

Equal or Different: Comparing women and men's use of the Domestic Violence Act (no. 116 of 1998)

by Vera Schneider & Lisa Vetten



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Vera Schneider is a former intern at the Centre for the Study of Violence and Reconciliation.

Lisa Vetten is the former Manager of the [Gender Programme](#) at the Centre for the Study of Violence and Reconciliation.

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Aims and overview

The Domestic Violence Act ("the DVA") was introduced as a comprehensive civil remedy for domestic abuse in 1998. Many have sought its protection since, with at least 157 391 applications for protection orders made in 2004 alone ([Vetten, Budlender and Schneider, 2006](#)). This research brief explores how men and women applying for protection orders at two courts in Gauteng have used the DVA.

Methodology

A retrospective review of applications for protection orders registered in 2000 and 2001 was conducted at Alberton magistrates court, an urban court east of Johannesburg (**1537** applications) and Temba magistrates court, a semi-urban court outside of Tshwane (**671** applications). A total of **2208** applications were captured.

Ratio:

Applications from Alberton: Applications from Temba
2:1

Written permission to conduct the study was obtained from the Department of Justice and the Chief Magistrate of both Alberton and Temba courts on condition that no identifying information of the applicants or respondents would be used in the report, and that these persons would not be contacted. Trained fieldworkers perused a random sample of protection orders (calculated at a 99% confidence interval and 3% margin of error) and extracted information from the application forms in accordance with a pre-coded, structured data collection sheet. The data were then analysed using SPSS version 10.0.

Limitations of the study

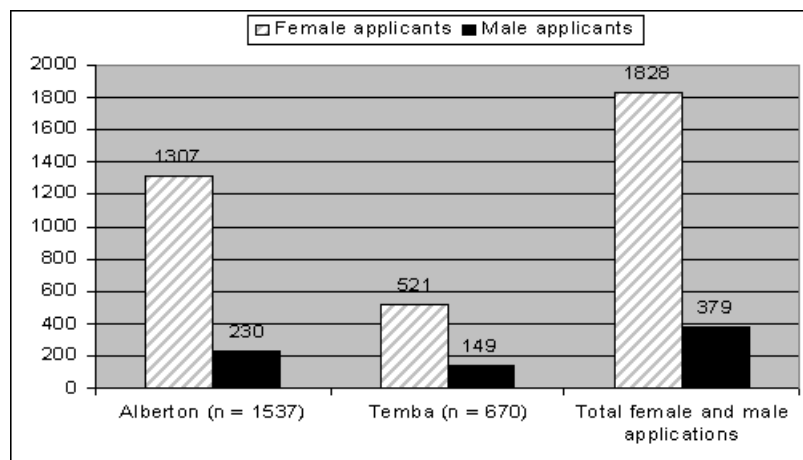
While our sample includes men and women from two different geographical areas, we cannot assume that the results apply nationally to all men and women seeking protection orders. The findings applicable to intimate partnerships are also only likely to be relevant to heterosexual relationships since no applications from same sex couples appeared to have been made at either of our sites. Missing and unrecorded data was a problem at both sites, and Temba court could not account for several protection orders from the required time period. We acknowledge the effect of this on our sample size. We also questioned the accuracy of the data in a small proportion of cases (for example, in some forms the interim order was granted before the date of application), but could not check the records because they had been destroyed by the courts. To preserve the integrity of the data irregular information was captured as unknown.

Key Findings

1. Significantly more women than men apply for protection orders

- Total number of applications from women: **1828**.
- Total number of applications from men: **379** (see Figure 1).
- In other words, four out of five applications for protection orders were made by women.

Figure 1: Total number of applications from women and men at each site*



* Sex of applicant was unknown in 1 case

Of the total proportion of applications sampled, the typical case was a woman seeking protection from a male respondent (78% of applications). Eleven percent of applications were in the category male applicant/female respondent, 6% were male applicant/male respondent, and 4% were female applicant/female respondent.

