

The inadequacies of the South African Criminal Justice System against male victims of domestic abuse

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Abstract: Although human / women's rights activists have recorded tremendous successes in attracting attention to the problem of domestic violence against women, but they have largely been silent on the associated problem of domestic violence against men. According to the National Coalition against Domestic Violence (NCADV) in Colorado, one out of every nine men has experienced intimate partner violence. While the Moshate organization in South Africa receives between 25 and 30 abuse complaints from men monthly. Although, it is not out of place to assume that this statistic does not fully represent the true figure owing to men's tendency of underreporting domestic violence due to discrimination and the associated embarrassment. This is further compounded by the entrenched societal notion that men cannot be abused or victimised by women. Underreporting coupled with a history of domestic violence, in which female perpetrators are only perceived as victims, and not likely a perpetrator, particularly by the South African criminal justice system, is believed to create a dilemma. The objective of this paper is to interrogate whether the South African criminal justice system recognizes and/or acknowledges that men can be victims of domestic violence. It further examines whether male victims of domestic violence receive the same services as female victims. It also compares the resources accessible to male victims of domestic violence to the resources provided to female victims of domestic violence.

This paper utilized a qualitative research method to gain a robust understanding of the South African criminal justice system's inadequacies towards male victims of domestic violence. Face-to-face interviews were done with fifteen participants, five SAPS personnel, five members of the matrix's men organization, and five members of the Moshate men organization from Gauteng province (South Africa). The findings indicate that men are affected by domestic violence as well, even though the criminal justice system is primarily concerned with the effects when men react. Furthermore, as expected, men were not taken seriously by the criminal justice system in comparison to female victims of domestic violence. The criminal justice system is willing to provide information on restraining orders and shelters to female victims of domestic violence, but not so willing to provide the same information to male victims facing the same abuse. The judicial system is another hurdle that men confront when attempting to get protective orders.

As a result, it is recommended from the findings of this study that the criminal justice system should encourage and protect the rights of victims of domestic violence on an equal basis. Male victims of domestic abuse are reminded that constant non-reporting of these incidents prohibits them from receiving vital support. In conclusion, while some of the silences around the issue of violence against women are being broken, it is rather sad that effective measures of justice are still not understood or utilized in ways that can help or favour male victims. As a result, the risk that male victims will stay invisible and excluded from solutions to domestic abuse is still quite high and will remain so unless more efforts are done to ensure that their rights and concerns receive the same special attention as those of the feminine gender.

Keywords: Criminal justice system, Domestic violence, South African Police service, Law enforcement, , Male victims.

Introduction

Modern life introduces numerous challenges to various aspects of our social lives, the home and intimate environment, are no exceptions. Rapid societal changes, technological advancements, and evolving cultural norms have greatly influenced what people experience in their personal lives and domestic spaces. Domestic violence was considered a private issue for decades and discussions around it have been complex, sensitive and the socially construed as unacceptable (Boxall, Rosevar & Payne, 2015). Many organisations, including the National Coalition Against Domestic Violence (NCADV) and the Utah Domestic Violence Coalition (UDVC) display pictures of women as the victims of domestic violence on their website home page (National Coalition Against Domestic Violence (Utah Domestic Violence Coalition, 2016).

In 1994, in the United States (US), Violence Against Women Act (Violence Against Women's Act (VAWA) 2013) was passed, that was created to protect women against violence and allocated funds for services to assist women who are victims of domestic violence (Hines & Douglas, 2009) (McNeely, Cook, & Torres, 2001) (Violence Against Women's Act (VAWA) 2013). While it is true that historically, the majority of domestic violence campaigns and support services have focused on women and children, there has been a growing recognition in recent years that men can also be victims of domestic violence (McNeely, et al, 2001). Therefore, domestic violence victimization does not only affect the female gender, it also affects the male gender, especially men.

The South African Domestic Act 116 of 1998 defines domestic violence as “physical abuse; sexual abuse; emotional, verbal and psychological abuse; intimidation; economic abuse; harassment; stalking; damage to property; entry into the complainant’s residence without consent, where the parties do not share the same residence; or any other controlling or abusive behaviour toward a complainant where such conduct harms or may cause imminent harm to the safety, health or well-being of the complainant” (South Africa, 1998). The country is also rated as one of the worst countries in the world (Global Peace Index (GPI), 2023) when it comes to domestic violence, and sadly, not much has been done by the South African criminal justice to fight incidences of domestic violence against men.

Women often report cases of domestic violence because the society is construed to be driven by patriarchy. However, it does not mean that men are not or cannot be victims of domestic violence. Unfortunately, men are sadly less likely to report abuse because the stigma attached prevents them from speaking out (Gumede, et al, 2023). Additionally, men who report their experiences of domestic violence to the officials are sometimes at a greater risk of experiencing secondary victimisation by being denied assistance (Gumede, et al, 2023; Tshoane, et al, 2023).

