

# WHAT WE KNOW – AND WHAT WE DON'T

## Single and multiple perpetrator rape in South Africa

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*This article offers an analysis of 1 886 rape docket opened at 70 police stations in Gauteng Province in 2003. Multiple perpetrator rape ('gang rape') constituted 16% of all cases. Most of these incidents started when the victim was outdoors, either alone or accompanied, and occurred in the open or in a public space. In contrast, single perpetrator rape mostly occurs in a home. A key finding was that fewer than 40% of victims of either single or multiple perpetrator rape indicated that they had verbally or physically resisted the attacker. Yet in most cases perpetrators were not armed. Further, an analysis of J88 forms showed many victims had no injuries other than genital or anal injury. Injuries to other parts of the body were only found in 27% of single and 35% of multiple perpetrator rape victims. Although most victims reported to the police within 72 hours of the rape, the arrest rate was low, particularly for multiple perpetrator rapes (39%). The study showed that there are very important differences between single perpetrator and multiple perpetrator rape. It also points to a mismatch between perpetrators' accounts and police case reports, suggesting differences in under-reporting between these two types of rapes. Improvement of DNA testing and rape case arrests of multiple perpetrator rapes are matters of urgency, and reasons for differences in low arrest rates should be the next step in the examination of multiple rape cases.*

South Africa is often labelled the rape capital of the world. The prevalence of rape, and particularly multiple perpetrator rape (i.e. coerced sex where two or more men sexually penetrate), is unusually high. The proportion of adult men from the general population who have raped is between 28-37%, and 7-9% have engaged in multiple perpetrator rape.<sup>1</sup> This compares with 24% of men in India and 9% in Chile and Rwanda who

disclosed in research that they had raped,<sup>2</sup> and 15% of rural Bangladeshi men.<sup>3</sup> In those countries, the proportion of men disclosing multiple perpetrator rape is 2% or less.

In South Africa qualitative research highlights three key contexts in which multiple perpetrator rape occurs.<sup>4</sup> The first is when a group of young men roam town or open land looking for someone

to rape as entertainment; the second is when a girlfriend is delivered by her partner for rape, usually to punish infidelity; and the third is rape of drunk or drugged women. Research shows that punishment is the motivation in about one third of cases, and in a little less than one in five cases, the victim is found inebriated. The great majority of cases of multiple perpetrator rape are committed for entertainment.<sup>5</sup>

Research increasingly highlights under-reporting of cases to the police. The extent of the difference in under-reporting of single vs multiple perpetrator rape is however unknown. We also do not know to what degree reporting of multiple perpetrator rape is biased – that is, whether there are specific types of rape that are less likely to be reported than others. Analysis of police dockets is essential to gain a proper understanding of rape cases presented to the criminal justice system and of the way in which they are processed through the system. The aim of this paper is to compare the characteristics of cases of single perpetrator rape and multiple perpetrator rape, as reported to Gauteng police in 2003. It considers the circumstances of the rape, the progression of cases and their legal outcomes.

## METHODOLOGY

This study was conducted on legally defined rapes occurring in 2003. At the time, in terms of South African law, rape was defined as occurring when a man had ‘intentional and unlawful vaginal sex with a woman without consent.’<sup>6</sup> This study is based on a provincially representative sample of cases of rape and attempted rape opened at Gauteng police stations between 00:00 hrs on 1 January 2003 and 23:59 hrs on 31 December 2003. These cases had been closed by the police at the time of data collection in 2006.<sup>7</sup>

A total of 11 926 rapes were reported at the 128 police stations in the province that year. A sample was drawn for the study, using a two-stage procedure. The first stage drew a random sample of 70 police stations, using probability proportional to size, where size was based on the

number of rape cases that year. Within each police station all the closed rape cases for the year were identified and a systematic sample of 30 dockets was selected (or all cases were taken if the number was less than 30). If selected dockets were not available, they were not replaced. The proportion of dockets available from the sample was 70,1%. We were not able to ascertain how many dockets were unavailable because they were still open, and how many were missing for other reasons. This procedure provided a sample of 2 068 cases for the study. If cases went to court, we obtained court records from both High Courts in the province, as well as all 30 magistrates’ courts.

