

Barriers to and Consequences of Reporting Rape in a Rural Community of Zimbabwe

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Abstract

The purpose of this study was to investigate the barriers to and consequences of reporting rape in Hurungwe District, a rural community located in Mashonaland West Province of Zimbabwe. The researchers used the qualitative research paradigm to enhance participants being studied to give richer answers. The target population was the rural community with men, women and children being included in the study. A sample of 17 participants was selected using the convenience sampling technique. Findings identified the following as some of the reasons for under reporting of rape cases; improper definition of rape, fear of victimisation, poor action by law enforcement agents because they are not well capacitated, protecting the perpetrator and long distance to the reporting centres. The researchers recommended extensive awareness campaigns through a multi-sectoral approach, protecting survivors, capacitation of law enforcement agents, establishment of community child friendly centres and heavily punishing those who protect perpetrators of sexual violence.

Keywords: Rape, Survivor, Perpetrator, Barrier, Consequence, Rural Community.

1.0 Introduction

Human rights activists and governments worldwide have spoken out strongly against sexual violence against women. Reports on rape are being made in the media on daily basis. Statistics have shown that the majority of perpetrators of rape are close relatives and it would appear that many of these cases are going unreported. Despite the cases that claim media attention from time to time, scholars agree that interventions to curb the crime of rape will not be very effective because of under reporting. This study, therefore, focuses on reasons why the majority of rape cases go unreported.

2.0 Background

In Zimbabwe, a crime of rape is committed by a male on a female and it covers a situation where the male has non-consensual vaginal or anal sexual intercourse with a female. Section 65 of the Criminal Law and Codification Reform Act, Chapter 9:27 also states that a girl under the age of 12 is irrebuttably presumed to be incapable of giving consent to having sexual intercourse. If a man engages in vaginal or anal sexual intercourse with a woman who is mentally challenged with or without her consent, he is also bound to be charged with the crime of rape. It, therefore, follows that there are three situations in which the crime of rape can be committed in Zimbabwe. Firstly, if a man has vaginal or anal sexual intercourse with a woman without her consent. Secondly, if a man has vaginal or anal sexual intercourse with a girl under the age of 12 with or without her consent. Finally, if a man has vaginal or anal sexual intercourse with a woman who is mentally challenged with or without her consent.

The Protocol on the Multisectoral Management of Sexual Abuse and Violence in Zimbabwe (2012) describes statutory rape which refers to an act of sexual intercourse between two people, one of whom is over the legal age of consent and the other one who is under the legal age of consent. The legal age of consent to sex in Zimbabwe is 16 years, and recently, gender activists have been advocating for the legal age of consent to be raised to 18 years. Whilst the act does not require the overt or visible use of force, threats or coercion, it is still based on an assumption that the younger participant lacks the developmental capacity to provide consent. It would seem statutory rape is the most under reported one, particularly in rural communities of Zimbabwe.

When it comes to penetration, there is also what is known as legal penetration. In legal penetration, a man does not have to make a visible damage into the woman's vagina or anus as he rapes her. If he ejaculates his sperms into the vagina or anus of the woman without breaking, that is considered as rape. The crime of rape carries with it a life imprisonment or lesser. Sadly, it would appear several woman are not aware of these various forms of rape discussed above which could be the reason why the majority of these cases are going unreported.

That women are being raped in Zimbabwe is not an indisputable fact. The National Baseline Survey on the Life Experiences of Adolescents (2012), for instance, reports that almost one third of females (32.5%) aged 18 to 24 years reported experiencing sexual violence in childhood. The same study further highlights that of the respondents aged 13 to 24 years, approximately 9% of the girls reported experiencing sexual violence in the 12 months preceding the survey and approximately 9% of the girls aged 13-17 years reported that they had experienced physically forced sex in the past 12 months. The Zimbabwe Demographic and Health Survey 2010-

2011 (ZDHS) also offers some saddening statistics on the prevalence rate of sexual violence in Zimbabwe. It notes that approximately 27% of women reported to have experienced sexual violence at some point in their lives and at least 22% of the women who ever had sex reported that their first sexual intercourse was against their will.

Rape is a unique crime, representing both a physical and psychological violation and more often than any other crime, the victim can experience reporting as a form of re-victimisation (Kelly, et al, 2005). This could be the reason why the majority of these cases are going unreported, particularly in the rural communities where the majority of people are not conversant with their legal rights. To support this notion, Walby and Allen (2004) also state that the number of reported cases of rape are lower than both incidence and prevalence rates, since rape remain one of the most under reported. It is not an indisputable fact that the majority of these cases are going unreported because of various reasons which this research seeks to unearth.