The South African criminal justice system seems to predominantly focus on domestic violence against women and children, and less on men, which may result in the underreporting and a lack of adequate support for male victims of abuse. It is crucial to address this issue and ensure that the justice system provides fair treatment and support to all victims, regardless of gender. Therefore, the aim of this paper is to interrogate whether the South African society and the criminal justice system recognise and/or acknowledge that men can be victims of domestic violence. The current paper further assesses whether male victims of domestic violence receive the same services as female victims, as well as compares the resources accessible to male victims of domestic violence to the resources provided to female victims of domestic violence.

Criminal Justice System and Male Victims Of Domestic Abuse: International Perspectives

(A) The United States of America (USA)

Police response

Lysova, Hanson, Hines, Dixon, Douglas, and Celi (2020), assert that male victims of IPA were more likely to complain about a lack of investigation regarding their victimization. Male victims had also reported that, when they called the police during an incident of female-perpetrated violence, the police did not always respond or take a report (Cook, 2009; Hines & Douglas, 2009). In another study, Buzawa and Hotaling (2006) found that law enforcement officers were significantly less likely to give male victims information about available services, including restraining orders, than female victims.

In some cases, the police showed no empathy or any willingness to listen to the experiences of male victims of IPA (Lysova et al., 2020, 2022; McCarrick, Davis-McCabe, & Hirst-Winthrop, 2016). In a study of 372 male victims of IPA in the Netherlands, less than 32% of the men were found to have approached the police about their victimization, while only 15% of the men registered an official report to the police (Drijber, Reijnders, & Ceelen, 2013). The main reason for not reporting the abuse incident was the belief that the police would do nothing. Besides, men’s underreporting to the police can be attributed to the fear of being charged when counter charges are made

against them (George, 1994). In a qualitative study of the help-seeking experiences of 38 abused men within the criminal justice system in United States of America, when the men called the police, the police arrived only in 27% of these cases and showed hostility and bias against men; in three cases out of five when the police made an arrest, the men were arrested (Lysova et al., 2020).

Police and domestic violence (DV) agencies were the least effective support options for the 302 American men who sought assistance for IPA victimisation (Lysova et al., 2020, 2022). In another study, male IPA victims were more dissatisfied with the lack of investigation (Eugene & Alexandra 2021). When male victims of female-perpetrated assault called the police, they did not always respond or take a complaint (Eugene & Alexandra 2021).

Lysova, et al, (2020, 2022) found that law enforcement officers were significantly less likely to inform male victims about services, such as restraining orders than they were with female victims. Male victims of IPA were occasionally disregarded by police (Lysova et al., 2020, 2022; McCarrick et al., 2016). Only 15% of 372 male IPA victims in the Netherlands reported their victimisation to the police, according to research (McCarrick, et al., 2016). The assault was not reported since the police would not take action. Men underreport crimes to the police out of fear of facing counter charges (McCarrick et al., 2016). In a qualitative study of 38 battered men's experiences seeking assistance in the USA criminal court system, police demonstrated hostility and bias against men 27% of the time. Three times out of five, police detained the males (Lysova et al., 2020).

Courts

Both the issuing of restraining orders for abuse and the convictions of perpetrators highlights the role of the courts in responding to IPA victimization. Several research have examined the courtroom experiences of male victims of IPA. For example, despite the gender-neutral language of the abuse prevention law in Massachusetts, male victims were not provided the same safeguards as their female counterparts (Basile, 2005). This disparity in court response happened despite the fact that their opposite gender defendants victimized both male and female plaintiffs. Furthermore, none of the fathers in the study sample were able to acquire temporary custody of their minor children (Basile, 2005). Another research of 157 petitions involving intimate partners requesting temporary restraining orders (TRO) found that, when the intensity of abuse was controlled for, judges were 13 times more likely to grant female TROs against their male partners than male requests (Muller et al., 2009).

Furthermore, it has been proven that female abusers occasionally exploit the legal system to re-victimize male partners. A study of 246 male callers to the U.S.A Domestic Abuse Helpline for Men found that 72% of the men claimed that their abusers manipulated the court system to gain sole custody of the children or obtained an unwarranted restraining order against the victim (Hines et al., 2007). Qualitative studies of male victims of IPA found that men were not given a fair hearing in the court despite the evidence of female-perpetrated abuse, that they lost custody of their children more often, and that they faced a much higher burden of proof than female victims (Cook, 2009; Lysova et al., 2020, 2022).

