

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

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE  
MASTER OF ARTS (HUMAN RIGHTS)  
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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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- 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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## **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)

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