In their study, Kelly et al (2005) made an interesting finding on the location in which the majority of these rape cases are taking place. Their findings revealed that the most common location in which rape took place was a public place (32%), followed by the victim's home (24%) and the perpetrator's home (19%), with vehicles representing 6%. In the area under study, in the year 2014, the most common location in which rape took place was in the home (62 cases), in the bush (37 cases), to and from school (5 cases) and other places not specified (9 cases). According to a report by the Adult Rape Clinic (unpublished document), the majority of the perpetrators of sexual assault in the year 2009 were relatives or neighbours (67%), strangers (22%) and others not specified (11%). The modus operandi which is being used are weapons or threats of violence, fraud and deception, e.g. healing sessions-traditional healers and prophets. In rural areas, some reported cases of unlawful entry have been linked to rape cases.

Rape is one such offence that exposes women to many risks which include HIV and AIDS, unwanted pregnancies among some other things. Women, and in particular the girl child, needs to be protected against this form of sexual abuse but unfortunately, it would appear that those who should be protecting the children are at times contributing towards the violence against the girl child, either actively or passively. As highlighted earlier, perpetrators are commonly close relatives, for instance fathers, uncles, cousins, brothers. Neighbours have also been noted to abuse the girl-child.

In the Sunday Mail (6 March 2014), Kahiya, a child activist claims that there are situations in which family members are protecting perpetrators of child abuse. Allegations have also been raised against family members who fail to caution and counsel girls whose behaviour expose them to potential rapists. Some communities, for instance in the area under study, have been known to be silent when they hear or witness this form of sexual abuse. Consequently, the majority of these rape cases, in particular against the girl-child, are going unreported. Some schools of thought have suggested that there are situations that should be recognised that exposes the girl-child to this form of sexual abuse.

The number of women and children who have suffered from gender based violence is far higher than what is reported (Zimbabwe Demographic Health Survey, 2010 -11). Girl children drop out of school, teenage marriage and pregnancies are still frequent, there are many complications due to early pregnancy and diseases like sexually transmitted diseases, HIV and AIDS. While several studies have revealed the magnitude of abuse and exploitation of the girl child, scholars and gender activists agree that all the challenges of the girl child cannot be addressed as long as violence is shrouded in silence. Available data is very limited for a problem of this magnitude because of the culture of silence and absence of evidence. For instance, the Zimbabwe National Gender Based Violence Strategy (2012-2015) states that documentation of gender based violence is scanty and leaves a lot to be desired.

3.0 About the study

According to the Zimbabwe Demographic Survey (2010-2011), at least 28 percent of the women who had their first sexual encounter before the age of 15 report that the sex was forced against their will. Cases of rape by close relatives have also been reported in the media and have become a challenge in Zimbabwe. The girl child can be seen not going to school and early marriages are common. Surprisingly, it would appear the majority of these cases are going unreported. Zimbabwe has gone further, by establishing a section that specifically deals with gender based violence within police organisation, known as the Victim Friendly Unit (VFU). The Unit is comprised of friendly police officers who are trained to handle victims of gender based violence, yet survivors of gender based violence are failing to report cases of rape to the VFU. Whilst some may claim they are afraid to go to the Police, there are sections like the Department of Social Services and Non-Governmental Services like Justice for Children Trust or Child line, which deal with child abuse cases where reports of this nature can be made, yet, the majority of rape cases seem to be going unreported. For instance, the Zimbabwe Demographic and Health Survey (2010-2011) indicated that only 20 % of women who experienced sexual violence and 37% of women who experienced physical violence sought help during the period under study. The current study, therefore, sought to investigate the barriers to and consequences of reporting rape, using Hurungwe District as a

case study.

4.0 Methodology

4.1 Research Setting

The study was carried out in Hurungwe District, located in Mashonaland West Province, in central northern Zimbabwe. It is located approximately 85 kilometres by road, northwest of Chinhoyi, the nearest large town, and the location of the provincial headquarters. This location lies about 200 kilometres, northwest of Harare, Zimbabwe's capital and largest city. Hurungwe District borders with the Republic of Zambia, about 170 kilometres, northwest of the town of Karoi. Hurungwe District has a population of 361 370 people and of these, 187 160 are males and 179 210 are females (Mutanana and Bukalia, 2015). Of note is the fact that there are sections that deal with gender based violence in the community, chief among them is the Victim Friendly Unit-a unit specifically designed by the Zimbabwe Republic Police to deal with cases of child abuse, the Ministry of Women Affairs, Gender and Community Development, the Department of Child Welfare, Family AIDS Caring Trust (FACT) among others. Non-Governmental Organisations also visit the area to carry out some workshops, for instance the Justice for Children Trust. However, their impact may be described as below standard given the fact that their operations are centralised in Harare Province, the capital city of Zimbabwe.

