mere fact that 'they are children'. This should never be tolerated (Graça Machel).

Internet exploitation

According to the International Victimology Website (2008), there is an ongoing debate in Victimology on what constitutes the discipline's subject matter. It is argued that criminal victimisation is just one category of victimisation. There are proponents of a Victimology that go beyond victims of crime and abuse of power. Some advocates extend the subject matter to include victims of natural disasters, accidents, Aids, and other types of victimisation. The scope of the subject matter of Victimology can be expected to become broader if, and this seems likely, more forms of victimisation are covered by national or international criminal legislation and/or jurisprudence. For the purposes of this course, however, we shall look at Victimology as the study of crime victims only. However, let us start by looking at a new form of victimisation which is ever increasing.

Technological developments within society have had a great effect on the field of Victimology. New forms of crime such as cyber crime, identity theft and others have led to a new type of victim. Now it is not going to dangerous places, late at night, that make you vulnerable to abuse. You can become a victim of a crime in the safety of your own home. Virtual violence refers to violence that is not physically experienced, but that can carry a lasting psycho-social effect on an individual. Virtual violence in entertainment includes television, music, film, video, computer games and the Internet (Durosini 2010).

According to Durosini (2010) our new generation of young people is currently exposed to and interacting with electronic media more than any other generation. New forms of socialization are taking place evolving around watching TV and video games. The author writes about "Screenagers", this new generation of teens who have a much greater understanding of the electronic media than adults. The youth see this media as a replication of cultural reality instead of a mere communicator of events. This new form of victimization is further exacerbated by:

- Children accessing internet sites that are inappropriate or overwhelming
- On-line information that promotes hate, violence and pornography
- Children being misled and bombarded with intense advertising

Children being lured into providing personal and household information to unknown sources

Access to the internet also creates an opportunity for online bullies to get hold of their victims:
<http://en.wikipedia.org/wiki/Cyberbullying>

Youth internet victimization

An extract from Youth internet victimisation (Bryce-Rosen 2008: 133–146) reflects that since the late 1990s, the Internet is well known for the tremendous wealth of information and communication media it provides. This links up with the previous section 1.2.2.1 which deals with virtual victimization. We briefly looked at how technological developments have made it possible to be victimized through the use of a cell phone, computer or an internet site. The World Wide Web gives anyone with a connection the ability to reach an audience of millions. The Internet not only provides methods of sending and receiving various types of data, such as text, video and audio clips, but also provides instant feedback and two-way communication. The following social-networking sites, such as Facebook, Twitter, Myspace, gaming websites and chat rooms are areas most frequented by youths. Both Myspace and Facebook have over 80 million registered accounts. Even though chat room users have to adhere to certain rules such as not using offensive language, most chat rooms offer a private message feature which allows a user to send a message that is only visible to a specific user. Thus no form of censorship takes place and the writer has carte blanche to with whatever he or she wishes.

It is estimated that 80 million youths aged between 10 and 17 make use of the internet on a regular basis. According to statistics and media reports, many of these young people are vulnerable to online victimization online. The Internet does not only contribute to the victimisation of young children, but can also facilitate crimes and anti-social behaviour (Wolak et al 2006). 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

Harassment; threats or offensive remarks sent to the young person online or posted online about the young person for others to read

A common myth is that online predators are paedophiles targeting children aged between 5 and 10 years old. The information presented by both the media and in political messages may lead parents to believe that these 5 to 10 year old children are more at risk than teenagers between 10 and 17. This may lull parents into a false sense of security and they may allow teenagers to have personal computers in their rooms where they can spend unlimited hours surfing the internet unsupervised.

The internet provides the predator with an almost unlimited supply of potential victims. The predator slowly “grooms” the victim by becoming his or her friend, sharing interests, exchanging pictures, personal information and even gifts. Once the youth trusts the predator, the predator can eventually coerce the youth into meeting and ultimately engaging in sexual acts.

The question remains: why do so many young females between 13 and 15 fall for much older men? In fact, research shows that many females in this age group are sexually active. A 2005 study of nearly every high school student in the USA revealed that 46% of teens are sexually active. Sadly, today's youth are desensitised to sex and pornography because they are bombarded with images of sexually-charged or sexually seductive scenes on television, movies and other media.

Additional reading about this topic can be accessed at

http://en.wikipedia.org/wiki/Youth_Internet_Safety_Survey, and

http://en.wikipedia.org/wiki/Internet-initiated_sex_crimes_against_minors.

<http://www.unodc.org/unodc/en/frontpage/2014/May/unodc-launches-study-on-online-child-abuse-and-exploitation.html?ref=fs1>

Child sex tourism

Most exploitation of children takes place as a result of their absorption into the adult sex trade where they are exploited by local people. In the Philippines, for example, it is thought that nine out of ten customers of child prostitutes are Filipinos. Nevertheless the 1980s and 1990s have also seen an increase in tourism with a sexual component – sometimes deliberate “sex tourism” by paedophiles seeking out younger children, but more often by men or women who regard it as permissible to have sex with local people regardless of their age and who take the opportunity to exploit adolescents. While sex tourism is well established in many Asian countries, it is now emerging in other parts of the developing world, including West Africa.

Many of these adults do not consider themselves to be exploiters. They tell themselves that the children have actively chosen prostitution and have made the first approach, and that they come from cultures where children are naturally freer and more sexually experienced at an early age. They also argue that these children desperately need the money, so really they are doing them a favour. None of these rationalizations, however, can excuse a grievous abuse of power.

For more information on this phenomenon please visit:

http://en.wikipedia.org/wiki/Child_sex_tourism

Child labour

The term “child labour”, which was coined in Britain during the 19th century, clearly implies that children should not do certain types of work. Child labour conventionally referred to children working before they reached the lawful minimum age for employment in the country (usually 14, 15 or 16 in the case of the UK) often the same as the cut-off age for compulsory attendance at school (Dottridge & Stuart 2005).

Today, various forms of child labour have been identified by Unicef (2005); Unicef refers to four particularly harmful types of work involving anyone under the age of 18 years. This type of work includes the following:

- Forms of slavery, servitude and forced labour, including forced recruitment for the purposes of armed conflict
- Commercial sexual exploitation (prostitution and pornography)
- Illicit activities
- Hazardous work that jeopardises the lives, health or morals of those involved

Additional reading about child labour can be accessed at http://en.wikipedia.org/wiki/Child_labour.

Child soldiers

Twum-Danso (2003:28) defines a child soldier as, “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”.

According to the United Nations Human Rights Watch (Davies & Snyman, 2005:184-185), an estimated 300 000 child soldiers are in combat in more than 30 countries, including Columbia, Lebanon, Liberia, Sierra Leone, Sudan and Uganda. 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

According to the author 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. These girl soldiers are found mostly in Angola, Burundi, the Democratic Republic of Congo, Ethiopia, Liberia, Libya, Mozambique, Rwanda, Sierra Leone, Sudan and Uganda. The methods used to recruit girls include:

- Compulsory military service
- Gang abductions
- Being born into or adopted by armed groups
- Being sold by parents to armed groups
- “Volunteerism” because of a need to survive, be protected or for monetary gain

Twum-Danso (2003:29) state that child soldiers are abused by warring factions in several different ways. Included are sexual abuse, physical abuse (beatings and having their elbows tied behind their backs until the rib-cages separate), and psychological abuse including witnessing their relatives being killed or, being forced to rape, behead or burn civilians alive. In Angola, for example, child soldiers fighting for the National Union for the Total Independence of Angola (Unita) were forced to kill their relatives and neighbours and to loot their own villages.

Consequences of this type of exploitation

- Educational consequences

These child soldiers are deprived of an education and in many cases schools and colleges are destroyed. This places these children at disadvantage if they return to the school system (Twum-Danso, 2003:35).

- Physical consequences

It is estimated that the younger the children, the higher the incidence of injury or death. These children suffer injuries such as loss of hearing, loss of limbs and blindness. Their health is also affected by contraction of sexually transmitted diseases, respiratory tract infections, worm infections and other diseases due to poor hygiene (Twum-Danso, 2003:35).

