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The impact of apartheid on intimate partner violence in South Africa

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Abstract

This article explores the intricate relationship between apartheid and intimate partner violence (IPV) in South Africa. It examines how racial oppression through institutions and systemic violence established a culture of violence and aggression that institutionalised gender-based violence (GBV), including domestic violence (DV) and IPV.

Previously, violence against women (VAW) had been normalised, with IPV treated as an individual issue, particularly within black communities. Apartheid reinforced not only a patriarchal system but also a racial and gendered hierarchy that further excluded black women, who were doubly disadvantaged on the basis of both their race and gender. South African IPV legislation evolved in the long shadow of apartheid ideas that are still reflected in existing laws.

Despite democratic change and liberal reform to laws, the shadow of apartheid persists, as evidenced by IPV statistics and societal attitudes towards the abuse of women. Addressing this requires a multi-faceted approach entailing legal, social, and cultural reform supported by education, awareness campaigns, and community interventions to combat crimes such as IPV.

Keywords: domestic violence; equality; gender-based violence; intersectional identity; intimate partner violence; patriarchy; post-apartheid; violence against women*

1 INTRODUCTION

Historically, violence against women (VAW) has been a regular topic of discussion in various disciplines, including law.¹ VAW includes domestic violence (DV), gender-based violence (GBV) and intimate partner violence (IPV). These are not classified as distinct crimes under South African law, but are prosecuted under the crimes of assault, assault with the intent to cause grievous bodily harm, indecent assault, rape, and murder.

The pervasiveness of VAW (and therefore GBV, DV and IPV) in South Africa has garnered increasing attention both within the country and the global arena.² As South Africa is a country striving for social development and gender equality, it is crucial for the government to explore the complexities of IPV, become acquainted with its terminology, understand its implications, and explore avenues towards prevention and intervention.

IPV is abusive behaviour within a romantic relationship. It overlaps with DV, GBV and other crimes relating to VAW. Any person, regardless of race, culture, sex, gender, age, religion, sexuality or socio-economic status (amongst others), may experience DV or IPV. However, statistics indicate that this is an issue that predominantly affects women, given that 68.5 percent of the victims of sexual offences are women.³ This article thus examines South Africa through the lens of GBV, with a focus on IPV against cisgender women in heterosexual relationships.

IPV has both a criminal and social aspect.⁴ The criminal aspect relates to prohibitive laws for such crimes, while the social aspect is concerned with the health impacts and societal responses to such crimes.⁵ By being mindful of the interconnectedness of these issues, by nurturing survivor empowerment, by challenging societal attitudes, and by embracing integrative strategies, it is possible to foster a society that prioritises safety, equality, and justice. The main

* I would like to acknowledge and express my sincere gratitude to my research supervisor, Dr Karin Chinnian, for her invaluable guidance and support in the development of my LLB research paper which led to this article. Any errors or omissions remain my own.

¹ Luwaya N & Omar J “Working against violence against women: How far have we come?” (2020) 1 *Acta Juridica* 1.

² Statistics South Africa *Crime Statistics Series Volume V: Crime against women in South Africa* (2018) 1.

³ Statistics South Africa (2018) 15. While this research acknowledges that anyone can be a victim of IPV, the focus will be on women survivors in heterosexual relationships.

⁴ Yebisi O & Balogun V “Marital rape: A tale of two legal systems” (2017) 38(3) *Obiter* 542.

⁵ Yebisi & Balogun (2017) at 542.

question of this article is: How did apartheid contribute to the prevalence and normalisation of IPV in South Africa, and how do its lasting effects continue to shape legislative and societal responses today?

2 APARTHEID'S CULTURE OF VIOLENCE

Systemic oppression, state-sponsored violence, and the militarisation of society in apartheid-era South Africa bred a culture of aggression in which both black and white cultures intensified their male-dominated power-systems⁶ and thus normalised, tolerated and encouraged male violence and aggression.

