

http://ijssrr.com editor@ijssrr.com Volume 5, Issue 11 November, 2022 Pages: 517-526

# Domestic Violence in Post-Apartheid South Africa: The Experiences and Challenges

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http://dx.doi.org/10.47814/ijssrr.v5i11.1632

#### Abstract

In the post-apartheid era, domestic violence remains one of the major social problems facing South Africa as it affects the victim, perpetrators, the family, and community at large. Though there have been various attempts to determine the prevalence of domestic violence and sexual assault in South Africa, available statistics reflect only a small portion of cases. Most people think that the traditions and rules of African cultures can better explain domestic violence. Some see this connection as a direct one, arguing that wife battering is regarded as normal within the traditional African culture. Since the turn of the millennium and the adoption of the just ended Millennium Development Goals (MDGs), women and girls have been discussed on global platforms. The failure to attain the MDGs resulted in the adoption of Sustainable Development Goals (SDGs). The fifth Sustainable Development Goal (SDG) tells all governments around the world to make sure that men and women have the same rights and that all women and girls have the same rights. This is in light of the vulnerability which women and girls find themselves in. Women and girls in most communities find themselves without a voice and their rights are undermined due to socially constructed roles and attributes that undermine them. This paper explores the hypothesis that social and cultural values and beliefs are antithetical to women's development and wellbeing and thus cause domestic violence. Critical Discourse Analysis (CDA) was used to analyse and discuss secondary data collected.

**Keywords:** Domestic Violence; Culture; Sustainable Development Goals (SDGs); Millennium Development Goals (MDGs); Gender Equality; Critical Discourse Analysis

Volume 5, Issue 11 November, 2022

### Introduction

There are many social problems in South Africa facing people today. One of the major problems facing South Africa is domestic violence, as it affects the victim, perpetrators, family, and the community at large. Further, violence against women and girls is widespread and recognised as a grave social and human rights concern (Jewkes, Abrahams, Mathews, Seedat, Van Niekerk, Suffla, & Ratele, 2009; Usdin, Thekiso, Johnston, Govender, Vetten, & Le Roux, 1999). Domestic violence statistics show that three women are killed in South Africa every day by their partners (Ackroyd, 2015).

The country has one of the highest rates of gender-based violence (GBV) in the world (de la Harpe & Boonzaier, 2011; Moffett, 2006). Domestic violence and rape are the most common manifestations of gender-based violence perpetrated against women in South Africa (Abrahams, Matthews, Jewkes, Martin, & Lombard, 2012). Firstly, in terms of domestic violence, a recent research brief released by the Medical Research Council (MRC) revealed that intimate partner femicide is the leading cause of death among South African women (HSRC, 2014). Bollen, Artz, Vetten, and Louw (1999) note that an average of 80% of rural women are victims of domestic violence, and 50% of the women surveyed reported that they had suffered emotional and verbal abuse. 49.9 % of the women in abusive relationships reported injuries. Gender-based violence committed against young girls is a pervasive problem in South Africa (Jewkes, Penn-Kekanna, & Rose-Junius, 2005; Mathews, Loots, Sikweyiya, & Jewkes, 2012). The reported statistics remain persistently high, reaching 64,514 reported rapes to the South African Police Services in the 2011/2012 financial year (Mathews et al., 2012). Recent studies by the World Bank (2019) reveal that 35% of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. 7% of women have been sexually assaulted by someone other than a partner, while an intimate partner is responsible for 38% of female murders worldwide. This reveals how grave the problem of violence against women is in South Africa.

Two main factors identified as contributing to the high levels of domestic violence in South Africa are the normative use of violence in society (protest and crime) and gender inequality (Abrahams, Jewkes, Laubscher, & Hoffman, 2006; Njezula, 2006). Lau (2009) suggests that the above-mentioned factors are associated with social factors such as culture, poverty, and high levels of unemployment to produce violence in South Africa (Lau, 2009; Jewkes, Levin, and Penn-Kanna, 2002). Seabi (2009:132) notes that the roots of violence in South Africa have to be located within its history of oppression, poverty and exploitation in the country. Apartheid was a violent system that dehumanised black people and treated them as second-class citizens. Men were weakened and sought to gain power by dominating and violating women (Simpson & Rauch, 1992). Furthermore, history is littered with customs and laws that allow women to be beaten, tortured, and murdered by their spouse (Seabi, 2009: 133).Pagelow (1984) argues that throughout the ages, violence against wives has been accepted as normal behavior; it has been tolerated and condoned by our religions, schools, and governments. Women, thus, have been oppressed and subjected to unspeakable cruelty in the home in South Africa for generations.

