



**UNDERSTANDING FEMICIDE IN SOUTH AFRICA: THE STUDY OF NON-  
INTIMATE FEMICIDE IN KWAMASHU AND UMLAZI IN DURBAN**

by

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## DECLARATION OF AUTHENTICITY

I, BONGOLETHU DIKO, affirm that the research presented in this thesis, which is being submitted for the degree of Doctor of Philosophy in Criminology and Forensic Studies titled *Understanding femicide in South Africa: A study of non-intimate femicide in KwaMashu and Umlazi*, is my own original work. The present study was not previously submitted for any academic degree or examination at any other institution of higher education. which is a prominent driver of non-intimate femicide. All sources utilized in this research have been appropriately cited within the text and mentioned in the reference list.

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## **DEDICATION**

The study was conducted by Miss Bongolethu Diko at the University of KwaZulu-Natal, under the guidance and supervision of Professor Shanta Balgobind Singh. It gives me great honour to dedicate this research to my late grandparents from the Diko and Gasa families, in specific to my grandfather (Makwenkwe Lamplough Gasa), who inspired me to strive for academic excellence throughout my life. Moreover, he bestowed upon me the name Bongolethu, which translates to "Iqhayiya lethu," exclusively on the grounds that it would inspire pride within my family.

## ABSTRACT

*Non-intimate femicide is a rapidly increasing pandemic both nationally and globally, and this crime has deprived many women of their fundamental human right to life. As a result, numerous countries have enacted legislation specifically designed to address the issue of non-intimate femicide. However, in South Africa, non-intimate femicide is not recognized as a separate crime category that requires specific attention, and statistics of this crime are generally lodged with those of murder. Due to a lack of knowledge of femicide among both individuals and scholars, there is limited understanding of the factors that contribute to non-intimate femicide. Moreover, historically the government implemented only a few preventive measures to address this phenomenon, but the wide-spread prevalence of femicide in South Africa, which is a criminal act during which women are targeted and killed by their intimate or non-intimate partners, has prompted the government and researchers to prioritize the issues of intimate and non-intimate femicide. This study was conducted in recognition of the fact that non-intimate femicide has been under studied, yet it is also a violation of human rights just like intimate partner femicide. The study was therefore conceptualised and executed to add broader knowledge to the femicide phenomenon, and this was accomplished by gaining more in-depth understanding of the causes and scope of non-intimate femicide.*

*To ensure the successful attainment of the study's objectives, a qualitative research approach was employed to effectively examine authentic views on the phenomenon of non-intimate femicide and the factors that contribute to it. The study involved a purposive sampling of 28 participants, who were interviewed using semi-structured interviews. The researcher employed thematic analysis to derive significance from the data.*

*Participants from KwaMashu and Umlazi revealed that places such as taverns, hostels, and shacks in close proximity to the megacity in Umlazi are hotspots for non-intimate femicide. The study has found that the prevalence of non-intimate femicide in KwaMashu and Umlazi is mostly linked to toxic cultural beliefs, rape culture, socioeconomic deprivation, and various other factors. The participants have also disclosed that the government has made limited efforts in preventing non-intimate femicide. The absence of preventive measures for non-intimate femicide has prompted some participants to take action in implementing preventive measures for this type of violence. Key recommendations are that further action is necessary to protect women, and that it is imperative for government departments to collaborate in order to ensure women's safety.*

**Key words:** *domestic violence, femicide, gender related killing, intimate femicide, non-intimate femicide*

## TABLE OF CONTENTS

DECLARATION OF AUTHENTICITY.....	ii
ACKNOWLEDGEMENTS.....	iii
ABSTRACT .....	v
TABLE OF CONTENTS .....	vii
LIST OF ACRONYMS AND ABBREVIATIONS.....	xiii
<b>CHAPTER ONE .....</b>	<b>1</b>
<b>GENERAL ORIENTATION.....</b>	<b>1</b>
<b>1.1 Introduction.....</b>	<b>1</b>
<b>1.2 Prevalence of Femicide in South Africa.....</b>	<b>2</b>
<b>1.3 Factors that Contribute to Femicide.....</b>	<b>4</b>
<b>1.4 Impact of Femicide on Society and Individuals.....</b>	<b>6</b>
<b>1.5 Problem Statement .....</b>	<b>8</b>
<b>1.6 Significance of and Rationale for the Study .....</b>	<b>10</b>
<b>1.7 Research Aims and Objectives.....</b>	<b>12</b>
<b>1.8 Research Questions .....</b>	<b>12</b>
<b>1.9 Definitions of Terms .....</b>	<b>13</b>
<b>1.10 Delimitation and Limitations of the study .....</b>	<b>14</b>
<b>1.11 Structure of the Thesis .....</b>	<b>14</b>
<b>1.12 Conclusion .....</b>	<b>16</b>
<b>CHAPTER TWO .....</b>	<b>17</b>
<b>LITERATURE REVIEW .....</b>	<b>17</b>
2.1 Introduction.....	17
2.2 Prevalence of the Non-Intimate Femicide Phenomenon .....	17
2.3 Factors that Contribute to Non-intimate Femicide.....	21
2.3.1 Conflict and war .....	21
2.3.2 The fight against social injustice and the battle for women’s rights.....	22

2.3.3 Accusations of witchcraft.....	24
2.3.4 Homosexuality.....	25
2.3.5 Poverty and unemployment.....	26
2.3.6 Rape homicide.....	27
2.4 The Impact of Non-Intimate Femicide .....	29
2.4.1 Family level.....	29
2.4.2 Individual and community levels .....	29
2.4.3 The economic impact of non-intimate femicide .....	30
2.5 International Response to Non-Intimate Femicide.....	31
2.6 South Africa’s Response to Femicide .....	34
2.7 Legislative Response to Non-Intimate Femicide .....	36
2.7.1 International laws on femicide .....	36
2.7.2 South Africa’s legal response to non-intimate femicide.....	40
2.8 Interventions to Address Non-Intimate Femicide .....	47
2.8.1 A perspective on international interventions to address non-intimate femicide ....	48
2.8.2 Interventions in Latin America.....	52
2.8.3 Interventions in South Africa to curb non-intimate femicide .....	53
2.9 Conclusion .....	63
CHAPTER THREE.....	64
RESEARCH DESIGN AND METHODOLOGY .....	64
3.1 Introduction.....	64
3.2 Research Design.....	65
3.2.1 The Quantitative Research Method .....	65
3.2.2 Mixed methods research .....	66
3.2.3 Qualitative research .....	67
3.3 Research Paradigm.....	72
3.3.1 Ontology.....	73

3.3.2 Epistimology .....	74
3.3.3 Methodology .....	74
3.4 Location of the Study .....	75
3.5 Study Population .....	78
3.6 Sampling .....	79
3.6.1 Sample composition.....	79
3.6.2 Sampling techniques .....	81
3.7 Gaining Access to the Research Site and Adherence to Ethical Requirements.....	83
3.8 Data Collection.....	84
3.9 Data Analysis .....	87
3.10 Ethical Considerations .....	89
3.10.1 Voluntary participation .....	90
3.10.2 Informed consent .....	90
3.10.3 Anonymity and confidentiality.....	91
3.10.4 Avoiding the potential for harm .....	91
3.11 Trustworthiness and Rigor.....	92
3.11.1 Credibility .....	93
3.11.2 Transferability .....	93
3.11.3 Dependability .....	94
3.11.4 Conformability .....	94
3.12 Limitations and Challenges.....	94
3.13 Delimitation of the Study.....	96
3.14 Researcher’s Perspective .....	96
3.15 Conclusion .....	96
CHAPTER FOUR.....	98
THEORETICAL FRAMEWORK.....	98
4.1 Introduction.....	98

4.2 The Social Structural-Social Learning Theory .....	100
4.2.1 The impact of social structural factors on social learning variables .....	101
4.2.2 Limitations of the SSSL theory .....	104
4.2.3 Application of the SSSL theory to academic research.....	105
4.3 The Social-Ecological Model.....	107
4.3.1 The microsystem .....	108
4.3.2 The mesosystem .....	109
4.3.3 The exosystem.....	109
4.3.4 The macrosystem.....	109
4.3.5 The chronosystem.....	110
4.3.6 Limitations of the social-ecological theory .....	111
4.3.7 Applicability of the social-ecological theory to the study.....	111
4.3.8 The social-ecological system and measures to prevent non-intimate femicide ...	112
4.4 Locard’s Transfer Theory .....	114
4.4.1 Physical evidence at a crime scene.....	115
4.4.2 Laboratory analysis of evidence .....	117
4.4.3 Forensic analysis .....	118
4.4.4 Applicability of Lockard’s exchange theory to the study .....	119
4.4.5 Limitations of Locard’s transfer theory .....	121
4.5 Conclusion .....	121
CHAPTER FIVE .....	123
DATA PRESENTATION, ANALYSIS AND INTERPRETATION .....	123
5.1 Introduction.....	123
5.2 Section A .....	124
5.2.1 Theme 1: The extent of non-intimate femicide in KwaMashu and Umlazi.....	124
5.2.2 Theme 2: Hotspots of non-intimate femicide .....	126
5.3 Section B.....	129

5.3.1 Theme 3: Factors that contribute to non-intimate femicide in the study area .....	129
5.3.2 Theme 4: Unclear motives .....	142
5.4 Section C.....	143
5.4.1 Theme 5: Legislative response to non-intimate femicide.....	143
5.4.2 Theme 6: Investigative Procedures.....	147
5.4.3 Theme 7: Prosecuting the offender.....	151
5.4.4 Theme 8: Challenges experienced by homicide investigators .....	152
5.5 Section D.....	157
5.5.1 Theme 9: Preventive measures to curb non-intimate femicide .....	157
5.5.2 Theme 10: Collaboration .....	159
5.6 Recommendations .....	160
5.6.1 Social awareness .....	160
5.6.2 Educating communities on legal matters .....	162
5.6.3 Respecting diverse sexual orientations .....	163
5.6.4 Employing more police officers and crime investigators.....	165
5.6.5 Implementing a specialized unit for femicide in the court system.....	166
5.6.6 Depopulation and social economic improvement .....	167
5.6.7 Amendments to existing laws .....	168
5.7 Conclusion .....	170
CHAPTER SIX.....	171
FINDINGS, RECOMMENDATIONS AND CONCLUSION .....	171
6.1 Introduction.....	171
6.2 Key Findings .....	171
6.2.1 The prevalence of non-intimate femicide in KwaMashu and Umlazi.....	171
6.2.2 Factors that contribute to non-intimate femicide .....	172
6.2.3 Legislative response to non-intimate femicide .....	175
6.2.4 Investigative processes and the prosecution of non-intimate femicide suspects..	175

6.2.5 Challenges .....	176
6.2.6 Preventive measures to curb non-intimate femicide in KwaMashu and Umlazi .	177
6.3 Recommendations .....	177
6.3.1 Recommendagtions for all role-players .....	177
6.3.2 Recommendations for future researchers.....	180
6.4 Conclusion .....	180
REFERENCES .....	182
APPENDICES .....	231

## LIST OF ACRONYMS AND ABBREVIATIONS

ACUNS	Academic Council on the United Nations System
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
DOJ&CD	Department of Justice and Constitutional Development
DSD	Department of Social Development
ERAP	Government's Emergency Response Action Plan
HSRC	Human Sciences Research Council
KZN	KwaZulu-Natal
NRSO	National Register for Sex Offenders
NSP	National Strategic Plan
SORMA Amendment Act	Criminal Law (Sexual Offences and Related Matters) Amendment Act
UNHR	United Nations Human Rights
VFRs	victim-friendly rooms

# CHAPTER ONE

## GENERAL ORIENTATION

### 1.1 Introduction

The escalation of femicide in South Africa is not unexpected as it has been a longstanding societal concern. Due to its status as a societal issue, femicide has attracted significant attention from researchers. The South African Medical Research Council (1999; 2009; 2017) has conducted extensive research on femicide in South Africa for over two decades. This proliferation of such research is primarily due to South Africa's reputation for having the highest femicide rate globally, and this is underscored by the numerous cases of femicide that have frequently been reported in the media (Abrahams, Mhlongo, Dekel, Chirwa, Ketelo, Lombard, Mathews, Labuschagne & Martin, 2022). While the term femicide has sparked the interest of various scholars, the majority of studies conducted in South Africa on femicide have primarily concentrated on intimate femicide, or intimate partner femicide. In South Africa, intimate femicide is the primary cause of female homicide, and here it even surpasses the global rate by a factor of two (Shai, Ramsoomar, & Abrahams, 2022). Due to its prevalence as the primary cause of femicide, studies have neglected the type of femicide known as non-intimate femicide. The current study therefore explored non-intimate femicide in the of KwaMashu and Umlazi township areas in KwaZulu-Natal (KZN).

Gender inequality and the oppression of women are the foundations of femicide (Weil, 2016). International declarations and local legislation have demonstrated that femicide is a major impediment to achieving equality, development, and peace because violence impairs people's ability to enjoy basic human rights and freedoms that are enshrined in various policies and conventions, such as the 1995 Beijing Declaration (South Africa Human Rights Commission, 2018). The term 'femicide' was first coined in a book by John Corry (1801) titled *A satirical view of London at the beginning of the nineteenth century*, where he refers to the killing of a woman (Fregoso & Bejarano, 2020). Diana Russell, a feminist pioneer, expert, and activist, reintroduced the term publicly in 1976 (Fregoso & Bejarano, 2020). According to López, Caballero, and Rodriguez (2010), the term was introduced to draw attention to violence and discrimination against women and was reintroduced at the International Tribunal of Crimes Against Women in 1976. Femicide, also known as feminicide, is the most severe form of gender-based violence (GBV), and is defined as “the intentional murder of women because

they are women"(Ndlovu ,Obadire,Nyalungu,& Mashifane,2020). Femicide poses a significant social challenge in SouthAfrica as it affects women across various life stages and contexts irrespective of their social, economic, and racial backgrounds (Morake, 2022).

## 1.2 Prevalence of Femicide in South Africa

While it has been reported that a woman is killed every four hours in South Africa, accurate and up-to-date statistics on femicide remain a problem. The reliability of statistics on femicide in lower- and middle-income countries has been called into question by a study conducted by the United Nations Office on Drugs and Crime (2021), which attributes this lack of credible data to the poor quality of police administrative data in these countries. Police administrative data in developing countries frequently lack essential information, such as a record of the perpetrator's details and failure to determine the relationship between the victim and the perpetrator (United Nations Office on Drugs and Crime, 2021). To date, South Africa has conducted only four national studies on femicide, specifically in 1999, 2007, 2008 and 2017.

The 2008 national study data mostly focused on cases of femicide committed by police officers against their spouses. The analysis of 2008 has revealed that 80.0% of the overall victims were Black, next, there were those who were classified as "coloured," comprising 13.4% of the overall victim count (Independent Complaints Directorate, 2008). The proportion of Indian and White victims in the total number of victims was only 3.3% each, throughout all nine provinces (Independent Complaints Directorate, 2008). The analysis revealed that in 53.3% of cases, the victims were married to the offender. Additionally, 37% of the victims were cohabiting with their boyfriends, while 7% were separated and 3% were divorced (Independent Complaints Directorate, 2008).

It has been suggested that the limited number of national studies on femicide is due to the lengthy period of time required to resolve cases of femicide (Abrahams, Mhlongo, Chirwa, Dekel, Ketelo, Lombard, Shai, Ramsoomar, Mathews, Labuschagne, & Matzopoulos,2024).

**Table 1.1: Annual frequencies of femicide in South Africa from 1999 to 2017**

	<b>1999</b>	<b>2009</b>	<b>2017</b>
<b>Number of Cases of Femicide</b>	3 793	2 363	2 407

Source: Abrahams et al., 2022

The statistics in Table 1.1 indicate that there was a decrease in cases of femicide from 1999 to 2009, but it increased somewhat from 2009 to 2017. According to Abrahams et al. (2024), the decrease in femicide rates can be attributed to the active involvement of women and community-based organizations in effecting reforms in the government's policies and programs that address gender-based violence. A 2017 femicide study revealed that individuals who were at high risk of becoming victims of femicide were females aged 14 and above (Abrahams et al., 2024). According to Nkosi (2022) and Abrahams et al. (2024), in 2017 the Eastern Cape Province had the highest rate of femicide cases of all nine the South African provinces (22.3%), while KZN ranked second at 14% in terms of such cases. The information is summarised in Table 1.2 below:

**Table 1.2: Femicide rates in 2017 in South Africa per province**

<b>Provinces</b>	<b>Female Population aged 14+ years old</b>	<b>Average Femicide Rate per Province</b>	<b>Intimate Partner Femicide Rates</b>	<b>Non-Intimate partner Femicide Rates</b>
		<b>%</b>	<b>%</b>	<b>%</b>
Western Cape	2 575 176	12.3	4.9	4.8
Eastern Cape	2 533 854	22.3	8.0	10,0
Northern Cape	389 291	11.0	6.2	3.1
Free-State	1 060 513	12.9	5.9	4.8
Kwa-Zulu Natal	4 165 842	14.0	5.8	5.5
North West	1 358 271	7.7	3.7	2.6
Gauteng	5 630 018	8.1	3.9	2.7
Mpumalanga	1 687 111	5.7	3.0	2.0
Limpopo	2 105 317	4.9	2.4	2.4

*Source:* Abrahams et al., 2024; Abrahams et al., 2022

The increased rate of femicide in the Eastern Cape in 2017 was attributed to the significant prevalence of gender-based violence (GBV) in the province (Nkosi, 2022). A report from KZN also highlights that the elevated incidences of femicide in this province could be attributed to the significant prevalence of GBV and crime in this province (Kubheka, 2023). According to Abrahams et al. (2024), femicide is more prevalent in Black and Coloured communities than in White and Indian communities in South Africa, and this crime is particularly rife in rural areas. One could argue that the higher rate of femicide in rural areas can be attributed to limited offerings of educational programs and a lack of the visibility of law enforcement agents.

However, various non-governmental organizations (NGOs) often actively engage with rural communities to prevent femicide and other crimes. Femicide is prompted by numerous social and cultural factors.

In terms of non-intimate femicide cases, which is the focus of the study **Table 1.2 has revealed** the Eastern Cape, KwaZulu-Natal, Western Cape, and Free State ranked highest. KZN ranks among the provinces with the highest incidences of non-intimate femicide due to the prevalence of a rape culture in the region that often results in the sexual assault and subsequent killing of females and children. For instance, Mashego (2020) KwaZulu-Natal has been identified as the province with the highest number of murders and rapes in the country in the 2017/18 year, there was a recorded increase of 1,320 cases. According to Chemaly's (2022) study, there was a significant increase in violent crimes targeting women and children during the months of April to June 2022. KZN has the greatest incidence of violence against women, with 153 reported cases of rape and 44 deaths resulting from domestic abuse.

### **1.3 Factors that Contribute to Femicide**

The escalation of femicide in South Africa can be attributed to various factors such as a feeling of hatred towards women or a specific female, disregard for privacy and human rights, seeking physical pleasure and sexual gratification, harbouring a sense of ownership towards women, and anger caused by adultery, jealousy, and experiences of sexual rejection (Boonzaier, 2023; Brodie, Mathews & Abrahams, 2023). Brodie et al. (2023) claim that the possession of harmful weapons also exerts an important influence on femicide ideation, while this scholar also emphasizes the significant roles that cultural norms and traditional beliefs play in sustaining the idealisation of masculinity and manhood, and these factors contribute significantly to femicide. However, a primary factor that is associated with femicide is GBV.

Another factor that contributes to the escalation of femicide in South Africa is the prevailing culture of silence that surrounds GBV when it occurs in intimate partner relationships. South Africa experiences a significant rate of GBV, yet a considerable number of victims remain silent about this form of abuse for various reasons. A saying that is common among Black South Africans is "*izinto zabantu ababini azingenwa*" (*do not come between two people*), and this conveys the notion that matters pertaining to a romantic relationship between two individuals should not be subject to interference. The expression "*indaba zabantu ababini azingenwa*" (*do not come between two people*) has also led to reluctance among community members to report instances of violence, particularly cases of GBV. Many females remain in

abusive relationships and choose not to report these incidents to the police. This is primarily due to the perpetrator's social status and the widespread availability of weapons that poses a threat to the safety of those who wish to intervene (Zinyemba & Hlongwana, 2022). Moreover, reporting an incident of violence to the police can expose the female victim to further abuse and her name will most likely appear on a 'hitlist' for execution, which is a form of non-intimate femicide.

Brodie et al. (2023) posit that the idealistic view of the male identity is also a factor that contributes to femicide in South Africa. George (2020) argues that, in contemporary South Africa, the male identity remains closely associated with the possession of or the responsibility for a woman and children. In fact, in the African culture the absence of a wife and children in an adult man's life means that he is still regarded as a boy. Cultural customs, such as the payment of lobola (bride price), have established a hierarchical dynamic that allows men to hold a position of authority over women, and this results in little freedom and independence for women, particularly in the context of a marriage (Chiweshe, 2016). The widely endorsed cultural view of masculinity shapes men's perception of women as objects to be owned and controlled, thereby reinforcing the notion that women are inferior and should be subordinate to men (George, 2020). Consequently, men develop a sense of entitlement and exert authority and dominance over women. This belief system allows men to rationalize the utilization of violence against women, assert their entitlement, and exert control over women.

The prevalence of a rape culture in South Africa has also significantly contributed to the occurrence of femicide. Fagbadebo (2021, p. 96) states that South Africa is notorious as "the global epicentre of sexual assault, HIV and Femicide". According to Zwane (2024), South Africa ranks sixth globally among the countries with the highest rape rates, citing a total of 13 090 reported cases of rape during the second quarter of 2023. During the same time frame, more than 800 women were documented as deceased due to some attack, while 293 children were slain (Zwane, 2024). The reason that females are killed after rape is that perpetrators are deliberately trying to eradicate verbal evidence by their victims in order to evade police arrest and the severe consequences of incarceration (Nath & Pratihari, 2018).

Moreover, prevailing economic challenges have not only resulted in significant gender-based economic consequences, but they have also increased the vulnerability of women to gender-based violence and femicide (Morake, 2022). This situation presents a significant challenge as it restricts women's capacity to exit abusive relationships, thereby making them vulnerable to

femicide due to their economic circumstances that impede their ability to escape violent partners or situations (Morake, 2022). Furthermore, the economic hardship faced by women compels them to reside in areas with a high incidence of criminal activities where rape is common.

One additional factor that contributes to the occurrence of femicide in South Africa is the lack of awareness of mental health needs within Black communities. In South Africa, many Black people associate mental health conditions, particularly those experienced by elderly females, as witchcraft. Various scholars have observed that women are commonly subjected to violence across the African continent due to their adherence to or allegations of engaging in witchcraft (Singh & Msuya, 2019; Eboiyehi, 2017).

Additionally, public transportation, such as buses, taxis, and trains, is the third most common location for rape incidents, with some cases resulting in the death of victims (Chemaly, 2022). Furthermore, the KZN Province suffers from a notable lack of resources in terms of facilities (shelters) and skilled human resources to assist the victims of GBV.

The final factor that contributes to femicide is the promotion of toxic masculinity within the Zulu culture (Jeawon, 2023). This is significant to the study as the KZN Province is primarily populated by people who adhere to the Zulu culture and who speak the isiZulu language. According to information issued by SaferSpaces (2015), numerous societies have actively endorsed the concept of 'toxic masculinity', which is rooted in societal perceptions and ideals of masculinity. The revered concept of masculinity frequently connects with the oppression of women, and toxic masculinity has been identified as a significant contributing factor to cases of femicide (SaferSpaces, 2018a).

#### **1.4 Impact of Femicide on Society and Individuals**

The pervasive prevalence of femicide in South Africa has an adverse impact on families, society, and the nation at large. The act of femicide not only affects the individuals who are killed, but also exerts a significant influence on the families and communities involved (Sen, 2022). The family members of victims struggle to deal with the anguish and psychological distress caused by the loss of their loved one due to a violent and irrational act (Allen, 2008). Furthermore, community members may also be at risk of experiencing secondary victimization. This implies that individuals are unable to fully exercise their human rights as a result of the apprehension they feel of becoming a subsequent target of femicide. Moreover, the elevated

incidences of femicide necessitate substantial financial investments by the government in programs and training initiatives aimed at addressing this issue (Abrahams et al., 2022)

As previously mentioned, femicide has been a longstanding issue in South Africa. In response to this problem, the South African government conducted its very first research on femicide in 1996. The primary objective of this research was to gain a comprehensive understanding of femicide, including its underlying causes and potential preventive measures. The initial research was conducted by Vetten (2014), and this study involved documenting cases from the Johannesburg magistrate's court and media reports. Vetten (2014) determined that, in Gauteng, a woman was killed every six days between 1994 and 1996. According to Abrahams et al. (2021), 50% of the women who were victims of homicide were killed by individuals they were acquainted with. Additional studies on this topic were conducted by the Medical Research Council (1999; 2009; 2017). These studies aimed to investigate whether there was any evidence that the national initiatives to combat GBV and femicide in South Africa were effectively addressing these issues. Department of Justice and Constitutional Development, (2022*b*) state that the government's recent response to femicide was to amend the current law. In 2022, President Ramaphosa enacted three legislative bills with the aim of ensuring justice for individuals exposed to femicide and GBV. These laws are (Sonke,2023; Government of South Africa, 2022):

- The Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2021.
- Criminal and Related Matters Amendment Bill of 2021.
- The Domestic Violence Amendment Bill of 2021.

The government also recently approved the National Strategic Plan on Gender Based Violence and Femicide (GBVF) 2020-2030 (Interim Steering Committee established, 2020) in its quest to establish a comprehensive and unified strategic policy and programming framework across multiple sectors. Its objective is to enhance the coordinated national response to the crisis of GBV and femicide, both at national and local levels in South Africa. South Africa is currently in the process of implementing a Femicide Watch in response to the issue of femicide. The Femicide Watch initiative aims to support the South African government in collecting updated data on femicide (Shai et al.,2022).

According to the Small Arms Survey Research Notes (2016), there are two distinct categories of femicide: intimate and non-intimate. Numerous research projects conducted in South Africa have focused on the phenomenon of intimate femicide, which refers to the act of killing females

within the context of an intimate relationship. The first nationwide study revealed that, in contrast to other factors, women are highly likely to experience victimization and murder at the hands of their male partners. The findings of a recent study that scrutinized reports from mortuaries in South Africa indicate that the deaths of 40% of female homicide victims were categorized as non-intimate femicides while those of 41% were classified as intimate femicides. Additionally, the study reveals that, in 19% of femicide cases, the relationship between the victim and perpetrator was unknown (Boonzaier, 2023). However, due to the high rate of intimate femicide in South Africa and the newsworthiness of such cases, non-intimate femicide has received very little attention, leaving a large vacuum in the body of literature on femicide.

The current study explored the scope, causes, and consequences of non-intimate femicide in KwaMashu and Umlazi townships in KZN. These are former township areas where the population is predominantly Zulu-speaking people. KZN is one of the nine South African provinces and it is situated in the south-eastern region of the country bordering the Indian Ocean to the East. KZN is associated with the eThekweni Metropolitan Municipality and has ten district municipalities.

Umlazi townships was the site where the struggle for democracy started in the early 1940s when the then government intended it as a resettlement location for the people of Cato Manor (Khuzwayo, 2023). The decision was based on the proximity of the chosen location to the southern region and the presence of unoccupied land in the area, which would have made relocation easy (Khuzwayo, 2023). Umlazi is currently divided into 26 sections based on its geographical location (Hlophe, 2020). According to South African History Online (2019), KwaMashu is considered to be one of the first townships in Durban and emerged as a consequence of the enforcement of the Group Areas Act during the 1950s of the apartheid era. Both townships are widely known for the high incidences of criminal activities that occur there.

The absence of research on non-intimate femicide in KwaMashu and Umlazi has resulted in an absence of statistics and limited understanding of the factors that contribute to the occurrence of non-intimate femicide in the areas. For instance, neither of these townships has an emergency number that can be called in cases of non-intimate femicide.

### **1.5 Problem Statement**

The aim of the research was to study non-intimate femicide in the areas of KwaMashu and Umlazi, located in the province of KwaZulu-Natal. In many countries, including South Africa,

the act of non-intimate femicide is not regarded as a distinct category of crime requiring specific attention.

