

THE IMPLEMENTATION OF DOMESTIC VIOLENCE ACT NO 116 OF 1998 IN SOUTH  
AFRICA: A CASE STUDY OF TWO TOWNSHIPS IN NKONKOBÉ MUNICIPALITY  
DISTRICT, EASTERN CAPE PROVINCE

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BY

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## **ABSTRACT**

This is an exploratory study on the implementation of the Domestic Violence Act No 116 of 1998 in South Africa. It is a case study of two townships in the Nkonkobe Municipality District, Eastern Cape Province.

The study was conducted at Ntselamanzi and Upper Qhumashe townships in Nkonkobe Municipality District, Eastern Cape. Since this is a qualitative exploratory study, in-depth interviews were conducted on a sample of ten women in abusive relationships and focus group interviews were conducted on five service providers for a triangulation.

A study of related literature focused on African women in battered relationships. An African women's perspective on the experiences of abuse have been explored. Gender based radical feminist views were discussed and legislations and conventions were analyzed from a human rights perspective. The implementation of the Domestic Violence Act and the role of service providers were also looked into.

The findings suggest that African women experience abuse in partner relationships. They sustain grievous bodily harm, psychological, emotional and financial abuse. The patriarchy system, alcohol abuse, infidelity, traditional practices and failure to maintain children have been cited as some of the reasons. The social networks and service providers assisted these women to some extent. However, there is need for ethnic sensitive interdisciplinary training approach on African communities on the Act and a legal system that is accessible to rural women in order to curb further abuse.

Various recommendations have been put forward. The study indicated a need for ethnic sensitive empowerment programs for the abused, rehabilitative programs that take into cognizance human rights violations of these women and the abusers, and effective legal remedies to prohibit women abuse.

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- My colleagues, my friends and Human Rights Masters students for their love and support.
- Amacira, oRadebe no Jola nemilowo chosi camagwini, without you I would not have made it.

## **DECLARATION**

I declare that the study on The Implementation of the Domestic Violence Act No 116 of 1998 in South Africa: A Case Study of two townships in the Nkonkobe Municipality District, Eastern Cape Province is my own work and has not been submitted for any degree or examination in any other university. I further declare that all sources used or cited have been acknowledged.

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## TABLE OF CONTENTS

### CHAPTER ONE: INTRODUCTION

1.1 BACKGROUND OF THE STUDY	1
2.1 STATEMENT OF THE RESEARCH PROBLEM AND QUESTIONS	2
1.2.1 Statement of the Problem	2
1.2.2 Critical Questions	2
1.3 PURPOSE OF THE STUDY	2
1.4 SPECIFIC OBJECTIVES OR RESEARCH QUESTIONS	3
1.5 HYPOTHESIS OR ASSUMPTIONS OF THE STUDY	3
1.6 SIGNIFICANCE OF THE STUDY	3
1.7 JUSTIFICATION/ RATIONAL OF THE STUDY	4
1.8 DELIMITATION OF THE STUDY.	4
1.9 DEFINITION OF MAJOR CONCEPTS	4
1.9.1 Domestic violence	4
1.9.2 Patriarchy System	5
1.9.3 Ilobola	5

1.10 THEORETICAL/ CONCEPTUAL FRAMEWORK	6
1.11 RADICAL FEMINIST THEORY	6
1.12 HUMAN RIGHTS THEORIES	6
1.12.1 The Universal Declaration of Human Rights (1948)	7
1.12.2 International Convention on the Elimination of All Forms of Discrimination Against Women (1979)	7
1.12.3 Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (1984)	8
1.12.4 Convention on the Rights of the Child (1989)	8
1.13 LEGISLATION RELATING TO GENDER VIOLENCE IN SOUTH AFRICA	9
1.13.1 Application process for a Protection Order	9
1.13.2 The Interim Protection Order	9
1.13.3 The Protection order	10
1.13.2 The Criminal Law Amendment Act 105 of 1997	12
1.13.3 The Criminal Law (Sexual Offences) Amendment Bill of 2003	12
1.1.4 The Research Methodology	12
1.14.1 Research Design	12
1.14.2 Research Instrument	13
1.14.3 Sampling Procedure	13

1.14.4 Population	14
1.14.5 Sampling Procedure	14
1.14.6 Data Analysis	14
1.14.7 Ethical Considerations	15
1.15 Limitations of the study	15
1.16 Chapter Outline	16

## **CHAPTER TWO: LITERATURE REVIEW**

2.1 INTRODUCTION	17
2.2 PREVALENCE OF WOMEN ABUSE	17
2.3 NATURE AND FORMS OF VIOLENCE	17
2.3.1 Physical violence	18
2.3.2 Sexual assaults	18
2.3.3 Psychological and emotional abuse	19
2.3.4. Femicide/ Homicide	19
2.4. EXPERIENCES OF WOMEN IN ABUSIVE RELATIONSHIPS	20
2.4.1. Threats and emotional manipulation	20
2.4.2. Self-blame and shame	21
2.4.3. Conspiracy of silence	21

2.4.4. Financial deprivation	22
2.3 WOMEN ABUSE AND THE PATRIARCHY SYSTEM	23
2.3.1 Ilobola practice and women abuse	23
2.4 INFORMAL AND FORMAL SOURCES OF SUPPORT	24
2.4.1 Informal Networks and women abuse	24
2.4.2 Formal networks and women abuse	25
2.5 LEGISLATIVE INITIATIVES	25
2.5.1 Lack of Police services	26
2.5.2 Magistrates	27
2.6 WOMEN’S HUMAN RIGHTS INITIATIVES TO VIOLENCE AGAINST WOMEN	28
2.6.1 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	29
2.6.2 The Beijing Declaration and Platform for Action	31
2.6.3 Women and the South African Constitution	31
2.7 SUMMARY	33
<b>CHAPTER 3: RESEARCH METHODOLOGY</b>	
3.1 INTRODUCTION	34
3.2. RESEARCH DESIGN	34
3.3. RESEARCH METHODOLOGY	35
3.4 ETHICAL CONSIDERATIONS	36

3.4.1 Ethical principles	36
3.4.2 Autonomy	36
3.4.3 Non-maleficence	36
3.4.4 Beneficence	37
3.5 ETHICS GUIDELINES FOR RESEARCH	37
3.5.1 Consent	37
3.5.2 Confidentiality	38
3.5.3 Privacy	38
3.5.4 Competence	38
3.6 THE SAMPLE PROCEDURE	39
3.6.1 The sample	39
3.6.2 The Research instruments	40
3.7. ANALYSIS OF DATA	42
3.8. LIMITATION OF THE STUDY	44
3.9 SUMMARY	46

## **CHAPTER FOUR: INTERPRETATION OF FINDINGS**

4.1. INTRODUCTION	47
4.2 DISCUSSION OF FINDINGS	48
4.2.1 BIOGRAPHICAL DETAILS	49
TABLE 4.2.1- PERSONAL DETAILS	49
TABLE 4.2.2-SUMMARY OF THE THEME AND SUB-THEMES	51
4.2.2 HISTORY OF PARTNER VIOLENCE AND THE ACTUAL NATURE OF THE VIOLENT INCIDENT	51
4.2.2.1. Period of abuse	51
4.2.2.2 Kind of physical abuse experienced	52
4.2.2.3 Emotional abuse experienced	54
4.2.2.4 Financial constraints encountered	55
4.2.2.5 Ridicule in front of family, friends and community	56
TABLE 4.2.3- SUMMARY OF THE THEME AND SUB-THEMES	57
4.2.3 AFTERMATH	57
4.2.3.1 Feelings after each violent incident	58
4.2.3.2 Reaction of the partner after the abuse	59

TABLE 4.2.3-SUMMARY OF THE THEME AND SUB-THEMES	60
4.2.4 NATURE AND SOURCES OF SOCIAL SUPPORT	60
4.2.4.1 Kind of support received from social networks	60
4.2.4.2 Cultural expectations for women to endure abuse	62
4.2.4.3 Ilobola cultural practice	64
TABLE 4.2.4 –SUMMARY OF THE THEME AND SUB-THEMES	66
4.2.4 PROFESSIONAL NETWORKS	67
4.2.4.1 Professional services rendered	67
4.2.4.2 Form of help received from the criminal justice system	69
4.2.4.3 Use of Domestic Violence Act	70
4.2.4.4 Information about the Domestic Violence Act	71
4.2.4.5 Application of the Act	72
4.2.4.6 Problems encountered with the application of the Act	73
4.2.4.7 Safety threats	74
4.2.4.8 Kind of assistance needed to retrieve belongings from the property	75
4.2.4.9 Bail application	76
4.2.4.10 Publication of the Domestic Violence Act	77
4.2.4.11 Improvement of the legal services offered to abused women	77
4.2.4.12 Other kinds of services that can be of assistance to this predicament	79

4.2.5 SUMMARY	80
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## **CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS**

5.1 INTRODUCTION	81
5.2 FINDINGS RELATED TO INDIVIDUAL INTERVIEW THEMES	81
5.2.1 HISTORY OF PARTNER VIOLENCE AND THE ACTUAL NATURE OF THE VIOLENT INCIDENT	81
5.2.1.1 Physical abuse	82
5.2.1.2 Psychological and emotional abuse	83
5.2.1.3 Financial Deprivation	83
5.2.1.4 Ridicule in front of family, friends and community	84
5.3 AFTERMATH	86
5.4 NATURE AND SOURCE OF SOCIAL SUPPORT	87
5.5 PROFESSIONAL NETWORKS	89
5.6 FINDINGS RELATED TO FOCUS GROUP INTERVIEWS	90
5.6.1 DOMESTIC VIOLENCE ACT	91

5.6.2 SERVICES AND REPORTING PROTOCOLS	91
5.6.3 RESPONSES TO DOMESTIC VIOLENCE	93
5.6.4 SERVICES AND TERMS OF PROTECTION ORDER	94
5.7 CONCLUSIONS ABOUT THE METHODOLOGY SELECTED FOR THIS STUDY	96
5.8 POSTULATION AND REFLECTION ON THE LIMITATIONS OF THE STUDY	97
5.9 SUGGESTION FOR FUTURE RESEARCHES	98
5.10 CONCLUSIONS	99
APPENDICES	100
BIBLIOGRAPHY	109

## **ABBREVIATIONS**

DVA-Domestic Violence Act No 116 of 1998

CEDAW-International Convention on the Elimination of All Forms of Discrimination Against Women 1979

ICCPR-International Covenant on Civil and Political Rights

MRC-Medical Research Council

NCPS-The National Crime Prevention Strategy of 1996

SAPS-South African Police Service

UNIFEM-The United Nation Development Fund for Women

WHO-World Health Organization

## **LIST OF STATUTES**

### **Legislations**

The Criminal Procedure Act 51 of 1977

The Criminal Law Amendment Act 105 of 1997

The Criminal Law (Sexual Offences) Amendment Bill of 2003

The Dangerous Weapons Act 71 of 1968

The Domestic Violence Act 116 of 1998

Employment Equity Act 55 of 1998

The Prevention of Family Violence Act 133 of 1993

Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

The South African Constitution of 1996

The South African Police Services National Instructions (7/1999)

The Prevention of Crime Act 1953 (UK)

### **Human Rights Instruments**

International Convention on the Elimination of All Forms of Discrimination Against Women  
1979.

Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment  
1984.

Convention of the Rights of the Child 1989.

International Covenant on Economic, Social and Cultural Rights of 1996.

International Covenant on Civil and Political Rights (ICCPR)

The Beijing Declaration and Platform of Action.

Universal Declaration of Human Rights of 1948.

## **LIST OF TABLES**

TABLE 4.2.1- PERSONAL DETAILS

TABLE 4.2.2-SUMMARY OF THE THEME AND SUB-THEMES

TABLE 4.2.3- SUMMARY OF THE THEME AND SUB-THEMES

TABLE 4.2.4 –SUMMARY OF THE THEME AND SUB-THEMES

## **CHAPTER ONE: INTRODUCTION**

### **1.1 BACKGROUND TO THE STUDY**

Domestic violence has become one of the most significant causes of injury to women and children in South Africa. Vetten (2005) views, violence against women as one of the most prominent features of post apartheid South Africa. Statistics in South Africa have also indicated that one in every five women is likely to be a victim of abuse and that family violence is also perceivable to be one of the fastest growing criminal acts in South Africa. It also affects mostly women and children (Buzawa & Buzawa, 2003; Gildenhuis, Hutchings, & Jacobs, 2003).

Furthermore, Seba-Collett (2007) states that one out of four women is in an abusive relationship, every twenty six seconds a woman is raped and every six hours a woman is even murdered by her intimate partner. According to the World Health Organization (WHO) (1997) it is estimated that 20% of all women worldwide will be subjected to rape or attempted rape during their lifetimes and some will experience intimate violence. The government has identified domestic violence as a crime that violated human rights of persons and requires legislative interventions (Seba-Collett, 2007).

This study therefore, seeks to promote the human rights of women to equal access to legal intervention laws that may improve their living conditions and quality of life. The basic rights are provided for in the Universal Declaration of Human Rights of 1948; the International Covenant on Economic, Social and Cultural Rights of 1966; and the Convention on the Elimination of all Forms of Discrimination against Women of 1979. CEDAW is among the first international rights instruments that formally acknowledge the influence of culture and traditions in restricting women's enjoyment of their fundamental rights (Green, 1999).

Despite the South African government's ratification of various international agreements that condemn violence against women, as well as the national adoption of policies and appropriate legislation, there seem to be no significant change to women's lives. South Africa is also

burdened with the reality of a complex social context whereby some women are resident within rural areas compared to those who are in metropolitan areas. This poses even greater challenges to the effective implementation of legislation (Zastrow, 2004).

Although women tend not to have recourse to the criminal justice system as a primary choice, they would rather seek assistance from other agencies like the family, social services and medical practitioners. It is only when their violent conditions do not improve that they turn to the protection of the legal system (Vetten, 2005).

This study will therefore examine the implementation of the Domestic Violence Act, No 116, 1998 (DVA) and its effectiveness to such situations.

## **1.2 STATEMENT OF THE RESEARCH PROBLEM AND QUESTIONS**

### **1.2.1 Statement of the Problem**

There is a minimal research that has been done on the implementation of DVA within the rural and disadvantaged communities in South Africa. Although the legislation exists, there are barriers that prohibit this legislation from protecting women against abuse within intimate relationships.

### **1.2.2 Critical Questions**

1. What triggers violence within a relationship?
2. What kinds of physical abuse are experienced?
3. What kinds of emotional and economical abuse are endured?
4. What kinds of intervention services are available from the professionals?
5. Is the DVA legislation of assistance to women in violent intimate relationships?

## **1.3 PURPOSE OF THE STUDY**

The purpose of the study is to conduct an in-depth investigation into the implementation of DVA in Ntselamanzi and Upper Qhumashe Townships in Nkonkobe Municipality District, Eastern Cape Province.

#### **1.4 SPECIFIC OBJECTIVES OR RESEARCH QUESTIONS**

The goal of the study is to explore the implementation of DVA, its application and barriers in Ntselamanzi and Upper Qhumashe Townships in the Nkonkobe Municipality District. The specific objectives are:

- To examine the pathology of violence against women;
- The experience of being abused by one's partner, the nature, meaning and impact of the abuse, and its aftermath;
- The professional networks and how they give or withhold support during the abuse;
- The effectiveness of the DVA in combating abuse;
- Assess how the legal and justice system could make a meaningful contribution to the lives of battered women.

#### **1.5 HYPOTHESIS OR ASSUMPTIONS OF THE STUDY**

The assumptions of the study are:

- Domestic violence amongst women results from male domination that is perpetuated by culture and traditional practices.
- The women from disadvantaged communities endure violence due to ignorance of the existence of legislation that is supposed to assist them.
- The legal system does not respond favourably to cases of abuse in intimate relationships.
- There are barriers that hinder the effective application of DVA in rural communities.

#### **1.6 SIGNIFICANCE OF THE STUDY**

- To find effective ways in which professionals could offer meaningful support services to the victims of violation of human rights. This may be done by gaining insights into battery experiences and ramification of domestic violence.

- The feminist views on the legacy of patriarchy system will assist in the better understanding of Social and Cultural violation of human rights and the rights of women and the girl child.
- Empowerment strategies of women in violent relationships on the DVA and its application will offer a better understanding on how the Act could be of assistance to women from disadvantaged communities.
- Based on the findings, recommendations to involve various organizations and community based organizations about the provision of comprehensive services that could be offered and by whom.
- The findings would be disseminated through professional and public media.

## **1.7 JUSTIFICATION/ RATIONALE OF THE STUDY**

Statistics on domestic violence in South Africa are still escalating, although there is a legislation that is supposed to assist women in this predicament. A clearer understanding of the reasons that prevent the effectiveness and implementation of DVA in cases of abusive relationships may provide an insight into this phenomenon.

## **1.8 DELIMITATION OF THE STUDY**

The study will be conducted at Ntselamanzi and Upper Qhumashe Town-ships in the Nkonkobe Municipality District, Eastern Cape Province. The researcher has chosen these townships deliberately as a case study. This is due to the escalation of domestic violence cases that the South African Police Service in this district has to deal with. However, the researcher is also aware there will be time constraints to conduct the study and it may also not be possible to research out to all women who are abused in these townships.

## **1.9 DEFINITION OF MAJOR CONCEPTS**

### **1.9.1 Domestic violence**

The term violence is referred to in a variety of ways and has been used interchangeably with terms like abuse, battery and domestic violence in this study. However, violence lay on the continuum that may include such diverse acts as slapping, coerced sex, threatening to beat, hitting with sticks and other

objects, pushing, assaulting with fists, violent rape, stabbing with a knife, threatening with a gun, issuing threats and public humiliation (Morrell, 2001).

Domestic violence can also be defined as acts that may include physical, sexual, emotional, verbal and psychological abuse; intimidation; harassment; stalking; damage to property through entry to into complainant's abode without consent in situations where the parties do not share the same residence; any controlling or abusive behavior where such conduct may cause imminent harm to the safety, health or well-being of the complainant (Vetten, 2005).

Domestic violence also refers to violence within family or other close associations that may include abuse against spouse, lovers, housemates, children and parents (Reid, 2006).

However, this study will use the terms domestic violence, family abuse and women battery interchangeably. The study will further define violence as an act that can be carried out with the intention or perceived intention of causing physical pain or injury to another person. The volatile situation may range from slight pain to murder. It also includes punches, kicks, bites, choking, beatings, shootings, stabbings and other forms of cruel and harmful acts that could result into femicide.

### **1.9.2 Patriarchy System**

Patriarchy refers to a social organization marked by supremacy of the father in the clan or family, the legal dependency of wives and children, and the reckoning of descent and inheritance in the male line, broadly controlled by men of disproportionately large share of power (Prenzee, Artz, & Moul, 2001).

### **1.9.3 Ilobola**

*Ilobola* sometimes translated as bride price, is a traditional Southern African dowry custom, whereby the man pays the family of his fiancée for her hand in marriage (Mathews & Abrahams, 2001).

## **1.10 THEORETICAL/ CONCEPTUAL FRAMEWORK**

Domestic violence has been identified as a crime that requires legislative interventions. According to Seba-Colett (2007), domestic violence goes beyond the physical to include emotional and even financial abuse which may be committed within a family unit. Furthermore, Buzawa & Buzawa (2003) also posit that the available statistics on domestic violence cases were just a tip of an iceberg as in South Africa there are number of cases that may go unreported more especially from the disadvantaged communities. Amongst other reasons this is prompted by reluctance to report due to traditional and cultural structures located within societies and these are documented by radical feminist theorists.

### **1.11 RADICAL FEMINIST THEORY**

The radical feminist theorists locate women abuse to be a result of a patriarchal system whereby male domination and oppression is tolerated (Ritzer & Goodman, 2004). Within patriarchal society, men may learn on how to hold other human beings in contempt and perceive women as subordinate. Male domination may create guilty and repression, sadism and masochism, manipulation and deception. Some of these behaviors may manifest themselves in some form of tyranny and may be least noticed, yet they contribute significantly to structures of social and gender inequalities.

In addition, the patriarchy system serves as a pertinent tool to women compliance whereby women may become useful tools to unpaid housework or labor and as a means to satisfy male sexual desires (Dissel & Ngubeni, 2003; Ritzer & Goodman, 2004). However, in South Africa, domestic violence is viewed as gender based violence that is rooted in power relations between men and women and is perpetuated by culture and tradition that nurture male dominance (Dissel & Ngubeni, 2003).

### **1.12 HUMAN RIGHTS THEORIES**

The vulnerable status of women, children and the elderly has been widely recognized. Various international conventions have been adopted to improve the protection of these groups. Such conventions are examined below.

### **1.12.1 The Universal Declaration of Human Rights (1948)**

The Universal Declaration of Human Rights 1948 (Article 16) recognizes the family as a natural unit of society. Additionally, the Declaration recognizes the inherent dignity and the equal and inalienable rights of all the members of the human family and this constitutes a meeting point for joint deliberation, reflection and action. A person therefore, has a right to be treated with human dignity, respect and worthiness (Zastrow, 2004).