Many men were engaged in the fight for freedom and became caught up in liberation-struggle violence against inequality.⁷ However, this violence, when combined with factors such as poverty, unemployment, substance abuse, and the spread of HIV/AIDS,⁸ all of which were aggravated under apartheid, created heightened vulnerability for women. These conditions exacerbated sexual violence, DV and IPV.⁹ Furthermore, neoliberal policies and capitalist competition deepened reliance on cheap labour and unstable jobs.¹⁰ Unregulated markets not only disrupted local economies but also affected the division of labour within households, which made women, particularly those from marginalised racial groups, even more vulnerable to exploitation within the workforce and to GBV, DV and IPV in the home.¹¹

Under apartheid, socio-economic pressures such as financial strain, employment challenges, food insecurity, and family dynamics emerged as factors with a substantial influence on exposure to violence and crime.¹² While crime does not typically exhibit a gender preference, sexual offences and crimes related to DV and IPV frequently single out women as targets.¹³ This constant threat of sexual violence is pervasive in society.¹⁴ It is reinforced by personal

⁶ Armstrong S "Rape in South Africa: An invisible part of apartheid's legacy" (1994) 2(2) *Focus on Gender* 35.

⁷ Gouws A "Violence against women is staggeringly high in South Africa – A different way of thinking about it is needed" (29 November 2022) *The Conversation* available at <https://theconversation.com/violence-against-women-is-staggeringly-high-in-south-africa-a-different-way-of-thinking-about-it-is-needed-195053> (accessed 12 July 2023).

⁸ Chinnian K & Peterson A "Gender construction in sexual offences cases: A case for fully reviving the Sexual Offences Courts" (2020) 1 *Acta Juridica* 135 at 162.

⁹ Armstrong (1994) at 36.

¹⁰ Gouws (2022).

¹¹ Gouws (2022).

¹² United Nations Women Count Data Hub *Measuring the shadow pandemic: Violence against women during COVID-19* UN Women (2021) 1 at 10.

¹³ Statistics South Africa (2018) at 2.

¹⁴ Luwaya & Omar (2020) at 9.

first-hand experiences and collective exposure to accounts of other women's violations.¹⁵ Fear of this threat is not abstract or hypothetical for South African women. They learn about it at a young age and constantly assess risks and self-regulate their inner selves in the hopes of preventing, circumventing or outsmarting it.¹⁶

These pressures not only made survival more difficult but also fuelled the pervasive culture of DV, a culture that was largely overlooked or normalised due to the systemic discrimination and oppression faced by "non-white" communities.¹⁷ Under the distortions of apartheid, this violence was often treated as a private matter or entirely disregarded by the police when it occurred in black residential areas, particularly in cases of marital rape.¹⁸ DV, IPV and rape were so deep-seated in society that social workers, doctors, policemen, and even victims themselves came to accept it as a daily fact of life.¹⁹ This was especially true in the case of poor black women, whose identities intersected with race, class and gender.²⁰ These women were discriminated against on the basis of their economic, political and cultural standing and suffered at the hands of both black and white men under apartheid.²¹

The violent policing methods that were used to enforce apartheid extended beyond race and affected gender dynamics as well.²² In addition, the laws and policies implemented by the apartheid government were all-encompassing. They not only enforced strict racial segregation but also shaped gender roles in ways that were deeply influenced by racial discrimination.²³ This created a hierarchy founded first on race and secondly on sex or gender. At the top of the hierarchy of South African women were white women, who, as members of the most favoured racial group, enjoyed an advantageous position; black women were positioned at the lowest level and were in the most disadvantaged position. Other race groups, namely coloured, Indian or Asian women, experienced only slightly better conditions.²⁴

¹⁵ Luwaya & Omar (2020) at 9.

¹⁶ Luwaya & Omar (2020) at 10.

¹⁷ Human Rights Watch *Violence against women in South Africa: State response to domestic violence and rape* United States of America: Human Rights Watch (1995) at 13.

¹⁸ Andrews P "From gender apartheid to non-sexism: The pursuit of women's rights in South Africa" (2001) 26 *City University of New York (CUNY) Academic Works* 693 at 719–720.

¹⁹ Armstrong (1994) at 36.

