

Gang Rape & HIV/AIDS – A “Nasty Surprise”?

On Sunday night during News Hour (18/11/2001), and then repeated on Monday (20/11/2001) on Morning Live, the SABC chose to report a story about a woman who had been gang raped. While the intention may have been good, the result raised several ethical issues and highlighted the necessity for extreme care to be exercised in the reporting of violence against women. The item was exceptional for the way it dealt with the issue of HIV/AIDS, in that the rape survivor was named and identified and that her children were identified.

Following a story about HIV/AIDS, the item was introduced by the newsreader as. “Four rapists are in for a nasty surprise, the Port Elizabeth woman they raped has got AIDS.” Through the use of the term “nasty surprise”, the suggestion is made that they may now be HIV positive. However this also implies that there is some form of retribution for the rapists’ actions. The use of the term, (when referring to the woman) as “having AIDS” needs to be questioned for its accuracy. Later in the item, the woman is referred to as “AIDS positive”, which still does not clarify her status. Being HIV positive and having AIDS are very different issues, and considering the poor levels of HIV/AIDS education, it is one that needs to be explained. (To be HIV/AIDS positive means that the virus is present. To have AIDS means that the virus has caused significant immune damage). The introduction also, however, fails to address the negative stigma of being HIV positive and instead would appear to support the archaic notion of it being an appropriate form of “punishment” for rapists.

The item goes on to describe in graphic detail how five men entered the woman’s “shack”, how four of the men raped her at gun point with her children present, and how she had urged them to use condoms. Unlike most stories on violence against women the survivor is named and identified. The naming and/or identification of a rape survivor is dependent on the consent of the survivor herself and is usually handled with extreme care by the media. While in the item in question it is evident that the woman had given consent, the nature of this is not clear and whether it was informed consent, cannot be determined. The experience of revealing the trauma of being raped can be very powerful and empowering for the survivor (as has been the experience of some of the women POWA has dealt with), but this is dependent on the survivor being aware of the implications of doing so. Not only is the identity of the woman revealed but also her HIV/AIDS status; again, the choice of revealing one’s HIV/AIDS status rests with the person and while it may also have a very positive impact for her/him there have been numerous occasions where the person has been victimised as a result of their having admitted to being HIV positive. To reveal to one’s family and friends one’s identity as a rape survivor with the HIV/AIDS virus is one thing; to do so on national television is quite another. At no stage in the item is either of these issues raised.

The identities of the woman's children are also revealed. While this may not constitute an infringement of the Criminal Procedure Act, it raises ethical questions of identifying children because their mother had been raped. Furthermore, in terms of the guidelines of the International Federation of Journalists the media shall, "guard against visually identifying children unless it is demonstrably in the public interest". Most importantly, however, the visual identification of the children is clearly not in their interests, let alone in their best interests. The South African constitution section 28(2) states, "the child's best interests are of paramount importance in every matter concerning the child". While they are identified, their HIV/AIDS status is not.

Coverage of violence against women is encouraged and numerous guidelines exist to ensure that stories are reported with due care and sensitivity. One negative trend that has been noted in previous research was the emphasis on the perpetrators of the crime as the focus of the item. In this instance, the item focused on the event with the woman at one point re-enacting a part of the trauma. Not only was the graphic description difficult to justify in terms of necessity for the story but it may also run the risk of negatively impacting on future criminal prosecutions.

The woman noted her concern that the men would now spread the virus to other people in the community and expressed her extreme concern that they be caught. The issues of her trauma and the dangers of her being re-infected with the HIV/AIDS virus and/or other sexually transmitted diseases were not mentioned. The item dealt more with the rapists spreading the HIV/AIDS virus and her HIV/AIDS status, with the actual gang rape being periphery. Ultimately, even though the item may have been well intentioned it failed to acknowledge the rape as a human rights violation and the trauma that she managed to survive.

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