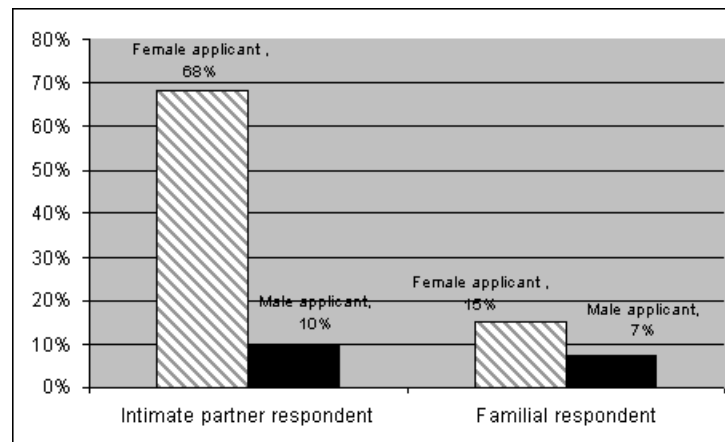
2. Women are most likely to seek protection from intimate partners, while men are almost as likely to seek protection from intimate partners as they are to seek protection from family members.

- Women almost always sought protection from a man (95%), while 66% of men

sought protection from a woman, and one in three sought protection from a man (34%).

- While both men and women were most likely to seek protection from an intimate partner (IP) (78% of cases, n = 1722), women were proportionally more likely to seek protection from an intimate partner than men (82% of women compared to 57% of men).
- One in five applicants sought protection from a family member (FM). However, proportionally more men sought protection from a family member than women (43% of men compared to 18% of women).

Figure 2: Total proportion of applications re type of relationship and gender



Ratio (Female applicants)

Applications against an IP: Applications against a FM
5: 1

Ratio (Male applicants)

Applications against an IP: Applications against a FM
5: 4

3. Overall, male applicants tend to be older than female applicants

3.1 Intimate partners and age

- The median age of male applicants was **39** years. The median age of female respondents was **34.5** years.
- The median age of female applicants was **34** years. The median age of male respondents was **38** years.

3.2 Familial relations and age

- Applicants seeking protection from family members tend to be older than applicants seeking protection from intimate partners. The median age of familial applicants was **46** years.
- The median age of male applicants was **49** years.

- The median age of female applicants was **44.5** years.
- Familial applicants tended to be older than the respondents. The median age of familial respondents was **30** years (both genders).

Table 1: Age and sex of familial applicants

	Sex of applicant		Sex of respondent	
Age category	Male (n = 153)	Female (n = 296)	Male (n = 189)	Female (n = 54)
<20 years	6%	7%	11%	9%
21-30 years	8%	17%	40%	35%
31-40 years	16%	16%	28%	24%
41-50 years	24%	22%	13%	24%
51-64 years	30%	24%	6%	5%
65+ years	16%	14%	2%	2%

4. Women seeking protection generally report different types of abuse to men at the hands of their intimate partners

4.1 Type of intimate relationship

Married men and women were substantially more likely to seek protection from their spouse compared to other types of intimate relationships. Men were more likely than women to apply for protection against a person they formerly dated.

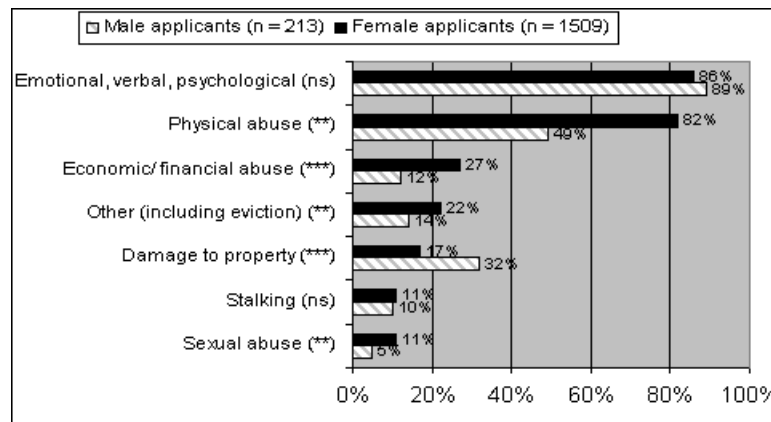
Table 2: Type of intimate relationship and proportion of applications made (figures may not add up to 100% due to rounding)

	Female applicants (n = 1509)	Male applicants (n = 213)
Married (including customary and divorced)	55%	47%
Dating	15%	10%
Co-habiting	10%	10%
Divorced/separated	8%	12%
Formerly dating	8%	15%
Mistress/lover	2%	4%
Other (specify)	2%	2%

4.2 Types of abuses reported

Significant differences were found between the number of men and women seeking protection from physical, economic and sexual abuse, as well as other abuses and damage to property. No significant differences were found regarding emotional abuse and stalking.