Non-intimate femicide is a rapidly increasing pandemic, both nationally and globally, that has deprived many women of their fundamental human right to life. As a result, numerous countries have enacted legislation specifically designed to address the issue of non-intimate femicide. The recent study which involved an analysis of mortuary reports in South African, revealed that 40% of female homicide victims were identified as non-intimate femicides, 41% were classified as intimate femicides, and in 19% of cases, the relationship between the victim and perpetrator remained unidentified (Boonzaier, 2023). Non-intimate femicide is a significant global issue, affecting not only South Africa but also global statistics. A study conducted by Sorrentino, Guida, Cinquegrana, & Baldry. (2020) found that out of the total 87,000 reports of femicide worldwide in the previous year, 34.4 percent were committed by individuals in intimate partnerships. The remaining 66.0 percent of cases were classified as non-intimate femicide (Sorrentino et al.2020).

The above figures show that women are being deprived of their freedom to life and this result to psychological trauma due to their fear of becoming the next target of victimization. The normalization of women's killings is prevalent in communities, particularly black communities. Despite the government's declaration of a state of emergency, efforts to amend laws, raise public awareness, and the implement of the NSP for gender-based violence and femicide (GBVF) for 2030. Women in South Africa persistently endure a state of anxiety due to the ongoing perpetration of abuse and killing of women by men. Presently, South Africa is regarded as one of the most dangerous locations globally for women. As per the World Population Review (2024), South Africa has been identified as the most unsafe nation globally for female solo travellers. Furthermore, South Africa has been identified as the country with the highest incidence of intentional homicide of women (World Population Review, 2024).

Brodie (2021) provides a definition of non-intimate femicide as the act of killing a woman perpetrated by an individual who is not in an intimate relationship with the victim, including but not limited to strangers, family members, or acquaintances.

Non-intimate femicide can be linked to the perpetuation of gender stereotypes, an ongoing pattern of discrimination against women and girls, the existence of unequal power dynamics between women and men, and the influence of unfavourable social norms (Sutton, 2023). There is a prevailing argument that female individuals who have reached the age of 14 and beyond

can potentially become the victims of femicide, irrespective of their social standing, racial or cultural backgrounds, skin colour, religious affiliation, or socio-political and economic circumstances (Shai et al., 2022; Sorrentino et al., 2020).

### **1.6 Significance of and Rationale for the Study**

Findings reported by Maphanga on the 22 of September 2020 reveal that KwaMashu and Umlazi townships are among the top 30 places in South Africa with the highest rates of GBV and femicide (Maphanga,2020). The purpose of this study was to add to the existing body of knowledge on femicide, and particularly non-intimate femicide, in the two selected townships in South Africa. The study was essentially prompted by the lack of comprehensive research in South Africa on non-intimate femicide, which has not been adequately addressed as a distinct form of femicide requiring specific attention. The most recent research on non-intimate femicide was conducted by Brodie in 2021. Although noteworthy, the findings do not provide readers with comprehensive information on non-intimate femicide and do not address the dilemma of South Africa's high rate of non-intimate femicide. Brodie's (2021) study looked at multiple-year news coverage of 284 incidents of non-intimate femicide that occurred in South Africa between 2012 and 2013, and the researcher compared the narrative content and news frames used to report non-intimate femicide with those frames most commonly found in media coverage of intimate partner violence (Brodie, 2021).

In the analysis, Brodie discusses the differences between how the problem of femicide is commonly reported and how it is understood depending on the status of the victim and her relationship with the perpetrator (Brodie, 2021). Other studies focused on different components of non-intimate femicide, namely familicide or parricide. However, the findings and the interest of these earlier researchers were relatively limited in scope and did not capture the essence of non-intimate femicide in South Africa. Moen and Shon (2021) conducted a study on parricide, and they suggest that residential patterns of families can shape the offense characteristics of parricide in the South African context. Malherbe and Barkhuizen (2017) also chose to focus on one component of non-intimate crime by conducting an analysis of adolescent South African parricide offenders. Ndlovu, Obadire, & Nyalungu (2020) focused on demystifying femicide in higher education institutions in South Africa and found that female students were killed because of their unfaithfulness to their partners. However, they acknowledge the limitations of the study and urge further investigation to affirm their findings. Very few researchers to date have looked at both types of femicide (non-intimate and intimate), which has resulted in inconclusive findings across the broad spectrum of the femicide phenomenon. The current

study thus aimed to fill this gap by focusing on non-intimate femicide, which has been understudied.

The reason that KwaMashu and Umlazi were selected is that both are notorious for elevated incidences of GBV, femicide, and homicide (Maphanga, 2020), and the increased prevalence of gender-based violence (GBV) targeting women has the potential to contribute to a significant increase in non-intimate femicide. In response to this threat, the President established a Task Team in collaboration with the National Prosecuting Authority's (NPA's) Organised Crime Unit to effectively address and resolve murder cases and to curb the increasing number of factors that contribute to non-intimate femicide cases (Akamby, 2022).

It was in essence the paucity of previous research on non-intimate femicide in KwaMashu and Umlazi that prompted this investigation. Very few researchers to date have looked at both types of femicide (non-intimate and intimate), which has resulted in inconclusive findings across the broad spectrum of the femicide phenomenon. The current study thus aimed to fill this gap by focusing on non-intimate femicide, which has been understudied. The last relevant case study in these areas was conducted in 2008 and was titled *Femicide: A case study on members of the South African Police Service* (Independent Complaints Directorate, 2008). The researchers focused on intimate femicide and their interest, recommendations, and findings were thus limited to intimate femicide while non-intimate femicide was not referred to per se. The latter study argues that a lack of support at work and financial difficulties are the root causes of intimate femicide (Independent Complaint Directorate, 2008).

A key objective of the current study was to explore the non-intimate femicide phenomenon in KwaMashu and Umlazi and to make a contribution to the current body of literature in the Social Sciences and Humanities fields. The scope of the study was thus limited to KwaMashu and Umlazi in order to facilitate effective data management.

South African women are currently encountering a shared sense of apprehension and collective distress, and many have been forced to resort to urgent appeals on social media platforms, urging the government to take decisive action in addressing the issue of femicide. Non-intimate femicide, as an under-studied component of femicide, was thus investigated to highlight the factors that lead to this crime. The investigation looked at procedures for investigating cases of non-intimate femicide and the implementation of initiatives to combat this crime.

To conclude, Table 1.2 that was presented above indicates that KwaZulu-Natal is the province with the second highest rate of femicide in South Africa. However, previous studies have not

provided specific statistics to illuminate non-intimate femicide rates in townships in KZN, which is a gap in the literature that the current study set out to address. The researcher thus explored the prevalence and scope of non-intimate femicide in KwaMashu and Umlazi through in-depth scholarly investigation.

### **1.7 Research Aims and Objectives**

Thomas and Hodges (2010) state that the research aim explains the overarching objective or intention of a research investigation and functions as a central point of emphasis for the research, thus helping readers to understand the purpose and extent of the study. The aim of this study was to expose the prevalence and causes of non-intimate femicide in KwaMashu and Umlazi in KZN. This knowledge has the potential to contribute to the development of non-intimate femicide prevention programs and to inform the allocation of resources by law enforcement and other security forces in KwaMashu and Umlazi.

The researcher formulated multiple objectives to achieve the overarching aim of the study and to outline the intended outcomes of the research activity (Noor & Anwar, 2020). These objectives and their related research questions directed every step of the research process, including data collection, argument development, and conclusion development. The objectives were to:

- Determine the extent of non-intimate femicide in Umlazi and KwaMashu;
- Examine the factors that contribute to non-intimate femicide in KwaMashu and Umlazi;
- Explore the procedures employed by homicide investigators when investigating non-intimate femicide;
- Examine the legislative response to non-intimate femicide
- Determine if programs are in place to combat non-intimate femicide in KwaMashu and Umlazi.

### **1.8 Research Questions**

In academic research, a research question serves as a substitute for research objectives, which means that the primary subjects to be examined by the study are presented in the form of questions (Thomas and Hodges, 2010). In addition, the research questions serve as a guiding and focal point for the research endeavour. According to Thomas and Hodges (2010), an effective research question should possess qualities such as clarity, focus, complexity, and

answerability. Therefore, in light of the problem under study and the related research objectives, the researcher formulated the following key research questions:

- To what extent does non-intimate femicide occur in KwaMashu and Umlazi?
- Which factors contribute to the perpetration of non-intimate femicide?
- What are the investigation procedures for non-intimate femicide cases?
- What is the legislative response to non-intimate femicide cases?
- Have programs been devised to combat non-intimate femicide in the study area?

### **1.9 Definitions of Terms**

**Femicide:** Femicide, also known as feminicide, is the most severe form of gender-based violence (GBV). It is defined as “the intentional murder of women because they are women” (Ndlovu et al., 2020).

**Gender-based violence (GBV):** According to Graaff (2021), GBV occurs as acts of violence that are specifically targeted at people based on their gender, or incidents of violence that disproportionately affect individuals of a particular gender.

**Gender-related killing:** According to a report by the United Nations High Commissioner for Human Rights (2013, p.1), gender-based killing is defined as “killing that primarily involves or results from gender-based discrimination”. In certain nations, the term ‘femicide’ or ‘feminicide’ is not recognized, and this leads to the utilization of the term ‘gender-related killing’ in those countries.

**Intimate femicide:** Various authors have defined intimate femicide differently. According to Abrahams et al. (2024, p. 4), intimate femicide is “the murder of a woman by an intimate partner (i.e., a current or ex-husband/boyfriend, same-sex partner, or a rejected potential lover)”. Etherington, Baker, Pietsch, Straatman, Ansems, Barreto & Campbell. (2015, p. 5) define intimate femicide as “the murder of women by current or former partners; however, it can also refer to women murdered by other family members (for example, sons and fathers)”. The researcher utilized Abrahams's definition.

**Non-intimate femicide:** This form of femicide refers to cases where a man kills a woman/girl without having any intimate or familial contact with her and they are not in a domestic partnership. The perpetrator of this form of femicide could potentially be someone known to the victim, such as a friend or an acquaintance, or it can be a stranger (Saccomano, 2015). This

type of murder includes femicide that involved sexual aggressiveness as well as serial killings that were driven by misogyny or a deep hatred of women (Etheringto and Barreto ,2015). The researcher utilized the definition provided by Saccomano (2015) as it addresses the expansive nature of the author's investigation.

**Domestic violence:** Domestic violence typically refers to a consistent and manipulative pattern of behaviour that involves various forms of abuse and control. It occurs within close, family-related, or informal care relationships (Queensland Court ,2019).

**Homicide:** This occurs when someone kills someone else with the intention of killing or seriously hurting the victim (World Health Organization, 2019).

**Township:** A 'township' in South Africa refers to a densely populated urban settlement that is typically located away from commercial and industrial areas (Intergrated Urban Development Framework, 2020.P.2).

### **1.10 Delimitation and Limitations of the study**

The study was delimited to only two of the largest township areas in KZN, namely KwaMashu (the largest) and Umlazi. This delimitation was justified as qualitative data had to be collected from areas notorious for femicide; yet, a manageable sample had to be recruited to obtain a realistically large data set and therefore only two township areas were selected.

The researcher acknowledges that KwaMashu and Umlazi are only two of many township areas where femicide, and by extension non-intimate femicide, occur at an alarming rate. Therefore, the findings of the study were not generalised to other township populations or the South African population at large.

### **1.11 Structure of the Thesis**

**Chapter One:** This serves as the introductory chapter to the study. It provides the background of the problem and addresses the issue of femicide in South Africa with specific focus on the non-intimate femicide phenomenon. This chapter also refers to the high rate of femicide in KwaMashu and Umlazi and explains that non-intimate femicide has been understudied, which is a fact that prompted this study. The rationale for and significance of the study are discussed while the aim, objectives, and research questions that guided the researcher during the course of the study are also addressed. The study's limitations and delimitations are also briefly referred to, but are more extensively explained in Chapter Three. The final aspect covered by the researcher is the structure of the thesis.

**Chapter Two:** This chapter presents a summative discourse on the literature review that was conducted by exploring secondary and primary sources such as, amongst others, journal articles, theses and dissertations, and various South African Acts. This review covers definitions of and various views on non-intimate femicide and explores the factors that contribute to its occurrence, South Africa's legislative response to femicide and non-femicide, and the preventive measures that have been implemented both internationally and nationally to address either femicide or non-intimate femicide, or both. The review explores cases of intimate and non-intimate femicide from both an international and national perspective, while the current extent of femicide in KwaMashu and Umlazi are also highlighted. As stated earlier, the extent of non-intimate femicide in the study area was vague at best, and this left the field wide open for the current study.

**Chapter Three:** An overview of the scientific methodology that was utilized to achieve the research aim and objectives and to address the research questions is provided in this chapter. The qualitative research methodology that was employed is discussed in detail. The study population and the sampling procedure are elucidated while the data collection methods and data analysis processes are discussed. Moreover, the strengths and limitations of the methods that were utilised are acknowledged. In addition, the manner in which trustworthiness was achieved is explained, while the ethical considerations that were observed are also detailed in this chapter. To conclude, the study's delimitation and limitations are discussed.

**Chapter Four:** Chapter four provides a comprehensive summary of the theoretical framework in which the study was embedded. Three theories were applicable to the research, namely the social structure or social learning theory, the social-ecological system model, and Locard's transfer theory. These frameworks were applied to better understand the non-intimate femicide phenomenon in the study area.

**Chapter Five:** This is the chapter in which the data are presented and interpreted to arrive at the findings of the study. The chapter is divided into sections that pertain to key themes that emerged from the data. Data were collected on a one-on-one basis from 28 interview participants. Thematic analysis was used to explore and explain the similarities and differences among the participants' perspectives.

**Chapter Six: This chapter concludes the thesis.** It offers both a concise overview of the study and evidence-based recommendations and suggestions for future researchers.

## **1.12 Conclusion**

This chapter addressed the issue of the femicide phenomenon within the South African context. It explored the prevalence of femicide, its causes, and the government's response to combatting femicide in South Africa. The study also specifically focused on non-intimate femicide and acknowledged the understudied status of this phenomenon. The chapter elucidated various components of the study, namely the problem statement; the aim, objectives, and research questions; the rationale for and significance of the study; definitions of terminology; and the structure of the thesis.

Chapter One highlighted the fact that South Africa is burdened by a high rate of femicide. The discourse provided information that exposed femicide as a deeply entrenched problem that has attracted the attention of numerous scholars from various academic disciplines. It was clarified that femicide actually consists of two types: intimate (partner) femicide and non-intimate femicide, but that most researchers have concentrated on exploring intimate femicide, which refers to the murder of females by their intimate partners. However, many females were also murdered by non-intimate perpetrators, and there is thus a marked paucity of scholarly information on the non-intimate femicide phenomenon. It was therefore clarified that the current study was conducted to address this knowledge gap.

It is this researcher's contention that non-intimate femicide is a growing concern worldwide and a national crisis that has tragically robbed numerous women of their basic human right to life, yet it has remained understudied in the KZN townships that are arguably most affected by it to date. There is ample evidence that many countries have passed laws that are expressly aimed at tackling the problem of non-intimate femicide, yet the implementation of such measures seems non-existent in the selected study area regardless of the fact that KwaZulu-Natal holds the second highest position among the provinces in terms of non-intimate femicide. As KwaMashu and Umlazi are among the areas with the highest incidences of gender-based violence against women, it was argued that non-intimate femicide would feature strongly as a crime in these areas.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter highlights various views and findings on the studied phenomenon and exposes the gaps that previous researchers have left when studying intimate femicide. The current researcher formulated the study's key objectives while conducting the literature review and as the gaps in previous studies became obvious. The discourse in this chapter focuses on the extent of non-intimate femicide both internationally and nationally, the factors that contribute to this form of femicide, the consequences associated with non-intimate femicide, societal and legal response to non-intimate femicide, and preventive measures that can be taken to curb it.

#### **2.2 Prevalence of the Non-Intimate Femicide Phenomenon**

Researchers have found it challenging to locate accurate and up-to-date data on non-intimate femicide as obtaining current data on this phenomenon is often challenging due to factors such as the lower prevalence and fewer records of non-intimate femicide compared to intimate femicide. Additionally, statisticians who tend to focus on non-intimate femicide encounter difficulties in specifying the relationships between victims and offenders of this crime. Moreover, accessing data on non-intimate femicide is challenging in certain regions on the globe, specifically when specific groups of women and girls were involved. It is also a growing challenge to get even basic information beyond gender, age, date, location, cause of death, and

information on whether an accused has been identified, and it is for this reason that it is sometimes difficult to determine the victim-perpetrator relationship in non-intimate femicide cases (Walby et al., 2017). Many countries face the challenge of limited data and statistics on non-intimate femicide because most studies primarily focused on intimate partner femicide, which refers to murder when a female was killed by her intimate partner or ex-partner. Research has revealed that women who were murdered were most commonly killed by their current or former partners (Office of the United Nations High Commissioner for Human Rights, 2020*b*; Colagrossi et al, 2023). Between 2009 and 2015, a femicide study conducted in the UK revealed that over 900 women had been killed by men, while 64% of the victims had been murdered by their current or former partners (Brennan, 2020). An international study conducted by the UNODC found that, in countries like Canada, most female victims had been killed by their male partners, followed by their male family members (Sutton,2023). Statistics indicate that in 2021 ,72% of women had been murdered by their current partners or former lover and a family member (Sutton,2023). In South Africa, women are also at high risk of being killed by their current or former partners. A study that explored recorded femicide data in the period 1999 to 2017 (Abrahams et al., 2022) revealed that a total of 8 563 cases of femicide occurred. The latter authors argue that intimate femicide cases in that period were significantly higher compared to non-intimate femicide cases.

The second challenge regarding non-intimate femicide statistics is that some countries have concentrated on collecting data on one particular component of femicide and merged these data with statistics on intimate femicide. It has been argued that, in most countries, women are at a higher risk of being killed by their intimate partners or family members than by any other perpetrator. This notion is based on the finding that as many as 45 000 women were killed by their intimate partners or family members worldwide (Johnson, 2022; United Nations Office on Drugs and Crime, 2022). Of the 45 000 cases of intimate femicide referred to above, 17 800 were Asian females, 17 200 were African females, 7 200 were from the Americas, 2 500 were from Europe, while Oceania recorded 300 cases (United Nations Office on Drugs and Crime, 2022). Johnson (2022) states that females in Africa are particularly vulnerable to femicide and that it is intimate partners that are most likely to commit such murders.

The above data were presented to illustrate that data on intimate femicide are quite easy to obtain. However, it was challenging to find non-intimate femicide statistics regardless of the

fact that some countries have successfully recorded and updated data that show the relationship between the victims of femicide and the offenders. Table 2.1 reflects the number of female homicide victims and their relationship to the offender in England and Wales over a period of 13 years from 2009/2010 to 2021/2022.

**Table 2.1: Non-intimate femicide cases in England and Wales from 2009/2010 to 2021/2022**

<b>Relationship with the offender</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>2016/2017</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>	<b>2020/2021</b>	<b>2021/2022</b>
Family member	39	36	32	43	49	34	35	21	36	39	28	32	27
Friend/acquaintance	15	29	23	11	17	18	25	16	27	26	22	20	22
Stranger	20	20	19	15	12	15	14	15	39	15	25	13	19
No suspect	25	17	8	21	21	34	24	40	48	54	40	36	70

Source: Statista Research Department, 2022

The administration and organization of non-intimate femicide statistics in England and Wales appear accurate and well-coordinated, particularly as the victims of non-intimate femicide are classified based on their relationship with the perpetrator. The table above illustrates that the perpetrators of non-intimate femicide included family members, friends, acquaintances, and strangers. The statistics indicate that, from 2009 to 2016, more females were killed by a family member than in other survey period. From 2017 to 2022 there was a significant rate of non-intimate femicide in these countries, but the compilers of the statistics seemed unable to establish the relationship between the victims and their murderers as many cases were classified as ‘no suspect’.

A study that was conducted in Canada between 2018 and 2020 revealed the non-intimate femicide cases that are summarised in Table 2.2.

**Table 2.2: Non-intimate femicide cases in Canada from 2018-2020**

<b>Relationship with the offender</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Friend/acquaintance/ stranger/other	43	14	29
Family	24	29	26
<b>Total:</b>	<b>67</b>	<b>43</b>	<b>55</b>

Source: Canadian Femicide Observatory for Justice and Accountability, 2020

No further or more updated statistics could be traced on femicide in Canada. Canada is not the only country with outdated statistics as countries like South Africa also face this challenge. The most recent South African statistics that could be access was published by the Gender and Health Research Unit (GHRU) of the South African Medical Research Council which has been researching femicide in South Africa for over two decades. A third study analysed national femicide cases of women who were murdered in 2017, and the study compared the results with those from the 1999 and 2009 studies (Abrahams et al., 2022). The table below depicts both non-intimate femicide and intimate femicide rates.

**Table 2.3: South African non-intimate and intimate femicide data: 1990, 2009, and 2017**

<b>Type of femicide</b>	<b>Total cases</b>	<b>1990</b>	<b>2009</b>	<b>2017</b>
Femicide	8 563	3 793	2 363	2 407
Intimate femicide	3 828	1 553	1 242	1 033
Non-intimate femicide	3 646	1 672	1 028	946

Source: Abrahams et al., 2022

The data that are available are not transparent as the information about the victims of this crime is insufficient. Furthermore, the data lack proper administration and disaggregation and Abrahams et al. (2024) contend that these statistics do not adequately convey information regarding the relationship between perpetrators and victims. This means that, without knowledge of whether the perpetrator was an acquaintance or a stranger, the data rely heavily on self-identification. Moreover, the data fail to provide the sexual orientation of the victims

(Abrahams et al., 2024). Upon analysing the data on non-intimate femicide, the former researcher discovered that the majority of victims had been subjected to sexual assault before their murder and, in certain instances, firearms had been used to carry out the killings (Abrahams et al., 2022)

The study by Abrahams et al. (2022) was conducted across South Africa's provinces and reported non-intimate femicide statistics as summarised in **Table 1.2 in Chapter One**. To reiterate, it was found that the Eastern Cape experienced the highest rate of non-intimate femicide followed by KwaZulu-Natal, while the Western Cape was third in terms of the highest number of cases of non-intimate femicide. The data indicate that Limpopo had the lowest incidence of non-intimate femicide. However, the aforementioned statistics lack specificity regarding the precise locations and towns where these non-intimate femicide cases occurred. Similarly, there is a paucity of statistics on non-intimate femicide in KwaMashu and Umlazi.

The rate of non-intimate femicide is influenced by diverse factors that vary from one country to another. The next section will examine the factors that commonly contribute to non-intimate femicide. The percentages indicate the rate of femicide and its sub-categories against other reasons for the death of females.

### **2.3 Factors that Contribute to Non-intimate Femicide**

There is no single explanation for the high rate of non-intimate femicide worldwide and in South Africa. However, there are factors that contribute to the escalation of non-intimate femicide and the victimization of women by men other than their intimate partners. These factors are poverty, unemployment, the availability of guns (owned or stolen), intimidation during armed conflicts, and sexual violence for gratification. Yesufu (2022) asserts that, in many societies, adherence to patriarchy enforces adherence to traditional social norms and religious values and the admiration of masculinity, which are notions that ultimately undermine women's fundamental right to autonomy and life. Some evidence suggests that adherence to patriarchy leads to acts of misogyny and is at the core of the subversion and abuse of women.

#### **2.3.1 Conflict and war**

Many societies continuously experience conflict and violence and these forces expose females' vulnerability to non-intimate femicide. According to Corradi (2021), men's behaviour during war, as the perpetrators of genocide, and during armed conflicts is often tainted by a deliberate strategy to systematically target women and subvert them through acts of rape, thereby diminishing their husbands', partners', fathers', brothers' and other males' will to fight. This

strategy is effective in destroying local communities' sense of pride as it inflicts humiliation on women and the men in their lives as 'the enemy'. According to Corradi (2021), individuals who are subverted by means of rape, particularly females, may face further marginalization and even death. In many conflict-ridden regions both state and non-state actors engage in the use of physical, sexual, and psychological violence against women and girls as a strategic tool to subvert them. These acts of abuse are committed with the deliberate purpose of imposing punishment or to dehumanize women and girls and to persecute the group to which they are affiliated. Such targeted killings instill terror, demonstrate the perpetrators' dominance, and allow them to exercise control over the subjugated group. These acts are typically planned and involve the deliberate use of lethal force against either specifically chosen or random individuals (Centre for the Study of Social and Legal Responses to Violence, 2020). The practice of intentionally raping and killing women during armed conflicts is commonly known as femicide in war or in conflict (Centre for the Study of Social and Legal Responses to Violence, 2020). For instance, this form of killing was common in Afghanistan, Bosnia and Herzegovina, Darfur, the Democratic Republic of Congo, and Iraq (Corradi, 2021). According to Faiez (2021), 219 women in Afghanistan lost their lives during the war in this country in 2021. Other scenarios that have been documented are the brutal mass rape and murder of women and children during the hostilities in Rwanda in 1994 and in the Democratic Republic of the Congo (DRC) more recently (United Nations Office on Drugs and Crime, 2019). According to the United Nations Office on Drugs and Crime (United Nations Office on Drugs and Crime, 2019), various reports have exposed the mass murder of Yazidi women by the Islamic State in Iraq and by the Levant (ISIL) in the Sinjar area of Iraq in recent years. These reports emerged following the discovery of many mass graves. Fortunately, this type of non-intimate femicide has not occurred in South Africa.

### **2.3.2 The fight against social injustice and the battle for women's rights**

Tennakoon (2021) believes that women experience oppression within any patriarchal system while men reap its advantages. The feminist theory posits that patriarchy, which is closely associated with the oppression of women, is still highly prevalent in many societies (Graham et al., 2022; Taylor and Jasinski, 2011). Taylor and Jasinski (2011) and Mutekwe and Zikhali (2023) agree that the easy acceptance of an oppressive perspective towards women is not merely a product of cultural approval, but it is also deeply ingrained in various societies and manifests in various social systems. The primary focus of feminist research on non-intimate femicide has revolved around relationships within patriarchal societies and has emphasized the

prevalence of power dynamics and gendered oppression in such societies (Graham et al., 2022). In Afghanistan, for instance, females who advocate for women's rights are brutally maltreated and many have experienced fatal consequences. In countries like Afghanistan, where a patriarchal society prevails and women who hold positions as judges, activists, professors, or journalists and who openly criticize and campaign against these societal inequities are specifically targeted and subjected to acts of violence, and many were the victims of assassination and murder (Center for Women's Global leadership, 2021). These females were simply killed because they had questioned and defied a legal and political system that favours men. Moreover, several female lawyers and judges who dedicated their lives to protect the victims of abuse and to prosecute those accused of committing acts of violence, abduction, or sexual assault against women and girls are currently residing in secret locations as they fear for their lives (van den Berg, 2021). The acts of violence against women in Afghanistan have escalated and female journalists who actively campaign for the rights of women and children are now also targeted (Center for Women's Global leadership, 2021). Such killings and threats are not limited to Afghanistan. For instance, Brazil has also witnessed cases of non-intimate femicide, particularly within the political sphere. Marielle Franco, a prominent feminist and human rights advocate, was killed in Brazil while travelling in her vehicle after giving a public speech in a northern region of Rio de Janeiro (Amnesty International, 2020). She was known for her public condemnation of police and governmental violence and brutality (Center for Women's Global leadership, 2021).

South Africa has also witnessed high rates of non-intimate femicide, but cases in which women were killed specifically due to their advocacy for women's rights have been relatively rare. South African law is guided by a Women's Charter that advocates for various principles, including the promotion of employment opportunities; equality in the workplace; equal pay for equal work; equal rights concerning property, marriage, and children; and the elimination of laws and customs that perpetuate gender-based inequalities (Parliament of South Africa, 2021). In this country, not many females have fallen victim to social injustice, but one case that stands out is the murder of Babita Deokaran, a corruption whistle-blower who was linked to the Gauteng Department of Health. She was tragically assassinated in a hit-and-run style killing outside her residence in south Johannesburg in August 2021 (Ndaba, 2021).

In the province of KwaZulu-Natal, and specifically in KwaMashu and Umlazi, social injustice occurs in the political arena where females are often at high risk of being attacked and even

killed. According to Makhaye and Mkhize (2021), a minimum of 33 politically motivated homicides were documented by law enforcement authorities in KZN over the period January 2016 to June 2017, and females were also victims of these homicides (Makhaye and Mkhize, 2021).