The family unit has also to afford a person protection from all forms of violence against women and children and these must be underpinned by empathy and humility. Consequently, all form of abuse of women and children curtails and violates person's humanity (January, 2003).

### **1.12.2 International Convention on the Elimination of All Forms of Discrimination Against Women (1979)**

The Human Rights Commission drafted the Convention which was adopted on the 18 December 1979 and entered into force in 1981. In Article 2, States Parties to the Convention undertook to:

- Embody the principle of equality of men and women in their national constitutions and to ensure, through law and other appropriate measures, the practical realization of this principle;
- Adopt appropriate legislative and other measures, that include sanctions where appropriate, prohibiting all discrimination against women;
- Establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals, the effective protection of women against any act of discrimination;
- Take all appropriate measures to eliminate discrimination against women by any person, organization, and enterprise;
- Modify consequently or abolish laws, regulations, customs and practices which constitute discrimination against women.

### **1.12.3 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**

Women battery may also form part of cruel, inhuman and degrading treatment that may include acts of violence and torture. The perpetrator usually inflicts these acts as a form of punishment to his partner. The Convention introduced two elements to combat these acts of violence:

- the torturer may be prosecuted whenever he is found in the territory of the state party;
- he may be brought to trial;
- when there is liable information indicating that torture is being systematically practiced in the house, an inquiry may include a visit to the home of the concerned woman.
- A full investigation of the abuse may be conducted in some case with her full agreement or consent.

### **1.12.4 Convention of the Rights of the Child (1989)**

In most cases of domestic violence, children may become affected as they experience and witness violence against their mothers and consequently their rights become violated. The Convention recognizes that in order for a child to develop his or her full potential, moral and spiritual capacities, the child requires a healthy and safe environmental setting. This requires access to care and love; minimum standards of nutritious foods, clothing and shelter, among other things. The Convention also acknowledges the primary role of the family and parents in the care and protection of children and the obligation of the state to help them carry out these duties. Domestic violence also transgresses the Convention as it is perpetuated and it may also lead to child neglect, economic hardship, starvation, injuries and loss of shelter.

Although there are these Conventions that are meant to assist in the prohibition of cruelty, abuse and discriminatory practices, women abuse can also be located within the radical feminist theory.

### **1.13 LEGISLATION RELATING TO GENDER VIOLENCE IN SOUTH AFRICA**

The Domestic Violence Act was enacted in 1993 as Act 133 of 1993 and as a legislation that dealt specifically with domestic violence issues. However, due some implementation problems, the Act was amended and the Domestic Violence Act No 116 of 1998 became effective and marks a distinct shift in South African law. The notable feature of the Act is the wide definition of domestic violence relationships, which includes physical, psychological, financial abuse and complainants' entitlement to apply for legal remedies that may include court interdicts and protection orders (Mathews & Abrahams, 2001; Vetten, 2005). This study will therefore focus on the implementation of this Act and its effectiveness to Xhosa speaking women in violent relationships.

Seba-Collett (2007) has indicated that women abuse is a crime against humanity just like any other form of assault, whether be it by a husband, boyfriend or ex-partner and needs to be punishable through a court of law. The protection of women is enshrined in the South African Constitution, as well by laws that deal specifically with matters of domestic violence. The Bill of Rights contained in the Constitution explicitly guarantees the right to be free from all forms of violence either through private or public sources. Some of the legal options that protect women from abuse are discussed as below:

#### **1.13.1 Application process for a Protection Order**

The Domestic Violence Act contains 13 forms in total and these are the application for a protection order, interim protection order, protection order, warrant of arrest and application for variation or setting aside of protection order. The process of obtaining a protection order occurs when various forms provided by the Regulations of the Act have been completed through the following process:

#### **1.13.2 The Interim Protection Order**

The first stage of applying for a protection order is the completion of Form 2, that is Application for a Protection Order and this form is available at police stations as well as in the magistrate courts. Upon completion, Form 2 must be certified. Parenzee et al (2001) state that certification

of the form is a necessary procedure that is done either in a police station or at the courts by a Justice of Peace or a Magistrate. During this process, the clerk of the court has to assist the complainant and the clerk will also complete Form 4 which is the Interim Protection Order and has to set out a return date for the case. Both Form 2 and 4 had to be signed by a magistrate. The applicant and respondent are provided with an opportunity to supply information that pertains to the alleged incident of abuse.

According to Parenzee et al (2001) when the interim protection order has been granted, the abused is provided with a copy of the order and has to take it either to the sheriff or police to have the interim protection order served. The court is responsible to cover the costs if the complainant cannot afford the sheriff's fees. The DVA states that the effect of the order can only become relevant once the interim protection order has been served on the respondent and there should be proof of service of the order. This is imperative since without proof of the service, the order is not valid. This may also mean that the complainant has to return to the court to collect the warrant of arrest and this can only occur once there is evidence that the order has been served. The court mostly used the police to serve this order and at times this creates problems because the police services are overburdened and they do not have sufficient resources to serve protection orders. A return date is specified for both parties to appear in court. During the court process the court may cancel the interim protection order and grant a final order with changes to the conditions as set in the interim order.

### **1.13.3 The Protection order**

Parenzee et al (2001) argue that the application for a protection order contained Form 2 is tedious and time consuming and at leads to confusion about the information that is required. However, Section One requests for the demographic information of the complainant, and the nature of relationship between the applicant and the respondent, and occupations of both parties. Section Two requires that those who make the application on behalf of the complainant provide personal information to specify their relationship to the complainant and provide reasons for the application. The legislation DVA states in section 4 (3) that 'notwithstanding the provisions of any other law' the application may be brought on behalf of the complainant by any other person, that may include a health service provider, member of the South African Police Service (SAPS),

the social worker, teacher or any person who has concern and evidence of abuse. The applicant has to provide a written consent of the complainant except in circumstances where the complainant is a minor, mentally retarded, unconscious and in circumstances where a person has been proven beyond reasonable doubt by the court that she is unable to provide the required consent. Where a complainant is in a life-threatening situation and consent cannot be sought, a member of South African Police Service should be mandated to make the application on behalf of the complainant.

Section Three requires provision about the personal information of the respondent who is committing act of domestic violence. This may include work details and contact details. Lack of this information may curtail the serving of the order and potentially places the complainant at further risk of battery. Section 4, (4) (1) requires information pertaining to children and adults sharing the same residence of the abused. This subsection has been criticized as ‘sharing the residence’; it may exclude all persons affected by violence like other family members who share the same property but not in the same residence as required by law. Section 4.2 and 4.3 enquire how persons sharing the same residence are affected by violence in partner relationship. Section 4.3 request details of disabled persons who are affected by domestic violence. This has been criticized as in some courts physical and mental disabilities are noted while others will concentrate only on those who suffer from stress and depression as disabilities. The purpose of this section has criticized as being unclear and need to be reviewed.

Section Six requires that the applicant to provide evidence that warrants the application be considered a matter of urgency by the court. Section Seven is where the applicant highlights the kind of abuses she would like to be protected from and provide detailed description of the protection sought. Section Eight allows for additional conditions to be attached to the terms of the protection order. These may include seizure of dangerous weapon, rent, emergency monetary relief and custody of children. Section nine refers specifically to property that the complainant needs assistance for collecting and this may include personal clothing, furnisher and other. Section ten states that the police station must be contacted in the event of the breach of the protection order (Parezee et al, 2001).

Furthermore, there are other additional forms that are vital in this process like, Form 12 which

provides for the setting aside or varying of the protection order. This is in cases of misuse of the Act by complainant or due to allegations that have been proven to be unfounded. Form J88 request the medico-legal experts to provide information on injuries sustained due to abuse (Parenzee & Smith, 2003). It has been indicated that there is a substantial role that the protection order play to assist women in abusive situations and the process may be long, tedious and intimidating to battered women.

### **1.13.2 The Criminal Law Amendment Act 105 of 1997**

This Act provides minimum sentences for serious crimes that include sexual offences and prescribes imprisonment in cases of rape. It also supports the constitutional and international obligations to take special steps to protect women against violent criminal acts that may include rape or enforced sex perpetrated by male partners on women. This Act may provide effective sentencing processes in sexual assault cases (Seba-Collett, 2007).

### **1.13.3 The Criminal Law (Sexual Offences) Amendment Bill of 2003**

Buzawa & Buzawa (2003) perceive this bill as providing a framework for dealing with sexual offences, medical treatment for rape and survivors and provides support for vulnerable witnesses in cases of rape. According to Seba-Collett (2007), the bill provides a broader definition of rape that is free of gender bias and includes oral and vaginal sexual penetration without consent.

## **1.14. The Research Methodology**

Methodology plays a pivotal role in a research study as it reflects the clear understanding of what the researcher intends to do. The research procedure can be defined as an overall plan for collecting data on Case Studies.

### **1.14.1 Research Design**

De Vos (2002) defines a research design as a plan or blue print of how the researcher intends to conduct the research. It offers a means on how to investigate either the research hypothesis or question in the most economical manner. Research design also focuses on the end product and on

the logic of the research (De Vos, Strydom, Fouche', & Delpont, 2005). A research design therefore provides a plan that may specify how things are done.

This study will be exploratory and will utilize a qualitative approach. Its primary aim is to elicit participant accounts of the meaning, experience or perception in their own spoken works. Therefore, this study will identify participant's beliefs and value, abusive episodes and their experiences on the role of the DVA during this ordeal (De Vos, et al, 2002).

### **1.14.2 Research Instrument**

Research instrument refers to the different methods of collecting research data. However, this study will use both individual in-depth interviews and a focus group interview as these will assist in gaining a better insight into the phenomenon of domestic violence from the participants' point of view. This will also assist to unfold the meaning of people's explanations from their own world perspective (De Vos, et al 2002).

The researcher will construct both interview schedules in line with the objectives of the study that will form part of the themes to be followed. Berg (2000) states that an interview schedule is comprised of a list of questions that one will ask the interviewees with follow up questions prepared prior to one embarking on an interview. The social worker in the Department of Social Development will be used as an intermediary and will introduce the researcher to the participants. The latter is the one familiar and dealing with domestic violence cases in the Nkonkobe Municipality District.

### **1.14.3 Sampling Procedure**

Sampling is a process of selecting subjects for research and a sample is a subset of population which must have properties that makes it representative of a whole (De Vos, et al, 2002; Rubin & Babbie, 2005).

This study will be comprised of ten Xhosa speaking women who have experienced domestic violence and pseudonyms will be used to secure their confidentiality. Five will be identified at Ntselamanzi Township and the subsequent five will be from Upper Qhumashe Township. The researcher will also select five service and professional workers who handles cases of domestic

violence for the focus group interviews. They will be comprised of one member of the South African Police Service (SAPS), a magistrate, lay counselor from the Victim Empowerment Center, a social worker and a community leader who are utilized during the ordeal. Both individual and focus group interviews will be tape recorded and the researcher will personally administer the process, transcribe and analyze the contents of the taped interviews. This will assist the researcher to better understand the dynamics around the issues that pertains to the implementation of the DVA and to maintain confidentiality (De Vos, et al, 2005).

#### **1.14.4 Population**

The target population of the study will be ten Xhosa speaking women who have experienced domestic violence situations, social service and professional criminal justice system providers that are comprised of the social worker, the lay counselor from the Victim Empowerment Center a community leader, magistrate and a police. One is aware that the sample size will not be fully representative of the wider population within Ntselamanzi and Upper Qhumashe Townships. However, the research will be valid and reliable to this specific study and therefore, the results will not be generalized to the wider population but will encourage further research on women abuse.

#### **1.14.5 Sampling Procedure**

This study will use a non-probability kind of sampling and purposive sampling method will be utilized. Purposive sampling will also be used to target the most convenient and those in abusive intimate relationships and those who provide services to the abused women. The sample will be obtained through the Department of Social Development in Alice and the social worker will be used as an intermediary (Rubin & Babbie, 2003; De Vos, et al, 2005).

#### **1.14.6 Data Analysis**

This study will use interpretive approach and data will be analyzed according to the themes as contained in the interview schedules. The study will be valid as the instrument that will be used will be consistent in measuring and yielding scores that will reflect the true differences of the variable being measured rather than random or constant errors (De Vos, et al, 2002). The

interview schedules will inform some patterns of enquiry as contained and in line with the research topic. Consequently, this will contribute to the reliability of the study. The interview schedules will also be attached to the study as Annexure B and C respectively.

#### **1.14.7 Ethical Considerations**

According to De Vos, et al (2005) the following ethical consideration will transpire prior and during the research process.

- Informed consent will be sought by the researcher through explaining the purpose of research study prior to the interview so as to obtain the respondents permission to take part in the study;
- Confidentiality will be ensured as pseudonyms will be used to ensure the anonymity of the participant;
- individual interviews will occur in the privacy of their own homes in a non-censorious environment;
- The district social worker will be used as an intermediary and this will assist in gaining access and building a trusting relationship between the researcher and the respondent;
- The social worker may also be used to provide counseling immediately after each interview as the need arises as the respondent relates her battery experiences that may still be painful to her (Babbie, 2004).
- The focus group interviews will take place at the Victim Empowerment Center at the Alice Police Station where all five participants will assembly.

#### **1.15 Limitations of the study**

- The study findings cannot be generalized to a wider population but will be valid and reliable to the specific target group.
- The researcher will have to travel to two townships and this may incur costs for travelling.
- Five service providers or professionals may be reluctant to leave their duties and responsibilities or may be hard to find due to their busy schedules.
- The abused women may be reluctant to talk about their private battery experiences.

## **1.16 Chapter Outline**

Chapter One: will contain an introduction and general overview of the study. This is intended to highlight the prevalence of women abuse.

Chapter Two: will review related literature and theoretical framework that address the nature and experience of abuse; the patriarchy system and its impact on women; the DVA and human rights initiatives and instruments to curb women abuse.

Chapter Three: deals with the research methodology and contains the research design, sampling procedures, data collection and data analysis.

Chapter Four: will present the interpretation of the findings based on the data analysis.

Chapter Five: contains a summary, conclusions, recommendations of the study and suggests areas for further research.

## **CHAPTER 2: LITERATURE REVIEW**

### **2.1 INTRODUCTION**

This Chapter reviews literature that explained violence of women's lives. The experiences and perceptions; various human rights instrument in South Africa and internationally are explored and the patriarchy system and its impact on African women is highlighted. The following discourse explains further the issue of women abuse and the ensuing implications.

### **2.2 PREVALENCE OF WOMEN ABUSE**

Presently an accurate extent and statistics of African women in violent partner relationships and on sexual violence is minimal. However, Statistics South Africa found that generally one in two rape survivors reported being raped to the police (Hirschowitz, Worku & Orkin, 2000).

The Medical Research Council (MRC) also found that one in nine women reported being raped, and it has indicated that rape is being under reported by women (Jewkes & Abrahams, 2002). On the basis of these studies it can be stated that the 52 733 rapes reported by the South African Police Service (SAPS) in their 2003/04 released statistics, were more accurately calculated as implying that the range of rapes that had actually occurred maybe in the region of 104 000 and 470 000 (Statistics South Africa, 2004).

National figures for intimate femicide, that is, males killing their intimate female partners, suggested that this has been the most deadly form of domestic violence that was prevalent in South Africa. The female population with ages ranging from 14 and older in 1999, that is, 8.8 per 100 000, died as victims and as a result of violence in partner relationships. This has been one of the highest prevalence rates reported in research worldwide (Mathews, et al, 2004).

### **2.3 NATURE AND FORMS OF VIOLENCE**

It has been noted that battering and abuse is rooted in historic and societal contexts that reflected patterns of coercive control that one person exercised over another. The abuse directed at women by male partners may also include physical and sexual abuse, intimidation, emotional insults, isolation, and economic deprivation (Morrell, 2001).

Despite the widespread of violence against women, research studies indicated that abuse adversely affect

the health of women and at times, compromise their ability to participate in health promotion and health maintenance activities. Further, abused women are less likely to seek primary health care as issues of survival may have to take precedence and the abuser might systematically limit women's access to outside resources (Campbell, 1998). However, women in violent partner relationships may encounter different kinds of abuse.

### **2.3.1 Physical violence**

Physical beatings has been the most common means by which some men assaulted their female partners to enforce discipline and control over them. This usually occur when the man perceive the female partner to have transgressed certain "often implicit rules" underlying the relationship. The woman may also have resisted male attempts to enforce these "rules" and control of their behavior. The most reported form of violence has been associated with the female rejecting the male partner. This can be due to actual or suspected sexual infidelity, the woman sexual refusals, and her acts of resistance to male partners' attempts to dictate the terms of the relationship. In explaining their violence, men may frequently refer superficially to loss of control caused by anger or mood changes exacerbated by the use of alcohol and drugs (Vundule, Jewkes, Maforah, & Jordan, 2001).

Additionally, acts of violence cause not only immediate injury but might also result in many psychosomatic disorders that may include chronic pain, disfigurement, physical limitations and miscarriages. The abused can also suffer from stress and anxiety disorders such as hypertension, hyperventilation, insomnia, gastrointestinal and eating disorders. Consequently, some women when trying to cope with the abuse and the resultant health problems are likely to resort to drug and alcohol abuse. Abused women are also most likely coerced into substance abuse by their abusers as a mean to maintain control over them (Campbell, 1998).

### **2.3.3 Sexual assaults**

Women in violent partner relationships may experience sexual assaults like rape and these are much more likely to be sexually coerced by their intimate partners than by a stranger (Dunkle, Jewkes, Brown, Gray, & McIntyre, 2002). Further, sexual assaults may not be easily disclosed because of intense feelings of fear of further trauma from the abuser, lack of confidentiality, embarrassment, stigmatization and not being believed, fear of retaliation by the perpetrator, shame and a perception that such reporting would be unlikely to result in punishment of the abuser (Christofides, Webster, Jewkes, Penn- Kekana, Martin, Abrahams, & Kim, 2003). Some women are also reluctant to report being raped by their partners and some may be asked to perform sex acts against their own will. Some women may suffer physical harm

while engaging in sex and may be treated as sex objects and forced to view pornography as part of battery (Mataure, McFarland, Fritz, Kim, Woelk, Ray, & Rutherford, 2002). In some instances, they also may be forced to have sex with other people by the abusers. The abusers may be sexually promiscuous and this might place the woman at risk of sexually transmitted diseases and HIV infection. Some of the abusive men may refuse to use protection or condoms for safe sex and after receiving a diagnosis of a sexually transmitted disease or HIV infection may either not inform their female partners or blame them for the infection (Morojele, Flisher, Muller, Ziervogel, Reddy, & Lombard, 2001).

Due to sexual assaults women may be at risk of getting pregnant, suffer from post-traumatic stress, depression, chronic pelvic pain and may be at a greater risk for a repeated sexual assault than other women. Loss of function at work, difficulties in sexual expression may prevail (MacPhail, & Campbell, 2001).

### **2.3.3 Psychological and emotional abuse**

According to the World Health Organization (2002) psychological and emotional abuse characterizes most of the abusive relationships and often predates and precedes the use of violence. This may include yelling, screaming, name-calling, insulting comments, harassment and public humiliation. Abusers may also systematically degrade a woman's sense of worth making her feel unattractive, incompetent and even stupid or crazy. Some abusers also physically confine and isolate a woman and might even destroy some of her belongings and that of her children causing additional emotional pain and stress (Steady, 2006). Consequently, feelings of low self-esteem, anxiety, depression, disturbed parent-child relationships, symptoms of paranoia and chaos and sometimes suicide may prevail (Kunfaa, Dogbe, Mackay & Marshall, 2002).

### **2.3.4. Femicide/ Homicide**

Homicide is the leading cause of death and the most frightening type of violence that is confronted by women. Amongst other factors, the most common cause of homicide seems to be psychological or emotional problems that manifest in anger and revenge. Martin (1999) mentions that poverty appears to be strongly associated with murders of family members and friends rather than of acquaintances. Partner relationship homicides and femicide tend to be associated with a belief in male dominance. Excessive consumption of alcohol and abuse of illicit drugs may exacerbate the situation. Most of the homicides are committed at home with a gun or a weapon.

However, literature also indicated that African women were more likely to strike back at their abusive

partners in self defense and self preservation and instruments like knives or other cutting instruments have been used as murder weapons (Campbell, 1998).

## **2.4. EXPERIENCES OF WOMEN IN ABUSIVE RELATIONSHIPS**

There are various traits that pertain to battered women and these may include making threats, use of emotional manipulation and emotional dependence of women on their abusive partners.

### **2.4.1. Threats and emotional manipulation**

Artz (2003) states that abusive partners may use threats to maintain and have control over battered women and these may include threats to either kill the woman or her children. He may threaten to take away the children and may make the woman to doubt her ability to live independently and obtain custody of the children. Abusers may threaten to divulge damaging information about the woman to her family and friends, her employer, the courts and social welfare agencies. Whether this information is true or false, it tends at times to immobilize the woman from taking action (Sakala, 1998).