²⁰ Armstrong (1994) at 35.

²¹ Armstrong (1994) at 35.

²² Andrews (2001) at 719–720.

²³ Andrews (2001) at 694.

²⁴ Andrews (2001) at 695.

This racial and gendered hierarchy shaped women's social and economic positions as well as their lived experience of discrimination, oppression, and violence. The convergence of individual or multiple aspects of a woman's identity gave rise to specific insecurities that add to women's vulnerability in society.²⁵ Put simply, a black woman is not sometimes black and at other times a woman – she is always both.

This crude racial hierarchy did not exempt any group of women from the disadvantages and discrimination faced by all women.²⁶ Their vulnerability was evident in the legal system, where the value placed on a woman's safety and dignity was determined largely by her race. For instance, cases where white women were raped by black men were taken more seriously by the courts.²⁷ This could be attributed to quasi-political myths and the unfounded belief that black men possess inherent sexual aggressiveness.²⁸ One might imagine that myths could not possibly affect the law and the execution of justice, but in the case of the “angry black man” racist stereotype, it was reflected horrifically in the judicial system. The majority of men who were hanged for rape were black men convicted of raping white women; no white man was ever executed in South Africa for the rape of a woman whether white or black.²⁹

The normalisation of DV and IPV, along with state indifference, made it dangerous for black women to seek help, particularly when reporting such violence to authorities.³⁰ Heather Reganass, former director of South Africa's National Institute for Crime Prevention and Rehabilitation of Offenders, said that in the 1980s it would have endangered the lives of black women for them even be seen near a police station because there was a high chance that they would be branded as informants and have their homes torched.³⁰

In addition, many women were embarrassed to admit to experiencing DV and IPV, even to medical professionals,³¹ as they were often encouraged by family members to tolerate the aggression and refrain from taking legal steps to prevent the abuse.³² The combination of fear, social stigma, and institutional neglect silenced black women, stripped them of agency, and

²⁵ Luwaya & Omar (2020) at 15.

²⁶ Gouws (2022).

²⁷ Armstrong (1994) at 35.

²⁸ Omar J “Teaching sexual offences sensitively: Not a capitulation but good pedagogy” (2018) 29(1) *Stellenbosch Law Review* 90 at 92.

²⁹ Armstrong (1994) at 35.

³⁰ Armstrong (1994) at 36.

³¹ Armstrong (1994) at 36.

³² Yebisi & Balogun (2017) at 543.

subjected them to a cycle of fear and vulnerability in which seeking help could endanger their lives.

3 THE IMPACT OF APARTHEID ON MODERN IPV LEGISLATION

South Africa's historical context reveals a legacy of structural violence and discrimination that created or heightened already high levels of inequality, poverty, unemployment, substance abuse, and HIV/AIDS.³³ These socio-economic stressors, when combined with extreme racial inequality, led to even higher rates of DV and IPV. Since the advent of democracy in 1994, the government has made considerable strides in recognising and acting on IPV through legislative advancement and reform. The Constitution and its Bill of Rights, the Prevention of Family Violence Act 133 of 1993, the Domestic Violence Act 116 of 1998, and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 are but a few milestones in addressing systemic VAW.

However, many of these additions to South Africa's legal framework have clear historical foundations in the patriarchal and misogynistic principles of English and Roman-Dutch law, with notions like implied consent³⁴ and the legal precedent that a husband could not be found criminally liable for raping his wife.³⁵ These common laws, entrenched and reinforced during apartheid, not only denied women legal protection but also legitimised their subjugation within intimate relationships.³⁶ Apartheid's broader system of control and violence extended into the private sphere, where women – particularly black women – were treated as property rather than autonomous individuals.³⁷ To look at this reasoning today, one cannot help but wonder whether a woman's value was genuinely considered greater than that of an inanimate object. She could be subjected to physical and sexual abuse at the hands of her husband (or in instances where the couple was not married, the looser term “partner” could be used) without consequence, solely because traditional views – deeply embedded in both colonial-era and apartheid legal structures – deemed her a possession rather than a partner.³⁸

The dismantling of apartheid and the advent of the democratic era in the early 1990s marked a turning-point in South African history. Apart from within the major women's organisations,

³³ Chinnian & Peterson (2020) at 162.