- Psychological consequences

Child soldiers often experience the following psychological consequences:

- Sleeplessness, nightmares and flashbacks to their lives as soldiers
- Fear on the unknown
- Poor self-image and **weight-problems (under/overweight)**
- Depression and suicidal tendencies
- **Sensitivity to loud noises**
- **Irritability**

Despite the efforts by NGO's, such as Human Rights Watch and the UN Children's Fund, the recruitment of child soldiers continues. Those who recruit them escape justice as both governments and the international community fail to enforce legal safeguards to end it. Long after combat situations have ended these children endure the physical and emotional scars and as a result become outcasts and vulnerable to repeat victimisation (Twum-Danso, 2003:36).

Further reading about child soldiers can be accessed at:

- http://en.wikipedia.org/wiki/Military_use_of_children
- http://en.wikipedia.org/wiki/Child_Soldiers_International
- http://en.wikipedia.org/wiki/Militant_use_of_children_in_Sri_Lanka
- http://en.wikipedia.org/wiki/Child_Soldiers_Protection_Act

Street children in Africa

Street children are, to some extent, the product of the dismantling of apartheid, living in the twilight between the darkness of the previous regime and the dawn of something new. Many of them may already be lost, brutalised as they are by their lives on the street (Skelton 1993: 91).

Definition of street children

Swart (1990) uses the words of the children themselves: Street children in Hillbrow use the slang Zulu terms malunde (those of the streets) and malalapipe (those who sleep in pipes) to refer to themselves. Members of the public commonly call them skadukinders (Afrikaans: shadow children) or "twilight children". (The latter term was originally coined by the newspapers and then became the accepted English term.)

In this section we look at an extract from Ennew (2003), which is an indication of the dearth of literature on the phenomenon of street children. It also shows how fragmented studies are and that data bases are not effectively used to address the problem.

Child studies in Africa are fragmented and there is no developed discourse on African childhoods. Traditionally, the main themes in academic research on children in Africa focused not on childhood but on transitions, through the anthropological interest in initiation and puberty rites, studies of socialization and of intergenerational relationships of power. Childhood is seen as status and process, viewed through the prism of adulthood, a stage of becoming rather than a state of being. In many cases, concentration on family structures has left children appearing as attributes of families. Whereas the discourse on children in Latin America, such as it is, has tended to be a discourse on street children, they do not dominate African literature in the same way. If there are any dominant themes related to difficult circumstances these are related to survival and development issues as well as to the importance of war and civil conflict in child welfare literature (Ennew, J. 2003. Difficult circumstances: some reflections on “street children” in Africa. *Children, Youth and Environments* 13(1)).

Currently, major sources of texts on children in Africa are an inter-governmental and non-governmental organization, which means that data are collected within the framework of programs rather than theory. Nevertheless there are some interesting indications of new approaches within the literature on street children that indicate the potential for a less limited approach, in which street children or “streetism” can be integrated into other perspectives that will break with the repetitive tendencies of street children work based on the “on”/“of” the street definitions. The topic of economic and sexual exploitation of children in Africa is part of the overall emphasis on children as victims, fitting within the concerns of a relatively well-developed discourse on child abuse and neglect that is largely the outcome of activities of ANPPCAN, the African regional section of the International Society for the Prevention of Child Abuse and Neglect, which has been active in promoting and publishing research in this area as well as in advocacy for children’s protection rights (Ennew, J. 2003. Difficult circumstances: some reflections on “street children” in Africa. *Children, Youth and Environments* 13(1)).

It is significant that the concept of abuse used by ANPPCAN and entering the African literature is not structured in the same way as that used in Northern literature. An account of the presentation given by an African ANPPCAN functionary at a meeting in Nairobi makes this clear (Dallape 1988, 104–108).

The following are the areas where child abuse is commonly evidenced:

Child labour; children in prison; handicapped children; battering of children; children under psychological stress; abandoned children; children in war situations (Dallape 1988, 104).

Child abuse is seen as a feature of other social phenomena or situations, rather than as a phenomenon in its own right. Thus, sexual abuse and exploitation, for example, do not constitute a single category but are mentioned in this account in various places, under the headings of child labour, prisons, psychological stress and abandonment. Likewise, a case study of CEDC in Nairobi includes in a list of indicators, “child abuse, whether physical, sexual or child labour” (Onyango et al. 1991, 48). In another related paper, dealing with street hawking in Port Harcourt, Nigeria, child abuse is defined as anything that has a negative effect on child development.

Thus street hawking is “next to emotional abuse because it subjects the child to long hours of child labour– starvation and deprivation of adequate care” (Fubara 1986). Child street work thus appears as neglect in the sense that it is the result of structural factors such as lack of financial resources, food and shelter, rather than being a personal factor as it is in the CEDC model. This begins to answer Dallape’s call for a class analysis and also, interestingly, echoes indigenous Latin American interpretations of abandonados (abandoned children), which are the third category of the UNICEF definition of street children, not as children who have been abandoned by their families and are found on the main thoroughfares, but as the majority of slum or marginalized children who are abandoned by the dominant elites.

What this signifies is that this way of conceptualizing abuse represents a different, and more contextually relevant, approach. In terms of methodology it requires appropriate, locally constructed research techniques rather than the use of imported schedules and other instruments. In terms of children’s drawings, such as the boy with the hat, the implication is not only that children’s own explanations of their pictures should be taken into account, but also that considerable work needs to be carried out into different cultural ways of seeing as well as the development of everyday visual cognition among children from different cultures and social groups.

Thus the literature on street children in Africa at this point reveals no overall theoretical models or debates, which it has in common with all writing on street children. Yet, despite the fact that there has been no apparent effort to develop an alternative approach to the Latin American model of street children, there are glimmerings of an implicit African approach that would contextualize the lives of children who live and work in the street in other aspects of African childhoods. This challenge should be taken up in child studies in Africa as a whole, given that it is nearly ten years since the then Director of the Undugu Society program for street children in Nairobi wrote about program-related research with these children:

First the team has to study the community and must determine which method will be most suited to the particular African situation. Most probably they will have to invent an African approach, based on the people’s traditions, religions and superstitions. We are like a musical instrument; the music is produced by touching the cords in a right way. The cords are there everywhere, but the way of touching them to produce a melody is specific to each culture (Dallape 1988, 111).

Take note

It is important to understand the phenomenon of street children in Africa. From the above extract it is evident that the literature on street children in Africa is fragmented. However, there have been some developments in the field, and various stakeholders have contributed to scientific research on this phenomenon. Can you identify some of these stakeholders that have conducted research on street children in Africa?

UNIT 5: VICTIMS OF HARMFUL CULTURAL PRACTICES

In this section we look at how cultural practices are exploited and can become harmful and often illegal acts against children. We discuss Ukuthwala, Female genital mutilation and Circumcision of boys.

Females

Introduction

The dawn of true democracy in South Africa represented the convergence of a culmination of efforts aimed at ending years of oppression, abuse and inequalities which affected the most vulnerable sphere of society. The adoption of the Bill of Rights as part of a new Constitution was evidence of this new beginning in which equal rights was afforded to every South African citizen. **With due consideration for the new 'rainbow nation', Sections 30 and 31 of the Constitution entrenched respect for cultural diversity with certain provisions postulating that customary law should be accommodated in South African law, provided that the specific rules or provisions are not in conflict with the Constitution.** South Africa went further to introduce the Children's Act as a mechanism to prevent the abuse of children in South African communities

Section 12 of the Children's Act of 2005 makes clear provision to protect children from harmful acts which have become viewed as cultural practises among some communities and have thus "sanctioned". The Act protects the child in that it states that "Each child has the right not to be subjected to social, cultural and religious practises which are detrimental to his or her well being". The Act prohibits genital mutilations, virginity testing and circumcisions (prohibited when boys are under the age of 16)

However, does the Act go far enough? We can ask about claims of culture and traditions being used as screens for abusive behaviour. The UN Convention the rights of the Child- culture, tradition and children takes due account of the importance of traditions and cultural values of each person for the protection and harmonious development of the child. However, Article 24(3) states that parties shall take all effective and appropriate measures with a view to abolishing practises which are harmful to the child.

Ukuthwala

Bekker (in Koyana & Bekker, 2007:139) describes the practice of Ukuthwala as a "more romantic" procedure that was sometimes resorted to when an obstacle to marriage was encountered. It was also not necessarily imposed by the girl's guardian.