The police dockets included the witness statements, police investigation diary, the form on which the findings of the medical examination were documented by the medical examiner (J88), and other reports, including any available reports from the Forensic Science Laboratory. Data were abstracted by a team of trained fieldworkers using a standardised data coding sheet. Information gathered included the details of the complainant (age, race, occupation, and in the case of children, the carer), the circumstances of the rape (when it occurred, where, what the victim was doing, use of weapons, victim responses after the rape), information on the suspect (age and relationship to victim), and on the case outcome. Information on the circumstances of rape was abstracted from the victim statements verbatim on to the data capture sheet and were post-coded. Medico-legal forms found in dockets were copied verbatim on to a blank form in the data capture sheet by the fieldworker, while those found in court records were photocopied. The information from these forms was abstracted on to a form for data entry by health professionals on the study team.

Permission to review closed rape dockets was obtained from the police nationally, provincially and at the stations. Court documents are a matter of public record. No identifying information related to rape victims was collected during fieldwork, and any found on photocopied documents was erased.

Ethics approval for the study was given by the University of Witwatersrand, Faculty of Health Sciences Ethics Committee.

## DATA ANALYSIS

The analysis used the sub-sample of completed rapes (n=1886). Sixty-eight cases were dropped due to missing data and 114 because they were attempted rapes. The main outcome was based on the number of perpetrators involved in the rape (one versus more than one). There were 1 558 single perpetrator rapes and 328 multiple perpetrator rapes. The analysis of medico-legal findings was based on the sub-sample of cases (n=1480) with a medico-legal form, 1 208 single perpetrator rape cases and 272 multiple perpetrator rape cases. The main reasons for missing medico-legal forms included having no medical examination (50% of missing forms, 250 cases), the form destroyed with court records (3 cases), and reason unknown (252 cases).

## RESULTS

### Victim characteristics

The average victim age was 21,8 and ranged between 1 and 89 years. Multiple perpetrator rape cases involving victims of all ages were reported to the police, but in these cases the victims were much less likely to be under 12 years old, compared to single perpetrator rapes (Table 1). In the great majority of cases, victims were over 18 years old.

Most of the victims were unemployed and were black Africans (Table 1). The pattern of rape did not differ by racial group, but the overall pattern of reported cases by racial group was significantly different from the population demographics. The 2001 census found 73% of the province's population to be African and 21% to be white. This study found 87% of multiple perpetrator rape cases victims to be African and 4,3% to be white.<sup>8</sup>

**Table 1:** Characteristics of victims of single and multiple perpetrator rape

	Single perpetrator rape N=1 558	Multiple perpetrator rape N=328
Victim characteristics	%	%
Mean age	21,6	23,4
Age: 0-11 years	15,1	6,4
12-17 years	25,7	23,0 **
18+ years	59,2	70,6 ***
Race: African	88,8	86,9
Coloured	4,2	6,4
White	4,5	4,3
Indian	0,8	1,2
Unknown	1,7	1,2
Employment of women over 18: none	57,8	59,0
Professional	1,7	1,3
White collar	3,4	2,2
Blue collar	7,8	8,4
Sex work	0,4	0
Domestic work	9,2	9,3
Student	9,2	10,1
Unknown/other	9,7	9,7
Victim perpetrator relationship: any relative	12,0	1,9
current or ex-partner	17,3	2,8
stranger/ man known by sight	28,5	65,9 ***
friend/acquaintance/neighbor	37,6	27,1
person just met	4,6	2,2

P-values from age adjusted logistic regression

\* p < 0.05    \*\* p < 0.01    \*\*\* p < 0.0001

There were substantial differences between single and multiple perpetrator rape pertaining to the victim perpetrator relationship. Multiple perpetrator rapes were overwhelmingly perpetrated by men or boys known just by sight or by strangers (65,9%), or by friends, acquaintances or neighbours (27,1%). This differs from single perpetrator rapes, where many of the rapes were perpetrated by relatives (12%), or by current or ex-partners (17,3%).

This finding is somewhat at odds with qualitative research conducted among men in the rural Eastern Cape province of South Africa, who themselves describe having perpetrated multiple perpetrator rape, notably girlfriend rape.<sup>9</sup> It's possible that there are inter-provincial differences, but it is also likely that cases where boyfriends are involved are less likely to be reported to the police. This may be due to girlfriends being disinclined to cause harm to their boyfriends or exes, but it is also likely to be related to the risk of reputational damage if a case goes to court. Multiple perpetrator rape is highly stigmatised and victims are often accused of promiscuity and being inebriated.<sup>10</sup>

There is substantial under-reporting of all rapes to the police. Research conducted in Gauteng in 2010 found that only one in 25 women interviewed who had been raped had reported it, and only one in 13 of these women reported rapes not involving an intimate partner.<sup>11</sup>

