



SERIAL RAPE

in South Africa

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Definitions

Corrective rape (also *curative rape*) – a form of rape where the perpetrator’s intention is to “cure” a lesbian of her sexual orientation.

Infant rape – the raping of children younger than one year old.

Jackrolling – the forceful abduction of women in black townships by a gang called the “Jackrollers”, that operated in the years 1987/88 in the Diepkloof area of Soweto.

Lobola (also *lobolo*) – an African custom by which a bridegroom's family makes a payment in cattle or cash to the bride's family shortly before the marriage.¹

Rape – the intentional, unlawful sexual intercourse with a woman without her consent, which includes the penetration of the *labia majora* (outer lips of vagina).² For the purpose of this study, *rape* also includes sodomy (see there).

Sexual assault – The sexual violation, other than rape, of a person without their consent.

Sodomy – the forceful penetration of the anus between males.³

Ukuthwala – a form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman’s family to endorse marriage negotiations.

¹ This is the Nguni term. In other black indigenous languages it is called *mahadi* (Sesotho), *roora* (Shona), *magadi* (Setswana) and *mamalo* (Tshivenda). This report uses the Nguni term.

² Department of Justice. 1998. *National Policy Guidelines for Victims of Sexual Offences*. Available at https://www.justice.gov.za/policy/guide_sexoff/sexoff_guidelines1998.htm.

³ See foot note 2.

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1. Introduction

It is commonly accepted that South Africa is one of the countries with the highest incidence of rape in the world. Over the past two decades, South Africa has been labelled the rape capital of the world on numerous occasions.⁴ This claim is contentious for various reasons, most of which are outlined by the fact-checking organisation Africa Check.⁵ It rightfully points out that 1) the different definitions of rape, 2) the way in which data is collected and 3) the underreporting of rape make data unreliable. This makes it difficult to come to an accurate conclusion about this phenomenon. Nevertheless, the frequency of the claim and the fact that South Africa consistently appears in almost every top-10 ranking in terms of rape per capita point to a major crisis in the country – a crisis that has been around for a long time. The World Population Review recently released a worldwide comparison of female rape statistics expressed as the number of incidents per 100 000 citizens. South Africa is once again at the top of the list:⁶

Table 1: Rape statistics by country 2020 (number of rape incidents per 100 000 citizens)

Country	Incidents	Rate per 100 000 citizens	Population 2020
South Africa	66 196	132,4	59 308 690
Botswana	1 865	92,9	2 351 627
Lesotho	1 777	82,7	2 142 249
eSwatini (Swaziland)	849	77,5	1 160 164
Bermuda	43	67,3	62 278
Sweden	5 960	63,5	10 099 265
Suriname	223	45,2	586 632
Costa Rica	1 685	36,7	5 094 118
Nicaragua	1 829	31,6	6 624 554
Grenada	32	30,6	112 523

South Africa's first ever protest march against rape and child sexual abuse took place on 3 February 1990 in Soweto.⁷ The organiser, Mary Mabaso, organised the march in order to draw attention to the increase in rape since 1976, particularly the emergence of the practice of *jackrolling*, where gangs of young men would abduct young women, often for periods of up to a week, and then gangrape them. Mabaso explained how the unrest in late 1976 had caused schools in Soweto to close for an extended period of time and that when these had eventually reopened, many learners had been too old to complete high school, thus resulting in large numbers of dropouts left with nothing to do and little chance of employment. These male youths started gangs known as *jackrollers*, one of which was the notorious Zebra Gang or Zebra Force, whose leaders boasted that they planned to rape every girl in the township who was younger than 26 years. Mabaso explained that these gangs had aimed to get the girls pregnant so they would not be able to return to school. This was apparently because the jackrollers did not want these girls to get the education and job

⁴ Dewey, C. 2013. South Africa, once called 'the world's rape capital,' is running out of rape kits. *The Washington Post*, 5 March. Available at <https://www.washingtonpost.com/news/worldviews/wp/2013/03/05/south-africa-once-called-the-worlds-rape-capital-is-running-out-of-rape-kits>.

⁵ Wilkinson, K. 2018. *Why it's wrong to call South Africa – or any country – the world's 'rape capital'*. Africa Check, 15 February. Available at <https://africacheck.org/reports/why-it-is-wrong-to-call-s-africa-or-any-country-the-rape-capital-of-the-world>.

⁶ World Population Review. 2020. *Rape statistics by country 2020*. Available at <https://worldpopulationreview.com/country-rankings/rape-statistics-by-country>.

⁷ Russell, D.E.H. & Mabaso, M. 1991. Rape and child sexual abuse in Soweto: An interview with community leader Mary Mabaso. *South African Sociological Review* 3(2):62–83. Available at www.jstor.org/stable/44461184.

opportunities that they themselves had been denied. Their victims typically ranged from the ages of 10 years to 25 years. Mabaso's mention of unemployment as one of the root causes of this was corroborated in a 1991 paper presented by Steve Mokwena titled *The era of the jackrollers: Contextualising the rise of the youth gangs in Soweto*, in which he states that "the jackroll menace coincided with a dramatic rise in youth unemployment."⁸ Mabaso also reported that rape victims were often unwilling to report their assault to police as the police would allegedly accuse the girls of being careless or of going to the "wrong places". She also highlighted the allegations that victims had made that the police also raped women, as well as that alcohol and drugs had contributed to the rape crisis. This implies that the underreporting of sexual assault has been an ongoing challenge and that available statistics are probably under-representative of the actual prevalence of sexual assault in South Africa.

Despite the work done by activists like Mabaso and many others after her, the atrocities that she highlighted in the early 90's have persisted and are still with us today.

Because of the high prevalence of sexual offences in South Africa, numerous studies and research papers have been published on the topic of rape and serial rape, which will be mentioned throughout this report. Two prominent sources include:

- *South African serial rapists: The offenders, their victims and their offences*⁹ by Dr Jessica Woodhams¹⁰ and Brigadier Gérard Labuschagne¹¹
- *An exploratory analysis of serial rape in South Africa* by Jackie de Wet.¹²

All of the above information justifies the need for ongoing investigations into and reporting on sexual assault in South Africa. The primary aim of this report is therefore to explore the concept of serial rape in South Africa, while also examining the extent of rape in general. The objective is to analyse the prevalence of serial rape and provide an understanding of the concept by considering the various *modi operandi* of rapists in South Africa. The purpose of this study is to raise awareness of the severity of South Africa's rape crises and to assist in determining the possible actions or interventions that community institutions and leaders can consider in the fight against rape and other forms of sexual violence.

2. The extent of the rape crisis

Statistics and research undertaken by various institutions are analysed in this section to expose the magnitude of the rape crisis.

According to the latest annual crime statistics released by the South African Police Service (SAPS),¹³ the number of reported sexual offences increased from 52 420 in 2018/19 to 53 293 in 2019/20. Of the sexual offences committed in 2019/20, rape accounted for 42 289 of these (i.e. almost 80% of sexual offences). This translates to an average of 116 rapes reported to the SAPS each day and is equivalent to the rate of 71 cases per 100 000 people (in terms of the total

⁸ Mokwena, S. 1991. *The Era of the Jackrollers: Contextualising the rise of the youth gangs in Soweto*. Paper presented at the Centre for the Study of Violence and Reconciliation, Seminar No. 7, 30 October. Available at <https://www.csvr.org.za/publications/1805-the-era-of-the-jackrollers-contextualising-the-rise-of-the-youth-gangs-in-soweto>.

⁹ Woodhams, J. & Labuschagne, G. 2012. South African serial rapists. In *Annals of Sex Research* (24)6:544–547. DOI: <https://doi.org/10.1177%2F1079063212438921>.

¹⁰ School of Psychology, University of Birmingham, UK.

¹¹ Investigative Psychology Unit, South African Police Service, Pretoria.

¹² De Wet, J. 2008. *An exploratory analysis of serial rape in South Africa*. Unpublished doctoral thesis. Pretoria: University of Pretoria. Available at <https://repository.up.ac.za/bitstream/handle/2263/25159/Complete.pdf?sequence=9>.

¹³ South African Police Service. 2020. *Crime Statistics 2019/2020*. Available at <https://www.saps.gov.za/services/crimestats.php>.

population). For females, who represent approximately 90% of all rape victims, this equates to approximately 132 per 100 000 (of the total female population) in 2019/20. These figures are set out in Figure 1.

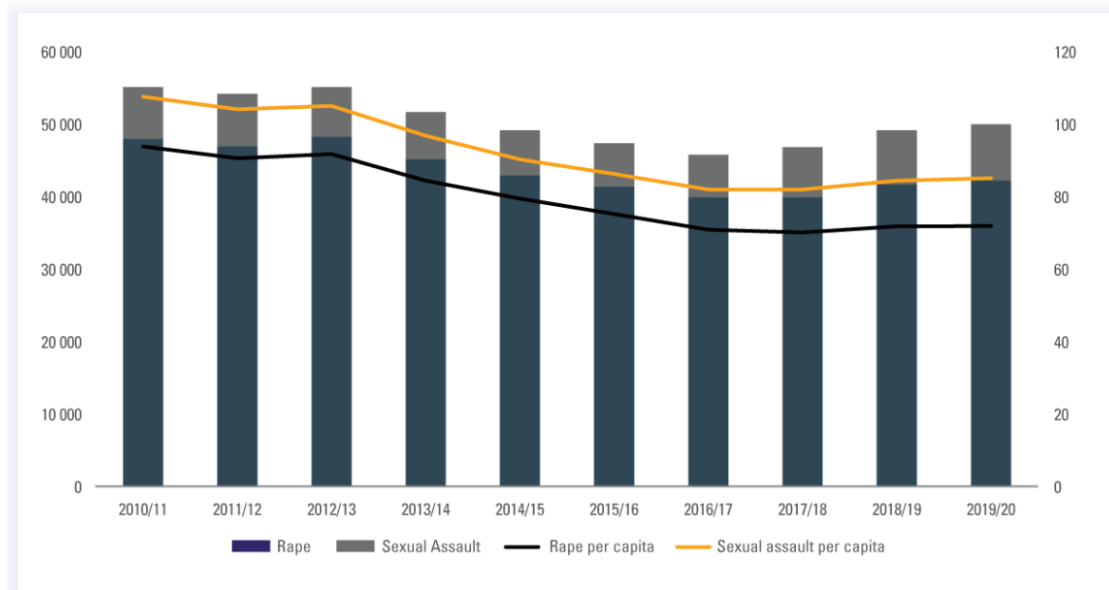


Figure 1: Rape and sexual assault trends (2010–2020)

In Figure 2, a per capita look across provinces shows several provinces with an extremely high prevalence of rape, of which the Eastern Cape is the highest at 192 per 100 000 for female rape.