Koyana and Bekker (2007:139) give a brief case illustration of how the procedure for Ukuthwala took place and describe the practice as an acceptable custom where onlookers refrained from any interference, even in the event of 'crocodile' tears being shed by the girl who attempted to veil her tacit consent. On the aspect of tacit consent by the girl being thwalaed, Koyana and Bekker (2007:139) explain that the preservation of the girl's maiden dignity was the fundamental reason for her appeared reluctance and her putting up a strenuous, but pretend resistance. For this reason the authors argue that the girl was generally a willing party to the thwala, and therefore the practice of Ukuthwala was not necessarily synonymous with a forced marriage (Koyana & Bekker, 2007:140)

Nosilela, Huisamen and Kaschula (2010:1) describe the concept of Ukuthwala as an age-old Xhosa marriage custom which involves the "legal abduction" of the bride-to-be. The custom entails the "abduction" of the unsuspecting bride-to-be by the suitor's friends once the marriage has been negotiated between the two families. The genuine formation of a marriage as the essence of Ukuthwala was evidenced by the fact that the suitor was not always present when the thwala took place, but left the work in the hands of those who acted in his interest (Koyana & Bekker, 2007: 41).

Although an unusual path to marriage, the condoned practice of Ukuthwala was targeted at girls or women who were of a marriageable age (Maluleke, 2009:1). It was contrary to customary law for the young man to have sexual intercourse with a girl that he had “thwaled” (verb of Ukuthwala). The girl would immediately be placed under the care and supervision of the womenfolk whilst the suitor would be required to pay a “seduction beast” (explain concept) in addition to the number of lobolo cattle agreed upon (Koyana & Bekker, 2007: 141).

Look at the following internet link for further insight into this phenomenon

<http://en.wikipedia.org/wiki/ukuthwalwa> and http://en.wikipedia.org/wiki/forced_marriage/.

Ukuthwala within the South African context

In the past few years, the practice of Ukuthwala has increasingly become the centre of media attention, which, in turn has had a cascading effect on both public opinion and the level of government intervention.

In stark contrast to Koyana and Bekkers (2007) description of the practice of Ukuthwala, is that described by Maluleke (2009:1). It is alluded to as a form of abduction which involves the kidnapping of a girl or young woman by a man and his friends or peers with the intention of compelling the girl or young woman’s family to endorse the marriage negotiations.

Referring to the contentious issue of Ukuthwala Ntlokwana (2009:3) states that a challenge in the South African Constitution lies in the contradiction that it raises between universal individual rights guaranteed in the Bill of Rights in juxtaposition to the long cherished traditional practices which often violate the rights of these girls as contained in the Bill of Rights

Thus the customary practice of Ukuthwala will remain a contentious issue and will increasingly be weighed up against the provision of Section 39(3) of the Constitution which states that the Bill of Rights does not deny the existence of any other rights or freedoms that are recognised or conferred by customary law, as long as they are consistent with the Bill of Rights.

Look at the case study of Nombulelo which reflects the experiences of the girl who is exposed to this form of victimization

Female genital mutilations

In the next extract from http://www.unicef.org/protection/index_genitalmutilation.html from Unicef on Female Genital Mutilation/Cutting we explore female genital mutilations and http://en.wikipedia.org/wiki/female_genital_mutilation.

Female genital mutilation/cutting (FGM/C), or female genital cutting, refers to a number of practices which involve cutting away part or all of a girl’s external genitalia. Mutilated/cut infants, girls and women face irreversible lifelong health risks, among other consequences. An estimated 70 million girls and women living today have been subjected to FGM/C in Africa and Yemen. They are also increasingly found in Europe, Australia, Canada and the USA, primarily among immigrants from Africa and south-western Asia.

FGM/C is practiced for a number of reasons including:

- Sexual: to control or reduce female sexuality
- Sociological: for example, as an initiation for girls into womanhood, social integration and the maintenance of social cohesion
- Hygiene and aesthetic reasons: where it is believed that the female genitalia are dirty and unsightly

- Health: in the belief that it enhances fertility and child survival
- Religious reasons: in the mistaken belief that FGM/C is a religious requirement.

FGM/C is mainly performed on children and adolescents between four and 14 years of age. In some countries such as Ethiopia however, more than half of FGM/C is performed on infants under one year old.

Practitioners of FGM/C are generally traditional birth attendants or trained midwives. FGM/C is a highly-valued service with high financial rewards, and a practitioner's status in the community and income can be directly linked with performance of the operation.

FGM/C is a fundamental violation of the rights of girls. It is discriminatory and violates the rights to equal opportunities, health, freedom from violence, injury, abuse, torture and cruel or inhuman and degrading treatment, protection from harmful traditional practices, and to make decisions concerning reproduction. These rights are protected in international law.

FGM/C does irreparable harm. It can result in death through severe bleeding leading to haemorrhagic shock, neurogenic shock as a result of pain and trauma, and severe, overwhelming infection and septicaemia. It is routinely traumatic. Many girls enter a state of shock induced by the severe pain, psychological trauma and exhaustion from screaming.

Other harmful effects include: failure to heal; abscess formation; cysts; excessive growth of scar tissue; urinary tract infection; painful sexual intercourse; increased susceptibility to HIV/AIDS, hepatitis and other blood-borne diseases; reproductive tract infection; pelvic inflammatory diseases; infertility; painful menstruation; chronic urinary tract obstruction/ bladder stones; urinary incontinence; obstructed labour; increased risk of bleeding and infection during childbirth.

It is interesting to note that nowhere in any religious history of the groups who practice FGM does their religious foundation exist for the practice. Thus the argument that it is carried out solely for religious reasons is incorrect.

Case study: Nombulelo and China

Nombulelo (aged 13) and China

During April 2000 Nombulelo* boarded a taxi after school as she was requested by her mother to pay the electricity account in the Port Elizabeth Central Business District area. Nombulelo* attended to business as requested by her mother and then decided to visit a clothing store in the main street before boarding a taxi back home. As Nombulelo* left the clothing store, she was approached by an adult Nigerian male who introduced himself as China*. He started a friendly conversation with Nombulelo* and asked about her family and place of residence. After he started making romantic advances towards Nombulelo* she decided to end the conversation and communicated the fact that she need to return home. China* offered to take Nombulelo home with his car but she declined. He then immediately gave her a cell phone as a 'gift' and insisted that she call her mother to inform her that she had accepted an offer to be taken home by a 'friend'. Being persuaded by the generous offer Nombulelo* accepted and was taken home by China*.

On their arrival at Nombulelo's residence, China* introduced himself to her mother and eldest sister where after Nombulelo* went to her room to remove her school uniform and to attend to her homework. A lengthy conversation between China* and Nombulelo's mother followed and he eventually left.

Two days later on Nombulelo's 14th birthday, her mother and sister alluded to a 'surprise' that she could expect. Due to the poverty stricken family lifestyle and her past experience of birthday celebrations, Nombulelo* did not expect much from the hint offered by her mother and sister. However, she was shocked when China* arrived later the same day and brought along groceries and 'gifts' for her mother and siblings. Nombulelo* was not impressed by China's visit and ignored his presence whilst he engaged in conversation with her mother. Nombulelo later learned that China* had been invited by her mother to attend her birthday party and he also funded the provisions for the celebration.

Nombulelo* lived with her mother and two sisters in an established Port Elizabeth township known as New Brighton, a community that consists largely of Xhosa speaking members with strong traditional belief systems and values. Nombulelo* was the youngest of her siblings and was in the process of completing grade 7 at a local primary school. Her mother was the head of the household and therefore also the main breadwinner. Nombulelo's father had left home while she was still very young.

A few days after her 14th birthday, Nombulelo* returned home from school and followed her usual afternoon routine. She was busy in her room when she heard a vehicle stop outside her home and shortly thereafter a knock was heard on the front door. Nombulelo* was called by her sister who was attending to a visitor at the front door. Nombulelo* left her room and found China* at the front door speaking to her mother. She noticed two suitcases on the floor. Her mother then informed her that she would be leaving home to stay with China*. Nombulelo protested and could not believe what her mother had just communicated to her. When she noticed the inexpressive demeanour of her mother, sister and China*, she became hysterical and knew that something was very wrong. Nombulelo* was physically restrained by her mother and China* who forced her into China's vehicle along with her luggage. She yelled at her mother asking questions such as 'What about school?' and 'What about my friends?' but her mother only replied that she would soon be grown up and would be taken care of by China*.

Nombulelo* later reported to police that she became China's "sex slave" for a period of two years before he left her for another woman. She then turned to prostitution as a means to survive as she "could not" return home for fear of being spurned or disowned by her family.