Prosecution

Female arrest rates following the implementation of mandatory arrest laws demonstrate spiteful equity. Numerous USA jurisdictions that adopted mandatory arrest legislation witnessed significant increases in the number of women arrested, both in dual arrests and women-only arrests (Miller & Becker, 2019). The passage of mandatory arrest laws in the United States of America has doubled the number of women arrested. In Kenosha, Wisconsin, women's arrests increased by a factor of 1,200 due to mandatory arrest laws. 16 years after Connecticut enacted mandatory arrest regulations, 30% of domestic violence arrestees were female (Gruber, 2019).

(B) Canada

The use of pro-arrest or mandatory arrest policy in IPA incidents may lead the police, guided by the gender paradigm that tends to take the domestic abuse of women more seriously than that of men, to a revictimization experience for male victims. Although the pro-charging policies adopted in Canada during the 1980s have significantly contributed to the strengthening of the criminal justice system's response to spousal abuse (Canadian Department of Justice, 2017), these policies could potentially cause male victims to have a negative perception of the police and discourage them from reporting their victimization to the police. The gender paradigm, a view that men are predominantly the perpetrators of IPA against women (Dutton & Nicholls, 2005), tends to shape the discretion of the police to disregard male victims, while the legal and political systems tend to be designed to mostly respond to the abuse of women (Tsui, Cheung, & Leung, 2010; Hines & Douglas, 2009; Kelly, 2003). This context may explain why

male IPA victims in this study were hesitant to disclose their victimization to the police for assistance, as well as the peculiarities of the criminal justice system.

Police response

According to the Canadian Centre for Justice Statistics (2018), in 2000, 82% of police-reported cases of spousal abuse resulted in charges, while 18% resulted in acquittals. 13% of victims (21% of male victims and 11% of female victims) requested that police not press charges, according to the Canadian Centre for Justice Statistics (2018). In 3% of cases, authorities did not file any charges (Canadian Centre for Justice Statistics). Overall, police-reported statistics and victimization surveys in Canada have limitations in identifying the number of men who experience IPV. As with any type of victimization, we acknowledge there is a “dark figure” representing the number of offences never reported to police or captured in official statistics (Wemmers, 2017).

Courts

Interactions with the court, Brend, Krane, and Saunders, (2019), describes how the perception that court hearings harbour biases against men may prevent men from fleeing abusive relationships. According to statistics from the Department of Justice (2017), data on domestic violence cases indicates that, many men spoke of the difficulty of finding help. Several explained that courts ruled in favour of women and children and that a man was unsure where to find help. Many Canadian men indicated dissatisfaction with the justice system, many of which corresponded to statements in the *Canadian Victims Bill of Rights* (2015), which guarantees certain rights to information, protection, participation, and restitution.

Prosecution

Domestic violence against men, previously considered a private affair, has been prosecuted more aggressively by the criminal justice system over the past three decades (Sinha 2013; Schneider 2008). Numerous provinces and territories have modified their justice systems' responses to intimate partner violence to serve male victims and offenders more effectively (Department of Justice Canada, 2003). These remedies include pro-charge and pro-prosecution policies, specialised training for police and Crown counsels; domestic violence-specific courts, interagency procedures, and civil protection or restraining orders (Department of Justice Canada 2013; Johnson & Dawson 2011).

Domestic violence against males is complex and can result in a crisis for victims who require immediate protection and a prompt response from the legal system or assistance to guarantee that the perpetrator receives treatment (Gill & Ruff, 2010, Nova Scotia Department of Justice, 2010). According to research, victims of intimate partner violence who leave an abusive relationship are at a greater risk of experiencing subsequent violence (Johnson & Otton 2003). When leaving coincides with involvement in the criminal justice system, violence may increase (Drouin & Drolet 2004). Thus, incidents of intimate partner violence should be investigated by the criminal justice system.

Criminal Justice System Response To Male Victims Of Domestic Abuse In South Africa

Post-apartheid South Africa indeed embraces democratic values and has a constitution that upholds human rights, including freedom and safety. International human rights law has further reinforced these principles. The South African government has implemented various policies, strategies, and programs to regulate crime, as highlighted by Nel and Van Wyk (2013).

Regarding domestic violence, the government has taken significant steps to address this issue. One crucial development was the enactment and implementation of the Domestic Violence Act 116 of 1998, which aimed to enhance the provisions of the Family Violence Prevention Act 133 of 1993. The introduction of the Domestic Violence Act was necessary because the earlier Prevention of Family Violence Act (PFVA) was deemed inadequate in safeguarding men's right to a fair hearing, as suggested by Vetten (2005).

It is important to note that the aim of the Domestic Violence Act was to protect all individuals, regardless of gender, from domestic violence. The legislation seeks to address the broader problem of domestic violence and ensure that all individuals have access to legal protection and support. By enacting and amending legislation, the South African government demonstrates its commitment to addressing domestic violence and protecting the rights of all individuals. However, it is essential to continually assess and improve these laws to ensure their effectiveness in combating domestic violence and upholding human rights for everyone in South Africa irrespective of the gender.