### **2.3.3 Accusations of witchcraft**

Historically, witchcraft and sorcery were common practices in many societies throughout the world. In fact, even as recently as the 1970s, legal witch trials were conducted in several modern nations (Aslam, 2021). Accusations against women who supposedly practiced witchcraft exposed them to significant danger and even resulted in the murder of those suspected of being witches. In Assam in India, females have frequently been sentenced to death for witchcraft, and many have experienced physical torture or suffering as a consequence of witch hunts, which is a cruel custom that is endorsed by affected societies even though it perpetuates violence and cruelty against women (Neogi, 2020; Borah and Das, 2019). The European Parliament (2021) authorised research into the plight of women accused of witchcraft, and the report it released indicates that a significant number of individuals, primarily women, lost their lives due to witch-hunting in the rural regions of Assam. The execution of ‘witches’ is also still observed in various other regions such as Nepal, the Pacific Islands, and Tanzania (European Parliament, 2021), and gender bias clearly drives these executions as it is primarily females who are targeted. According to the European Parliament (2021), it is a controversial issue as males who engage in traditional medicine and witchcraft are regarded with respect within their communities.

Witchcraft-related killings also occurred in South Africa, as evidenced by a recent report by Byard (2018) who comments on the deaths of 50-60 elderly women in the Transkei who were brought to a hospital mortuary. These deaths were associated with witch-hunting, yet they were clear cases of homicide that were ‘justified’ by the fact that these killings had been prompted by accusations of witchcraft.

Although witchcraft-related killings have occurred in South Africa, it is important to note that there are also occasions when females are subjected to violence due to communities’ lack of knowledge of mental health issues. In South Africa, particularly in rural areas, women who reside alone and experience mental health conditions are often accused of witchcraft if their behaviour is somewhat strange. Evans (2021) refers to an incident in which Jostina Sangweni,

a female with a diagnosed mental illness, tragically lost her life at the hands of a group of men. Sangweni had been accused of practising witchcraft earlier in the year of her death (Evans, 2021). Another story is of a 75-year-old woman who resided in Booksneck village in EmaXesibeni, a small town located in the Eastern Cape region near the KwaZulu-Natal border. She was burnt to death after she had been accused and ‘found guilty’ of witchcraft (Rall, 2018). The information that was provided suggests that a correlation exists in South Africa between societal perceptions of mental health and the belief in witchcraft.

#### **2.3.4 Homosexuality**

Lesbianism is a life choice that is prevalent and accepted throughout Western countries, but homosexuality is still viewed as a societal ill in many regions. Poushter and Kent (2020) argue that the level of acceptability of homosexuality is more prominent in Western Europe and North America than in African and other developing countries. For instance, people in Central and Eastern Europe exhibit a high degree of division regarding this matter, as indicated by a study that found that 46% of the respondents accepted homosexuality while 44% were opposed to it (Poushter & Kent, 2020). According to Poushter and Kent (2020), there is limited societal acceptance of homosexuality in sub-Saharan Africa, the Middle East, Russia, and Ukraine, while some societies continue to reject all forms of homosexuality. The people of Brazil, for instance, are highly prejudiced against individuals who identify as lesbians, and this country holds the unfortunate record for the highest recorded number of transgender fatalities during 2008 and 2017 (Mendes & Silva, 2020).

Many African countries continue to perceive homosexuality among men and women as a form of ‘mental illness’ due to the belief that such a sexual orientation deviates from the natural order (Adinkrah, 2004; United Nations Office on Drugs and Crime, 2019). Also, despite being the first African nation to prohibit discrimination on the basis of sexual orientation, South Africa continues to witness instances of violence resulting in the loss of lives of lesbian individuals (Naidoo and Karels, 2012; United Nations Office on Drugs and Crime, 2019). Although there are those who have embraced the concept of diversity, it is noteworthy that homophobia continues to be perceived as an abnormality by many South Africans.

In the context of non-intimate femicide, the issue of homosexuality has become quite prominent. For example, the victim of a suspected homophobic attack in Khayelitsha, South Africa, was an individual who identified as a black lesbian; unfortunately, her life was

tragically cut short when she was murdered inside her house (Ntseku, 2021). Lesbian murders also occurred in Umlazi. According to Phungula (2022), a woman who resided in Umlazi and identified as a lesbian died tragically as a result of a fatal stabbing by a man who allegedly did so as she had refused his amorous proposals. According to Phungula (2022), two murders were committed in Umlazi within a two-year span when individuals were killed due to their sexual orientation. The aforementioned evidence indicates that a significant number of individuals continue to perceive women as objects of sexual desire who should submit to their advances or pay with their lives. Conversely, the belief persists that woman who choose to live non-customary sexual lives should be targeted because they are ‘different’ and should be removed from society because their sexual orientation goes against the grain of societal norms.

### **2.3.5 Poverty and unemployment**

There is a strong argument that poverty is a factor that contributes to non-intimate femicide because, due to poverty, numerous people have participated in ritualistic killings and human sacrifice in various African countries such as Botswana, Lesotho, South Africa, Swaziland, Zambia, and Zimbabwe (Rugwiji & Masoga, 2018). For instance, human heads were found in Asian-owned stores in Zambia, and it is known that some politicians in Swaziland ordered ritual killings to secure election victories (Rugwiji & Masoga, 2018). It is also well documented that multiple murderers consented to procure human body parts for traditional healers in exchange for money (Thenga, 2018). Financial gain is also a magnet for poor people as the offender usually receives monetary compensation for committing a murder (Rupcic, 2021). Offenders can also be people who believe that using muthi (traditional medicines) made from human body parts will help them succeed in a business or a political venture (Rupcic, 2021).

Human body parts are utilized to create charms and traditional remedies, and this leads to ritualistic killings, also referred to as ‘muthi killings’, as documented by Rugwiji and Masoga (2018), and Thenga (2018). These charms are thought to possess supernatural powers that are greatly enhanced when victims’ organs are removed while they are alive. In Southern Africa, female body parts (often those of young virgin girls) are believed to possess mystical powers, like giving good luck or rendering wrongdoers undetectable by law enforcement and other figures of authority (Rugwiji & Masoga, 2018).

Research has suggested that women in leadership roles positively impact economic performance in businesses, especially in East Africa (Rannditsheni, Masoga, & Mavhandu-Mudzusi, 2016; Gulbrandsen, 2002). However, such powerful women are frequently targeted for ritual killings to remove them from their position of power. They are also ridiculed for their perceived lack of physical strength (Thenga, 2018). Such killings occurred even in KwaZulu-Natal. Ndaliso (2020) reported the discovery of the bodies of five women, aged 16 to 36, who had been discovered on a sugarcane farm near the town of Mthwalume. It was disclosed that the killings had been ordered for 'thwala', which is the use body parts in muthi that is taken in the belief that it will bring wealth (Ndaliso, 2020). However, the literature does not refer to muthi killings in KwaMashu and Umlazi, but it does indicate that using female body parts in various forms is perceived by many people as essential for a prosperous life.

### **2.3.6 Rape homicide**

The murder of a raped woman is also a significant factor that contributes to the high rate of non-intimate femicide. Rape killing, as such murders are referred to, is a homicide that occurs during/after sexual intercourse, and is often provoked by the victim's rejection of the male's advances and/or the perpetrator's level of intoxication from alcohol and/or drugs. However, it can also occur as a premeditated act that was planned meticulously for days or even weeks prior to the assault (Karakasi et al., 2017). Studies consider this form of homicide the most misogynistic type of violence as the woman is dehumanized as a sexual object or a tool for control and, once sexual gratification has occurred, she must be destroyed at all costs (Zara et al., 2022). This form of homicide is particularly prevalent in countries such as Afghanistan and the DRC. Rape followed by killing is frequently utilized as an act of mass violence against civilians to subjugate and control them (Zavorotko, 2023; Martz, 2022). Murder after rape is not uncommon in South Africa (Abrahams et al., 2017). One such incident involved Luyanda Botha, who raped and murdered 19-year-old student Uyinene Mrwetyana while she was collecting a parcel at the Cape Town post office where he was employed (Adebayo, 2019). Four men were also arrested for the alleged rape, stabbing, and strangling to death of a young student in a violent carjacking in the Western Cape Province (Vonow, 2017).

### **2.3.8 Honour killing**

Another escalating cause of non-intimate femicide is 'honour killing'. According to Heydari et al. (2021), honour killing is a severe and troubling method of controlling women's behaviour

and typically involves the murder of a female by a male family member such as a father, brother, or male relative (Dailey and Singh, 2023). The perpetrators rationalize their behaviour by claiming that the victim has tarnished the family's reputation or status (Dailey & Singh, 2023). Honour killings are frequently carried out in various regions worldwide with impunity. Women or girls are murdered due to their perceived inappropriate choice of partner, their insistence on a good education, their demand for employment, the clothing they choose to wear, their 'unacceptable' behaviour, or their perceived inappropriate interactions with unrelated men (Department of Justice and Constitutional Development, 2017). Honour killing also occurs when women or girls engage in sexual freedom such as premarital or extramarital relationships, marrying without the family's consent, or assisting others who do the same (D'Lima, 2020). For instance, in India, approximately 83% of honour killing cases involved an upper-caste Hindu woman who had engaged in a romantic relationship or marriage with a lower-caste or Dalit man, or a couple from the same sub-caste (gotra) who was romantically involved or married without parental approval (D'Lima, 2020). In Pakistan, honour killing cases more commonly occurred when a woman did not have the permission of her family to get married, or when she did not agree to an arranged marriage (D'Lima, 2020).

In patriarchal societies, girls' and women's actions are closely observed. The preservation of a woman's virginity and 'sexual purity' is seen as the duty of her male family members, starting with her father and brothers and then her husband (Dailey and Singh, 2023). The woman's unacceptable behaviour is seen as bringing shame to her family or someone close to her, and only her death can restore honour to the family. The tradition of honour killing has been witnessed for centuries and is still prevalent worldwide, especially among communities originating from South East Asian, Middle Eastern, and Mediterranean regions (Heydari et al., 2021). This type of killing also occurred in South Africa where cases of femicide were linked to corrupt and sordid sexual relationships resulting in unwanted pregnancies or exposure (Department of Justice and Constitutional Development, 2017). Such cases are frequently not reported due to the need for secrecy and concealment and the mystique surrounding the killing (Department of Justice and Constitutional Development, 2017).

The prevalence and causes of non-intimate femicide have detrimental effects on society, the country, and the government and can also have detrimental effects on affected individuals'

psychological development. The next section will specifically examine the impact of non-intimate femicide.

## **2.4 The Impact of Non-Intimate Femicide**

Non-intimate femicide is an example of the devastating results of the disregard for individuals' fundamental human rights such as freedom from violence and the right to life. The prevalence of non-intimate femicide in South Africa has detrimental effects on the lives of individuals who are affected by the deaths of the victims, such as family members and friends. This section will examine some effects of non-intimate femicide that occur at various levels.

### **2.4.1 Family level**

Non-intimate femicide has a significant effect on the family structure as the suffering that the victim's death causes persist for those left devastated by her passing. Women live interconnected lives; they are daughters, mothers, spouses, sisters, friends, co-workers, and neighbours (Learning Network, 2015). Non-intimate femicide inflicts immeasurable devastation and anguish on people who once shared times of laughter, love, care, and dependence in their connection with the victim. Glatt (2018) argues that the passing of a family member has a severe impact on the remaining family members. After the burial of the deceased, the family members are left to deal with a range of emotions, including grief, loss, separation anxiety, wrath, rage, resentment, loneliness, relief, confusion, and guilt (Glatt, 2018).

### **2.4.2 Individual and community levels**

When non-intimate femicide occurs in a community, it causes psychological stress and much anxiety for those affected by the incident. This is due to the fact that it instills fear among the members of society, as they are unsure about who may be the next victim. Non-intimate femicide can occur in any location. Women are taught that there are certain limits in both the physical and social worlds that they shouldn't cross in order to ensure their safety (Learning Network, 2015).

A study conducted in Canada uncovered the following (Learning Network, 2015):

- Approximately 64% of Canadian women experience anxiety when waiting for public transportation alone at night, compared to only 29% of men.
- 41% of women, as opposed to only 12% of men, experienced fear when walking alone at night in their neighbourhoods.

Many South African women also fear for their lives, particularly after the demise of Uyinene Mkrwetyana who was attacked and killed in a post office. The fear among women discourages them from asserting their rights and advocating for justice. For example, in countries such as Afghanistan, women who engage in street protests to advocate for their rights face threats, arrests, torture, and even murder (Mosadiq, 2024).

Lesbians have also been impacted by this concern as they desire to live a life where they have the freedom of choice. However, many are targeted and abused because they are perceived as individuals who engage in unnatural behaviour that compromises the 'wholeness' of society. Lesbians are often subjected to sexual assault under the misguided notion that it will change their sexual orientation, and many thus fear for their lives. Consequently, some lesbians are unable to openly express their sexuality as they fear harsh judgment (Makhaye,2019).

The commission of non-intimate femicide also affects the perpetrator's family, particularly if the offender has children. The act of taking someone's life engenders social disapproval that affects the perpetrator as well as his family.

#### **2.4.3 The economic impact of non-intimate femicide**

The non-intimate femicide phenomenon negatively impacts government, society, and the criminal justice system (CJS), particularly as the increasing prevalence of GBV and femicide has compelled numerous countries to allocate substantial financial resources towards combating these issues (The Centre for the Study of Violence and Reconciliation ,2016). In Latin American countries, governments have reverted to allocating funds to train individuals within the CJS on handling cases of intimate and non-intimate femicide and most have implemented preventive measures to curb such incidents. In South Africa, the Interim Steering Committee on Gender-Based Violence and Femicide (2020) disclosed in 2020 that the government of South Africa had allocated R1.6 billion towards addressing the consequences of GBV and femicide. The establishment of additional economic opportunities for women who are vulnerable to mistreatment due to their impoverished circumstances has also been encouraged, and the following areas have also been highlighted for attention (Interim Steering Committee on Gender-Based Violence and Femicide (2020):

- Enhancing the availability of legal strategies for survivors;

- Changing societal norms and behaviour by implementing broad awareness campaigns and preventive measures at a high level to address both forms of femicide; and
- Strengthening and enforcing accountability.

Due to the repercussions of intimate and non-intimate femicide, some countries regularly assemble to collectively seek solutions for these issues.

## **2.5 International Response to Non-Intimate Femicide**

Impunity for the killing of women has become a global concern, which is a fact that was highlighted by the UN Secretary General Ban Ki-moon when he stated: “Impunity for violence against women compounds the effects of such violence as a mechanism of control” (International Foundation for Electoral Systems.n. d). A 2012 report by the UN highlighted a worldwide rise in gender-based killings along with the significant absence of accountability and the prevalence of impunity for these criminals (Beker, 2023). As a results of the rise in global female homicides, various initiatives have been implemented by the United Nations to address GBV against women and girls. A few of these will be highlighted in following sub-sections.

Unfortunately, there has been no specific response to curb non-intimate femicide in many regions as this crime is generally categorized under femicide or gender-related killings. However, many countries have introduced the Femicide Watch initiative in response to any gender-related killings. The Femicide Watch programme was launched on 25 November 2015 by the UN Special Rapporteur in observance of the International Day for the Elimination of Violence against Women (Alsalem, 2021; UN Women,2021*b*). This initiative was launched due to significant obstacles in preventing femicide and to create effective strategies to combat this severe form of human rights violation (Alsalem, 2021).

The UN has also requested all states to consistently gather detailed femicide data that are categorized under intimate partner femicide, family-related femicide, and other forms of femicide that are not intimate femicide, such as non-intimate femicide (Beker, 2023). Collecting and analysing data on such cases based on the stories of victims are crucial in the fight to prevent gender-based violence and to gain comprehensive knowledge to ensure its prevention (Beker, 2023). Data collection is also necessary to monitor the progress towards achieving Goals 5 and 16 of the 2030 Sustainable Development Goals (United Nations Office

on Drugs and Crime, 2018; Beker, 2023). States should collaborate with NGOs, independent human rights institutions, academia, victims' representatives, and all other relevant stakeholders to collect, analyse, and publish data on all forms of femicide in the quest to attain the 2030 Development Goals (Beker, 2023). According to Academic Council on the United Nations System. (2016), such collaboration will help provide insights and opinions on various topics related to the mission of the Femicide Watch programme. For instance, it will facilitate:

- Operational guidelines for investigating the gender-related homicide of women;
- Ensure effective methods for gathering statistics on femicide; and
- Ensure landmark legal decisions by international, national, and regional courts on gender-based violence against women.

Many countries have implemented the Femicide Watch initiative to monitor violence against women, and various organizations and stakeholders are responsible for creating mandates and methodologies within different geographic regions and with various thematic foci. These observatories aim to enhance institutional capacity to prevent acts of GBV and femicide (Beker, 2023).

According to Konrad-Adenauer-Stiftung (2021); United Nation women Europe and Asia (2023), Georgia was among the first countries to implement a Femicide Watch. The Public Defender of Georgia announced this country's preparedness to establish a femicide monitoring mechanism in 2016 with technical assistance from the UN Women of Georgia organization. A Consultative Council was created within the system to enhance the monitoring of femicide and ensure the effective operation of the system (National Human Rights Institution: Public Defender of Georgia, 2021). The Consultative Council consists of UN Women representatives and local NGOs who focus on violence against women and domestic violence concerns (United Nations General Assembly, 2021; National Human Rights Institution: Public Defender of Georgia, 2021). The purpose of the monitoring system is to analyze all cases of gender-related killings, attempted murders, and activities that led women to attempt or die by suicide (Beker, 2023). Moreover, the Public Defender's monitoring processes helps to find shortcomings in the victim protection system and to improve them (Beker, 2023). A consultative council, consisting of members from local and international organizations, also focuses on violence against women and domestic abuse, and this body meets every two months to support the initiative to eradicate femicide in all its forms (United Nations General Assembly, 2021). The Office of the Public Defender has been issuing annual reports on femicide since the process was established. These

reports analyze cases of gender-based murders, attempted murders, and suicides of women to pinpoint shortcomings in victim protection mechanisms and to provide recommendations to relevant agencies (United Nations General Assembly, 2021).

The Supreme Court of Georgia started to collect data on femicide cases and initiated amendments to the Criminal Code. In this country, perpetrating a crime on the grounds of gender is now regarded as an aggravating circumstance when considering punishment in relation to a number of criminal offences (Beker, 2023; National Human Rights Institution: Public Defender of Georgia, 2021). Moreover, the Public Defender of Georgia has been arranging many local and international conferences based on the Femicide Watch mechanism to address femicide as a systemic issue. These conferences generally involve discussions that are initiated by relevant authorities, local NGOs, and keynote speakers from Argentina, Serbia, Croatia, Israel, and Armenia (UN Women Georgia, 2020). The conferences also aim to provide a platform for sharing best practices to enhance methods for femicide data collection and analysis (United Nations General Assembly, 2021; UN Women Georgia, 2020).

A femicide observatory was established in Palestine, Israel (Bethlehem, Hebron, Jericho, East Jerusalem), and Gaza (United Nations General Assembly, 2019). Unfortunately, these countries have not been successful in achieving the goals of the Femicide Watch programme, which are to prevent femicides/gender-related killings and to create effective ways to combat this severe human rights violation. Palestine is one of the countries that has been experiencing failure. In September 2016, the UN Special Rapporteur raised concerns about the lack of comprehensive national data on violence against women and femicide in this country (United Nations General Assembly, 2019). In 2019, the Ministry of Women's Affairs in Palestine established a national observatory on violence against women (United Nations General Assembly, 2021; UN Women, 2023c). The Femicide Watch in Palestine comprises 18 NGOs and governmental institutions. Its purpose is to collect data on GBV and femicide to assist policymakers to identify trends in and the causes of GBV and femicide and to coordinate national efforts to combat these crimes (Women's Centre for Legal Aid and Counselling, 2021). Although Palestine is a signatory of The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), there has been minimal progress in decreasing incidences of intimate femicide and non-intimate femicide in this country (Women's Centre for Legal Aid and Counselling, 2021; UN Women, 2023c).

## 2.6 South Africa’s Response to Femicide

In 2018, the Department of Justice and Constitutional Development responded to the UN's request and began creating the first Femicide Watch in Africa (Shai et al., 2022). Given South Africa's high rate of violence against women, the South African government aims to prevent femicide by heeding the Special Rapporteur's recommendation to collect and analyze data on all forms of femicide at national level (United Nations, 2015; Dawson, 2017). The South African government's plan includes tracking and capturing data on every femicide case, analyzing these data to identify trends and profiles of offenders and victims, developing effective policies and laws, directing resources to areas in need, and regularly publishing these femicide data to raise awareness and prevent future tragedies (Women, Youth and Persons with Disabilities, 2020). This Femicide Watch initiative was initially created to address all forms of femicide, including non-intimate femicide; however, it has primarily been utilized to combat intimate femicide. This is evidenced by the publication of a questionnaire by South Africa's National Femicide Watch which includes a risk assessment tool designed mainly for victims of intimate partner violence. The purpose is to help victims of domestic violence evaluate the potential danger they are exposed to by maintaining contact with their abusers (Women, Youth and Persons with Disabilities, 2020). The following table presents evidence that the assessment of femicide primarily focuses on obtaining data on intimate femicide while excluding non-intimate femicide data.

**Table 2.5: Assessment of the femicide threat in South Africa**

<b>Risk Indicator</b>	<b>Yes</b>	<b>No</b>
Has your abuser ever threatened to kill/harm you or your family?		
Has your abuser ever threatened or physically assaulted you or your family, or arranged for someone else to do so, with any weapon or dangerous object (e.g., knife, cooking pot, firearm, etc.)?		
Has your abuser ever harmed or killed a family pet or threatened to do so?		
Are you afraid of your abuser harming your unborn child or children who live with you?		
Has your abuser ever been convicted of the violation of a protection order?		
Does your abuser constantly insult, humiliate, degrade or blame you for all his/her problems to cause you emotional pain?		

Has your abuser constantly stalked or harassed you in person, on social media, or via text or email, or arranged for someone else to stalk you/monitor your movements?		
Has your abuser ever damaged your property, e.g., deflating your tyres or breaking your windows or doors, etc.?		
Has your abuser ever raped you, attempted to rape, or forced you to do any sexual act without your permission?		
Does your abuser control your access to your money or take your money without your permission or refuse to allow you to work or earn an income?		
Does your partner have access to a firearm or any other dangerous weapon?		
Do you think your abuser has a problem with substance abuse such as alcohol or drugs or prescription drugs which have or may potentially lead to his violent behaviour?		
Is your partner jealous towards you, does he/she display possessive behaviour, or is he controlling of you?		
Is your partner on bail or parole, has he served a time of imprisonment, or has he recently been released from custody in relation to an offence involving violence?		
Is the violence or controlling behaviour becoming worse?		

Source: Department of Justice and Constitutional Development, 2017

The Department of Justice and Constitutional Development in South Africa is now planning to develop the Femicide Watch questionnaire to track femicide data on both intimate and non-intimate with a phased-out approach application that is scheduled to be launched in 2024 for crime analysis and preventative methods (Duma, 2023). The South African government has collaborated with both local and foreign NGOs to aid in the collection of statistics. Stakeholders responsible for collecting femicide data include the Victim of Crime Survey, the South African Medical Research Council (SAMRC), the Human Sciences Research Council (HSRC), research institutions, and civil society structures and organizations. Data collection will also involve mortuary files, autopsy reports, and police interviews.

## **2.7 Legislative Response to Non-Intimate Femicide**

The global issue of femicide and GBV is a pervasive problem that has not been consistently and adequately tackled by most countries worldwide (Cecchi et al., 2022). Currently, these crimes are the focus of a thorough legal structure at global, national, and regional levels (Commonwealth Parliamentary Association UK, 2021). These frameworks ensure that every woman is entitled to protection from GBV and they impose responsibilities on all aspects of the state's activities, including the legislative, executive, and judicial branches (Commonwealth Parliamentary Association UK, 2021). Due to the persistent and devastating nature of GBV and femicide, countries are being urged to adopt and enhance robust policies and enforceable laws that promote gender equality and empower women and girls at all levels. This call to action comes from the Europe and Central Asia (UN Women ,2021a).

Most countries do not have legislation that specifically addresses non-intimate femicide. The primary reason for the absence of such a legal framework is the lack of a clear definition on non-intimate femicide. Latin American countries have implemented legislation commonly referred to as a femicide law which addresses every case of femicide, including non-intimate femicide.

### **2.7.1 International laws on femicide**

Since 2007, the issue of femicide has received increasing recognition as a significant social concern in Latin American countries (Fahs et al., 2023). This legislation recognizes femicide/feminicide as a separate crime and establishes specific penalties for it (Carrigan & Dawson, 2020). The primary objective of femicide laws is to establish a clear definition of femicide/familicide and to enforce punitive measures for this crime. Additionally, the law outlines specific protocols for the investigation and prosecution of femicide/feminicide cases (Carrigan & Dawson, 2020). However, only 16 countries in Latin America have enacted legislation that specifically addresses femicide, namely Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, and Venezuela (Carrigan & Dawson, 2020). Deus and Gonzal (2014) conducted a study that revealed the variation in femicide laws across different countries, and they attribute these differences to how each country defines femicide. In certain countries, the term femicide refers to an act that is caused by sexual relationships where a current partner or ex-lover killed his partner, while the Chilean law defines femicide as the act of killing a woman by her present or former intimate partner (Carrigan & Dawson ,2020).

The latter country enacted this law in response to a series of shocking female homicides. According to Cantor et al. (2022), Chile has a remarkably low femicide rate compared to other Latin American countries, with less than one death per 100 000 women. Nevertheless, instances of gender-based attempted homicide and homicide of women occur on a daily basis in this country (Cantor, et al., 2022). In 2010, the legislature addressed this matter by enacting Law No. 20 480, which has a definition for femicide that applies to individuals who currently or previously resided with the victims (Carrigan & Dawson,2020). Law No. 20 480 also enforces more severe punishments for femicide compared to homicide (Carrigan & Dawson ,2020).A decade later, the president of Chile enacted Gabriela's Law following the government's redefinition of the term femicide. Femicide, as defined by the new Gabriela's Law, refers to the act of killing any woman regardless of her relationship with the perpetrator. The law classifies murder as femicide when the perpetrator was a current or former intimate partner with whom the victim had a sexual or romantic relationship, or when the murder was motivated by the victim's gender (Cantor et al., 2022). Attempted femicide refers to acts of violence committed against a woman with the explicit intention of killing her. The Gabriela Law has a dual function: to broaden the scope of femicide by encompassing any individual who commits a gender-driven murder of a woman, and to impose lengthier incarceration periods on individuals convicted of this form of homicide (Carrigan & Dawson,2020). The individuals who are found guilty of femicide are subject to a prison term ranging from 15 to 40 years, while those responsible for homicide face a comparatively shorter sentence of 10 to 15 years (Cantor et al., 2022: Carrigan & Dawson ,2020).

Other countries with a more inclusive definition of femicide also consider cases of non-intimate femicide. Guatemala was the first country to adopt a more comprehensive definition of female murder by enacting the Law against Femicide and Other Forms of Violence against Women in 2008, which is commonly referred to as the VAW Law (Bay, 2020; Beck & Mohamed, 2021). Guatemala was one of the first nations to define femicide as the act of killing a woman based on her gender as a distinct criminal offense carrying a significant minimum sentence. The 2008 VAW Law not only makes various forms of violence against women and girls illegal, but also mandates the establishment of specialized criminal justice institutions, such as Violence against Women courts (Beck & Mohamed, 2021). This country does not have a specific law that solely addresses non-intimate femicide, but it has incorporated cases of non-intimate femicide within the existing 2008 VAW (Violence against Women) statute. The promulgation of this

law was motivated by its potential to address patriarchal violence through various means, such as increasing the deterrent effect on abusive men, enhancing the responsiveness of state institutions towards women, fostering new social norms, and instilling greater confidence in the criminal justice system (Beck & Mohamed, 2021). Carrigan and Dawson (2020) assert that for a case to be classified as femicide, the female victim must have been killed under specific circumstances, such as:

- as a result of imbalanced power dynamics;
- the perpetrator's failed attempt to establish a relationship;
- when a female was killed by a family member or current/former spouse;
- due to recurring acts of violence;
- a ritual;
- during or after rape;
- genital or other forms of mutilation; and
- sexual acts being motivated by misogyny.

In Guatemala, individuals found guilty of femicide are subject to a mandatory sentence ranging from 25 to 50 years, with no chance of parole or early release (Carrigan & Dawson, 2020).

