

## Taking Stock of South Africa's Progress towards Mitigating the Crime and Violence against Women

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**KEYWORDS** GBV (Gender-based Violence)/VAW (Violence against Women). IPV (Intimate Partner Violence). Gender Inequality. Gender Inequity. Millennium Development Goal Number Three. Patriarchy

**ABSTRACT** Indubitably, violence against women, also referred to as gender-based violence is a critical challenge in South Africa that needs to be reduced significantly, controlled, mitigated, if not annihilated altogether. The vice emasculates women's participation in socio-economic affairs of their countries; and undermines their human rights and renders the country's aspirations to make a significant score in the Millennium Development Goal number three a daunting dream. The paper, using a review of literature methodology, aimed to debate and discuss some aspects of the environment of gender based violence in South Africa. The paper identifies that most women are raped or sexually molested in South Africa; emotionally harassed in families; lack of self-control and regulation among women; risky behaviour such as travelling late at night and hanging around wrong places. On the other hand, addressing the challenge of violence against women is beset by: poor justice and legal system to effectuate thorough punishment on perpetrators; lack of effective policing system to protect and safeguard the lives of the women; broken traditional and community leadership to foster the values of respect and dignity especially to among the women; as well as preponderance of poverty and unemployment. The paper suggests; awareness campaigns to inform and educate especially the women and men to respect and love one another; enhancing and ensuring community forums spread the message of zero tolerance towards violence; and having a stronger criminal justice system that will impose stiffer penalties to those who perpetrate crime against women.

### INTRODUCTION

Violence against women is a collective term that refers to violent acts that are primarily committed against women (Kang'ethe 2014a; UNDP 2008; Gender Links 2012). This nature of violence is gender-based, meaning that the acts of violence are committed against women particularly because they are women. The United Nations defines violence against women (VAW) as any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm, or suffering to women (UNDP 2008), including an array of threats such as coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The organization's declaration on the elimination of violence against women in 1993 became the first international instrument to address issues around women abuse and to provide a framework for national and international action. It indicates that vio-

lence against women is a manifestation of historically unequal power relations between men and women and is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men (UN 1993).

Crime and violence against women constitute the violation of human rights. It is a form of discrimination because it portrays inequality between men and women. In South Africa, crime and violence affects women irrespective of class, income, ethnicity, or race (Gender Links 2012). Usually in many societies of the world, women are subjected to many forms of violence such as battering, sexual abuse of female children in the household, dowry-related violence, and other traditional practices harmful to women, marital rape, sexual harassment and trafficking of women. It is also estimated that up to 7 in 10 women globally are raped, beaten, abused or mutilated in their lifetimes (CARE 2014). In South Africa, it is estimated that in every 8 hours, a woman is killed by her intimate partner (ENCA 2013).

Research undertaken in Gauteng Province by Gender Links, a regional non-governmental organization based in Johannesburg and the South African Medical Research Council in 2010 indicates that over half of the 51.3 percent of women

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in the province have experienced some form of violence in their lifetime (United Nations 2013; Gender Links 2012). To be more specific, shocking revelation on gender based violence found out that 77 percent of women in Limpopo, 51 percent in Gauteng; 45 percent in Western Cape, and 36 percent in KwaZulu-Natal have experienced different forms of gender based violence during their lifetime. 76 percent of men in Gauteng and 41 percent in KwaZulu-Natal admitted to have perpetrated violence against women in their lifetime (Gender Links 2012).

One of the prevalent forms of women abuse is domestic violence. It can include murder, rape, sexual assault, robbery, and simple or aggravated assault (Gender Links 2012). Sadly, women in South Africa suffer a lot of domestic violence. Besides the physical harm they suffer, it also results in emotional harm to victims, their children, family members, friends, neighbours and even co-workers (Gender Links 2012). They also experience psychological trauma of abuse, sleep deprivation, suffering anxiety, stress, social isolation, fear and loss of confidence. The perpetrators mostly subject their victims to harassment, vandalism, trespassing, stalking, criminal mischief, theft, and burglary (Gender Links 2012). Women also encounter economic costs as a result of domestic violence. This is because victims may lose their jobs because of absenteeism related to the violence, and may even lose their homes because of loss of income. Some domestic violence victims end up relying on shelters or depend on others to house them, and others become part of a community's homeless population. This increases their risk for victimization. In addition to the above mentioned effects, there may also be medical expenses to treat injuries which create additional financial burdens (FEANTSA 2007).