## Circumstances of the rape

Most commonly the victims of multiple perpetrator rape were approached when outdoors. In 25,7% of cases, victims were approached when out alone, and in 21,7% of cases when accompanied by friends or others (Table 2). The odds of being raped by multiple perpetrators while in the company of others was double that of single perpetrator rape. This scenario resonates with the accounts of men who describe being bored and seeking entertainment through gang rape with their friends.<sup>12</sup>

The third most common multiple perpetrator rape scenario (13,6% of these rapes) was being raped

when at home, with the perpetrator gaining access either through breaking and entry, or trickery, such as pretending to be a meter reader. The fourth most common scenario was for the victim to be raped after accepting an offer of accompaniment or asking to be accompanied (5,6%). However, in these two scenarios (at home and being accompanied) the rape was as likely to be committed by a single perpetrator. Other circumstances of rape are presented in Table 2. In 5% of multiple perpetrator rapes the circumstances were not recorded (none category).

Apart from being approached when with friends or in other company, the only other scenario that was more common in multiple perpetrator rape than single perpetrator rape was rape after hijacking or being dragged from a private car. The study also identified several circumstances in which multiple perpetrator rape took place in much the same circumstances as single perpetrator rape. Such cases included:

- Being raped when the victim was visiting someone or being visited, or by a baby sitter
- Being raped by a trusted person at home, perhaps as part of on-going sexual abuse
- Being raped by a man impersonating a sexual partner
- Rape in foster care or by another household member
- Rape of children when doing a chore or playing outside, or in school
- Sexual entitlement rape (when the victim had been at a social event and left with the perpetrator, had been on a date, took money or drinks from him, or changed her mind about wanting sex after initially agreeing).

In qualitative research, rape perpetrators have described rapes that occur when victims become (or are made) very drunk, or where victims are raped as punishment. Both of these accounted for a very small proportion of cases reported to the police. One interpretation of this finding is that these types of rapes may be substantially under-reported.

**Table 2:** Circumstances of the rape

	Single perpetrator rape n (%)	Multiple perpetrator rape n (%)
Victim walking alone or jogging when approached by perpetrator	292 (19,1)	83 (25,7)
Victim walking accompanied when approached by perpetrator	106 (6,9)	70 (21,7)
Approached at a social event	63 (4,1)	10 (3,1)
Job seeking or offered a job opportunity	19 (1,2)	1 (0,31)
Victims asks to be accompanied or accepts offer of accompaniment	91 (6,0)	18 (5,6)
Victims offered or asks for a lift in a vehicle	48 (3,1)	9 (2,8)
Victim gives a lift in vehicle	2 (0,13)	0,0
Victim visiting someone or being visited, or by baby sitter	116 (7,6)	12 (3,7)
Raped by a trusted person at home: on-going sexual abuse, impersonation of partner, rape in foster care or by another household member	72 (4,7)	5 (1,5)
Child raped when doing a chore or playing outside, or in school	127 (8,3)	14 (4,3)
Rape is suspected by parent, care giver, authorities or from a complaint of the child	73 (4,8)	8 (2,5)
Statutory rape reported by parent when minor consented to sex	30 (2,0)	0,0
Raped when at home, may be breaking and entry or access through trickery	232 (15,2)	44 (13,6)
Raped during relationship conflict or split	61 (4,0)	0,0
Victim taking public transport	22 (1,4)	9 (2,8)
Victim dragged from private car or hijacked	5 (0,3)	6 (1,9)
Victim standing on the street waiting for transport or something or someone	35 (2,3)	15 (4,6)
Sexual entitlement rapes: victim leaves a social event with perpetrator, on a date, takes money or drinks, or changes her mind about wanting sex	59 (3,9)	6 (1,9)
Rape as punishment or revenge for theft or infidelity	4 (0,3)	2 (0,6)
Victim intimidated / blackmailed to have sex	3 (0,2)	0,0
Victim mentally ill or disabled	10 (0,7)	1 (0,3)
Victim inebriated	26 (1,7)	8 (2,5)
Victim looking for somewhere to stay	26 (1,7)	1 (0,3)
Security industry rape: police, military, security guard	3 (0,2)	1 (0,3)
Raped at work	5 (0,3)	0,0

## Attack characteristics

Most multiple perpetrator rapes involved two perpetrators (62,8%), and 29% involved 3 or 4 perpetrators (Table 3). The highest number was 17. In 18% of multiple perpetrator rapes other men colluded in the attack, but did not participate in the act of rape. The probability of collusion in multiple and single perpetrator rapes was much the same.

Multiple perpetrator rape mainly happened at weekends, with 65,1% occurring between Friday and Sunday, a pattern similar to that found in single perpetrator rapes.