*Pseudonyms used

Males

Refer to an extract is from circumcision information resource pages at:

<http://www.cirp.org/library/death/>.

It deals with circumcision of infants and boys who are victimized as a result of circumcision.

Circumcision of boys under the age of 16

Each year around June and December, when the South African schools close for the December holidays, many young men belonging to several ethnic groups attend traditional initiation schools. During this period, the males learn traditional songs and dances, tribal history and societal laws. However, abuse occurs in these initiation schools and varies from physical abuse to denying them food and water, and forcing the boys to sleep outside in the cold (Davis & Snyman, 2005:183-184).

The main purpose of the boys' initiation schools is the act of circumcision. When these circumcisions are performed by people with no medical training and under unhygienic conditions, boys' can suffer severe genital infections, the loss of reproductive organs, genital amputation and the contraction of HIV/Aids when the same surgical instrument is used for multiple boys.

Let us revisit Section 12 of the Children's Act of 2005. It makes clear provision to protect boys under the age of 16 from harmful acts which have become viewed as cultural practices among some communities and have thus "sanctioned". It says that "Each child has the right not to be subjected to social, cultural and religious practices which are detrimental to his or her wellbeing". The Act prohibits genital mutilations, virginity testing and circumcisions (prohibited when boys are under the age of 16).

Look at the following internet link for further information on this phenomenon:

http://en.wikipedia.org/wiki/.forced_circumcision

UNIT 6: VICTIMS OF FARM ATTACKS

This unit will focus on various issues relating to farm attacks, however the focus is on the victims of farm attacks.

Definition and Historical Background

Access the following reports for assistance on this topic:

www.saps.gov.za/statistics/reports/farmattacks/pdf/part8

www.iss.com/farmattacks

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.

The NOCOC on farm attacks approved the following definition, which is also applicable in this study unit (ISS, 2002: 12). 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” (<http://www.saps.gov.za/statistics/reports/farmattacks>).

Historical background of farming and government’s land reform policy

It is clear from some of the literature reviewed and public opinion that the government’s land reform policy and the illegal invasions of commercial farmland are viewed as salient factors in the violence against farmers. It is a very complex matter and therefore important to give a brief overview of farming and land reform in South Africa.

The agricultural economy of South Africa in the mid-19th century consisted of large-scale white farms with hired black labour, manorial settler estates with indigenous tenant farmers and free indigenous farming on black-owned land. With simple technology and plentiful land, labour was the most critical factor in the success of farming. In need of labour, the larger settler farmers persuaded the colonial government to intervene on their behalf by limiting African competition in the market place; and setting up native reserves on tiny pieces of land to create an artificial land shortage. This forced African farmers to seek work on farms. Consequently, by the end of the 19th century, half of the Africans lived and worked on privately owned settler land despite a wide range of anti-squatter legislation. (Van Zyl et.al. 1996:42).

By the end of the 1980’s, the African family farming sector had all been eliminated and African peasants had been transformed into wageworkers on large farms, in mines and in secondary industries. Almost 90 percent of the agricultural land was in white areas, supporting a total rural population of 5, 3 million people, more than 90 percent of who were Africans. The remaining agricultural land was in the homelands and supported over 13 million people. Originally the homelands were justified as areas where Africans would do subsistence farming. However, almost 80 percent of household incomes in the former homelands came from migrant earnings and pensions. (Van Zyl et al. 1996: 57).

During the late 1997's, white South Africans, including companies and some 55 commercial farmers (97 percent of whom were white), had access to 102 million hectares of land, while 1, 2 million black households had access to 17 million hectares of land in the former homelands. Marcus, et.al. 1997:102). Land ownership and land development patterns strongly reflect the political and economic conditions of the apartheid era. Racially-based land policies were a cause of inefficient land administration and land use.

According to Statistics South Africa, 11. 8 million people were employed in the formal and informal sectors in South Africa in 2001. Of these, almost 1.4 million (11.8%) were employed in the agricultural, hunting, fishing and forestry sector. Between 1996 and 2001, almost 600 000 jobs were created in the broad agricultural sector (formal and informal), (<http://www.issafrica.org/farmattacks/>).

Three unions represent the commercial agricultural sector in South Africa: Agri South Africa (AgriSA), The Transvaal Agricultural Union of South Africa (TAU) and the National African Farmers Union (NAFU).

While the specifics of government land policy have undergone change since the first democratic elections in 1994, the three main principles which shape the policy have remained:

- Redistribution to provide disadvantaged and poor people with land
- Restitution of rights in land lost through forced removals linked to homeland consolidation
- Land tenure reform to improve security tenure of vulnerable people and communities

In order to implement the policy, a variety of land-related legislation and amendments to legislation, was passed in the 1994-1998 period.

Characteristics and modus operandi of farm attacks

The characteristics of farm attacks listed by the investigating officers corresponded with those found in previous research studies. Nothing to the contrary was found in the present study. (statistics/reports/farmattacks/pdf/part8http://www.saps.gov.za)

The investigating officers are of the opinion that perpetrators generally obtain information from either a former employee or a current worker on the farm. Some investigating officers say that where a former employee is involved he or she is usually the 'brains behind' the attack. Perpetrators usually spend time beforehand to observe the movements of the inhabitants of the farm. The daily routine that farmers follow provides the perpetrators with information about their movements. Some perpetrators go to the farms on the pretext of looking for work or wanting to buy livestock. Despite this, investigating officers are adamant that the perpetrators are neither professional nor highly organised. There may be a degree of organisation, but not to the extent observed with other serious violent crime, such as cash-in-transit heists or bank robberies.

The farm attackers typically arrive on the farm on foot and steal the farmer's vehicle in order to make a getaway. However, others flee the scene of the crime on foot. Some perpetrators travel great distances, perhaps 200 or 300 kilometres, to their intended target. Many of the attacks take place on a Sunday when the farmers return from church.

Some of the investigating officers describe the bedrooms of farmhouses after a farm attack as 'chaotic', because the perpetrators ransack the place, looking for money, firearms and the keys to the safe. Telephone wires are often cut and safes raided. Farms are easy targets because the nearest police station is often far away. Investigating officers remark that it is 'rare' for perpetrators to flee without taking anything. If they do so they are either disturbed or they panic and flee. They continued by saying that the crimes committed on farms were 'ordinary crimes' such as murder and robbery, and not farm attacks per se.

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 (Visser 1998: 6).

Potential causes of farm attacks

In analysing the potential causes for the attacks on the farming community it was found that some of the motives can be identified from investigations and others deduced from circumstantial evidence. Other causes have to be viewed against the background of perceptions held by various individuals and members of organisations, which cannot be ignored.

Culture of violence

South Africa's history of confrontation, conflict, conquest and forced removals has bestowed the country a culture of "violence". As a result, violence has become an acceptable means of resolving conflict and achieving political and personal aims. At the same time, there are regular media reports pertaining to farm attacks. A media fixation now seems to exist with regard to these attacks, which may instigate attackers (Visser 1998: 18).

Poverty and unemployment

Poverty and unemployment in South Africa are main contributing factors to the high levels of crime. The injustices of the past and the uneven disparity in wealth, development and access to resources are perceived by many as a justification for crime. The illegal acquisition of property is a factor that may motivate criminals to become involved in attacks on farmers (Visser 1998: 3).

Revenge and hate

Farmers may be subjected to revenge attacks, for example after having dismissed due to bad labour relations or evicted people from their property. However, allegations of bad labour relations are strongly denied by Agricultural and Farmers unions.

Illegal immigrants

Estimates are that there may be millions of illegal immigrants in South Africa. The negative security implications of hosting a large illegal foreign population include increased pressure on the socio-economic infrastructure, a reduction in employment opportunities and increased crime levels. Unscrupulous employers may exploit many illegal immigrants, which might lead to revenge attacks.

Easy availability of weapons

There is no doubt that weapons are freely available in South Africa. Armed men using automatic weapons during robberies and attacks are a familiar picture in the daily life of South Africans. The easy access to firearms contributes to the high level of attacks on farmers. Farmers are usually in possession of firearms and obtaining them serves as an additional incentive for attacks (Visser 1998: 4).

Inflammatory statements

The farming community has been the subject of inflammatory statements by certain groups and political leaders over the years, for example the well-known slogan “Kill the boer kill the farmer”. There are many believes that this incitement has created a climate conducive to violent attacks on farmers.