Abusive men may also control women through the use of emotional control as abusive incidents may often be followed by statements of sorrow, promises not to abuse again, gift giving, honey moon period and other displays of contrite and loving behavior. These patterns of behavior place a woman in a state of confusion and usually she would begin to question the severity of the abuse. Some of these emotional manipulations can also reinforce the hope that the abuse will stop. The abuser may also gradually isolate the woman in violent partner relationship from avenues of support and from outside help. He may begin by controlling her relationship with family and friends, monitoring and restricting her conversations and friendships, and finally he could alienate her from all social support system. Isolation would also occur when the abuser gradually and progressively limits the woman's contact with outside sources of help, such as social welfare agencies, health and medical care facilities. The abuser may create excuses like lack of finance, suspended medical aid or insurance coverage or he can simply threaten to harm her if she seeks outside professional care and help for herself and her children (Buzawa & Buzawa, 2003).

These experiences usually manifests into circumstances whereby the abused woman end up blaming herself for the abusive behavior. Some may suffer from the aftermath injuries of abuse, broken bones, facial trauma like fractured mandibles and tendon or ligament injuries. Additionally, some may suffer from low self-esteem, weak ego, withholding emotions, frustration, stress and shame and all these factors

may contribute to feelings of hopelessness and helplessness which may be accompanied by suicidal thoughts. It has been noted that due to these calculated manipulative abusive behavior, the woman may fear for her life and hence it becomes difficult for her to leave the relationship (Taylor & Browne, 2001).

#### **2.4.2. Self- blame and shame**

Shamai (2000) attest that self-blame as a main characteristic results in abused women interpreting the violence as their fault as they were responsible to choose the abusive partner when they find themselves in conflictual marital and intimate relationships. They may also blame themselves for failing to implement the wife's role. Even when women were to try and shift the blame of violence on their selves, they may continue to blame themselves for staying within the destructive relationship. The most destructive expression of self-blame may be the anger that is directed towards the self and a tendency towards self- destruction. The shame associated with violent episodes may result in emotional insecurity whereby the abused lose confidence and assertiveness due to mixed feeling that may be caused by verbal insults and physical abuse (Prochaska & Prochaska, 2002). Ego-deflating and incriminating circumstances may also serve to keep women trapped in violent situations as they may perceive themselves to be incapable of ending a relationship due to their own faults and imperfections. These women can also find themselves in situations where they have to defend themselves against societies that justify violence and the status quo in a violence-prone society (Melbin, Sullivan, & Cain, 2003).

Roberts (2002) states that in order to survive, the women may resort to using defense mechanisms such as denial, identification with the abuser and rationalization of the abuse. Denial may permit the women to "pretend" as if the violence is not as bad as it is portrayed and sometimes trivialize. However, one is aware that these defenses at times assist the battered to survive and after a while they may rationalize the aggressive behavior.

#### **2.4.3. Conspiracy of silence**

Campbell (1998) describes silence as a typical response that most abused women would resort to and black communities in particular respond with silence to violence committed against its most vulnerable members like women and children. Further, silence does not stem from acceptance of violence as a black cultural norm, but may arise due to shame, fear, and a racial sense of loyalty. Internal forces of abuse and external forces of community and racial loyalty though detrimental, may at times prevent African communities to address the multiple issues of violence as they are manifested through rape, incest and domestic violence.

Further, according to Collins (2000) African men are in more vulnerable position than men from other races due to racial oppression and discriminatory practices. Being aware of the oppression, some of the abused African women may be reluctant to expose their male partners to more ridicule. However, women in violent relationships should recognize that abuse is a serious crime despite the problematic issues of race, color and oppression. Nevertheless, African women can be sensitive to the effects of racism and victimization of black men but should not feel obliged to tolerate abusive behavior from their partners. Additionally, studies have also shown that battered women of all ethnic backgrounds may be reluctant to reveal their abuse out of concern for their abusers. Conspiracy of silence may also be due to peer pressure to have a male partner whom the woman may perceive to love her because of the gifts like clothes and money that the man may provide (Outwater, Abrahams, & Campbell, 2005).

#### **2.4.4. Financial deprivation**

The perpetrators of violence may also use economic power to control and victimize women with whom they are involved both during and after the relationship. Some batterers may ensure financial dependence by denying the abused women with direct access to money or by forbidding them to work outside the home (Campbell, 1998). Abusive men may also limit a woman's access to family money and resources, take her pay cheque, wage or salary and provide her with only a small allowance. Some may often control ownership of the home and transportation (Lloyd & Taluc, 1999). Consequently, the woman may find it difficult to acquire financial independence and resources that can enable her to survive on her own and financially support a home and children. Male partners may even go to an extent of jeopardizing female partners' financial status by harassing them at work until they lose their employment (Zastrow, 2004). Societal discrimination in the workplace also may reinforce economic dependence because many women especially those with minimal literacy earn low wages and some men may fail to pay maintenance for their children (Lein, Jacquet, Lewis, Cole & Williams, 2001).

Furthermore, some abusers may cause women to be evicted from their houses by causing damage to property and behaving violently. Without access to housing resources many abused women are forced either to live in unsafe and inadequate abusive conditions or to return to the abusers for shelter. The general shortage or access to public housing may place the abused in a compromising situation (Cuomo, 2000).

Hence, some battered women who may have zero credit and bad rental records due to violence may find themselves representing too great a risk to landlords. These circumstances may also result in these women not being able to find and maintain permanent and affordable housing independent of the abuser. The

shortage of transitional housing as an alternative living shelter or accommodation for African abused women in general, and rural women in particular, compromise their safety (Melbin et al, 2003).

## **2.3 WOMEN ABUSE AND THE PATRIARCHY SYSTEM**

South Africa as a young democracy emerging from a totalitarian state has been associated with escalating violence. Violence has also become an accepted form of conflict resolution and women and children have been victims of violence, rape and HIV transmission and alcohol abuse (Masuku, 2001). African women find themselves within the strong patriarchal organizations and societies that are characteristic of most of the indigenous and non-indigenous people inhabiting South Africa (Morrell, 1998). In line with this is the spirit of kinship that keeps these families together, hence to leave an abusive relationship is perceived by most women as virtually difficult or, perhaps at times, impossible. Most Black South Africans that live within former homelands lack economic opportunities within those areas which forces them to work as migrant laborers in cities or urban areas. Husbands and partners periodically return to unite with their lovers and wives and also maintain their families. The homelands are mostly inhabited by women, children and old and sickly men who have returned from the mines. The long period of absence from home at times results in extra marital affairs in cities and multiple partner relationships (Jewkes, Levin & Keken, 2001). This usually leads to fights and arguments that end up in violence within the relationships. There are also some population prevalence studies that have documented high levels of violence against women and they indicated that one in four women reported having been abused by a partner (South African Law Commission, 2002).

Studies have also indicated that there is cultural acceptance of violence on women and children as they are easily perceived as victims. These situations at times are complicated and the subtleties are difficult to interpret and this may be due to male domination that is prevalent and acceptable in African societies (Jewkes, & Abrahams, 2002; Madu, 2001; Wojcikci & Malala, 2001).

### **2.3.1 Ilobola practice and women abuse**

Mndende (2006) claim that women have an exchange value called 'ilobola' within the context of marriage that form alliances between households, clans and nations. Traditionally, in Shona, Ndebele and Xhosa societies, the practice of bride price or *ilobola* signifies the validity of the marriage. It is also recognized as compensation to a father for the loss of his daughter and as a means of stabilizing the marriage. Exploitation of African women is further entrenched by the patriarchal system where for

instance in Ghana women are recognized as an exchange value given as rewards for warriors (Busia & Abena, 1993).

Further, strong familial ties usually exist between mothers and daughters. However, when a young African woman enters into marriage at times she is usually considered as an outsider among her husband's family. Almost all African women retain their clan identity after marriage. At times this creates problems for the newly-wed woman who may find herself being undermined and subordinated by in-laws. These discriminatory practices may result in her being regarded as an outsider due to the difference in her clan name (Busia & Abena, 1993).

## **2.4 INFORMAL AND FORMAL SOURCES OF SUPPORT**

There are informal sources of support that exist within the communities and these can be cited as friends, relatives and neighbors. There formal sources of support include the police, the magistrate, the social service practitioners and others who would be approached by battered women for assistance.

### **2.4.1 Informal Networks and women abuse**

A process of systematic isolation from social networks and sources of potential help is another key characteristic of abusive relationships in general. This may be compounded by geographically isolated rural areas that are prevalent especially to the circumstances of African women (Miller, 2003).

Nevertheless, women in abusive relationships initially attempt to resolve the abuse by themselves. If the abuse continues they may turn to family members, friends and neighbors for assistance. This initiative may place the woman at risk of disclosing the abuse as the abuse can either be challenged, ignored, ridiculed or the woman may be held responsible for the problem. Potential helpers may be reluctant to become involved in another family's problem since this involvement may imply interfering or causing embarrassment for that family. Fear of the aggressor may be another factor and consequently, it is thought best to ignore and look the other way and leave the couple to resolve their own problems. The International Committee of the Red Cross (2005) also adds that these women in patriarchal societies may also find themselves in situations that leave them stigmatized and without social status when they lose or leave their husbands.

Women in violent partner relationships may also seek help from the church, clergy and traditional healers. Traditionally, the religious community has responded with silence to family violence. Forgiveness,

renewal of the dedication as a wife and mother, and reference to relevant scripture readings has been a source of support that is available. However, the religious community has become aware of the need to educate the clergy about the dynamics of violence in partner relationships and to take an active role in assisting those involved (Miller, 2003).

Traditionally, African women would seek help from traditional healers who may be able to appease the violent spirit of the abuser through traditional medicine and customary rituals (Labuschagne, 1990). This practice is still existent.

#### **2.4.2 Formal networks and women abuse**

Webster & Malala, (2002) mention that police are one of the law enforcement agencies in most situations that may be concerned and willing to help a woman regain safety. However, they may not be able to offer battered women reliable protection from harm. In addition, battered women may realize the active role of the police as a protector but may be reluctant to seek help due to criminal charges against them that may appear in the local newspaper which may lead to unwanted attention to the abused women (South African Law Commission, 2002).

Two studies that were conducted in the Western Cape both highlighted that due to the legacy of apartheid, legislation such as the Group Areas Act including the under-resourcing of rural areas, has resulted in women and African women in particular to have problems in accessing the justice system (Mathews & Abrahams, 2001; Parenzee & Smith, 2003). However, the following legislative initiatives were available and set to be of assistance to abusive partner relationships in South Africa.

### **2.5 LEGISLATIVE INITIATIVES**

The National Crime Prevention Strategy (NCPS) of 1996 established crimes of violence against women and children as a national priority and a number of legislative reforms were instituted in this area. The Criminal Law Amended Act, No 105 of 1997 mandated minimum sentences for certain rapes and enforcing bail conditions for those charged with rape through the Criminal Procedure (Second Amendment) Act (No 85 of 1997). 1998, the Domestic Violence Act (No 118 of 1998) was passed. National Policy Guidelines for the Handling of Victims of Sexual Offences were also finalized in 1998. The Policy Framework and Strategy for Shelters for Victims of Domestic Violence in South Africa was established in 2003 (Vetten, 2005). Although DVA has been effective, the following can be highlighted as

problems to its implementation.

### **2.5.1 Lack of Police services**

According to the Department of Safety and Security (1998) nationally, seventy four of South African police stations were located in White suburbs or business districts. As a consequence, underprivileged women in rural and semi rural areas had to incur unaffordable travel costs to access protective service. Furthermore, Artz (1999) drawing on the research based in poor black rural communities in the Southern Cape has listed some of the obstacles that women have to overcome in order to obtain assistance with domestic violence, namely;

- Expensive travelling costs;
- Limited or absence of taxi and bus services;
- Slow response times by police and ambulance services;
- Lack of, or poor and expensive telecommunication services;
- Long distances to travel to public services like social workers offices and others;
- Lack and absence of child care services becomes a bigger problem if travel is necessary;
- Few support services and lack of shelters for safe accommodation;
- High rates of unemployment and under employment resulting in women struggling to pay for basic necessities, travel, safe accommodation, separation and relocation costs.

Additionally, Ambrosino, Shuttleworth, & Ambrosino (2005) re-iterate that lack of facilities, basic amenities and professional services like health and welfare services among poor and rural communities may pose a danger and place these communities in compromising circumstances. Artz (2003) also noted staff at rural courts had to incur additional prohibitive costs of transporting witnesses of partner violence from outlying areas and accommodate them if required to stay within courts' jurisdiction in order to testify. There are also difficulties that complainants face in accessing the justice system such as negligence of police who lose victims court dockets; and inability to find the money for documents to be served on respondents; and lack of informing the parties regarding due court processes and appearances. Ultimately, some women resort to withdrawing their applications as they find the process of the justice system too overwhelming. Others who experience the courts proceedings and processes as are unable to cope with the administrative requirements of the Act (Bennett, 2005).

It has also been noted with interest that while South Africa has eleven official languages, the protection

order in terms of DVA is only in two official languages. Reading and completing of the application forms becomes a challenge on women with varying degrees of literacy. These application forms are also not available in Braille and sign language interpreters for deaf women may not be readily available at courts (Vetten, 2005). It is also known that the criminal justice system and some of the Magistrates has been voicing their own frustrations concerning the stringent budgets that they have to operate within, lack of personnel, lack of police vehicles, fax machines and photo copiers. Although these factors place additional burden on law enforcement officers, they also compromise the safety of women in violent partner relationships. However, the lack of police perception of domestic violence as an intimate love dispute and their unwillingness to intervene in “household and private disputes” remain pervasive within the SAPS. Domestic violence is also rife among police officers (Stack & Soggot, 2001; Parenzee & Smith, 2003).

Consequently, the progressive legislation including uncooperative attitudes among law enforcers, failure to act according to the legal obligations as set out in the DVA legislation and other role players may create not only negative attitudes towards the complainant but it may lead to victimization of abused women. However, non-governmental organizations like Mosaic Training Services and Healing Centre for Women that are based in the Western Cape provide a significant role in assisting women with application for protection orders and also help them to go through court proceedings. Such services are either provided on voluntary basis or mostly funded by foreign donors (Vetten, 2007).

According to Campbell (1998) the police are aware of the criticisms that are usually directed towards them. They have also voiced their concerns on issues of shortage of staff and their being unable to offer reliable protection from harm as they cannot guard abused women from future assault nor can they transport the women to distant safety if regulations forbid it. In addition one cannot over emphasize the fact that in remote areas availability to have and hold court sessions may be minimal. Therefore, the chances of the battered woman to press charges against her abuser may be jeopardized.

### **2.5.2 Magistrates**

Artz (2003) states that magistrate’s decisions in domestic violence cases are dependent on how the other part of the criminal justice system manages and presents incidents of domestic violence. This may include how violent episodes have been documented and the depth of the investigation of the offence. At times cases of abuse are compromised in circumstances whereby the application forms, police statements, and witness statements are inconclusive, missing or even eligible. However, the magistrate’s role is to discern the documents presented to the court and further interrogate the case until a reasonable and substantive

decision can be made.

Magistrates further attest that when cases of abuse are reported, they find it difficult to distinguish between perceived risk and the actual risk of abuse as at times the victims of abuse may appear to have an ‘over-developed’ sense of perceived risk of further violence. However, the ‘real risk’ of abuse eventually increases and worsens over time. This indicates that at times reasons behind the fear by the abused are based on facts and not unfounded. Therefore, magistrates need to treat cases of abuse as serious offences and on assessing these cases they should consider the potential danger on the lives of the battered women. The abused women should also not be sent to court for protection orders only but should be sufficiently informed of their rights to lay a criminal charge (PARENZEE, ARTZ, & MOULT, 2001).

However, the following human rights and legislative initiatives are available and set to be of assistance to women in violent partner relationships in South Africa and globally.

## **2.6 WOMEN’S HUMAN RIGHTS INITIATIVES TO VIOLENCE AGAINST WOMEN**

Green (1999) states that for many years the mainstream international human rights community treated women’s human rights as gender neutral. Nevertheless, it has now widely accepted that gender-specific abuse constitutes a violation of the rights and fundamental freedoms of women and that grossly impair and negate their enjoyment of those rights and freedoms. What evolves is the internationally accepted norms and body of laws which require that governments should prevent, investigate and prosecute violations of ‘bodily integrity’ that include cases of women abuse.

Human Rights Watch/ Africa (1995) states that when governments fails to prohibit such abuse or frequently fails to respond to acts of violence against women, it sends cues that may be interpreted that such attacks are justified or at the least would pass on unpunished. Such inaction will be a violation of Article 26 of the International Covenant on Civil and Political Rights (ICCPR). Therefore, states that fail to provide the necessary protection to their female citizens’ rights to physical integrity are considered to be discriminatory on the basis of gender.

These rights and principles are also enshrined in other international instruments such as the Universal Declaration of Human Rights; the International Covenant on Economic, Social, and

Cultural Rights; the Convention on the Political Rights of Women; the Convention on the Rights of the Child; the Convention on Consent to Marriage, Minimum Age of Marriage, and Registration of Marriage; the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and the Convention on the Elimination of All Forms of Discrimination against Women. The United Nation Commission on the Status of Women was also established in 1946 by the General Assembly and simultaneously, the United Nation Human Rights Commission was also established. Its main function is to monitor and encourage implementation of international law on women's rights. In January 1993 the South African government signed CEDAW and embraced a number of conventions on issues of women. These have assisted women in South Africa to be more informed and empowered about discriminatory and abusive practices that are directed towards women. In addition, the South African Constitution also emphasize the rights of women and their right to live free of domestic violence and have rights to access of justice (Linnegar & McGillivray, 1998).

### **2.6.1 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

According to Green (1999) the Convention on the Elimination of All Forms of Discrimination against women (CEDAW) is one of the laws that specifically recognizes women' human rights and deals with issues that pertain to gender violence that is inclusive of those that deal with traditional attitudes, equality in employment and access to health services. Although there have been criticisms and objections to its inclusions, the Committee established under CEDAW has put forward General Recommendation No.19 that suggests that state parties in reviewing their law and policies should take cognizance of the recommendations raised concerning gender-based violence.

The Vienna Declaration and Programme of Action of 1993 also recognize that the human rights of women and of the girl child are inalienable, integral, and indivisible part of universal human rights. It also embrace factors as expressed in other documents such as the 1994 Declaration on the Elimination of Violence against Women and urges states to withdraw reservations that are contrary to the object and purpose of CEDAW. The Declaration on the Elimination of Violence against Women is not a treaty but a set of common international standards and is a non-binding resolution of the United Nations. It recognizes the urgent need for the universal application to women of rights and principles with regard to equality, liberty, integrity and dignity.

According to Linnegar and McGillivray (1998) on 15 December 1995, CEDAW became the first of these

Conventions to be ratified by the South African government. CEDAW stresses and requires that States that have signed this Convention must embody the principle of equality of men and women in their national constitution and other laws, to ensure the practical realization of the principle of equality.

Article 1 states that government themselves must not discriminate against women and must ensure that public authorities or institutions, private persons, organizations or businesses do not do so either. All existing laws, regulations, customs and practices which constitute discrimination against women should be repealed. Article 3 emphasize that the States must ensure that women have opportunities to develop and advance fully in any field, be it political, social, economic or cultural. Laws must be passed that ensure that women exercise their human rights and fundamental freedoms on the basis of equality with men. Article 4 provides for the use of affirmative action that provides for equal job opportunities. Article 5 requires that programme must be developed that teach societies that child bearing and child rearing are fundamental social functions that are significant to the development of a healthy, balanced society and child upbringing should be a shared responsibility (McQuoid-Mason., Pillemer., Friedman., & Dada, 2002).

Further, Article 11 requires that men and women should have the right to equal job opportunities, equal pay and equal benefits for work of equal value. Article 12 provides that women should have access to health care services even during pregnancy, including family planning. Article 13 addresses the economic needs and social benefits of women while Article 14 expresses special concern for rural women. This means that special attention must be paid to the problems of rural women and more importance must be attached to the role they play of doing work without receiving any money for the survival of their families. Article 15 ensures that women will be equal with men before the law and must be treated as such during court trial. Women must share the same rights as men to sign contracts and administer property. Any contract or agreement that tries to restrict the legal capacity of women will not be enforced.

Article 16 obliges states to eliminate discrimination against women in all matters that relates to marriage and family relations. Therefore, women and men, irrespective of their marital status, must have the same rights as parents, must have equal access to information about family planning and to methods of contraception. They must also have the same legal rights and responsibilities pertaining to matters of guardianship and adoption of children. The law must also set a minimum age for marriage and must require that all marriages be registered in an official registry (Linnegar & McGillivray, 1998; McQuoid-Mason, et al, 2002). It has also been noted that in South Africa, minimal mechanisms exist to enforce or ensure that women especially, those in rural areas who have traditional marriages have registered marriages as some are ignorant of the existence of this law. However, there have been a number of other

initiatives to address violence against women:

### **2.6.2 The Beijing Declaration and Platform of Action**

A variety of initiatives were launched in September 1995 at the Fourth World Conference on Women held in Beijing, China. Its focus was on the problem of violence against women and the women of the world urgently urged governments to embrace the goals as expressed in CEDAW. The United Nations Development Fund for Women (UNIFEM) launched an anti violence campaign and governments were reminded to uphold their promises to stop violence against women. During the Beijing Platform of Action Conference, which was petitioned by million signatures was presented to the UN Human Rights Commissioner and its objective was to seek protection of women and girls from rape, domestic violence and from all forms of sex discrimination. It was also emphasized that governments must see to it that the Platform of Action is implemented (Beijing Platform for Action 123).