Intimate partner violence, usually manifesting in form of rape, is one of the most prevalent type of violence against women in South Africa. It often occurs in a broader context of relationships shown by controlling behaviours by men that brings about a sense of fear in women (Gender Links 2012). Painstakingly, women and girls are raped quite often in South Africa. Statistics shows that 73 percent of men who rape start before the age of 20 and half of them are at risk of repeating the crime more than once (Meganathan 2013).

### **Aims of the Paper**

The aim of this study is to explore the intensity and dynamics of crime against women in

South Africa with the hope that the results can impact on the policy environment to make it more strong in driving interventions to surmount it altogether.

### **Problem Statement**

Gender based violence in South Africa is a cankerworm with horrendous and pinching effects to women and especially the girl child. It equally presents a serious human right's atrocity making the country score paltry in its pursuit to the Millennium Development Goal number three that envisages to see women are empowered significantly compared to their male counterparts. Apparently and incredibly, the South African justice system and various organizations have tried to join forces to address the issue with little success. Therefore, and optimistically, annihilating the quagmire calls for newer energies and newer ways of facing the stalemate. These researchers are of the opinion that debating the underpinnings of the phenomenon and therefore disseminating the information into the public domain could in a way contribute to more awareness of the quagmire. The recommendations pertaining to how to reduce or mitigate the phenomenon, could also increase the knowledge pertaining to gender based violence. This can renew the hope that the phenomenon can be reduced, mitigated or annihilated altogether.

### **METHODOLOGY**

This paper utilised a review of literature methodology by immense use of journals, books and the researchers' experiential intuitional knowledge on the domain. The authors have tried to show the inextricable relationship between gender-based-violence and crime in South Africa. This is perhaps to make the phenomenon attract more attention from the policy makers and law enforcement officers.

### **OBSERVATIONS AND DISCUSSION**

#### **Possible Underpinnings Contributing to Gender Based Violence in South Africa**

#### ***Poor Justice System and Lack of Effective Policing to Safeguard and Protect the Lives of Women***

Even though the South African government has put in place Acts that aim to curb crime

against women, women are still experiencing more atrocities of gender based violence more and more (Gender Link 2012). One of the efforts the South African justice system has done is to pass out laws/Acts to curb crime against women. These are the domestic violence Act No.116 of 1998 (Republic of South Africa 1998), and the Criminal Law (Sexual Offenses and Related matters) Act No. 32 of 2007 (Republic of South Africa 2007). These Acts were formed with the aim of protecting women against any form of violence. The acts describe comprehensively what violence against women is and also provide strategies on how state departments must deal with it.

The Acts handle legal aspects of related sexual offenses and crimes under one statute. However, and despite all those efforts, violence against women in South Africa is still rampant (Burns et al. 2012; Gender Links 2012). Apparently, the Acts do not provide strategies that take into consideration or counter cultural, social, and economic factors as the forces within which violence against women is embedded (Burns et al. 2012). For instance, the protection from harassment Act Number 17 of 2011 was formulated to protect women from harassment and to allow them to get protection orders against perpetrators. The prevention and combating of trafficking persons Bill Number 7B of 2010 is another legislation that was put in place to curb trafficking which is a crime that mostly affects women and young girls in particular. The bill introduces trafficking as an offence and provides a platform of support to victims of trafficking (Thorpe 2013).