The victim profile of farm attacks

In 2001, white people made up 61, 6% of the victims, black people 33, 3%, Asians 4, 4% and coloured 0, 7% (CIAC,2001). Although the CIAC does not have accurate figures for previous years, it notes that in its 2001 report that black people are becoming increasingly being victimized.

According to the investigating officers victims of farm attacks include farmers, both black and white, as well as farm workers and domestic workers, as described in the official definition. The investigating officers are unable to provide accurate figures on the number of black and white farmers residing in their police station area. The farmers who have been attacked are mainly elderly people living alone and are regarded as soft targets. Some of the investigating officers say that black farmers have not been victims of farm attacks in Free State, Limpopo, Mpumalanga or the Western Cape. They speculate that farm workers are injured or killed because they are an obstacle in the way of the perpetrators.

Investigating officers from Limpopo province know of six incidents over last three years where farm workers have been victims of farm attacks. In addition, a domestic worker has been raped on a farm in the Vaalwater area. The investigating officers estimate that 30% of the victims are farm workers, while 70% are farmers or their families.

In KwaZulu-Natal the investigating officers cite examples of both black and white farmers being killed. The same applies to the North-West Province, where two black people have become victims of farm attacks of late. In the Northern Cape a coloured farmer and the wife of a farm worker have been victims of a farm attack in two separate incidents. The former was killed because of a wage dispute and the latter raped. Investigating officers in the Free State speculate that black farmers were not attacked because they “don’t have the same amount of valuables as white farmers” and “they don’t have enemies”. The Eastern Cape investigating officers cite examples of black farmers who have been robbed (<http://www.saps.gov.za/statistics/farmattacks/pdf/part8>).

The victims’ perception of farm attacks

According to the investigating officers, the victims of farm attacks react differently. Most of the victims are shocked, angry and in a state of disbelief and some of them think that the attacks were politically motivated.

A few of the victims are puzzled about the experience they endured. Consequently, they ask searching questions such as “why us?” in order to make sense of their experience. Some cannot understand why they were targeted and say: “We have done so much for them”. They also express a loathing for the perpetrators.

According to investigating officers in KwaZulu-Natal, a few of the victims acknowledge that they are soft targets. Some say that they were victims of broader socio-political circumstances. A few victims perceive the farm attack as a racist incident. Some victims in the Western Cape also think that the attacks are politically motivated and become bitter.

Investigating officers in the Northern Cape find that the perceptions of victims vary from one farm attack to the next. Some think there was a political motivation behind the attack (<http://www.saps.gov.za/statistics/farmattacks/pdf/part8>).

According to the investigating officers, it is often the “outsiders” who label the attacks as political, rather than the victims themselves.

The nature of trauma on victims after a farm attack

The impact of farm attacks on the psyches of the victims can be catastrophic. Case studies have highlighted the following trauma reactions: (This section is based on a memorandum prepared by H.C. van Wijk, Manager of the RAU Trauma Centre until June 2000, <http://www.iss.com/farmattackspage395>).

Uncertainty about the future. Many of the farmers have been on the farms over twenty years. They have made an investment in their farms and most of them have no future without the farms. This also applies to their workers who face unemployment.

A feeling of loss of control. Intruders have simply come from the outside and violated the farmer's physical integrity and property. Survivors may feel that they have lost all control over their environment and themselves.

Loss of security. Survivors of farm attacks experience feelings of vulnerability after a traumatic incident, especially if they perceive themselves not to be effectively coping with the event. They may even fear that the traumatic event or similar event may happen again.

Loss of meaning in life. One victim said: “I feel there is no reason to go on. I have lost everything, my husband, my home, the farm...”

Lack of motivation in terms of the future. After a farm attack on mother said her children had no further interest in their schooling careers. This is in fact a very frequent phenomenon.

Experiencing secondary fear of death or serious injury. This is the “what if” feeling and thinking. The survivor keeps on thinking back and because of guilt, shame and fear will say: “I should have done this or that and I should not be like this or that”. Many feel responsible for the incident or feel they should have done something to prevent the situation. The farmer might have seen his wife being killed or raped in front of his eyes, and now thinks that perhaps he could have done something to avoid it.

Fear that the attackers may return. This is the anxiety about the same things happening again. There is confusion and disorientation and the victims may feel that they have so little control over their environment that they are unable to prevent another traumatic event from occurring.

Feeling insulted and degraded after a sexual assault. The victims may feel that they have lost their dignity. In case of rape there may also be the fear of contracting a disease such as HIV/Aids.

Loss of loved one such as a mother, father or spouse. Very common is loneliness as a result of the death of a spouse. Often one of an elderly couple is murdered, and the survivor has to face old age alone.

Fear that the family would be torn apart as a result of a trauma.

Bitterness and desire for revenge. One mother referred to the changed attitude of her son and how hardened he had become.

Immediate financial damage. This may relate, for example, to the loss of a motorcar or expenses in connection with the injuries suffered. One of the farmers in the case studies had no medical aid scheme and the hospital refused to treat him without an up-front cash payment.

Long-term financial fears. The farm may no longer be profitable. There may be fears that there will be no buyers for the farm after an attack, because the possibility of future attacks has scared prospective buyers away.

Physical trauma. This may be, for example, because of the loss of a limb, or having to use a wheel chair. One farmer interviewed had to have his hand amputated; in another case the onset of motor neuron disability was precipitated by the attack.

Loss of freedom. The victims now live behind a security fence and are afraid to go out at night. There may be a lack of trust in fellow human beings, and there is fear of participating in life again.

Finally, the exposure to traumatic incidents can lead to post traumatic stress disorder (PTSD). The latter differs from acute stress disorder in that it is diagnosed only if the prescribed symptoms have persisted longer than eight weeks. These persistent symptoms must include two or more of the following symptoms: difficulty falling asleep, irritability or outburst of anger, difficulty concentrating, hyper vigilance, and an exaggerated startle response (e.g. when a door slams shut).

The above highlights the danger when victims do not deal with the trauma and symptoms directly after the farm attack but think it will disappear. They suppress the symptoms and emotions and go into a state of denial, with potentially serious consequences.

It has become imperative for the South African farming community (and indeed the community in general) to create infrastructure to deal with trauma, and for citizens to utilize these resources effectively. Furthermore, the problem of traumatic stress caused by farm attacks has to be tackled not only on a reactive level but also proactively.

Reactive steps should include:

- Trauma centres should be established in every community in order to help victims recover from the traumatic event
- Counsellors should be properly trained,
- Protocol for dealing with victims of trauma should be formulated.

Proactive steps should include:

- Day workshops should be held with farmers and farm workers on how to build relationships with each other and how to establish security networks.
- Day workshops should be held with wives, children and domestic workers on how to deal with fear and what they can do regarding farm attacks.
- The workshops should also deal with the problem of preconceived ideas, perceptions and stereotypes.
- Fear and emotions have to be confronted.

The prevention of farm attacks

Many of the ideas put forward by investigating officers involve the farmers taking more responsibility for their safety and security. Investigating officers interviewed made the following suggestions:

- 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 the aforementioned information.
- Workers, and especially foreign workers without documentation, should not be employed.
- Communication between farmers and their workers should be improved and farmers should strive for better relations.
- Workers should be regarded as informers. They should be made part of the security system on the farms.
- Security needs to be improved on the farms. No security system is infallible, but it should be implemented as far as possible.
- Farmers need to be more vigilant and vary their daily routine. Sector policing needs to be introduced in the rural areas.

Access the following site for more information: <http://www.saps.gov.za/statistics/farmattacks/pdf/part8>

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 the police service launched two initiatives in respect of Rural Safety: Area Crime Combating Units and Sector Policing. The success rate of the two initiatives still remains to be seen:

(<http://www.iss.com/farmattacks/page 437>).

UNIT 7: VICTIMS OF HATE CRIMES

Introduction and definition of concepts

Hate crimes are not a new phenomenon; in fact, they have occurred throughout history. However, what is of concern is the frequency with which these crimes are committed and the fact that hate crimes are escalating in rate of recurrence. Today, victims are likely to be members of minority groups (Levin & McDevitt 1993: ix).

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 (Conklin 1992:141). These crimes can vary from verbal abuse to murder (Levin & McDevitt 1993: ix-xi).

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.