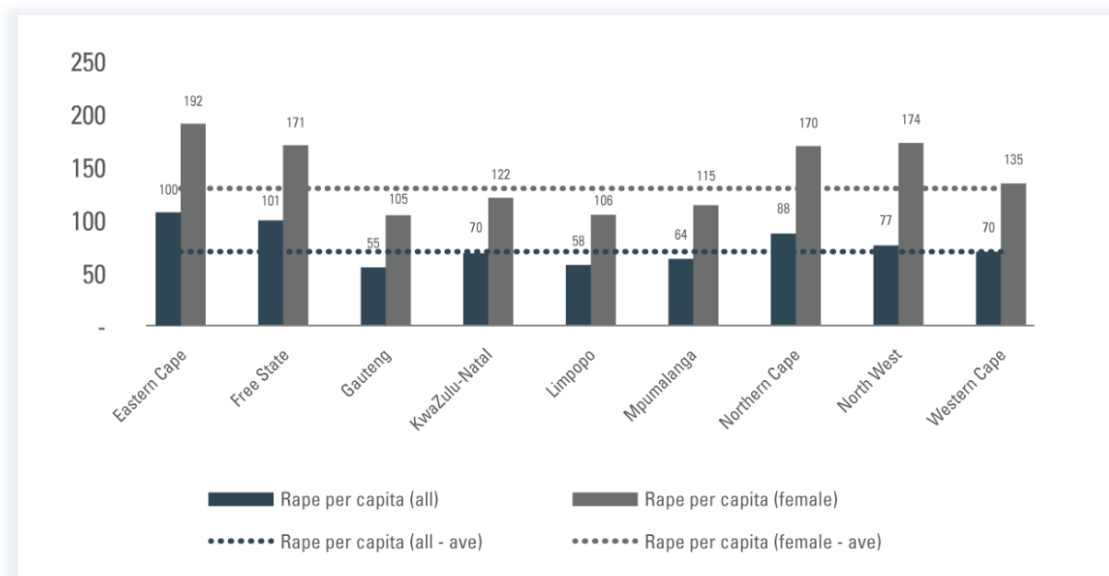


Figure 2: Rape per capita per province (2019–2020)

Each province has hotspots where the rape rate significantly exceeds the provincial rate. These hotspots mostly comprise townships and rural villages such as Mfuleni and Nyanga (Western Cape), Kagiso and Tshepiso (Gauteng), and Inchanga, KwaSondela and Mahlabathini (KwaZulu-Natal). A 2006 study by the Simelela Centre for Rape Survivors in Khayelitsha (Western Cape) found that the centre had 442 rape survivors on record for a period of only six months. This is significantly more than the number of rape cases reported to the SAPS in the entire previous

year.¹⁴ A 2016 study by the University of the Witwatersrand and Sonke Gender Justice found that 56% of 2 600 Diepsloot men (aged 18–40) who were interviewed admitted to having raped or beaten a woman in the previous twelve months.¹⁵ According to the same study, however, SAPS crime statistics showed that rape cases reported at the Diepsloot police station averaged only 128 per annum in the five years preceding the release of the study. This points to substantial under-reporting.

The under-reporting of rape is important in determining the true extent of rape. However, estimates vary between studies. A study conducted by Gender Links and the Medical Research Council of South Africa (2010) found that 1 in 13 women in Gauteng had been raped by a non-partner, but that only 1 in 25 cases of rape had been reported to the police.¹⁶ However, the research was based on a “representative sample” of 511 women. In the same period, approximately 15 000 cases of sexual assault were reported in Gauteng, of which approximately 12 000 (80%) were rape. If we apply the under-reporting rate suggested by the above study, an estimated 300 000 rapes may have occurred in 2010/2011 in Gauteng alone – or 840 rapes per day. Assuming the under-reporting rate also applied to other provinces, an estimated 1,6 million rapes may have occurred in the same year in South Africa – or 3 600 per day. The same study also found that one in four women (25,3%) in Gauteng had experienced sexual violence in their lifetime, while more than a third (37,4%) of men interviewed had admitted to committing sexual violence. From a victimological perspective, Statistics South Africa’s 2018 study into crime against women in South Africa found that 25% of women had been victims of sexual offences.¹⁷

A 2011 study sampled 1 737 South African men aged 18 to 49 years from three districts in the Eastern Cape and KwaZulu-Natal. The study found that 27,6% (466 out of 1686) of these men had committed rape, while 14,9% of these men had raped more than once.¹⁸ 75% of the men who admitted to rape had committed their first rape before the age of 20. A similar study conducted in 2016 sampled 1 370 young men aged 15 to 26 years from the Eastern Cape.¹⁹ The study found that 23,9% of the men had committed rape and that 13,9% of these men had committed rape more than once. The latter indicates a high level of serial rape. The SAPS’s 2019/20 crime statistics indicate that children between the ages of 10 and 17 committed an average of 3 100 sexual offences in the last three years, of which 2 700 were rape.

In terms of victimology, victim ages range from infants to the elderly, as recently evidenced when a 101-year-old woman was raped in her home in Mogapeng Village outside Tzaneen (Limpopo).²⁰ Victims were raped mostly at their homes (64% of cases, according to the 2019/20 crime statistics), public spaces (28%) and at their educational institutions. Victims are not just raped by strangers, but often by relatives, teachers and even police officers.

¹⁴ Thom, A. 2006. Disturbing picture of sexual violence in Khayelitsha. *Health-e News*, 30 March. Available at <https://health-e.org.za/2006/03/30/disturbing-picture-of-sexual-violence-in-khayelitsha>.

¹⁵ Nair, N. & Govender, S. 2016. *More than half of Diepsloot men have raped or beaten a woman in the past year*. Sonke Gender Justice, 29 November. Available at <https://genderjustice.org.za/news-item/half-diepsloot-men-raped-beaten-woman-past-year>.

¹⁶ Machisa, M., Jewkes, R., Morna, C.L. & Rama, K. 2010. *The war at home: Gender based violence indicators project*. Available at <https://genderlinks.org.za/programme-web-menu/publications/the-war-at-home-gbv-indicators-project-2011-08-16/>.

¹⁷ Statistics South Africa. 2018. *Crime against women in South Africa – An in-depth analysis of the Victims of crime survey data 2018*. Available at <https://www.statssa.gov.za/publications/Report-03-40-05/Report-03-40-05June2018.pdf>.

¹⁸ Jewkes, R., Sikweyiya, Y., Morrell, R. & Dunkle, K. 2011. Gender inequitable masculinity and sexual entitlement in rape perpetration South Africa: Findings of a Cross-Sectional Study. *PLoS ONE* 6(12):e29590. 28 December. DOI: <https://doi.org/10.1371/journal.pone.0029590>.

¹⁹ Jewkes, R., Nduna, M., Jama-Shai, N. & Chirwa, E.D. 2016. Understanding the relationships between gender inequitable behaviours, childhood trauma and socio-economic status in single and multiple perpetrator rape in rural South Africa: Structural equation modelling. *PLoS ONE* 11(5):e0154903. DOI: <https://doi.org/10.1371/journal.pone.0154903>.

²⁰ Etheridge, J. 2020. Limpopo woman, 101, raped in her home. *News24*. 2 March. Available at <https://www.news24.com/news24/southafrica/news/limpopo-woman-101-raped-in-her-home-20200302>.

3. Child rape

Sexual offences, and rape in particular, committed against children (younger than 18 years of age) continues to be alarming, as is evident from the 2018/19 SAPS's *Crime Statistics*²¹ (2019/20 figures are still provisional) presented in Table 2 below.

Table 2: Contact crimes committed against children

Crime category	2015/16	2016/17	2017/18	2018/19
Rape	21 121	19 079	18 336	18 586
Sexual assault	3 509	3 986	3 706	4 451
Attempted rape	716	590	662	562
Contact sexual offences	1 168	1 022	784	788
Total sexual offences	26 514	24 677	23 488	24 387

4. Infant rape

Infant rape (the raping of children younger than one year) was described as “inordinately rare” in an article by Graeme Pitcher and Douglas Bowley in 2002.²² However, at the time of the publication, the media started to report numerous cases of this phenomenon, and evidence suggested that this phenomenon was on the increase. One of the main causes of infant rape is the so-called young-virgin myth: It is believed that having intercourse with a very young virgin can cure a person of HIV/Aids. According to the article, there was “growing support for the theory that infant rape was related to this myth”. Infant rapists were often first- and second-degree relatives of their victims. In 2019, two such incidents included the alleged rape of a 12-month-old and an 8-month-old infant, both in the Western Cape.²³ One of the youngest reported victims was a 6-week-old infant who was allegedly raped by her uncle in 2013.²⁴

5. Corrective rape

Corrective rape or curative rape is a form of rape where the perpetrator’s intention is to “cure” a lesbian woman of her sexual orientation, which is perceived to be wrong. According to University of Johannesburg’s Kammila Naidoo, almost a dozen lesbians are raped each week, and there have been several high profile cases of lesbian women who were raped and murdered.²⁵ Naidoo also made strong references to homophobic statements made by members of government, that may possibly have incited violence against lesbian women.

²¹ South African Police Service. 2020. *Crime Statistics 2019/2020*. Available at <https://www.saps.gov.za/services/crimestats.php>.

²² Bowley, D.M.G. & Pitcher, G.J. 2002. Infant rape in South Africa. *Lancet* 359(9303):274–275. DOI: [https://doi.org/10.1016/S0140-6736\(02\)07532-3](https://doi.org/10.1016/S0140-6736(02)07532-3).

²³ Somdya, K. 2019. Man, 57, arrested for allegedly raping 1-year-old baby in Cape Town. *News24*, 23 August. Available at <https://www.news24.com/news24/SouthAfrica/News/man-57-arrested-for-allegedly-raping-1-year-old-baby-in-cape-town-20190823>.

²⁴ Halata, C. & Beangstrom, P. 2013. Uncle in court for rape of 6-week-old baby. *IOL*, 28 November. Available at <https://www.iol.co.za/dailynews/news/uncle-in-court-for-rape-of-6-week-old-baby-1613646>.