Apparently, the South African justice system has not adequately utilized the powers and contents inherent in these Acts to prosecute perpetrators. This loophole has been used by the perpetrators to continue engaging in violent behaviours against women. More so that most African cultures are still patriarchal, this has allowed them to see some aspects of gender based violence as culturally condoned mechanisms of bringing order and discipline in their homes or relationships (Kang'ethe 2009; UNDP 2008; Gender Links 2012). These scenarios, therefore, have rendered the Acts toothless and futile. Previous investigations demonstrate that the implementation of the laws that were set to curb violence and crime against women have been ineffective. To this effect, the Independent Police Investi-

gative Directorate (IPID) released a study drawing from complaints that had been leveled against the police officers for failure to address domestic violence crime properly, revealed that 69.7 percent of complaints were related to South African Police Systems. The report further revealed that the police act unprofessionally by sometimes failing to issue a warrant of arrest, serve a protection order to the perpetrator, to assist the victim to find shelter, and to assist the victim open a domestic violence case. The report also showed that only 43.4 percent of domestic violence files contained documents which proved that interim protection orders against perpetrators of domestic violence had been delivered to them. Further revelation from the report indicated that in 37 percent of the cases, the outcome of the final hearing could not be determined due to lack of details being provided on the relevant form. In some of the cases, the complainants experienced secondary victimization, the SAPS (South African Police Services) officers were unprofessional and insensitive to the victims; and at times illustrated bad attitudes towards domestic violence matters as they viewed them as personal or private matters to be resolved between the two parties concerned without intervention on the part of the state. This is a demonstration of a lack of goodwill to prevent and address domestic violence matters (Sanger and Waterhouse 2013). The situation of the SAPS parallel with the situations in Botswana in which most of the domestic violence cases are unprofessionally handled with the police feeling professionally inadequate to handle the cases; and feeling that domestic cases needed to be settled and sorted out from people's domiciles (Kang'ethe 2009; UNDP 2008). Since most members of the public know and understand this scenario, most cases of domestic violence are usually not reported to the police. Perhaps also the fact that most cases of gender-based violence, for example, raping of the minors, is usually perpetrated by closer family members, leaves no impetus for the complainants and their families to proceed to seek legal redress. Perhaps the scenarios above indicate that many factors have to be interrogated if addressing issues of gender based violence are to succeed. First, gaps pertaining to the attitudes and proficiency of the law enforcement officers need timeous address. Serious awareness campaigns for members of the public to view cases of gender based violence as crime is critical.

### ***Cultural Norms and Traditional Values that Endorse Male Dominance***

According to Kang'ethe (2009), cultures indicate the societal do's and don'ts and dictate the societies its direction of thinking. Since most African societies are patriarchal, this implies that culturally, men wields immense power to control women and children (Lekoko 2009). This, according to Kang'ethe (2014a) forms a platform of gender based violence. This is because cultures scapegoat and condone many aspects of gender based violence perpetrated by men to women (Kang'ethe 2009, 2014a). Infact many cross-cultural studies indicate that cultural norms richly endorse male dominance and spur female economic dependency. This is apparently because of culturally and partriachally ingrained gender informed role differentiation and allocation in which women are allotted domestic chores with no monetary returns, or occupations that only give low returns, while men are supposed to take occupations with heavy financial rewards. The operationalization of these norms have left women economically malaise and subject of control by their male counterparts (Htun and Weldon 2012; Kang'ethe 2009; Lekoko 2009; UNDP 2008).

#### ***Inextricable Relationship Between Drug Abuse and Gender Based Violence***

In South Africa as in other societies of the world, the preponderance of gender based violence is believed to be exacerbated by alcohol as well as abuse of other dangerous drugs (UNDP 2008; Kang'ethe 2014b). South Africa has one of the highest alcohol consumptions in the world per head for all individuals who drink alcohol (Seggie 2012). Indubitably, alcohol and drug abuse are major factors underlying intimate partner violence, rape, and abuse of women in general. Perhaps this is because alcohol and drugs sedate, or alter the functioning of the brain making people to be easily driven by illusionary emotions (Maguire 2002). However, the strangeness of the effects of the drug and drug abuse appears to affect men more than women. This is because it is the men more than women who perpetrate violence under the influence of alcohol and other sedative drugs. Perhaps the characteristics of masculinity largely reinforces the phenomenon. But the cultural dimension in the terrain of gender based violence needs be revealed in that in most patriarchal based cultures, espousing violent behaviours against women

