

REASONS FOR NON-REPORTING IN CASES OF SEXUAL VIOLENCE

Submitted by the Child Witness Institute

KEY CONCEPTS	
Non-Reporting	Sexual violence
Reactions of Rape Victim	Non-Disclosure
Behaviour of Rape Victim	Impact of Sexual Violence

From the available research and statistics it would appear that delayed reporting, or none at all, would be the norm in cases of sexual violence. Sexual violence is a crime that is unique in terms of the way victims respond to it and the way it is viewed by society. The way the crime is perpetrated, the impact which the crime has on the victim and society's response to it are intrinsically linked to whether a victim will report the crime or not. It is the very nature of the crime itself that prevents victims from disclosing or reporting acts of sexual violence. Delay in reporting or non-reporting is, in fact, seen to be a hallmark of sexual assault.

Research indicates that the reasons for non-reporting are complicated. There are a wide range of reasons people don't report their experiences with sexual violence to authorities and, often, even hide them from friends and family members.

This following is a summary of available research on the reasons why victims of sexual violence do not report cases of this nature.

1. REASONS FOR NON-REPORTING

Crimes of sexual violence are violations of an extremely intimate nature, the impact of which has both short term and long term implications that can have a profound effect on the lives of the victims. By its very nature, it is a crime that is fostered by secrecy and promotes non-disclosure, as can be seen from the available statistics above.

The majority of sexual violence crimes are not reported and the reasons therefore are manifold. Many studies have been conducted on the non-reporting of crimes of sexual violence and these are briefly summarised here.

- 1.1.** The relationship between the victim and the offender has a strong effect on the likelihood of a sexual crime being reported. The closer the relationship, the less likely there is to be a report. Research conducted by Hart and Rennison,¹ found that, when the offender is an intimate partner or former intimate partner, only 25%

¹ U.S. Bureau of Justice Statistics, T. Hart and C. Rennison. 2003. **Reporting Crime to the Police**. 1992-2000.

of sexual assaults are reported to the police. Where the offender is a friend or acquaintance, only between 18% and 40 % of sexual assaults are reported. On the other hand, when the offender is a stranger, between 46% and 66% of sexual assaults are reported.

1.2. The way in which society respond to responses to sexual violence can give rise to shame, humiliation and embarrassment on the part of the victim, which is an important reason why victims do not report these incidents to police.² Weiss analysed statements made by men and women, including 116 females and 20 males mostly under the age of 25, as part of the annual National Crime Victimization Survey and found that many victims expressed shame as part of their description of what happened and why they did not report to the police. For example, a 19-year-old women stated that she was ashamed and felt partly to blame for a male acquaintance raping her because she could not stop him. This draws upon cultural assumptions about how 'good girls' should behave and how 'bad girls' will be judged after rape or sexual assault. Therefore, women fear they will be blamed, disgraced, or defamed and are often too ashamed to report sexual victimization to the police.

Many victims of crime, especially sexual violence, blame themselves for their own victimisation, and this is further entrenched by the responses of people to whom they disclose, making them question what they did and believing that it was their fault.³ This is especially so where the victim feels they are responsible for the assault because they were in a place they shouldn't have been, because they were drinking and a myriad of other reasons.

Sable et al⁴ conducted a study with students at a large, Midwestern university to better understand what they perceive to be the biggest barriers to reporting rape and sexual assault for men and women. Two hundred and fifteen (215) students participated in the research and they rated "shame, guilt and embarrassment," "confidentiality concerns" and "fear of not being believed" as the top three perceived barriers to reporting rape among both men and women.

Another study⁵ revealed that only 18% of the adult women's rapes and only 11% of the assaults of children in the sample were reported. For adult women, the primary reason for not reporting seemed to combine a type of guilt as well as embarrassment.

² Weiss, K. G. 2010. *Too ashamed to report: Deconstructing the shame of sexual victimization*. **Feminist Criminology**. 5(3):286-310.

³ Weiss, K.G. 2013. 'You Just Don't Report That Kind of Stuff': Investigating Teens' Ambivalence Toward Peer-Perpetrated, Unwanted Sexual Incidents. *Violence and Victims*.

⁴ Sable, M.R., Danis, F., Mauzy, D. L., Gallagher, S. K. 2006. *Barriers to Reporting Sexual Assault for Women and Men: Perspectives of College Students*. **Journal of American College Health**. 55(3):157-62.

⁵ Binder, R.L. 1981. *Why women don't report sexual assault*. **J Clin Psychiatry**. 42(11) 437-8.

- 1.3.** A social factor that influences a victim's decision to report is the victim's faith in the police and the criminal justice system in general. Victims fear secondary traumatisation at the hands of the criminal justice system, and this fear is exacerbated by media coverage of the trauma experienced by victims in court.
- 1.4.** Generally, victims of sexual violence cite the following reasons for not reporting a sexual assault:⁶
- 1.4.1. Fear of reprisal
 - 1.4.2. Personal matter
 - 1.4.3. Reported to a different official
 - 1.4.4. Not important enough to respondent
 - 1.4.5. Belief that the police would not do anything to help
 - 1.4.6. Belief that the police could not do anything to help
 - 1.4.7. Did not want to get offender in trouble with law
 - 1.4.8. Did not want family to know
 - 1.4.9. Did not want others to know
 - 1.4.10. Not enough proof
 - 1.4.11. Fear of the justice system
 - 1.4.12. Did not know how
 - 1.4.13. Feel the crime was not "serious enough"
 - 1.4.14. Fear of lack of evidence
 - 1.4.15. Unsure about perpetrator's intent
- 1.5.** Research on the factors affecting the reporting of sexual violence in Gauteng revealed the following:⁷
- 1.5.1. Fear of not being believed or being accused of lying
 - 1.5.2. Feelings of shame, guilt, humiliation and embarrassment
 - 1.5.3. Feelings of pity and love towards the offender
 - 1.5.4. Problems of physical access to police or social workers
 - 1.5.5. Fear of retaliation or intimidation by the offender, especially when combined with a lack of confidence that the legal process will result in a conviction
 - 1.5.6. Fear of legal processes, including experiencing rudeness and poor treatment by the police
 - 1.5.7. Fear of having to relive the trauma in court and during the investigation
 - 1.5.8. Fear of upsetting the stability of the family
 - 1.5.9. Fear of the power and authority of the abuser
 - 1.5.10. Fear of loss of economic support by the abuser
 - 1.5.11. Preference for cultural means of resolving disputes (such as the payment of damages by the offender)