³⁴ Hale M *Historia placitorum coronæ* (*The history of the pleas of the crown*) Vol 1 London: E & R Nutt & R Gosling (assigns of Edward Sayer, Esq.), for F Gyles, T Woodward and C Davis (1736) 629.

³⁵ *S v Ncanywa* 1992 (1) SACR 209 (Ck).

³⁶ Yebisi & Balogun (2017) at 547.

³⁷ Yebisi & Balogun (2017) at 547.

³⁸ Yebisi & Balogun (2017) at 547.

which were closely tied to the liberation movements or formed specifically to oppose apartheid, gender equality was not high on the agenda.³⁹ The pursuit of racial equality took centre-stage in the political and legal discussions leading up to constitutional negotiations,⁴⁰ and many feminist groups deliberately set aside gender concerns to support the broader fight against racial oppression.⁴¹ It was only during the later stages of the negotiations that the Women's National Coalition actively advocated for women's concerns, successfully pressing major political parties to acknowledge and prioritise gender equality and convincing the drafters of the new constitution to intertwine women's rights with the process of national reconstruction.⁴²

While South Africa has one of the most progressive constitutions in the world,⁴³ challenges remain in its enforcement and implementation. Constitutional recognition of gender equality laid the foundation for subsequent legal reforms aimed at addressing systemic VAW. Several legislative steps have been taken in combatting the scourge of GBV, DV and IPV that is rampant in South Africa, yet crimes of this nature persist. The mere existence of progressive and prohibiting laws is not capable in and of itself of eliminating IPV and restoring the dignity of survivors.⁴⁴ The prevalence of GBV, DV and IPV suggests that deeply ingrained gender disparities have persisted beyond political developments and institutional restructuring.⁴⁵ Although it is a democracy, South Africa remains a country with a multifaceted connection to violence and crime.⁴⁶

While VAW predates apartheid, the regime played a pivotal role in breeding a culture of aggression that heightened and normalised gendered violence.⁴⁷ This legacy continues to shape South Africa as the country experiences some of the highest rates of GBV, DV and IPV in the world in a context of widespread mistrust of the police, substantial under-reporting, and low arrest and conviction rates.⁴⁸ The impact of apartheid on IPV specifically is evident in the

³⁹ Andrews (2001) at 717.

⁴⁰ Andrews (2001) at 717.

⁴¹ Andrews (2001) at 717.

⁴² Andrews (2001) at 718.

⁴³ South African Government "President Cyril Ramaphosa: Dialogue on Gender-Based Violence and Femicide – Remarks by President Cyril Ramaphosa during a dialogue to mark the 16 Days of Activism for No Violence against Women and Children campaign" (25 November 2020) available at <https://www.gov.za/news/speeches/president-cyril-ramaphosa-dialogue-gender-based-violence-and-femicide-25-nov-2020> (accessed 1 July 2025).

⁴⁴ Yebisi & Balogun (2017) at 556.

⁴⁵ Durbach A "An essential intervention: Civil society responses to redressing and preventing violence against women in postapartheid South Africa" (2000) *Acta Juridica* 206.

⁴⁶ Luwaya & Omar (2020) at 25.

⁴⁷ Durbach (2000) at 205.

⁴⁸ Durbach (2000) at 205.

normalisation of gendered violence and the continued failure of the justice system to protect women, especially those from marginalised racial groups.