²⁵ Naidoo, K. 2018. Sexual violence and “corrective rape” in South Africa. *Global Dialogue* 8(1). Available at <https://globaldialogue.isa-sociology.org/sexual-violence-and-corrective-rape-in-south-africa>.

6. Rape by persons of authority

6.1 Police

According to a recent investigation into reports of the Independent Police Investigative Directorate (IPID) by Viewfinder, 42 365 criminal complaints were laid against the SAPS between April 2012 and March 2019.²⁶ These included complaints of torture, rape, murder and assault, among others. According to the report, only 531 IPID cases (i.e. 1,3 %) resulted in criminal convictions over that same period.

The IPID's 2017/18 annual report lists 49 complaints of rape by police officers (51 in 2016/17), of which 24 resulted in disciplinary action and 6 in disciplinary convictions.²⁷ However, according to an answered question in parliament in 2014, many of these disciplinary convictions resulted merely in suspended sentences or written warnings.²⁸

A 2011 study by the South African Institute of Race Relations investigated 100 serious criminal allegations against the SAPS by examining media reports and other sources between January 2009 and April 2010.²⁹ Eighteen of these allegations related to rape. The research paper found that

in almost every incident the police officer sought to use his official status to force the women in question to submit to his sexual demands. In certain cases women were raped after being arrested or while in police custody.

6.2 Teachers

Not much research exists of teacher-student rape; however, there is sufficient anecdotal evidence to suggest a high occurrence of rape within the school environment. A 1998 study by the Medical Research Council found that 33% of incidents of child rape had been committed by teachers.³⁰ A 1999 report by the Medical Research Council and Department of Health – of which the results were published in Statistics South Africa's *Quantitative research findings on Rape in South Africa* – indicated that 13% of rape victims had been raped by a teacher or principal.³¹

6.3 Relatives

Several surveys found that a relatively significant proportion of rape occurs between younger victims and their relatives. The 1999 study by the Medical Research Council and Department of Health found that 0,8% of rape victims were raped by their fathers, 2,7% by their brothers and 0,6% by their stepfathers. A 2018 study Statistics South Africa's found that 27,18% of rape victims were raped by a relative or intimate partner.³²

²⁶ Knoetze, D. 2019. Killing the files – IPID's cover-up of police brutality in SA. *Viewfinder*, 7 October. Available at <http://viewfinder.org.za/kill-the-files>.

²⁷ Independent Police Investigative Directorate. 2018. *Annual report*. Available at https://www.gov.za/sites/default/files/gcis_document/201810/ipidannual-report-20172018.pdf.

²⁸ Seseane Jr, T. 2014. *South African police ignore official watchdog's recommendations*. WSWS, 1 December. Available at <https://www.wsws.org/en/articles/2014/12/01/watc-do1.html>.

²⁹ Thuthukani, N., Kerwin, L. & Cronje, F. 2011. Broken blue line – the involvement of the South African Police Force in serious and violent crime in South Africa. Pretoria: Institute of Race Relations. Available at <https://irr.org.za/reports/occasional-reports/broken-blue-line-the-involvement-of-the-south-african-police-force-in-serious-and-violent-crime-in-south-africa>.

³⁰ *Mail & Guardian*. 2000. 33% of child rapes by teachers. 8 October. Available at <https://mg.co.za/article/2000-10-08-33-of-child-rapes-by-teachers>.

³¹ Statistics South Africa. 2000. *Quantitative research findings on rape in South Africa*. Available at <http://www.statssa.gov.za/publications/Rape/Rape.pdf>.

³² Statistics South Africa. 2018. *Victims of crime*. Available at <http://www.statssa.gov.za/?p=11632>.

7. Rape and the justice system

In terms of the prosecution of rape, a 2012 study by the Medical Research Council sampled 3 952 rape cases that had been reported in 2012, of which 94,1% of victims were female and 5,9% male. 46% of victims were children (younger than 18 years). The study found that only 8,6% of reported cases resulted in a guilty verdict, while only 72,6% of convicted rapists (i.e. 6,2% of reported cases) received a prison sentence.³³

This low conviction rate is exacerbated by questionable sentencing rulings by judges and magistrates, including high profile judges. In the past, current Chief Justice Mogoeng Mogoeng has been involved in some questionable cases, which are listed in a 2011 *Mail & Guardian* article:³⁴

... in 2005, Mogoeng reduced from five years' to three years' imprisonment the sentence of a man who had attempted to rape a seven-year-old girl. Among the factors he considered in reducing the sentence were that the accused was 30 years old and a first-time offender, married with two children and a soldier who earned R1 800 a month. He did not explain the relevance of these factors. While he accepted that the girl's vagina had been penetrated, he found that it was not known whether this was with the man's penis or his finger, as her dress had covered her face. Mogoeng said: "The complainant is seven years old and the injury she sustained is not serious. She sustained a bruise on her vestibule. Although there was no direct evidence led, she must have suffered some psychological trauma as a result of this incident."

In [...] 2004 [...], Mogoeng reduced the sentence of a man convicted of raping a seven-year-old girl from life imprisonment to 18 years, the minimum. He said the court found "substantial and compelling circumstances" to decrease the sentence. These were that "the appellant is 31 years of age, he is unmarried, he is unemployed, he is suffering from chronic epilepsy, his highest qualification is standard seven and he is staying with his unemployed mother."

In a 2007 case [...], Mogoeng dismissed an appeal by a man convicted of raping a 14-year-old girl, but made what the centre described as some "very worrying" comments. He said: "One can safely assume that [the accused] must have been mindful of [the victim's] tender age and was thus so careful as not to injure her private parts, except accidentally, when he penetrated her. That would explain why the child was neither sad nor crying when she returned from the shop, notwithstanding the rape. In addition to the tender approach that would explain the absence of serious injuries and the absence of serious bleeding, he bought her silence and cooperation with Simba chips and R30."

In 2019, revelations surfaced about Umlazi magistrate Kholeka Bodlani's rape judgments.³⁵ In the four matters that went on judicial review, and in at least 17 others, Bodlani found reasons to deviate from the legislated prescribed minimum sentence of life imprisonment for rape of a child younger than 16 years. These included giving two offenders wholly suspended sentences despite compelling evidence that they had shown no mercy to their young victims, who were aged 10 and 15 years. In another, she gave a father who had raped his own daughter (11) a five-year prison sentence, saying she should "show mercy to a loving father". In 2020, Bodlani is said to have set the accused rapist of a teenage girl free because he carried a bag, styled his hair and did the washing, which she stated meant he had to be gay and "not interested in women".

After several years of pressure, including intensified media pressure, she was requested to step down in July 2020.

³³ Machisa, M.T., Jina, R., Labuschagne, G., Vetten, L., Loots, L., Swemmer, S., Meyersfeld, B. & Jewkes, R. 2017. *Rape justice in South Africa – Retrospective study of the investigation, prosecution and adjudication of reported rape cases from 2012*. Available at <https://www.samrc.ac.za/sites/default/files/files/2017-10-30/RAPSSAreport.pdf>.

³⁴ *Mail & Guardian*. 2011. Mogoeng's shocking child rape rulings. 2 September. Available at <https://mg.co.za/article/2011-09-02-mogoengs-shocking-child-rape-rulings>.

³⁵ Broughton, T. 2020. Umlazi magistrate who was soft on child rapists suspended. *TimesLive*, 22 July. Available at <https://www.timeslive.co.za/news/south-africa/2020-07-22-umlazi-magistrate-who-was-soft-on-child-rapists-suspended>.

8. Analyses of serial rape

8.1 Method

A database comprising 536 serial rape- and 19 serial sexual offence-related offenders was created from media reports, NPA statements and court documents from the SAFLII website. The database includes serial rapists who were arrested (6,5%), convicted (89,4%) or suspected (4,1%) of serial rape between 1 January 2000 and 30 November 2020.

For the purpose of this study, the term *serial rapist* refers to a perpetrator who committed at least two acts of rape (according to the legal definition) on at least two separate occasions with at least two different victims.

8.2 Procedure

For each serial rapist, the following data was obtained:

1. the name of the perpetrator
2. the race³⁶ of the perpetrator, with a separate category for foreigners
3. the number of online media reports (per news organisation)
4. the total number of rape victims
5. the total number of murder victims
6. the later of the date of conviction or sentencing, or the date of arrest if there is no conviction
7. the location of crimes committed (province and nearest identifiable area)
8. the estimated time span of crimes in years
9. the estimated age of perpetrator at the time of first rape offence
10. a description of the charges
11. whether the victims included minors (younger than 17 years, i.e. the age of consent)
12. whether the victims were robbed during the rape
13. the modus operandi of the perpetrator
14. the weapons used during the rape
15. general information (including the age of victims, whether rape was committed while out on bail or parole, etc.).

8.3 Results

Most of the perpetrators included in this study (92%) are serial rapists who were convicted or sentenced after 1 January 2013, as set out in Figure 3 on the next page. The steady increase in serial rapists who were identified suggests that there was either an increase in the number of offenders, or that the media in particular began to report more extensively on serial rapists. It is most likely a combination of both, but this can only be ascertained by further research.

³⁶ As determined by the SAPS. Take note that race cannot be consistently determined.