Figure 3: Comparison of men and women in intimate partnerships and type of abuse



Key: *p < 0.05 **p < 0.01 ***p < 0.001

Physical and sexual abuse: Consistent with general trends in the literature, women were more likely to seek protection from physical and sexual abuse (e.g. Mathews & Ahrahams, 2001; Parenzee, Artz, & Moul, 2001). These abuses are often attempts by men to dominate and instil fear in women and to assert male power (Koss & Harvey, 1991). In reviewing the applications, it was seen that protection from physical abuse was usually sought only after a few beatings rather than the first one and that in some instances a particularly severe incident was the catalyst for seeking a protection order. The intensity of the physical abuse varied, but many assaults would likely constitute assault with intent to cause grievous bodily harm or even attempted murder. Information on the reasons for the abuse was often scarce, but there is some suggestion that the beatings were triggered by accusations of the woman's infidelity, or her questioning the man about his whereabouts. Women who acted outside of men's stipulations or did not account for their own whereabouts were also physically abused.

Emotional abuse: Protection from emotional abuse was sought by men and women. In both instances, parties had their character defamed and were told they are worthless and stupid. The content of the insults and intimidation were not always clear, but some men were insulted for failing to fulfil their roles in the household, and likewise, women who did not obey their husband, did not conform to their expected roles, or who challenged the male were verbally abused for being disrespectful. Women were also threatened with forced removal from the home, and were significantly more likely than men to be evicted. Some cases suggested that women were assaulted and/or forcibly removed after asking for money for the household. Emotional abuse was often accompanied by physical abuse, and was allied to threats of killing the applicant and/or their children. While both male and female respondents verbally threatened to kill the applicant, male applicants were more likely to act on their threats of violence.

Damage to property: While not always significant, this type of abuse seemed particularly gender specific with men consistently more likely to seek protection from damage to property. We looked at married men seeking this type of protection and found that female respondents typically destroyed the applicant's belongings, broke his windows, burned his clothes, and forcibly removed or stole property belonging to the applicant. Women were also more likely than men to use the threat of damage to property as a form of abuse, and men appeared to seek protection out of frustration of broken possessions. This may be explained by women trying to vicariously hurt the man by damaging his property. Additionally, given that the male applicants in our study were more likely to be employed (64%) than female applicants (45%), it is also possible that they were simply more likely than women to own property which can be destroyed.

4.3 Types of abuse in different intimate partnerships

[Table 2](#) compares the abuses that men and women seek protection from in different types of intimate partnerships. Engaged and mistress/lover relationships were not included as the sample sizes were too small. Dating relationships were also not included as no significant differences were found. Results suggest that the type of relationship affects the kind of abuse experienced.

Table 3: Type of intimate relationship X abuse

	Type of intimate relationship							
	Married (customary/civil)		Divorced/separated		Formerly dating		Co-habiting	
Type of abuse	Male Applicants (n = 99)	Female applicants (n = 831)	Male Applicants (n = 25)	Female applicants (n = 123)	Male Applicants (n = 31)	Female applicants (n = 122)	Male Applicants (n = 22)	Female applicants (n = 122)
Emotional, verbal, psychological	92%*	86%	72%	94%	97%	93%	86%	86%
Physical	55%	82%***	44%	70%	29%	77%***	50%	94%
Economic abuse	8%	29%***	12%	31%	16%	13%	5%	36%
Damage to property	26%*	16%	32%	15%	32%	16%	46%*	15%
Other (including eviction)	18%	26%	4%	27%**	3%	11%	23%	23%
Stalking	3%	5%	28%	24%	13%	31%*	-	5%
Sexual	4%	10%*	8%	65%	-	14%	14%	14%

Key: *p < 0.05 **p < 0.01 ***p < 0.001

4.3.1 Married couples:

- Married women were significantly more likely than married men to seek protection from physical, economic and sexual abuse.
- Married men were significantly more likely than married women to seek protection from emotional abuse and damage to property.

4.3.2 Divorced/separated couples:

- Divorced women were significantly more likely to seek protection from other abuses, such as the respondent threatening to kill their children, mistreating the children, or forced removal from the home. The latter was unanticipated as divorced parties do not usually live together. However, we found that 11% of divorced or separated couples in our sample still lived together.