Bolivia is another country that has a femicide law that encompasses cases of non-intimate femicide. In recent years, the Bolivian government has implemented significant measures aimed at addressing the issue of femicide. As Bolivia was perceived as one of the Latin American countries with a significant prevalence of femicide and GBV (Rogers, 2020; UN Women, 2023a), the Bolivian government enacted Law 348 in 2013. This Act aims to eliminate femicide by implementing a range of policy reforms to penalize offenders and deter future cases of femicide (Rogers, 2020, 2017). Bolivia is yet another nation without a stand-alone legislation addressing non-intimate femicide, but the legislation that has been drafted does cover such cases. The Bolivian femicide law was enacted in response to the following reasons for women's/girls' murder, according to Pasinato and de Ávila (2023):

- Killed by a present or former love partner;
- Killed due to the individual's refusal to establish a relationship with the perpetrator;
- Killed due to pregnancy;
- The correlation between subordination and dependence;

- Her state of vulnerability;
- Prior instances of physical, psychological, sexual, or economic violence;
- Taking sexual liberty;
- Fatalities resulting from human trafficking; and
- Killing due to cultural beliefs or differences.

The Bolivian government has implemented sentences for individuals found guilty of femicide or gender-related killings as part of its efforts to combat such acts. Deus & Gonzalez (2019) argue that individuals convicted of femicide should receive a 30-year prison sentence. In Bolivia, legislation has been implemented to define feminicide and outline the procedures for criminal justice actors to investigate and prosecute cases of feminicide.

Cecchi et al. (2022) argue that several Asian countries, including Japan and South Korea, lack legislation that specifically addresses non-intimate femicide. However, these countries have implemented various laws to combat acts that might lead to non-intimate femicide. For instance, Japan currently lacks a dedicated national law that specifically addresses femicide, but it has several national bodies and laws that actively engage in efforts to combat violence against women, as highlighted by United Nations Human Rights (2019). Japan has laws against stalking, such as the Anti-Stalking Law (Act 81 of 2000), which was enacted in response to the murder of a woman in 1999, as well as a law that addresses marital violence (Cecchi et al., 2022; Nikolova, 2020). In June 2013, the anti-domestic violence law and anti-stalking control law were amended due to identified deficiencies within these specific legislations (Cecchi et al., 2022). In response to changes in society and evolving stalking methods, the anti-stalking legislation was again amended in 2016 and 2021 (Cecchi et al., 2022). The scope of regulation was expanded to include cases that were not initially planned at the time of the law's enactment, and these cases include the imposition of persistent limitations on email communication, restrictions on messaging and writing through social network services, and the utilization of Global Positioning System (GPS) devices (Cecchi et al., 2022; Shimbun, 2023). Furthermore, in 2021, the anti-stalking legislation underwent an amendment to broaden the scope of prohibited activities, including the utilization of a GPS device or the transmission of a letter with the intention of tracking an individual's movements (Shimbun, 2023). Law no. 31 pertains to the legislation concerning the prevention of marital violence and protecting the rights of the victim. This law was formulated with the aim of addressing domestic violence and was

amended in 2004, 2007, and 2013. This law expanded its scope to encompass instances of mental violence as well as violence perpetrated by a romantic partner who cohabitates with the victim (Ogawa et al., 2020). Additionally, victims are granted the right to initiate legal proceedings by submitting a petition to the court to seek the issuance of a restraining order (Cecchi et al., 2022). The purpose of the law is to provide assistance to individuals involved in intimate relationships that are characterised by violence (Yoshihama, 2017; Ogawa et al., 2020). However, it also includes provisions for individuals outside such relationships to obtain protection orders, which is a law that was specifically designed to address stalking. Nevertheless, the Act is not limited to a particular gender, although statistical data have indicated that the majority of fatalities were females, even within intimate relationships. The court in Japan adheres to Chapter XXVI of the Criminal Code when dealing with cases involving the death of a female or man, as indicated by reports (Japan Federal Institution, 2013). The offense carries a potential penalty ranging from five years to life imprisonment, and in cases where aggravating factors could be established, the death penalty may be imposed.

### **2.7.2 South Africa's legal response to non-intimate femicide**

South Africa is another country that lacks specific legislation to address non-intimate femicide, but the government has implemented measures to enhance and reinforce the rule of law as a preventive measure to tackle and eradicate the pervasive issue of GBV and femicide, and Parliament recently enacted three amendment Bills in this process (Cowan-Harper- Madikizela Attorneys, 2022; Zwane, 2023). This new legislation enhances attempts to eradicate GBV and femicide with the primary emphasis on victims and efforts to address this widespread problem (Cowan-Harper-Madikizela Attorneys, 2022; Graaff, 2021).

#### ***2.7.2.1 The Criminal Law (Sexual Offences and Related Matters) Amendment Act***

The Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 13 of 2021 is a modification of the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007. Commonly referred to as SORMA, this Act was enacted on 31 July 2022 (van Rooyen, 2022; Swemmer, 2023). The primary objective of SORMA is to enhance the efficacy of criminal law through defining additional sexual offenses (van Rooyen, 2022). Furthermore, the primary objective of this Amendment Act is to enhance the nation's efforts to prevent sexual offenses, specifically paedophilia (Swemmer, 2023). The Act also broadens the scope of the crime of sexual assault and newly introduces the offense of sexual intimidation (Cowan-

Harper-Madikizela Attorneys, 2022; Republic of South Africa, 2021). The present Amendment Act amends Chapter 6 of the earlier Criminal Law (Sexual Offences and Related Matters) Act (Sonke Gender Justice, 2023; Cowan-Harper-Madikizela Attorneys 2022:

- Broadening the scope of the National Register for Sex Offenders (NRSO) so as to encompass the full details of all individuals who committed sexual offenses, not only sex offenders against children and persons who are mentally disabled;
- Broadening the scope of vulnerable individuals to be protected such as young women, individuals with physical, mental, or intellectual disabilities, females under the age of 25, individuals receiving care or shelter in a facility catering for crime victims, and individuals over the age of 60 who receive community-based care and support services; and
- Extending the duration of the personal details of sex offenders on the National Register of Sex Offenders (NRSO) prior to their removal from the Register.

The legislation newly introduces sexual intimidation as a criminal act and establishes the same penalties for individuals convicted of such acts as for other sexual offenses (Sonke Gender Justice, 2023). This offense is the act of unlawfully and intentionally making a threat to a complainant that motivates the complainant to reasonably believe that a sexual offense will be perpetrated against them, a family member, or any other individual in a close relationship with the complainant (van Rooyen, 2022; Justice and Constitutional Development, 2022). The sexual intimidation definition is broad in scope as it extends beyond mere threats against a complainant but includes the threat that imminent harm (not limited to a sexual violation) may be committed by the perpetrator (van Rooyen, 2022).

According to Sonke Gender Justice (2023) and van Rooyen (2022), the Act expands the scope of the offense of sexual misconduct, which refers to the act of sexual penetration involving individuals who are not legally married despite their mutual consent to engage in such an act. The offense now includes individuals who commit sexual violations if one is a minor and the adult's actions are deemed inexcusable (Sonke Gender Justice, 2023).

Section 56(4) of SORMA stipulates that an individual cannot be found guilty of a crime if they were under the age of 18 at the time the sexual act was initially committed (Department of Justice and Constitutional Development, 2022a). According to Sonke Gender Justice (2023)

and van Rooyen (2022), individuals are legally obligated to report any knowledge or reasonable suspicion of a sexual offense perpetrated against a child or mentally disabled individual. Non-compliance with reporting requirements constitutes a criminal offense, and individuals convicted of such offenses will be subject to a fine or imprisonment of five years or less, or both (Sonke Gender Justice, 2023).

### ***2.7.2.2 Domestic Violence Amendment Bill (B20 of 2020)***

The government also amended the Domestic Violence Act No. 116 of 1998 to effectively tackle the practical challenges, gaps, and anomalies that had developed since the Act's implementation in December 1999 (Cowan-Harper-Madikizela Attorneys, 2022). According to Molla (2023), the Domestic Violence Amendment Act No. 14 of 2021 was enacted on 14 April 2023 in accordance with Proc R117 GG48419/14-4-2023. The initial legislation included a section titled 'Definitions', but the recently enacted legislation now refers to this section as 'Definitions and Interpretations'. The previous Act did not include any subsections, but the revised legislation incorporates additional definitions, such as 'controlling behaviour' and 'coercive behaviour', while also broadening the scope of existing definitions such as 'domestic violence' that now encompasses spiritual abuse, elder abuse, coercive behaviour, controlling behaviour, and/or the exposure or subjecting of children to specific listed behaviours (Government of South Africa, 2022). According to Government of South Africa (2022) and Singo (2023), the Domestic Violence Amendment Bill incorporates provisions for online applications to obtain a protection order in cases of domestic violence. Additionally, it imposes specific responsibilities on officials within the Department of Health and Social Development to ensure the provision of certain services to victims of domestic violence (Singo, 2023). This legislation has changed the framework that governs the handling of violent crime cases in South Africa by particularly focusing on addressing violence against women and vulnerable individuals (Cowan-Harper-Madikizela Attorneys, 2022; Maphosa, 2022). The legislation aims to protect victims of abuse and impede perpetrators from evading justice. It represents a significant advancement in this country's endeavours to combat the epidemic of GBV by prioritizing the rights and needs of victims during interventions (Maphosa, 2022). However, due to its focus on domestic violence, the Act does not offer a comprehensive definition of femicide as it does not define non-intimate femicide along with intimate femicide. The legislation also restricts procedures for obtaining a protection order in some cases as it excludes any actions that fall outside the realm of sexual relationships. The questionable nature of this Act arises from the

fact that it was amended with the intention of addressing the issues of GBV and femicide without distinguishing between all types of femicide. However, the Bill does establish protocols for conducting arrests as well as the provision of preventive measures and therapeutic interventions for individuals accused of domestic violence. Fortunately, to address the issue of non-intimate femicide, the government established the Criminal and Related Matters Amendment Bill.

### ***2.7.2.3 Criminal and Related Matters Amendment Bill (B17 of 2020)***

The third amended Act is the Criminal and Related Matters Amendment Act No. 12 of 2021, which was enacted on 5 August 2022. It is distinguished from SORMA and the Domestic Violence Amendment Act by its scope that encompasses a broader range of issues beyond domestic violence and sexual offenses than the other Acts (van Rooyen, 2022). This legislation seeks to amend the following statutes:

**The Magistrates' Courts Act No. 32 of 1944:** Historically, numerous vulnerable witnesses felt intimidated and overwhelmed when required to give testimony in a court of law, and such witnesses experienced a sense of being disregarded or subjected to unjust treatment during court proceedings (van Rooyen, 2022). The Magistrates' Courts Act incorporates three additional sections (51A, 51B, and 51C) that address the appointment of intermediaries and the presentation of evidence through intermediaries in non-criminal proceedings. These sections also address the oath and competency requirements for intermediaries as well as the admissibility of audiovisual evidence in non-criminal proceedings (Lambrecht, 2022; South African Government, 2022). This legislation allows individuals who are susceptible to harm, such as minors, elderly individuals, or those with physical, physiological, or emotional ailments, to provide testimony in court by means of an intermediary in non-criminal proceedings (van Rooyen, 2022).

According to the Parliament of South Africa (2020), the government made amendments to the Criminal Procedure Act (1977) with the objective of enhancing the following:

- The regulation of bail granting and cancellation. This amendment specifically targets situations where the victim and accused are involved in a domestic relationship or when the crime in question involved the violation of a protection order or any other order issued to safeguard an individual from the accused.
- The utilization of closed-circuit television or comparable electronic media for presenting evidence; the presentation of evidence by a witness with physical, psychological, or

mental impairment; the selection, solemnization, and competence of intermediaries; and the entitlement of a complainant in a domestic-related offense to engage in parole proceedings; and

- The appointment, oath, and competency of intermediaries.

The Bill additionally amends the Criminal Law Amendment Act of 1997 to enhance the regulation of sentences pertaining to offenses perpetrated against individuals who are considered vulnerable (Department of Justice and Constitutional Development, 2022a ). If an accused has been found guilty of murder or attempted murder and the victim is or was in a domestic relationship with the accused, the Act mandates the imposition of a harsh minimum sentence (van Rooyen, 2022). The previously mentioned Act is also applicable in cases of rape where the victim is a minor (an individual under the age of 18), an adult, an individual with a disability, or has been or is involved in a domestic relationship with the perpetrator (van Rooyen, 2022). The implementation of minimum sentences is intended to protect those at risk from repeated acts of violence.

Individuals found guilty of murder are normally sentenced according to the following schedule:

**Table 2.6: Summary of the minimum prescribed sentences for acts of GBV**

Offence Description Part 1	Prescribed Sentence in Years		
Part 1	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
<p><b>Murder when:</b>  Planned or premediated:  The victim is a law-enforcement officer or potential state witness;  The death was connected to rape or robbery with aggravating circumstances;  The murder was committed as part of common purpose or conspiracy.</p>	Life		
<p><b>Rape when:</b>  The victim was raped more than once by</p>	Life		

<p>the accused;</p> <p>By more than one person as part of common purpose or conspiracy;</p> <p>The accused has been convicted of more than one rape offence and not yet sentenced;</p> <p>The accused knows he is HIV positive; When the victims was under 16 years of age;</p> <p>The victim was a vulnerable disabled woman or mentally ill;</p> <p>The act involved the infliction of grievous bodily harm.</p>			
<b>Part II</b>			
<b>Murder</b> in circumstances other than those above.	15	20	25
<b>Robbery when:</b> There are aggravating circumstances; Taking of a motor vehicle was involved.	15	20	25
<b>Drug Offences if:</b> The value was greater than R50 000; The value was greater than R10 000; The act was part of a conspiracy or common purpose; The offence was committed by a law enforcement officer.	15	20	25
<b>Any offence related to:</b> Dealing in or smuggling of arms and ammunition; Possession of automatic or semi-automatic firearms, explosives, etc.	15	20	25
Any offence relating to exchange, control, corruption, extortion, fraud, forgery, or theft when: it amounted to more than R500 000; or it amounted to more than R100 000; If committed in common purpose or as a conspiracy;	15	20	25

or if committed by a law enforcement officer when: It involved more than R 10 000; or was part of common purpose; or as a conspiracy			
<b>Part III</b>			
<b>Rape</b> , other than in circumstances as in Part 1 above	10	15	20
Indecent assault on a child under the age of 16; The act involved infliction of (grievous) bodily harm.	10	15	20
Assault with GBH on a child under the age of 16	10	15	20
Possession of more than 1 000 rounds of ammunition	10	15	20
<b>Part IV</b>			
Any offence in Schedule 1 of the Criminal Procedure Act No. 51 of 1977 not: referred to above and if the accused was armed with a firearm intended for use in the offence	5	7	10

Source: Chris and Lukas, 2006

The criminal justice system in South Africa imposes the minimum sentence as a means of punishment for individuals who engaged in any activity that violated constitutional laws. The court is obligated to adhere to the minimum sentence, but the presiding judicial officer has the authority to impose a shorter sentence if he or she is convinced that there are significant and compelling reasons to justify a shorter sentence.

While the minimum sentence was employed to decrease crime rates, it has faced significant criticism from researchers. In addition to the aforementioned points, Metz (2019) assert that

the minimum mandatory sentence indicates a lack of alignment with an African sentencing approach rooted in the principle of Ubuntu. Another critique pertains to the potential for inconsistent sentences resulting from the implementation of mandatory minimum sentencing legislation. This is due to the restriction imposed on a court's ability to exercise sentencing discretion, thereby neglecting the individual circumstances of the offender. According to Maharaj (2021), inconsistent sentences and a lack of uniformity in sentencing practices in South Africa can be attributed to the exercise of broad discretion.

Based on a comprehensive review of the legislative framework, it is evident that there is no legislation specifically designed to address cases of non-intimate femicide. The Criminal and Related Matters Amendment Bill of 2022 and related criminal procedures were amended by the government, but these Acts have a broad scope and lack specificity; thus, special attention is not given to non-intimate femicide. The CJS places a high priority on cases involving domestic violence and sexual offenses due to the prevalence of domestic and sexual crimes within this country. However, the persistence of domestic violence and sexual crimes does not mean that other crimes that lead to murder, such as non-intimate femicide, should be neglected. This observation is made in light of the observed deficiency in the constitutional reaction to instances of non-intimate femicide. The government's focus on the Criminal and Related Matters Amendment Bill and the criminal procedure for prosecuting non-intimate femicide cases should not be limited due to the Bill's broad scope, and the unique considerations associated with non-intimate femicide should be more adequately addressed in the legislative framework.

## **2.8 Interventions to Address Non-Intimate Femicide**

The majority of nations lack independent intervention programs specifically designed to mitigate cases of non-intimate femicide. This is primarily because certain countries consistently define femicide as a phenomenon that exclusively affects individuals in intimate relationships, while they deny the causes and consequences of non-intimate femicide. While certain countries have adopted a more limited interpretation of femicide, others have successfully incorporated non-intimate femicide cases into their definitions and implemented interventions to address them. Countries that have successfully classified non-intimate femicide as a form of femicide have incorporated intervention programs within the broader framework of femicide. The preventive measures for non-intimate femicide vary across

countries, and these are dependent upon the underlying causes of non-intimate femicide and the specific definitions employed by each state. In certain nations, non-intimate femicide is primarily perceived as a form of homicide that occurs due to family disobedience or a lack of comprehension regarding homosexuality, while in some regions, such as Afghanistan and the DRC, armed conflicts are the main cause of non-intimate femicide.

### **2.8.1 A perspective on international interventions to address non-intimate femicide**

Most countries have implemented several measures to prevent and address gender-related killings as well as other manifestations of GBV against women and girls (UNODC, 2021). Several countries initially focused on enhancing civil society and women's rights organizations' ability to combat GBV and femicide. The following are some examples:

#### ***2.8.1.1 The Beijing Declaration and Platform for Action***

One of the initial measures undertaken by European countries to combat non-intimate femicide involved the promotion of gender equality through diverse global networks (UNODC, 2021). A key initiative that has been embraced by many nations is the Beijing Declaration and Platform for Action that was unanimously adopted by 189 member states during the UN Conference in 1995. This initiative is widely regarded as the most comprehensive global policy framework for women's rights as it serves as an agenda for women's empowerment and is considered a fundamental global policy document on gender equality (European Parliament, 2020; Goryunova and Madsen, 2024). The Beijing Declaration specifically establishes strategic goals and measures to promote the progress of women and attain gender equality in twelve key areas of focus, as presented by International Council of Sport Science and Physical Education (1995):

- The impact of poverty on women;
- Access to education and training for women;
- Women's role in healthcare;
- Violence perpetrated against women;
- The abuse of women during armed conflicts;
- Women's impact on the economy;
- Women's representation in positions of power and decision-making;

- Institutional mechanisms for promoting the advancement of women in all spheres of life;
- The protection of women's human rights;
- Women's influence in the media;
- Women's impact on the environment; and
- The well-being of girls.

### ***2.8.1.2 The Women, Peace and Security (WPS) framework***

This is another international policy framework that has been widely adopted as it acknowledges the crucial role of women in all efforts to attain enduring global peace and security. The WPS framework advocates for a gendered perspective and the equitable and significant involvement of women in peace processes, peacebuilding, and security. The development of the WPS agenda can be traced back to the adoption of the UN Security Council Resolution (UNSCR) 1325 on 31 October 2000 with unanimous support by member states (Pacific Forum staff,2023). European countries are among those that have implemented this framework to address instances of non-intimate femicide and other forms of abuse faced by women. European nations utilize this framework in conjunction with the EU Common Foreign and Security Policy framework. The latter agenda is regarded as a crucial instrument in guaranteeing the continuous observance and preservation of the rights, agency, and protection of women and girls (European Union, 2022). However, close scrutiny revealed that the European Union (EU) framework lacks a particular measure for assessing non-intimate femicide, although the preventive measures it proposes address both GBV and various forms of femicide; but it does not propose specific measures for non-intimate femicide. The European Union has implemented its Action Plan on gender-based killings by prioritizing the following key elements, as suggested by the European Union (2018):

- European countries have actively advocated for initiatives to eradicate impunity for offenses that caused non-intimate femicide, including sexual abuse, GBV, and sexual violence resulting in femicide during incidences of rape. The need to address impunity, particularly in cases of sexual violence, was acknowledged due to escalating numbers of female victims in Europe who were killed by their own relatives who deemed them sexually impure, as well as others who were killed by strangers after sexual violence and rape (European Institute for Gender Equality, 2021).

- European Union member states issued a directive to all member countries to prioritize and safeguard the human rights of women, individuals of all age groups, those experiencing poverty, individuals with both visible and non-visible disabilities, members of minority and indigenous communities, as well as refugees. This directive aims to prevent any form of abuse that may contribute to non-intimate femicide or other forms of violence against women and girls.
- The Action Plan also aims to provide support for the recovery and healing process of women and girls who have survived incidences violence. The purpose of the proposed measures is to ensure that asylum legislation, policies, and procedures safeguard the rights of women, girls as survivors of GBV and that they receive their rightful benefits.
- The European Union has urged its member states to maintain strong support for the International Criminal Court (ICC), particularly in cases of sexual exploitation and GBV during armed conflicts and in cases of gender-related killings. The purpose is to promote accountability and address the issue of impunity.

EU member states have also been actively urged to adhere to international humanitarian law, specifically in terms of the prohibition of any form of violence that could result in gender-based killings, such as non-intimate femicide. To promote international human rights, many European countries have established women's rights organizations such as FemPlatz in Poland (UN Women,2023b). The FemPlatz organization in Panlevo operates as a non-profit, non-partisan, and non-governmental entity, and its primary objective is to protect women and girls from various forms of prejudice and harm and to ensure the complete realization of their human rights (Beker et al., 2020). This organization particularly focuses on individuals who experience inter-sectional and multiple forms of discrimination (European Union,2019), and it plays a significant role in fostering an environment that promotes gender equality, inclusive economic development, and the social integration of all women and girls (Beker et al., 2020). Their aim is supported by independent research and policy impact analyses to enhance legislation and practices and strengthen the capabilities of stakeholders involved in advancing gender equality (UN Women,2023b).

### **2.8.1.3 Training**

European Union (EU) member states have not only adopted a policy framework to combat non-intimate femicide and violence against women, but they have also implemented various

measures within their respective countries. Their governments collaborate with relevant societies and provide training for professionals in various fields, including healthcare, education, the judiciary, law enforcement, and other community structures that focus on effectively addressing instances of femicide and GBV in which women are targeted (Weil et al., 2018). These states consider it imperative for the police and the judiciary to undergo sensitivity training so that they will effectively address the needs of women in a culturally appropriate and gender-sensitive manner. Such training is essential to ensure that field workers are sufficiently equipped to support and protect all women, while training also fosters an environment that encourages women to report any instances of violence they may encounter (Gill, 2018).

#### ***2.8.1.4 Raising awareness***

Mass media that encompass print, visual, and electronic platforms play a significant role in raising awareness about social issues such as GBV and femicide. These media are also key in promoting gender equality (Weil et al., 2018). To prevent non-intimate femicide, European societies have implemented prevention measures at three levels: primary, secondary, and tertiary (Baldry & Magalhães, 2018; Weilet et al., 2018). These are:

- Primary prevention that encompasses a range of interventions targeted towards a vulnerable population or individuals. The main objective of primary prevention is to proactively prevent problems by researching the underlying factors that contribute to any form of femicide (Kisling & Das, 2022). The objective of such research is to identify the root causes of this issue before it appears and to address the conditions that enable its occurrence (Baldry & Magalhães, 2018).
- Secondary prevention measures involve the criminalization of actions that may result in the homicide of women.
- Tertiary measures, the main objectives of this intervention is to establish crisis centers, give legal aid, offer shelter for women in danger, and deliver counseling services to secondary victims. This intervention also reviews the measures taken to combat non-intimate femicide.

### ***2.8.1.5 Educational programs***

Another prevention initiative is the implementation of educational programs aimed at denormalizing and deconstructing the societal acceptance of violence against women. These programs commonly address different forms of violence and include non-intimate femicide (European Commission, 2020). One educational initiative that was developed specifically aims to tackle the issue of a rape culture as certain young and older men in particular cultural settings objectify women as sexual objects that are there for their gratification. This notion is strengthened through socialization with their peers and the idealisation of masculinity, and many of these men are addicted to pornography, participate in gang activities, or engage in other violent behaviours that strengthen the notion of women as objects for men's gratification (European Commission, 2020). EU countries thus respond by involving the media to conduct awareness campaigns that target all the factors that contribute to non-intimate femicide (European Union, 2019; European Parliament, 2021). These programmes consciously address and deconstruct the cultures of patriarchy, homophobia, and racism.

### **2.8.2 Interventions in Latin America**

To prevent non-intimate femicide in Latin American states, interventions that fit the specific context and culture of the population are devised, and these take into account communities' needs as well as their personal histories and life narratives. These measures were developed as preventive strategies to effectively target a wide range of populations such as migrants, indigenous individuals, individuals of Afro-descendant descent, and rural communities.

Latin American countries experience a significant prevalence of female homicides and numerous legislative amendments have been enacted to combat instances of intimate and non-intimate femicide owing to their elevated prevalence. According to the Economic Commission for Latin America and the Caribbean (2023), Latin American nations have urged governments, civil society, women's organizations, young individuals, the private sector, the media, and the United Nations to collaborate in order to effectively prevent and eradicate this global pandemic. Latin American countries thus established programs that serve as a catalyst for transformation and that provide tools and platforms to improve the lives of women (Berg et al, 2024).

**National Action Plan:** One of the initial initiatives undertaken by Latin American nations to eradicate femicide in all its forms was the implementation of a National Action Plan to address

non-intimate femicide by focusing on gendered roles, promoting women's empowerment, and eradicating the normalization of violence (Economic Commission for Latin America,2023). One measure aimed at preventing non-intimate femicide is to address drug-related gang violence through the implementation of the Global Initiative against Transnational Organized Crime. This initiative recognizes the significance of combating the illicit trade of weapons in the region (Economic Commission for Latin America.2023; Cohn and Blumberg, 2019). According to UNODC (2023), there is a high rate of homicidal violence resulting from organized crime in Latin America and the Caribbean regions.

**Social Issues Preventive Program:** This programme, which is utilised to decrease and eventually eradicate every form of female violence, is also used to urge men to accept responsibility for and curb their violent behaviours (Economic Commission for Latin America.2023). Additionally, there is a call in the Latin American region to redefine masculinity and foster the adoption of gender-equitable attitudes and practices (Economic Commission for Latin America.2023). In certain countries, such as Honduras, it has been posited that cases of non-intimate femicide can be attributed to sociocultural issues stemming from a deeply ingrained patriarchal culture within communities (Mendez-Dardón, 2023). Therefore, initial steps taken in this country to prevent non-intimate femicide and other forms of killing involved the deconstruction of the notion of masculinity and the education of men on the destructive consequences of the concept of masculinity (Mendez-Dardón, 2023). In Guatemala and other Latin American countries, governments also tackled social issues such as gender stereotyping and patriarchal norms that have for centuries fostered an environment conducive to severe GBV and extreme prejudice against women. Interventions in this region also involve the implementation of programs that specifically target behavioural change by training professionals who are involved in cases of femicide and GBV. Countries also conduct societal evaluations of these programs (Femicidal violence in figures: Latin America and the Caribbean, 2023).

### **2.8.3 Interventions in South Africa to curb non-intimate femicide**

The South African government has implemented the National Strategic Plan to address the issue of non-intimate femicide. This plan, titled the National Strategic Plan on Gender-based Violence and Femicide 2030 (NSP 2030), was implemented in 2020 (Miza, 2023). The NSP 2030 was initiated in response to the recognition of GBV and femicide (GBVF) as a pervasive

and deep-rooted issue in South Africa that affects many societies (SaferSpaces, 2018*b*). South Africa is widely recognized as one of the most dangerous countries in the world for women as it has some of the highest rates of intimate partner and non-intimate violence in the world. Recent data from Statistics South Africa indicate that rape and sexual violence have reached a hyperendemic level (Miza, 2023). The government thus implemented a comprehensive policy framework in collaboration with civil society to effectively respond to and address the high incidence of femicide and GBV (Miza, 2023).

According to Shai et al. (2022), the South African government posits five strategically significant objectives for the National Femicide Prevention Plan which are aligned with the priorities highlighted in the ERAP and NSP-GBVF papers, with the ultimate goal of eliminating all forms of femicide. A significant number of scholars regard the proposed methods as the most pragmatic, feasible, and achievable across many industries during the foreseeable to intermediate timeframes of two to five years (Shai et al., 2022).