According to Lien and Lorentzen (2019), domestic violence (DV) was once considered a private matter in South Africa. The high incidence of intimate partner violence in South Africa spurred the passage of the Domestic Violence Act (116 of 1998). The Act acknowledged that cohabiting and married couples might engage in DV in a variety of ways. Domestic violence encompasses male victims because it indicates a domestic relationship. Intimate partner violence victims can seek sworn protection orders.

The Act allows male victims of intimate partner violence perpetrated by female partners to secure a protective order. The Domestic Violence Act (116 of 1998), page 2) as physical, sexual, emotional, verbal, psychological, intimidation, and economic abuse define domestic violence. Sections 2, 3, and 8 of the Domestic Violence Act (No. 116 of 1998) outline the responsibilities of SAPS members while treating IPV cases in order to promote fairness for all IPV victims, including abused men. Section 3 requires police to make warrantless arrests when they suspect violence. In South Africa, officials are sworn to protect victims of intimate partner violence of all sexes, but they frequently victimise male victims who report incidents to the police. When a man reports female IPV, it is always deemed self-defense without a thorough inquiry, according to Chapter 5 (*see* Tshoane, et al, 2023).

Functioning Of The Domestic Violence Act (116 of 1998)

The Domestic Violence Act (116 of 1998) focuses on the issuance and enforcement of protection orders to prevent domestic violence. A protective order may be requested by victims of domestic violence. The term "domestic relationship" is defined by the Act to include married, divorced, same-sex, and cohabiting couples.

Domestic violence includes intimidation, stalking, destruction of property, physical, sexual, emotional, and financial abuse. Protection orders are governed by civil law. The applicant may be the complainant or a police officer, social worker, or teacher with a material interest in the complainant's well-being. The clerks of the court receive applications. A temporary protection order must be issued when prima facie evidence demonstrates that a delay would result in an undue hardship. If no interim order is given, the respondent is notified that, on the return date, he or she must show cause why a protection order should not be issued. Plea

The functioning of the Domestic Violence Act (116 of 1998) can vary in its effectiveness for men who are victims of domestic violence. While the act is intended to provide protection to all individuals, regardless of their gender, there are several factors that can influence its application and impact on male victims.

1. **Awareness and perceptions:** Awareness about male victims of domestic violence has increased over time, but societal perceptions and stereotypes can still present challenges. Some people may hold the assumption that men cannot be victims or may downplay their experiences. This can affect how seriously male victims are taken and their ability to access support.
2. **Reporting and stigma:** Male victims may face additional barriers when it comes to reporting domestic violence due to various factors, including societal expectations, stigma, and fear of not being believed. The reluctance to report can impact their ability to seek legal protection and support.
3. **Access to resources:** The availability and accessibility of support services specifically tailored for male victims of domestic violence can vary. It is important for there to be a comprehensive network of resources, including shelters, helplines, counselling services, and legal assistance that take into account the unique needs and experiences of male victims.
4. **Legal process and response:** The legal process and response to domestic violence cases can differ depending on various factors, including jurisdiction and individual circumstances. It is crucial that law enforcement agencies and the judicial system are trained to respond effectively and sensitively to the needs of all victims, regardless of gender.

To ensure that the Domestic Violence Act works effectively for men, it is essential to address these challenges. This includes raising awareness about male victims, combating stereotypes, providing specialized support services, and ensuring that legal systems are responsive to the needs of all victims. Ongoing research, advocacy, and policy development are necessary to improve the functioning of the act and ensure that it provides equal protection and support for all individuals affected by domestic violence.

Implementation of the Domestic Violence Act 116 Of 1998

Male victims of domestic violence often face numerous barriers, which prevent them from contacting law enforcement, including fear that law enforcement will not believe they were victims of domestic violence; fear that their reports of domestic violence victimization will not be taken seriously; and/or fear of being accused of perpetrating the violence themselves (Tsui, 2014; Douglas, Hines, & McCarthy, 2012; Shuler, 2010; Hines. & Douglas, 2009).

In other countries around the world, there appears to be a trend among male victims as to why they do not report the abuse to law enforcement. In the Netherlands, Drijber, Reijnders, and Ceelen, 2013, (Tsui, Cheung, & Leung, 2010) asserted in their study, men do not report the abuse to law enforcement, because men did not believe law enforcement would act on the report. In the United Kingdom, Hall stated:

...male victims of women perpetrators are more often ignored by the police," he continues to state "...women are more often released from police custody in a shorter span of time" (Drijber, Reijnders, and Ceelen, 2013). Evans, 2016, reported the Australian police have told victims to ".Grow some balls'.

