

Rape is rape: media's role in reporting the alleged gang rape of a school girl.

Gender-based violence is a persistent human rights violation in South Africa, especially seeing girls and women of all ages continually enduring incidents of rape and assault. Official estimates that have been criticised as being overly conservative, put the number of women raped in South Africa at 27,750 a year, or three an hour.

Last week, an 8th grade girl was allegedly gang raped by three schoolboys on the high school's premises. The incident was allegedly filmed by students using mobile phones.

Numerous aspects of how this story has been reported have given Media Monitoring Africa (MMA) cause for concern.

Invasion of privacy and dignity

Such was the sensitivity surrounding this case in its initial stages that some news outlets opted not to even include the name of the school where the rape allegedly took place¹. All media has so far ensured the basic minimum protection that should be afforded to children in cases of rape; that the alleged victim and juvenile perpetrators have not been directly identified. In many other respects however, the level of sensitivity and caution demonstrated by the media has progressively deteriorated.

Some outlets monitored have performed better than others, and certain publications and broadcasters have provided examples of worst practice when it comes to reporting allegations of rape.

Of serious concern to MMA was the decision to interview the alleged child victim, taken by both The Star newspaper ("My school rape horror" 9,11,2010, p.1) and SABC (09,11,2010). There is no indication that a counsellor or psychologist was present during these interviews, and it is widely accepted in the field of child protection that asking a child to recount a traumatic experience can lead to secondary trauma, and should be avoided, save in exceptional circumstances.

¹ Among them Business Day ("Education MEC vows to deal with sexual aggressors", 09,11,2010, p.5) and Mail & Guardian (No arrests in Soweto for school 'gang rape'" 08,11,2010 online).

The girl's vulnerability was emphasised by the fact that she told SABC that she was "scared and disappointed" and was even suicidal. Broadcasting a child expressing such intimate sentiments is irresponsible and fails to respect this young girl's right to privacy and dignity.

The United Nations Convention on the Rights of the Child and the South African Constitution make it clear that in all matters concerning a child, his/her best interests are paramount. It is hard to imagine any circumstances in which exposing a child's vulnerability in such a way could be in her best interests.

Media reports may also be used during future criminal proceedings, meaning that not only is this potentially harmful for the victim's mental health but publishing her comments may also undermine the chances for successful conviction of the accused.

Indeed according to Daily Sun ("Other pupils accused of doing nothing", 10,11,2010, p.2) this may already have happened to some degree. It quoted a source at the court saying that "the police statement by the victim of the assault appeared to contradict what some newspapers have been reporting as the truth."

Despite examples of clear shortcomings in protecting the alleged rape victim's dignity and privacy, all media outlets have been consistent in omitting her name. Those who have regrettably chosen to interview her have at least concealed her identity in the photographs and footage they have used.

However even these efforts have been undermined by the selection of images published of Minister Lulu Xingwana in front the alleged victim's home. In The Star (09,11,2010, p.1) the caption under the photograph made clear that the Minister was pictured visiting the alleged victim. The child's house could be seen in the background. This was also the case in an image published by Sowetan (09,11,2010, p4). These images potentially indirectly identify the fifteen year old girl.

Possession and distribution of child pornography

The video of the alleged rape is child pornography.

Too few newspapers have raised this issue. In fact, in the course of MMA's analysis, just two articles have touched on the topic.

The Citizen ("School rape arrests" 09,11,2010, p.3) quoted Minister Lulu Xingwana urging "anyone in possession of the video of the alleged rape to stop circulating it and to delete it." However the journalist failed to highlight why, or even to mention that the video constitutes child pornography.

The manufacture, possession and distribution of child pornography are crimes. The only newspaper to highlight the issue that those who made the video were guilty of criminal activity was Daily Sun (“Other pupils accused of doing nothing” 10,11,2010, p.2), who quoted Lizette Schoombie, Director of the Teddy Bear clinic speaking about this issue.

MMA is also critical of The Star’s² decision to include a detailed account of what could be seen in the video. The level of detail given could be described as gratuitous, and appears completely unnecessary. Also given that the video constitutes child pornography, it should also be pointed out that it is a crime to be in possession of the video.

Further in terms of the Films and Publications Amendment Act, it is a crime not to report it if you know someone who is in possession of child pornography. It is crucial that the video and its contents are dealt with seriously.

Rape is rape

MMA strongly believes that rape is rape. It is therefore of serious concern that media has failed to consistently emphasise that irrespective of the circumstances sexual assault cannot be excused.

Whether a victim has been drugged or was drunk, rape is an inexcusable criminal act and rights violation. The media needs to be cautious not to frame its coverage in a way that could be interpreted as justifying the crime or attributing blame.

In response to early reports that the school principal and teachers had suggested that the girl was drunk most of the monitored media published quotes from Gauteng MEC for Education, Barbara Creecy’s saying that “unfounded allegations blaming the victim are inappropriate and irresponsible.” Minister for Women, Children and Persons with Disabilities, Lulu Xingwana was also widely quoted saying that “the Children’s Act requires all people in positions of authority who suspect child abuse may be taking place to report such incidents, and this includes teachers.” This is to be commended.