**Table 2.7: National Femicide Prevention Plan**

Key Interventions	Key Activities	Indicators/Targets
Improve legislative development through the evaluation and formulation of national policies to reduce femicide	Develop and review a femicide prevention national policy framework with implementation plans and dates; Evaluate, implement, and oversee current laws to ensure their alignment with femicide prevention measures.	Develop a femicide-specific policy framework to: Expedite Firearms Control; Review the Maintenance Act No. 99 of 1998; Enforce and monitor the Criminal and Related Matters Amendment Bill (B17-200) of 2020; Domesticate the Violence Amendment Bill (B20-2020) and the Criminal Law (Sexual Offenses and Related Matters) Amendment Bill (2020); Monitor relevant legislations such as those related to marriages and marriage registration.

<p>Advocate for the provision of political leadership, committed resources, and accountability in the context of femicide prevention, and emphasize the need for sustainable, multi-sectoral collaboration and action to effectively prevent and respond to cases of femicide.</p>	<p>Implement the femicide prevention strategy with political control;          Integrate the leadership of a femicide prevention plan within the existing national leadership structure of the GBVF;          Develop a financially feasible plan to implement the nationwide strategy for preventing femicide;          Use public-private funding partnerships (PPP) to allocate financial resources for the implementation and supervision of the nationwide strategy to prevent femicide.</p>	<p>The objective is to incorporate a femicide prevention strategy into the Annual Performance Plans (APPs) of relevant departments by the IMC-GBVF by the specified goal date.          The NSP-GBVF leadership structure (National GBF Council) has implemented a femicide prevention policy.</p>
<p>Prioritize femicide surveillance and build knowledge of successful measure to prevent femicide;          Prioritize the development and co-ordination of an Integrated Information System to monitor femicide in SA.</p>	<p>Establish a surveillance system by integrating administrative data from important departments, such as the Femicide Watch;          Establish an efficient tracking mechanism to effectively monitor and trace cases of femicide, employing distinct identifiers throughout the entire CJS, from initial police reporting to the culmination of the process (Femicide Watch contributing to the IJS Transversal Hub).</p>	
<p>Implement a targeted context-specific femicide prevention program</p>	<p>Develop and implement a research plan focused on effective strategies for preventing femicide;          Evaluate the existing IPV risk assessment tool and safety plan for preventing femicide and modify it to suit the specific context of South Africa, based on internationally recognized</p>	<p>Develop a research agenda and prioritise research funding;          Reviewed the tolls adapted and SOPs developed for use of tools within relevant institutions;          Utilize evidence of implementation of contextualized risk</p>

	<p>best practices;          Incorporate the modified risk assessment tool and safety plan for the purpose of preventing femicide as an urgent intervention within the sector;          Create a specially designed public awareness program focused on femicide.</p>	<p>assessment and safety plan tool for femicide prevention.</p> <p>Evidence of rollout of risk assessment and safety plan tool nationally;          Develop a femicide-specific public awareness campaign and piloted it as part of a 365-day campaign.</p>
<p>Strengthen institutional capacity to prevent femicide. Strengthen the CJS to deliver effective and efficient services to survivors of GBV and the families of femicide victims in alignment with Pillar 3: protection, safety and justice</p>	<p>Engage in specialized training focused on GBVF; Establish a specialized and exclusive unit to manage, investigate, prosecute, and sentence cases related to femicide.</p>	<p>Develop/adapt training manual/s;          Modular training implemented to upskill 100% of new entries such as court personnel, magistrates, judges.</p> <p>Establish a dedicated and specialized femicide-specific unit with earmarked financial, human, and infrastructural resources</p>

Source: Shai et al., 2022

The provinces were guided by the five strategic key elements of the National Femicide Prevention Plan and NSP 2030 when implementing interventions for non-intimate femicide.

It was mandatory for all provincial leaders to provide a comprehensive report outlining their strategies for combating non-intimate femicide as well as other forms of violence against women, including GBV and intimate femicide. According to the NSP 2030 on GBV and femicide, which was approved on 30 April 2020, all provinces were obligated to provide reports on all six pillars of the NSP on GBVF (Minister in the Presidency for Women, Youth and Persons with Disabilities, 2022). To promote effective leadership and accountability in the prevention of non-intimate femicide, the President issued a formal request to the premiers of all provinces to provide a comprehensive progress report outlining their strategies for reducing instances of GBV, non-intimate femicide, and intimate femicide. Additionally, these reports should outline the measures taken to address cases of non-intimate femicide (Interim Steering Committee on Gender-Based Violence and Femicide, 2020). The primary responsibility of leaders in each province was to enhance state resources for the purpose of effectively

preventing and responding to femicide and measuring rates of femicide, GBV, and violence against women (Interim Steering Committee on Gender-Based Violence and Femicide, 2020).

### ***2.8.3.1 Strategies by the Eastern Cape Province to combat non-intimate femicide***

The premier of the Eastern Cape Province, Oscar Mabuyane, committed its government to enhancing accountability in preventing non-intimate femicide. This includes implementing various measures such as establishing a DNA laboratory, providing enhanced training for healthcare and security personnel, improving reporting mechanisms for individuals with disabilities, implementing mentorship programs for boys and young men, and increasing the participation of churches and traditional leaders in combating GBV, intimate femicide, and non-intimate femicide (Miza, 2023). A DNA laboratory was therefore opened in Gqeberha in 2023, and this lab is actively enhancing efficiency and reducing the buildup of DNA analysis backlogs. This initiative seems to strengthen efforts to combat GBV and femicide in this province (Government of South Africa, 2023c).

According to Miza (2023), the Eastern Cape government remains committed to collaborating with civil society in order to implement the key principles outlined in the National Strategic Plan on Gender-Based Violence and Femicide. The implementation of GBVF Rapid Response Teams is a component of initiatives aimed at facilitating the coordination of the government and other pertinent stakeholders in addressing GBVF (Government of South Africa, 2023a). The Eastern Cape provincial government is collaborating with an organization known as Masimanyane which is located in Buffalo City, Eastern Cape. The primary objective of this organization is to enhance the empowerment and education of young individuals by employing various means, including awareness campaigns, community engagement, training initiatives, and reproductive health support (Miza, 2023).

### ***2.8.3.2 Strategies by the Western Cape Province to combat non-intimate femicide***

The Western Cape provincial government has demonstrated its commitment to accountability by establishing a specific timeframe for its intervention efforts. The interventions implemented by the Western Cape are summarised as follows:

#### **Table 2.8: Western Cape Government Intervention Plan**

<b>Time Frame</b>	<b>Duties</b>
April-September 2021	Execute GBVF interventions
October 2021 and onwards	Review and evaluate GBVF interventions
January-March 2022	Amend GBVF interventions Submit the intervention report on the program that was reviewed.
April 2022	Implement revised GBVF intervention plan

Source: Government of the Western Cape, 2022

This province enhanced its institutional capacity by providing training to SAPS officials, and the majority of the training sessions were dedicated to addressing issues related to GBV. This decision may be attributed to the fact that certain cases of non-intimate femicide originate from cases of GBV. The motivation for the implementation of training programs for SAPS officials stemmed from the public's expressed concerns regarding the problematic conduct of police officers towards women who reported crimes of GBV at police stations (Parliamentary Monitoring Group, 2020). Police stations that were involved in reservist training were Gugulethu, Nyanga, Khayelitsha, Lingeletu, Harare, Philippi East, and Lwandle. The purpose of these training sessions was to equip members of the SAPS with the requisite skills and knowledge to effectively tackle the issue of GBV and other associated concerns (Serra, 2022). Training was provided not only to SAPS members of Cape Town police stations, but also to officers at stations in Gauteng. According to the Parliamentary Monitoring Group (2023), the training facilitated the development of a medium-term plan by South African police stations for the implementation of victim-friendly rooms (VFRs) aimed at ensuring the safety of victims of GBV and femicide. It was projected that, by the end of March 2023, a total of 20 VFRs would be operational in various police stations, and it has been reported that the SAPS aims to implement more VFRs by 2025 (Parliamentary Monitoring Group, 2022*b*; Serra, 2022). To

achieve this goal, the SAPS has implemented the GBV Desk at all police stations with the goal of improving the handling of GBV cases by SAPS officers (Parliamentary Monitoring Group.2022a).

### **2.8.3.3 Strategies by the Gauteng Province to combat non-intimate femicide**

In Gauteng, the provincial government has been actively engaged in combating and preventing instances of non-intimate femicide for a considerable period of time.

**Table 2.9: Strategies by the Gauteng Province to combat non-intimate femicide**

<b>Program Implemented</b>	<b>Planned Target 2021/2022</b>
Social crime prevention	The government formulated a plan to execute 500 interventions aimed at preventing social crime in the period 2021/2022, but it ultimately implemented a total of 570 interventions for this purpose as a result of the reduction in COVID-19 lockdown measures.
Training in GBVF protocols for Leadership Education and Training (LEA) officers and healthcare workers.	A total of 144 officials from LEAs and health care workers were scheduled to receive training on the GBVF protocol by the government. However, the government ultimately provided training to 151 LEA and health care workers in GBVF. The target was exceeded due to the declaration of GBVF as a second pandemic, which necessitated this training initiative to mitigate secondary victimization.
School safety intervention strategy	Another intervention strategy implemented by the Gauteng Province was to conduct educational programs in schools. A total of 2 546 school safety programs were conducted and both genders were targeted during this campaign.

Source: Gauteng Province, 2022

### **2.8.3.4 Strategies by the KwaZulu-Natal Province to combat non-intimate femicide**

The provincial government of KwaZulu-Natal established the KwaZulu-Natal Network on Violence against Women to combat non-intimate femicide. According to the Africa Outreach Project (2022), this KwaZulu-Natal initiative is a comprehensive network that encompasses over 300 non-governmental organizations, local government departments, churches, and schools. Its primary objective is to collaboratively address prevention strategies aimed at

mitigating violence against women within the province. According to the Africa Outreach Project (2022), the KZN Network plays a crucial role in addressing GBV and femicide in this province. This is achieved through various means such as gender equity awareness campaigns, legal training, capacity building, media campaigns, lobbying, data collection, and advocacy.

KZN announces plan to end violence against women and children (2020), the provincial government's plan is influenced by the comprehensive National Strategic Plan 2030 and the Emergency Action Plan that were announced by President Ramaphosa.

The provincial government of KwaZulu Natal has established its own timeline and initiatives to combat non-intimate femicide.

**Table 2.10: KZN plan to curb all forms of femicide**

<b>Programs</b>	<b>Implementation Plan</b>
The first initiative developed by the KZN government aimed to establish and implement programs in the rural regions of KwaZulu-Natal. These initiatives aimed to tackle the issues of patriarchy and toxic masculinity.	The KwaZulu-Natal government is currently (2024) implementing a continuous program in the rural areas of the province in collaboration with the taxi industry and select community organizations.  The KZN government is also collaborating with the police to implement awareness programs focused on patriarchy and toxic masculinity, which are factors contributing to GBV and all forms of femicide in rural areas.
Curbing the effects of alcohol and substance abuse on non-intimate femicide and violence in a broader context.	The government of KwaZulu Natal has expressed its commitment to collaborate with the South African government to revise legislation pertaining to the ownership of liquor shops, taverns, and bottle stores, as well as the sale of alcohol in close proximity to educational institutions, places of worship, and childcare facilities. The enforcement of compliance with regulated trading hours is important.  The government intends to implement a continuous monitoring program to oversee the enforcement of alcohol sales legislation. The government intends to collaborate with members of the community to encourage them to take responsibility for and provide assistance in the execution of these laws.
Developing programs to address the stigmatization and prejudice faced by excluded groups such as	In order to destigmatize and protect lesbians, gays, and sex workers, collaborative efforts are being undertaken with churches, traditional leadership, and certain community groups.

<p>lesbians, gays, and sex workers.</p>	<p>The government intends to collaborate involve parliament in the process of legalizing services related to sex work.</p>
<p>Address the fact that perpetrators of GBV are given parole too easily. Address the issue of too light sentences for GBV offenders.</p>	<p>The KwaZulu-Natal government has committed itself to collaborating with the Department of Justice (DOJ) to guarantee that long-term sentences for GBV and femicide (GBVF) offenders are given without parole.</p>
<p>Address insufficient community initiatives by targeting the underlying factors that contribute to non-intimate femicide, such as patriarchal ideologies and socialization practices that foster its occurrence. Address the prevalence of unequal gender relations and power imbalances among women, men, and individuals who identify as gender-nonconforming. Gender identity and/or sex can lead to disparities in power, resources, and decision-making as well as the reinforcement of violent beliefs, attitudes, and norms.</p>	<p>Actively promote the advancement of initiatives aimed at offering programs that focus on the restoration of dignity, foster the formation of compassionate communities, and effectively address historical and collective trauma. Offer and roll out community programs that address violence among and by male members of communities where GBV and femicide are rife. Enhance the capacity of community and institutional entities to effectively deliver response, care, and support for individuals who have experienced trauma and are vulnerable to harm.</p>
<p>The SAPS service lacks adequate training in handling cases of non-intimate femicide and GBV; thus, such training should be rolled out.</p>	<p>The government has made a commitment to ensure that it participates in the ongoing SAPS-victim-friendly workshops in the province. GBVF Response Teams have been trained in all 12 Districts thus far.</p>

Source: KwaZulu-Natal Province Office of the Premier, 2022

More specifically, intervention initiatives in KwaMashu have taken the form of dialogues among various role-players such as tavern owners and men to address the underlying causes of femicide in this township. These conversations are led by experts in the field and are

specifically designed to educate and empower men to actively contribute to positive transformation within their communities. Another newly established organization is the Masiphephe Network, which is dedicated to combating cases of GBV that have the potential to escalate into non-intimate femicide. The network addresses this threat through the enhancement of community governance and accountability by enhancing primary and secondary GBV prevention and by addressing the spectrum of violence against children, adolescents, and young women. It explores various forms of abuse and neglect such as sexual, physical, and emotional harm and enhances efforts to reduce the negative effects of GBV through tertiary prevention measures such as improving legal accessibility for all individuals affected by GBV (Thobane et al., 2020).

The dialogues that have thus far been conducted in Umlazi township were attended by the current Premier, Nomsa Dube-Ncube, and community members. The Premier paid a visit to Umlazi townships as part of a 16-day of activism initiative which aims to prevent GBVF in the region. The Premier's visit concluded with a community engagement event that involved civil society, survivors of GBVF, stakeholders, and members of the community at Ground no. 5 in Ward 80, Umlazi E-Section. Furthermore, the Premier is currently (2024) collaborating with the Department of Social Development (DSD) to develop survivor-based intervention programs (Creamer Mediar, 2022) that aim to provide psycho-social support services and facilitate the rehabilitation, reintegration, and empowerment of women through shelters, white door centers, and civil society organizations (Creamer Mediar, 2022). The most recent intervention that has been suggested and is being considered by certain esteemed institutions is the establishment and promotion of safer and more supportive institutions for young women. One institution that has demonstrated a commitment to addressing the issue is the University of Kwa-Zulu-Natal (UKZN), which has developed a module that is centered around GBV and femicide.

#### ***2.8.3.5 Implementing a surveillance system***

The implementation of a surveillance system involves the utilization of integrated administrative data from relevant departments and organizations, such as the Femicide Watch. The government has acknowledged the global imperative to establish a Femicide Watch to facilitate the management and prevention of femicide cases by ensuring effective data administration. The South African government incorporates the surveillance of femicide into

its monitoring of GBV incidences in response to the requirement to meet sustainable development goal (Shai et al., 2022). The Femicide Watch programme is thus intended to facilitate the collection of police data on femicide in conjunction with data obtained from the justice sector. However, this system is currently (2024) non-operational (Shai et al., 2022), which is a shame.

## **2.9 Conclusion**

According to the literature that was reviewed intensively, non-intimate femicide does occur in South Africa, but its prevalence is relatively low compared to that of intimate femicide. Moreover, non-intimate femicide statistics are not adequately collected and, when they are, they are incorporated with intimate femicide data or reported simply as femicide incidences. This means that in South Africa, as in many other countries, non-intimate femicide statistics are often combined with overall murder statistics and this compromises the picture of the reality of non-intimate femicide in this country. The literature indicates that the non-intimate femicide causative factors are attributed to a variety of reasons that vary from one country to another. However, scholars agree that the phenomenon has negative impacts on affected families, individuals, and communities, and it even tarnishes the image of governments, as is the case in South Africa that is notorious for its high femicide rates. The United Nations urges nations to prioritize their response to gender-related killings in recognition of the significance of the prevalence and nature of such incidences. Nevertheless, numerous countries lack specific and decisive measures to curb all forms of femicide, suggesting that efforts to curb non-intimate femicide are neglected as it remains a 'hidden' form of femicide in many regions, South Africa included. Some countries do respond to non-intimate femicide and engage in dedicated efforts to combat this scourge. European countries in particular have implemented initiatives to promote gender equality and to advocate for women's rights. Moreover, lessons can be learnt from Latin American countries that have established groups and sectors that address non-intimate femicide. Conversely, the South African government has implemented a nationwide strategy as part of a femicide prevention national plan, and this plan provides guidance to provinces on how to effectively address cases of gender-based killings, but non-intimate femicide is not addressed by this plan per se.

## CHAPTER THREE

### RESEARCH DESIGN AND METHODOLOGY

#### 3.1 Introduction

Research plays a crucial role in the Criminology and Criminal Justice spheres as it aids in the discovery of hidden truths that have yet to be unveiled (Berger, 2015). According to Johnson and Onwuegbuzie (2004), research is the systematic exploration and examination of materials and sources with the aim of establishing information about a particular topic and to generate new insights about it. To elicit novel findings, researchers are guided by the principles and procedures outlined in scholarly research methodology guidelines. The concept of a research methodology refers to the systematic approach employed by a researcher to elucidate the way the research investigation will be conducted (Daniel and Sam, 2011). According to Daniel and Sam (2011), a logical and systematic plan is employed to address the defined research problem. The methodology is then employed to systematically approach efforts to obtain reliable and valid results that effectively answer the research questions in the quest to address the objectives and achieve the aim/s of the study (Daniel and Sam, 2011).

Snyder (2019), notes that the selection of an appropriate research methodology contributes to the legitimacy of the research process and ensures the production of scientifically valid findings. Furthermore, it offers a comprehensive action plan that aids in maintaining the researcher's focus and enhancing the manageability of the research process and the data that have been generated (Snyder, 2019). The research methodology serves a dual purpose as it aids the researcher in generating robust research outcomes and enables readers to comprehend the approach and methods employed to arrive at valid conclusions (Ørngreen & Levinsen, 2017). Based on the aforementioned information, it is evident that the methodology serves as a guiding framework or support structure that assist the researcher in generating original/new conclusions.

The purpose of this chapter is to offer an in-depth explanation of the methodological processes that were employed to conduct the current research, and this will assist readers in gaining comprehensive insight into the reliability and validity of the study's findings. Furthermore, this will allow future researchers to replicate or expand the study should they wish to do so. This

chapter addresses the following: the research design, the research paradigm, the sampling procedure, the data collection procedure, the data analysis process, the ethical requirements that were adhered to, the delimitation and limitations of the study, and pertinent information about the study site.

### **3.2 Research Design**

Jaakkola (2020, p.19) defines a research design as “the decisions that is taken by the researcher about how to achieve research goals, linking theories, questions, and goals to appropriate resources and methods”. This ensures that the research problem is effectively addressed and serves as a blueprint for data collection, measurement, and analysis. According to Creswell (2014), this inquiry offers precise guidance for the implementation of research procedures. The researcher is provided with a systematic procedure that is followed prior to the commencement of data collection and analysis in order to achieve the research objectives in a valid manner (Creswell, 2014). Research design thus refers to the systematic and thorough blueprint that outlines the approach for gathering data in an empirical research work (Dulock, 1993). The latter statement elucidates the elicitation of the necessary data, the proposed methods for data collection and analysis, and how these elements will contribute to addressing the research objectives and aim (Dulock, 1993). In addition, it establishes the types of analyses that need to be carried out in order to achieve the intended outcomes (Myers, Well, & Lorch, 2010). The information provided above indicates that the research design plays a crucial role in refining the research methods applicable to the topic and achieving the objectives and aim of the study.

The research problem influences the choice of design that needs to be employed by the researcher (Creswell, 2014). The research design should incorporate a methodology for interpreting the analyzed data in order to generate sufficient findings and to reach valid conclusions (Dulock, 1993). The research design component commonly encompasses three distinct categories: a quantitative research design, a qualitative research design, or a mixed methods research design.

#### **3.2.1 The Quantitative Research Method**

Quantitative research is a systematic investigation of a particular phenomenon and involves the gathering of numerical data and the application of statistical, mathematical, or computational methods (Watson, 2015), whereas the data collected in qualitative studies are derived from

empirical observations and measurements. According to Bloomfield and Fisher (2019), individuals consistently exhibit a propensity for providing responses that are limited in scope and do not allow for open-ended discussion. To mitigate this limitation, the foundation of quantitative research lies within the positivism paradigm, which promotes the utilization of statistical analysis techniques. These techniques encompass inferential statistics, hypothesis testing, mathematical explanations, experimental and quasi-experimental designs, randomization, blinding, structured protocols, and questionnaires with limited options for pre-determined responses (Bloomfield & Fisher, 2019). According to Watson (2015), quantitative researchers perceive the world as existing external to their own subjective experiences, and posit the existence of an objective reality that is not influenced by any observations. Hoy and Adams (2015) elaborate on the notion that, in the context of research, it is necessary to deconstruct objective reality into smaller, more manageable components. These components, referred to as research objectives or hypotheses, allow for a comprehensive understanding of the subject matter. According to Hoy and Adams (2015), the qualitative researcher can utilize various data collection and analysis methods to generate data or test hypotheses based on the relationships among variables. Conclusions can be derived based on the objectives or hypotheses after conducting a series of quantitative data analyses.

### **3.2.2 Mixed methods research**

The development of a mixed methods research methodology can be attributed to the contributions of individuals from various disciplines such as education, management, sociology, and the health sciences during the late 1980s and early 1990s (Asenahabi, 2019). The development of mixed methods research has been through various stages, namely the formative stage, philosophical debates, procedural advancements and, more recently, reflective positions that acknowledge controversies and debates. Additionally, the application of the mixed methods approach has been expanded into different disciplines and has gained attraction worldwide (Ajlouni, Rawadieh, AlMahaireh, & Awwad, 2022). According to Morse (2016), mixed methods research is a systematic approach that a researcher uses to integrate qualitative and quantitative research methodologies to achieve comprehensive and in-depth knowledge in the quest to establish corroborative evidence about the topic under investigation. In brief, it enables enhanced comprehension of a problem for both the researcher and readers. Essentially, the mixed methods process encompasses the gathering of qualitative (open-ended) and quantitative (closed-ended) data in order to address the research questions and/or hypotheses.

In the context of a mixed methods research design, the integration of two distinct forms of data is achieved through the processes of merging, connecting, and/or embedding the data within the design analysis (Creswell, 2014). These steps are integrated into a unique mixed methods design, which also encompasses the temporal aspect of data collection (concurrent or sequential) and the degree of emphasis (equal or unequal) placed on each database (Creswell, 2014). The selection of both the qualitative and quantitative methods is motivated by their ability to use the strengths of both while mitigating the limitations inherent in each (Creswell, 2014). Creswell (2014) has demonstrated that mixed methods research offers a sophisticated and intricate research approach that is particularly appealing to researchers at the forefront of innovative research methodologies. From a procedural standpoint, it is advantageous to possess a comprehensive comprehension of research problems or questions, as exemplified by Morse (2016).

### **3.2.3 Qualitative research**

Qualitative research places emphasis on the exploration and comprehension of the significance that individuals or groups attribute to a social or human phenomenon that is often regarded as a societal problem (Creswell, 2014). According to Aspers and Corte (2019), the qualitative method is characterized by a researcher's reliance on participants to provide detailed responses regarding the construction or understanding of their experiences pertaining to a particular topic. The utilization of qualitative research as a method of inquiry originated in the early decades of the 20<sup>th</sup> century, primarily within the disciplines of Anthropology and Sociology (Mohajan, 2018). During the 1920s and 1930s, notable social anthropologists such as Mainowski (1920) and Mead (1935), as well as sociologists Park and Burgess (1925), made significant contributions to the field of qualitative research (Mohajan, 2018). The time span between 1900 and 1945 is commonly referred to as the traditional era of qualitative research (Mohajan, 2018). During this particular period, the objective of qualitative data analysis was to provide a relatively unbiased depiction of social phenomena within societal and various cultural contexts (Mohajan, 2018). The period that extends from 1950 to 1970 is commonly referred to as the second stage or the golden age of qualitative research. During this time, qualitative research underwent a significant transformation as it became characterized by the adoption of a modern approach, also referred to as the modernist phase (Brinkmann, Jacobsen, & Kristiansen, 2014). During this particular time frame, the process of data analysis was primarily influenced

by diverse coding methods that were applied to materials frequently acquired through participant observation (Mohajan, 2018).

The qualitative research design was developed with the purpose of generating non-quantifiable data through the utilization of semi-structured or open-ended questions (Brinkmann, Jacobsen, & Kristiansen, 2014). This methodology allows researchers to gain a comprehensive understanding of issues by examining them within their unique context while considering the subjective interpretations individuals attribute to them (Denzin & Lincoln, 2005). The primary objective of this approach is to derive significance, intention, or actuality from the viewpoints and personal encounters of individuals (Merriam, 2009). Qualitative research is characterized by its inductive approach that allows the researcher to primarily focus on exploring and interpreting meanings and insights within a specific context (Henwood & Nicolson, 1995). This type of research requires a variety of methodologies for gathering and analyzing data, such as purposive sampling and semi-structured, open-ended interviews (Merriam, 2009). According to Creswell (2009), the qualitative model can be characterized as an efficacious framework that occurs within an authentic environment and that allows the researcher to cultivate a comprehensive understanding through active engagement with other humans' real-life experiences. Qualitative researchers study people's beliefs and experiences of and the meanings they construct about the world. This meaning-making excludes statistical analyses and empirical calculations.

The current research was conducted using the qualitative research design as the researcher chose qualitative methods to better understand the non-intimate femicide phenomenon in KwaMashu and Umlazi. The participants demonstrated the capacity to systematically describe and interpret phenomena related to non-intimate femicide from their personal perspectives and experiences. Furthermore, the researcher derived significant benefits from this process as it facilitated the development of new concepts about the studied phenomenon. The qualitative approach thus offered a comprehensive depiction of the social phenomenon of non-intimate femicide, and the researcher was able to expose pivotal insights in her efforts to contribute more specific information to the pool of knowledge on the broad phenomenon of GBV in the study area. The utilization of the qualitative research design was accompanied by both strengths and weaknesses, as proposed by Ramona (2011). The strengths included the following:

- It was in-depth analysis of the impact of an emergency.

- It provided rich and detailed information about the affected population.
- It allowed the researcher to explore the views of homogenous as well as diverse groups of people and helped her to unpack these differing perspectives in a scholarly manner.
- As statistics were not used, the descriptive, narrative style produced in-depth insights into peoples' views and experiences.
- The data analysis process played an important role in suggesting possible relationships, causes, effects, and dynamic processes.
- It allowed the people involved (as the study sample) to open up and this elicited new evidence that had not even initially been considered.
- It provided a rich picture of the social phenomenon of non-intimate femicide in the specific contexts of the study area and revealed critical incidents.
- It provided a holistic interpretation of the detailed processes that had shaped and were still shaping people's lives.
- The data collection process involved a limited number of respondents and required limited costly resources.

Although the qualitative field of study has experienced significant growth and expansion within the realm of the social sciences due to its ability to offer comprehensive insights into various aspects of human behaviour, emotions, attitudes, and experiences (Opdenakker, 2006), it was also impacted by inherent limitations (Ramona, 2011), such as the following:

- The quality of the research was significantly influenced by the individual competencies of the researcher and there was the danger that some findings might be subject to the researcher's personal bias and idiosyncrasies.
- Rigor was somewhat difficult to maintain, assess, and demonstrate.
- The volume of the data set made analysis and interpretation quite time consuming.
- The qualitative approach is sometimes not well understood or readily accepted within the scientific community.
- The researcher's presence during the data gathering process was unavoidable and could have affected the subjects' responses.
- Issues of anonymity and confidentiality had to be closely monitored at all times to prevent problems when presenting the findings.
- The findings were difficult and time consuming to characterize in a visual way.