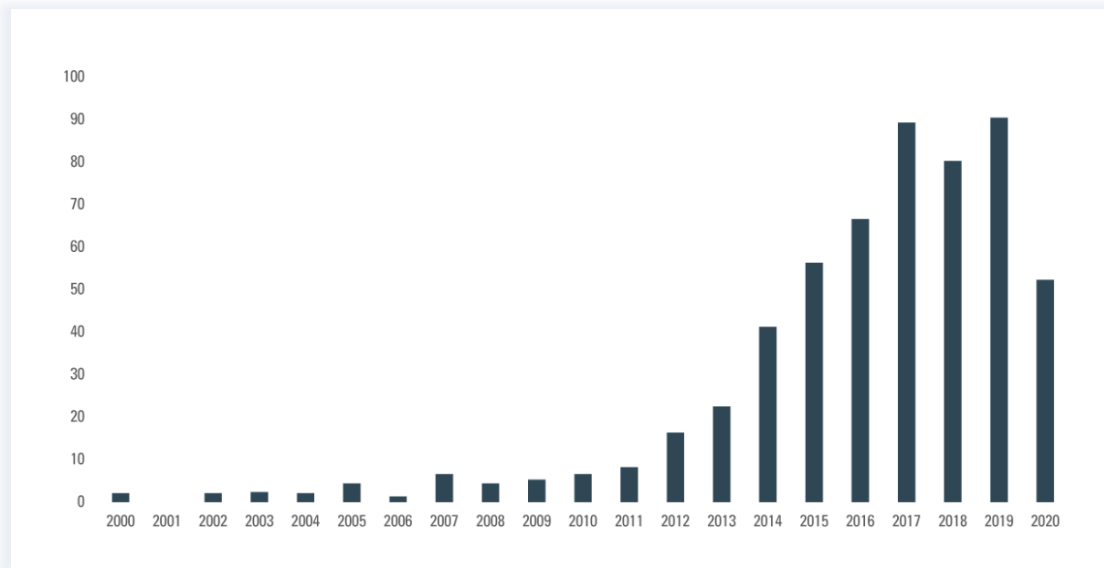


Figure 3: Number of serial rapists per year (latest of arrest/conviction/sentencing)

As can be seen from Figure 4, the majority of identified serial rapists were black South Africans (86,9%) followed by foreigners (5,0%), coloured South Africans (4,9%), white South Africans (1,7%), Indian South Africans (0,2%) and unknown (1,3%). Of the 27 foreigners identified, 13 were Mozambican, 10 were Zimbabwean, 2 were Lesotho nationals, 1 was Nigerian and 1 a Portuguese national.

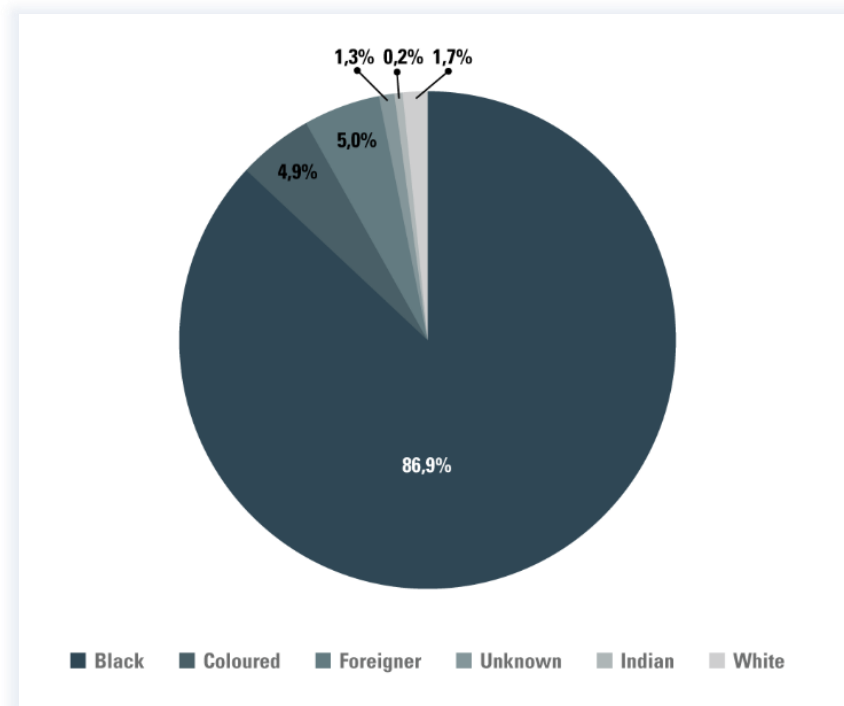


Figure 4: Race of perpetrators (only serial rapists)

According to Figure 5, the estimated age of the perpetrators at the time of their first rape offence (average age 28) shows that most of the serial rapists started committing rape between the ages of 20 and 30 (52,6%). Those who started in their teens amounted to 14%, with four of them aged 14. The oldest perpetrator was 79 years old when he committed his first rape. Because it is likely that perpetrators were not prosecuted for all the crimes that they had committed, perpetrators may have been younger at the time of their first offence.

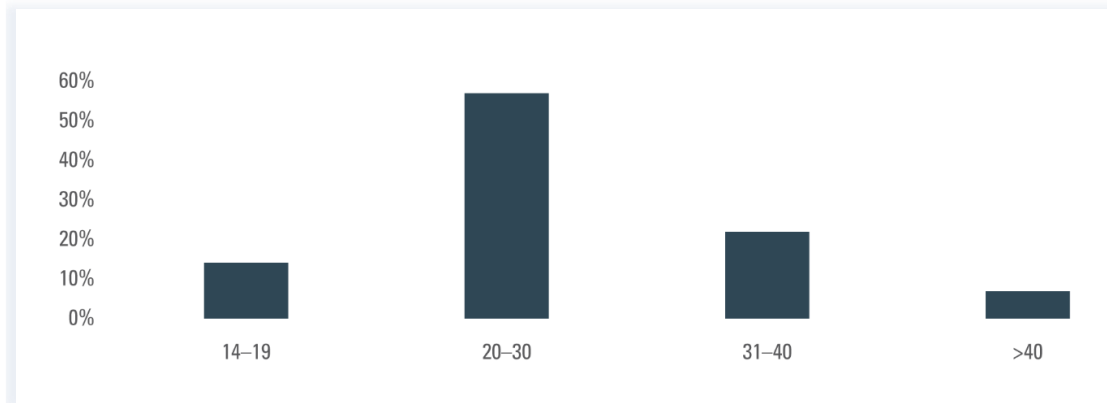
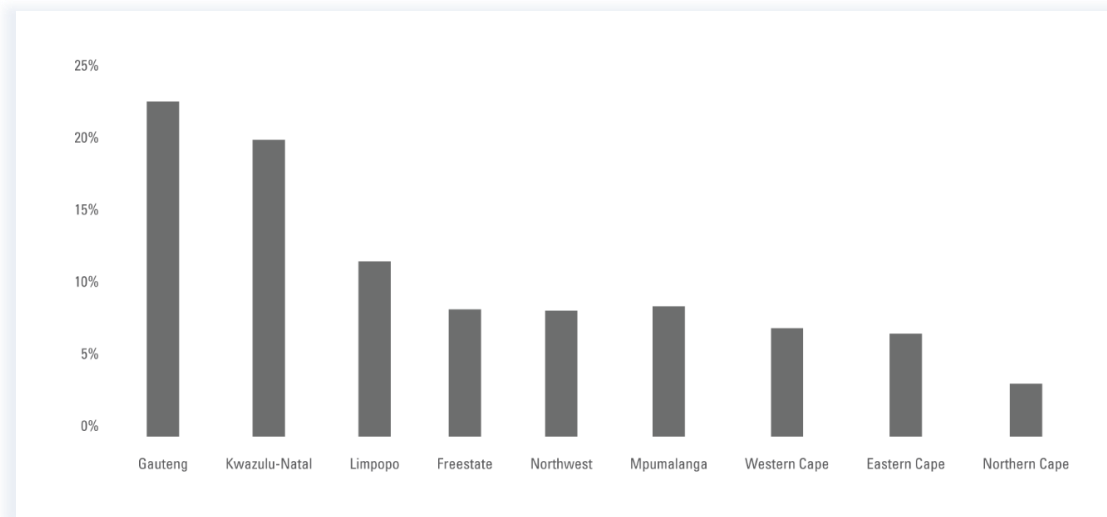


Figure 5: Age of first offence

It is shown in figure 6 that almost half (43,7%) of all offences were committed in Gauteng and KwaZulu-Natal. The fewest offences were committed in the Northern Cape. Note that several serial rapists committed crimes in multiple provinces – where this was the case, it was accounted for in the analysis.



Graph 6: Offences per province

Almost half (44,0%) of the serial rapists were apprehended within one year of their first rape. The number of years that the serial rapists operated before they were apprehended is illustrated in Figure 7 on the next page. 16,8% of them operated for a period of 5 years and longer, while very few (1,1%) operated for more than a decade. This is a very alarming finding that merits further investigation.

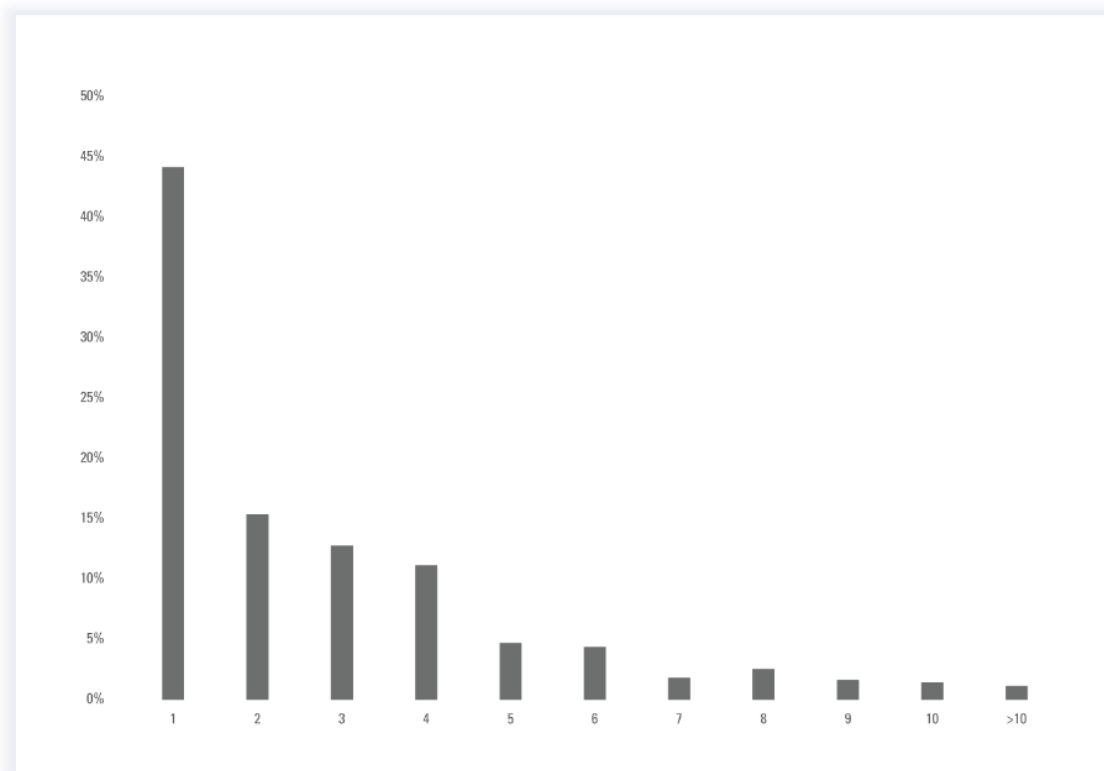


Figure 7: Time span of offences committed

The number of victims (rape and murder) per serial rapist is portrayed in Figure 8. It ranges from 2 victims to 58 victims for rape and from 1 victim to 27 victims for murder. 131 (23,6%) of the serial rapists raped 10 or more victims, while 39 (6,85%) of them raped 20 or more victims. The total number of victims who were raped by the 536 serial rapists totalled 3 892 (i.e. an average of 7,32 victims per serial rapist). The total number of victims murdered totalled 300 (i.e. an average of 0,56 victims per serial rapist). Of the 536 serial rapists, 86 (16%) committed a single murder, while 39 (7,2%) committed multiple murders.

