CHAPTER SIX FINDINGS AND RECOMMENDATIONS

6.1 INTRODUCTION

This chapter provides a summary of the various chapters, major findings of this study in respect of the goals and some recommendations based on these findings.

6.2 KEY FINDINGS

6.2.1 The crimes

In this study, the researcher found that sexual crime against children in Gauteng, is a concern. This is owing to the fact that what is being done is not enough to reduce its persistent increase over the years.

In an analysis of the biographical data of the victims and the perpetrators *vis-a vis* the crime accused of, it was found that child rape was more frequent in 2002 in Gauteng than the indecent assault of children. This finding is indicated in table 2.4, hence drawing a conclusion that a child is more vulnerable to rape than indecent assault especially if the perpetrator is an adult.

This study reveals that rape and indecent assault of children occurs more at the beginning and end of the month. These results are plausible because salaries are paid at these times of the month. Perpetrators are probably more likely to spend more on alcohol and spend more time outdoor drinking and partying. The researcher also found that these crimes are mostly committed in the spring and in the summer months, when the weather favours outdoor activities. Findings also indicated that these crimes mostly occur over weekends and take place between 6pm and 10pm. These crimes are mostly committed in the houses of the perpetrators. The perpetrators use sex organs to commit the crimes.

It must, however, be pointed out that many features of sexual child abuse, as set out in the literature were evident in this study. For example the family involved in these crimes came from across the socio-economic spectrum and from a wide range of cultural backgrounds. Child sexual victimisation was found to start at an early age with many days, months and sometimes years of secrecy involved.

Hypothesis and findings

In the empirical study, the researcher found a relationship between the crime accused of and the status of the status of the case, the age of the perpetrator, marital status of the offender, relationship between the victim and the perpetrator, the motive of the crime, how the crime was committed, restraining order issued and the outcome of the case. This is presented in table 6.1 below.

Table 6.1 Hypothesis and findings

| Hypothesis | Findings |
|---|---|
| Hypothesis 1: | Ha: The status of the case was found |
| The relationship between the status of | to be related to the rime accused of. |
| the case and the crime accused of. | This is shown in table 2.5. |
| Hypothesis 2: | Ha: The age of the perpetrator was |
| The relationship between the age of | found to be related to the crime |
| the perpetrator and the crime accused | accused of. This is shown in table 3.2 |
| of. | |
| Hypothesis 3: | Ha: The marital status of the |
| The relationship between the marital | perpetrator was found to be related to |
| status of the perpetrator and the crime | the crime accused of. This is shown in |
| accused of. | table 3.6 |
| Hypothesis 4: | Ha: The relationship between the |
| The relationship between the victim | victim and the perpetrator was found |
| and the perpetrator and the crime | to be related to the crime accused of. |
| accused of. | This is shown in table 3.9 |
| Hypothesis 5: | Ha: The motive of the crime was found |
| The relationship between the motive of | to be related to the crime accused of. |
| the crime and the crime accused of. | This is shown in table 3.11 |
| Hypothesis 6: | Ha: How the crime was committed was |
| The relationship between how the | found to be related to the crime |
| crime was committed and the crime | accused of. This is shown in table 3.20 |
| accused of. | |
| Hypothesis 7: | Ha: Restraining order issued was |
| The relationship between restraining | found to be related to the crime |
| order issued and the crime accused of. | accused of. This is shown in table 4.2 |
| Hypothesis 8: | Ha: The outcome of the case was |
| The relationship between outcome of | found to be related to the crime |
| the case and the crime accused of. | accused of. This is shown in table 4.5 |

6.2.2 The perpetrators and the victims

The study excluded once-of incidents of rape by family members. In this study the vast majority of perpetrators were neighbours and strangers. Perpetrators used a range of physical threats and other forms of coercion to maintain secrecy.

Socio-economic problems such as poverty and inadequate housing were found to be an associated problem that facilitates child rapes and impedes efforts to address it.

Modus operandi of perpetrators

In this study, particular *modus operandi* used by perpetrators of rapes and indecent assaults, were scrutinised. This study found that perpetrators often threaten to kill victims in an attempt to reduce resistance and avoid disclosures. In most of the cases, victims were threatened with firearms and knives. This study also found that perpetrators use accomplices to lure victims to a comfortable place before raping them. In this case, perpetrators mostly used a female friend of the victim.