The implementation of the Domestic Violence Act 116 of 1998 in South Africa is intended to provide protection to all individuals, regardless of their gender, who are victims of domestic violence. The Act recognizes that both men and women can be victims of domestic violence and seeks to provide them with legal remedies and support services. However, the fair implementation of any legislation can be influenced by various factors, including societal attitudes, resource allocation, and the effectiveness of law enforcement agencies.

There have been debates and discussions regarding the implementation of the Domestic Violence Act in South Africa, particularly concerning its application to male victims. The stereotypes of law enforcement and the justice system accentuate this issue (Bjrnholt & Hjedal, 2018). Some argue that male victims of domestic violence may face challenges in accessing the same level of support and services as female victims. These challenges may stem from societal stereotypes, lack of awareness, or limited resources allocated for male victims. Due to the cultural belief that women are ideal victims, the legal system frequently fails to distinguish between male victims and female perpetrators. Due to underreporting, national statistics, indicate that women assault men less frequently than men do (Russell & Sturgeon, 2019: 35).

Therefore, while the intention of the Domestic Violence Act is to provide equal protection to all genders, the fair implementation of the Act in practice may require ongoing efforts to overcome potential barriers and ensure that all victims of domestic violence receive the necessary support and access to justice. However, it is important to note that gender biases or societal attitudes is influencing the enforcement of legislations and laws related to domestic violence. Despite the intention for gender neutrality in the act, there are challenges in its application which result in unequal enforcement.

Historically, domestic violence has been predominantly viewed as a problem-affecting woman, and this perception can influence how cases involving male victims are handled. Some argue that men may face scepticism, lack of support, or disbelief when reporting domestic violence due to prevailing gender stereotypes. Therefore, it is important to continue promoting awareness, challenging gender biases, and improving access to support services for all victims of domestic violence to ensure equal enforcement and protection under the law, regardless of gender.

Domestic violence against men and societal expectations

The society serves as the platform upon which laws and legal authorities are established. How the society perceive a socio-criminological phenomenon is important, and it plays critical role in shaping the response of the criminal justice authorities (Natali, 2023). In point of fact, laws and the society are related to each other (Goldbach, 2019). As earlier emphasized, domestic violence is often shaped by factors that stem from the society, including cultural beliefs and myths. Hence, in the context of this paper (Domestic violence against men), we contend that there is a possibility for the dominant cultural paradigm, in terms of how society construed domestic violence against men, to shape criminal justice response to the menace. Like most African society, there is an overarching belief in South Africa that while men are aggressive and patriarchal in their disposition by virtue of their masculinity, women are perceived as 'the weaker vessel' (Lucke, 2022; Ajayi, 2019).

Although the authors of this paper are not in any way challenging the law or against it, but intend to highlight the fact that societal expectations and belief about domestic violence against men have significant implications for the effective criminal justice response to the crime. In relative terms, it could also shape how legal authorities respond or

react to the crime whenever it occurs. Such misconception could also play out in police response to complaints of domestic abuse, especially when men are the victims (*see* Lysova, et al, 2020).

Furthermore, societal expectations are nuanced by cultural beliefs and ideology. Some of these cultural beliefs are deep-rooted in most African cultures, and have transgenerational implications. For instance, in South Africa, there is the belief that ‘men do not cry’, regardless of what they may be faced with, even if they are violated or abused by women. Such age-long cultural belief, concomitantly entrenched societal expectations make it very problematic for male victims of domestic violence to get fair hearing, justice, or even institutional support (Tshoane, et al, 2023).

The Domestic Violence Act 116 Of 1998 And The Gender Neutrality Debate

Studies such as Van Niekerk et al. (2015) have highlighted that legislative document in South Africa have primarily focused on addressing violence against vulnerable populations, including children, women, the elderly, people with disabilities, and rural dwellers. As a result, male victims of violence may not have received adequate attention or specific provisions within these legislative measures.

This discrepancy in addressing male victims of violence could stem from various factors, including societal perceptions, traditional gender roles, and the historical context of addressing violence against women. However, it is essential to recognize that male victims of violence also require support and protection, and their experiences should be acknowledged and addressed by the legal system and support services.

Efforts have been made by various organizations and individuals to raise awareness about violence against men and advocate for their inclusion in policies and services. Recognizing the importance of providing support to all victims of violence, irrespective of gender, is crucial in ensuring a fair and comprehensive approach to addressing domestic violence in South Africa.

It is clear that there is a need for ongoing discussion and actions to address the concerns raised regarding the representation and support for male victims of violence in South African legislation and policies. By acknowledging these concerns, policymakers can work towards developing more inclusive and gender-responsive approaches to combatting violence in all its forms.