According to Beckmann and Turpin-Petrosino (Hill 2008:97) hate crimes may include “almost meaningless juvenile delinquency (such as causing damage to a synagogue during a night of general vandalism) to a more organized political statement (such as the burning of a synagogue by an organized hate group)”. Hate crime includes intimidation, harassment, vandalism (homes/business), vandalism of religious property, personal assaults (physical and sexual) and homicide. The Internet has also been identified as a new medium through which hate groups and individuals transfer their views (Hill 2008).

According to Hill (2008) most victims of hate crimes are not part of dominant culture. This is usually why the perpetrator targeted them. These offenders are motivated by prejudice. As Hill eloquently states, “this daily reality will act as a lens that the hate crime victim uses to understand the criminal justice system, the police, and victim services workers and when asking for help”.

Race

- **Xenophobia**

According to the Webster dictionary (2010) 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. Harris makes an interesting analogy between xenophobia and pathology in her writing: A new pathology for a new South Africa? She describes xenophobia as an unreasonable fear, distrust, or hatred of strangers, foreigners, or anything perceived as foreign or different.

Phenomenon of xenophobia in South Africa

The years 2007 and 2008 saw outbreaks of xenophobia in South Africa. South African citizens are being forced to live and work with Africans and other immigrants from countries in crisis which lead to interpersonal violence. It becomes apparent that foreigners to South Africa are prone to becoming victims of human rights infringements.

Research (Crush, 1998) shows that government and other agencies have a major task ahead of them if they are to convince South Africans of the value of a more open and inclusive immigration policy that is actually in the interests of the country. Attitudes are currently very negative and political leadership and public education needs to confront this reality at the outset. The evidence for this assertion is as follows:

South Africans as a whole are not tolerant of outsiders living in the country. The surveys revealed strong support for policies that would place strict limits on or prohibit immigration altogether. Between 1996 and 2000, government offered generous legal amnesties to long-standing contract workers, undocumented SADC country citizens resident in South Africa, and exMozambican refugees. In total, over 350,000 people benefited from this effort to compensate black non-citizens for the actions of apartheid. However, 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. These are the same arguments advanced by those who oppose immigration everywhere.

South Africans favour forceful approaches to controlling immigration. Respondents were asked their opinion of control-oriented policy measures such as turning on the electric fence on South Africa's borders; **putting more money into border protection**; using the army to patrol borders; increasing taxes to pay for border patrols; requiring foreigners to carry identification; giving police the right to detain suspected illegal immigrants and penalizing those who employ illegal immigrants. With the notable exception of raising taxes, each of the measures enjoyed wide support, with whites again more supportive than blacks. Respondents were asked what action they would take against people from neighbouring SADC countries. A third would be prepared to personally try and prevent migrants from moving into their neighbourhood, operating a business, becoming a fellow worker or having their children in the same classroom. They were also asked what they would do if they found out someone was "illegally" in the country. Forty-seven percent said they would report them (with 3% saying they would band together to force the person to leave the area).

The South African Constitution guarantees basic rights and freedoms to everyone living within the boundaries of the nation-state. Many South Africans are clearly in disagreement.

South Africans were asked about their attitudes to giving certain basic rights (freedom of speech, freedom of movement, legal protection, police protection and access to services) to legal and unauthorized migrants. There is a consistent pattern of conditional support for rights for temporary migrant workers. While only a quarter of the population thinks that these rights should always be accorded to legal migrants, around half are prepared to see these rights extended in certain circumstances.

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.

The SAMP (<http://www.queensu.ca/samp/sampresources/samppublications/policyseries/policy22.htm>) surveys show that South Africans accept that many newcomers are indeed genuine refugees. They also agree with the general proposition that refugees warrant protection (with 70% in favour). However, they distinguish between the general principle of protection and their own government's responsibility in offering that protection. Only 47% feel that the South African government should give asylum and protection to refugees. When asked whether they would personally support the South African government paying for the cost of sheltering refugees, the response was decidedly lukewarm, with only 17% in favour.

An important question is what people understand by “protection” and what rights they are prepared to extend to refugees. “Protection”, as understood by South Africans, does not extend to granting basic rights to refugees. Nearly 70% feel that refugees in the country should never have the rights of freedom of speech and movement, with only 3% feeling that these are automatic entitlements. Support for other refugee rights is only marginally more solid, with less than 20% of respondents of the opinion that refugees should always enjoy legal and police protection in South Africa, or access to basic services. None of this indicates a citizenry well-educated in the circumstances and plight of refugees.

One hypothesis in the literature is that proximity to and direct social interaction with non-citizens will impact citizen attitudes (negatively or positively). What emerges from the SAMP surveys is that many South Africans have no direct interaction and experience of foreigners, even from neighbouring states. In the 1998 survey, only 4% of respondents said they had “a great deal of contact” with people from countries in Southern Africa; with 80% having little or none. Those who have no contact are statistically most likely to have negative opinions of foreigners. The more contact they have, the more likely they are to have tolerant opinions. Type of contact is also critical. South Africans who are friends with foreign citizens are more likely to have positive views than those who live next to, work with, or buy things from them.

Citizens of neighbouring states are evenly divided on whether they are viewed positively or negatively by South Africans. A significant minority of people interviewed (30–50%) feel that South Africans have positive or very positive views of people from their home country. This suggests that not all migrants have personally experienced hostility and intolerance. Less than 30% expect bad or very bad treatment from South Africans. Asked, for example, about their general experiences in South Africa, 64% said it had been positive or very positive, with only 20% saying it was negative or very negative. The majority of migrants and immigrants are very much aware of the negativity that surrounds their presence in the country. However, only those who have had direct personal experience of hostility, abuse or prejudice are prepared to translate that general awareness into a firm belief that South Africans are intolerant and hostile.

This paper 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 they are also surprisingly generous in their expectations of South Africans. They expect to be treated well and, with the exception of those who have had direct negative experiences, they believe that they will be, not only by ordinary South Africans but by the police as well. But the situation is finely balanced.

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. In other words, as South Africans become more socially familiar with non-South Africans, their attitudes begin to change positively. 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.

South Africa has made enormous strides since 1994 in building a non-racial, human rights culture appropriate to the new democratic order. But there are clearly considerable obstacles to be overcome before the citizenry is prepared to embrace the notion of equal treatment for foreigners and to ensure that African migrants (whether legal or undocumented) are constitutionally entitled to basic human and labour rights, simply by virtue of being on South African soil.

It is hard to see how even the best of public education campaigns can, in isolation, effect the necessary shift in public attitudes. In that context, the World Conference provides an opportunity for South Africans to reflect and seek advice on how to turn back the insidious tide of racism and xenophobia. What is required from those in government, civil society and the media is a new approach. Instead of isolating and stigmatizing all migrants as “aliens” and “foreigners” or preaching against xenophobia in the abstract, there needs to be acceptance and promotion of the presence and contribution that non-citizens are making, and can make, to the country’s growth and development.

Sexual

- **Sexual orientation-based hate victimisation**

Research indicates that the majority of openly lesbian, gay, bisexual and transgender persons (LGBT) have experienced some form of victimisation, such as verbal abuse, threats, being chased or followed, or being spat on to name but a few (Davis & Snyman, 2005:247-250). According to the authors, as with racism and sexism, prejudice and discrimination on the basis of sexual orientation was also entrenched in apartheid South African legislation, for example, homosexuality was criminal until 1996. The new South African Constitution has sexual orientation and gender clauses, which afford LGBT persons equal protection before the law, and through proposed anti-hate crime legislation, provides for them to be considered potential victims of prejudice.

South African gay and lesbian activists state that in the “new” South Africa, disproportionate numbers of LGBT persons continue to face oppression, marginalisation, discrimination and victimisation because of their sexual orientation and/or gender presentation (Davis & Snyman, 2005:247-250).

During 2003 and 2004, so-called “corrective rapes” of black lesbian women by community members in Gauteng townships, received some media coverage.

Corrective rape

Corrective rape is a criminal practice, whereby men rape lesbian women, purportedly as a means of “curing” the woman of her sexual orientation. Despite South Africa being the first nation on earth to outlaw discrimination based on sexual orientation the first African country to legalize same-sex marriage and the world’s first republic to guarantee LGBT citizens equal rights in all realms of life (including adoption and military service), cases of corrective rape have been on the rise (Global voices 2010).

In 2007 Luleki Sizwe, a South African charity working with victims of corrective rape was founded by a community activist Ndumie Funda after her fiancée became a victim of corrective rape. The organization states that more than 10 lesbians are victimized and raped or gang raped in the city of Cape Town alone. A number of 150 women are raped every day in South Africa and over the past decade 31 lesbians have been murdered because of their sexuality. Annually 510 women become victims of ‘corrective rape’ in South Africa each year.