Concealment of evidence was found to be a *modus operandi* used by perpetrators to destroy any evidence that may link them to the rape. In this regard, perpetrators force their victims to take a bath after the rape and before leaving the scene of the crime.

The researcher also found that perpetrators used gang rape. This was to assist them with the rape. They anticipate resistance from the victims, therefore perpetrators assist each other by holding the hands and opening the legs of the victim. This is to ease the rape or assault for the perpetrator while they are in action.

Finally, in this study the researcher found that a child rape process begins with the manipulation of the victims. If the victim does not respond, physical abuse and threats to kill the victim will follow. Generally, the perpetrator grabbed, pulled, pushed, assaulted threatened, undressed victims and then raped them. Therefore, if a girl is grabbed, pulled, threatened, the next thing she should expect is rape.

6.2.3 Adjudication

Investigation

In this study, it was found that the police do not properly investigate sexual crimes against children. The study found that more than half of the cases of rape and indecent assault reported to the police were withdrawn. The study also indicated that more child rape cases were withdrawn than indecent assault cases.

In this study, the researcher found that the poor adjudication of sexual crimes against children could partly be a reason why these crimes are increasing. In this study, it was found that the court, in 66 cases (92.96%), issued no restraining order. The study also revealed that 55 cases (71.45%) were withdrawn or thrown out of court, either because of lack of evidence, poor investigations or procedural errors. In terms of sentences imposed, only three cases out of 96 were finalised, with a conviction and eventual sentence. This situation can be described as the criminal justice bottle neck whereby many cases are reported, but the numbers are reduced when the perpetrators are arrested, charged, prosecuted and sentenced.

This study reveals that, despite all the initiatives that have been put in place, the criminal justice system remains ineffective in policing sexual child abuse cases and is even hostile towards abused children. Policies that are in place to ensure a multi-disciplinary and co-ordinated response to sexual child abuse are poorly implemented, if at all.

The low conviction rate in this study suggests very limited liaison, if any, between the police and the prosecutor. This result in delays when cases are finalised as cases are often postponed due to incomplete investigations or witnesses not found. Hence cases are withdrawn or thrown out of court.

This study also revealed that the police unduly exercise discretion when dealing with cases that involve teenagers below the age of 16. The result is that cases not being accepted or not properly investigated. If a teenager reports a case of abuse by a boyfriend, the case is disregarded because the girl is considered to be sexually active.

The withdrawal of cases is a serious flaw in the policing and the possible prosecution of sexual abuse cases and the rate of withdrawal of cases are unacceptable. It was found that, the relocation of victims and perpetrators to different informal settlements make it difficult for police to trace perpetrators and make arrests and investigate.

The entire study found that there is a very serious problem within the criminal justice system regarding the investigation and adjudication of child sexual offence cases by the police and the courts respectively. Considering the number of cases that were withdrawn, the numbers of perpetrators that were not found, the number of cases that were outstanding and the very few cases that were finalised with sentences, it leaves much to be desired in the system.

6.2.3 Prevention

In this study, the researcher found that sexual crimes against children in South Africa is on the increased. This increase was found to be because the preventive strategies put in place is not enough to deter potential offenders. The study found that that the laws (Acts) to deal with offenders and protect victims and potential victims are flaw. Thus is increase d in sexual crimes against children indicates that all the measures available to prevent child sexual abuse are futile in South Africa.

6.3 RECOMMENDATIONS

In view of the high rate of rape found in this study, it is important for parents to keep an eye on their children over weekends, the beginning and the end of the month, when these crime are most common. Parents must thus not send their children for shopping, especially from 6pm on weekends and at the end and beginning of the month. Adolescent girls must avoid accepting outings from male friends over weekends. Young girls must walk and visit in groups over weekends.

Regarding the *modus operandi* used by perpetrators, it is wise to suggest that children, especially adolescence girls, be very careful when being asked by a female friend to accompany her to a male friend's house. When a friend tells them to attend a party that they do not know of, they must also be very wary. This is to avoid any set-up.