The South African government undertook to adopt all parts of the Platform of Action and government departments also has to ensure that all policies and actions are in accord with it and to take steps to ensure women's empowerment . A Special Rapporteur on Violence against Women was appointed in 1994, with the mandate of investigating: crimes associated with gender violence and also to urge to countries not to use traditions or customs as an excuse for abdicating their responsibilities to prevent violence against women (Vetten, 2007).

In 1993 South Africa adopted an interim Constitution and in 1996 the Constitution of the Republic of South Africa Act 108 of 1996 was promulgated by the Government of National Unity (The Constitution of the Republic of South Africa, 1996). What follows is a discussion of the position of women in South Africa under its first democratic government.

### **2.6.3 Women and the South African Constitution**

Linnegar and McGillivray (1998) define a constitution as a written document that comprises the legal rules and principles governing the exercise of state authority. This collection of rules also governs the relationship between the citizens of the State and an organ of the State. South Africa is amongst States that have a constitution which is supreme to parliament. When a constitution is supreme, the courts have 'testing power' that is, the power to enquire whether the laws resonate with the constitution, 'over legislation' that is, the Acts has been passed by a national Parliament, provincial assembly or a local

council.

The Constitution of the Republic of South Africa of 1996 came into force in February 1997. The Bill of Rights which forms the cornerstone and basis of democracy enshrines the various rights of all people in the country. Of particular significance to women is s 9 also known as the 'equality clause', Section 9 (1) guarantees the right to equality before the law and protection of the law. This provides every individual the right of access to a court of law. According to South African Constitution (1996), this also encompasses the duty of the State to grant protection to those groups such as women are vulnerable. Section 9 (2) state that equality includes the full and equal enjoyment of all rights and freedoms. It promotes the achievement of equality and is admissible to adopt legislative and other measures designed to protect and advance persons, or categories of persons, disadvantaged by unfair discrimination. This include categories of groups such as women or blacks as a group, historically disadvantaged individuals or groups normally referred to as affirmative action. Affirmative action in this case implies treating women differently because they are women. This process may critically be perceived as discriminating against men purely on the basis of their sex which violates the provisions of s 9 (3). However, this is an attempt by the government to redress past discriminatory practices against certain individuals or groups and preferential treatment is deemed to be warranted in these circumstances. It could also be argued that women, in particular black women, can be seen to qualify as one of the designated groups against who past discriminatory practices have occurred (Linnegar & McGillivray, 1998; McQuoid-Mason, et al, 2002).

Employment Equity Act 55 of 1998; Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 and the essence of all these policies and legislations is to take considerations of the issues of women. These may include any gender discrepancies that allow women to be victims of discriminatory practices and abuse. Hence South Africa has the afore-mentioned legal remedies that deal with cases of women in violent partner relationships. South Africa has also identified women abuse as a crime that the criminal justice system has to deal with. However, it has remained a 'private matter' that is dealt with behind closed doors. Nevertheless, due to the lobby of women's groups and social and legal activists, women abuse has received growing attention which is addressed by legislations and international human rights instruments.

## **2.7 SUMMARY**

Although the government has expressed a commitment to eradicate gender based violence and inequality on women, the content of the DVA is a legislation that affords victims of domestic violence maximum protection from abuse. It introduces measures that seek to ensure that the relevant organs of state give full effect to the provisions of this Act. This may be an indicative factor that conveys the commitment that the State is committed to the elimination of domestic violence. However, there are current debates in literature that indicates that the implementation of the DVA is flawed with problems that result in some women being unable to access the justice system and make use of it. Various factors that hinder implementation of the DVA have been highlighted. This Chapter has highlighted how the DVA can ensure that African women and their circumstances are understood and to what extent it can assist them. i

However, the following Chapter discusses extensively the research methodology and research design that has been used. The sampling procedures and data analysis are also included.

## **CHAPTER 3: RESEARCH METHODOLOGY**

### **3.1. INTRODUCTION**

The background to the study and the aim and objectives of the study were discussed in Chapter One, while literature review was discussed more in Chapter Two.

In this chapter, the researcher discussed the major components of the study which include the research design, research methodology, ethical considerations, sampling procedure, tools of data collection, analysis of data and limitations of the study.

Furthermore, the study was conducted in two phases and the researcher utilized an interpretive approach to establish a coherent and inclusive account of events and cultures from the point of view of those being researched (Neuman, 2000).

### **3.2. RESEARCH DESIGN**

A research design can be defined as a strategic framework for action, to guide the arrangement of conditions for collection and analysis of data in such a way that there will be a combination of the research questions and the implementation of the research (De Vos, Strydom, Fouche', & Delpont, 2005). A research design therefore provides a plan that may specify how the research is going to be executed in a way that it answers the research questions. It may also involve multiple decisions about the way data will be collected and analyzed. It also ensures that the final report answers the initial research question (Blanche, & Durrheim, 1999).

This research was exploratory and has utilized a qualitative approach (Newman, 2003). The qualitative approach also provided the researcher with the commitment to study human experience and to have access to the clients' meaning, systems, frame of reference, personal beliefs, cognitive schemes, values, cultural realities and personal motivations (Robson, 2002).

Furthermore, triangulation was used based on the focus group interviews as the researcher had an interest to understand the phenomena of African women in abusive relationships and the

implementation of the DVA. Triangulation can be defined as the use of multiple theoretical perspectives, procedures, methods, sources of data, investigators or theories to collect and interpret data about a phenomenon in order for them to converge on an accurate representation of that particular reality (Brink, 2003: 215; Hilton, 2003). The researcher was not concerned with the causality or testing a hypothesis which is in line with qualitative research (Babbie, 2000). However, due to feminist movements and women's advocacy groups in South Africa and internationally, women's experiences of men's violence is highlighted from an unjustifiable and unspeakable reality to a conceptualized social problem (Collins, 2000).

Limited research has been conducted on the implementation of the DVA amongst African women in South Africa. Therefore, qualitative design and triangulation was found more appropriate to utilize as the purpose is to ask questions and assess the phenomena in a new light (Babbie, & Mouton, 2001).

### **3.3. RESEARCH METHODOLOGY**

Participants in the real world of studies may sometimes find themselves in situations where they become involved without their knowledge. They may also be misled about the true nature of the study or may find themselves in situations that cause stress and anxiety. Simultaneously, participants in a research may tend to be reactive in an unpredictable manner by supplying inaccurate information, or resist to be interviewed by researchers (Robson, 2002).

In order to safeguard and avoid deception, stress, and the like, and to balance the participants' right to privacy, dignity and self-determination, the researcher had to consider ethical aspects when working with people as research participants (Creswell, 2003). Ethics in this study refers to rules of conduct that one needs to conform to as a code or set of principles (Glicken, 2003). The main purpose the researcher had of ethical research planning had to do with protecting the welfare and the rights of the research participants.

### **3.4 ETHICAL CONSIDERATIONS**

The Ethics Committee of Fort Hare University granted ethical clearance and the researcher was initially introduced by an intermediary to the interviewees. The Social Worker at the Department of Social Development in Alice introduced the researcher to the interviewees. Bulmer and Warwick (2000) further state that the role of the intermediary or gatekeeper is to provide the most suitable analogy for the interviewer. This worked well, as women in abusive relationships were more receptive and at ease to talk about their ordeal.

#### **3.4.1 Ethical principles**

Three ethical principles served as a guide to the researcher:

##### **3.4.2 Autonomy**

This principle requires the researcher to respect the autonomy of all the people who were participating in the research study, and the researcher had to address issues such as voluntary participation and informed consent. The freedom of the participant to withdraw from the research at any time and the participants' right to anonymity by the use of pseudonym and in any publication had tend to inculcate willingness to talk and share their perceptions and experiences of abuse to a fellow woman researcher even if they had initial anxieties about the purpose of the research. The intermediary role and initial presence also assisted in forming a trusting relationship and rapport (Thyer, 2001).

##### **3.4.3 Non-maleficence**

The second principle that the researcher adhered to was to inform the participants that the research study would not place them at any potential risk or any other form of harm. This was done by having the presence of lay-counselor and a registered social work student who could offer immediate counseling should the need arise. This was also to safeguard any emotional distress that could emanate from the participant on sharing her painful ordeal.

### **3.4.5 Beneficence**

Furthermore, the researcher informed the participant that the study may generate empowerment techniques that could be of benefit to battered women. The participants will also be informed about the results of the study through the Victim Empowerment Center located at the Alice Police Station and through the Social Worker's office as that was a source of support to them (Terre Blanche & Durrheim, 1999).

### **3.5 Ethics guidelines for research**

There are various ethical considerations that the researcher had to adhere to when conducting this study and the following can be mentioned:

#### **3.5.1 Consent**

Obtaining consent from the participants is one of the fundamental practices that the researcher had to adhere to and this was obtained by explaining to the participant the objectives of the study and what it entailed. At the outset, the researcher decided to describe in detail the topic of the interview. They were given a full non-technical and clear explanation of the role and tasks expected of them so that they can be able to make an informed choice to participate in the research voluntarily.

After all explanations were completed the researcher requested the participants to complete consent forms (Annexure A) that contained the same information. During this period privacy, confidentiality, and a non-condemnatory attitude prevailed and this became an important aspect in providing a framework of trust. It is within this framework that the participants managed to confront in a fundamental way pertinent issues that were deep, personal threatening and potentially painful (Mesatywa, 1999).

### **3.5.2 Confidentiality**

The consent forms that were signed by the participants also assured that participants were informed about the parameters of confidentiality on the information derived from them. They were also informed that the research was for academic study with a potential to be published. Participants were also informed that their personal identities will be concealed by the use of pseudonym and that the data was to be tape recorded, stored and released as a final document.

### **3.5.3 Privacy**

The interviews were conducted in the participant's own home setting as sometimes the location of the interview may lead the participant to feel quite comfortable. In one case, the researcher had to send children on errand and requested them to play outside to secure privacy (Bulmer, & Warwick, 2000).

### **3.5.4 Competence**

Suitable trained and registered professionals should be requested to collaborate and provide appropriate support during the research process. The support could involve emotional, psychological and counseling services (Bless & Higson-Smith, 2000). The researcher therefore, ensured after each and every interview, including the focus group interviews that a competent lay counselor and a registered Social Work student was within reach. This was to ensure that therapeutic support was readily available to the participants.

The researcher conducted one-off interviews. Lee, (1993) states that usually respondents do not fear a one-off interviews, due to the fact that paths with the interviewers may not be likely ever to cross again. Further, a friendly female interviewer, walking into the participant's situation, with time to listen and with guarantees of confidentiality made it easy to get women in abusive partner relationships to talk. This also may add to essential trust and anonymity. The fact that the researcher is viewed as a stranger also may have contributed to the reception of most surprisingly

openness-confidence which at times had a character of being confessional. The researcher was also aware that such information would probably be carefully withheld from a more closely related person. A one-off interview could also be a disadvantage as the researcher was unlikely to be used later as a source of support. Nevertheless, the researcher found it difficult to resolve the competing debates and claims of one-shot-verses-repeated interviewing. The researcher is of the opinion that by providing warmth, acceptance and treating the participant with dignity and worth, which she deserves, assisted in forming a rapport with a woman in abusive relationship. Through this endeavor, meaningful insights that would empower and encourage the abused to speak out about the abusive relationship were attainable.

### **3.6 THE SAMPLE PROCEDURE**

The term sample implies the existence of a population or universe of which the sample is a smaller section or a set of individuals selected from a population (Gravetter & Forzano, 2003: 465). The population is a term that sets boundaries on the study unit and it may consist of people that represent all the measurements of interest to the researcher. The population therefore, is a total set from which the individuals or units of the study are chosen (Bless & Higson- Smith, 2000).

The population in this study was therefore made up of all abused women who were resident at Ntselamanzi and Upper Qhumashe Townships respectively. The focus group was made up of a police officer, magistrate, social worker, lay counselor from the Victim Empowerment Center and a community leader.

#### **3.6.1 The sample**

This study used non-probability sampling as the researcher did not know the population size or the members of the population at Ntselamanzi and Upper Qhumashe Townships (Neuman, 2000). The purposive method of sampling was also convenient for the researcher (De Vos, et al

2005). Ten African women in abusive relationships as subjects that were interviewed were found in the same sites which were Ntselamanzi and Upper Qhumashe Townships respectively. Five participants for the focus group were service providers to the battered women. The African women selected for the study were either in abusive relationships or has experienced partner abuse and were receiving assistance from social workers and support from the victim empowerment center.

The researcher is also aware that although the findings of this study would contribute to a body of knowledge on abused women, the sampling method and the number of subjects used may have confined the researcher in obtaining more information on the implementation of the DVA. Nevertheless, this study enabled the researcher to gain meaningful insights from the perspective of the abused women. The study also was able to find out that the participants in this study explained, justified and interpreted their accounts of violence and the implementation of the DVA differently and with the existence of similar trends (De Vos et al, 2005).

### **3.6.2 The Research instruments**

The type of measurement used in this study for the collection of data was comprised of in-depth interviews and this can be defined as a conversation with a purpose. The purpose was not to get answers to questions nor to test a hypothesis or to evaluate, as the term implies (Henning, 2004). The study was based on an interest to understand the experiences of African women in violent relationships and the meaning they make of that experience including the implementation of the DVA. Data was also conducted in two phases. Two interview schedules (Annexure B & C) that were designed by the researcher were based on the literature review and were not tested. This is in line with the deductive method that was used. The interviews were tape-recorded in Xhosa which is the language of the participants, later transcribed and translated into English.

During phase one, the interview schedule comprised four main themes with prompts that were later utilized for an in-depth analysis. Newman (2003) adds to this by referring to in-depth interviews as an interactional situation, as social interactions in which meaning is necessarily

negotiated between a number of selves; and a relationship between the researcher and the participants is fluid, flexible and changing but always jointly constructed. The following four main themes featured:

- a) Biographical details;
- b) History of partner violence and the actual nature of the violent incident;
- c) The aftermath;
- d) Nature and source of social support; and
- e) Professional networks.

During phase two focus group interviews were conducted which comprised four service providers on abused women and the interview schedule had the following themes:

- a) General personal details;
- b) Domestic Violence Act;
- c) Services and reporting protocols;
- d) Responses to domestic violence; and
- e) Services and terms of protection order.

The interviews were administered by the researcher and the questions were in Xhosa to ensure that the participants understood the questions as the language was familiar to them. In the case of individual interviews, the participants' home was agreed upon as a setting which was quiet and could provide privacy, comfort and non-threatening environment, and was also easily accessible. The focus interviews were conducted in the South African Police Service Victim Empowerment Center in Alice Town, Nkonkobe Municipality District, Eastern Cape Province.

After the introduction, the researcher confirmed again the general purpose of the research and the role that the interview would play in the research study. An estimated time required for the interview was agreed upon and the fact that the information was to be treated confidentially was reiterated. It was further explained that responses were to be tape-recorded and permission for tape recording was sought. The participants who had signed consent forms prior to the interviews were also informed about their right to withdraw at any time, should they experience any misgivings. Additionally, their responses and obtaining permission were recorded at the

beginning of the interview. A lay counselor and a registered Social Work student were readily available as a referral and source of a support system in the case of the individual interviews.

The interviews were tape recorded and later transcribed. The tape recorder allowed a much fuller record than notes taken during the interview and it also allowed the researcher to concentrate on how the interview was proceeding and gave a sense of direction (De Vos et al, 2005). Transcripts of recorded talk gave detailed transcripts of the conversation and this also assisted the researcher to overcome the tendency of transcribers to “tidy up” the “messy” features of natural conversation. The interview schedules and detailed transcriptions offer an annexure that provided a detailed description of the experiences of African women in abusive relationships and the implementation of the DVA. The tapes were also transcribed for close analysis (Mesatywa, 1999; De Vos et al, 2005).

The researcher transcribed and translated all ten interviews and those of the focus group to ensure and maintain confidentiality and anonymity of the participants. The researcher has also included ten transcripts that are attached hereto as annexure and one for the focus group interview.

The African Languages Department at Fort Hare University assisted the researcher with the translation of certain Xhosa concepts transcribed from tape-recordings to English. This occurred because at times the researcher encountered difficulties in interpreting and translating some of the Xhosa concepts into English.

### **3.7 ANALYSIS OF DATA**

Data analysis is the process of bringing order, structure and meaning to the mass of collected data. Further, qualitative data analysis is a search for general statements about relationships among categories of data and it builds grounded theory (Marshall & Rossman, 1999).

According to Creswell (1998) to begin the data analysis, the researcher should read the transcripts in their entirety several times immersing in the details and trying to make sense of the interview as a whole. After that the researcher organized the material from one theme or concept of all the interviews (Patton, 2002). As data collected from the interviews was collated, it was also organized into themes that ranged from the general to the specific. The variables that were analyzed were the history of partner violence and the actual nature of the violent incident, the aftermath, the nature and source of social support, as well as professional networks. Triangulation was also done with the inclusion of the focus group interviews. The researcher also decided to use multiple theories or perspectives in the interpretation of the same set of data (Neuman, 2003).

This assisted with the production of findings. In addition, following the model of ‘*verstehen*’, the meaning of a written text was established through putting together the context of the text’s creation. The researcher was further able to recreate the meaning of the words from the perspective of African women who have experienced an abusive relationship. The knowledge of the socio-historical and linguistic context in which the researcher operated under, was of significance to the understanding of the women perceptions and experiences. Thus, “the meaning of human creations, words, actions and experiences can only be ascertained in relation to the contexts in which they occur” (Terre Blanche, & Durrheim, 1999).

The interview schedules were conceptualized in such a manner that responses could be elicited as narrative descriptions. In keeping in line with qualitative data, the analysis focused on shared themes and understanding (De Vos et al, 2005). With tape-recorded interviews, the researcher was able to analyze the exact words that were used. Although analysis is understood to mean the resolution of a complex whole into parts, the key principle of interpretive analysis used in this study, was to place real-life events and phenomena into some kind of perspective. The researcher also wanted to come out at the end with compelling accounts of the phenomena of the experiences of abuse of African women in violent relationships. There was also to examine whether the implementation of DVA was also of assistance to the phenomena of abuse. This was also to find out whether the service providers were knowledgeable about the Act and whether

they have utilized it when they provided services to the abused women. The eventual interpretation presented an indication of the manner in which the events were understood, as a process of resolution. This was relatively easily accomplished as an existing theory was used as a frame of reference. An interpretive approach and triangulation was applied and the data in this study was eventually interpreted with the back-up of an existing theory as a frame of reference. Literature control was also used as a means of trustworthiness to the study (Thyer, 2001).

### **3.8 LIMITATION OF THE STUDY**

Limitations within the study were noted at various levels, and can be summarized as follows:

- The researcher had to travel to Ntselamanzi and Upper Qhumashe Townships at Nkonkobe Municipality District for data collection. Various areas of these townships had to be travelled to be able to interview the participants. It was difficult to cover the cost for travelling to the homes of the participants.
- The Xhosa culture that socializes one into shyness made it difficult for the researcher to probe deeper into the experiences of abuse. As this could be interpreted as a sign of being “disrespectful or curious”. Xhosa culture socializes one ‘not to ask too many questions’ and need to show respect ‘intlonipho’. Showing curiosity into other people’s affairs may not be easily accepted in Xhosa culture. However, probes were used for a better understanding of the battery phenomena.
- The researcher most of the time used terminology like “sisi, mama” meaning Sister/ Sus, Mom/ mother when addressing the participants. This is a sign of according respect and acknowledging the age difference between the researcher and the participants. This is acceptable to the Xhosa culture. This also entrenched ‘black-sisterhood’; as the researcher was black and the same applied to the participants. However, this also bred familiarity amongst the respondents who at times tended to stray away from the research study and wanted to turn it into a conversation.