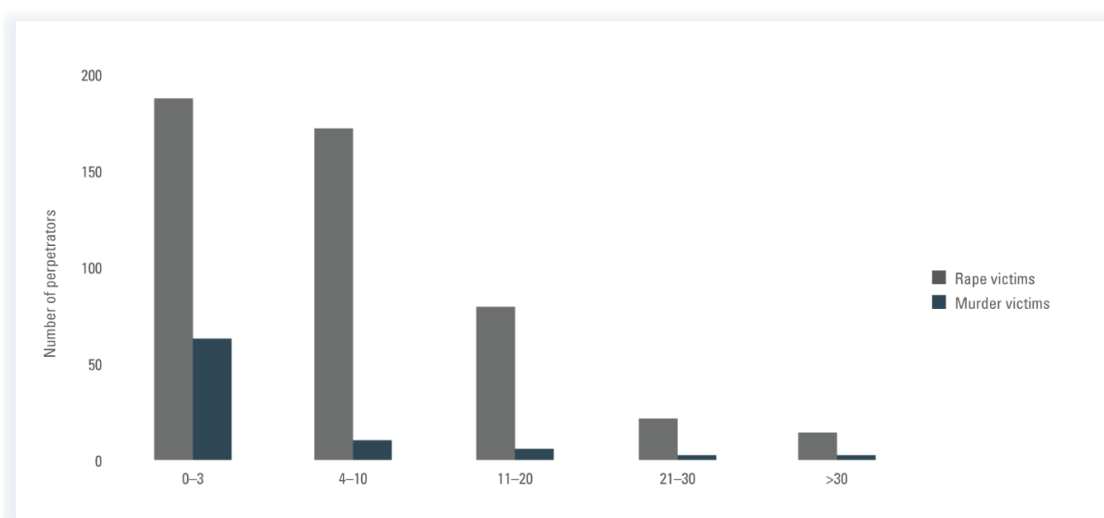


Figure 8: Victims per perpetrator

The *modi operandi* of serial rapists are listed in Table 3. The most common *modi operandi* employed by the serial rapists include attacking victims who were walking alone (e.g. women walking through a veld to and from work) and rapes committed during home invasions (most often burglaries). Some form of con, most often the offering of jobs, account for 26,9% of the *modi operandi* used. Other common cons include pretending to be police officers, offering victims lifts (often in their taxis) or luring victims to secluded areas. It should be noted that several categories in Table 3 below may overlap.

Table 3: *Modi operandi* (general approach used by serial rapists)

Modus operandi	Count	Percentage
Attacked victims who were walking alone	116	26,9%
Home invasion	112	26,0%
Kidnapped forcefully	44	10,2%
Con – lured victims by offering them jobs	35	8,1%
Con – lured victims to secluded areas	12	2,8%
Con – offered victims lifts	11	2,6%
Con – targeted hitchhikers	11	2,6%
Attacked forcefully – couples	11	2,6%
Con – lured victims to his taxi by offering lifts	8	1,9%
Con – lured victims to the rapist’s home	8	1,9%
Con – lured victims on social media	7	1,6%
Attacked forcefully – groups and couples who were walking	6	1,4%
Con – pretended to be SAPS officers	5	1,2%
Attacked victims who were working in fields/collecting wood	5	1,2%
Con – asked victims to accompany them	5	1,2%
Con – offered to accompany victim on their walk	3	0,7%
Taxi driver who attacked commuters	3	0,7%
Attack visitors in rapist’s house	3	0,7%
Kidnapped forcefully – women waiting to board taxis	3	0,7%
Hijack – targeted couples, rob them and rape the women	2	0,5%
Attacked couples in their cars	2	0,5%
Attacked taxi commuters	2	0,5%
Kidnapped victims and kept them at rapist’s house	2	0,5%
Con – offered victims money	1	0,2%
Con – asked victims for directions	1	0,2%
Con – befriended	1	0,2%
Con – lured victims to celebrate rapist’s birthday	1	0,2%
Con – pretended to be a city official	1	0,2%
Initiation school	1	0,2%
Con – played good Samaritan	1	0,2%
Con – offered his victim/s alcohol	1	0,2%
Con – lured boys for karate training	1	0,2%
Con – lured victims by promising them toys	1	0,2%
Con – lured victims by offering them cash	1	0,2%
Con – lured victims by asking them to fix his bike	1	0,2%
Attacked victims while they were praying	1	0,2%
Taxi driver who attacked victims along his route	1	0,2%
Taxi marshal who forced women into taxi and kidnapped them	1	0,2%

Weapons associated with each perpetrator were documented if mentioned by the media. As individual incidents were not examined, the analysis provided in Figure 9 does not indicate the use of weapons for all incidents. Knives were the most common weapons (47,4%) associated with the serial rapists, followed by firearms (26,2%).

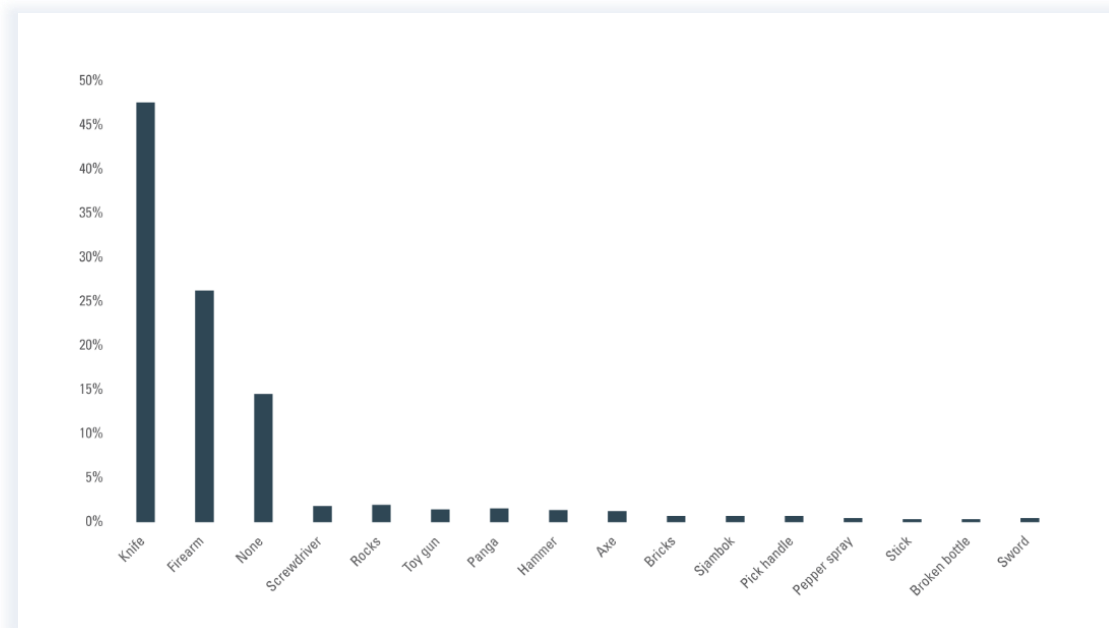


Figure 9: Weapons used

9. Rape gangs

Several serial rapists operated in gangs and participated in gang raping their victims. A total of 14 rape duos and 1 rape trio were identified. Notable duos include (noting that several other serial rapists in the database had accomplices who are unidentifiable because they were not arrested):

- Jeffrey Tsoku and Samuel Ngobeni (Soshanguve, Gauteng) were convicted of raping 28 and 16 victims, respectively. The former security guards offered victims lifts in their private cars. The victims were then threatened with either knives or firearms, taken to secluded areas and violently raped and robbed.³⁷
- Boitumelo Stephen Galubetse and Bongani David Madlala (De Deur, Gauteng), were taxi drivers who waited until there was only one passenger left, then took the victim to a secluded mine dump and raped them at gunpoint. Some of the women were thrown out of the taxi while still naked. They were convicted of raping 26 victims.³⁸
- Sinja Robin Mabitsela and Josias Xaniseka Mkansi (the “Balaclava duo” in Alexandra, Gauteng) were convicted of raping 23 and 14 victims, respectively. They raped the women, robbed and forced the men to rape their partners while watching.³⁹

³⁷ Venter, Z. 2017. Two men convicted of 44 counts of rape plead for victims’ forgiveness. *IOL*, 13 July. Available at <https://www.iol.co.za/the-star/soshanguve-rape-thanks-god-for-arrest-apologises-to-victims-10273522>.

³⁸ Seleka, N. 2010. Taximan up for serial rapes. *SowetanLive*, 25 November. Available at <https://www.sowetanlive.co.za/news/2010-11-25-taximan-up-for-serial-rapes>.

³⁹ Makhetha, T. 2017. Brutal serial rapist gets 32 life sentences. *SowetanLive*, 22 November. Available at <https://www.sowetanlive.co.za/news/south-africa/2017-11-22-brutal-serial-rape-gets-32-life-sentences>.