However, regardless of the envisaged and real challenges, the researcher persevered in her choice to use the qualitative approach.

### **3.1.1 Qualitative research approaches**

Various qualitative research approaches can be employed, such as the following:

#### ***3.2.3.1 Explanatory research***

Explanatory research aims to provide explanations for observed occurrences, situations, or behaviours (Claxton, 2005). The objective of explanatory research is to establish a comprehensive understanding of the targeted phenomenon by examining the causal elements and effects, hence facilitating a holistic perspective (Towne & Shavelson, 2002). When the researcher uses this particular research methodology, he or she seeks to obtain answers through the utilization of interrogative inquiries, specifically focusing on the ‘why’ and ‘how’ questions. Explanatory research is strongly associated with the practice of hypothesis testing (Babbie, 2007a; Babbie,2007b).

The process of testing theory involves the application of deductive reasoning, which proceeds from the general to the specific (Hyde, 2000; Babbie,2007b). According to Adler and Clark (2014), hypotheses serve as a framework for explanatory research as addressing them establishes a connection between the research objective and other components of the research process, such as variable formation, data selection, and statistical tests. Shields and Rangarajan (2013) assert that these tools serve to establish alignment and coherence throughout the many stages of the research process, while also offering a means to evaluate the study's strengths and weaknesses. The process of seeking explanations for observable events necessitates the possession of robust theory and interpretative abilities, in addition to intuition, insight, and personal experiences (Shields & Rangarajan, 2013).

#### ***3.2.3.2 Descriptive research***

Descriptive research occupies a central position on the knowledge continuum where it is positioned between the initial study of a topic and the subsequent explanation of its underlying mechanisms (Ivey, 2016). The objective of descriptive research is to methodically gather data with the purpose of providing a comprehensive description of a certain occurrence, situation,

or population. The primary objective of the researcher is to address the research problem by focusing on the aspects of ‘what’, ‘when’, ‘where’, and ‘how’ rather than delving into the ‘why’. According to Lans and van der Voordt (2002), the primary focus of this phenomenon is not on its causes. Grimes and Schulz (2002) argue that the process of description can also be influenced by inductive reasoning, which involves making logical deductions from specific observed facts to establish general principles or expand existing knowledge.

Descriptive research thus requires the systematic and careful observation and comprehensive documentation of a particular occurrence of interest (Nassaji, 2015). The aforementioned observations adhere to the principles of the scientific method, which necessitate replicability, precision, and other related criteria. Consequently, such studies need to possess a higher degree of reliability compared to casual observations made by individuals lacking formal training (Ivey, 2016).

### ***3.2.3.3 Exploratory research***

Exploratory research is commonly employed in emerging fields of study. The primary objectives of such studies are: (1) to ascertain the scale or scope of a specific phenomenon, problem, or behaviour; (2) to generate preliminary insights or hypotheses pertaining to a studied phenomenon; and/or (3) to evaluate the viability of conducting a more comprehensive investigation on the subject matter (Swedberg, 2020). Within the realm of Criminology, exploratory research is employed to pursue elucidations for observable events, problems, or behaviours (Vander, 2015). This particular form of research endeavours to establish connections between various elements in a study by finding the causal factors and results associated with the phenomenon being investigated (Miethe, Hart, & Regoeczi, 2008). For instance, Miethe et al. (2008) provide examples to comprehend the underlying causes of juvenile delinquency and gang-related violence with the aim of formulating effective approaches to address these societal issues.

Exploratory studies endeavour to address inquiries pertaining to the underlying reasons and methodologies involved. The concept of exploration holds broad applicability due to the fact that all study subjects were once considered novel (Vander, 2015). Moreover, it is important to note that all study topics possess the potential for ‘innovation’ or continuous ‘novelty’ (Strydom, 2013), hence the utilization of exploratory research may be deemed

suitable for the purpose of verifying the existence of various components within a particular phenomenon (Strydom, 2013). Based on the applicability of this approach to the aim and objectives of the current study, the researcher chose to conduct exploratory research.

The main reason for this choice was rooted in the absence of prior investigations on non-intimate femicide in KwaMashu and Umlazi; hence, this study would be an original endeavour in this field. Furthermore, it was deemed pivotal that this work should establish a fundamental basis for future researchers who may choose to further investigate this topic. Moreover, employing this particular research methodology enabled the researcher to exhibit flexibility throughout the investigation, which means that she was able to adjust or modify some aspects throughout the course of the research.

It is acknowledged that, although this particular research approach offers certain benefits for innovation and ongoing novelty, it also possesses inherent drawbacks. For instance, explorative studies tend to encompass a wide range of research findings based on the interpretation of data that might be susceptible to prejudice. Being aware of these pitfalls, the researcher focused on avoiding them, as will be discussed later.

### **3.3 Research Paradigm**

Research is a methodical approach that is used to examine a topic of interest with the intention of resolving a problem and arriving at an original result and credible outcomes (Ganiyu, Ebohon, & Ajayi, 2020). The primary objective of research is to expand the existing body of knowledge on a given topic (Ganiyu et al., 2020). Given that qualitative research endeavours are primarily aimed at addressing social issues and expanding the existing knowledge framework, it follows that the proposed solutions are prone to being shaped by the researcher's paradigm of choice (Ganiyu et al., 2020). The term 'paradigm' gained prominence through its usage by Thomas Kuhn (1962) in his seminal work, *The Structure of Scientific Revolutions*. In this book, Kuhn describes his analysis of the historical development of the natural sciences and discerns recurring patterns of activities that influence the advancement of scientific knowledge. Kivunja and Kuyini (2017) provides a definition of paradigm as "a human constructions, which deal with first principles or ultimate indicating where the researcher is coming from so as to construct meaning embedded in data" (p. 28). According to Rehman and Alharthi (2016)

a paradigm is a “basic belief system and theoretical framework with assumptions about 1) ontology, 2) epistemology, 3) methodology and 4) methods” (p. 51).

According to Khorasani & Almasifard (2017), a paradigm comprises three essential components: ontology, epistemology, and methodology. The lens through which a researcher perceives and approaches a study problem or social phenomenon, such as the use of Building Information Modelling (BIM), is determined by these components (Khorasani & Almasifard, 2017). According to L'Abate (2011), there exists a multitude of paradigmatic viewpoints that might be embraced within the social sciences.

Maxfield and Babbie (2018) assert that criminological research encompasses three distinct paradigms: positivist, hermeneutics (descriptive-interpretive), and semiotics (constructionist). The present study was conducted within the framework of interpretive phenomenological research, with ‘interpretive’ serving as the paradigm and ‘phenomenology’ serving as the chosen approach of inquiry. The interpretivist paradigm assisted the researcher to adopt a perspective that encompassed the perceptions and experiences of the participants, thus enabling a comprehensive understanding of the world through their eyes and experiences. The researcher utilized these experiences to develop and explain their knowledge based on the collected data. Furthermore, scholarly research has revealed that using an interpretive paradigm places significant focus on comprehending events by examining the subjective interpretations attributed to them by individuals (Myers et al,2010). This study aimed to acquire an in-depth understanding of the occurrence and prevalence of non-intimate femicide in KwaMashu and Umlazi.

The following discussions provide an overview of the key attributes of interpretivism as a paradigm, with particular emphasis on its relevance to the present study. As stated earlier, a paradigm encompasses three fundamental components, namely ontology, epistemology, and methodology.

### **3.3.1 Ontology**

According to Crotty (2003), ontology is the scientific analysis of existence. The subject matter pertains to the inquiry into the nature of the world under investigation, the essence of existence, and the fundamental structure of reality. According to Guba and Lincoln (1989), ontological assumptions pertain to inquiries into the nature of reality and what may be known. The existence of reality is supported by the findings of the study, as it reveals that human beings

possess inherent cognitive faculties that enable them to formulate thoughts and interpretations and the ability to assign significance to the world and its occurrences. This reality facilitated the researcher's investigation into the daily experiences of the selected participants, with the objective of comprehending and interpreting their experiences to better understand non-intimate femicide. The researcher's exploration of this realm was supported by her utilization of several research methods and procedures within the interpretative design, such as conducting interviews to elucidate the participants' perspectives on non-intimate femicide.

According to Saeed and Ahmed (2021), the exploration and social construction of reality can be facilitated by human interactions. This particular attribute situated the researcher within the framework and actualities of the involved participants (see composition later) through the interpretation of their statements during comprehensive one-on-one interviews.

### **3.3.2 Epistemology**

Epistemology is the study of the processes by which individuals acquire knowledge, ascertain truth or reality or, as Cooksey and McDonald (2011) articulate, determine what qualifies as knowledge within the realm of human understanding. This field of study exposes fundamental aspects of knowledge by encompassing its essence, manifestations, methods of acquisition, and means of dissemination among individuals. The primary focus of this inquiry refers to the fundamental characteristics of human knowledge and comprehension. As the researcher or individual seeks information, the aim is to obtain the necessary insights and understandings that can facilitate the expansion, enhancement, and enrichment of knowledge within one's specific field of research. The current study employed a constructionist epistemological position. According to Saeed and Ahmed (2021), the constructivism philosophical paradigm posits that individuals actively construct their own understanding and knowledge of the world by engaging in experiences and afterwards reflecting upon them. The premise of this perspective is rooted in the notion that individuals acquire a significant portion of their knowledge from personal experiences (Ikram & Kenayathulla, 2022).

### **3.3.3 Methodology**

As already discussed, methodology refers to the overarching framework that guides the selection and implementation of specific methods and connecting these ways to the intended goals (Saeed and Ahmed (2021). This study therefore engaged in comprehensive descriptions, critical evaluation, and reasoned justification for the utilization of specific research

methodologies. The study employed a qualitative research methodology and utilized in-depth interviews as the primary method of data gathering, as proposed by Ahmad et al, (2019).

### **3.4 Location of the Study**

The researcher chose KwaMashu and Umlazi as the research site. KwaMashu is a relatively informal residential area located about 16 kilometres to the north of Durban in KZN, South Africa. The historical origins of this township can be traced back to the late 1800s when it became associated with Sir Marshall Campbell, a prominent Scottish sugarcane farmer and magnate. In the isiZulu language, the term ‘Kwa’ signifies ‘place of’, while ‘Mashu’ is a localized translation of the name Marshall. The name of the township is thus derived from the name of the original Scottish owner of the land on which the area was developed.



**Figure 3.1:** Aerial view of homes in KwaMashu

Image: Mbambo and Agbola, 2020



**Figure 3.2:** Aerial view of a small area in Umlazi

Source: Flickr.n.d.



**Figure 3.3:** Image of a part of the Umlazi Hostel

Source: Burger, 2018



**Figure 3.4:** Image of residents on hilly terrain near their homes in Umlazi

Source: Vyawahare, 2022

The establishment of Umlazi township can be attributed to the British conquest of the Zulu Kingdom in 1845, which resulted in the renaming of the region as Natal. This occupation involved the appropriation of land from the indigenous Zulu population. The location of the township is approximately 17 kilometers southwest of the Durban CBD. Umlazi is a predominantly African residential area and is quite congested due to overpopulation. As a result, there is a housing crisis which Umlazi residents and authorities have not been able to resolve. In 1994, the ANC pledged “to provide homes for all” (Cooper et al.,1993) during their election campaign, but the housing crisis is a persistent major issue for the government, with millions of people living in shack settlements. Umlazi is surrounded by informal shack communities, and there are numerous backyard shacks that are inhabited by poverty-stricken residents (Mthembu ,2007).

- The researcher selected KwaMashu and Umlazi due to evidence of the prevalence of various factors in these areas that contribute to non-intimate femicide. Umlazi and KwaMashu are among the top 30 townships in South Africa that have notoriously high rates of femicide and GBV against women. KwaZulu-Natal is primarily populated by Black African communities that predominantly adhere to traditional patriarchal values,

and the region is thus known for significant gender inequality. Mpunzana and Mofokeng (2023) argue that most African communities in KwaZulu-Natal consider men superior to women. This belief is reinforced by the Zulu culture, which emphasizes the need for respect for and the superiority of men over women. Furthermore, KwaMashu and Umlazi are notorious for their high crime rates, particularly crimes that disproportionately affect women, such as residential burglaries and street robberies. These crimes are known to contribute to femicide and non-intimate femicide (Caicedo-Roa et al,2020).

### **3.5 Study Population**

According to Hawe and Potvin (2009), social research requires the identification of and agreement with the targeted population. The target population refers to the specific group of individuals that a researcher aims to study so that conclusions may be derived from pertinent data (Cheung et al,2021). A study's population of interest is thus refers to the individuals, groups, organizations, or other entities that the researcher seeks to understand and to whom or to which the study findings can be extrapolated or applied, and this population represents the primary focus of the research (Casteel & Bridier, 2021). A population plays a crucial role in aiding a researcher to establish the parameters of a study as it offers contextual and environmental cues for the outcomes the researcher might wish to achieve (Casteel & Bridier, 2021). These boundaries also establish inherent limitations on the research, but they also enable the researcher to maintain appropriate focus and avoid presenting a universally applicable set of results. The establishment of boundaries enables the researcher to effectively delineate subpopulations, including the target population, sampling frame, and sample, and to ensure congruence among these entities within the research (Van Breukelen, 2010). In essence, the population refers to the collective of individuals that the researcher aims to select for sampling for the purpose of the study. The targeted population of the current study originally encompassed members of the South African Police Service (SAPS), social workers employed at police stations, members of the National Prosecuting Authority (NPA), legal professionals (particularly advocates), psychologists, and members of the National Prosecuting Authority (NPA). The population also included organizations that advocate for women's rights and others that are involved in program planning to prevent all forms of femicide and gender-based violence in the communities under study.

## **3.6 Sampling**

### **3.6.1 Sample composition**

Participants were sampled based on their involvement as role-players in the investigation and prosecution of non-intimate femicide cases. In criminological research, sampling serves as a fundamental component or the central framework for acquiring scientific knowledge. As previously mentioned, the sampling process involved drawing a normal distribution of people from the larger population (Berndt, 2020). Berndt (2020) refers to the process of selecting a subset of the population under investigation in a sample. Sampling may entail either a statistical or purposive procedure of choosing a subset from a population of interest. The main objective of sampling for a qualitative study is to generate a representative sample as a small subset of the population that effectively mirrors the attributes of the larger population (Davies et al,2008).

The sampling process was conducted in multiple steps:

- The first step was to define the target population.
- The second step was to determine which components of the population would be most knowledgeable of the study topic.
- The third step was to delineate this ideal group and to commence contacting them for the purpose of sampling.
- Another step in the sampling procedure was the selection of a sampling frame. This entailed compiling a list (with contact information) of the accessible section of the target population from whom a sample could be drawn (Bhattacharjee,2012).

According to Bhattacharjee (2012), a sampling frame refers to a comprehensive compilation of units that are representative of the target population, typically presented in the form of a list or map. The intended sample size for the study was 43 participants. The rationale for selecting a sample of 43 was to ensure an adequate set of data regarding the prevalence of non-intimate femicide in KwaMashu and Umlazi. Furthermore, the decision to conduct interviews with a total of 43 participants was made to elicit a broad range of perspectives on non-intimate femicide in the study area, for efficient data management purposes, and to enhance the accuracy of the results. The researcher intended to conduct interviews with a total of 19 participants from KwaMashu and another 19 participants from Umlazi, as well as 5 private Advocates who had experience in handling cases of non-intimate femicide in the KwaMashu and Umlazi areas. The original sample would thus have totaled 43 participants.

**Table 3.1: Envisaged composition of study sample**

<b>Umlazi</b>	<b>KwaMashu</b>
5x Homicide investigators working at Umlazi police station	5x Homicide investigators working at KwaMashu Police station
5x SAPS officers investigating crime in the Umlazi police station area	5x SAPS officers investigating crime in the KwaMashu police station area
5x Prosecutors that working at Umlazi Magistrates' Court	5x Prosecutors working at Ntuzuma Magistrate Court
4x Psychologists working at Umlazi police station	4x Psychologists working at KwaMashu police station
5x advocates	
<b>Total: 43</b>	

The rationale for selecting these participants was as follows:

- Homicide investigators play a prominent role in homicide investigations as they are typically the initial individuals to engage with victims and eyewitnesses of homicides. Additionally, they are responsible for presenting their findings in court during the appearance of the accused.
- Prosecutors are responsible for conducting the legal proceedings against an individual who stands accused of committing a homicide. The role of the prosecutor entails conducting the prosecution, and a prosecutor is the legal entity entrusted with the responsibility of presenting the case in a criminal trial against an individual who has been accused of violating the law.
- Advocates are legal representatives who defend the accused and they present and argue cases in court.
- Police officers are mandated to uphold the law and ideally safeguard the community through community safety programs aimed at preventing non-intimate femicide.
- Psychologists have expertise in providing support and assistance to individuals who are the secondary victims of non-intimate femicide. They also counsel perpetrators and work intimately with victims and perpetrators in cases of GBV.

However, the sample shrunk to only 28 participants, particularly as many targeted individuals were not available for interviewing due to work commitments. Moreover, Umlazi and KwaMashu police stations lacked the presence of psychologists as only social workers are employed at these stations to address issues related to GBV and femicide. Some targeted police officers also declined to participate or were not available on the scheduled interview days, which posed quite a challenge in recruiting an adequate sample for the study. A factor that also resulted in a smaller sample was the lack of prior exposure among certain participants to non-intimate femicide cases, such as social workers and prosecutors. Moreover, due to the lack of prior experience in handling cases of non-intimate femicide, certain participants showed limited familiarity with such cases, and they suggested that the researcher should conduct interviews with individuals involved in NGOs that focus on addressing issues of violence against women and children. Such an interview was conducted with a participant from an NGO. The following table depicts the composition of the sample that actually participated in the study:

**Table 3.2: Actual composition of study sample**

<b>Umlazi</b>	<b>KwaMashu</b>
5x Homicide investigators	5x Homicide investigators
No police officers	4x police officers
3x Social workers	No social workers
5x Prosecutors	5x Prosecutors
<b>Sub-total: 13</b>	<b>14</b>
1x NGO representative	
<b>Total: 28</b>	

### **3.6.2 Sampling techniques**

The process of sampling entailed the selection of a sample from the sampling frame through the implementation of a clearly defined sampling technique. Sampling techniques can be classified into two overarching categories: probability (random) sampling and non-probability (purposive) sampling. Probability sampling is a method that entails the random selection of individuals, thereby enabling robust statistical inferences to be made about the entire population (Hansen et al., 1983). Non-probability sampling entails the selection of participants

in a non-random manner, which is a process that is typically based on convenience or other predetermined criteria, thereby facilitating the collection of data in a convenient manner (Vehovar et al., 2016). The researcher used non-probability sampling in order to select participants who would possess knowledge of non-intimate femicide and who might have first-hand experience in handling cases related to non-intimate femicide. There are four primary categories of non-probability sampling, some of which the researcher utilised.

- Convenience sampling is a common qualitative sampling method that allows a researcher to select particular individuals to participate in a study based on their convenient availability in terms of access, location, time, and willingness (Stratton, 2021).
- Purposive sampling, also known as purposeful sampling, is a frequently used technique in qualitative research. It involves the deliberate identification and selection of cases that are rich in information, allowing for the optimal allocation of limited resources (Creswell and Clark, 2017). This process entails the identification and selection of individuals or groups who possess significant expertise or experience in a particular phenomenon of interest (Creswell and Clark, 2017). Purposive sampling, also known as ‘judgment sampling’, aims to select cases that are rich in information for the purpose of conducting an in-depth study (Patton, 2002). This sampling technique was primarily employed in the study.
- Snowball sampling, as described by Naderifar et al. (2017), is a sampling technique that utilizes chain referrals from initial subjects in order to generate additional subjects. This sampling method was employed to some extent in the study in the knowledge that it might introduce bias in the subjects that would agree to participate. This is due to the fact that participants who possess a greater number of social connections have a higher likelihood of referring other participants who share similar characteristics with them (Creswell and Clark, 2017). However, the reference to a representative of an NGO and some police officers proved highly beneficial to the study.
- The method of theoretical sampling is primarily employed in grounded theory research, although it is progressively being utilized to collect data from participants for the purpose of theory development (Coyne, 1997). This technique was not employed.
- The utilization of the purposive sampling method was justified as the research into non-intimate femicide was an emerging area of inquiry that had not yet been explored in KwaMashu and Umlazi. Consequently, the researcher was compelled to select participants who would possess comprehensive knowledge regarding non-intimate

femicide, as well as individuals who possess first-hand experience in handling cases of non-intimate femicide. However, it should be noted that a subset of the recruited participants lacked prior experience in dealing with cases of non-intimate femicide, and new recommendations were proposed. The utilization of snowball sampling was necessitated by the researcher's encounter with a restricted pool of participants possessing knowledge pertaining to non-intimate femicide. Therefore, the researcher had to rely on the recommendations provided by some participants.

Although purposive and snowball sampling methods offer certain advantages in research, they also present limitations in terms of participant selection and potential researcher bias (Naderifar et al, 2017), which were pitfalls that the researcher considered and avoided as far as possible.

### **3.7 Gaining Access to the Research Site and Adherence to Ethical Requirements**

Before collecting the data, the researcher had to adhere to specific processes to obtain permission to enter the research site:

**Step one:** In order to gain access to the research site, the researcher's first step was to obtain a letter from her supervisor that authenticated her identity and status as a researcher (Appendix A).

**Step two:** The researcher then obtained a provisional approval letter from the University of KwaZulu-Natal for the purpose of submitting it to stakeholders. The researcher utilized this letter to obtain gatekeepers' letters from the SAPS, Prosecutors, and the NPA (Appendix B).

**Step three:** All the aforementioned documents were forwarded to the relevant departments for permission to enter the site. The email was supported by additional documents, including the research questions that differed for the various categories of individuals that would be interviewed. Similar questions were posed to SAPS officers and the social workers (Appendix C), while a different set of questions was posed to the prosecutors and homicide investigators (Appendix D).

**Step four:** A letter requesting data collection was then sent to all other stakeholders. Emails were also sent to NGOs in the Durban area, and one finally agreed to participate in the study (Appendix E). The researcher attempted to contact several law firms in Durban, but all the targeted advocates declined to participate due to their demanding schedules.

**Step five:** The researcher requested and obtained access to the research site and to interview participants from SAPS such as police officers, homicide investigators and social workers that are employed by SAPS (Appendix G), and the NPA (Prosecutors) (Appendix H).

**Step six:** After obtaining permission from all relevant departments, the researcher submitted the acceptance letters from the gatekeepers to the University of KwaZulu-Natal as a requirement for complete approval to collect data, and full approval was granted (Appendix I). Full approval was also granted by the SAPS to visit the police stations in KwaMashu and Umlazi. Police station commanders in the two townships chose SAPS participants whom they deemed suitable for the research. The researcher met with the participants to discuss the research topic and to explain the aim and objectives of the study. The participants' fear of potential job loss prompted the need for an in-depth explanation of the purpose and nature of the study.

**Step Seven:** The researcher visited the Ntuzuma Magistrates' Court and the Umlazi Magistrates' Court to meet with the senior prosecutors, who then selected prosecutors who would be relevant for the study as they were deemed experienced in handling non-intimate femicide cases. The researcher met with the interested participants to explain the purpose, objectives, and significance of the study.

**Step eight:** The researcher only met with the founder of the identified NGO and scheduled a data collection appointment. This occurred after the researcher had fully explained the purpose, aim, and objectives of the study to this person.

### **3.8 Data Collection**

A period of three weeks was required to complete the data collection process. Data collection refers to the systematic and structured process of acquiring and quantifying information related to specific variables of interest and to address the specified research inquiry (Gill, et al., 2008). The primary objective of data collection in qualitative research is to acquire contextual information (Goodwin and Goodwin, 1984). In contrast to quantitative data that primarily relies on numerical values to determine quantities or magnitudes, qualitative data collection methods enable an investigation of the underlying reasons and mechanisms behind those statistics (Goodwin and Goodwin, 1984) and may encompass various methodologies for data collection.

To address the research objectives, the researcher conducted one-on-one semi-structured interviews with all the participants. Interviews serve as a method for gathering data from a limited number of participants by posing questions that are pertinent to the topic under investigation (Bachiochi & Weiner, 2002). The utilization of interviews was justified as they elicited data offered a deep understanding of the social phenomenon under study (Peters & Halcomb, 2015). The interviews were scheduled to be conducted by means of the Zoom platform in compliance with COVID-19 regulations. Nevertheless, due to load-shedding and connectivity issues, most participants expressed their preference for face-to-face interviews. These interviews were recorded using a tape recorder to create a backup record and to avoid misrepresenting the data in the transcription process. Before the commencement of data collection, all the participants were required to provide their consent by signing a form indicating their agreement to be recorded and affirming that their participation was voluntary (Appendix F).

The utilization of face-to-face interviews assisted the researcher in acquiring a broad spectrum of data and to elicit a comprehensive understanding of non-intimate femicide. As stated earlier, different interview schedules were used to ensure that the questions that were posed addressed issues that would be familiar to the respective participants. The one-on-one interviews were conducted in locations that were chosen for their convenience and safety, with each interview lasting between 30 to 50 minutes. The process of data collection was conducted for approximately three weeks until the point of saturation had been reached. The questions were conducted in English, but in cases where a participant struggled to understand certain questions in English, the researcher provided clarification in IsiZulu or IsiXhosa. The participants were given the freedom to provide their responses in the language they preferred. The recordings were transcribed verbatim and translated where required.

The one-on-one interviews were conducted in the participants' offices to ensure confidentiality and privacy. All COVID-19 regulations were adhered to. Each department provided a sanitizer and the researcher also used her own. A distance of 1 meter was maintained and no interview was conducted with a participant who felt ill. One-on-one interviews are often used as a data collection technique in qualitative research due to their ability to facilitate the direct acquisition of personalized information from primary sources (Roulston & Choi, 2018). Such interviews serve as a valuable method for investigating the perspectives, motivations, convictions, and

encounters of participants. They are especially advantageous for collecting data on sensitive subjects, as individuals are more inclined to express themselves candidly in a one-on-one context as opposed to a group setting (Roulston & Choi, 2018).

The researcher had to decide whether to use structured or semi-structured interviews. Structured interviews are a data collection method that involves the systematic administration of questions in a predetermined sequence to gather information on a specific subject, as stated by Roulston and Choi (2018). Structured interviews are characterized by predetermined questions, typically closed-ended, which are applied uniformly across interviewees with minimal or no variation (Howe, 1988). According to Howe (1988), the nature of these types of questions typically does not allow for further expansion or follow-up inquiries, thus making them more appropriate for researching specific subjects. Structured interviews are frequently employed in research, primarily for quantitative purposes. However, their utilization in qualitative research is also possible though less prevalent, particularly when the questions posed are open-ended in nature.

An unstructured interview, also known as a non-directive interview, is a type of interview where the questions are not predetermined (Kevin & Seppo, 2022). Non-directive interviews are commonly regarded as the opposite of structured interviews during which a predetermined set of standardized questions is used (Kevin & Seppo, 2022). Unstructured interviews are typically employed in situations where there is limited knowledge about the subject matter or when detailed and comprehensive responses are needed on a specific topic (Gill et al., 2008).

Semi-structured interviews incorporate elements from both structured and unstructured interviews (Carruthers, 1990). In this type of interview, a set of predetermined questions are provided, but there is also flexibility for both the interviewer and interviewee to deviate from the script and delve into more detailed explanations and reasoning (Qu & Dumay, 2011). As alluded to in the heading, the researcher employed semi-structured interviews due to the open-ended nature of the questions that were posed, thereby affording flexibility for both the researcher and the participants. Open-ended questions assisted the researcher in gaining a deep understanding of the genuine emotions and attitudes of the participants towards non-intimate femicide. By using this interview design, the participants were able to discuss the sensitive situations of non-intimate femicide that they had encountered in the past in an open

manner. However, this interview method was quite time-consuming, but resulted in the elicitation of rich data.

### **3.9 Data Analysis**

Within the realm of qualitative research, the process of data analysis holds significant importance as it aids researchers in comprehending and interpreting the qualitative data obtained (Ngulube, 2015a). According to Ridder (2014), data analysis is the systematic procedure used to impose organization, coherence, and significance upon a vast collection of gathered data. According to Ngulube (2015a), the analysis of qualitative data is a demanding and time-consuming process. The reason for this is that qualitative research generates a substantial volume of data that is contextual, subjective, and richly detailed (Mohammed et al., 2019). The process of qualitative data analysis involves the conversion of unprocessed data through various activities such as searching, evaluating, recognizing, coding, mapping, exploring, and describing patterns, trends, themes, and categories within the data. These activities aim to interpret the data and uncover their underlying meanings (Ngulube, 2015b).