The applications clearly suggested that when the relationship was terminated, female and male applicants were continually harassed through unnecessary phone calls, unplanned visits, stalking, and damage to their property. A few references were also made to respondents not respecting child visitation rights. In some cases, applicants sought protection because they feared their lives were at risk due to continued beatings and threats of death.

4.3.3 Formerly dating couples:

- Women were significantly more likely to seek protection from physical abuse and stalking from men they formerly dated.

Case example: 31-year old female seeking protection from a man she formerly dated: "The respondent threatens to kill her, beats her with a stick and a damp towel and tried to strangle her. He went to her house but she did not answer him so he punched, kicked and threw her on the floor. The applicant is scared of him". This order was confirmed.

4.3.4 Co-habiting couples:

- Co-habiting women were significantly more likely to seek protection from economic abuse, while co-habiting men were significantly more likely to seek protection from damage to property.

Case example: A woman seeking protection from her co-habiting partner: "Respondent beat applicant over her head with a beer glass, and on three occasions, he has made her sleep outside. He does not provide food for the children, he throws food away and when the applicant's mother gives her money for food, the respondent forcefully takes it and accuses applicant of receiving it from boyfriends. He stole the TV, radio and a blanket and sold them." This order was confirmed.

4.2 Seeking protection from family members

4.2.2 Type of familial relationships

- More than half of those seeking protection from a family member are seeking protection from their children. The ages demonstrated earlier in [Table 3](#) suggest that these respondents are usually the applicant's adult children. A relatively high proportion of applicants were pensioners (men: 22%; women: 21%).
- Excluding those cases involving multiple respondents, one in five applicants sought protection from a male family member while just under one in ten sought protection from a female member.

Table 4: The familial respondents

	Relationship of the respondent	Female applicants (n = 320)	Male applicants (n = 161)
Immediate family members	Applicant's child	57%	56%
	Applicant's Brother	13%	13%
	Applicant's Father	8%	8%
	Applicant's Sister	6%	8%
	Applicant's Mother	3%	1%
	Multiple respondents (usually brothers and sisters)	3%	8%
Extended family members	Applicant's Uncle	2%	1%
	Applicant's Nephew	2%	1%
	Applicant's Niece	1%	4%
	Applicant's Cousin	1%	1%

4.2.4 Types of abuses reported

No significant differences were found between male and female familial applicants and the types of abuse reported (see [Table 5](#)). Relief was typically sought from emotional, verbal, psychological and physical abuse. The factors triggering such ill-treatment were more difficult to discern due to considerably less information being available in the application forms. Where such information existed, intra-familial abuse seemed associated with difficult life circumstances, such as financial constraints and alcohol abuse.

Table 5: Types of abuses reported by familial applicant

	Female applicants (n = 320)	Male applicants (n = 161)

Emotional, verbal, psychological	89%	88%
Physical abuse	62%	60%
Economic/financial abuse	17%	16%
Damage to property	25%	25%
Other (including eviction)	20%	19%
Stalking	2%	1%
Sexual abuse	3%	1%

Over two-thirds of the men seeking protection from physical abuse, emotional abuse and damage to property were over 40. Women's ages were more varied, but 55% of women seeking protection from physical abuse and 63% from emotional abuse were over 40.

Case example: 66 year-old father seeking protection from his sons. "The applicant divorced the respondent's mother in 1988. She left him in the house. Respondents abuse the applicant emotionally, physically and financially. They also take his property and sell it. They want the applicant to leave the house. Respondents beat, insult and steal their father's money. Applicant was injured with a panga and sustained injuries on the head..." This order was confirmed.

Conclusions

This study underscores the significance of gender in understanding the various forms of violence within families. It has highlighted that while some similarities exist in women and men's use of the DVA, there are also clear differences. In particular, while women were primarily seeking protection from their intimate partners, men were almost as likely to be seeking protection from family members as they were from their intimate partners. While women would appear to be vulnerable to abuse throughout the course of their lifetimes, men appear to become more vulnerable to abuse as they age. In addition, while significant differences were found between the types of abuse male and female intimate partners seek protection from, no significant differences were found between men and women seeking protection against family members. Because those seeking protection from family members are older than those seeking protection from intimate partners, it would appear that as applicants age, differences in types of abuse experienced along gender lines seems to diminish. The study thus points to the importance of understanding and further researching the interaction between life cycle, gender and domestic violence. Equally important, is further research exploring how relationship status influences the nature of abuse experienced.

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