Impact of Hate Crime victimisation

In Victimology the emphasis is normally on the individual or primary victim(s) and an incidence of victimisation is normally isolated to determine the impact thereof. However, a different approach is required for Hate Crime. Priority is not usually given on the basis of prevalence, but rather on the emotional and psychological impact, which invariably extends further than the individual being victimised, to the group to which the individual belongs or is perceived to belong. The impact thereof then often spreads further to the broader community and society at large.

Individual impact

The manner in which discrimination is experienced on grounds of race, sex, religion or disability varies considerably from individual to individual. For the most part, it is experienced as an injury to dignity imposed upon people as a consequence of belonging to certain groups (Amnesty International, 2001:vii). Although the reactions of victims may vary, they mostly include known symptoms of trauma, including depression, anger, sleep disturbance, nightmares, diarrhoea, headaches, relationship problems, increased substance abuse, and decreased levels of trust and well as feelings of being unsafe/fear. Post-traumatic stress disorder (PTSD) is also a common reaction to hate crime victimisation, which include most of the symptoms mentioned above. This trauma may take up to five years to heal as opposed to an average of two years required for the alleviation of distress for victims on non-bias crimes.

Societal impact

According to Davis and Snyman (2005:250) the emotional and psychological impact of hate crime usually extends beyond the individual victim to other individuals from the targeted group. They are left feeling isolated, vulnerable, unprotected and intimidated, but also the extended community members may experience fear, distrust as well as renewed conflicts around previous areas of division in the community. This results in further polarisation and/or destabilisation.

Conclusive remarks on Hate Crimes

This study unit focused on the phenomenon of hate crimes in South Africa. Attention was given to an outbreak of xenophobic attacks in several provinces which resulted in the victimization through assault, death of a number of people. We also looked at corrective rape, and even murder, of lesbians within communities. What becomes apparent from this unit is that alleged culture and cultural issues exacerbate the issue of victimization, both in the understanding of the dynamics thereof and in remedies which can be put into place. It is important to look at these forms of victimization as crimes and not as merely unacceptable cultural practices.

Both acts are crimes and no cultural beliefs exist which say otherwise. Attempts to address these forms of violence should be based upon gender free and culture free practices. Efforts to prevent xenophobia and corrective rape should target the actions of the offenders and not their cultural belief system. Thus the adoption of the Bill of Rights as part of a new Constitution has granted equal rights to every South African citizen. And with due consideration for the new 'rainbow nation', Sections 30 and 31 of the Constitution entrenched respect for cultural diversity with certain provisions postulating that customary law should be accommodated in South African law, provided that the specific rules or provisions are not in conflict with the Constitution and that they not be harmful or criminal acts.

UNIT 8: VICTIMS OF HIV/AIDS AND GENDER BASED VIOLENT CRIMES

Introduction

The human immunodeficiency virus/acquired immune deficiency syndrome (HIV/Aids) pandemic has been a fundamental crisis for post-apartheid South Africa. Millions of South Africans are living with the disease and are being stigmatised making these individuals particularly vulnerable to victimisation.

HIV/Aids and gender-based violent crime in South Africa

According to Davis and Snyman (2005:263-266) proceeding from the notion that HIV/Aids needs to be addressed and understood as a human rights issue, the relationship between HIV/Aids and gender-based violent crime needs to be considered according to vulnerability and stigma. A study by Dunkle (2004) showed the relationship between HIV and gender-based violent crime. It demonstrated that women with controlling or violent partners are at great risk of being infected with HIV, as women in abusive relationship are less able to negotiate condom usage. It also needs to be kept in mind that a woman's right to remain in, or terminate such abusive relationships are limited as women in these relationships are often economically dependent on their abusive partners.

With the high incidences of sexual assault of women and girls in South Africa, they are particularly vulnerable to contracting the disease as sexual assault typically involves unprotected sex, which makes them physiologically more at risk of HIV infection than men. The chances are even greater with violent rape and gang rape as the physical trauma is worse, which increases the risk of transmission.

Stigma and the victimisation of people living with HIV/Aids

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).

Search the internet for details on the Gugu Dlamini case which was highly publicised because it reflected the gendering of hate crimes against women living with HIV.

UNIT 9: OFFENDERS AS VICTIMS

Ensuring that detained prisoners are neither victimised nor exploited is problematic. In this unit, we shall examine the victimisation of prison inmates, including the victimisation of females by other inmates and correctional officials, and the victimisation of men by men and the plight of the elderly offender. These individuals are the most vulnerable and experience unique problems in the correctional setting.

Female prisoners

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, vocational and educational programmes, are more limited in female prisons. 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.

Male inmates

According to Geldenhuys (2007) there is an increase in sexual violence around the world; this violence occurs in different circumstances and settings, but is generally more common in prisons. Sexual violence is a violation of human rights and a serious public health problem. The Sexual Violence Research Institute (SVRI) defined sexual violence as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person, regardless of their relationship to the survivors/victims, in any setting, including, but not limited to home and work”. Geldenhuys (2007) states that little research has been done regarding the risk of specific men becoming perpetrators of different forms of sexual violence or into the social context in which such violence occurs. Sexual violence in prisons contributes to continuing cycles of sexual and other forms of violence, both in prison and when prisoners return to society. The following is an extract from Geldenhuys (2007):

Who are the victims of prison 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. At the Boksburg Youth Correctional Centre six respondents indicated that they had sex out of fear and less than 2% said that they had been pressured into having a long-term sexual relationship against their will. Another 2% said that they had been given cigarettes, drugs, food or protection in exchange for sex.

Who is the prison rapist? The characteristics of prison rapists seem to be unclear and unpredictable. The perpetrators are generally younger than 35, are larger and/or stronger, more assertive, are physically aggressive and 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.

During the CSVr research in 2004/2005, one out of every three young men in the Boksburg Youth Care Centre indicated that they had sex with someone (in or out of prison) despite knowing that this person did not want to have sex with them. Five prisoners said that they forced another inmate to have sex and 17 others admitted that they tricked, manipulated or threatened another prisoner into having sex.

Prison male rape - a fearful event. For a heterosexual, male rape is the most fearful event. 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. As ongoing sexual abuse occurs in a variety of ways, some prisoners will form "protective" sexual partnerships to avoid continual victimisation. To escape being abused by many, they choose one partner who might protect them from abuse by others. The motivation to exchange sex for protection often includes fear and stems from coercion.

In male prisons "**women**" (**wyflies**) are "**created**" by destroying men's claim to "manhood" and to turn them into "women". And wyflies are not worth very much. **Wyflies are regarded and treated as sex objects and domestic servants.** Prison "marriages" between "men" (husbands) and "women" (wyflies) are usually brought about by an initial forced sexual act. In prison marriage relationships "men" are active, they do "business" in prison and provide for their wyflies materially. They are the ones responsible for the penetration while having sex, while the "women" have to be passive. "Women" are seen primarily as the sexual property and servants of "men" and are often forcibly taken as "wives" (wyflies) by other inmates in relationships known as "marriages". They are required to take care of the "home" space (prison cell) and to be 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, or wyflies, as they are referred to in prison.

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.

The older inmate

By the year 2030, the Census Bureau estimates that one third of the United States prison population will be more than fifty-five years old. As the general prison population continues to increase, the percentage of elderly inmates will rise at a considerably higher level.

The increase in elderly inmates may change society's perception of the prison population and will necessitate a radical overhaul in prison administration. Older inmates pose unique and costly problems for prisons already struggling to manage outdated, overcrowded and under-funded prisons. Correctional systems are already being forced to consider issues for the first time relating to geriatric care, such as:

- providing special diets
- round-the-clock nursing care
- altering facilities
- restructuring institutional activities

What are the special needs of elderly prisoners and what makes them vulnerable to victimisation? Older prisoners not only have different medical needs from their younger counterparts, but also different social needs. Older inmates have a greater need for privacy, and have expressed a greater need for access to preventive health care and legal assistance. Older prisoners are frequently unable to cope with the brisk pace and noise of the typical prison environment. Ensuring their right to safety is also crucial. Studies have shown that older prisoners feel unsafe and vulnerable to attack by younger inmates and they express a preference for sharing a cell with people of their own age.