Various data analysis techniques can be employed to understand qualitative data, such as content analysis, narrative analysis, discourse analysis, and grounded theory analysis. However, in this study the researcher employed thematic analysis. Thematic analysis is a qualitative research method that involves identifying and analysing patterns, themes, and meanings within a dataset (Braun & Clarke, 2006). Thematic analysis is a research approach that involves the identification, analysis, and reporting of patterns, also known as themes, within a dataset (Braun & Clarke, 2012). This method was employed to systematically organize and provide a comprehensive description of the data and was selected due to its applicability across a spectrum of epistemologies and research inquiries (Gavin, 2008). Using thematic analysis, the researcher was able to place emphasis on the identification, analysis, and interpretation of patterns within the qualitative data that had been elicited (Gavin, 2008). The researcher thus conducted a thorough examination of the data to identify prevalent themes, which occurred by identifying recurring ideas, subjects, or modes of expression (Braun and Clarke, 2006).

In essence, to derive meaning from the collected data the researcher employed thematic analysis to identify and extract relevant information from the aggregated dataset. This

analytical approach facilitated the identification of significant patterns and themes that addressed the research questions and assisted the researcher in achieving the objectives of the study. The thematic method that was employed is proposed by Joffe, (2011) and consisted of six stages:

- Familiarisation with the data;
- Coding the data;
- Generating initial themes;
- Reviewing and developing themes;
- Refining, defining, and naming themes; and
- Producing the report.

Table 3.4 provides a concise overview of the sequential steps that were followed during the data collection process.

**Table 3.4: The thematic analysis process**

Thematic Analysis Steps	Discussion
Step 1: Becoming familiar with the data	The researcher transcribed the information provided by the participants during the interviews and discussions by reading and rereading the data and noting down initial ideas. The data that had been provided by the participants during the data collection interviews were transcribed. In order to note the initial ideas, the researcher had to read and reread the data to familiarize herself with the data
Step 2: Generating initial codes	The interesting features of the data were coded systematically. Coding was analytical to extract pertinent points that were relevant to each code and in line with the objectives of the study.
Step 3: Searching for themes	The researcher collated codes into potential themes, thus gathering all the data that were relevant to each potential theme.
Step 4: Reviewing and developing themes	The researcher had to double check if the themes were in relation to the coded extracts and to the entire data set. The researcher had to ensure that finalising of the data created a thematic map of the data. The themes checked and worded to align with the aim and objectives of the study.

Step 5: Refining, defining and naming themes	After the development of the themes, the researcher had to do the refining, defining and the naming of the themes. This entailed writing a short description of each theme. The specifics of each theme were then refined and the overall story for analysis was presented.
Step 6: Producing the report	This was the final stage of the analysis. Vivid, compelling examples were extracted; a final analysis of theselected extracts was done; the findings based on the analyses were related back to the research questions objectives and the literature; and finally, a scholarly report on the analysed data and the findings were written for submission.

Thematic analysis was helpful as it enabled the researcher to explore and uncover new ideas regarding non-intimate femicide in KwaMashu and Umlazi. While this data analysis method proved to be beneficial, it was also a time-consuming process and it imposed some limitations on the researcher's ability to interpret the data.

### **3.10 Ethical Considerations**

Research ethics is a term that refers to a collection of principles that provide guidance to researchers in the field of Criminology and other related disciplines when it comes to the design, data collection, and methods involved in their research endeavours (Dooly, Moore, & Vallejo, 2017). The enforcement of standards in this study was overseen by the Humanities and Social Sciences Research Ethics Committee of the UKZN. This university has established these criteria to maintain the integrity of researchers' data collection, analysis, and interpretation processes. The significance of ethics lies in maintaining the well-being of participants and providing guidance to researchers regarding acceptable and unacceptable conduct throughout the research process (Israel & Hay, 2006). The researcher thus sought and obtained research ethics approval from the UKZN for this study (Annexure I). The purpose of attaining ethical approval is to uphold scientific integrity, protect human rights and dignity, and develop collaboration between the researcher and society (Israel & Hay, 2006). The researcher also obtained approval from relevant stakeholders, namely the SAPS, the NPA, an NGO, and all the selected participants (Annexure H, Annexure I, Annexure G). A set of principles was followed rigorously.

### **3.10.1 Voluntary participation**

Adhering to voluntary participation is a crucial factor that significantly impacts the reliability and validity of a research study, particularly in the Social Sciences field (Dixit & Olson, 2000). According to Dixit and Olson (2000), voluntary participation acknowledges the autonomous decision-making process of individuals who are potential subjects in a research study. They must be granted the freedom to choose whether or not to partake in the research and may withdraw any time they choose. According to Dallimore, Hertenstein, and Platt (2013), study volunteers possess the autonomy to make voluntary decisions regarding their participation without experiencing any form of undue influence or coercion. In adherence to this requirement, the goal, background, aim, and objectives of the study were clearly communicated to all the participants to guarantee that they all had a comprehensive understanding of the research and that they had the freedom to discontinue their involvement in the study at any stage without experiencing any sense of duty to persist. They were assured that it would not be necessary to submit a justification for their decision to withdraw from the study that declining to participate would not result in any adverse effects or penalties. All the participants agreed to sign a form of consent indicating their voluntary participation in the study (Annexure F).

### **3.10.2 Informed consent**

Informed permission is an ethical requirement that is closely associated with the concept of voluntary involvement (Benatar & Singer, 2000). When conducting research involving human subjects, it is imperative to obtain prior consent from the individuals involved. This means that each subject willingly affirms their agreement to participate in a specific trial after receiving complete information regarding all pertinent aspects that may influence their decision to participate (Neff, 2008). The procedure of informed consent entails the provision of comprehensive information to potential study participants regarding the fundamental aspects of a research project and the nature of their involvement (Millum & Bromwich, 2021). The informed consent process holds significant importance as a fundamental element in ensuring the ethical conduct of research involving human subjects (Millum & Bromwich, 2021). In this study, prior informed consent was gained from the participants in accordance with the consent principle, and this ensured that they willingly agreed to participate in the research (Neff, 2008). Furthermore, no undue influence was exerted on the individuals to obtain their consent. Each participant thus completed and signed a written consent form (Annexure F). The

consent form also contained information regarding the supervisor and the details of the UKZN's ethics committee.

### **3.10.3 Anonymity and confidentiality**

These principles need to be implemented to protect the privacy of individuals involved in the process of data collection, analysis, and reporting (Crow & Wiles, 2008). The terms 'confidentiality' and 'anonymity' are sometimes utilized interchangeably within the realm of research despite their different yet interconnected meanings (Crow & Wiles, 2008). Confidentiality pertains to the act of segregating or changing any personal or identifiable information disclosed by the participants. In the Criminology field, the concept of anonymity is used as a means of ensuring confidentiality (Crow & Wiles, 2008). The practical application of the concept of anonymity refers to the removal of personal information pertaining to research participants, including their names, nationality, ethnicity, age, occupation, and place of residence from the final study report, unless such information is pertinent to the study (Millum & Bromwich, 2021). Anonymity refers to the intentional hiding of participants' names in order to safeguard them from potential harm, particularly in qualitative investigations that often involve the presentation of participant narratives or perspectives (Millum & Bromwich, 2021). This study implemented anonymity and confidentiality measures to ensure the privacy of the participants throughout the processes of data collection, analysis, and reporting. Confidentiality was upheld in this study through the utilization of an informed consent form (Annexure F). This form guaranteed that the participants' identities, personal details, and responses would remain undisclosed to individuals outside the research team, unless otherwise specified. The consent forms and participant recordings were securely stored within an encrypted folder. The researcher managed all the acquired data using the Electronic File System (EFS). Furthermore, to ensure the preservation of anonymity in the research, any instances in which a participant unintentionally disclosed his/her identity were addressed by editing the recordings to eliminate any personal identifying information. Using the participants' actual names was avoided by assigning an identification label to each, such as Participant 1, Participant 2, and so forth.

### **3.10.4 Avoiding the potential for harm**

According to Emanuel et al., (2004), studies involving human subjects should demonstrate a societal benefit, while also ensuring that the possible dangers to participants are carefully

balanced against the potential advantages for the broader community. Potential damage refers to the occurrence of an adverse event that may result in the violation of the rights, safety, or well-being of a person involved in a research study. Such harm can manifest in several forms, such as physical, psychological, social, financial, or economic harm (Emanuel et al., 2004). The researcher thus evaded and mitigated any potential harm that could have been inflicted upon the participants (Cheah & White, 2016). The participants were assured that there would be no potential harm, as some individuals expressed concern that their involvement in the study could jeopardize their employment or pose risks within society due to the sensitive nature of the information they might provide.

To mitigate any potential risks, the researcher employed the following measures:

- The research questions, along with the study proposal, were disseminated to all the research stakeholders to communicate that the research would not pose any harm to the departments and participants involved (Annexure F). Furthermore, the researcher collaborated with senior supervisors of the respective departments during the data collection period. The purpose of this measure was to establish a conducive environment for the participants and to ensure their comfort and alleviate any concerns over potential job loss resulting from the disclosure of sensitive information pertaining to non-intimate femicide.
- The researcher had to carefully review the study questions to reassure the participants that they would be safe and that the information they provided would be kept confidential (i.e., no name or identity would be attached to any revelations). The concept of anonymity was also emphasized throughout the informed consent process. The research questions were presented in both IsiZulu and IsiXhosa to accommodate individuals who had limited proficiency in English. Thus, all the participants were fully informed and reassured of the absence of any potential harm.

### **3.11 Trustworthiness and Rigor**

Qualitative research places a high emphasis on rigor and truth, which necessitates the establishment of trustworthiness to ensure the legitimacy and reliability of qualitative findings, which are subjective in nature (Ahmed, 2024). The trustworthiness of a study is determined by the level of confidence in the data, the quality of the interpretations, and the standard of the methods employed to ensure the study's quality (Connelly, 2016). To assure the trustworthiness

of the findings of the current research, the following issues were addressed: credibility, transferability, dependability, and confirmability.

### **3.11.1 Credibility**

Credibility refers to the extent to which qualitative research can be considered truthful and accurate Stahl and King, (2020) and, to ensure the credibility of this research, the findings based on the data had to be verified by reviewing the recorded information and the backup records. Additionally, the researcher regularly consulted the notebook used during data collection to verify certain pertinent points. Member checking was also employed to ensure the credibility of the study. This involved only one participant who had declined to be recorded during the data collection process. The researcher provided the participant with a transcript of the statements she had made during the interview to encourage the participant to provide further details and fill in any gaps that the researcher may have overlooked.

Debriefing sessions were conducted with the research supervisor for continued guidance, particularly during the data analysis phase. The researcher requested Postdoc students to review and assess the research chapters starting from Chapter one to Chapter six. The researcher also consistently attended research workshops to ensure that she was adequately prepared and knowledgeable about the key requirements. The sampling and analysis processes were conducted accurately and adherence to all appropriate research steps, sampling techniques, and data analysis methods was ensured.

### **3.11.2 Transferability**

The study is transferable as all aspects in the thesis were clarified as checked. The thesis successfully defines the scope and objectives of the study and provides a detailed explanation of the research methodology and designs to ensure rigor and transparency. The ethical procedures that were adhered to are thoroughly explained in the thesis and evidence of gatekeepers' letters is provided. The data analysis process and study limitations are also elucidated as evidence of ethical rigor. Future researchers who may wish to build upon the study and pick up where the original researcher left off may therefore do so in the knowledge that the study is transferable.

### **3.11.3 Dependability**

Future researchers who wish to replicate this study are likely to obtain similar findings. The researcher further demonstrates dependability by providing a detailed account of the participant selection process, the process of data collection and analysis, and the creation and reduction of themes based on the data in this thesis.

### **3.11.4 Conformability**

The researcher ensured conformity by strictly adhering to all relevant ethical requirements of the research. The interview questions for the selected participants were semi-structured and auditing was conducted through member checking.

## **3.12 Limitations and Challenges**

The study was subject to some limitations that impacted the research findings to some degree. A key constraint that impacted the study was the limited access to literature on non-intimate femicide, particularly as the term ‘non-intimate femicide’ is not commonly used in most countries or in the literature. Instead, countries commonly use the term ‘gender-related killing’. When reviewing the literature on ‘gender-related killing’, the researcher focused on cases of gender-related killings committed by individuals who had not been in a sexual relationship with the victim.

Another constraint arose due to the varying definitions of non-intimate femicide that are used across different countries. This prompted the researcher to adopt a broad definition of this phenomenon to include most countries in the review. Another constraint was the difficulties experienced in locating well-organized statistical data. This could be attributed to the fact that incidences of non-intimate femicide are recorded holistically as homicide statistics, possibly because of the limited information on the relationship between the victims and perpetrators of non-intimate femicide. More specifically, obtaining data on non-intimate femicide or a precise count of non-intimate femicide cases in KwaMashu and Umlazi proved to be virtually impossible as these data had been merged with the data on other murder cases. Exploring the non-intimate femicide phenomenon was also impeded by the fact that only four broad national studies had been conducted in South Africa, namely in 1999, 2009, and 2017. These studies affirmed the prevalence of non-intimate femicide in this country, but specific relationships and causes were difficult to trace.

A main gap in the literature was found to be a lack of intervention programs in some countries to address non-intimate femicide. For instance, South Africa has not yet devised any interventions to specifically target this form of femicide. At best, preventive measures are employed to combat GBV, thus vaguely incorporating the non-intimate femicide phenomenon. The intervention strategies to combat GBV were therefore explored in an effort to elucidate the government's efforts to prevent non-intimate femicide as well.

It needs to be reiterated that a key limitation of the study was its small scope (28 participants) which could have limited the data to some extent. However, the selection of some key participants with adequate knowledge of the topic under study proved highly beneficial. Unfortunately, the small scope of the study prevents the data from being generalised to other townships and the country as a whole, but this leaves the field wide open for future researchers who may wish to fill the gaps left by this study.

It is also acknowledged that it is unfortunate that the study sample did not include community members, particularly hostel resident, who had been affected by non-intimate femicide, but the study was exploratory and the issue was deemed too sensitive to include participants that might still be traumatised by the memory of a loved one who had been murdered in a brutal manner. Also, community members from Umlazi and KwaMashu were excluded due to the study's novelty and the researcher's uncertainty regarding the prevalence and nature of non-intimate femicide in these two townships.

Another constraint was the inability of originally targeted participants, particularly advocates, to be included in the study due to their busy schedules. Additionally, the social workers from KwaMashu lacked experience in addressing non-intimate femicide as their primary focus was on protecting women and children in abusive relationships/households from all forms of abuse.

Apart from the acknowledged limitations, the study also experienced some challenges, but these were overcome and the data collection and analysis processes could proceed unhindered, apart from some COVID-19 protocols that slowed the process down. Some of these challenges were discussed earlier (see Chapter 1), but it may be noteworthy for future researchers that a particular challenge was the struggle to obtain a gatekeeper's letter from the NPA. This process

was challenging as an approval letter was sought from the UKZN rather than a provisional acceptance letter. After an email had been sent to the NPA in which the protocol followed by the UKZN was explained, approval to proceed was received in writing.

Data collection also posed some difficulties as a significant number of participants were unfamiliar with the term ‘non-intimate femicide’, and the researcher was compelled to explain the definition of this term prior to the interviews. Several participants were also hesitant to take part, resulting in a smaller sample than had been envisaged.

### **3.13 Delimitation of the Study**

Delimitation in research sets a study's exact limits and boundaries, like geographical, temporal, or conceptual ones, and it spells out what or who will and will not be included in the investigation (Theofanidis and Fountouki, 2018). In this context, the study did not include community members and it was restricted to the selected two townships as they are reputed for their high rates of GBV and crime. No other townships where GBV is reputedly rife was therefore included, mainly for the purpose of obtaining a manageable data set.

### **3.14 Researcher's Perspective**

The researcher's perspective is a crucial aspect of the qualitative research process and refers to the specific viewpoint or orientation from which the researcher observes and studies the selected phenomenon. It is the chosen standpoint of a researcher within a particular domain from which he or she observes and analyses the phenomenon during the research project (Clarke and Davison, 2018). The researcher employed an interpretivist research methodology to investigate the research problem. The reason for this is that interpretivist research is inherently subjective and focuses on examining individual experiences while highlighting the significance of personal viewpoints and interpretations (Elliott and Timulak, 2005).

### **3.15 Conclusion**

The study adopted a qualitative approach to obtain insights into individuals' perspectives on and experiences of non-intimate femicide in Umlazi and KwaMashu. The study was exploratory as it was novel in the Criminology field and in the KwasMashu and Umlazi areas. The study sample was drawn from SAPS officials, social workers, an NGO representative, and members of the NPA. The researcher employed both purposive and snowball sampling to

recruit participants. The data were collected by means of individual interviews and thematic analysis was employed to derive significance from the data. All ethical considerations and procedures were adhered to, particularly in ensuring the safety and anonymity of the participants. Each participant accurately completed the consent form and their participation was voluntary. Some limitations impacted the conclusions that the researcher could reach as was acknowledge in this chapter, but all other challenges were overcome and the study, for the most part, proceeded unimpeded to the point of attaining satisfactory outcomes.

# **CHAPTER FOUR**

## **THEORETICAL FRAMEWORK**

### **4.1 Introduction**

The objective of this chapter is to present a comprehensive outline of the theoretical framework that guided the research. Grant and Osanloo (2014) define a theoretical framework as the foundational structure that guides the entire inquiry of a thesis. Adom, Hussein, and Agyem (2018) agree with the aforementioned definition. These authors also perceive the theoretical framework as a guiding framework that researchers may adopt to construct their research inquiry (Adom et al., 2018). In the social and human sciences fields, a theoretical framework refers to a particular theory or theories that describe and explain various aspects of human activities, and such theories can be invaluable in the examination of particular events and behaviours (Brondizo, Leemans, & Solecki, 2014). In essence, the theoretical framework establishes a structured framework that delineates the philosophical, epistemological, methodological, and analytical aspects of a study (Adom et al., 2018). Brondizo et al. (2014) assert that the utilization of a theoretical framework aids researchers in identifying a suitable research approach while it also provides the analytical tools and procedures that will be used for their research inquiry. Furthermore, the inclusion of additional factors that are illuminated by theories enhances the significance and applicability of research findings, as argued by Brondizo et al. (2014). In the Criminology sphere, a theoretical framework is employed to analyze and understand various aspects related to crime, including criminal behaviour, victims of crime, and the development of strategies to address crime and criminal behaviour.

The current study explored non-intimate femicide in KwaMashu and Umlazi. To comprehend this phenomenon, it was effectively analyzed through the lenses of the social structure social learning theory, the social-ecological model, and Locard's transfer theory. These theoretical frameworks have been widely employed in the Criminal Justice and Criminology fields to gain insights into crime, criminal behaviour, crime investigation, and victimology. The social structure-social learning theory and the socio-ecological model posit that non-intimate femicide is influenced not only by individual or intrapsychic factors, but also by contextual factors. These contextual factors include patriarchal attitudes, sexism, poverty, substance abuse, unemployment, easy access to and use of illegal firearms, and exposure to elevated

levels of community violence. Lockard's exchange theory argues that, whenever contact is established between two surfaces, there will be a mutual exchange of matter across the contact boundary. This theory holds significant importance in the domains of criminology and forensic science because it assists researchers, forensic investigators, and forensic scientists in interpreting the necessary evidence for building a criminal case for court proceedings. The researcher used this theory to understand the protocols employed in examining cases of non-intimate femicide.

The social structure-social learning theory (SSSL theory) was selected due to its broad explanation of the influence of social context, social institutions, and social characteristics on an environment that is conducive for elevated rates of all forms of femicide. The utilization of this theory in this empirical research assisted in determining that non-intimate femicide is a fundamental stimulant for the perpetuation of a patriarchal system, which is a social system that is characterized by unequal power dynamics between men and women. It is in this context that non-intimate femicide is a form of violence used by men to exercise control over women and to demonstrate their superiority.

The second theory that was utilized was the social-ecological model (or socio-ecological model) as proposed by Urie Bronfenbrenner (1970s). This theoretical framework assisted the researcher in successfully formulating preventive methods that have the potential to mitigate instances of non-intimate femicide in the townships of KwaMashu and Umlazi. This theory was also applied to explain the factors that contribute to non-intimate femicide in the study area. This theory was deemed significant as it recognises that the lives of individuals are embedded within an ecological system and therefore, to effectively combat non-intimate femicide, preventive strategies must encompass interventions that address the multiple levels of social institutions, namely the individual, the family, the community, and society.

The third theory that was used was Lockard's (1920) exchange theory which is significant in the Criminology field as it clarifies the logical procedures that must be adhered to by investigators and forensic scientists to arrive at conclusive investigative outcomes.

The next sections will provide a comprehensive explanation of the theories and Lockard's model to illuminate their significance in analysing and interpreting the data.

#### **4.2 The Social Structural-Social Learning Theory**

The social structural-social learning theory (SSSL) is an integrated theory that was developed by Akers (Verrill, 2005; Chandrasekhar et al., 2020.). In 1998, Akers conducted a re-examination of Sutherland's initial line of investigation by defining a learning-based framework for understanding deviance and conformity that encompasses multiple levels of explanation (Verrill, 2005; Akers, 2017). Collectively, Akers and Sellers (2004), Cooper and Klein (2018), and Akers (2017) present a comprehensive theoretical framework that consolidates several perspectives on the interplay between the epidemiology of crime and the etiology of criminal behaviour. According to Akers (1999) and Cooper and Klein (2018), there is merit in adopting a cross-level integrated theory that encompasses the social structural circumstances that influence individual behaviour. According to Li (2022), the social learning theory serves as a mediating factor in the relationship between social structural effects and individual behaviour, including criminal behaviour. According to Li (2022) and Cooper and Klein (2018), the SSSL theory suggests that social learning serves as the key mechanism through which social structure influences individual behaviours. This theory is an extension of the social learning theory (SLT), which posits that human behaviour is learned and influenced through four key socio-psychological mechanisms, namely differential association, differential reinforcement, imitation, and favourable definitions of law-breaking (Li, 2022). The social learning variables, in conjunction with other discriminative stimuli, serve as mediators of the impact of social structure on individual behaviour, and these variables are responsible for the key factors that contribute to criminal behaviour (Verrill, 2005; Li, 2022). According to Verrill (2005) and Li (2022), Akers posited that social structure plays a crucial role in shaping behaviour by means of the learning process.

This theory further examines the impact of changes in social structure, culture, and individuals' and groups' geographical locations within the social system on social learning processes that contribute to the development of criminal behaviour (Costello et al., 2021). According to Akers's SSSL theory, it is hypothesized that there are social structural characteristics that exert an indirect influence on people's behaviour (Krohn, 1999). The hypothesis of indirect effect is predicated on the assumption that the impact of social structural factors is mediated by social learning variables (such as differential association, definitions, differential reinforcement, and

imitation), which all directly influence individuals' choice to partake in criminal or deviant behaviour (Verrill, 2005).

#### 4.2.1 The impact of social structural factors on social learning variables

The influence of deviance-producing environments on individuals' behaviour is mediated through the operation of learning processes (Lee et al,2004 ; Li, 2022). The overall cultural and societal system, along with specific communities, groups, and social contexts, create educational settings where norms establish what is considered acceptable or unacceptable. These settings also include behavioural models and how people react to others, such as the application of social sanctions as well as various stimuli that provide either reinforcing or punishing consequences for individuals' actions (Lee et al,2004; Solakoglu & Yuksek, 2020). The concept of social structure can be understood as a configuration of sets and schedules of reinforcement contingencies, as well as other variables related to social behaviour (Lee et al,2004; Li, 2022). According to Lee et al (2004), Solakoglu and Yuksek (2020), and Salvatore and Rubin (2018), various social institutions such as the family, peers, schools, churches, and other groups play a significant role in shaping an individual's tendency towards criminal or conforming behaviour. The variations in rates of criminal behaviour within societies or groups can be attributed to the degree to which cultural traditions, norms, social organization, and social control systems facilitate socialization, learning environments, reinforcement schedules, opportunities, and situations that either promote conformity or deviance (Lee et al,2004; Salvatore & Rubin, 2018). The SSSL theory states that there are four structural dimensions that have an indirect impact on individual behaviour through the mediation of social learning variables (Akers, 1999), and these are presented in Table 4.1.

**Table 4.1: The social structure-social learning model**

<b>Social Structure</b>	<b>Social Learning</b>	<b>Individual Behaviour</b>	<b>Group Rates</b>
Differential Social Organization	Differential associations	Criminal behaviour	Crime rates
Differential Location in the Social Structure	Definitions		
Theoretically Defined Structural Causes	Imitation		

Differential Location in Primary, Secondary, and Reference Groups	Social and	Differential reinforcement		
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Source: Verrill, 2005

**Differential social organization** refers to the structural factors within a community or society that influence the prevalence of crime and delinquency (Salvatore and Rubin, 2018). These factors include age distribution, population density, and other characteristics that tend to either elevate or diminish crime rates in societies, communities, and other social systems (Akers, 1999; Maloku, 2020). Based on the theory of differential social organization, the prevalence of criminal activity within a particular group or society is contingent upon the degree to which that group or society is structured to combat crime as opposed to promoting criminal behaviour (Li, 2022). According to Matsueda (2006) and Maloku (2020), Sutherland hypothesised that the crime rate of a particular group or culture can be explained by the relative degree of organization in support of crime compared to organization against crime. According to Matsueda (2006), inner-city neighbourhoods exhibit a lower degree of organization in preventing street crimes while demonstrating a higher degree of organization in facilitating such criminal activities compared to suburban areas. According to Verrill (2005), organized groups that support criminal activities embrace a multitude of powerful and fervent definitions that promote and endorse criminal behaviour. The influence of differential social organization on group crime rates can be attributed to its impact on the availability of definitions that either support or discourage criminal behaviour inside a particular group (Matsueda, 2006; Maloku, 2020). According to Matsueda (2006) and Maloku (2020), when organizations have a strong organizational structure that supports criminal activities and a weak organizational structure that opposes such activities, they are likely to endorse a multitude of definitions that are favourable towards crime, while offering limited definitions that are unfavourable towards crime.

**Differential location** within the social structure pertains to the sociodemographic attributes of individuals and social groupings, which serve as indicators of their specific positions within broader social frameworks (Sampson and Graif, 2017). Individuals' places, roles, and social categories within the broader social structure are determined by factors such as class, gender, race/ethnicity, marital status, and age (Akers and Jennings, 2019). According to Sampson and

Graif (2017) and Lee et al. (2004), Akers posits that these traits not only pertain to the individual's social attributes, but also serve to position them within the broader social framework in terms of their responsibilities, affiliations, or societal classification. According to Lee et al. (2004), crime rates are considered social structural variables in the model as they vary based on social traits or identify categories of individual varying probabilities of criminal activity.

**Theoretically defined structural variables** encompass several ideas such as anomie, class oppression, social disorganization, group conflict, patriarchy, and others (Nicholson and Higgins, 2017). These notions have been employed in different theories to identify the criminogenic conditions present in societies, communities, or groups (Sampson and Graif, 2017). The theoretical perspective presented in this context perceives social order as a state that is characterized by adherence to societal norms and values. It posits that conformity arises from minimal levels of disruptive conflict, while non-conformity is a consequence of heightened levels of disruptive conflict inherent in social disorder (Akers, 1999; Akers & Jennings, 2019).

**Differential social location** pertains to an individual's affiliation with and connection to primary, secondary, and reference groups, including but not limited to the family, friendship or peer groups, leisure groups, colleagues, and work groups (Matsueda, 2006; Duarte et al., 2017; Stocké et al., 2019). According to Akers (1999) and Akers and Jennings (2019), personal networks play a crucial role in shaping behaviour by exerting informal control over situations in society, events, and opportunities for engaging in criminal behaviour. Lee et al. (2004) and Nicholson and Higgins (2017) argue that individuals acquire behavioural patterns of deviance and conformity mostly through their participation in various groups. The literature suggests that an individual's personal cycle has a significant role in facilitating socialization and implementing both informal and formal social restrictions that either limit or promote deviant behaviour (Baz Cores & Fernández-Molina, 2022).