4.2 Research Methods

The researchers used the qualitative paradigm in this study because it allowed the subjects being studied to give 'richer' answers to questions put to them by the researchers. Olds et al (2005) posits that qualitative research is characterised by the collection and analysis of textual data e.g. surveys, interviews, observations among others. The qualitative research also seeks to understand a given research problem or topic from the perspectives of the local population it involves (Mack et al, 2005). Qualitative methods also have the advantage in that through using open-ended questions and probing, meaningful and culturally salient information is obtained. The researchers also considered the literacy level of the people in the area under study which was generally noted to be low. This design enabled the researchers to get quality data through contact with the people concerned. The discussions were valuable as participants were able to express themselves in the language and in terms that were meaningful to them.

The study population consisted of all the people living in Hurungwe District, Mashonaland West Province and the participants included both adults and children. A convenient sample of 17 participants was selected from the area under study. This consisted a focus group discussion (FGD) of 4 women, 3 men and 5 girls. Focus group interviews are moderated group discussions (with 8-12 people) on a particular issue (Randolph, 2007), in this case the barriers to and consequences of reporting rape in a rural community of Zimbabwe. Five key informants were selected from religious leaders, health personnel, education, traditional leader and the VFU for in depth interviews. Interviews are mostly used in qualitative research to collect research related information (Cohen et al, 2007). Interviews also add depth to a study by allowing the researcher to probe deeper into the problem under investigation (McMillan and Schumacher, 2000).

The researchers used convenience sampling in selecting the subjects who participated in the study because it consists of participants who happen to be in the right place at the right time. Convenience sampling, or as it is sometimes called, accidental or opportunity sampling, involves choosing the nearest individuals to serve as respondents and continuing that process until the required sample size has been obtained or those who happen to be available and accessible at the time (Cohen et al, 2007).

4.3 Study Limitations

The study was restricted to Hurungwe District in Mashonaland West Province and it was focused on the barriers to and consequences of reporting rape in Hurungwe District. The results may not be generalized to other areas of Zimbabwe, but they will still remain a true reflection of the reasons why cases of rape are under reported.

4.4 Data Analysis

Data analysis involved grouping the findings according to themes as it emerged. Interpretation and inferences were made based on participants responses. Quantitative approaches were also adopted and used to present research data.

5.0 Findings and Discussion

Research findings revealed that the majority of people in the community think that rape is only rape when there is an element of violence. A key informant noted, "*Generally people get to know about their rights through the media. We are in a rural community, and as such, newspapers reach the community once in a while. Unlike in town or a city, the majority do not have access to televisions. To this end, they are not well educated on what*

constitutes rape.” Upon being interviewed, many participants indicated that one is raped forcibly. Asked to comment on statutory rape, rape by fraudulent means and legal penetration, nobody could give a clear definition on these. What it shows is that they only think that one is only considered to have been raped if there is an element of violence.

The communities, particularly those in the rural areas, are not well educated on the various forms of rape. They do not understand what constitute rape, and if they are raped they do not report. Perceptions among the victims that what happened to them is not rape may cause them not to report. This finding is in line with Walby and Allen (2004)’s findings which revealed that less than half (43%) of women who had been, since the age of 16 subject to an act that met the 1994 legal definition of rape thought of it is rape. The majority of women are likely to report it as rape if they sustain injuries. For instance, in their research from North America, Bachman (1998) and Estrich (1987) found out that when rape results in physical injuries to the victim and or a weapon is used, the victim is more likely to report the crime. What it shows is that some are not aware of their rights. Sadly, most rape cases do not involve weapons. For instance, Ruparel (2004) found out that in over 90% of 5100 cases of rape reported to the Metropolitan Police Service (MPS) over two years 2001/02 and 2002/03, no weapon was used or implied. What it shows is that some may not report because of improper definition of rape.

The researchers also observed that there is one organisation that deals with the rights of the girl-child; CAMFED. Given the population in Hurungwe district, this organisation cannot handle all the issues involving the girl-child alone. Another key informant also agreed with this observation and stated that in Zimbabwe, there are several organisations that deal with the rights of the girl child. These include the Girl-Child Network, Child line, Save the Children Zimbabwe and Justice for Children Trust. These organisations are located in bigger cities, for example, Harare, the capital city of Zimbabwe, Bulawayo the second capital city of Zimbabwe and some other towns. Awareness campaigns are carried out mainly in towns, exposing the girl-child in the rural community to various forms of abuse, rape by close relatives being one of them.