- Booi Makhubela and Rodgers Makhubela, a father and son duo, were convicted of raping 10 women in Alexandra (Gauteng). They pretended to be taxi drivers and targeted women who were looking for transport. They then raped and robbed the women.⁴⁰
- Nkosinathi Ngcobo and Sifiso Buthelezi were convicted of raping 12 victims, including minors, in Nquthu (KwaZulu-Natal). It is alleged that after the women boarded their “taxi”, they robbed the women of their valuables and raped them.⁴¹
- Phillip Jose Mlungu and Mduduzi Mhlongo, Mozambican nationals, were convicted of raping six victims and the murder of one victim in Kagiso (Gauteng). They attacked couples at gunpoint and took them to a veld, where they assaulted the male partner and then repeatedly raped their female partners. They later robbed the couples of their belongings.⁴²
- Morena Kgabo and Thulani Khumalo (Standerton duo) were convicted of repeatedly raping three victims, aged between 13 and 15. They abducted the victims and kept them in a house for weeks, taking turns to rape them.⁴³
- Lucas Modise Nyane and George Motale were convicted of robbing, raping and murdering six victims in Tarlton (Gauteng).⁴⁴
- Dumisani Makhubela and Johannes van Rooyen were each convicted on seven counts of rape and seven counts of murder in Middleburg (Mpumalanga).⁴⁵

10. Most prolific serial rapists

The eight most prolific serial rapists and the crimes that they committed are briefly summarised below.

- **Mongezi Jingxela**
Jingxela is South Africa’s worst convicted serial rapist on record, having raped 58 victims in Soweto and surrounding areas (Gauteng). He was initially arrested with a friend in 1994 after he was caught raping two women in the bushes near a mine dump next to the N1 highway. He was released on bail of R1 000, but never returned to court. He was finally jailed in December 2007.⁴⁶
- **Henry Hlahla**
Hlahla was convicted in November 2019 of raping 49 victims between 2010 and 2017. He approached victims from behind and threatened them with a knife or gun. He then took them to secluded areas. He also raped victims during house robberies.⁴⁷

⁴⁰ Selebi, M. 2012. Father and son rapists given 26 life terms in jail. *SowetanLive*, 14 December. Available at <https://www.sowetanlive.co.za/news/2012-12-14-father-and-son-rapists-given-26-life-terms-in-jail>.

⁴¹ IOL. 2015. KZN serial rapists jailed for life. 12 November. Available at <https://www.iol.co.za/amp/news/kzn-serial-rapists-jailed-for-life-1944435>.

⁴² Seleka, N. 2019. *Two convicted serial rapists sent for psychiatric observation*. News24, 25 July. Available at <https://www.news24.com/news24/SouthAfrica/News/two-convicted-serial-rapists-sent-for-psychiatric-observation-20190725>.

⁴³ South African Police Service. 2018. *Thirty life sentences meted to eight rapists*. 16 October. Available at <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=17769>.

⁴⁴ Pretorius, N. 2019. Tarlton detectives ensure 28 life sentences for rape and murder. *Krugersdorp News*, 10 October. Available at <https://krugersdorpnews.co.za/392116/tarlton-detectives-ensure-28-life-sentences-for-rape-and-murder>.

⁴⁵ IOL. 2017. Two killer-rapists jailed for 445 years. 12 October. Available at <https://www.iol.co.za/travel/south-africa/two-killer-rapists-jailed-for-445-years-374837>.

⁴⁶ *SowetanLive*. 2007. Serial rapist Mongezi Jingxela is finally behind bars. 18 December. Available at <https://www.sowetanlive.co.za/news/2007-12-18-serial-rapist-mongezi-jingxela-is-finally-behind-bars>.

⁴⁷ SABC. 2019. *Courts coming down hard on rapists*. 13 December. Available at <https://www.sabcnews.com/sabcnews/courts-coming-down-hard-on-rapists>.

- **Khutso Mailoane**
The father of two was convicted in 2018 of raping 41 victims. He used a knife to force his victims to secluded areas, where he robbed and raped them. One of his victims was carrying her baby, while another was eight months pregnant.⁴⁸
- **Lonwabo Solontsi**
Solontsi was convicted in 2018 of raping 39 victims. At the time of his conviction, he was in jail for the rape of another two victims. His victims included teenagers and a child. In court he smirked and gestured at his victims – victims who testified that his actions had destroyed their intimate relationships, caused unwanted pregnancies, post-traumatic stress disorder, depression, self-hatred, suicidal thoughts and a fear of men.⁴⁹
- **Malibongwe Ncokolo**
After being released on parole for serving time for rape, Ncokolo allegedly raped another 40 victims and murdered three of the victims. 160 witnesses were testifying in the trial and were expected to appear in early March 2020; however, the hearing was postponed due to load shedding. He was recently convicted of raping 22 victims, 12 of whom were aged between 9 and 15 years. One of his victims testified how she and her 7-month-old baby had been walking through a bushy area with a friend when attacked by the accused, who had told them that he had “a sexual urge”. The accused apparently raped the friend, then told the witness to put her baby down, after which he raped her. Thereafter he raped the friend a second time.⁵⁰
- **Fanwell Khumalo**
Khumalo is a former celebrity chef who raped 38 girls (aged 7 to 13) between 1999 and 2001. He pretended to ask for directions or to be an SAPS officer, then took his victims to secluded areas in Johannesburg (Gauteng) and raped them.⁵¹
- **Shulters Sifiso Makhubo**
Makhubo’s reign of terror began in 1997 when he raped a young girl. After serving eight of his 15-year sentence, he went on to allegedly rape at least 36 other victims, most of them young girls between the ages of 10 and 13. Moreover, he was set to become the first person in South Africa to be convicted of wilfully infecting his victims with HIV (seven of his victims contracted the virus), but although the case against him was solid (183 witnesses and DNA evidence), he hanged himself in his cell before the trial could take place.⁵²
- **Bongani Lucky Masuku**
In October 2019 Zimbabwean national Masuku was sentenced to 1 258 years in prison for rape, murder, kidnapping, house robbery and assault. 34 charges were for raping girls and women between the ages of 14 and 27 during an eight year reign of terror in the north western townships of Pretoria (Soshanguve, Loate, Mabopane and Klipgat). He and his gang raped and robbed victims by either kidnapping them and taking them to secluded areas, or during house robberies.⁵³

⁴⁸ IOL. 2018. Eleven life terms and a further 970 years for East Rand rapist. 8 October. Available at <https://www.iol.co.za/the-star/news/eleven-life-terms-and-a-further-970-years-for-east-rand-rapist-17390063>.

⁴⁹ Makhetha, T. 2019. Scary time for women with a serial rapist on the loose. *SowetanLive*, 26 March. Available at <https://www.sowetanlive.co.za/news/south-africa/2019-03-26-scary-time-for-women-with-a-serial-rapist-on-the-loose>.

⁵⁰ Brandt, K. 2020. 7 life sentences handed to Eastern Cape Serial Rapist. *Eyewitness News*, 7 November. Available at <https://ewn.co.za/2020/11/07/7-life-sentences-handed-to-eastern-cape-serial-rapist>.

⁵¹ IOL. 2014. Khumalo jailed for his ‘heinous crimes’. 6 August. Available at <https://www.iol.co.za/news/south-africa/khumalo-jailed-for-his-heinous-crimes-219062>.

⁵² Hosken, G. 2013. Justice snatched from raped girls. *TimesLive*, 26 July. Available at <https://www.timeslive.co.za/news/south-africa/2013-07-26-justice-snatched-from-raped-girls>.

⁵³ Makhetha, T. 2019. A thousand years in jail as Bongani Masuku joins gallery of rapists. *SowetanLive*, 30 October. Available at <https://www.sowetanlive.co.za/news/south-africa/2019-10-30-a-thousand-years-in-jail-as-bongani-masuku-joins-gallery-of-rapists>.

The following serial rapists were excluded here as their cases are still pending:

- The “Putfontein plumber” is an unidentified East Rand serial rapist who is still at large, but who has been linked through DNA to 40 rape cases.⁵⁴ He targets schoolgirls in the Benoni (Gauteng) area. There is currently a reward of R50 000 for information that will lead to his apprehension.⁵⁵
- Sello Maponya appeared in court in July 2020 on 32 counts of rape that he committed during home invasions in Pretoria (Gauteng) and the Limpopo province.⁵⁶

11. Notable offenders

The following perpetrators were identified because of either their status, the circumstances of their crimes or for the brutality that they exhibited:

- Tsediso Letsoenya (28 victims), a navy sailor, forced couples to have sex with each other before raping the female victims.⁵⁷
- Mokolo Molekoa, a former SAPS constable, was convicted on 16 of 17 rape charges brought against him, as well as nine kidnapping charges, seven robbery charges, two attempted robbery charges, and one theft charge. He operated in Tembisa, Olifantsfontein, Ivory Park, Randburg (all in Gauteng) and offered women lifts in his BMW. He then took them to deserted areas and raped them.⁵⁸
- Moeketsi Emmanuel Monyake (12 victims) is HIV-positive and raped 12 victims between the ages of 6 and 10 in Sharpeville and Vaal Kasis (Gauteng).⁵⁹
- Edward Monyai (12 victims) operated in Brits (North West) and Bela-Bela (Limpopo). He tied one woman to a tree and raped her for three days.⁶⁰
- Kito Christopher Malubele (12 victims) operated in Kagiso, Tshepisoong, Roodepoort and Dobsonville (all in Gauteng) and attacked mothers and their young daughters, raping them in front of each other.⁶¹
- Dan Mathebula (nine victims) operated in Soshanguve (Gauteng). Two of his younger victims were forced to fondle him while he urinated into their mouths.⁶²

⁵⁴ Zwane, N. 2018. Manhunt and R50 000 reward for ‘violent plumber rapist’. *IOL*, 16 January. Available at <https://www.iol.co.za/news/south-africa/gauteng/manhunt-and-r50-000-reward-for-violent-plumber-rape-12744168>.

⁵⁵ *SowetanLive*. 2019. Scary time for women with a serial rapist on the loose. 26 March. Available at <https://www.sowetanlive.co.za/news/2007-12-18-serial-rape-mongezi-jingxela-is-finally-behind-bars>.

⁵⁶ Masilela, B. 2019. Alleged serial rapist faces 32 charges as court adds more cases. *IOL*. 25 July. Available at <https://www.iol.co.za/news/south-africa/gauteng/alleged-serial-rape-faces-32-charges-as-court-adds-more-cases-29835603>.

⁵⁷ *SowetanLive*. 2009. Convict feels sorry for his rape victims. 7 July. Available at <https://www.sowetanlive.co.za/news/2009-07-07-convict-feels-sorry-for-his-rape-victims>.

⁵⁸ *News24*. 2014. *Cop serial rapist gets 5 x life and extra 284 years*. 26 January. Available at <https://www.news24.com/News24/Cop-serial-rape-gets-5-x-life-and-extra-284-years-20140126>.