- The presence of a lay-counselor and registered Social Work student though negotiated prior interviews, may have contributed to the respondents feeling insecure about the protection of their identities. However, the researcher had an obligation to protect the confidences disclosed and emotions aroused and expressed. A lay-counselor gave support after each interview.
- Conducting interviews in the participants' home settings also had a disadvantage as some of the participants would panic that their partners should not arrive whilst the interview was in progress. Children at times would seek attention of the participant in the middle of the interview.
- The researcher had also to wait until late and early evenings to conduct interviews as some of the women were working.
- The one-off character of the interview in this study also had a disadvantage as the researcher could not be utilized as a source of assistance and support to the participants.
- The sample of ten participants for individual interviews and five social service providers for a focus group was not fully representative and the interview schedules could not be pretested, as they dealt with a sensitive topic but the process was refined as the interviews continued. Nevertheless, this was in line with qualitative research. The sample was therefore not fully representative and excluded any other solidarity participants from the sample. The findings cannot be generalized, but could be utilized for further research.
- The sample could have been enlarged if the researcher had time and resources or funds to give credence to 'validity'. The translation and transcribing of the interviews was time consuming and expensive as the researcher did not have funding to cover cost in terms of buying equipments that were necessary to conduct the research efficiently.
- It could have been also of interest to check the type of marriages that African women had, in terms of traditional marriages of 'ukuthwala', so as to have a better understanding whether these marriages based on Xhosa law perpetuates violence.
- It has also been noted that the DVA that is publicly displayed in Alice Police Station is written in English. This may create problems for women who do not have the command of the English language and it need to be translated into a vernacular and be displayed also in tribal offices of residence committees.

### **3.9 SUMMARY**

In this chapter, the researcher reported on methods utilized for collecting data. The study was qualitative and exploratory in nature. It utilized in-depth interviews, with a sample of ten African women in abusive relationships and five service providers for the focus group. An interview schedule (Annexure B) was used for face to face interviews that were held. Additionally, an interview schedule (Annexure C) was used for the focus group interviews. The interviews were tape- recorded and later transcribed. The transcripts which were in Xhosa were translated to English. Through this process, the researcher was enabled to gain a better understanding of women abusive, the aftermath, the DVA and its implementation.

The following chapter will discuss data analysis and the interpretation of the findings based on the implementation of DVA on African women in abusive relationships.

## **CHAPTER FOUR: INTERPRETATION OF FINDINGS**

### **4.1 INTRODUCTION**

This chapter reviews and discusses four major themes of both the participant's interviews and the focus group interviews respectively and how they relate to the literature. De Vos et al (2005) states that themes provide an explanation on how or why things happen and they also offer descriptions of how people do or should behave.

The primary goal of the study is to examine the implementation of the DVA on African women in abusive partner relationships. The secondary goal is to identify the aftermath and how the abuse impacted on these women; and in this regard, the nature and source of social support were examined on how they could be of value to assist African Xhosa women in abusive partner relationships. The goal of the formal (professional) and informal (social and personal network) is to assist women in abusive relationships, through various social, legal and counseling services. It is through these kinds of services that an individual can be assisted and be empowered to make decision based on an informed choice.

Data was analyzed using an interpretive approach and triangulation was made per theme as was explained in Chapter One. This chapter deals with the analysis and discussion of the research findings as derived from the in-depth interviews and the focus group interviews. The findings are responses of participants to the interview schedules that are attached as Annexure B and C.

Participants were purposely chosen to represent Xhosa speaking African women in the Eastern Cape. All ten participants were selected from Ntselamanzi and Upper Qhumashe Townships respectively and the Social Worker from the Department of Social Development, Alice, was utilized as an intermediary. The African women selected for the study were in abusive partner relationships and has been receiving assistance and support from the social workers.

The researcher used pseudonyms for the participants to preserve their anonymity. No percentages were used as the sample was small and the percentages might be misleading (Hall & Hall, 1996). The use of pseudonyms is in line with the research and social work ethics that

require maintenance of confidentiality, anonymity and protection of the identity of participants (Thyer, 2001; De Vos, et al, 2005).

During phase one, the study followed the framework structure of the interviews using the section of the interview schedule as headings.

## **4.2 DISCUSSION OF FINDINGS**

The study is characterized by biographical details as presented by the participants during the interviews that were conducted. The matrix in Table 4.2.1 is listed to present the data.

#### 4.2.1. BIOGRAPHICAL DETAILS

**TABLE 4.2.1-PERSONAL DETAILS**

Participant	Pseudonym	Age	Employment	Children	Marital status	Partner age	Partner employment
1	Thoko	35	Unemployed	2	Married	45	Employed
2	Bongi	42	Unemployed	3	Cohabitate	50	Employed
3	Busi	38	Employed	1	Married	45	Unemployed
4	Mandi	40	Employed	2	Married	43	Unemployed
5	Sindi	55	Employed	5	Married	58	Unemployed
6	Nancy	35	Unemployed	2	Cohabitate	45	Employed
7	Nosapho	50	Unemployed	3	Married	55	Employed
8	Nolast	52	Employed	2	Married	58	Unemployed
9	Sibulele	35	Unemployed	1	Married	42	Employed
10	Nosango	40	Employed	3	Married	48	Unemployed

Participants were purposely chosen from Ntselamanzi and Upper Qhumashe Townships respectively, at Nkonkobe Municipality District, Eastern Cape Province. All ten participants were Xhosa- speaking African women who have experienced violence in partner relationships. Table 4.2.1 shows that the participants' ages ranged from 35 to 55. Three participants were 35 years old; one 38; two were 40; one 42; one 50; one 55 years of age respectively.

Eight of the participants were married whilst two were cohabitating and almost all of them had children that ranged from one child to five. Five participants were unemployed and the other five were employed. The focus group was comprised of a police, magistrate, social worker, lay counselor and a community leader. Their service at work ranged from one year to ten years.

Literature reviewed stated that female unemployment particularly in rural areas coupled with lack of referral places restrict many women's ability to leave abusive relationships (Jacobs & Jewkes, 2002).

## TABLE 4.2.2 – SUMMARY OF THE THEME AND SUB-THEMES

### 4.2.2 HISTORY OF PARTNER VIOLENCE AND THE ACTUAL NATURE OF THE VIOLENT INCIDENT

<b>Theme one:</b>
<b>History of partner violence and the actual nature of the violent incident</b>
Sub-theme one: <ul style="list-style-type: none"><li>• <b>Period of abuse</b></li></ul>
Sub-theme two:
<b>Kind of abuse experienced</b>
<ul style="list-style-type: none"><li>• <b>Physical abuse</b></li><li>• <b>Emotional abuse</b></li><li>• <b>Financial abuse</b></li></ul>

According to Table 4.2.2 the following two sub- themes emerged from this central theme: Period of abuse; kind of abuse experiences; physical abuse; emotional abuse; and financial abuse. Each will be discussed in detail.

#### 4.2.2.1 Period of abuse

The period of battery amongst the respondents ranged from one year to ten years

#### 4.2.2.2 Kind of physical abuse experienced

There are different kinds of abuse that were experienced and the following can be mentioned: A number of participants referred to physical abuse as a form of battery and some explained that they endured kicking, slapping, hitting, and knife-stabbing, beating with stick and knobkerrie, whipping and pulling of hair. The focus group also cited that most women who are in abusive relationships suffer from grievous bodily harm that is caused by kicking, whipping and use of dangerous weapons.

Some of the experiences are cited as follows: *“My husband drinks a lot and when he comes back home he is always drunk and an argument will lead to him slapping, kicking and shouting at me. He even threatens me with a knife and my children are always nervous when he is at home as he even shouts at them”*.

*“...He kicks, slaps and sometimes use a stick to beat me up and he does that in front of the children who are always nervous as he bosses them around. You know, the main cause of him beating me up is drunkenness, he is always drunk”*.

*“...My partner kicked me in the mouth and my teeth broke, I also broke my arm as I fell and got banged against the wall, my life is like hell and every weekend he goes to the tavern and comes back home drunk!”*

These findings correspond with the focus group who also attests that mostly women abuse occur when there is a brawl that is caused by drunkenness and usually women suffer physical injuries that could lead to hospitalization of the battered.

Kim (2002) concurs with findings that link physical abuse to the use of terms such as punishment or discipline. Those men who were able to discipline their female partners were received with some form of approval from their communities. There is also a belief that these men maintain control and order in the home by beating their partners. .

In addition, Parry, Pluddenmann, Steyn, Bradshaw, Norman and Laubsher (2005) correlate aggression in families and linked it to alcohol consumption. Embedded in this view is the opinion that states that the effects of alcohol on the central nervous system release inhibitions by

depressing the brain functioning or suppressing the super-ego function and thereby allowing the expression of rage (Kaufman, 2001).

Nevertheless, some researchers query the cause and effect relationship between alcohol abuse and male violence by stating that when male partners quit substance abuse it does not necessarily mean stopping battery. However, abuse terminates when men do not benefit from this behavior, cannot get away with it, and may have learned to act differently (Blacklock, 2001).

A number of participants mentioned forced sex without consent as a form of abuse that they endured and the focus group also mentioned that forced sex is prevalent in cases of domestic violence. The following are some of the utterances from the participants:

*“...He forces himself on me and would have sex with me even if I have not consented to it, he refuses to use protected sex or condom and he doesn't care how I feel. He also claims that if I don't have sex with him, he will just go to his girlfriend”.*

*“...He sexually assaults me and if I dare refuse him he verbally abuses me and boasts that he has a girl friend and anyway he can always get sex from her”.*

*“...My husband raped me and did not use condom, I thought it was his right to sexually assault me and I am worried as he has a girlfriend, what if I get HIV/AIDS”!*

Londt (2004) support findings that state that forced sex is often in a form of rape or sexual assault. Some abusers use sexual violence as a form of intimidation and cause harm to the victims. The latter may be pressured and coerced to have manipulated sexual activities that are humiliating, painful and degrading. Some perpetrators may refuse to wear condoms despite the fact that they engaged in high risk sex with multiple partners. Women in abusive relationships who endure sexual assault may suffer from physical, emotional, mental turmoil and their profound social well being may be affected. While some may suffer from genital and other bodily injuries due to forced sex used in rape, many may have no visible injuries because they are threatened more especially when weapons are used (Christofides, et al, 2003).

WHO (2002) concur with the findings that women in abusive relationships are at risk from a range of health problems that may include broken bones, pregnancy, pregnancy-related

problems, sexually transmitted infections, mental health problems that may include depression, post-traumatic stress disorder, sleep difficulties and may attempt suicide.

Shisana and Simbayi (2002) also highlight the use of alcohol as well as having multiple sexual partners as increasingly being recognized as a major determinant of sexual risk behavior that lead to battery. It has also been noted that promiscuous behavior and multiple partner relationships has an indirect contribution to HIV transmission in sub-Saharan countries (Fritz, Woelk, Bassett, McFarland, Routh, Tobaiwa, & Stall, 2002).

#### **4.2.2.3 Emotional abuse experienced**

Some participants explained emotional abuse as a manifestation of verbal insults, humiliation in the presence of friends, family, children, and girl friends, blame shifting, accusation of extra-marital affairs and undermining one's integrity. The service providers in the focus group also concurred that abused women usually endure verbal insults and are humiliated publicly by their partners and, at times, they are accused of infidelity due to jealousy that is portrayed by their partners.

Participants said “...*he emotionally abuse me about the fact that I could not bear children and humiliates me in front of friends and it was there and then that my husband told me whether I liked it or not he was going to outside our marriage to bear and get children*”.

“...*He humiliates and insults me in front of friends. He says I'm not a good wife enough as I am illiterate and that I am an untidy wife*”.

Another participant claimed “...*he used to humiliate and verbally insult me in front of his family. Consequently, his children from previous marriage would verbally insult me and physically beat me and he does nothing*”.

One participant said, “...*he humiliates me every time and likes to showoff about me in front of my children, friends and relatives and he call me names and says I'm useless, stupid, not able to control money and make people to look down on me*”.

Findings are in line with literature that mention that partner violence is criminal and manipulative in nature and is intended to exercise coercive control that includes physical, sexual, psychological and verbal behaviors used to control a partner (DeKeseredy, 2000).

Paymar (2000: 83) support findings that confirm that psychological and emotional abuse is linked to a controlling behavior by one's partner. Emotional abuse is also perceived as a powerful weapon that contributes to pain, depersonalizes the victim and increases the power for the abuser. Abusive partners almost always utter dehumanizing comments before assaulting their partners. Tshesane (2000) postulates that children observe and witness family violence either directly or indirectly. As a consequent, it later becomes a learned behavior through role modeling in the family.

According to the South African DVA, psychological abuse refers to a pattern of degrading or humiliating conduct towards a complainant. This may include repeated insults, ridicule or name-calling, repeated threats to cause emotional pain, or the repeated exhibition of obsessive possessiveness or jealousy and these may lead to a serious invasion of the complainants' privacy, liberty, integrity and security (Vetten, 2005).

Macdougall (2000) reiterates that at times when spouses cause harm and death to partners through acts of violence, some men give no hint of remorse for their actions. Instead they blame their spouse for their acts of violence. Such discourse confirm that some men believe that it is acceptable to hit a woman and may justify their acts of abuse as "normal" which is a depiction of hegemonic values inherent in societies( Jewkes, Penn- Kekana, Ratsaka & Laubsher,1999). Consequently, the oppressed partner would internalize the image of the oppressor and adopt his guidelines that were fearful of freedom (Freire, 2002).

#### **4.2.2.4 Financial constraints encountered**

Participants describe economic abuse as financial controlling behavior and a form of domestic abuse. They were vocal about economic hardships that they experienced from their male partners. A number of participants mentioned that their partners would refuse to give them money for family maintenance and household requirements. Other participants mentioned that their partners had money to buy liquor, share with friends in taverns and spend on girlfriends.

Others stated that partners gave money that was inadequate to meet their needs. Other participants mentioned that they did not know how much their partners earned.

Participants' narratives were as follows, "...My husband never gave me money instead he would open the grocery cupboards himself and check what was not there and he would go and buy groceries on his own irrespective of whether these were the kinds of things I wanted or not. He spends most of his money on alcohol".

"...He use most of his money to buy liquor and it would be hard for me to get money to pay for necessities of the house and for children. Sometimes I could get money from the relatives".

"...He refuses to give money at times even when he has, he refuses to pay fees and for the children necessities. Although he drinks mostly he spends his money on girl friends".

The focus group agreed that economic abuse can be explained as a form of abuse that is exerted by male partners to women whereby they have control of the finances and allocate funds to female partners at their discretion. Furthermore, most arguments that lead to abuse emanate when women start to ask questions about financial responsibility of their partners. Ponton (2002) state that financial abuse can be viewed as a structural constraint that inculcates financial dependence of women on their male partners. Consequently, abused women may find it difficult to leave an abusive relationship. Some batterers also ensure economic dependence by denying women to have direct access to money and forbid them to work outside the home, or harass them at work to a point that they end up being fired (Melbin et al, 2003). Paymar (2000) also reiterate that the person who is in control of the finances usually has more authority in a relationship compared to a person who does not have any source of income as the study indicates.

#### **4.2.2.5 Ridicule in front of family, friends and community**

Most participants were ignored, belittled and ridiculed by their partners in front of their families, friends and community. Some participants claimed that their partners indicated that they cannot accept a woman's views and that the authority of the man must be accepted. The focus group mentioned that women who are battered are belittled, ridiculed and their integrity can be undermined in front of children, family and community.

Participants said “...he does not listen to any of my views as he likes to ridicule me in the presence of other people and claim that he cannot accept the views of a woman and as a woman I should obey the authority of the man. If he listens to me it would appear as if I am in control and has power over him”.

“...He doesn't care about me and like to belittle me in front of his friends and family. He always says he is his master's voice and cannot be dictated by a woman”.

This finding concurs with Matthews & Abrahams (2001) who state that due to lack of communication and power relations that are patriarchal, women find themselves in situations where they are trapped and have no voice to the extent of being unable to even negotiate sexual practices. Further, the findings are on par with literature that states that underlying the notion of men in control is also the hierarchy factor of ‘ownership of women’ who cannot voice their opinions and this is a reflection of a patriarchal discourse that have been institutionalized in traditional practices (Morrell, 2001).

#### **TABLE 4.2.3- SUMMARY OF THE THEME AND SUB-THEMES**

##### **4.2.3 AFTERMATH**

<b>Theme Two</b>
<b>Aftermath</b>
Sub-themes: <ul style="list-style-type: none"><li>• <b>Feelings after each violent incident</b></li><li>• <b>Reaction of the partner after the abuse</b></li></ul>

The following Table 4.2.3 indicates that two sub- themes emerged from this central theme. These are: feelings after each violent incident; and reaction of the partner after the abuse. Each will be discussed below.

#### **4.2.3.1 Feelings after each violent incident**

Participants felt hurtful, sad, depressed, scared and feared for their lives and that of their children. Some felt angry and had suicidal thoughts while others were depressed.

One participant narrative was as follows, “...at times I feel I could just leave and go far away even from my own family. I’m heart sore. I have lost control of my life and depressed as some people are laughing at me because of the abuse”.

“... I am scared and hurting as he beat me so badly. I am angry and wish I could just die as relatives and friends are gossiping about my situation and are laughing at me. My heart is broken and I wish I could just leave him but I worry about my children”.

“...The children make me not to leave as this is their home and I am helpless and hopeless in this situation but I live in constant fear and I’m depressed as he gets violent when he is drunk. I’m really hurting and hate every moment of it”!

Campbell (1998) states that abused women are immobilized from seeking assistance as they are trapped into feeling guilty, helplessness, hopelessness, isolation, shamefulness and confusion. The findings also concur with Vetten (2007) who maintains that the impact of partner abuse is more likely to result in greater psychological impact and victims become emotionally traumatized. This may result into depression, low self-esteem, and general emotional well-being that may include chronic mental health problems and post-traumatic stress disorder. The literature concurs with the findings, virtually in all accounts there is anticipation of male partner violence that leaves them in a much greater fear and injury in situations of domestic violence (Moffit, Robins & Caspi, 2001).

#### 4.2.3.2 Reaction of the partner after the abuse

Participants mentioned that their partner would regret the incident of violence on the following day and would plead for forgiveness. Others claimed that their partners did not show any sign of remorse instead they will be arrogant and would boss them around. Others claim that their partners would ask for forgiveness and would indicate that they cannot remember the abuse as they were drunk.

The focus group also indicated that some of the participants would claim that their partners were drunk during battery and would forgive them. It is also common for them to withdraw cases that were pending for prosecution due to the love respite.

Participants said:

*“...My husband abuses me because of the influence of his friends who always come and invite him to go and spend times with them in the tavern. When he comes back drunk he beats me but I know he loves me and always ask for forgiveness. If he could only stop drinking, you can see that he is a good person. I don't want him to be arrested as he is the bread winner”.*

*“...My partner is a drunk and would start an argument that will end up in a fight, he is a bully and doesn't care how I feel and won't even ask how I feel, instead he would demand food and pretend as if nothing happened. I'm scared to get him arrested as he may evict us from the house.”*

Again alcohol featured both as a trigger and justification for abuse. The findings are in line with literature that state the reasons for battery while under the influence were largely centered on the control of women. Alcohol can also be seen in some cases as exacerbating an already explosive situation (Parenee & Smythe, 2003). At other times men's insecurities, and controlling strategies are intensified by their own perceived need to attempt to control their female partner's sexual behavior, jealousy, sexual infidelities and by their own attempt to present themselves as 'macho' in public. These may include acts of aggression, boasting to peers about their ability to control female partners and would retaliate in cases where the woman wanted to question some of his act of misbehavior or wanted to leave the violent relationship (Morrell, 2001).

**TABLE 4.2.3- SUMMARY OF THE THEME AND SUB-THEMES**

**4.2.3 NATURE AND SOURCES OF SOCIAL SUPPORT**

<b>Theme Three</b>
<b>Nature and Source of Social Support</b>
Sub-themes <ul style="list-style-type: none"><li>• <b>Kind of support received from social networks</b></li><li>• <b>Cultural expectations for women to endure abuse</b></li><li>• <b>Ilobola cultural practice</b></li></ul>

The following Table 4.2.3 shows that three sub- themes emerged from this central theme, namely; the kind of support received from social networks; cultural expectations for women to endure abuse and ilobola cultural practice.

**4.2.3.1 Kind of support received from social networks**

Networks includes family, friends, clergy, employers, self- help groups and anyone else who may be significant to the woman or one may state ‘those you count on’. In this case a social network member refers to anyone the woman was significantly related to and who could actually or potentially be called on for assistance when abuse occurs. These tallies with the consumer-centered model that states that resource and support mobilization should be consumer –driven rather than service provider-driven or prescribed by professionals. This means, that the women in abusive relationships should guide the process of the services they receive and that their natural support networks should be involved in the advocacy process (Melbin et al, 2003).

Some participants claimed that their neighbors were of assistance during battery as they provided over night accommodation to some women and children, while others claimed that their

immediate families and relatives would assist by intervening and mediating between the two parties.

Participants said, “...*I talked to close friends, my neighbor, members of church and relatives and share my abusive situation and I usually feel better after that*”.

“...*My in-laws and my neighbors and friends assisted me by reprimanding my husband and I was helped by my church pastor and received spiritual counseling and prayer*”.

“...*My neighbor is always assisting us but she is now scared as she was summoned as my witness during the court trail when I went to the police and got my partner arrested*”.