Burrill, Roberts, and Thornberry (2010) say that domestic violence has become more common over time, and that the problem of domestic violence has also changed. It has been redefined as a problem for states, communities, families, and human rights activists. There are many definitions of domestic violence. But, for the purpose of this study, the researchers have adopted the Domestic Violence Act 116 of 1996 definition. It defines domestic violence as any act or threat of physical abuse; sexual abuse; emotional, verbal, and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; entry into the residence of a person sharing or having shared a domestic relationship with the perpetrator without that person's consent; where the parties do not share the same residence; or any other controlling or abusive behaviour.

However, little is known about the prevalence of violence perpetrated against young girls because it is a research area that is fairly understudied in South Africa (Mathews et al., 2012). This research looks



Volume 5, Issue 1 November, 2022

at the (i)causes of domestic violence against women and girls; (ii) efforts put in place by the South African government to help young girls and women be protected as part of meeting the Sustainable Development Goal number five (5), which mandates all governments to achieve gender equality and empower all women and girls by 2030.

### Methodology

Critical Discourse Analysis (CDA) was used to look at secondary study from secondary sources to get a full picture of domestic violence in South Africa. Discourse analysis is more about deconstructing the literature and coming up with a new interpretation (Tirivangasi & Rankoana, 2015). The CDA covered a wide variety of sources, including texts. Purposive sampling was administered in collecting data from the internet and books on domestic violence. The researchers found CDA to be a powerful tool in trying to make sense of new information and analyzing the available literature.

#### **Results and Discussion**

#### Social and Cultural Causes of Domestic Violence

According to feminist theory, there are various causes of domestic violence. Feminist theory explains domestic violence in the African context; they note that almost every traditional African society was patriarchal and the women's positions within this scheme were to be subordinate to men. This is relevant in South Africa's setting since SA is in an African context. Flood (2013) supports the above assertion that patriarchal society causes domestic violence by arguing that it is the cultural phenomenon of African masculinity and patriarchal attitudes in society that view domestic violence as a private matter and family matter, whereby violence against mothers and children by their fathers or violence by older brothers to their siblings takes place under the guise that a man is policing their family.

### A Cultural Explanation of Domestic Violence

This theory contends that African cultural traditions and norms better explain domestic violence. Some see this connection as a direct one, arguing that wife battering is regarded as normal within the traditional African culture. Other cultures allow men to beat their wives. The payment of the bride price to the wife's family at the time of their marriage makes it difficult for women to live with their abusive husband unless their families are willing to return the lobola (Bowman, 2003:853). Roman Dutch law was introduced, which promoted the use of men's violence against women (Singh, 2009). Roman-Dutch law expects women to serve their husbands with duty and absolute obedience. If the husband perceived his wife was misbehaving, he had the right to discipline her using physical violence. Nevertheless, the "culture of violence" was greatly strengthened under the apartheid system (Singh, 2009). Violence became normative and, to a large extent, accepted by the apartheid government and those opposing the apartheid system for most of the apartheid regime (Hamber, 2000). The notion of "respect," which is exercised and promoted by many ethnic groups in South Africa, has been identified as a primary contributing factor to sexual violence committed against children (Wood, 2003). Women are supposed to be submissive to their husbands, thus stripping women of their voice. As such, many women were socialised to accept violence. A woman's coping response to the violence she experiences depends also on the options available to her. Differences in culture with respect to environmental demands, social structure, resources, and cultural norms may also influence coping strategies. The cultural roles emphasize femininity or womanhood by emphasizing the importance of being a good wife, mother, and housekeeper. Women have to deal with abuse in marriage because they have internalized these kinds of cultural norms.

Further, societal expectations of how a family should look are enabling elements that cause a woman to remain in an abusive marriage. For instance, in African society, raising a child without a father



Volume 5, Issue 1 November, 2022

and being a single parent are considered unfavourably. This is consistent with research indicating that women feel a duty to maintain their marriage and family, as well as guilt associated with being divorced or unmarried. The cultural demands of maintaining the status quo and the two-parent family structure are borne by women. It's important to note, though, that gender roles are the main cause of domestic violence because they are risk factors for domestic violence in the community and society.