Multiple perpetrator rapes most often occurred in open spaces, roads or alleys (47,6%). Being raped in an open space was four times more common

than for single perpetrator rapes. The great majority of single perpetrator rapes occurred in the victim's home or perpetrator's home (58,8%), whereas only 24,7% of multiple perpetrator rapes occurred in this setting.

Victim abduction was a common feature in multiple perpetrator rape, reported in two thirds (62%) of cases. This was twice as common as in single perpetrator rapes. Perpetrators of multiple perpetrator rape were often armed (52,2%), and in a third of cases there was a gun. This was much more common than in single perpetrator rapes. The high prevalence of weapon use is again quite at odds with the accounts of perpetrators in qualitative research, and may suggest that in cases where the perpetrator is armed there is a greater likelihood that the case will be reported to the police.

**Table 3:** Circumstances of the attack in single and multiple perpetrator rape

		Single perpetrator rape N=1 558	Multiple perpetrator rape N=328
<b>Attack characteristics</b>		%	%
Number of perpetrators:	2		62,8
	3		19,8
	4		9,2
	5		2,7
	6		2,4
	7-17		3,1
	1+ others colluding but not raping	13,6	18,3 *
Day of the week:	Monday	11,2	10,5
	Tuesday	10,9	10,2
	Wednesday	10,2	6,8
	Thursday	8,7	7,4
	Friday	15,0	18,6
	Saturday	26,5	28,2
	Sunday	17,6	18,3
Place of rape:	Victim's home	21,7	11,1 ***
	Perpetrator's home	37,1	13,6
	Other residence	9,4	13,3
	Road/alley	4,0	9,0
	Open space	17,2	38,6
	Other	10,6	14,4
Victim was abducted		41,3	62,0 ***
Victim physically or verbally resisted rape or abduction		37,4	39,6
Perpetrator armed		29,4	52,2 ***
Was there a gun		11,9	33,8 ***
<b>Perpetrator characteristics</b>			
Perpetrator was < 18 years		9,5	17,1 **
Perpetrator occupation: unemployed		37,3	54,8 **
Professional		3,6	2,4
Blue collar		28,1	10,3
Trading/ informal sector		3,5	2,4
Student		10,9	18,3
Other		16,6	11,8
Perpetrator had previous convictions		18,5	14,4

**P-values**

\* p &lt; 0,05    \*\* p &lt; 0,01    \*\*\* p &lt; 0,0001

There was no difference between single and multiple perpetrator rape in relation to the likelihood of victims resisting the rape through verbal protest or physically fighting off the perpetrators. Just over a third (39,6%) of victims reported resisting the rape.

In cases where the age of the perpetrator was known, the main perpetrator in multiple perpetrator rape cases was usually over 18 years. However, more perpetrators of multiple rape were under 18 (17% of cases) than were single perpetrators (10% of cases). Data were scanty on

the age of other perpetrators of multiple rape, but in known cases they tended to be younger than the main perpetrator. The main perpetrators of gang rape were most likely to be unemployed (54,8%), or students (18,3%). Single rape perpetrators were most likely to be unemployed (37,3 %), or blue collar workers (28,1%). Blue collar workers were significantly less often involved in gang rape. Very few of the perpetrators had previous convictions, and there was no difference in this regard between single and multiple perpetrator cases. The finding that 18% of perpetrators were students at the time of

the rape has important implications. It suggests the need for intervention through education institutions.

## Findings from medico-legal examination

Table 4 describes non-genital injuries sustained from the rape. In 65% of cases there was some evidence of injury to the genital region (around the vagina) or anus, and in less than half of victims (46%) the injury had resulted in a skin break (cut, graze or tear). Injury was not more common in multiple perpetrator rape than in single perpetrator rape. Male DNA was only isolated from and analysed in 2% of the victims. These findings have important implications, as magistrates often think that the absence of injuries is an indication that there was no 'real' rape, and may therefore find that the act of sex was consensual. They assume that women fight back against their attackers, but the findings of this study show that this is not the case. In more than half of all the rape cases studied, no injuries (other than genital) resulted. Injuries (other than genital) are the exception rather than the rule.

## Policing and the criminal justice system

The great majority of victims of multiple perpetrator rape (93,5%) reported the case within

**Table 4:** Medico-legal findings in single and multiple perpetrator rape\*

	Single perpetrator rape %	Multiple perpetrator rape %
Non-genital injuries	26,7	35,0
Any genital or anal injury	56,8	61,0
Genital or anal injury with a skin break	42,1	46,2

\* Age adjusted differences were not statistically significant.