The focus group also highlighted that participants are mostly assisted by the community, friends and neighbors at the time of battery. These people are usually used as witness during court trials and prosecutions. The findings correspond with literature that states that the abused women may find it difficult to discuss the violent incidents with family members. However, when they ultimately manage to divulge they need to be encouraged to talk, and be listened to (Albright, 2004). Similarly, some writers found that clergy members who held more liberal theological views compared to the more conservative or traditional theologies, counseled female victims of abuse and findings attest to that (Rotunda, Williamson, & Penfold, 2004).

The literature further states that family, neighbors, friends, co-workers and even acquaintances are a significant part of the social environment that may act as potential guardians whose support and interventions to help the victims of abuse (Ojacor, 2005). This view is also held by the participants that appreciated the sacrifice and assistance that they received from relatives, friends, neighbors and significant others. However, one is aware that the assistance may also be based on public perceptions of the unacceptability of all or certain types of abusive incidents (Gracia & Herrero, 2006).

#### 4.2.3.2 Cultural expectations for women to endure abuse

A number of participants viewed Xhosa culture as contributing to male domination and that it was entrenched by socialization young girls who were told to respect and obey their husband. Other participants regarded their partners as head of the household. Therefore, the male partners have power and authority and their voices are final in whatever is discussed. Other participants doubted that culture contributed to male abuse, but felt that they were confined to these abusive situations because they had no alternative accommodation. Three of the participants did not believe Xhosa culture contributed to abusive behavior while other participants confirmed that they were socialized into keeping abuse and whatever happened in a household was viewed as a family secret. Family secrets were referred to in cases where battery in a home or intimate relationship continued and the victim, including family members, do not divulge about it or only report it in worst case scenarios. Secrecy was related to social standing within the community as shame would prevail should the knowledge of abuse be divulged to other people.

The following narratives were communicated by the participants, “...*Socialization has educated us to look upon the man as the head of family and has control at the house that must be respected and whatever happens in your family even abuse must be kept as a family secret*”.

“...*At home I was told to endure the abusive relationship as marriage is never easy. It is also not nice and acceptable that after you were married away to end your relationship and come back to your parents’ house. You are told by your parents that family matters should be kept as a family secret and cannot talk about your abuse matter to other people who are not family. I don’t have any other alternative but to stay. But I also think he uses more power and authority as the head of the family than me to exert his demands at times those I cannot fulfill*”.

“...*Yes, this is African black culture. Socialization entrenches that men has power and are above us and that they are our Gods. Consequently they oppress us because we were told to obey and respect them even if the man does not deserve it and keep the matter of abuse as a family secret*”.

*“...Yes, its African culture that makes us prone to abuse because even parents used to go through the same situation and kept it a secret because they did not want to disgrace the family name and never did anything”.*

The focus group also reiterated that women are abused because of male domination that is prevalent in African societies. Girl children are socialized that men are heads of families and should be accorded respect and talking publicly about family affairs is a taboo in traditional African societies. For the purpose of this study, culture can be explained as encompassing the beliefs, values, world views, behavioral norms, and social expectations that provide direction, purpose and life meaning among a particular group (Giesbrecht & Sevcik, 2000).

Ojar (2005) concurs with the findings that domestic violence has been rooted in a social and cultural context and public attitudes that prescribe what is or is not acceptable in intimate relationships and these values entrench social and cultural norms. These public attitudes shape the social environment in which the victims of abuse are embedded and these may either perpetuate or reduce the levels of domestic violence against women in our societies.

Gracia and Herrero (2006) states that culture with a “macho” concept of masculinity with the inclusion of dominance, toughness or male honor were found to prevail in high levels of cases of abuse against women. The patriarchy system that is dominant in cultures and in African culture in particular also entrenches traditional and cultural practices that contribute to the root cause of women abuse. Hence the findings indicate that men as head of families are male dominating to prove and entrench their male respect and recognition as having power and authority whose voices are final and cannot be challenged. This is usually acceptable in most African societies.

Livingstone (2002) and Nason-Clark (2004) concur with the findings that shame prevails in many cases on the issue of abuse in partner relationships hence it is still kept as a private and secret matter. In addition some women may find it difficult to leave a violent partner relationship as this will shame the family name as they get recognized and acknowledged as victims of abuse (Smullans, 2001).

However, Mqeke (2003) disagrees with some of the debates and argues that violence against women has long been identified and disapproved in Xhosa law. This indicates that the husband

cannot do as he pleases with his wife as this contravenes with the principle of Xhosa law that state that women should not be abused. To substantiate this principle, there is an old Xhosa maxim which says “induku ayi namzi”, meaning, there can be no peace or harmony where brute force (stick) rules a home. If the husband ill-treated the wife, the in-laws and elders would also speak out and counsel the couple.

The Xhosas believe that they can sort out their own problems amongst themselves without recourse to the justice system. Should the abuse continues, the wife may leave for her maiden home and the husband will be fined a beast and the wife may further be “telekwa”, meaning her family may retain her and refuse her to go back to her husband until the matter has been satisfactorily resolved. In living Xhosa law women are encouraged to seek police protection and lay a criminal charge especially in situations where the woman is severely injured. If the matter has been handled in a traditional court, the court of appeal is the magistrate’s court. The perception that Xhosa law perpetuates violence against women is misplaced as the act of partner abuse has never been sanctioned by Xhosa law (Mshunqane, 2007).

#### **4.2.3.3 Ilobola cultural practice**

Most participants spoke extensively about their perceptions that *ilobola* is not supposed to contribute to violence in partner relationships, but some women believe that men have the right to do whatever they want on their women as they owned them through the payment of *ilobola*.

These were some of the comments that were made by the participants:

*“...He thinks he owns me as he paid ilobola; he thinks he has a right as he has bought me”.*

One participant further said *“...I was socialized in situations to believe that the home of a girl is in marriage and that we should endure even if it is painful as ilobola payment is also a proof that I belong to my husband”.*

The social service providers in the focus group also highlighted that when abuse emanates in a relationship a woman may find it difficult to leave or divulge because of the cultural expectations that bind African women to the conspiracy of silence. Men also have misconceptions that payment of *ilobola* means a person ‘own’ the woman and has the right to handle family matters

even in an abusive manner and society usually does not want to meddle in a private matter even if its abusive.

According to Mndende (2006: 19) *ilobola* is based on relation building between two families. This is for the protection of children that will be borne of a relationship that is based on either traditional or civil marriages. She further argues that there is a misconception that women are sold through the payment of *ilobola* and feminists never mention that the bride has to bring certain possessions from their respective homestead to the new home and the in-laws. In addition, in pre-colonial Africa, there were clearly defined gender roles that prescribed what man was and could do, and what a woman was and could do.

Milne (2004) states that both patriarchal and matriarchal societies had and some still have today specific defined gender hierarchy and gender roles that assist to justify customs and they invoked the sanctions of ancestors. *Ilobola* may be one of the cultural practices that may encourage gender relations and stereo-types that inculcates gender violence and abuse of cultural norms and standard practices.

Johnson-Latham (2005) attests that culture, tradition and attitudes are often interpreted by men. Men compared to women are allocated different roles that even exceed their biological ones. Consequently, they enjoy different rights like chastity, ownership, inheritance, education careers and others. Hence, at times, men are not afraid of losing their honor compared to losing their power, prestige and their position of superiority and the service that goes with it (Imbrogno & Imbrogno, 2000). This statement is confirmed by findings that suggest *ilobola* is self interpreted by men as a bride-price to buy a woman instead of building family relationships between the two families. The interpretation result in ownership of women by men which may lead at times to battery.

While some participants in this study highlighted specific problems which indicated the misuse and misinterpretation of cultural traditions, Londt (2004) refers to a Population Report that noted that culture can aggravate women's vulnerability but it also serves as a creative resource for intervention. These may include traditional cultural practices such as public shaming and others that could be mobilized as resources to confront abusive partner relationships.

## TABLE 4.2.3- SUMMARY OF THE THEMES AND SUB-THEMES

### 4.2.4 PROFESSIONAL NETWORKS

<b>Theme Four</b>
<b>Professional networks</b>
Sub-themes
<ul style="list-style-type: none"><li>• <b>Kind of assistance received from the professionals</b></li><li>• <b>Form of help received from the criminal justice system</b></li><li>• <b>Use of Domestic Violence Act</b></li><li>• <b>Information about the Domestic Violence Act</b></li><li>• <b>Application of the Act</b></li><li>• <b>Problems encountered with the application of the Act</b></li><li>• <b>Safety threats</b></li><li>• <b>Kind of assistance needed to retrieve belongings from the property</b></li><li>• <b>Bail application</b></li><li>• <b>Publication of the Domestic Violence Act</b></li><li>• <b>Improvement of the legal services offered to abused women</b></li><li>• <b>Other kind of services that can be of assistance to this predicament</b></li></ul>

Table 4.2.4 provides twelve sub-themes that emerged from Theme Four.

#### **4.2.4.1 Professional services rendered**

Some subjects claimed to have gone to social workers and received counseling, mediation and were advised to join support groups. Some were referred to the local clinic and hospital for medical care as they suffered from various illnesses due to battery. Some women sought help from the doctors, hospitals and clinics and were treated for broken bones, hypertension, stress, depression and other related somatic disorders.

One woman claimed to have been advised to apply for child maintenance, while others claimed to have been informed about rights as women.

The focus group mentioned that when they are confronted with cases of abuse at times emergency intervention had to be conducted by sending an ambulance to take the abused for hospitalization or use the police vehicle to transport the abused for screening, medical attention and for counseling. The focus group also cited that in some cases abused women suffer from grievous bodily harm, emotional distress and post traumatic disorder and had to be referred for medical attention, counseling and emotional support. The social worker mentioned that mostly they provide counseling to the abused and the Victim Empowerment Center also provides counseling. Abused women are encouraged to join a support group.

Campbell (1998) concurs with the findings and alludes that a private setting like the Center in this case, may play a prominent role in a life of a woman in abusive relationship as screening questions will be conducted privately away from the woman's partner, family or friends. Confidentiality and support is assured and intervention may entail personal support system and safety plan in the event that the abuse escalates. Providing information, consciousness-raising and referrals to shelter services and other community and legal resources is the major role played by the Center.

The findings are supported by WHO's (2002) statement that some women suffer from health problems like, hypertension, diabetes, HIV/ AIDS and other sexually transmitted diseases that requires screening, and medication due to problems of violence against women (Campbell, 1998).

Jacobs and Jewkes (2002) also mention that comprehensive health care professionals working in primary care settings can be of assistance in providing comprehensive and repeated assessment and intervention for the problem of abuse in intimate relationships. The philosophy of primary prevention is that of exposing potential and actual health problems that emanate from battery and to identify people at risk for these problems by using screening and education to empower the abused women. The findings indicate and support the above statement. It is through the Center that women were able to receive comprehensive and professional advice and some were referred for medical attention as they suffered physical injuries.

Further probe highlighted that most of the participants claimed to have joined support groups. This is in line with documentation that supports findings that the strength of the support groups contributes to individual and collective empowerment of women in abusive relationships. These groups may also be convened specifically to make comments on abused women's needs, on what services are required and on progress in efforts to combat women battery within their own specific locality (Hague, 2005).

Through probing it became apparent that some participants sought assistance from traditional healers as they believed that they were bewitched. The following comments were made.

*"...As an African woman when confronted with family problems like health and abuse, the first thing you think of is that you are bewitched or has the wrath of the ancestors. The first place I went to was to visit a traditional healer so as to hear where the problem lies, to seek advice and get traditional medicine to appease the bad spirit".*

*"...I knew that something was wrong in my relationship as my partner used to be a loving person. The change of his personality and his aggressive behavior was caused by witchcraft that was done by his girlfriend and I had to go to the traditional healer to get medication to do away with the evil spirit that befell us".*

It is also of interest to note that literature states that in some African societies when disruption in a relationship occurs it results in abuse, illness, misfortune and untimely death of a family member. This may be attributed to breach of taboo, the gods and ancestral anger, witchcraft, sorcery or natural causes (Ojacor, 2005). These notions may further warrant the seeking of the

resourcefulness of African traditional healing (Madu, Baguma & Pritz, 1999). In African societies it is common practice that when misfortune happens in the family, be it death, illness and battery, witchcraft and ancestral role may be acknowledged and embraced.

#### **4.2.4.2 Form of help received from the criminal justice system**

Some participant went to seek assistance from the police, while others got help from the magistrates' court in a form of a court interdict, protection order some of their partners got a warning. However, some participants claimed that their partners disregard the protection order and the abuse still continued. Others claimed that some of the police refused to assist and arrest their abusive partners when they reported the contraventions of protection orders and court interdicts. Other participants claimed that some police officers told the women that they did not want to be involved in private family matters. Other participants mentioned that they never sought help from the police as the police were known to be reluctant to assist in case of domestic violence.

Participants cited the following:

*"...When I went to the police station for assistance, the police refused to arrest my partner, but they did give him a warning and told me that should the beatings continue they will provide me with court interdict".*

*"...Although it took some time for me to get help from the police as they claimed that they are reluctant to meddle into the private affairs of families, ultimately they assisted me with protection order as my life was at risk".*

The focus group mentioned that when women encounter violence most of the time they personally come to the police, social workers, and even approach street committees or community leaders to report the incident. It is seldom that they will make a telephone call to report the matter. When the abuse has been formally reported, the police take a statement from the battered and usually a police patrol van is sent to the place of incident to effect either the arrest and to check whether there is imminent harm to the abused. In the case of the social worker, the client is usually referred to the police for assistance and to the magistrate office for

an interim order and subsequent protection order. However, the community leader highlighted that in most cases the reported incident of abuse is usually handled traditionally either in a 'kangaroo court' or in the office of traditional leaders. In this situation, both parties are called in and the matter is discussed and if abuse continues the abused is referred to the police station and magistrate's office for a court interdict and to the Victim Empowerment Center for support and counseling. The findings also suggest that some women in abusive relationships who seek police assistance had their partners arrested as they anticipated but were warned.

Literature concurs with the findings as it states that many battered women do not go to the police because they anticipate that their perpetrators may not be punished, referred to court or result in a guilty verdict (Christofides et al, 2003)

Jewkes et al (1999) confirms that under reporting, as is demonstrated by the above findings, is one of the problems that prevails in cases of battery. Hence, the escalating number of abuse in relationships is hidden and the data available only reflects the 'tip of the iceberg'. Additionally, literature also concurs with findings that a social environment that accepts or even supports domestic violence in some situations contributes to create a climate of tolerance that makes it easier for perpetrators to persist in their violent behavior. Consequently, this makes it more difficult for women to disclose violence in abusive relationships and seek help (Gracia & Herrero, 2006).

#### **4.2.4.3 Use of Domestic Violence Act**

In this section the study focused at the extent to which abused women were aware of the DVA, the experience of those who used this legislation and the reason why some of the battered might not have utilized the legislation.

Some of the participants made use of the legislation through the advice of the social workers and the police. Some were not aware of the existence of the Act and knew little of its content, while others knew about the Act but did not know how to make use of it or navigate the criminal justice system.

Participants' utterances were as follows:

*“...I have heard something about this legislation but I cannot really say I understand what it is all about”.*

*“...I knew about the Act and I immediately went to the police station to lodge a complaint, the police were helpful and I was sent to the magistrate for a protection order.”*

The DVA does not criminalize or create an offence of ‘domestic violence’. Instead, it provides a civil remedy for obtaining protection order against further abuse by means of a protection order. Only in cases of the breach of the order can the perpetrator be charged with an offence and perhaps a conviction for which may attract a term of up to five years (Parenzee & Smythe, 2003).

However, the findings correspond with Matthews and Abrahams (2001) who state that there are also reports on the implementation of the DVA, where police are frequently described as being un-cooperative, quick to suggest that the applicant for the interdict is making too much fuss about the incident of battery (Artz, 2003; Bennett, 2005).

Furthermore, the findings tally with literature which states that the initial engagement with the police may be sufficient in itself to dissuade the woman from taking further action and when further action is taken, the same attitudinal problems and poor services may further convince the abused that the legal route is simply not viable (Parenzee & Smythe, 2003).

Interviews with women in abusive relationships support literature that attests that most women need professional practitioners that listen to them in a non-judgmental way. Simultaneously, service providers should offer many services that incorporate women to have rights to make their own choices about which services to accept and being treated with respect (Melbin et al, 2005).

#### **4.2.4.4 Information about the Domestic Violence Act**

Most of the participants got the information from the radio and television. Some got the information from friends while others got the information from social workers, police, magistrate office and the Victim Empowerment Center.

Participants said:

*“...I was informed about this Act by my friend who was in the same predicament and was assisted by the magistrate’s office”.*

*“...There was a television drama on domestic violence and at the end of the program they talked about the act and also gave out telephone numbers that people can call when they are abused”.*

The focus group mentioned that most of the battered women are ignorant about the Act and it is only when they seek assistance that they become aware that this Act is supposed to be of assistance to them. All the service providers in the focus group also mentioned that mostly people from disadvantaged communities need to be trained and be educated about the DVA.

Campbell (1998) supports the findings and emphasizes that help must be available and the woman must be knowledgeable about the availability of this resource and how to gain access to it. The findings concur with the statement as abused women were able to utilize the services of the Center when they gained knowledge about its existence.

#### **4.2.4.5 Application of the Act**

Although an overwhelming numbers of participants were not aware of the Act, there were those who had made use of it and some got court interdicts and protection orders. Others claim that their partners only got a warning and in some instance, the case was delayed by the prosecutor.

The participants cited the following:

*“...When I got to the police station to report the assault that I have experienced, the police who took the statement referred me to the center for counseling and I was escorted to the magistrate office for the court interdict”.*

*“...I have a protection order that I got from the magistrate and so far things are much better although when he is drunk he will insult me by saying that I took him to the police and therefore I’m now married to the police station and not to him”.*

The focus group mentioned that when they are confronted with cases of abuse, the battered woman is usually referred to the magistrate office for a court interdict and the abused is escorted

to her home and the protection order is formally served on the perpetrator. The serving officer explains in details the contents of the order in the language of the perpetrator so that he can to better understand the Act. The police also keep records of the incident in the Occurrence Book which is signed by the complainant. The police have also to record the case in a Pocket Book and this is in compliance with Section 10 (5) of the South African Police Services National Instructions on Domestic Violence.

Literature supports findings that state that access to criminal justice is premised upon knowing the existence and the content of relevant legislation. However, Form 1 of the Regulations of the Act, Sections 2 and 3 of the Form clarify the rights that the complainants have and what steps the complainants need to take to seek protection (Artz, 2003).

#### **4.2.4.6 Problems encountered with the application of the Act**

Some of the participants claimed that they had to wait for long queues to get assistance for the court interdicts. Mostly they received court orders that were explained to them in their own home language. Most of them also stated that the police and clerks of the court assisted them with the completion of the application forms as they were illiterate.

Participants stated the following:

*“...I was assisted by the prosecutor to complete the application forms for a protection order as I cannot read nor write and he explained to me fully what was now going to happen and that I will be freed from the abuse”.*

*“...The clerk that assisted me was very nice he even explained to me what the application all about was and that should my husband beat me again he will be arrested and I should report such incident immediately to the police station”.*

The focus group reiterated that complainants are usually assisted by trained police, prosecutors, clerk of the court and other service providers for the DVA. The battered woman gets a full explanation about the court interdict and the protection order and this is done in the home language of the complainant.

Bolen, Artz, Vetten & Louw, (1999) supports the findings to the effect that for the Act to become effective, mediation should be done through language that is familiar and that enables people to describe a situation, name an experience and make emotional connections. However, Vetten (2005) mentions that the Act is still not in a sign language and Braille system to accommodate those who are handicapped.

#### **4.2.4.7 Safety threats**

Some of the participants mentioned that their lives were in imminent danger when their partners threatened them with dangerous weapons like knives, axe and knobkerries. One participant mentioned that the husband would put a gun under the pillow and would threaten to kill her and at some stage he pointed her with the gun in the head. Most of the participants mentioned that their lives were in imminent danger and they could not escape the abuse as there had to nowhere else to go and their relatives were from afar. They also mentioned that the abuse at times occurred in the middle of the night and they could not escape as they feared for their safety and that of children and there were no shelters available in the townships.

The participants said:

*“...My husband has a gun and whenever we have a fight he threatens to kill me and at times he puts it under the pillows at night and I get so scared as I don't know when will he ever lose his temper and use it instead of just pointing it to me”.*

*“...My partner threatened me with a knife and eventually he stabbed me although he claimed that it was by mistake”.*

The focus group stated that the abusers at times will use dangerous weapons like guns and knives to either kill or do grievous bodily harm to the abused. However, the police have a legal right to seize the dangerous weapons for confiscation or for safety keeping.

The findings support literature that state in the context of domestic violence any object that may include a vase, a bookend, or a kitchen knife could become a dangerous weapon. The DVA refers to a dangerous weapon as that which is so defined under the Dangerous Weapons Act No

71 of 1968 to mean any object other than a fire arm which is likely to cause serious bodily injury if it were used to commit an assault (Parenzee, Artz & Moulton, 2001). On the other hand British law defines an offensive weapon in the Prevention of Crime Act 1953 (as amended by the Public Order Act 1986) to mean “any article made or adapted for use for causing injury to the person or intended by the person having it with him for such use by him or some other person” (Smith & Hogan, 1996).