Victims are also advised not to take a bath when asked to do so by the perpetrators. If they are forced or threatened to do so, they should not wash or touch their private parts, and immediately go to the nearest police station or clinic/ hospital so that forensic evidence can be collected.

Joint investigation

Joint agency co-operation between professionals who attempt to unravel and work with the complex issues of sexual child abuse is not a new practice. In most cases it has taken place on a random basis, depending on who receives a referral, the relationships between individuals with organisations or between different organisation, and the nature of the referral.

It must, however, be underscored that the fundamental principle that personnel in an organisation must understand and accept regarding child sexual abuse cases, whether directly or indirectly involved, is that the primary aim of a joint investigation is the welfare and protection of the child victim. Other specific aims such as arrest and prosecution, although important in this regard, are secondary.

Open communication and close co-operation between police and social services is essential if joint investigation is to be effective. A great deal of issues and concerns must be addressed before it is even remotely possible to begin to agree to policies and procedures let alone implement those into a realistic working practice.

Joint investigations will require the forging of a close relationship between agencies that have in the past worked separately and autonomously. Such a relationship requires mutual respect, support and trust and the recognition that issues or problems can be discussed and solved, and that there exist the desire to do so. This researcher believes that this type of working relationship can be achieved through positive and constructive communication.

Procedure for joint investigation

There are two keys for the successful joint working practice of this suggestion: flexibility and open consultation:

It is acceptable that both social services and the police or courts have different working guidelines and practices, differing responsibilities and resources and different long-term goals. In order to encompass these diversities, it is imperative that a flexible approach be adopted, which comply with an open exchange of views, which will allow both organisations to function in a complementary fashion.

It must also be pointed out that the success of this joint investigation lies in the acknowledgement of differing responsibilities, while identifying and adhering to the primary aim: the welfare of child rape victims and any other children who are at risk of sexual abuse. The researcher therefore suggested the following procedural guidelines for joint investigation:

Referrals

Cases of sexual child abuse come to light in many ways. Who ever report a disclosure, allegation or suspicion of sexual abuse, the procedure for dealing with a referral is that both primary investigative agencies (social services and police) are informed as soon as possible. If a police official receives the referral first, they should inform the child protection social services at the earliest available opportunity. Where social services receive the initial referral, it should again be routed through to the police, who have the responsibility to open an investigation.

Selection of investigators

One trained social worker and one trained police officer should be appointed as joint investigators to handle a case. A social worker and a psychologist should be assigned to all police stations to work in conjunction with the police investigators in child sexual offences.

Finally children or girls should be on guard and avoid circumstances that would put them in the midst of boys. They should try to scream or escape when they are grabbed and pulled by anyone.

6.4 SUGGESTIONS FOR FUTURE RESEARCH

A quantitative and qualitative study needs to be done on perpetrators of child sexual crimes in order to obtain first hand knowledge of their *modus operandi* and experiences. The child victims need to be studied to ascertain the impact of the crimes. These in-depth studies are essential to extend criminological and victimological knowledge of the perpetrators and victims of sexual crimes against children.

Other important aspects touched on by this study that need further scrutiny includes, police investigations considering the fact that only 96 dockets were completed and available for analysis in 10 police stations in one calendar year. The reluctance or incompetence of police to investigate certain cases of sexual child abuse and why only about 10 percent of cases that were reported ended up in court. The reaction of prosecutors to child sexual offences cases were also discussed the processes they follow to decide which cases to prosecute and which cases not to prosecute. More importantly, the disparities in sentencing of offenders need severe and thorough analysis.

6.5 CONCLUDING REMARKS

From this study, it is evident that sexual crimes against children is a major problem in South Africa and in particular in Gauteng. It is therefore essential to conduct regular research on child sexual crimes, regarding its reporting, investigations, adjudication, sentencing and prevention. Champion (2000:68) indicates that research advances knowledge and raise levels of certainty why events, that are of interest to mankind, occurs in the way they do. Thus a criminological understanding of child sexual crimes needs regular study to shield the innocent, harmless and vulnerable children who are tomorrow's leaders.

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