The normalisation of gendered violence did not cease with the democratic dispensation. Instead, the culture of violence instilled by apartheid continues to contribute to the perpetuation of VAW and is responsible for high rates of IPV in South Africa today. In 2016/17, 250 in 100,000 women were victims of sexual offences.⁴⁹ SAPS data shows that 80 per cent of reported sexual offences were rape, while Statistics South Africa estimates that 68.5 per cent of the victims were women – indicating that approximately 138 of 100,000 women were raped.⁵⁰ It is important to note that these statistics are based on reported rapes and that the number of victims could be higher. This has led to South Africa’s being infamously entitled the “rape capital of the world”.⁵¹ Despite the progress made by our courts, a significant gap remains between the prevailing cultural attitudes towards women and the ideals expressed.⁵²

The unique nature of GBV, DV and IPV as a legal problem lies in the intricate dynamics of violence within intimate relationships,⁵³ or to quote Justice Albie Sachs, the “strange alchemy of violence within intimacy”.⁵⁴ True intimacy cannot be achieved in the face of sexual violence and VAW, for as long as there is rape, there is terror.⁵⁵ To have true intimacy, we must first have equality, and women’s safety is a prerequisite for attaining equality.⁵⁶

The treatment of women in society is significantly influenced by attitudes shaped primarily by cultural and religious beliefs, encompassing not only external perceptions but also women’s own perspectives on themselves.⁵⁷ Women might be ashamed to admit to IPV because in some communities this form of violence is traditionally associated with a woman’s failure “to perform her duties”.⁵⁸ The persistence of regressive attitudes and beliefs among the populace of South Africa, including women, continues to pose a significant obstacle in combatting VAW⁵⁹ and, within that, the crimes of DV and IPV.

⁴⁹ Statistics South Africa (2018) at 4.

⁵⁰ Statistics South Africa (2018) at 4.

⁵¹ Statistics South Africa (2018) at 4.

⁵² Andrews (2001) at 717.

⁵³ Andrews (2001) at 713.

⁵⁴ *S v Baloyi and Others* 2000 (2) SA 425 (CC) para 16.

⁵⁵ Dworkin A “I want a 24-hour truce during which there is no rape” in Buchwald E, Fletcher PR & Roth M (eds) *Transforming a rape culture* 2 ed Minneapolis: Milkweed Editions (2005) 11 at 20.

⁵⁶ United Nations Women Count Data Hub (2021) at 3.

⁵⁷ Statistics South Africa (2018) at 5.

⁵⁸ Armstrong (1994) at 36.

⁵⁹ Statistics South Africa (2018) at 18.

VAW is often under-reported due to the ineffectiveness and insensitivity of the criminal justice system.⁶⁰ A 2014 report from the Institute for Security Studies highlighted that instances of rape and sexual violence are not adequately reported, primarily due to barriers such as fear of the legal processes, poor treatment by the police, and the fear of secondary victimisation during the investigation and in the courtroom.⁶¹

Many reports, including one by the Ministerial Advisory Task Team on the Adjudication of Sexual Offences (MATTSO), indicate that the absence of a dedicated court system focused on sexual offences leads to injustices within the judicial system, particularly for victims of sexual offences such as IPV.⁶²

4 LEGISLATIVE, SOCIETAL AND CULTURAL SOLUTIONS TO IPV

A multifaceted approach that targets both the legal framework and societal attitudes is necessary to comprehensively address the deep-seated impact of apartheid on IPV. South Africa must invest in medium- and long-term prevention efforts that target the immediate issues and the underlying causes and risk factors. This would involve (1) strengthening the legal system; (2) shifting societal norms; and (3) addressing socio-economic challenges that perpetuate VAW.

4.1 Strengthening the legal system

4.1.1 Sexual Offences Courts

Sexual Offences Courts (SOCs) are perhaps the best example of South Africa's attempts to construct a non-violent society where GBV is not tolerated. However, to date, there are no legal frameworks in place that demand or govern the existence, duties and responsibilities of SOCs. This lack of framework was the reason there was no dedicated budget for the facilitation of these courts' services⁶³ which made disbanding the courts easy.

Many laws serve to criminalise VAW, but none of them explicitly requires specialised courts or SOCs. While it is true that the draft regulations to the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 provide for the establishment of SOCs,⁶⁴ they do

⁶⁰ Chinnian & Peterson (2020) at 146.

⁶¹ Yebisi & Balogun (2017) at 540.

⁶² Chinnian & Peterson (2020) at 153.