⁵⁹ Seleka, N. 2016. Tongue lashing and 12 life terms for rapist. *SowetanLive*, 1 July. Available at <https://www.sowetanlive.co.za/news/2016-07-01-tongue-lashing-and-12-life-terms-for-rape>.

⁶⁰ National Prosecuting Authority. 2016. *Serial rapist sentenced to 5 life terms*. 29 April. Available at <https://www.npa.gov.za/sites/default/files/media-releases/2016%20April%2029%20-%20Serial%20Rapist%20Sentenced%20To%2012%20Life%20Terms.pdf>.

⁶¹ Mthala, W. 2018. Tshepisoong serial rapist sentenced to 15 life terms behind bars. *SABC News*. 20 June. Available at <https://www.sabcnews.com/sabcnews/tshepisoong-serial-rape-sentenced-to-15-life-terms-behind-bars>.

⁶² *IOL*. 2000. ‘Serial rapist’ admits to raping two girls. 21 November. Available at <https://www.iol.co.za/travel/south-africa/serial-rape-admits-to-rape-two-girls-53558>.

- Lukas Makubela (four victims) raped white women in the Kameeldrift area (Pretoria, Gauteng) during home invasions. He told the one victim to call him meneer (English: mister) because he wanted to “vernietig [destroy] white bitches” like her.⁶³
- Edgar Ndlovu (three victims) was convicted for the rape of a 9-year-old girl behind an SAPS station in Galeshewe (Northern Cape) while out on bail for two convictions of rape.⁶⁴
- Siphso Mhlangathi Dube was convicted of three counts of rape and six counts of murder in Mhlumayo (KwaZulu-Natal), with most of his victims being girls between 10 and 14 years old. He had once pointed out a victim to the SAPS but was not questioned even though he had blood on his shoes. He went on to murder more victims.⁶⁵
- Hendry Skhai raped four women on four consecutive days in the same spot in Shabalala near Hazyview (Mpumalanga).⁶⁶

12. Broken justice

A highly contested area of the criminal justice system is whether or not sex offenders can be rehabilitated successfully. Data that was collected for this report included whether offenders committed rape again after being released on parole, while out on bail or in other suspicious circumstances. Of the 536 offenders, the following was found:

- 31 offenders committed rape while on parole after having served time for committing rape.
- 28 offenders committed rape while out on bail after having been apprehended for committing rape.
- Eight offenders escaped police custody, almost all recaptured at a later stage.
- Seven offenders were unduly released, either “by mistake” or with just a warning, or because the case was withdrawn because of a backlog in DNA testing.

A total of 59 offenders committed rape after being released either on parole or bail by the criminal justice system. Some notable instances are listed below.

- Mongezi Jingxela was granted bail of R1 000 while facing his first charge of rape but failed to attend his trial. He was later convicted of raping 58 victims in Soweto (Gauteng).⁶⁷
- Malibongwe Ncokolo from Ndatsane (Eastern Cape) is currently in court on charges of raping 40 young women, of whom he killed three. He had been released on parole for a previous rape charge when he committed these crimes.⁶⁸
- Shulters Sifiso Makhubo was out on parole after having served eight of 15 years for raping a young girl, when he raped another 36 women in numerous Gauteng townships. He is alleged

⁶³ Otto, H. 2015. *Ma getuig van gesin se ‘laaste normale dag’*. Netwerk24. 31 March. Available at <https://www.netwerk24.com/Nuus/Misdaad/Ma-getuig-van-gesin-se-laaste-normale-dag-20150331>.

⁶⁴ IOL. 2019. *Man accused of raping girl while on parole claims DNA experts made mistake*. 23 October. Available at <https://www.iol.co.za/news/south-africa/northern-cape/man-accused-of-raping-girl-while-on-parole-claims-dna-experts-made-mistake-35681636>.

⁶⁵ *SowetanLive*. 2010. *Most feared killer speaks*. 24 May. Available at <https://www.sowetanlive.co.za/news/2010-05-24-most-feared-killer-speaks>.

⁶⁶ IOL. 2014. *Serial rapist jailed for 100 years*. 18 August. Available at <https://www.iol.co.za/news/serial-rapist-jailed-for-100-years-1737170>.

⁶⁷ IOL. 2007. *How serial rapist lured victims*. 10 December. Available at <https://www.iol.co.za/travel/south-africa/how-serial-rapist-lured-victims-382089>.

⁶⁸ Damons, A. 2020. *Parolee found guilty of 2 murders and 18 rapes in the Eastern Cape*. News24, 4 November. Available at <https://www.news24.com/news24/southafrica/news/parolee-found-guilty-of-2-murders-and-18-rapes-in-the-eastern-cape-20201104>.

to have purposefully tried to infect his victims with HIV. Before the trial could commence, however, he hanged himself in prison.⁶⁹

- Ramohapi Elias Ntholeng, from Botshabelo (Free State), was sentenced to life imprisonment (125 years) in 2001 for raping five young girls. However, he was released on parole in 2011, after which he raped another ten girls.⁷⁰
- Frans Mokoena, from White River (Mpumalanga), was released on parole for the second time after serving seven years of a ten-year sentence for rape and robbery. He was later arrested on charges of raping and murdering an additional 15 women. While in custody he boasted that he had murdered many more. He later died while in police custody.⁷¹
- Cassius Lionel Khoza was arrested in 2013 on a charge of rape. However, the case was withdrawn while the court awaited DNA results. He was later convicted of 15 counts of rape, six of which occurred after the first case had been withdrawn.⁷²
- Boas Jacob Kgatlhane escaped police custody twice during his reign of terror. He was finally convicted on 13 counts of rape – mostly of children.⁷³
- Isaac Molatudi Tshabalala was released on parole for rape, after which he raped another 12 victims.⁷⁴
- Tsietsi Samuel Msiza raped and stabbed a University of Pretoria student while out on bail of R1 000 for raping three women. After his arrest, he escaped from a police station but was caught a month later. His last victim successfully sued the National Prosecuting Authority and Minister of Police for R6,8 million.⁷⁵
- Mlungisi Mtshali, also known as “the birthday rapist”, was released by correctional services “by mistake” while awaiting trial for allegedly raping 12 women. Correctional Services officials were suspended following an investigation. Mtshali was later convicted of raping 20 victims.⁷⁶
- Moeketsi Johannes Nkhekhe managed to escape from a police station after being arrested for rape, was rearrested, released on bail and then raped at least another three women while out on bail.⁷⁷

⁶⁹ Hosken, G. 2013. Justice snatched from raped girls. *TimesLive*, 26 July. Available at <https://www.timeslive.co.za/news/south-africa/2013-07-26-justice-snatched-from-raped-girls>.

⁷⁰ OFM. 2015. *Ten life sentences for serial rapist*. 15 December. Available at <https://www.ofm.co.za/article/local-news/176075/ten-life-sentences-for-serial-rapist>.

⁷¹ Eloff, H. 2016. Lowveld community gets closure in ‘rapist-murderer’s’ death. *The Citizen*. 29 July. Available at <https://citizen.co.za/news/south-africa/1228033/lowveld-community-gets-closure-in-rapist-murderers-death>.

⁷² *Mpumalanga News*. 2017. Heavy sentence for serial rapist. 15 December. Available at <https://mpumalanganews.co.za/328197/heavy-sentence-serial-rapist>.

⁷³ ENCA. 2013. *Multiple rape suspect re-arrested – again*. 3 November. Available at <https://www.enca.com/south-africa/escaped-serial-rapist-re-arrested>.

⁷⁴ *Sedibeng Ster*. 2017. Serial rapist to get sentenced tomorrow. 6 September. Available at <https://sedibengster.com/12029/serial-rapist-get-sentenced-tomorrow>.

⁷⁵ Mabuza, E. 2016. Woman awarded R6.8 million after being raped, stabbed repeatedly by man on bail. *TimesLive*, 14 November. Available at <https://www.timeslive.co.za/news/south-africa/2016-11-14-woman-awarded-r68-million-after-being-raped-stabbed-repeatedly-by-man-on-bail>.

⁷⁶ *TimesLive*. 2013. ‘Birthday rapist’ Mtshali found guilty, Radebe welcomes verdict. 6 August. Available at <https://www.timeslive.co.za/news/south-africa/2013-08-06-birthday-rapist-mtshali-found-guilty-radebe-welcomes-verdict>.

⁷⁷ Damons, A. 2019. *Reeksverkragters en die mense wat hulle vang*. *Netwerk24*. 2 November. Available at <https://www.netwerk24.com/Nuus/Misdaad/reeksverkragters-en-die-mense-wat-hulle-vang-20191102>.

- Johannes Batsibile was arrested on 28 charges of rape and one of murder but escaped with the aid of an SAPS constable.⁷⁸
- Paul Molefe Mampame, an SAPS officer, was granted bail after he had raped an 8- and 12-year-old. While out on bail, was called to assist an unresponsive 13 year old girl. He took the girl to his home and then raped her.⁷⁹

Estimated dates of first offences, last offences and dates of sentencing or conviction were used to illustrate in Figure 10 how long it takes for perpetrators to be sentenced after their first offence, as well as how long it takes perpetrators to be jailed after their last offence, which would typically be around the time they were arrested.

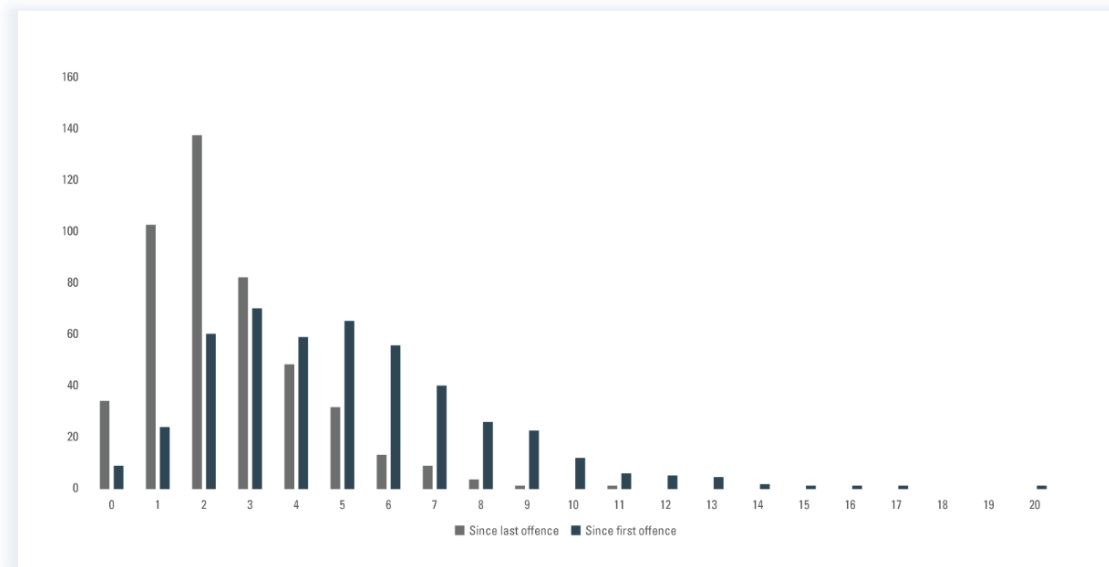


Figure 10: Time (in years) from rape to sentencing or conviction

13. Causes of rape

A research project that was conducted in 2001 involved 1 737 men in the Eastern Cape and KwaZulu-Natal.⁸⁰ The study identified seven motivations for rape for the different categories of victims:

- Sexual entitlement
- Anger
- Boredom
- Alcohol
- Fun
- Peer pressure
- Cleaning.