#### Patriarchal Authority: Sex and Extra-Marital Affairs

Strong patriarchal societal systems prevail in South Africa, encouraging men to rule, subjugate, and exploit women in both the public and private spheres (Stromquist, 2014). Sultana (2010) asserts that the idea of patriarchy is helpful in illuminating the underlying reasons for women's subordination as well as in describing the power dynamics between men and women. These power dynamics are distinguished by a hierarchical, material foundation that encourages men's independence and enables them to rule over women. These patriarchal societal structures are founded on the idea that because men and women are naturally different, men should have greater power than women (Sultana, 2010). In a study conducted by Bowman (2003:853), it was found that the first stimuli are when the wife is seen as challenging the husband's authority and prerogative by enquiring about his extra-marital affairs. In this scenario, violence explodes when women ask their husbands about their whereabouts or express their sense of threat at the addition of multiple wives.

The second situation involving jealousy as a cause of domestic violence centres on the husband's jealousy of his wife's contact with other men. In traditional African society, a married woman would have the minimum contact with other men. Yet traditional-minded husbands feel threatened by interaction between their wives and other men and may act out violently because of that threat, whether imagined or not (Bowman, 2003:853). Mshweshwe (2018) finds that mothers-in-law also contribute to domestic violence in the rural traditional environment by encouraging their sons to use violence to get what they want from their wives, including respect and submission. These are social prescriptions underlined by the African culture, which often renders women powerless against their husbands.

### **Gender Inequality and Domestic Violence**

Even though the reasons for the high rates of gender-based violence in South Africa are complicated, Vogelman and Eagle (1991) say that a large part of the problem is that South African society is very patriarchal. While there has been a significant change in the gender climate in South Africa (e.g., more women in South Africa are being allowed to earn salaries that are equivalent to those of men), a vast number of women in South Africa, consistent with hegemonic femininity, are still positioned and represented as being inferior to men; as their possessions; and taught to be nurturing and selfless caregivers (Collins, 2003). In contrast, South African men across the racial spectrum are raised according to dominant masculine norms or hegemonic masculinity, are therefore taught to perceive themselves as superior to women, and are encouraged to be tough, brave, strong, respected, and use violence as a tool to exercise their masculinity (Jewkes et al., 2009).

According to studies, poorer unemployed males are more likely to commit violent acts because they feel helpless as a result of their unemployment and lack of financial resources (Knabe et al., 2016; Sikweyiya et al., 2020). Researchers have discovered that men who experience unemployment have low self-esteem, insecurities, and increased levels of rage, all of which are risk factors for committing domestic violence (Myers and Demantas, 2016; Schneider et al., 2016). Intimate relationship domestic violence has also been linked to a lack of control over money issues (Afkhamzadeh et al., 2019). According to studies, domestic violence is more common in relationships where the man is unemployed (Dastjerdehei et al., 2020). It has been claimed that domestic violence committed by unemployed males is a concern, particularly in traditional cultures where men are expected to take on the role of the breadwinner (Jewkes and Morrell, 2018). Since many men define their masculinity by being the family's



Volume 5, Issue 1 November, 2022

primary provider, failing to do so has been found to weaken unemployed men and cause them to believe that they are not real men (Cools and Kotsadam, 2017; Knabe et al., 2016; Lynch et al., 2016).

### The Impact of COVID-19 on Women and Girls: An Examination of Domestic Violence

According to Independent Online News (2020), the chief of the South African Police Services reported a general decline in violent crime across the board during the first seven days of the lockdown but issued a warning that the same was not true for GBV, with more than 2300 calls recorded during this time. In contrast, the same report showed that during the first 90 days of the year (1 January-31 March 2020), there were 177 GBV calls registered per day through the GBV Command Centre, a national call centre that is open 24 hours a day, seven days a week. This is a clear sign that women who are in trouble because of GBV are asking for help more often during the lockdown.Similarly, reports from China, the United States of America, and several European countries have also shown an increase in domestic violence during the COVID-19 pandemic (Boserup et al., 2020; Bradley, 2020). Thus, although pandemic response measures are essential, they do not adequately integrate gender protections to address morbidity and mortality from GBV. This is an indication that there is a lack of gender-sensitive pandemic control measures.