Researchers such as Ratele (2010) and Clowes (2013) have argued that South African legislation, including the 1998 White Paper on Safety and Security, does not adequately acknowledge men as vulnerable to exploitation and violence. This lack of recognition may contribute to a gap in addressing the specific needs and experiences of male victims in the legal framework and policies. It is important to note that discussions on male victimization do not diminish or negate the experiences of female victims. Rather, it recognizes that men can also be victims of various forms of violence and exploitation, and they deserve equal attention, support, and legal protection.

Addressing this issue requires a comprehensive approach that recognizes and addresses the unique challenges faced by all victims of violence, irrespective of gender. It may involve reviewing existing legislation, policies, and support services to ensure they are inclusive and responsive to the needs of all victims, including men.

By acknowledging the concerns raised by researchers and advocates, policymakers can work towards a more equitable and comprehensive legal framework that recognizes and addresses the experiences of male victims of violence and exploitation in South Africa.

Groups vulnerable to domestic violence

Van Niekerk et al. (2015) highlight that legislative document in South Africa have primarily focused on vulnerable populations such as children, women, the elderly, people with disabilities, and rural dwellers when addressing violence. Unfortunately, male victims of domestic violence have been overlooked in these documents.

Scharff and Schroeder (2016) also emphasize that domestic abuse can affect individuals of all genders, highlighting the importance of recognizing and addressing the vulnerabilities of men who experience domestic violence.

The Department of Social Development in South Africa has also acknowledged the need to identify and address the vulnerabilities of men in the context of domestic violence, as referenced in the Department’s report from 2007. These perspectives highlight the importance of inclusivity and recognition of all victims, regardless of gender, in efforts to address domestic violence effectively. It is crucial for policymakers, legislators, and service providers to

acknowledge and respond to the needs of male victims, ensuring that support services, legislation, and policies are inclusive and responsive to their experiences.

By actively considering the vulnerabilities and experiences of male victims of domestic violence, South Africa can work towards a more comprehensive and equitable approach in combating domestic violence and supporting all individuals affected by it

Tackling male domestic violence is an important aspect of addressing the issue comprehensively. The taboo nature of domestic violence can indeed contribute to underreporting and lower visibility of male victims, making it essential to encourage men to recognize their value and seek support.

Male victims of domestic violence may face unique challenges, including societal stereotypes and expectations surrounding masculinity, which can make it more difficult for them to come forward and seek help. Creating awareness and providing safe spaces for men to speak up about their experiences is crucial in breaking down these barriers and ensuring that they receive the support they need and deserve. It is vital to foster an environment that acknowledges and validates the suffering of male victims, emphasizing their entitlement to support and services. This can help challenge societal norms and stereotypes that may discourage men from seeking assistance. By promoting inclusivity, empathy, and understanding, we can create an environment where all victims of domestic violence, regardless of gender, feel empowered to come forward and access the necessary support networks.

Support services, helplines, and resources should also be tailored to address the specific needs and experiences of male victims. This can include providing counselling, legal assistance, and safe shelter options that are inclusive and sensitive to the circumstances faced by male victims.

Overall, recognizing the value and suffering of male victims of domestic violence and ensuring their entitlement to support are crucial steps towards promoting a more inclusive and effective response to this issue. It requires ongoing efforts from society, policymakers, and service providers to create an environment where all victims feel empowered to seek help and where their experiences are acknowledged and addressed without stigma or discrimination.

Because of society's and law enforcement's emphasis on symptoms, domestic violence remains a problem. Domestic violence consists primarily of mental and emotional abuse, as opposed to physical abuse. Men will continue to report assaults against women as long as they are ridiculed. Therefore, men who are assaulted by women must rely on their physical strength to defend themselves (Banwell, 2020).

Methodology

This paper utilized a qualitative research method to gain a complete understanding of the South African criminal justice system's inadequacies towards male victims of domestic violence. Gauteng province, South African was the sites of this study, were the paper was conducted. Although South Africa has nine provinces, however, Gauteng province was selected as a representative of the country owing to their cosmopolitan status. Gauteng is South Africa's smallest province by area; however, it has the largest population. Most of the people of Gauteng live in cities. The province is home to virtually all South African ethnicities, cultures, and languages, including those of immigrants. Despite its small size, Gauteng is the economic centre of South Africa. Financial services, transportation, manufacturing, and mining are the main industries.

Selected Study Sample

A convenience sampling procedure was used to recruit 15 men aged 18 years and above, these criteria include factors such as those men who had experienced physical, verbal, emotional, financial, legal, Reproductive/ sexual abuse and who have suffered humiliation at the hands of their women as intimate partners, and discrimination from the hand of the police officials.