Additionally, the DVA provides in section 2 (a) an order to seize any arm or dangerous weapon in the possession or under the control of the respondent as contemplated in section 9. Section 9 further mandate a court order whereby a member of the South African Police Service may seize any arm or dangerous weapon in the possession of or under the control of a respondent, if the court is satisfied on the evidence placed before it, including any affidavits supporting an application referred to in section 4 (Parenzee, Artz & Moulton, 2001).

#### **4.2.4.8 Kind of assistance needed to retrieve belongings from the property**

Some of the participants mentioned that they had to approach the social workers for assistance to retrieve their belongings such as clothes, school books and uniform for the children and some linen. Most participants were referred to the police for assistance to retrieve their belongings.

The participants mentioned the following:

*“...When he evicted me from the house and refused to give me my belongings, I was angry and I went to report at the police station and they escorted me back to my house and provided protection to get my belongings”.*

*“...He told me that now I have arrested him, I don't belong to his house and he evicted me in the middle of the night, I slept at my neighbors' house and the following day I went to report to the social workers who referred me to the police for assistance. The police took me in a van and escorted me to the house to collect my stuff!”*

The focus group stated that when the abused women approach the service providers for assistance to retrieve their belongings, they are referred to the police who then provide protection and escort them to their respective homes to retrieve their belongings.

Parenzee, Artz & Moulton (2001) and Artz (2003) support the findings that state that a need exists for complainants to be accompanied by a member of the SAPS when the respondent collects his/her belongings, and provision should be made in the forms for magistrate to be able to order this. There is also a need to develop a more substantive link between the DVA, the Maintenance Act and law and procedure relating to evictions.

#### **4.2.4.9 Bail application**

Some of the participants stated that they opposed to their partners being granted bail as they were scared that they will be victimized by the abusers. One participant mentioned that she was not opposed to the granting of bail as she believes that abuse by her partner was caused by witchcraft that has befallen the relationship.

Some of the participants said:

*“...When he comes back on bail I’m scared that he may retaliate and beat me up, he can even evict me from the house as his relatives are already blaming me for involving the police in our matter”.*

*“...He scares me and has traumatized me, when he gets bailed he can perhaps kill me, but at the same time if this is caused by witchcraft then he can be bailed so that we can try and get help from the traditional healers”.*

The focus group mentioned that the perpetrators of domestic violence at times they get bailed out of prison, some become aggressive and more violent, while others show remorse and try to appease the violent situation.

Artz (2003) state that magistrates should be proactive and ensure that the complainant has been informed of the hearing and of the decision to grant or not grant bail and this include the conditions of bail. In terms of section 62 (f) of the Criminal Procedure Act, the court may add further conditions of bail which may provide that the accused shall be placed under the supervision of a probation officer or correctional official. Periodic supervision or monitoring can be used as a condition of bail.

#### **4.2.4.10 Publication of the Domestic Violence Act**

The overwhelming majority stated that the Act was not well publicized in communities and those that are aware of its existence were not fully informed about its content and on how to use it.

The participants said:

*“... We only hear about this legislation from the television and radios and I don't really know how it works and most of the people who don't have the radios and television are not aware that this act helps”.*

*“...The Government has to do something about this legislation, what I know about it is based on gossip and I do not understand how it works”.*

The focus group also reiterated that African women from disadvantaged communities are still ignorant about the Act and there is a need for awareness programs to educate people about the DVA.

Vetten (2005) concurs with the findings as she states that some of the women in abusive relationships are ignorant about the content and existence of the Act. This creates uncertainty for complainants and most of those who work with the DVA concede that the subtleties of domestic violence that stem from the complexity of human relationships also make legal remedies difficult (Parenzee, Artz & Moul, (2001).

#### **4.2.4.11 Improvement of the legal services offered to abused women**

(a) Police:

Most participants mentioned that the police should be more sensitive to cases of abuse and they must treat the victim with dignity and respect. The police in case of violence should arrest the perpetrators and not to trivialize the matter in a private affair. Some of the women stated that police should explain the DVA to the abused and be emphatic when women provide statements as most of the time they are hurting.

(b) Magistrate

Some of the participants mentioned that magistrates should be available 24 hours in rural communities to assist with issuing of interim protection orders. Perpetrators must not be provided with warning but must be arrested as this compromised their safety. Some felt that there was a need for a mobile legal team that will assist and focus on the cases of abuse.

(c) Prosecutors

Most participants mentioned that prosecutors should be more sensitive to cases of women abuse and should prioritize cases for court proceedings. Some mentioned that at times their dockets go missing and they felt that male prosecutors took precedence on abusive male interests thus compromising the vulnerability of the abused women and resulting in further victimization.

One participant said:

*“...We live in townships where there are no magistrates office, and at times you get assaulted at night and cannot get immediately a protection order, and in the morning you go to police they just take a statement and send you to the magistrate only to learn later that your docket went missing. These people should treat us with the seriousness we deserve as we could get killed in the process!”*

The focus group mentioned that the legal system has improved and many service providers have received training on DVA and on how to handle cases of abuse but at times women can also abuse this legislation to serve their best interest. Further probe indicated some women who have extra marital affairs when confronted by their husband resort to the police claiming that they needed protection order as they are being abused.

The findings suggest that some women in abusive partner relationships who seek police assistance had their partners not arrested as they had anticipated but were warned. The literature concurs with the findings that many battered women do not go to police because they anticipate that their perpetrators may not be punished, referred to court or result in a guilty verdict (Christofides et al, 2003)

The findings also correspond with Matthews and Abrahams (2001) who state that there are also reports on the implementation of the DVA, where police are frequently described as un-cooperative, quick to suggest that the applicant for the interdict is making too much fuss about the incident of battery (Artz, 2003; Bennett, 2005).

Interviews with the women in abusive relationships tally with literature that attest that most women need professional practitioners that listen to them in a non-judgmental way and simultaneously offer many services that will encourage women to make their own choices about which services to accept and being treated with respect (Melbin et al, 2003).

#### **4.2.4.12 Other kinds of services that can be of assistance to this predicament**

Some of the participants mentioned that that they need cultural and ethnic sensitive intervention and empowerment strategies that could be of assistance to abused African women. Some mentioned support from the church and offering of prayers; others mentioned traditional practices that support women in violent relationship and abolition of *ilobola* traditions, some mentioned that they need more supportive in-laws who will mediate in an unbiased manner. Some mentioned that shelter should be built for abused women and crisis centers should be community based and be able to assist women in this predicament.

Some participants said:

*“...Church pastors should preach about the abuse and should reprimand and talk to couples who are batters”.*

*“...We need shelters and centers where we can go to with our children to save our lives from the abuse and ilobola must be abolished as we are treated as bought goods by our partners”.*

The focus group also mentioned that multi-disciplinary and integrated approaches that involve all stakeholders, civil society and the abused women will be of assistance in addressing and empowering those that are battered.

Melbin, et al (2003) support the findings that state that shelters, crisis and support centers may provide housing and programs that offer counseling, support groups, safety planning and various forms of practical assistance. These may include transportation, telephone contacts, referrals to

other agencies, limited advocacy and others. Informal networks like friends, relatives and neighbors may play an important role as a source of support and assistance to the abused; hence the findings indicate that information about the existence of the centers was imperative.

The findings also agree that the role of the church and pastoral counseling would be of assistance in curbing battery on women and children. However, it has been documented that some clergy often find themselves torn between the ideology of family preservation and the Christian traditional ideology that entrenches that men must be treated with respect as heads and the submission of women to their husbands' authority. Further, the clergy may find it difficult to suggest dissolution of marriage in the event of abuse but rather would promote temporary separation followed by pastoral counseling and reconciliation. However, in some situations non-clerical counselors could be of assistance to women in abusive relationships (Nason- Clark, 2004).

Nsibirwa (2001) argues that South Africa is a party to the Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) which requires states to eliminate gender discrimination. Two General Recommendations specifically address the issue of domestic violence. Women's movements have been and still need to be more vocal about women abuse. The Protocol to the African Charter on the Rights of Women in Africa enjoins State Parties to modify the social cultural patterns of conduct of women and men with a view to obtain the elimination of harmful cultural and traditional practices. The African Charter and the South African Bill of Rights also contains several references to the obligation to eradicate violence against women.

#### **4.2.5 SUMMARY**

This chapter has dealt with data analysis and discussions based on findings of the experiences of abuse and the implementation of the DVA. The study has also included some of the statements that came directly from the individual participant's interviews as well as those of the focus group interviews. All discussions were backed up by theory and this is in line with the interpretive approach used for data analysis. The following chapter will provide conclusions and recommendations of the stu

## **CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS**

### **5.1 INTRODUCTION**

Chapter One provided an introduction to the study, reflecting on the research problem, motivation and significance of the research as well as theoretical points of departure, goals and research questions. Chapter Two reviewed the literature relating to the study. Chapter Three provided the research methodology and an overview of the research approach and process, data collection and ethical considerations. Chapter Four analyzed the research findings which were related to relevant literature.

This chapter present conclusions drawn from the findings on individual and focus group interviews and provide recommendations relating to empowering African women on DVA and on how they can navigate the criminal justice system. It also reflects on the limitation of the study and makes suggestions for future researches.

### **5.2 FINDINGS RELATED TO INDIVIDUAL INTERVIEW THEMES**

#### **5.2.1 HISTORY OF PARTNER VIOLENCE AND THE ACTUAL NATURE OF THE VIOLENT INCIDENT**

Literature reviewed has provided a number of terminologies that were used in this study to describe domestic violence. These include gender based violence, family violence, wife battering, spouse abuse, marital abuse, women abuse, relationship and intimate abuse, and a host of others, to mention but a few. For the purpose of this study and during the presentation, these terminologies have been used interchangeably. However, Buzawa and Buzawa (2003) have noted that most activists on gender based violence have sought to include all acts of violence that are perpetrated by men and that cause psychological, economical, social and physical harm to women because of male domination, and which compromise and undermined gender status (Morrell, 2001).

Participants understood domestic violence as embedded in a multi-faceted oppressive and controlling manner. Participants in their experiences identified aspects of control and abusive behavior, psychological and emotional abuse, sexual rape, hitting with sticks, assaulting with fists, kicking, and other objects. Within their experiences these abusive acts occurred within the framework of a partner relationship. They also highlighted that these acts of violence were related to power relations based on the patriarchy system.

Plant (2006) is of the opinion that women abuse tend to be acceptable and accommodated socially and culturally hence some women viewed it as ‘normal’ male behavior that is prone to be kept as a family secret and as a ‘conspiracy of silence’.

The following are some of the kind of abuse that have been specifically related to African women experiences.

#### **5.2.1.1 Physical abuse**

A number of participants explained physical abuse as beating, kicking, slapping, hitting, forced and coerced sex as well as using dangerous instruments to inflict injuries. One isolated example is when one participant mentioned that her husband threatened her with a gun and another one was stabbed by her partner. Ponton (2002) concurs that physical abuse may at times result in injuries, yet simultaneously it may not cause injuries that requires medical treatment. Hence the seriousness that can be ascribed to violence as a crime at times affects the attachment of battery as a crime.

However, the literature reviewed reiterates that any use of weapons such as guns, belts, bottles knives or ordinary household items including spitting, beatings and others, may form part of physical aggression and abusive behavior that is inflicted on women in general irrespective of race (Barnett & Perrin- Perrin, 2005).

According to Morrell (2001) sexual abuse can be linked to physical abuse as it may include manipulation, threats and forced sex which may be accompanied by humiliation, degrading, painful or unnatural sexual experience. Some of the participants have experienced these kinds of

sexual misbehaviors. However, sexual abuse is prevalent in all societies and women in violent partner relationships can be prone to such ordeals.

### **5.2.1.2 Psychological and emotional abuse**

Participants viewed abusive relationships as psychological and emotional controlling behavior that included humiliating, emotional degrading and verbal insults and threats.

Parenzee and Smythe (2003) confirm that psychological and emotional abuse is amongst the prominent features of violence against women in partner relationship. Such forms of control may be in some instances entrenched by socialization, cultural expectations and acceptability. Consequently, women in abusive relationships may suffer from sporadic acts of reward and punishment that places the victim in a state of anguish, dependency, isolation and low self-esteem.

Plant (2006) also concurs with the literature to the effect that these forms of abusive and controlling behavior almost precede or go together with physical abuse. Some of these abusive tactics are tolerated particularly in African societies due to cultural expectations and traditional practices.

### **5.2.1.3 Financial deprivation**

Participants also identified and linked economic abuse to financial control and as another form of oppression whereby a male partner exerts stringent financial control measure on a female partner. At times money will be spent on alcohol, girl friends, extra marital affairs and the partner refuses to provide adequate finance to the spouse so that she may be able to fulfil household obligations and children's needs.

Anderson and Umberson (2001) confirm that women may be prevented from seeking gainful employment and earn an income, but they are also more likely to take greater economic responsibility. They can also function independently during economic disruptions whereby the partner becomes unemployed. Some men may also fail to fulfill their cultural expected roles as providers should there be role reversal of having their women in unemployed circumstances.

In real essence these men are also most likely to have money to buy alcohol and maintain a particular self image and self evaluations in the face of the peers. They may also have imagined threats that propel to prove themselves as ‘men’ in control of the situation (January, 2003). It is of interest to note that these conclusions based on findings tallies with feminists views’ that concur that male violence is about male domination, and power play that is inculcated by the patriarchy system (Madu, 2001).

Through financial control and economic dependence, some women may find themselves cash strapped. Consequently, this prevents them in leaving an abusive relationship as they fear retaliation. The findings suggest that financial control is prevalent in abusive relations not only particularly to African women but also to women in general.

Cooke and Ellis (2004) suggest that women must challenge some of the cultural patriarchal views that keep them trapped in abusive intimate relationships and this must be a continuous ‘struggle’ that challenges gender stereotypes and realities of imbalanced power relations.

#### **5.2.1.4 Ridicule in front of family, friends and community**

Participants attest that mostly they were ridiculed and humiliated in front of the community and children during abuse.

Sakala (1998) confirms that in Southern Africa, relatives, neighbors, friends at times may turn a blind eye to her abusive situation. Hence, guilt, embarrassment, ridicule, humiliation and fear may push the abused woman into isolation with extreme lack of self-esteem. The woman may find herself in circumstances whereby she loses confidence about her capabilities to move herself out of the situation as she thinks no one will listen to her plight nor believe and respect her. In analyzing domestic violence against women, incidences of abuse are attached to long generational upheld beliefs that rural women have observed as they watched their mothers, aunts, sisters, and significant others being battered. Ultimately, they grow up with a perception that it is an acceptable way of live.

The following conclusions are drawn from participants' responses.

- Women in abusive relationships have a fair understanding that they were in an oppressive and controlling relationships that were perpetuated by their intimate partners;
- They mostly experienced physical, psychological, emotional and economic abuse;
- They suffered humiliation in front of their children, family, friends, colleagues and community. Their understanding was to endure the abuse as they were socialized that it was culturally acceptable for a male to enforce some form of discipline on a female partner whenever there was transgression on the family rules;
- They also explained that battery was based on gender power relations and authority that men has towards women;
- There was also a conspiracy of silence on the abuse that participants experienced due to fear of being ostracized by their intimate partners, family and the community;
- Some participants attached importance to the cultural practice of *ilobola*, but were also aware that it can be misrepresented as a bride-price that portrays women as bought commodities;
- Those that were in cohabitation perceived themselves to be prone to partner abuse as *ilobola* was never paid and therefore they had no value to their partners and their families were indifferent to their plight.

The following are recommendations drawn from these responses.

- Families should socialize their children in such a way that portrays and inculcate gender equality.
- The African societies and all nationalities in South Africa should revisit cultures that dehumanize and compromise the lives of women and children.
- Physical, emotional and economic abuse should be treated with contempt by the society and cases of abuse should be reported to the police and social service providers.

### 5.3 AFTERMATH

The battered women were isolated due to male domination and the patriarchal system; they are trapped because of destitution; helpless and hopeless due to unemployment; undermined, not cared for and not loved by abusive partners. The participant suffered from psycho-somatic disorders that included stress, hypertension, diabetes, post traumatic stress, anxiety and depression. Some had sustained broken bones and had to seek medical attention.

They also felt heartbroken, sad, hopeless and loss of control on their love life; some were depressed, feared for their lives and that of the children; others they love, hate and fear their intimate partners. Shame, isolation from significant others and humiliation prevailed; Some feared helplessly to leave violent partner relationship due to destitution, poverty, reluctance to lose a home for the children and had no alternative place to stay.

Steady (2006) stipulates that low levels of education are prevalent in African countries as they are under-developed. However, the writer acknowledges that gender gap in education in some countries worldwide is closing except in Sub-Saharan countries where it is still wide. Due to lack of education most are unemployed, under employed and find it hard to be marketable and this makes it difficult for them to leave abusive relationships. Wilcox (2006) maintains that economic independence can be one of the solutions to decrease the level of abuse and poverty in their lives. One of the best aspects is to inculcate social encouragement for the abused women to overcome their trauma and move on positively with their lives by building up some skills that will assist them towards career action (Rao Gupter, 2000).

In conclusion;

- Participants endure multifaceted type of injuries.
- They experience humiliation from their intimate partners.
- They have mixed feelings of loving their partners but hate the abuse that is inflicted on them.

- Financial dependence on their male partners due to lack of education and unemployment places them in a compromising situation as they find it difficult to leave the abusive relationships.

This recommends that:

- Social service practitioners should develop supportive, emphatic attitudes that are flexible to the needs of the abused that may be in a dilemma to make decisions about their ordeal.
- There should be training, skills development programs that will empower these women with market related skills.
- There should be an ongoing support for survivors to enable them to work confidently in their respective areas of work and professional milieu.

#### **5.4 NATURE AND SOURCE OF SOCIAL SUPPORT**

The main focus of discussion under this theme can be summarized as follows:

- The kind of support that the participants received from the social networks;
- Cultural expectations to endure abuse.

Participants indicated receiving some form of assistance from the social networks that included neighbors, friends, relatives and community. Some mentioned the pastors and church congregations as a source of support as they received pastoral counseling and monetary assistance.

Participants cited male domination and the patriarchy system that is prevalent in African societies as the source of their abuse. Cohabitation, payment of *ilobola* also made them prone to battery. The women's impoverished background, lack of employment opportunities and economic hardships contribute to the careless attitude that their partners portray when they are abusive. Alcohol abuse and infidelity that prevailed in these women's lives made them prone to abuse as their partner could not be reprimanded or questioned about their misbehavior.

Murray (2001) expressed concern at the high level of domestic violence amongst Africa women where people are generally subjected to customary laws that places them at risk of abuse. This has not been limited to married couples but also occur when people cohabitate or have a child together. Budlender (2002) indicates that the precarious social and economic hardships and circumstances under which rural women live may contribute to their vulnerability to domestic violence and limit their ability to escape it. In addition, withholding financial resources from women may also qualify as economic abuse in terms of the DVA.

Kunfaa et al (2002) mention that church pastors plays a significant role as a source of strength and a prayer partner that connects the abused with the Almighty God in time of distress. The pastor and some Christian Women Fellowship provide spiritual healing and a psychological element that is utilized for the body and soul interaction that may result in the healing of the person in entirety (Steady, 2006).

Conclusions drawn from participants' responses were that:

- The patriarchy system prevalent in African societies made them to be subjected to male domination that was restrictive and condescending in nature;
- The philosophy of Ubuntu that is prevalent in African societies form the basis of assisting one another under all circumstances, including domestic violence.

Recommendations drawn from these responses were:

- Male domination be challenged by women's movement so as to address the issues of the patriarchy system;
- Infidelity and extra-marital relationships be condemned in societies as they not only make women prone to arguments that end in violent episode, but makes them prone to sexually transmitted infections and to the HIV/AIDS pandemic;
- Women should also be trained in skills development programs that would assist them to be marketable, employable or self employed. This will assist them to overcome the issue of economic dependence that perpetuates abuse.

- Theological support is of importance for spiritual healing of the women in distress.

## **5.5 PROFESSIONAL NETWORKS**

Participants mentioned that they received individual and couple counseling services, mediation and were included in support groups from the social service practitioners. They also received medical attention from the health service practitioners and legal interventions from legal practitioners.

Participants also reflected on some of obstacles and challenges that they had to go through and these included delayed assistance by police, long waiting periods in offices and courts. Police refused or were reluctant to assist in cases of intimate partner abuse and protection orders that were ignored and contravened by their partners.