In South Africa, for instance, restrictive measures were enacted, a state of emergency was declared, and a five-phased lockdown strategy was adopted and implemented on March 27, 2020. This lockdown severely restricted movement and prohibited people from leaving their homes except to buy necessities like food and medicine (Takalani et al., 2020). The South African lockdown is regarded as one of the strictest in the world: non-essential shops, enterprises, and restaurants were temporarily closed; schools were closed; all social and sporting activities were prohibited; and the sale of alcohol and cigarettes was completely prohibited (Stiegler & Bouchard, 2020). In addition, President Cyril Ramaphosa deployed the army to help the South African Police Services enforce compliance with COVID-19 restrictions, particularly the movement limitation. Consequently, despite the need for the lockdown, the limits enacted to reduce transmission and the strain on the health care system undoubtedly had unintended implications for women. The main requirement for lockdown is home confinement, which makes it harder for women to report assaults and get away from abusers (Hall & Tucker, 2020).

Home isolation orders for women in abusive situations typically include being stuck (often without the means to get support) with a violent perpetrator who may grow more violent if alternate outlets, like social activities, are restricted. Abusers have a greater opportunity to cause harm during quarantine because they are aware that women and children have greatly decreased access to their support networks (Mazza et al., 2020). In actuality, the COVID-19 lockdown subjects abused women to a compounded, veiled, and unspoken lockdown, as such women are often already subjected to controlling behaviors, such as the prohibition of seeing friends and family, and as some women are not permitted to work or leave the house for fear of being abused if they do (Lund et al., 2020).

### The South African Government's Response to Domestic Violence

#### Sexual Offences Act 32 of 2007

This act is aimed at protecting women against sexual acts against men. According to HSRC (2014), some of the offences include: (a) touching someone's body in any way that causes sexual arousal; (b) inserting an object that resembles human or animal gentles, for example a dildo; (c) 'compelled' rape and compelled sexual assaults that criminalise acts where one person compels, coerces, or forces another person to rape or sexually violate another person; (d) engaging an adult's sexual services; (e) sexual intercourse with a child under the age of 12; (f) with regard to adults, compelling someone to witness certain sexual conduct and certain parts of the human anatomy, as well as exposing someone to child



Volume 5, Issue 1 November, 2022

pornography; (g) establishing a duty to report sexual offenses committed with or against children or mentally disabled people; (h) incest (forcing a relative to engage in sexual acts), bestiality, and sexual.

#### The Domestic Violence Act

The above common law and the statutory remedies available to the victims of domestic violence were not adequately effective. The Domestic Violence Act 116 of 1998 replaced the whole 1993-Act except for sections 4 and 5. This was done to give people a better legal solution. The Act, which came into operation on December 15, 1999, will be briefly discussed below. While Vetten (2014) notes that this law is still unparalleled amongst South African laws which seek to promote gender equality, the DVA's accountability structure is by no means unique internationally. Penalties for non-compliance with gender equity commitments are a feature of the 1998 Venezuelan Law About Violence Against Women and the Family, as well as Costa Rica's 2007 Criminalisation of Violence Against Women Law, while the United Nations' (UN) recommendations around good practice in legislating against violence towards women promote the creation of specific institutional mechanisms to monitor implementation of laws were used as the primary source in countries such as Honduras, the Philippines, Spain, and Uruguay) (UNAIDS, 2008).

### Synopsis of the Domestic Violence Act 116 of 1998

- The Domestic Violence Act, passed in 1998, is regarded as one of the most progressive in the world. It says that certain levels of domestic violence are not acceptable, gives legal protection orders to anyone in a domestic relationship, and broadens the definition of domestic violence to include many kinds of abuse.
- This Act's purpose is to provide victims of domestic violence with the most protection from domestic abuse that the law can provide; and
- Introduce measures which seek to ensure that the relevant organs of state give full effect to the provisions of this Act, and thereby to convey that the state is committed to the elimination of domestic violence. (From the Preamble to Domestic Violence Act No. 116 of 1998)
- One of the key innovations of the DVA is its broad definition of domestic violence, which includes a range of behaviours within its ambit. Acts constituting domestic violence include physical, sexual, emotional, verbal, and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; entry into the complainant's residence without consent, where the parties do not share the same residence; and any other controlling or abusive behaviour where such conduct harms, or may cause imminent harm to the safety, health, or well-being of the complainant.
- The DVA is applicable to a range of familial and domestic relationships and covers both heterosexual and same-sex relationships. Under the DVA, a victim of domestic violence may apply for a protection order to stop the abuse and to stop the abuser from entering the mutual home, the victim's residence, or the victim's vehicle. place of employment. The court may place other conditions on the order, including that the police seize any weapons or help the victim retrieve property from her home.