⁶³ Thorpe J "Part 3: Sexual offences courts rollout stops and restarts" *Rapecrisis* available at <https://rapecrisis.org.za/part-3-sexual-offences-courts-rollout-stops-and-restarts/> (accessed 24 September 2022).

⁶⁴ Chinnian & Peterson (2020) at 144–145.

not demand the existence of the SOC's. Nor does the SORMA structure the way in which the courts should be run. This is an egregious oversight considering that the Superior Courts Act sets out the parameters in which the High Courts may operate and that our Constitution sets out the functions of the Commission for Gender Equality so that it may enforce women's rights by promoting education, monitoring and lobbying for gender equality.⁶⁵ To close this gap, SOC's need to be legislatively mandated, as this would guarantee their permanence and effectiveness in processing IPV cases.

4.1.2 Police sensitivity training

Improving police sensitivity training is also an important step. The police under apartheid were an instrument of state control and repression. They enforced segregationist legislation and policy rather than protecting the public – that is, all members of the public. This legacy still haunts law enforcement today, and is likely to be one of the factors contributing to deep-seated public distrust of the police, as well as to the police's failure to adequately address crimes such as GBV, DV and IPV.⁶⁶ Police should respond faster to survivors when they report such crimes, and should create a non-hostile, supportive environment that encourages disclosures and co-operation.⁶⁷ Apartheid had a harmful impact on women and left a destructive legacy that will take enormous effort to overcome.⁶⁸ What is crucial is that police receive additional training to sensitise them to the complexities of IPV and equip them with the skills to approach such situations with tact. The police should also collaborate with NGOs that provide counselling assistance so that victims can receive professional help where needed.⁶⁹

4.1.3 IPV support services

Significant law reform took place during the first decade of South Africa's democratic era to dismantle apartheid's oppressive legal structures. However, these reforms are not consistently implemented or enforced by the SAPS.⁷⁰ Public trust in the SAPS remains low due to severely limited police sensitivity training on GBV-related crimes and persistent government underfunding of shelters for victims of DV.⁷¹

⁶⁵ Section 187 of the Constitution of South Africa.

⁶⁶ Durbach (2000) at 205.

⁶⁷ Yebisi & Balogun (2017) at 550.

⁶⁸ Andrews (2001) at 722.

⁶⁹ Yebisi & Balogun (2017) at 550.

⁷⁰ Gouws (2022).

⁷¹ Gouws (2022).

Most of the legislative proposals introduced post-apartheid were the result of advocacy from gender activists, scholars, human rights practitioners, and NGOs. Despite the democratic state's financing of legislative proposals and initiation of national action plans to counter VAW, the structural violence of apartheid continues to manifest itself in the persistent failures of the justice system. Funding to service providers and NGOs has been largely insufficient.⁷² This has severely limited their ability to address the long-term consequences of gendered violence such as IPV.

In order to effectively combat the impact of apartheid on IPV, the following must be prioritised: (1) comprehensive care and support for survivors; (2) the implementation of education and prevention programmes; and (3) strengthening the criminal justice system by expanding essential services, ensuring the availability of evidence kits at all police stations, and having greater numbers of survivor-friendly rooms at police stations.⁷³

4.2 Transforming societal norms

To reduce (and eventually end) IPV, there needs to be a broad-based response that includes government initiatives targeting education, access to resources, and ongoing activity to address the problem of VAW.

One of the major criticisms of laws on VAW and crimes like DV and IPV is the inaccessibility of courts in rural South Africa. Only one in 50 rapes in the former homelands is reported, and even then tribal courts fail to address them.⁷⁴ The availability of services in these areas, particularly healthcare services, varies and presents an ongoing challenge.⁷⁵

The best protection for women in such situations is a healthy family and community life. However, communal structures disintegrated decades ago when the apartheid government tore people away from their homes and families and imposed its own structures in their place.⁷⁶ As Reganass notes, “We are harvesting today the apples of the trees planted by Verwoerd in 1948, when he created the apartheid system.”⁷⁷ She emphasises the importance of teaching the

⁷² Durbach (2000) at 203–204.

⁷³ South African Government (25 November 2020).