72 hours of the attack (Table 5). Victims were much less able to supply details of perpetrators in multiple than in single perpetrator rape cases. This is hardly surprising, given the greater likelihood of multiple perpetrator rapes being committed by strangers. However, even when details were supplied, 70% of perpetrators in multiple perpetrator rape cases were not arrested. In fact, they were significantly less likely to be arrested than perpetrators in single perpetrator rape cases.

Overall arrests were made in 54,1% of single perpetrator rape cases and in 38,7% of multiple perpetrator rape cases. Once a perpetrator was arrested there were no significant differences in the handling of cases and outcomes by type of rape. Considerable attrition was seen in the handling of cases, with about 15% of those arrested not being charged, only just over a third of those charged going to trial, and just over a third of those

**Table 5:** Legal outcomes of single and multiple perpetrator rape

	Single perpetrator rape %	Multiple perpetrator rape %
Reported within 72 hours of rape	87,9	93,5***
Victim knew full name of perpetrator	35,0	10,4***
Victim provided contact details of perpetrator(s)	62,3	28,3***
Perpetrator(s) arrested or asked to appear in court	54,1	38,7***
Of those named or with contacts given, perpetrator(s) arrested	66,1	30,4***
Charged if arrested	85,9	88,2
Trial stated among those charged	41,6	33,0
Found guilty of a sex offence among those taken to trial	33,7	42,1
Found guilty of a sex offence among all reported cases	6,6	4,9

P-values from age adjusted logistic regression

\* p < 0.05    \*\* p < 0.01    \*\*\* p < 0.0001

perpetrators standing trial being found guilty of a sexual offence. In all, only 4,9% of multiple perpetrator rape cases resulted in a guilty verdict, compared to 6,6% of single perpetrator rape cases.

## CONCLUSIONS

This study was based on rape cases occurring in 2003. Many aspects of the processing of cases could have changed during the last decade, especially with the recent developments with DNA sample processing. However, it is unlikely that the characteristics of victims and perpetrators and the contexts of rape will have altered much. The strengths of this study were its size and the fact that it was based on a random sample of cases from a broad geographic region. There may be limitations to the generalisability of the findings since we only had access to closed cases, and are unsure what proportion of eligible dockets were available for the sample or what biases could have ensued from this. The study relied on routine data, which are often flawed. We enhanced the validity of case outcomes data by using data from courts as well as the dockets. We are aware that the quality of documentation of the dockets and medical findings varied, but this is what is used in the criminal justice system.

The study has raised some important questions related to the handling of cases by the police. It is not clear why there should be a lower arrest rate in multiple versus single perpetrator rape cases, particularly when details were supplied. It may be that the quality of the information was different and less useful to the police, but it is also possible that the police respond differently to information in multiple perpetrator rape cases, possibly due to fear of or collusion with gangs. This deserves further research.

The research has suggested that only a fraction of multiple perpetrator rape cases are reported to the police. Previous research has shown overall that rape under-reporting is an important problem, especially where boyfriends or husbands are the perpetrators.<sup>14</sup> This has important implications for understanding notions of a 'first offence' and also recidivism. Most perpetrators did not have

### Box 1: Considerations for police and justice officials

#### For police:

- Arrest rates were low, even when contact details were supplied. Improving these is a priority.
- Reasons for having particularly low arrest rates in multiple perpetrator rape in the face of supplied perpetrator details should be specifically examined. There is considerable scope for improvement in arrests in multiple perpetrator rapes.
- Given the low conviction rate, it is important that police ensure safety of victims by finding strategies to reduce re-victimisation of survivors when offenders return to communities. This must also be noted in the case of single perpetrator rape, where the perpetrator might be a family member.
- It is essential that forensic samples are analysed for DNA in all rape cases because of the high chances of serial offending.

#### For justice officials:

- Lack of injury is normal after a rape and not indicative that the rape did not take place.
- Lack of physical or verbal resistance is normal among rape victims and does not indicate that a rape did not occur.
- Many victims do not report rape to the police, whether perpetrated by single or multiple perpetrators. Perpetrators who have not previously been arrested for rape may very well have previously perpetrated.
- Forensic samples must be analysed for DNA. DNA data banks may be of considerable advantage because of serial offending.

previous convictions for rape, but this is hardly surprising given the very low conviction rate. It is very likely that many perpetrators had raped before. Population-based research also shows that serial rape (rape of more than one victim) is disclosed by half of all perpetrators and is even more common in multiple perpetrator rape than in single perpetrator rape. Our findings provide further context to this research.



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