Vetten (2005) writes that police reluctance to assist victims of partner abuse is well documented and the hardships that rural women had to experience in accessing the criminal justice system is a barrier to the victims. Zastrow (2004) mentioned that battered women should use group work network therapy to help them to bring together their networks and form support groups that will encourage sharing of ideas and meaningful dialogues. They should also apply the rights strategies that embrace that full realization of the diversity of women's circumstances and their human rights and fundamental freedoms (Cooke & Ellis, 2004)

Hague (2005) posits that individual empowerment for abused women and collective empowerment through the strength of the support groups would be beneficial to the abused. Empowerment can be achieved through production of training packs and videos for both the perpetrators and the abused. There should be policy input on the usefulness of specific legal remedies on the needs of African and other women, ethnic communities including public awareness. Internet consultations, human rights activism, feminist community theatre, art and poetry can all contribute to raising the voices of abused women (Bossey & Coleman, 2000)

The conclusions drawn from this theme are as follows;

- Non- governmental organizations, community based organizations play a significant role in assisting women in abusive partner relationships;
- Social workers, human rights activists and other mental health workers provide a multi- disciplinary services to the benefit of the survivor of battery;
- Some participants were disillusioned about the ambiguous role played by the police in cases of abuse and they also feel that their safety was compromised.

Recommendations drawn from these responses were:

- Social service practitioners should act to reduce the barriers to self-determination for those who are unable to do so for themselves due to vulnerability, suppressive cultural issues, disability and dependence.
- The domestic abuse forums, human rights activists and all relevant organizations need to build and strengthen joint responses that may include promotion of good practices, conduct preventative, rehabilitative and educative work.
- This joint venture should include the address of equality issues and this may need consultation and involvement of the survivors of women battery.
- The criminal justice system should be more sensitive to issues of partner abuse and should provide prompt responses around the crisis of violence.
- Services and legislation on domestic violence should be well publicized and people should be empowered about the existing resources that are available to survivors of abuse.

## **5.6 FINDINGS RELATED TO FOCUS GROUP INTERVIEWS**

The focus group is comprised of a police, social worker, magistrate, lay counselor and a community leader. All the above were social service providers to cases of women abuse. Their years of service range from ten to a year respectively.

### **5.6.1 DOMESTIC VIOLENCE ACT**

All the participants were conversant with the Act and had received in-service training; they also attended workshops and seminars that have empowered them about the content and application of the Act. Some of the participants had access to copies of the Act, regulations, guidelines and instruction on its application. They were also aware of the pertinent role that they had to play in providing services to battered women. This was also a multi-disciplinary team and participants indicated that they worked together in a concerted effort in order to offer services to these women.

Organizations that work locally and nationally on domestic violence cases have a stated commitment to offer services and raise the voices of survivors of abuse and their children. This is part of a political project of insisting that the abuse of women should be taken seriously (Mullender & Hague, 2001).

Conclusions drawn from this theme are:

- An integrated and multi-disciplinary approach can provide comprehensive services to abused women;
- In service training through workshops and seminar has empowered service providers on the content and application of the DVA.

Recommendations drawn from these responses were:

- DVA need to be well publicized and training should be provided to service providers and they need to operate as a team.

### **5.6.2 SERVICES AND REPORTING PROTOCOLS**

Most participants stated that victims of abuse mostly present themselves to the police stations, social workers' offices and to community forums to report the incident of battery. They seldom use telephonic reporting method and hotlines around Nkonkobe Municipality District, Eastern Cape because they are non-existent. The service providers alluded that their responses to cases of

abuse were prompt and when there was an imminent danger to the life of the abused and that of the children on site arrest were made. The case may also be referred to the magistrate office for further assistance and that may include social service practitioner for the provision of welfare services and community remedies through the community leaders and forums. The safety of the abused is imperative and the police mentioned that risk assessment to the safety of those affected by the abuse are prioritized and court interdicts maybe effected by the magistrate as a matter of urgency to combat further abuse.

Parenzee, Artz and Moulton (2001) state that “imminent harm” and “undue hardship” are phrases that are used in DVA and although there have been inconsistent interpretation of these concepts, magistrates may define undue hardship as the presence of harm, hurt immediately and if there is history of severe abuse to the battered woman.

Conclusions drawn from this theme are:

- Abuse was rife and victims of abuse do report some of the incidents of violence to service providers;
- Due to the absence of free access to hotlines that enable one to promptly report battery, this may delay and inhibit the process of reporting and in cases of rape, the evidence may be compromised;
- The process of being referred from one service provider to another may also contribute to the delay of processing a protection order and the safety of the victim may be stake.
- The DVA Section 4 (5) subsection (1) makes provision for the application of after-hours application but rural communities are situated in remote areas, and consequently this provision may fail to protect the abuse.

Recommendations drawn were:

- One-stop service centers should be established in rural areas for the provision of comprehensive service delivery;

- A 24 hours service delivery and hot lines with a toll free numbers should be established and more public telephone systems erected in rural communities for the prompt assistance of community members;
- Magistrates should avail themselves after hours on a rotational basis for effective and prompt service delivery.

### **5.6.3 RESPONSES TO DOMESTIC VIOLENCE**

Participants stated that all incidents of reported cases of abuse were recorded in an Occurrence Book, office diaries and pocket books. In the case of SAPS and in cases involving family dispute, the matter is contained in files, statements and dockets. The statement and information is read back to the complainant for verification of the facts when a criminal charge is laid. Participants also mentioned that the core information recorded also forms part of the statement or report highlighting the history of abuse, the nature of the current incident and its impact; the presence of dangerous weapons to check if there is imminent danger; previous incidents of abuse, charges, presence or interdict and protection orders, and witnesses. Participants also indicated that they also check whether there were any previous records of withdrawal of charges by the complainant and the abused were advised about legal and social service options that could be of assistance to them.

The literature concurs with the findings that indicate that cases of abuse are reported to social service practitioners and to the criminal justice system. However, the victims choose to apply for civil protection rather than to invoke the sanctions of the criminal law. Their main interest is to obtain a remedy to terminate violence and in some cases, maintain some relationship with the abuser. However, the act of laying a charge and then withdrawing it may be viewed as a failure by the complainant to make serious decisions regarding her protection. Withdrawal of a charge placed on record may, also in some instances, affect future decisions to grant an order and this can be read against the reasons for withdrawal and to track the decisions of the court (Artz, 2003).

The following conclusions can be drawn from these responses.

- Social service and the criminal justice practitioners record the incidents and history of abuse;
- These are recorded in various manners and kept in a filing system;
- The battered women are informed about their rights and legal options but mostly the opt for protection order rather than pursue criminal charges;
- Withdrawal of cases of abuse by the complainant are recorded and kept for future reference against future plan of action for remedy.

The following recommendations are made:

- Social service and criminal justice practitioners be more sensitive to the needs of the abused women and also take into cognizance that they are torn between love for the abuser and hate for the abuse;
- The Rights of women as human beings be recognized and adhered to;
- The criminal justice system encourages women to treat abuse as a criminal offence;
- Withdrawal of charges of abuse be recognized as an indication of a confusion that surrounds cases of abuse and not be used against the abused;
- Referral to the Victim Empowerment Center for counseling and support be part of effective service delivery to combat abuse.
- Prompt response to protect the abused from imminent danger be recognized and crisis intervention be provided.

#### **5.6.4 SERVICES AND TERMS OF PROTECTION ORDER**

Participants acknowledged that the DVA was mainly publicized in English at police stations but provision be made by all service practitioners to interpret and explain it in the language of the complainant. Some of the service providers mentioned that sign language is provided at the office of the office of the magistrate and social worker but in other sectors there is no provision for training either in sign language or Braille. All the participants stated that cases of domestic violence at police station are dealt within 24 hours but provision of orders of protection were

only provided for during office working hours. Professionalism was prevalent and provided by all. The police officer claimed that it was the responsibility of SAPS to assist the complainant and provide protection to the battered when the need arises for them to collect their belongings. The police also claimed that at times they do seize dangerous weapons from the batterers when there was imminent danger even if there was absence of a protection order. These weapons were registered and kept safely in a police station; some of them could be confiscated. The police and the magistrate also mentioned that it was common for the batterer to breach the interim and protection order and when such cases come to the criminal justice, the abuser could be arrested, reprimanded or get a warning. In cases where abuse has occurred in the process of the breach of the order, the perpetrator was apprehended immediately.

The service providers also claimed that sometimes the batterer abused their women when they were out on bail and when they got arrested for the abuse they lost the privilege of bail. The participants claimed that the Act was assisting women who were abused but there were still many women who are ignorant about the Act and its implications. The absence of shelters also made it difficult for service providers to remove the abused to a safe environment when there was imminent danger. However, the support center that is housed at Victoria Hospital is sometimes used in crisis circumstances. The participants felt that there was nothing in the Act that they would like to be change except that there should be a provision for the training at community levels because this will assist with the awareness, publication and advocacy of the Act. The police also mentioned that sometimes the implementation of the Act was misused by the complainant in cases of infidelity from women as they usually claim to be abused instead of telling the truth that they were beaten because of they had extra- marital affairs.

Parenzee, Artz and Moulton (2001) state that service providers that work with cases of abuse should be knowledgeable about the application of the Act. They should to mention just a few be cognizance of Section 8 of the Act that allows for additional conditions to be attached to the terms of the protection order and Section 9 that refers to the specific property that the complainant need assistance for collection of personal property. Narayan (2002) places emphasis

on the importance of having access to information that pertains to opportunities and services for women to be enabled them to exercise their rights and negotiate effectively.

The following conclusions were drawn from these responses:

- The service providers provide comprehensive services to abused women;
- They also adhere to the content of DVA and assist the abused in cases of breach of the protection order;
- The protection at times is misused to server certain interest like infidelity;
- There are still abused women who are not knowledgeable about the Act;
- There is lack of shelters for providing safe alternative accommodation for the abused women and their children.

The following recommendations are made:

- There is need to train communities on the contents of the DVA. This will also assist with the provision of the awareness campaign on domestic violence;
- Crisis centers and shelters should be provided for rural women to secure their rights to security and freedom;
- Social service practitioners, stakeholders, community leaders and the communities at large have an obligation to make a joint effort to empower, curb and assist women in violent partner relationships;
- The abusers and men should also be part of the joint effort to confront issues of gender inequalities, traditional practices and generally make an effort to stop women abuse in societies;
- Education programs like anger and stress management programs must be established to curb violence in partner relationships.

## **5. 7 CONCLUSIONS ABOUT THE METHODOLOGY SELECTED FOR THIS STUDY**

The researcher submits that the qualitative approach was the most applicable tool based on the sensitivity of the phenomenon. Through exploration the researcher was able to gain an

understanding of the experiences of women in abusive relationships. The in-depth face to- face one-off interviews and the focus group interviews were the most appropriate and effective tools to gain a better insight when one consider the aim and objectives of the study.

The researcher was also generally knowledgeable with the methodology as it related in many ways with her social work practice and skills. The researcher kept focused and objective during the process and this is in line with ethical expectations of social research. As a researcher, it was such a privilege and honor to listen to the voices of African women sharing their painful and deep seated personal experiences of battery. The researcher is also pleased that just by sharing deeply embedded abusive episodes the researcher was not only an active listener but the process itself was therapeutic to the survivors.

The researcher is of the opinion that the population chosen for the purpose of this study and the sample sites were appropriate as it took into cognizance that this was a sensitive topic that dealt with real human painful narratives. The choice of purposive sampling served this study well as all the respondents were victims and survivors of partner violence. They were Xhosa speaking African women and the focus group was that of service providers to these women.

## **5.8 POSTULATION AND REFLECTION ON THE LIMITATIONS OF THE STUDY**

Although there were limitations of the study, one can cite the following reflections:

- Travelling to Ntselamanzi and Upper Qhumanshe Townships to meet and conduct interviews with the women in abusive relationships involved costs, but with hindsight, it was also a healing process to the participants.
- The Xhosa culture that socialized one to be respectful and be shy to use and ask certain questions like issues around sex or rape has managed to empower the researcher to gain an understanding on how culture can be used conveniently in manipulative ways even in situations where it was suppose to assist. Hence participants endured abuse and could not

confront battery as it unfolds because they were trapped into a 'static way' of interpreting certain aspects of culture to the benefit of the perpetrator.

- Conducting interviews in the home settings of battered women contributed to disturbances in terms of noise, curious neighbors who came to see the 'visitor', but it was also beneficial as the participants were relaxed and could even point out and identify some of the places where the abused occurred and what was broken etc. This, in a way, assisted the participants to come into terms with some of the incidences and losses.
- The one-off interviews did not cater for the researcher to be utilized for further therapeutic services but one could reflect that it made the researcher to remain focused, be an active listener that acknowledged participants for sharing their deep personal issues.
- The focus group interviews did not dwell much on issues of male domination and contravention of the rights of women and also of the abusers but its main purpose was to highlight the implementation of the DVA by service providers and its shortfalls.
- Although the sample was on African women and findings could not be generalized to a wider population, the information gathered was from trustworthy sources that have gone through the ordeal of abuse and violence. This made the study to be valid and reliable.

## **5.9 SUGGESTION FOR FUTURE RESEARCHES**

The following suggestions can be made for access of future research:

- African customary marriages and their contribution to domestic violence and contravention of human rights.
- An investigation of multi-racial and gender based violence.
- Customary rules and women's right to divorce.
- *Ilobola* tradition and its implication to child custody in cases of divorce.
- Male induction and human rights prevention programs towards prohibition of women abuse.

## **5.10 CONCLUSIONS**

Letting the voices of African women in abusive relationships be vocal has been a very informative ordeal that has led to gaining insights to some of the pertinent issues that these women had to grapple with in an attempt to find solutions to their plights. There is still a great need for the Department of Justice and various stakeholders that include non-governmental organizations, community based organizations, non-profit organizations, and advocacy agencies to play a lead role to educate, train and empower communities on the issue of partner violence. Traditional practices that compromise the status of African women and contribute to their prowess to battery has to be revised. There is need for further research that may incorporate training, good practice guides and professional commitments directed at conscious-raising on previously silenced women's voices in an effective way that may lead to positive changes.

**APPENDIX A**

**CONSENT FORM**

I, .....do hereby confirm that:

- I have read and understood the information provided on the study.
- I am aware that a tape recorder will be used to capture data during this study.
- I understand that participation in this study is voluntary.
- I reserve the right to withdraw from the study at any time.
- I understand that no payment will be received for participating in this study.
- I have a right to access the study results if I so wish.

I hereby confirm that I fully understand the conditions of this study and what my rights and responsibilities as a participant will be.

I am willing/ unwilling to participate in this study.

**Signature:** .....

**Date:**.....

## APPENDIX B

### BATTERED WOMEN INTERVIEW SCHEDULE

Kindly be informed that the interview will be conducted in a non- censorious environment and the information that you will sharing with me will be treated with outmost confidentiality and at any point in time you have a right to terminate the interview should you experience any discomfort.

<b>BIOGRAPHICAL DETAILS</b>	<b>THEMES</b>	<b>PROMPTS</b>
	<p>Since we are meeting for the first time can you please tell me about yourself?</p> <p>What kind of physical abuse have you experienced?</p> <p>Did you experience any emotional abuse?</p> <p>Please tell me have you encountered any financial constraints from your partner in this abusive relationship?</p>	<p>Name Age- woman -partner Marital status Employment Children relationship</p> <p>Trigger Time</p> <p>Beatings Kicking Stabbing Rape</p> <p>Insults Humiliation Silence Disregard infidelity</p> <p>Money problems School fees Child maintenance Groceries</p>

	<p>Have your partner ever been ridiculed you in front of family, friends and community?</p>	<p>Medical care Rent Other amenities</p> <p>Belittled Jealousy Insults</p>
<b>AFTERMATH</b>	<p>Having gone through this ordeal, how did you feel after each violent incident?</p> <p>Please tell me, how did your partner react after the abuse?</p>	<p>Sad Angry Suicidal Hurtful Hatred</p> <p>Regret Denial Boastful</p>
<b>NATURE AND SOURCE OF SOCIAL SUPPORT</b>	<p>Can you please tell me what kind of support did you receive from your social networks?</p> <p>As an African woman, do you feel it is culturally expected that women should endure abuse?</p>	<p>Neighbors Friends Relatives Community</p> <p>Patriarchy Lobola Submissiveness Punishment Love respite</p>
<b>PROFESSIONAL NETWORKS</b>	<p>What kind of assistance did you receive from the professionals?</p> <p>Can you please tell me, did you receive and form of help from the criminal justice system?</p>	<p>Welfare services Medical services Nursing services</p> <p>Legal/ Justice system Police Magistrate Courts</p>

	<p>Did you make use of the domestic violence act?</p> <p>How did you have information about the domestic violence act?</p> <p>Please tell me how did it assist you during this predicament?</p> <p>Did you encounter any problems with the application process for protection order?</p> <p>How was your safety threatened?</p> <p>Can you please explain what kind of assistance did you need to retrieve your belongings from the property?</p> <p>In your opinion, do you think the abusers should be provided with bail?</p> <p>In your own opinion do you think the domestic violence act is well publicized in the communities?</p> <p>Can you please explain to me what do you think can be done to improve the legal services offered to abused women?</p>	<p>Domestic Violence Act No 116 of 1998</p> <p>Radio Media Community</p> <p>Court interdict Protection order</p> <p>Language problems Illiteracy Completion of application forms</p> <p>Dangerous weapons Shelter</p> <p>Police accompaniment Relatives Social workers</p> <p>Breach of bail Risks to safety</p> <p>Dissemination of information awareness</p>
	<p>What other kind of support services do you think women need and can be of assistance to this predicament?</p>	

Thank you very much for taking part in this study and you will be informed of the results.

## APPENDIX C

### FOCUS GROUP INTERVIEW SCHEDULE

Please be informed that this interview is conducted with confidentiality, anonymity is assured in a non- censorious environment and you will be informed of the results of this study.

	<b>THEMES</b>	<b>PROMPTS</b>
<b>GENERAL</b>	Since we are meeting for the first time, can you please tell me about the kind of position you hold in your organization?	Position/rank Number of years in service
<b>DOMESTIC VIOLENCE ACT</b>	<p>Do you know about the new Domestic Violence Act?</p> <p>Have you received training on the Act and or any directives issued in relation to the Act?</p> <p>Do you have access to copies of the Act, Regulations, Guidelines and or instructions?</p> <p>How do you understand your role in relation to the Act?</p> <p>Who do you work most closely with in cases of abuse?</p>	<p>Workshops Seminars</p> <p>Documentation</p> <p>Assistance</p> <p>Magistrate Prosecutor Police Social worker</p> <p>Community leader</p>

<p><b>SERVICES AND REPORTING PROTOCOLS</b></p>	<p>Are domestic violence incidents reported mostly at your station or telephonically?</p> <p>What procedures are followed when a domestic violence incident is reported?</p> <p>How is the safety of the complainant assessed and addressed?</p>	<p>Hotline Personal presentation</p> <p>Arrive at a scene How soon On site arrest Legal remedies Welfare remedies Community remedies</p> <p>Screening Shelter Court interdict Protection order</p>
<p><b>RESPONSES TO DOMESTIC VIOLENCE</b></p>	<p>Are all incidents of abuse reported recorded?</p> <p>What incidents of abuse are not recorded?</p> <p>What core information do you record when taking a statement from a battered woman?</p> <p>Where is the information regarding domestic violence recorded?</p>	<p>Occurrence book</p> <p>History of abuse Current incident Nature of injuries or threats Previous charges Withdrawal of charges Dangerous weapons Exact nature of current interdict or protection order Other form of violence Witnesses Any additional information recorded</p> <p>Filing system Record keeping Docket</p>

	<p>Are statements read back to complainant if criminal charge is laid?</p> <p>Do you advise the abuse woman about legal options and representation?</p> <p>Under which circumstances do you consider a complainant to be under imminent harm?</p>	<p>Right to access of documents</p> <p>Right to information Right to peace officers company</p> <p>Dangerous weapon Damage to property Death threats Grievous bodily harm</p>
<p><b>SERVICES AND TERMS OF PROTECTION ORDER</b></p>	<p>When working with a protection order, do problems of language or communication arises?</p> <p>How are domestic incidences dealt with during shift hours and changes?</p> <p>What do you do when the complainant request you to serve the protection order?</p> <p>How often have you assisted in the collection of the complainant's property?</p> <p>Have you ever have to remove</p>	<p>Home language Sign language Braille</p> <p>Office hours After hours Change of duty shifts</p> <p>Reluctant Enthusiastic Professionalism</p> <p>Frequency</p> <p>Imminent danger</p>

	<p>a firearm or dangerous weapon from the accused without a protection order being in existence?</p> <p>Is confiscation of dangerous weapons or fire arms set out in the protection order?</p> <p>How often do you deal with breaches of interim protection order or final protection order?</p> <p>What are typical responses to breach of protection order?</p> <p>Are there incidents when complainants are harmed whilst respondents are out on bail?</p> <p>What are your views about the act?</p> <p>What changes would you recommend regarding the Act?</p> <p>Is there anything further you would like to add?</p>	<p>Knowledgeable about content Of DVA</p> <p>Frequency Nature of violation</p> <p>Reaction Arrest Reprimand Warning</p> <p>Nature of bail conditions Reaction Bail withdrawal Safety houses Shelters</p> <p>Weaknesses Strengths Practical difficulties</p>
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Thank you very much for your participation in the study.

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