⁷⁴ Armstrong (1994) at 39.

⁷⁵ Ndlovu S, Mulondo M, Tsoka-Gwegweni J, et al “COVID-19 impact on gender-based violence among women in South Africa during lockdown: A narrative review” (2022) 26(7) *African Journal of Reproductive Health* 59 at 66.

⁷⁶ Armstrong (1994) at 39.

⁷⁷ Armstrong (1994) at 39.

younger generation to respect women and engaging them in conversations about VAW and its impact on society.⁷⁸

Prevention initiatives are of particular importance as they include strategies such as raising awareness, influencing social norms through media campaigns, developing specialised curricula that are integrated in formal and informal education, and providing women and households with essential economic and livelihood support so that they are better positioned to break free from the cycles of violence that accompany DV and IPV.⁷⁹

Historically, NGOs have played a crucial role in addressing IPV.⁸⁰ Many of these organisations, such as Rape Crisis, People Opposing Women Abuse (POWA), the Masimanyane Women's Support Centre, the Women's Legal Centre, and the One-in-Nine Campaign, have filled gaps left by the government over the years.⁸¹ Their activities have focused on supporting victims through community health worker training, counselling services, and the establishment of trauma centres, such as the Thuthuzela Care Centres.⁸² These efforts have also shifted towards prevention by working to transform patriarchal gender structures and values that perpetuate VAW.⁸³

These NGOs handle responsibilities that ordinarily would fall under the purview of the state. The state relies on them due to their expertise and public trust, but this delegation is frequently done without providing the necessary funding to these essential statutory services.⁸⁴ This leaves IPV prevention measures fragmented and underfunded. A state-led, well-funded public awareness strategy is crucial for dismantling harmful gender norms and reducing IPV rates.

5 CONCLUSION

Apartheid's legacy on IPV remains strong in the legal, social, and cultural terrain of South Africa. The entrenched violence, oppression, and patriarchal systems of apartheid did not disappear with democratisation; instead, they shaped and deepened IPV patterns to the present moment despite legislative developments that tackle GBV.

South Africa has a strong legal system that consists of legislation, policies, and institutions to manage IPV and DV. However, most legislation has glaringly apparent historical origins in

⁷⁸ Armstrong (1994) at 39.

⁷⁹ United Nations Women Count Data Hub (2021) at 19.

⁸⁰ Durbach (2000) at 204.

⁸¹ Luwaya & Omar (2020) at 3.

⁸² Durbach (2000) at 213.

⁸³ Durbach (2000) at 223.

⁸⁴ Durbach (2000) at 223.

English and Roman-Dutch law that are patriarchal and misogynistic in nature and which continue to shape the application of laws. The prevalence of IPV is an indicator of the urgent need for a wide-ranging response that would include strengthening the legal system by institutionalising SOC's, providing police sensitivity training, and increasing funding for IPV support services. Legal reform alone is not sufficient; societal attitudes must also change.

Despite political progress and institutional reform, deeply ingrained gender inequalities have persisted. Current laws and policies do not demonstrate a deep understanding of the patriarchal systems that perpetuate imbalanced power relations between men and women. Prioritising male interests, implicitly or explicitly, is an expensive affair for society, as it marginalises women. The pursuit of gender equality must be prioritised – equality reduces sexual violence, while inequality and conflict exacerbate it.⁸⁵ The prevalence of GBV, DV and IPV among women in South Africa has various socio-economic, psychosocial, and psychological consequences.⁸⁶ In times of crisis, conflict and inequality, it seems that women always bear the brunt of the violence, and this violence is mainly physical or sexual in nature.⁸⁷ South Africa must adopt a comprehensive, survivor-centred approach to IPV intervention and prevention. It is only by means of consistent legal, social, and economic reform that the country can begin to liberate future generations from the cycles of violence that have haunted the past.

⁸⁵ Gouws (2022).

⁸⁶ Ndlovu, Mulondo, Tsoka-Gwegweni et al (2022) at 64.

⁸⁷ Ndlovu, Mulondo, Tsoka-Gwegweni et al (2022) at 61.

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