⁶ D. Kilpatrick et al. 2007. Drug-facilitated, Incapacitated, and Forcible Rape: A National Study.; U.S. Bureau of Justice Statistics, Planty, M. and Langton, L. 2013. Female Victims of Sexual Violence, 1994-2010.; Wolitzky-Taylor et al. 2010. Is Reporting of Rape on the Rise? A Comparison of Women with Reported Versus Unreported Rape Experiences in the National Women's Study-Replication.

⁷ Vetten, L. 2014. Rape and other forms of sexual violence in South Africa. Institute for Security Studies.

1.5.12. Fear of ostracism or ridicule by peers

1.5.13. Wanting to avoid the stigma attached to being raped (being labelled as 'damaged')

1.6. Teens who experience unwanted sexual contact rarely report it. Five percent of incidents were reported to police and 25% were reported to other authorities such as school officials or employers.⁸ In the research Weiss found two common reasons why teenagers did not report perpetrators who were teenagers or closely related in age:

1.6.1. uncertainty that the incidents are real crimes or worth reporting, which relates to cultural messages that regard certain situations (sexual coercion by a date, for instance) as a normal or inevitable part of youth

1.6.2. adaptive indifference, which means conforming to group norms that discourage reporting to police, and which Weiss describes as "an avoidance response that allows teens to do nothing, thereby remaining loyal to their friends, dating partners, schoolmates and peer groups"⁹

1.7. Non-reporting is also related to cultural perceptions of rape and rape victims, which influences how serious victims consider the rape to be and whether it deserves to be labelled and reported as rape.¹⁰ Rapes that comply with the stereotype of a 'real rape,' where it is perpetrated by a violent stranger in a non-familiar location, appear to be easier to report compared to those where the perpetrator is known to the victim and where it occurs in a familiar location.¹¹ Because most rapes happen between acquaintances, do not involve physical violence and often take place in alcohol-related situations, these factors would explain why most rapes are never reported.

A review of 28 academic studies, conducted on how often women who have been sexually assaulted do not label their experience as rape, found that 60,4% of 5 917 women who had been raped did not recognise their experience as rape despite the fact that the act complied with the legal definition of rape.¹²

1.8. More recent research argues that non-reporting is viewed as a coping mechanism.¹³ Rape is not seen as occurring in a vacuum – it is viewed as being caused by,

⁸Weiss, K.G. 2013. 'You Just Don't Report That Kind of Stuff': Investigating Teens' Ambivalence Toward Peer-Perpetrated, Unwanted Sexual Incidents. **Violence and Victims**. 28(2):288-302.

⁹ Ibid.

¹⁰ Brennan, I. 2016. When is violence not a crime? Factors associated with victims' labelling of violence as a crime. **International Review of Victimology**. 22(1), 3–23.

¹¹ Ryan, K. 2011. The relationship between rape myths and sexual scripts: The social construction of rape. **Sex Roles**. 65(11–12), 774–782.

¹² Wilson, L.C., Miller, K.E. 2016. Meta-Analysis of the Prevalence of Unacknowledged Rape. **Trauma, Violence and Abuse**. 17(2).

¹³ Brooks-Hay, O. 2019. Doing the 'right thing'? Understanding why rape victim-survivors report to the police. **Feminist Criminology**. 15(2):174–185.

connected to, and affecting the victim's sense of self and control.¹⁴ Huemmer et al¹⁵ found that rape forces a victim to reconstruct a sense of control or agency after the attack and, in the research sample, victims constructed narratives that directed blame and accountability to the 'old self' and enabled them to create a more positive, optimistic 'new self.' Reporting the crime and going through the criminal justice process would thus force victims to re-enact the 'old self' that cannot be separated from the rape. Being unwilling to report or even label the attack as rape is a way of neutralising the process and involves choices and deliberations, thus giving the victim control over the experience.¹⁶ By neutralising the experience, which implies avoiding having to label the act as rape or tell others about it or report it, victims are able to restore normalcy to their lives without becoming entangled in the identity of a rape victim.

It is clear from the plethora of studies on non-reporting of sexual offences as well as the statistics available that the majority of sexual offences go unreported. The reasons for this relates to the specific nature of the crime and the manner in which it is perceived by society. Thus, it is important to accept that non-reporting is a crucial aspect of the very nature of the crime of sexual violence, setting it apart from all other crimes

¹⁴ Huemmer, J. , McLaughlin, B. , & Blumell, L. E. 2018. *Leaving the past (self) behind: Non-reporting rape survivors' narratives of self and action.* **Sociology.** 53(3): 435-450.

¹⁵ Ibid.

¹⁶Weiss, K. G. 2011. *Neutralizing sexual victimization: A typology of victims' non-reporting accounts.* **Theoretical Criminology.** 15(4), 445-467.