Some cases are not reported because survivors are afraid to be further victimised. A survivor of sexual abuse gave her account of the event, *“I was raped by my step-father. After he had raped me, he threatened to kill me if I expose this abuse.”* Another survivor claimed that she is an orphan and is staying with her uncle (her mother’s brother). She could not make the report because the perpetrators relatives clearly stated that no-one would take care of her if the uncle was to be sentenced. The researchers observed that Hurungwe district does have a children’s home, but it is over-whelmed. It cannot take care of all the victims given the prevalence rate of these cases. Another respondent commented, *“Many people are afraid of being victimized by perpetrators and the shame attached to the abuse.”* There is that stigma and discrimination attached to sexual abuse. For instance, a key informant gave an account of a student who could not participate well at school as fellow children would laugh at her. The student had been raped by her uncle, and eventually she had to be transferred. What it shows is that some reports of rape are not coming to the police because the survivors fear to be further victimised.

This corresponds to a research by Keller et al (2005) who claim that some victims do not report to the police due to fear of public disclosure. Stigma and discrimination attached to sexual abuse has resulted in some failing to make reports of rape to the police. Williams et al (2009) also observes that complainants themselves can decide to withdraw a rape allegation for a variety of reasons which can include fear of being disbelieved, fear of further violence and lack of emotional strength among some other things. A key informant also noted that survivors of rape are often viewed as having been ‘spoiled’. For the Adult Rape Clinic (unpublished), they are socially devalued (seen as less whole, good, clean or important than before, blamed for what has happened and seen as having been shamed. Consequently, it leads to discrimination against them by others which eventually results in them withdrawing from aspects of participation in society, or seeking to conceal rape. In relevant example from qualitative research on child sexual abuse in Windhoek, Namibia a community worker is quoted as saying, *“Children who have been sexually molested are treated like people with leprosy. They suffer stigma. They are isolated in the community as if they are guilty”* (Adult Rape Clinic, unpublished). What it shows is that gender norms and expectations of the society under study dictate that rape prevention is the responsibility of women. Some believe that men have uncontrollable sexual desires, and when aroused they are compelled to have sex, meaning to say they are victims of their own sexual desires. Consequently, women must behave themselves in dressing and move in ways that do not provoke desires in men. Those that dress and move in ways that arouse the sexual desires of men are shameless and must face the consequences.

Some participants bemoaned poor law enforcement when cases of sexual abuse are reported. A key informant, attached to the VFU denied these allegations stating that the Zimbabwe Republic Police organisation introduced the VFU to specifically deal with cases of child abuse and domestic violence. VFU officers are found at police stations, at district level, provincial level and at national level. These are operatives specifically assigned to ensure that cases of sexual abuse are investigated within 48 hours. The VFU has introduced a fast tracking system, where cases should be cleared within 72 hours at the Magistrate court. The key informant strongly felt some of these perceptions have to do with ignorance by the community, as the organisation has taken a paradigm shift in handling cases of child sexual abuse. However, some key informants alleged that the

VFU is not well capacitated with resources like transport and enough manpower to deal with the high prevalence rate of rape cases in the area, an allegation that the key informant from the VFU could not deny.

Kelly et al (2005) suggests that a significant number of cases are dropped early on an investigation, before any suspect is arrested and long before prosecution is brought. This may affect the confidence of the victims of rape, and may choose not to report. In a similar study, the Centre for Victims of Sexual Abuse (2007) found out that some women cited lack of trust in the police or the justice system as a reason for not reporting. In a study carried out by the Amnesty International (2009), findings revealed that some participants who had reported their cases of rape to the police found reporting the rape and their subsequent interrogation by the police to be an unpleasant experience because they were forced to confront and talk about the sexual violence they had suffered. Mashiri (2013) observes that, collectors are often not trained properly and do not know how to make interviewees feel comfortable. To this end, it can be noted that poor action by law enforcement agents can result in under reporting of cases of rape.

In some cases, perpetrators of abuse are protected, either because they are the bread winners or the family would like to preserve the family name. A parental guardian, who is the mother of the survivor narrated her account of events, *“My brother raped my child. My husband was so angry and accused me of bringing my brother to our house so that he would rape our child. When I reported the case to the police, my mother would not have none of that. She was accusing me of sending my own blood to jail. I was confused.”* A key informant noted, some of these cases are not reported because the perpetrator, who is the relative of the survivor cannot be sent to jail. Another respondent was of the view that this is done to protect the family name. As such, these cases are treated as a family affair.