However, there were also occasions where media failed to challenge and even lent credence to claims that the girl bore some responsibility for what happened, by publishing quotes or information that could be interpreted as questioning her claim of rape.

² “My school rape horror” 9,11,2010, p.1

ETV reporter Jody Jacobs went as far as to say that students at the school “believe all the facts don’t add up” and that “there’s something sinister at play”.³ Two clips of students were then shown, in which they questioned what had allegedly happened, with one calling it “fishy”.

MMA can think of no other crime where hearsay about a victim’s claims would be considered newsworthy or appropriate for republication. Neither is it appropriate in this case.

The Star (“Pupils not off the hook, 10,11,2010, p.1) went a step further, suggesting that the girl could now also “face charges” for statutory rape. This clearly implied that the sex was consensual. The Star quoted Dr Ann Skelton of the Centre for Child Law explaining that “if a case of consensual sex is proven among children under 16, all parties can be charged with statutory rape.” This is the first time a newspaper has so boldly suggested that the girl may have consented to sex rather than having been raped, and therefore was as guilty of a crime as the boys involved.

It is not the place of a newspaper to draw such conclusions. This case is still under investigation.

Confusion and Inconsistency in reporting

At a very basic level there have been a number of discrepancies in how the monitored media more broadly has reported this story. The location of the school varied from Jeppestown, where the school is actually located, to Auckland Park⁴ and Soweto⁵. The reporting of the ages of the boys involved has also varied, with most now reporting that the accused teenagers are 14 and 16, while Daily Sun⁶ for example reported they were 15 and 16.

More critically there was conflicting information reported as to whether or not police had ensured the girl was tested to determine if drugs were found in her system or not.

The Star⁷ reported that “confidential sources said the charges were dropped because no evidence of ‘rape or drugs’ could be found to support the charge.” This conflicts with Beeld’s⁸ report, for example, in which the child’s uncle was quoted saying that according to the Hillbrow clinic, where the girl had been tested, drugs had been found in her system.

Sonke’s Mbuyiselo Botha was interviewed on ETV (08,11,2010) highlighting that the absence of such a test could jeopardise the case and that this is ultimately the responsibility of the police.

³ 08,11,2010

⁴ Business Day “Education MEC vows to deal with sexual aggressors” 09,11,2010 p.5

⁵ Mail & Guardian “No arrests in Soweto for school ‘gang rape’” 08,11,2010

⁶ “Other pupils accused of doing nothing” 10,11,2010, p.2

⁷ “Pupils not off the hook”, The Star, 10,11,2010, p.1

⁸ “Verkrag by skool: 2 suens in arres”, Beeld, 09,11,2010, p.4

The role of the media was surely to ensure that accurate information about such a critical element in the investigation was reported.

The Star: Example of worst practice in reporting on children

While many media outlets have failed in one respect or another in their reporting of this case, The Star stands out as having failed to act in the best interests of the children involved.

MMA is very concerned by The Star's coverage, its decision to interview the teenage girl, that it watched and republished details of the video of the alleged rape and most recently that it has suggested that the girl herself is "not off the hook".

MMA calls on all media to ensure that all reports on this matter are reported in such a manner that the best interests of the children involved are respected.

By Sandra Banjac and Laura Fletcher

Media monitored included:

“Pupils film girl’s gang-rape at school”, City Press, 07,11, 2010 p.8

“Exams first, then rape busts - police”, The Star, 08,11,2010 p.1

“Education MEC vows to deal with sexual aggressors”, Business Day, 09,11,2010, p.5

“My school rape horror”, The Star, 09,11,2010, p.1

“Two boys bust for gang-rape!”, Daily Sun, 09,11,2010, p.5

“Mom paid for good school”, The Times, 09,11,2010, p.5

“School rape arrests”, The Citizen, 09,11, 2010, p.1 & 3

“Teachers say she deserved it – Mom”, Sowetan, 09,11,2010, p.1

“Teachers said my daughter deserved to be raped – mom” Sowetan, 09,11,2010, p.4

“Verkrag by skool: 2 suens in arres”, Beeld, 09,11,2010, p.4

Mail & Guardian “No arrests in Soweto for school ‘gang rape’” 08,11,2010, online

“Pupils not off the hook”, The Star, 10,11,2010, p.1

“Freed! Boys off the hook in new shock over school rape!”, Daily Sun, 10,11,2010, p.1

“Other pupils accused of doing nothing”, Daily Sun, 10,11,2010, p.2

“Schoolboys accused of gang rape released”, The Times, 10,11,2010, p.6

“School rape suspects are set free”, The Citizen, 10,11,2010, p.4

“Rape pupils walk”, Sowetan, 10,11,2010, p.1

“Rape charges dropped”, Sowetan, 10,11,2010, p.2

SABC News and Morning live

ETV News