For sampled participants who were officials of an organisation, it was only those who met certain criteria that were selected. Data was collected through interviews and analysed using thematic content analysis to bring meaning to the large amount of collected data into a readable document. Five SAPS personnel, five members of the matrix's men organization, and five members of the Moshate men organization from Gauteng province (South Africa). These men were contacted and requested to participate in the study. Additional data was obtained from key informant interviews and supplemented by information from secondary sources including published and unpublished studies, journal articles, and online resources.

Data Collection Techniques

The paper required the participants to be able to express their views and perceptions freely, therefore, it utilised interviews to collect data. Interviews are a method of gathering information through an oral transformation using an interview schedule. Shneiderman and Plaisant (2005) highlight that using interviews allow for the obtaining of detailed information, as well as a direct contact with the participants leads to specific and constructive suggestions.

The paper used a semi-structured interview schedule as it allowed the researcher to use the pre-planned schedule, and for elaborate discussions between the participants and the researcher. The interviews were in-depth and done on a one on one this was done to illicit detailed information. The interviews took place at locations that were chosen by the participants and the duration ranged from 30-40 minutes, this was dependent on how much information the participants were willing to share.

Findings

Qualitative data from the interviews provided the inadequacies of the South African criminal justice system against male victims of domestic abuse. The analyses in this section are based on the 15 interviewed Participants shared among the study sample. 'P' and a number indicate the views of each of the selected participants. It is important to state that a thematic/ narrative approach was adopted in presented the findings of the study. The approach became imperative considering the nature of the study and the need to present a detailed information on the views of the study participants. The themes were generated after the raw data (transcripts) had been initially reviewed and coded based on the resonating themes. The validity of our data was rooted in credibility; in that the data sufficient represent the views of the participants. And beyond ethical considerations and participants' consenting to partake in the study, the fact that the study was strictly for academic purposes serve as a motivator for the participants to supply valuable information that are instrumental to the actualisation of the objective of the study.

The key findings of the study based on the main objective of the study. From the men's account, the phenomenon occurs in contexts of the criminal justice system been biased are presented. When asked about the inadequacies of the South African criminal justice system against male victims of domestic abuse, the following are the resonating themes and a selection of the views of the participants:

Legal Protections

From the responses one common theme might be the legal protection of domestic abuse cases involving male victims due to law enforcement been biased, fear of secondary victimisation from the hands of the law personnel, or lack of awareness about available resources for male victims.

P6- there is a need to emphasize gender-neutral laws and policies that protect all victims of domestic abuse, irrespective of their gender. Because as a men, when I call the police for help when experiencing domestic violence, upon arrival, they do not even want to listen to my side of what is happening, instate am already classified as a perpetrator.

P7- the way law enforcement handles cases involving male victims, including the lack of training and sensitivity in dealing with these situations is of a great concern. How men victims are treated without dignity and respect by the law enforcement personnel is who should be ensuring the safety of all citizen, is however biased to men.

P8- Male victims of domestic abuse deserve equal protection under the law. By adopting gender-neutral language and provisions, the legal system can better address the needs and experiences of all victims, irrespective of their gender.

P-9, 10-Male victims encounter challenges in Obtaining Protection Orders against their abusers, as they are not believed to be victims but rather perpetrators. Which starts from lack from proper investigation. Therefore, Eliminating Bias, Gender-specific laws may unintentionally perpetuate stereotypes about masculinity and undermine the credibility of male victims. By adopting a gender-neutral approach, these biases can be addressed and minimized

Services Provider

P11-Shelter Services One key area to assess is the availability of shelters or safe houses for male victims of domestic violence. In many places, there might be a scarcity of shelters specifically designed to accommodate male victims, making it challenging for them to find safe spaces when escaping abusive situations.

P12- The availability of resources for male victims is essential. This includes financial support to establish and maintain shelters and organizations that cater to male victims of domestic violence.

P13- Collaboration with NGOs and support groups dedicated to addressing domestic violence should be inclusive and open to assisting male victims. Collaboration between government agencies and these organizations can enhance the support network for male victims.

P14 and 15-Adequate access to support hotlines and counselling services is essential for all victims of domestic violence. Ensuring that these services are available and accessible to male victims is crucial in providing them with the necessary emotional support and guidance.

P1-The services offered to male victims should extend beyond immediate crisis intervention. Long-term support, such as counselling, job assistance, and housing support, can aid in their recovery and reintegration into society.

P2-The availability of resources for male victims is essential. This includes financial support to establish and maintain shelters and organizations that cater to male victims of domestic violence.

P3-Public awareness campaigns and educational initiatives play a crucial role in breaking down stereotypes and social norms surrounding male victimhood and domestic violence. These efforts can also encourage male victims to seek help and access available services.