These difficulties require alternatives to conventional methods of incarcerating elderly offenders. There has been little research on the prison system and elderly inmates, and a major shortcoming of existing studies is a lack of consensus on what constitutes “elderly” in the prison context. Some authors define “elderly” as sixty-five or older, while others suggest sixty years is more appropriate. Many experts agree that the age should be much lower, however, because an inmate’s institutional age is much greater than his or her chronological age. In the often hostile and highly stressful atmosphere of a correctional facility, where inmates tend to age at a much faster rate than the general population, the percentage of older prisoners having difficulty with personal activities is quite high.

Juvenile prisoners

The rights of juveniles are always a critical issue in prisons. The establishment of separate facilities is of prime importance and steps are being taken for the centralised detention of young offenders in separate Youth Correctional Centres with distinctive custodial and development programmes available for the care of young offenders. The Department of Correctional Services follows the international and national recognised standards and norms for the separation of young offenders, with the following stipulations:

Young offenders must be detained separately from adults. Children (persons under 18 years) must be detained separately from persons aged 18 years and older. The relevant officials should detain young persons with serious behavioural problems and those posing a risk to others separately (for the purposes of behaviour management).

Juveniles with disabilities form a special needs group within the larger group of juvenile prisoners and pose a greater problem regarding their handling. **Youths who are emotionally disturbed and who have learning disabilities should have access to special education and related services.** Providing appropriate services for these juveniles, however, can be extremely challenging and several issues have been identified as influencing the provision of appropriate special education services in correctional facilities. These issues include transience of the population, conflicting organisational goals for security and rehabilitation, shortage of adequately prepared personnel, and limited interagency coordination.

UNIT 10: VICTIMOLOGY IN PRACTICE

Victim Impact Statements

- **What is a Victim Impact Statement (VIS)?**

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 (Victims of Crime Bureau, New South Wales 1999:1). The South African Law Commission (2002:68) 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”.

A victim impact statement differs from the general victim testimony in court, in the sense that 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.

The term “victim” not only includes the direct victim of the crime, but also indirect victims, such as family members or other significant people close to the victim, who are also affected by the crime. 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.

Now that we have a better understanding of the concept of a victim impact statement, we can look at the purpose of the victim impact statement. Van der Hoven, a well known forensic criminologist in South Africa, who often testifies in criminal matters, wrote an interesting article on victim impact statements. Refer to Van der Hoven, AE (2006). The criminologist as an expert witness in court. *Acta Criminologica* 19 (2):152–171 to read the article.

What comes to the fore from the article is the need for a VIS so that we get a more balanced view on the crime and the circumstances surrounding it. **The criminologist, as a social scientist, 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 and respect for the victims’ rights. The VIS further insures these rights are upheld.

Go to Additional Resources to view a practical example of a VIS.

- **Purpose of the VIS**

Victim impact statements have become increasingly popular in Western countries as it is recognised that modern adversarial legal systems ignore the plight of victims and alienate them from the criminal justice system. There is further general agreement that the court cannot make an informed decision on a just punishment if the victim's experience of the crime is not taken into account. Research shows that victim impact statements have many advantages for the victim and the court although there is also some criticism against victim impact statements which should be noted. The South African Law Commission has now also recommended the implementation of victim impact statements.

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.

In this type of report, the main focus is on the direct victim who was the target of the offender, in other words, the person who was robbed, attacked, raped or murdered. It can also focus on the indirect victims, such as the next of kin or someone close to the victim who was also affected by the crime.

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

Legal provision for victim impact statements in South Africa

The South African Law Commission (2002:69) recommends the inclusion of a clause on victim impact statements in either oral or written form in the Sentence Framework Bill, with the following reservations:

Evidence from victims should be used to assist both the Correctional Supervision and Parole Board in determining the conditions of parole, rather than determining parole itself.

Evidence from significant other persons working or interacting with the victim and his or her family must be available to the "Correctional Supervision and Parole Board" where it is available and appropriate. Parole conditions should take into account the safety and wellbeing of the victim and the family.

The victim, or the next of kin of a deceased victim, should be given information about where and how to inform a parole officer should the offender violate parole conditions. Local police stations should be informed by Correctional Services of all released parolees in their area. The local police station should serve as the reporting body when reporting is a condition of parole and the place of reporting if a released offender violates his or her parole conditions. The latter service should be available 24 hours a day.

The Commission recommends that judicial officers should assess, and take into account, the offender's knowledge, use and manipulation of the particular victim's vulnerability for the purpose of sentencing. It also recommends that uncontested victim impact statements be admissible evidence on production thereof. If the contents of a victim impact statement are disputed, the author and/or the victim will unfortunately have to be called as a witness. The Commission endorses the recommendation contained in the Report on Sentencing that the proposed Sentencing Council facilitate and establish a programme of judicial education on sentencing and recommends that judicial officers receive appropriate training and information on the potential impact of sexual crimes on victims generally.

The Department of Correctional Services should keep the victim, or the next of kin of a deceased victim, informed of decisions made in relation to both parole as such and the conditions of parole. In the light of the significance which information on the impact of a sexual offence might have, the Commission recommends the introduction of a legislative provision that directs the consideration of such information by the court for sentencing purposes, rather than allowing the court to use its discretion about whether or not to consider the information. The Commission recommends the inclusion of such a clause on victim impact statements, in either oral or written form, in the Sentencing Framework Bill.

When and who can prepare a VIS

A victim impact statement is given to the court after a person has been convicted and before sentence is passed. The victim or representative of the victim must advise the State Prosecutor if he or she wants a victim impact statement to be presented in court. The VIS can then be prepared. Either the State Prosecutor or the victim can make the arrangements in this regard. For example, the victim may wish to write his or her own statement or may prefer the statement to be prepared by a counsellor or criminologist. A copy of the statement must be made available to the State Prosecutor at least five days prior to the trial.

For the purpose of this section, the guidelines provided for New South Wales are followed because the application of victim impact statements in South Africa follows a similar pattern. According to the Victims of Crime Bureau of New South Wales (1999:1), the following people can make a victim impact statement:

A primary or direct victim who is either; a person against whom the offence was committed and has suffered personal harm as a direct result of it, or a witness to the act of actual or threatened violence, the death or the infliction of the physical bodily harm concerned and has suffered personal harm as a direct result of the offence.

It can also be a family member who is either; the victim's spouse, or the victim's de facto or same-sex partner who has lived with the victim for at least two years; or a parent/guardian or a step-parent of the victim; or a child/stepchild of the victim or some other child of whom the victim is the guardian; or a brother/sister/stepbrother/stepsister of the victim. It can also be a representative of the victim.

A victim impact statement is normally presented to the court after the offender has been convicted and found guilty and prior to sentencing. The task of a forensic criminologist is thus to present the report in such a manner that the presiding officer has a better understanding of the victim's experiences and the effect of the crime on this individual. This is an enormous responsibility and the task should not be taken lightly. The victim impact statement allows the representation of the victim in such a manner that they are given back a measure of the "power" that was taken from them by the offender. This empowerment can help the victim in his or her recovery process – provided it is done in a sensitive manner. More than merely presenting a scientific report to the court, the criminologist has the responsibility of conducting the investigation in an objective, empathetic and ethical manner.

UNIT 11: THE WAY FORWARD

Future developments in Victimology

The study of victims of crime and victimisation per se has become an area of growth in the discipline of Criminology. Since the 1970's there has been an increase in victim surveys and in studies regarding the impact of crime on its victims. In addition attention to victim needs and support services for victims of violent crimes as also been receiving more attention by government agencies and policy makers. While earlier work by victimologists was mainly theoretical, trying to explain crime and the victims' role in it, a new focus for Victimology is taking shape, namely to assist crime victims, alleviating their plight and affirming their rights. This interest in the victim can be seen in both research and action as presently a great variety of aspects taking place during criminal victimisation is being studied in South Africa and abroad (Davis & Snyman, 2005:352-364).

In the opinion of many academics and practitioners, Victimology in South Africa still needs to make the shift from theory and policy to practice. Research needs to underpin legislation and policy changes. Researchers and practitioners should also collaborate more to provide expert-informed services to victims.

Foot note

In light of the above – where do **you** see yourself as a potential Victimologist in the service of humanity? It is our sincerely hope that this course in Victimology has given you some food-for-thought and will assist you in making informed decisions about your future.

Best of luck with your future endeavours as contributing citizens of our country!