This finding corresponds to some studies which have been carried by Feist et al (2007) and Lea et al (2003) who discovered that the closer the relationship between the victim and the perpetrator in rape cases, the longer a victim is likely to take to report the offence. A group participant noted that many of these reports take long to be reported because they have to be reported at family level first. Myhill and Allen (2002) agree with this finding when they state that rape cases perpetrated by strangers are more likely to be reported to police than those perpetrated by someone known to the victim. This is also supported by Harris and Grace (1999) who suggested that a prior relationship of some sort between the complainant and the offender can test the former's willingness to give evidence. To this end, it can be noted that some of these cases are not brought to the police because the victim might want to protect the perpetrator. The Adult Rape Clinic (unpublished document) also notes that the failure of families and communities to hold men accountable for rape contrasts markedly with heavy penalties enshrined in law for anyone found guilty of raping, especially with grievous bodily harm or infection. Zimbabwe is a patriarchal society, as such men are much more powerful than women and consequently, there is a general reluctance to hold them accountable for their actions. As such, families and communities often rally behind men when they have been accused of rape.

Some participants disclosed that many survivors of rape do not report for fear of being disbelieved. For instance, the Adult Rape Clinic (unpublished) notes that very commonly, less than 50% of whom rape would have been committed, disclose to anyone within 48 hours of rape. This shows that fear of disbelief is a barrier, and in some cases gays and lesbians may fear being badly treated because of their sexual orientation. Some participants claimed that sometimes survivors are visited and begged to drop charges and they are threatened with violence if they do not. It also shows that some may not report for fear of revenge.

Hurungwe District has two town centres; Magunje and Karoi Town. The majority of the survivors are located away from these centres and it is in these centres that reporting centres are located. A key informant said, *“The main offices are found in these centres. Yes, the police do have some reporting centres within the community and so does the Ministry of Women Affairs, Gender and Community Development but the biggest challenge is that survivors may even be far away from these centres.”* Consequently, some survivors are failing to report their cases because of the distance between the reporting centres and where they stay.

In their research on gender related programmes, Mutanana and Bukalia (2015) observed that the distance between the location of the offices of programme implementers and the community requires resources such as transport and finance. Thus, the distance between the community and reporting centres is a barrier to the reporting of cases of rape. One of the reasons for transport being important for the development of women in rural areas is that it has an impact on women's access to health services, educational facilities, employment and participating in key decision making forums (Department of Transport in South Africa, 2003). Consequently, the unavailability of transport to take the victims to and from the reporting centres, hospitals and the courts has resulted in many deciding not to report their cases.

6.0 Conclusion

From the findings, the researchers concluded that the following are some of the barriers to and consequences of reporting rape in rural communities of Zimbabwe with specific reference to Hurungwe District of Mashonaland West Province of Zimbabwe. The first one is lack of understanding on the definition of rape. Many people, in

particular those in rural communities, think that rape is only committed when there is an element of violence. The researchers also concluded that many of the rape survivors do not report for fear of further victimisation. They are often blamed for their actions, such as; the way they dress and the way they walk. Poor action by law enforcement agents because they are not well capacitated was also identified as another cause for under reporting of rape cases by survivors. The researchers finally concluded that distance is also a barrier to the reporting of rape cases, as police stations and other relevant offices are located in towns. To this end, survivors may fail to report cases of rape.

7.0 Recommendations

Basing on these conclusions, the researchers recommend that serious awareness campaigns must be carried out in the rural communities educating them on the various forms of rape and the critical need to report rape cases. Survivors of rape must be protected at all cost. Non-governmental organisations that are located in towns must be decentralised to rural communities. Hurungwe District, for instance, is considered as a black spot when it comes to the prevalence rate of sexual offences, yet there is no single organisation located within the district to deal with sexual violence against women. Organisations that are known for fighting sexual violence e.g. Musasa Project, ZWLA, Justice for Children Trust, Child Line just to mention but a few are located in big towns and cities leaving children and women in rural communities exposed to this heinous crime of rape. Law enforcement agents must also be capacitated with enough resources like transport and manpower to ensure they act timeously. Community child friendly centres need be established to enable easy access for the reporting of rape cases. On the other hand, those who protect perpetrators of rape must face the full wrath of the law, such as long imprisonment in order to deter the would-be rapists.

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