P4-Service providers, law enforcement, and healthcare professionals need to be aware of the existence of male victims of domestic violence and be trained to handle their cases with sensitivity and understanding. Misconceptions and biases about male victimhood need to be addressed to provide appropriate support.

Resource accessibility

P13-While some regions might have a few specialized shelters for male victims, they are generally less common and have limited capacity. Male victims face challenges finding safe and appropriate shelter options, and they might need to rely on general homeless shelters or alternative arrangements

P15- Hotlines and counselling services specifically tailored to male victims are fewer in number. Men find it more difficult to access such services due to societal stigma, lack of awareness, or limited availability.

P11-The legal resources available to male victims are not well-established, and there is a lack of awareness among law enforcement and legal professionals about the unique challenges faced by male victims

P3- Funding and resources for male victims' support services are comparatively limited, making it challenging to establish and sustain comprehensive program

Discussion

This qualitative study sought to interrogate whether the South African criminal justice system recognizes and/or acknowledges that men can be victims of domestic violence. Abovementioned, findings demonstrated the inadequacies of the South African criminal justice system. Findings indicated that the South African criminal justice is biased towards men. There is also lack of proper investigation of domestic violence cases in South Africa, especially. Where men are victims. According to the study findings, men in South Africa are subjected to secondary victimisation from the hands of the law enforcement. Law enforcement officers lack sufficient training in handling cases of domestic violence, particularly those involving male victims. This lack of training can result in misunderstandings, mishandling of cases, and inappropriate responses. The lack of sufficient training, which leads to Prejudice and Disbelief: Some

law enforcement officers harbour prejudices or disbelief towards male victims, questioning the legitimacy of their claims or assuming that they are making false allegations.

There has been a paucity of qualitative studies to date that have examined male victims' experiences with the criminal justice system (Lysova et al., 2020), Machado, Santos, Graham-Kevan, & Matos.2017; McCarrick et al., 2016). This study's findings are consistent with other studies that point to the negative outcomes male victims face from the police and the court system. In terms of reporting the abuse to the police, male victims were reluctant to do so for fear of being seen as the perpetrator rather than the victim of IPA. Those who reported the abuse to the police faced unhelpful and antagonistic police treatment that questioned men's reports of victimization. Some previous studies found that the police and victim services tend to view male victims of IPA as perpetrators (Douglas & Hines, 2011; Lysova et al, 2020, 2022),

Conclusion

The South African criminal justice system exhibits several inadequacies when it comes to addressing male victims of domestic abuse. While strides have been made to recognize and protect female victims, the experiences of male victims have largely been overlooked, creating a significant imbalance in the system. Societal perceptions and gender stereotypes play a crucial role in hindering the effective response to male victims of domestic abuse. The prevailing belief that men are always perpetrators and women are always victims perpetuates the notion that men cannot be victims of abuse. This bias often leads to the dismissal or trivialization of male victims' experiences, resulting in a lack of support and understanding from law enforcement officials, prosecutors, and even the public.

The South African criminal justice system lacks adequate resources and specialized support services tailored to male victims of domestic abuse. Shelters and counselling centres predominantly cater to women, leaving men with limited options for seeking refuge or assistance. The absence of dedicated helplines or support networks specifically designed for male victims further compounds their difficulties in accessing the help they desperately need.

Moreover, there is a lack of training and sensitization within the criminal justice system regarding male victims of domestic abuse. Law enforcement officers and judicial personnel may not be adequately equipped to recognize the signs of abuse in men or understand the unique challenges they face. This knowledge gap often leads to biased investigations, victim-blaming, and unequal treatment in court proceedings, further perpetuating the cycle of injustice for male victims.

Additionally, the reporting and documentation of domestic abuse cases involving male victims are often inadequate. The prevailing cultural and societal norms that discourage men from reporting abuse, due to fear of being stigmatized or ridiculed, contribute to the underreporting of incidents. Furthermore, the lack of a comprehensive data collection system specific to male victims of domestic abuse makes it difficult to fully grasp the extent of the problem and develop effective strategies to address it.

Overall, the South African criminal justice system's inadequacies concerning male victims of domestic abuse stem from societal biases, limited resources, lack of training, and deficient data collection. To rectify these issues, comprehensive efforts are required, including awareness campaigns to challenge gender stereotypes, the establishment of specialized support services for male victims, mandatory training for law enforcement and judicial personnel, and the development of an inclusive data collection system. Only through these measures can South Africa aspire to provide equal protection and justice to all victims of domestic abuse, irrespective of their gender.

The paper revealed the male participants' revictimisation experiences with the criminal justice system negatively affected their perception of formal help-seeking.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respects to the research, authorship, and/or publication of this article.

Ethics

Ethical standards were upheld in line with TUT stipulated ethical guidelines

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