### Limitations of the Implementation of DVA

### **Resourcing the Criminal Justice System**

The government has provided services mainly focusing on the criminal justice system, such as the Specialised Sexual Offences Courts and the Family, Child, and Sexual Violence Units (FCS), yet these services are under-resourced and have been withdrawn and then re-instated, which provides an unstable service to victims and survivors of gender-based violence (Vetten, 2014). In theory, the clerks of the court should be available to assist women to complete the application forms. In practice, criminal justice



Volume 5, Issue 1 November, 2022

personnel think the legislation is implementable due to limited or non-existent resources (Parenzee, Artz, & Moult, 2001). However, while the total number of protection orders being sought by women against abuse has increased, only half of these were for protection against an intimate partner, a major source of abuse for women. Also, the application process was hard to use and hard for women to understand. There wasn't enough training for health service providers, and the legal system didn't have enough money to do its job.

### Training

The DVA and its regulations do not have specific provisions in relation to the training of police officials. While it stipulates duties, it does not specifically address training requirements for officials. This results in a lack of training among police officers. The Department reported that since 2005, the total number of members trained in domestic violence amounts to 77,897, of which a total of 53645 members underwent the 5 Day Domestic Violence training course; 18 547 members underwent the Domestic Violence training programmes after Basic Training (In-service Police Development); and 5 705 members underwent the Victim Empowerment training programmes after Basic Training (In-service Police Development) (SAPS Strategic Management, 2005). The analysis of the figures given by the department when it notes that between 2008 and 2010 bear out these concerns: Domestic violence training was provided to 3 626 officers in 2008/2009 (SAPS Strategic Management, 2009) and 3 181 in 2009/2010 (SAPS Strategic Management, 2010). Given the complex nature of domestic violence cases, it is concerning that officials only receive short-term training courses as opposed to continuous courses to keep them in touch and in tune with the challenges victims face as well as to maintain a comprehensive understanding of the Act. Mothibi and Tirivangasi (2022) argue that SAPS officers need to be trained on how to deal with domestic violence. In as such the need for police capacitation is of paramount importance in South Africa.

### **Policing**

Vetten (2014) notes that "It is a world-wide belief that the police do not interfere or get involved in household disputes. The rationale behind this relates to law enforcement as the primary function of the police, and the law can only be enforced when someone lodges a criminal complaint with the police. The police are often blamed for interference when they get involved in household disputes. The priorities of policing are determined by the community. The figures of other serious crimes reported to the SAP confirm this fact. SAPS's erratic adherence to their documentary obligations is matched by the unreliable provision of their services. Analysis of ICD reports for 2001 to 2008 collected 1,121 complaints against the police, with the most common being the failure to arrest the abuser (52.5% of all complaints). In a further 14.5% of cases, the police were accused of failing to open criminal cases. In 12.3% of complaints, the police were alleged to not have assisted survivors of domestic violence to find suitable shelter or obtain medical treatment. Previous South African studies have found that female victims of abuse reported experiencing problems with criminal justice personnel and police officers (Bendall, 2010; Matthew & Abrahams, 2001).

#### **Conclusion**

This paper has revealed the gravity of domestic violence in the South African communities. Further, it has also shown that DVA remains the most important policy in trying to curb domestic violence in South Africa. This is because it is an all-encompassing act which covers matters which undermine women and show the need to protect women. However, there is a need for the police and the justice system to be proactive in the implementation of the Act. The research has revealed the need for training that is intensive and on-going beyond the scope of the current 5-day training. This training applies to all officials dealing with domestic violence at police stations. There is a need to increase the



Volume 5, Issue 1 November, 2022

number of officers trained to handle matters to do with domestic violence and issues to do with the girl child.

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Volume 5, Issue 1 November, 2022

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Volume 5, Issue 1 November, 2022

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