⁷⁸ Pijoo, A. 2018. Ex police officer arrested for allegedly helping rape suspect escape. *TimesLive*, 11 November. Available at <https://www.timeslive.co.za/news/south-africa/2018-11-11-police-officer-arrested-for-allegedly-helping-rape-suspect-escape>.

⁷⁹ *The Citizen*. 2014. Release of child killer haunts KZN mother. 12 August. Available at <https://citizen.co.za/news/south-africa/227374/release-child-murderer-haunts-kzn-mother>.

⁸⁰ Jewkes, R., Sikweyiya, Y., Morrell, R. & Dunkle, K. 2011. Gender inequitable masculinity and sexual entitlement in rape perpetration South Africa: Findings of a Cross-Sectional Study. *PLoS ONE* 6(12):e29590. 28 December. DOI: <https://doi.org/10.1371/journal.pone.0029590>.

The study found that in the case of rape victims younger than 15, *sexual entitlement* was cited in approximately 70% of incidents as the motivation for rape, while *boredom* was cited in about 45% of the incidents and *fun* in more than 50% of the incidents. *Sexual entitlement* and *anger* were significant motivations for the men who raped their girlfriends. In the case of gang rape, *sexual entitlement*, *fun*, *alcohol* and *peer pressure* were cited as the most significant motivations.

Socio-economic conditions such as unemployment, poor education and a lack of supportive family structures are a few factors that exacerbate the rape crisis in South Africa and result in the motivations mentioned above. Extreme levels of unemployment (30,8% for the second quarter of 2020)⁸¹ that are only increasing may lead to more cases of rape motivated by boredom. The country also has an extremely high prevalence of single-parent households,⁸² which has been known to increase the chances of children committing crime. *Cleaning* refers to the myth that having sex with young girls – especially virgins – cleanses a man of diseases.

Regarding the motivation *sexual entitlement*, research found that perversions of cultural, traditional and religious practices lead to rape. A study by the Centre for the Study of Violence and Reconciliation indicated that gender-based violence is caused by an interplay of individual, community, economic, cultural and religious factors that interact at different levels of society.⁸³ The perversion and reinterpretation of cultural practices such as *lobola*, *ukuthwala*⁸⁴ and male circumcision can lead to gender-based violence, including rape.⁸⁵ *Lobola* is the giving of gifts, usually money or livestock, to the parents of a bride-to-be. Some men misinterpret *lobola* as their right to control and treat their wife as their property. In some marriages, this has resulted in gender-based violence, including rape.⁸⁶

Ukuthwala is described by the Department of Justice⁸⁷ as

a form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman's family to endorse marriage negotiations.

Unfortunately, this ancient cultural practice has evolved from the original tradition into one that is characterised by rape, violence and human trafficking. Although recently declared illegal, *ukuthwala* still appears to be widespread, particularly in rural South Africa.⁸⁸

Male circumcision is a common cultural practice and is considered a rite of passage that young men should go through to achieve manhood. Historically, initiation schools played an important role in teaching initiates to be responsible men. A reinterpretation of this practice emerged, with the suggestion that initiation gives young men the right to sex with multiple partners. This is a perversion of the original purpose of male initiation.⁸⁹

The magnitude of the rape crisis requires an “all hands on deck” approach and a comprehensive strategy that starts with education around and creating awareness of rape. This approach should include addressing 1) the perversion and reinterpretation of cultural practices that can perpetuate

⁸¹ BusinessTech. 2020. South Africa unemployment jumps 52% in the third quarter. Available at <https://businesstech.co.za/news/business/448076/south-africa-unemployment-jumps-52-in-the-third-quarter>.

⁸² Fourie, J. 2018. *Why are there so many single mothers?* Fin24, 26 September. Available at <https://www.news24.com/fin24/finweek/opinion/why-are-there-so-many-single-mothers-20180926>.

⁸³ Centre for the Study of Violence and Reconciliation. 2016. *Gender-based violence (GBV) in South Africa: A brief review*. Available at <http://www.csvr.org.za/pdf/Gender%20Based%20Violence%20in%20South%20Africa%20-%20A%20Brief%20Review.pdf>.

⁸⁴ The Sesotho term is *tjhobediso*.

⁸⁵ See footnote 84.

⁸⁶ See footnote 84.

⁸⁷ Department of Justice. 2010. *Ukuthwala – Let's stop stolen childhoods*. Available at <https://www.justice.gov.za/brochure/ukuthwala/2011ukuthwala.pdf>.

⁸⁸ Maduna, L. 2017. *Ukuthwala: The sex trafficking scandal devastating rural South Africa*. *Mail & Guardian*, 29 November. Available at <https://mg.co.za/article/2017-11-29-ukuthwala-the-sex-trafficking-scandal-devastating-rural-south-africa>.

⁸⁹ See footnote 84.

rape, 2) myths that lead to rape and 3) the stigma associated with rape. The comprehensive strategy should end with justice. Government can contribute to solving this problem by ensuring an efficient, effective criminal justice system. The long-term solution of this crises also lies within communities and their institutions, however. Government should therefore provide community institutions with the freedom and support to take responsibility for solving this crisis.

14. Holding the government to account

The South African Government failed in curbing crime – particularly violent crime, including rape. The government’s failure to provide an adequate criminal justice system and its lack of urgency in implementing measures to address crime – such as support for and cooperation with community initiatives – resulted in a country with some of the highest violent crime levels in the world, particularly rape. In recent years, however, government has started to take steps, which includes the establishment of a new emergency number exclusively for the reporting of gender-based violence against women. The aim is to speed up reaction time of the SAPS and emergency service against such crimes.⁹⁰ A new bill was also approved by Cabinet, according to which the prescription for some sexual offences is lifted, allowing for the prosecution of people suspected of having committed sexual offences irrespective of when these crimes were committed.⁹¹

These measures were announced by Jackson Mthembu, Minister in the Presidency, who pleaded with men in South Africa to stop abusing, raping and killing women.⁹² His plea followed President Cyril Ramaphosa’s announcement of the national strategic plan on gender-based violence and femicide in April 2020 as an emergency response plan to the high prevalence of gender-based violence in South Africa.^{93,94} The plan includes legislative reforms such as no bail and no parole for perpetrators, the lobbying of private companies to contribute to a central fund to fight the scourge of gender-based violence and an expansion of support services for victims. The plan was announced after tens of thousands of people took to the streets in South Africa to protest daily raping, maiming and killing of women in South Africa.

The President also recently issued a proclamation on the commencement of legislation that establishes dedicated sexual offences courts to bring relief and justice to survivors of gender-based violence⁹⁵. Three amendment bills⁹⁶ were also recently announced:

- New offences and changes to the National Register for Sex Offenders that will add new offences to the register and propose making the register public;
- Bail and minimum sentences, which will seek to tighten bail and sentencing; and
- Domestic Violence Act, which aims to extend the scope of the Act.

⁹⁰ Maroela Media. 2019. *Konsepwet: Seksuele misdade verjaar nie meer*. Available at <https://maroelamedia.co.za/nuus/sa-nuus/konsepwet-seksuele-misdade-verjaar-nie-meer>.

⁹¹ See Prescription in Civil and Criminal Matters (Certain Sexual Offences) Amendment Bill. Available at <https://www.gov.za/documents/prescription-civil-and-criminal-matters-sexual-offences-amendment-bill-b22-2019-27-nov>.

⁹² Presence, C. 2019. Jackson Mthembu breaks down as he asks men to stop violence against women. *IOL*, 19 September. Available at <https://www.iol.co.za/news/politics/jackson-mthembu-breaks-down-as-he-asks-men-to-stop-violence-against-women-33266963>.

⁹³ *IOL*. 2020. Ramaphosa announces plan to beef up fight against gender-based violence. 30 April. Available at <https://www.iol.co.za/news/south-africa/ramaphosa-announces-plan-to-beef-up-fight-against-gender-based-violence-47404536>.

⁹⁴ Department of Justice. 2020. *The national strategic plan on gender-based violence and femicide*. Available on <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf>.

⁹⁵ South African Government. 2020. *President Cyril Ramaphosa issues proclamation on sexual offences courts*. Available at <https://www.gov.za/speeches/sexual-offences-courts-6-feb-2020-0000>.

⁹⁶ *BusinessTech*. 2020. 3 new laws planned for South Africa: Ramaphosa. 7 September. Available at <https://businesstech.co.za/news/government/431706/3-new-laws-planned-for-south-africa-ramaphosa>.

While these announcements should be welcomed, it is noteworthy that all of these steps are merely reactive. Also, while these steps might contribute to a better response, none would significantly contribute to lowering the levels of violence against women in South Africa. It is reasonable to conclude that the South African government simply does not know how to curb the scourge of gender-based violence.

The answer lies with communities and community-based institutions. Government must provide support and a legal framework that would make it easier for community institutions to take the responsibility upon themselves to solve this crisis. Government should welcome such community-based initiatives and work with these institutions to address the problem.

Where government clearly failed in their duties to protect its citizens – particularly with reference to the release of rapists who continue to rape – civil organisations must create capacity so that they can provide legal support to rape victims. Community institutions have the responsibility to hold government accountable when it fails in its duty – yet at the same time must work towards a solution to the problem.