can be a show of toughness and brevity which are associated with desirable male quality. It is a depiction of a real man who cannot be controlled by a woman. Fighting, and by extension in some cultural milieu are epitomes of power and status. This is why in some decades and culturally, a man who could defeat and wrestle others earned respect among the women and they would like to be married by such men (Kenyatta 1948; Afolayan 2004). Perhaps because culturally the use of masculine powers was hugely adored, this could explain how gender based violence can be explained culturally. Physical punishment was also taken to be a form of discipline to women, to 'teach them their roles'.

Therefore, the scenario above seems to suggest that wider norms of gender and sexuality are believed to influence violence against women. For example in most societies especially those that ascribe patriarchy, societies legitimise men's violence against intimate partners. There is a belief that men should be dominant in households and in relationships. These beliefs encourage men to enforce dominance through displaying abusive behaviours such as uncontrollable sexual urges.

#### ***Women Engaging in Risky Behaviors***

There are several factors/behaviors that contribute to women abuse. Though this paper has explored the failure of different institutions to protect women from violence, it is also necessary to look at women behaviors that may contribute to violence against them. Low self-esteem, alcohol/drug abuse and being isolated or walking alone in isolated places puts women at risk of being abused. To this end, some authors agree that even though rape is totally the rapist's fault, it is important for women to know their surroundings better and learn skills to defend themselves. It goes a long way in helping them avoid dangerous situations. Though drinking excessively does not give the rapist the right to rape women, they must take extra precaution. Drinking excessively makes women vulnerable and susceptible to unwelcome attacks. This is because alcohol alters the mind of the consumer and impairs the judgment of the dangerousness of the situation (National Institute of Alcohol Abuse and Alcoholism (NIAAA) 1999).



Some women have low self-esteem. Low self-esteem is when an individual is not confident of oneself and feels inferior forcing them to constantly looking for approval from everyone (NHS 2014). It is reasonable to think that persons with low self-esteem tend to have chaotic relationships. Their subconscious belief of unworthiness leads to the avoidance of those who truly care. Women with low self-esteem are insecure and their self-images are often clouded by inaccurate information from their abusers. They base their decision-making on such misinformation in an attempt to satisfy their overwhelming need for their abuser's approval (Lachmann 2013).

### CONCLUSION

The preponderance of gender based violence in recent epoch should no longer be accepted, more so in South Africa, one of the well developing countries of the African continent. Perhaps working on all the possible underpinnings of gender based violence such as cultural hangovers, women's self-esteem, increased consumption of alcohol and substance abuse could help significantly. But the implementation of gender supportive legislature is key to annihilate the phenomenon of gender based violence. Societies should be made aware that acts of gender based violence constitutes crime. The government through its agents such as the Commission on Gender Equality should stage country-wide campaigns and consultations to make the public aware of the perfidious experiences and aftermaths of various forms of gender based violence; and perhaps involve the public in driving the way forward to annihilate the quagmire.

### RECOMMENDATIONS

- ♦ One of the reasons why women do not report crime and violence against them such as sexual assault are the societal attitudes attached to these crimes. It is therefore recommended that the South African justice system put in place awareness campaigns that educate women about their values and encourage them to speak out when abused.
- ♦ It is recommended that the government the South African police on Gender consciousness and social context curricula to facilitate the change of negative attitudes that some SAPS members hold towards domestic violence matters.

- ♦ Some studies also reveal that most of the victims are not fully aware of protective laws such as the Domestic Violence Act or the Sexual Offences Act. It is recommended that educative awareness campaigns on these protective laws should be done especially in rural areas where women hardly know of their rights.
- ♦ It is recommended that awareness campaigns should be done on educating women about taking extra precaution when it comes to defending or protecting themselves against violence.

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