The previously mentioned evidence affirms that the collective influence of the four structural dimensions has an impact on individual behaviour that is mediated through social learning factors such as differential association, differential reinforcement, imitation, and favourable attitudes towards deviant behaviour. The social structure encompasses various aspects that

contribute to an individual's exposure to norms that, in turn, promote criminal behaviour. Individuals' decision to engage in criminal or deviant behaviour is thus influenced by the environment in which they learn, their interactions with deviant peers and their attitudes, their adoption of definitions that support criminal or deviant acts, and their interactions with deviant role models (Akers & Sellers, 2004; Nicholson & Higgins, 2017).

However, mere exposure to deviant peers, tactics, attitudes, and goals is not enough to induce an individual to engage in criminal behaviour. Crime occurs when an individual is exposed to a greater number of situational definitions that encourage the breaking of laws compared to definitions that discourage such violations (Akers & Sellers, 2004). According to Akers and Sellers (2004) and Dover and Belon (2019), if the hypothesized social learning variables mediate the effects of social structure on crime in a causal process, then several conditions should be met: (1) The social structural variables should have direct effects on the social learning variables; (2) The social structural variables should have direct effects on the dependent variable; and (3) Once the social learning variables have been included in the model, they should independently demonstrate strong effects on the dependent variable, causing the direct effects of the social structural variables on the dependent variable to either disappear or significantly decrease.

#### **4.2.2 Limitations of the SSSL theory**

The social structural-social learning theory offers valuable insights into the development of criminal behaviour. Nevertheless, some scholars have criticized the theory for neglecting the impact of biological elements, such as hormones and heredity, on behaviour. This perspective restricts an individual's conduct to either nature or nurture and disregards the fact that behaviour is influenced by the interplay between one's biology and environment (Cherry, 2022). The theory is also deficient as it fails to acknowledge the significance of accountability for an individual's actions (Albert, 2017). The idea assigns a higher level of significance to the environment, positing that an individual's behaviour and actions are shaped by societal factors rather than by their cognitive processing or information management abilities (Albert, 2017). In the context of the current study, a limitation of this theory was its inability to fully explain the occurrence of non-intimate femicide. As a result, the researcher also adopted other theories to complement the applicability of this theory.

### **4.2.3 Application of the SSSL theory to academic research**

The SSSL theory offers explanatory variables for understanding why certain females may become victims of non-intimate femicide. According to this theory, females residing in areas characterized by high levels of violence against females and/or general criminal activity are more susceptible to becoming victims of non-intimate femicide compared to females residing in safer communities where crime rates are lower. Based on the differential social organization of the subculture of violence theory, the difference in non-intimate femicide rates across different communities can be attributed to differences in their social structures. Specifically, communities with high non-intimate femicide rates are characterized by a strong organizational structure that supports and perpetuates non-intimate femicide. Conversely, communities with low non-intimate femicide rates exhibit a weak organizational structure that is less supportive of non-intimate femicide (Matsueda, 2010). Therefore, the perpetuation of female homicide and mistreatment is sustained by processes of socialization when individuals acquire and internalize patriarchal norms and values that endorse violence against women, and these are often strengthened through interactions with peers and community members.

Social structure plays a significant role in shaping the development of behaviours that can lead to non-intimate femicide; thus, violence against females is learned through the observation of role models within the family unit (parents, siblings, and relatives) and community. This learning can occur both directly and indirectly. The criminal behaviours that are adopted were reinforced during childhood and have continued into adulthood where they serve as coping mechanisms in response to stress or as a means of self-gratification (both physically and psychologically) that manifests in control over females. The development of such learnt behaviours can occasionally lead to non-intimate femicide. Male individuals may thus engage in habitual violent behaviours towards females not only because of their family upbringing, but also because of societal influences that endorse violence in a patriarchal structure. The latter claim is substantiated Arriaga and Foshee (2004). According to these authors, the peer environment emerges as the most influential risk factor in forecasting the perpetration of non-intimate femicide (Arriaga and Foshee, 2004; Allard et al., 2023). According to Allard et al. (2023), individuals have the propensity to mimic the behaviours of their peers within interpersonal connections, and this creates the potential for positive reinforcement by these peers. Hence, the act of affiliating with deviant peers can potentially amplify the likelihood of receiving reinforcement that leads to an aggressive behaviour towards females, and this may

in turn result in non-intimate femicide (Arriaga and Foshee, 2004; Kabiri et al., 2021; Gallupe et al., 2019). Media sources have regularly reported that males were the primary offenders of non-intimate femicide and it has been established that many of these male perpetrators were socialized to perceive themselves as having authority over females, which strengthened their belief that women are inherently subordinate to men and that they should 'deal with' them in a manner that affirms their masculinity.

Another aspect that appears to have a significant influence on non-intimate femicide and that is illuminated by the aforementioned theory is social conflict, or communal conflict (Anzalotta,2017). Maintaining social order is a fundamental requirement in any society, and this is achieved by the preservation of and adherence to a set of social values. Social values refer to the cultural norms and standards that signify collective well-being that is considered desirable for the purpose of an organized and generally peaceful social existence (Türkkahraman, 2014; Leo et al., 2019). This stance affirms the notion of social justice and societal significance. According to Türkkahraman (2014), failure to adhere to social principles can potentially lead to social conflict, and in certain situations this will result in homicide. For instance, one significant factor that may contribute to non-intimate femicide is lesbianism. This is because, when women accept and reveal their status as lesbians, their choice is often perceived as a violation of societal norms and order and their behaviour should thus 'be corrected'. According to Kaoma and Kaoma (2018), homosexuality is perceived as incompatible with African cultural norms, which is a notion that was substantiated by the late Zimbabwean President, Robert Mugabe, who characterized homosexuality as incompatible with African culture and attributed it to the influence of the white culture (King,2022). The identification of lesbians in African communities has therefore given rise to conflicts that have exposed numerous such women to the heightened risks of sexual assault and homicide.

Aspects that impact non-intimate femicide and that were briefly referred to earlier are anomie and class oppression. The anomie concept posits that criminal behaviour arises from the inherent conflict between individuals' goals and the legitimate means available to achieve them (Cohen, 1965; Lau, 2020). Most individuals have a strong inclination to acquire wealth, material goods, power, a positive reputation, and several other luxuries that will ease their lives (Cohen, 1965; Ene, 2021; Gilovich and Gallo, 2020). However, while individuals from various economic backgrounds may have similar social and economic objectives, this theory argues

that these goals are contingent upon one's social class (Bernburg, 2002). For example, individuals that belong to the lowest socioeconomic class face significant barriers when they try to attain their aspirations by conventional or lawful means. This leads to frustration, irritation, and resentment as they have to choose either to accept their circumstances and adhere to societal norms, or to resort to illicit methods to attain their desires (Bernburg, 2002; Jovanosk and Rustemi, 2021; Lau, 2020). The lack of resources among the lower socio-economic class may then encourage them to resort to illicit means of survival, including engaging in criminal activities and even committing homicide (*'inkabi'*). Some such activities are trafficking in human organs, vehicle theft, armed robbery, and other forms of illegal behaviour. Attempts to obtain financial gain have the potential to jeopardize the safety of females and may even result in non-intimate femicide. In certain African practices, the female body is utilized to acquire wealth, and females are therefore targeted by those who are unable to achieve economic independence by lawful means. In some African countries and communities, females are exploited as a means of escaping poverty and achieving wealth, and they are objectified by men who seek wealth. Tragically, some women are targeted for their reproductive organs in the belief that a woman's genitalia can be used as muthi to acquire wealth. In addition, women are being trafficked from one country to another where they are sold for financial gain. It is not uncommon for these women and girls to be killed after being exploited.

#### **4.3 The Social-Ecological Model**

The socio-ecological model (SEM) was initially proposed by Urie Bronfenbrenner (1970s) as a conceptual framework for comprehending human development, and it was further developed in the 1980s (Kilanowski, 2017; Apatinga et al., 2023). Urie Bronfenbrenner introduced the social-ecological theory to assist full understanding of the process of human development, arguing that the environment and its consequent effects profoundly impact human behaviour (Panopoulos and Drossinou-Korea, 2020). Bronfenbrenner's research focused on how individuals engage with and react to their surrounding environment and the subsequent impact of these interactions on society and the environment as a collective entity (Ettikal and Mahoney, 2017). The primary focus of his theoretical structure pertains to the dynamic interplay between the developing and functioning human organism and the proximal and distal social environment that encompasses and exerts both direct and indirect influences on humans (Panopoulos and Drossinou-Korea, 2020).

The theory has been applied across various academic disciplines. Environmentalists have utilized this approach to study the manner in which individuals engage with and react to their surrounding environment, as well as the subsequent impact of these interactions on both society and the environment as a whole (Online Master of Social Work Programs, 2022). The Centers for Disease Control and Prevention (CDC) have implemented the ecological model into multiple health promotion initiatives by involving the interpersonal, organizational, community, and policy domains (Kilanowski, 2017). The development of this model was motivated by its recognition of the numerous factors that characterize human existence and development. Consequently, it has been employed to exemplify the application of multilevel approaches in various domains, including public health promotion, violence prevention, healthy college campuses, geriatric preventive health, and colorectal cancer prevention, among others (Kilanowski, 2017). The model has also been widely employed by numerous researchers and government stakeholders in their efforts to combat GBV and mitigate instances of violence against women (Heise, 1998). According to the social-ecological theory, GBV is not solely influenced by individual or intrapsychic variables, but it is also influenced by contextual factors such as patriarchal attitudes, sexism, poverty, substance abuse, unemployment, easy access to firearms, and exposure to elevated levels of community violence (Heise, 1998; Krug et al., 2002). According to this theory, alterations in human behaviour can occur when there are corresponding modifications in the social, organizational, or physical environment (The Centre for the Study of Violence and Reconciliation, 2016). In essence, it posits that changes in the social context can cause changes in individuals and communities (The Centre for the Study of Violence and Reconciliation, 2016). In essence, Urie Bronfenbrenner posits that individuals' behaviour is influenced by five systems that elucidate human development and the dynamics of interaction with the surrounding environment (Crawford, 2020). These systems are the following:

#### **4.3.1 The microsystem**

The microsystem refers to the connections and exchanges between individuals and their immediate environment (Ryan, 2001). The microsystem encompasses various structures, such as family, school, neighbourhood, and a childcare environment (Ryan, 2001). According to Crawford (2020), Bronfenbrenner and Evans assert that the microsystem serves as the framework within which the psychological development and behavioural modifications of an individual are influenced. This means that, at the microsystem level, the development of an

individual can be significantly influenced by personal characteristics, including temperament, cognitive abilities, and physical attributes. Furthermore, it is important to consider that the individual's experiences within this system can be influenced by environmental factors such as socioeconomic status, family resources, and neighbourhood quality (Crawford, 2020).

#### **4.3.2 The mesosystem**

The mesosystem refers to a conceptual framework in which an individual's microsystems are not operating in isolation, but are interconnected and exert mutual influence on one another (Guy-Evans, 2023). The significance of comprehending the interplay between various microsystems in shaping an individual's development is further illustrated by this particular tier of Bronfenbrenner's ecological model (Crawford, 2020). For instance, to promote academic excellence among students, it is imperative for parents and teachers to collaborate and jointly contribute towards this goal.

#### **4.3.3 The exosystem**

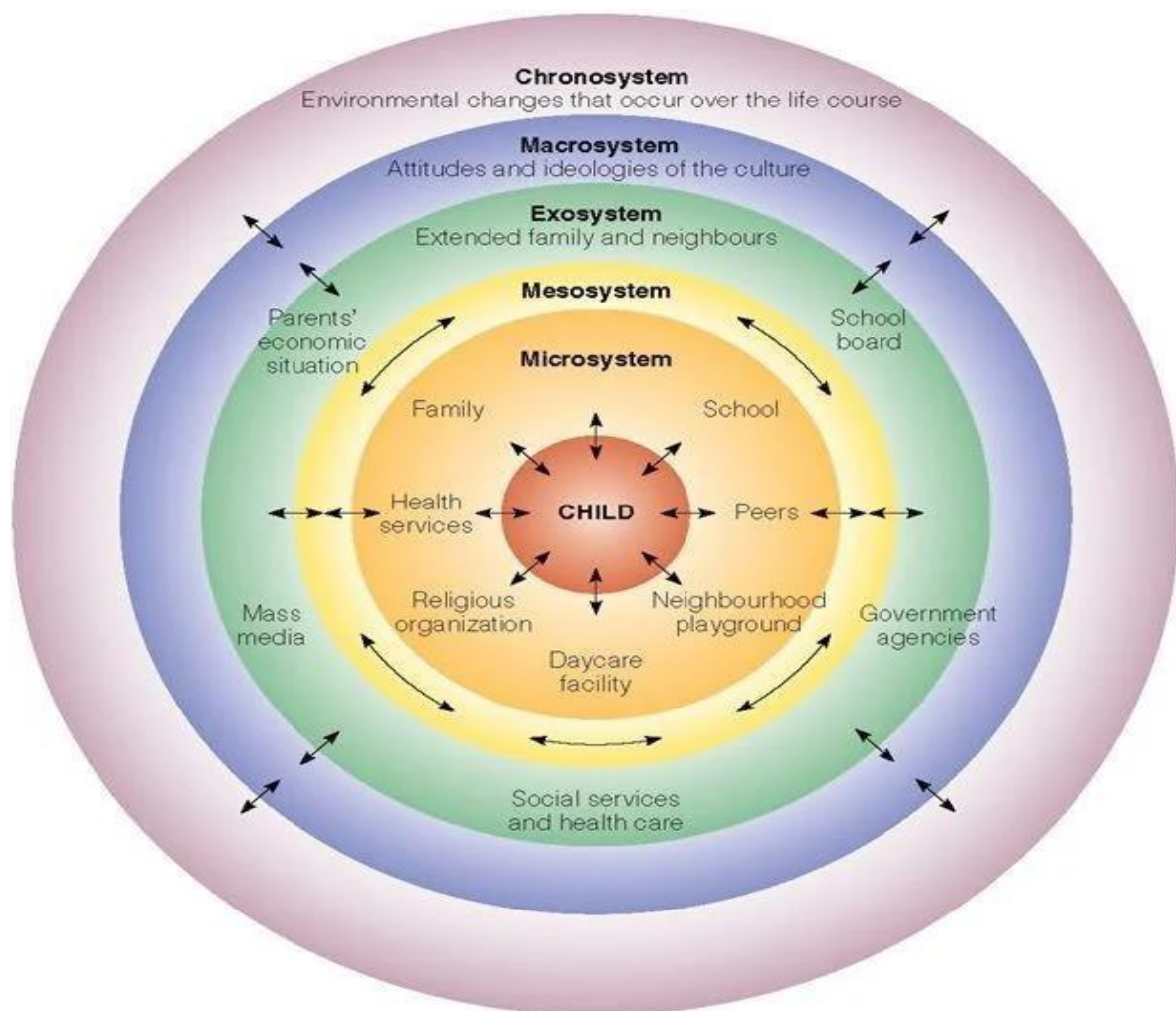
This level encompasses a range of both formal and informal social structures that exert an indirect influence on individuals due to their impact on a specific microsystem (Crawford, 2020). According to Guy-Evans (2023), the ecological model's scope encompasses elements such as community resources, government policies, and the accessibility of social services. Despite the absence of direct interaction between individuals and these elements, they possess the capacity to exert a substantial impact on their developmental journey (Ryan, 2001).

#### **4.3.4 The macrosystem**

According to Ryan (2001), this particular layer can be regarded as the outermost layer within a growing child's environment. The macrosystem is commonly conceptualized as encompassing the broader cultural and societal framework for the interplay among various micro-, meso-, and exosystems (Crawford, 2020; Ryan, 2001). According to Guy-Evans (2023), Urie Bronfenbrenner's ecological model comprises various essential elements, with the macrosystem being responsible for considering the influence of cultural beliefs, values, customs, and societal norms on the process of human development. The perception and interpretation of experiences, as well as subsequent behavioural and developmental outcomes, can be influenced by cultural contexts (Crawford, 2020).

### 4.3.5 The chronosystem

The final tier of the ecological system is the chronosystem which encompasses all changes in the environment that exert an influence on an individual throughout his or her lifespan. This entails significant life transitions as well as historical events (Crawford, 2020). Life transition events are characterised by various significant milestones, such as starting a new school, entering into matrimony, or experiencing the loss of a parent. According to this system, these are factors that influence human behaviour. According to Ryan (2001), individuals may exhibit different reactions to environmental changes as they age, and they potentially demonstrate an increased capacity to assess the impact of such changes on themselves. These levels are illustrated in Figure 4.1 below:



**Figure 4.1:** Diagrammatic illustration of the components of the social-ecological model

Source: Guy-Evans, 2023

#### **4.3.6 Limitations of the social-ecological theory**

The ecological model has been subject to some critique in academic discourse. One criticism of this model, particularly from a perspective rooted in childhood development, is its failure to acknowledge the complex relationships between humans and nature (Elliott & Davis, 2020). Therefore, this model of human development is profoundly anthropocentric, which contradicts the emerging post-humanist perspective that aims to shift the focus away from the human condition (Elliott & Davis, 2020). Moreover, the theory is difficult to test practically as studies on the ecological system it proposes may demonstrate an effect, but they cannot establish if the system is the direct cause of that effect, thus making it difficult to develop preventive measures (Elliott & Davis, 2020).

A limitation of this theoretical model for the current study was its failure to explain investigative procedures associated with non-intimate femicide cases.

#### **4.3.7 Applicability of the social-ecological theory to the study**

This theory was used in conjunction with two others to explain and understand the nature and root causes of non-intimate femicide. It was also useful in devising preventive strategies aimed at mitigating non-intimate femicide. The social-ecological model posits that various elements within a society are interconnected and exert mutual influence on one another. Consequently, alterations in one component may result in corresponding modifications in another part of the system. The social-ecological theory posits that various factors such as family, peers, religious organizations, neighbourhoods, attitudes, cultural ideologies, and environmental influences affect individuals' lives, and its tenets thus support the notion the environment contributes to the risk that some men will engage in violent behaviours towards women, even to the point of committing non-intimate femicide.

Non-intimate femicide may thus be driven by the influence of the five ecological systems, as illustrated in Figure 4.1. This means that an individual's microsystem can impact their behaviour, thus potentially leading to non-intimate femicide. The microsystem and mesosystem refer to immediate family members with whom an individual has the most direct and significant interactions. For instance, a child may be raised in a household where the concept of manhood is associated with the exertion of power over women. The family and society then foster the development of toxic patriarchy and the concept of gender inequality.

Violence against girls and women is then perpetuated and reinforced by the concepts and behaviours associated with the patriarchal concept of masculinity (Khan and Khandaker, 2017), and men then employ violence to maintain the subordinate status of girls and women who generally possess less economic, political, and social influence compared to men (Khan & Khandaker, 2017).

The mesosystem and the macrosystem have the potential to encourage an individual and the community to encourage and embrace violent behaviours. The combination of low social status and the limited empowerment of women can thus lead to the increased likelihood of violence against them. Moreover, the lack of economic empowerment for women can restrict their ability to engage in certain activities, which may expose them to a high risk of experiencing violent crimes.

#### **4.3.8 The social-ecological system and measures to prevent non-intimate femicide**

This theory posits that preventive measures to curb femicide influence society and organizations across multiple levels, including the macrosystem. According to the Centre for the Study of Violence and Reconciliation (2016), the social-ecological model suggests that an effective approach to addressing non-intimate femicide should involve various community mobilization efforts, activism, dialogues, lobbying, advocacy, empowerment, and capacity-building strategies. These initiatives should be used to empower communities to proactively address the challenges of GBV, and therefore also those of non-intimate femicide. Furthermore, it is imperative that society ensures that the state is held accountable for fulfilling its obligation to prevent and eliminate non-intimate femicide and other acts of violence against women (The Centre for the Study of Violence and Reconciliation, 2016). According to a report Government of South Africa. (2019), engaging in community mobilization, dialogue, and activism has the potential to decrease the occurrence of non-intimate femicide within entire communities rather than solely benefiting targeted individuals or groups.

Based on this theoretical framework, the initial step towards addressing non-intimate femicide involves implementing primary intervention strategies (O'Connell, 2009; Cahill & Dadvand, 2021). The prevention of violence against women and girls can be achieved by mitigating risk factors and promoting protective factors that enhance their safety (O'Connell, 2009; Cahill & Dadvand, 2021). From the perspective of this study, the primary objective of preventive

measures is to proactively address cases of non-intimate femicide, and this should involve addressing behavioural issues and managing risky environments that affect individuals with the aim of preventing such incidents from occurring in the first place (The Centre for the Study of Violence and Reconciliation, 2016). Various steps to achieve this are proposed by The Centre for the Study of Violence and Reconciliation (2016):

**Step 1:** The initial step for an individual is to engage in community assessment. Community assessment refers to the evaluative process conducted prior to implementing any actions, and this aims to ascertain the prevailing conditions and identify pertinent issues that require attention. This assessment serves as a fundamental basis for strategic planning (Taylor & Brunson, 2017). The social-ecological model proposes the implementation of individual interviews and focus group discussions to explore the various factors that may contribute to the threat of non-intimate femicide within a community. According to Crawford (2020), communities are impacted by social structural factors that may potentially result in non-intimate femicide, such as patriarchy, toxic masculinity, a rape culture, gender stereotyping, hate towards lesbians, and high crime rates. These factors are prevalent within the five systems (micro, meso, exo, macro, and chrono) that influence a child's development and impact an adult's behaviour and perceptions.

**Step 2:** The next step entails engaging stakeholders, including the police and community forums, to collaboratively exert influence on individuals' and groups' behaviours. Bronfenbrenner's model emphasizes the significance of comprehending the interplay among various microsystems in shaping an individual's development (Guy-Evans, 2023). As part of this step, community members should facilitate the involvement of stakeholders who possess the capacity to influence the psychological and cognitive processes of individuals, particularly those who manifest delinquent and prejudiced behaviour. The Centre for the Study of Violence and Reconciliation (2016) argues that workshops should be used as a valuable platform for project partners and local committees to engage in mutual learning regarding the most effective non-intimate femicide primary prevention strategies that can be employed in a particular area.

**Step 3:** This step involves the implementation of awareness campaigns that address the threat of non-intimate femicide. Stakeholders that should be involved in the primary prevention of non-intimate femicide should be identified and involved while community members should

collaborate with stakeholders to raise awareness of the potential for non-intimate femicide. The social-ecological model posits that the primary prevention of non-intimate femicide should include community dialogues as a means to enhance awareness regarding the underlying factors that may contribute to non-intimate femicide in a specific community. This approach is advocated due to the direct impact that community awareness will have, as is posited by the ecosystem perspective (Banyard, 2011). During this phase, community members and activists should conduct their campaigns using various media platforms such as television, radio, the internet, and the print media (Borawska, 2017). The objective of such campaigns is to raise awareness about gender equality, modify behavioural factors that reinforce patriarchal attitudes, challenge social norms that perpetuate discrimination, and promote overall well-being (Borawska, 2017).

**Step 4:** This step is proposed to align with the ecological model's assertion that certain families establish an environment and exert social pressures that foster boys' and young men's delinquency and violent behaviours (The Centre for the Study of Violence and Reconciliation, 2016; Rakovec-Felser, 2014). The objective of establishing community dialogues involving individuals of both genders and all ages is to examine the correlation between non-intimate femicide and cultural beliefs, social norms, and religious practices (The Centre for the Study of Violence and Reconciliation, 2016). During these dialogues, both male and female participants must be educated on the significance of equality and the fundamental entitlement of all people to life. Many researchers in the field of GBV and femicide support the value of dialogue (Yamile, 2021), particularly as dialogue between boys and adult men can contribute to the development of constructive and positive expressions of masculinity, thereby avoiding the perpetuation of a patriarchal system, which is a prominent driver of non-intimate femicide (The Centre for the Study of Violence and Reconciliation, 2016).

#### **4.4 Locard's Transfer Theory**

Edmund Locard, a well-known French criminologist, is credited with the establishment of the first crime laboratory in France (Lee and Pagliaro, 2013; Harris and Lee, 2019). According to the principles of Locard's transfer theory, when two things come into contact, there is a reciprocal transfer of materials between them, and these materials can be identified and examined by forensic scientists (Lee and Pagliaro, 2013; Harris and Lee, 2019). Dutelle (2020) asserts that these materials may not necessarily be fibers, but may also be various microscopic

substances, including hair, pollen, paint, blood, and soil. The use of Locard's transfer theory serves the purpose of establishing that a crime was committed while it also assists in acquiring, elucidating, and recording adequate details pertaining to the incident (Andersen, 2019; Basu, 2021). Sufficient information refers to enough data to effectively and comprehensively elucidate the contextual details of the incident and the criminal profiling of the perpetrator (Andersen, 2019; Basu, 2021).

Basu (2021) posit that the fundamental basis of forensic investigations lies in the capacity of crime scene investigators or forensic scientists to identify potential physical evidence, regardless of its size, visibility, or incriminating or absolving nature. Based on this concept, there are six distinct circumstances that contribute to an incident of crime. The what, where, when, who, why, and how questions are referred to as the '5 Ws and the how of the incident' (Brainspores, 2014). The objective of this model is to assist homicide investigators and detectives to direct their focus towards the diagnostic process and to aim for clarity by employing a cyclic problem-solving approach (Fahsing, 2016; Kelly, 2020). In the context of criminal research, the use of investigative thinking plays a significant role as it involves the analysis of gathered material, the formulation of a hypothesis regarding the sequence of events, and the establishment of justifiable grounds for a particular belief or conclusion (Gehl & Plecas, 2017). According to Lee and Pagliaro (2013), crime scene investigation is predicated upon the use of scientific reasoning, and this requires a systematic, methodical, and logical approach to the inspection and analysis of the crime scene. The process starts with the initial reaction to a crime scene and moves on through various stages, including scene security, crime scene documentation, identification of physical evidence, enhancement of patterns, collection, packaging, and preservation of physical evidence, examination of physical evidence, and analysis and profiling of the crime scene, and all these culminate in crime scene reconstruction (Dutelle, 2020). The beginning of crime scene investigation and the subsequent forensic process is triggered by the occurrence of a criminal act which necessitates adherence to a series of prescribed measures when investigated.

#### **4.4.1 Physical evidence at a crime scene**

The presence of physical evidence at a crime scene is significant as it has the potential to establish a connection between a victim and suspect and the scene of the crime (Peterson & Bialo-Padin, 2012; Horsman, 2021). In the context of a criminal investigation, physical

evidence can be categorized based on its physical state, the specific type of crime being investigated, and the characteristics of the evidence itself, such as its composition or the specific questions to be resolved (Lee and Pagliaro, 2013; Horsman, 2021). The classifications mentioned by Lee and Pagliaro (2013) and Horsman (2021) provide valuable conceptual frameworks and practical methodologies for conducting crime scene investigations. The categorization of physical evidence is determined by the inherent characteristics and structure of the evidence:

- Transient evidence refers to a specific category of evidence that is very vulnerable to destruction, decomposition, or lack of persistence. Mistek et al (2018) urges the immediate documentation of this particular form of evidence upon its observation.
- Conditional evidence refers to evidence that is dependent on certain conditions or circumstances and it is evidence that is only valid or applicable in specific situations. Conditional evidence is typically generated through a series of activities or the absence of activities (Lee & Pagliaro, 2013). In line with the concept of temporary evidence, it is imperative to note that the preservation and documentation of conditional evidence at the crime scene must be conducted immediately, as failure to do so will result in the irreversible loss of this evidence (Lee & Pagliaro, 2013).
- Pattern evidence includes several types of markings that are generated when two objects come into contact with each other. These markings can include fingerprints, shoeprints, toolmarks, and tire treads (Found & Edmond, 2012). Additionally, it includes pattern analysis techniques, such as those employed in the assessment of handwriting, typewriting, and writing implements (Found & Edmond, 2012).
- Transfer evidence, also known as trace evidence, is typically generated by physical contact between individuals, items, or individuals and objects (Lee & Pagliaro, 2013). Blood, fingerprints, hair, fibers, body fluids, soil, glass, medicines, and chemicals are among the most often encountered types of transfer evidence (Lee & Pagliaro, 2013). This particular category of evidence is typically subjected to examination in a forensic laboratory.
- Medical evidence holds significant importance in legal proceedings, as it serves to substantiate claims of injury resulting from acts of negligence or mistakes committed by parties other than the affected individuals (Sinamo & Sibarani, 2020).
- According to Wiysonge (2012) and Saputra et al. (2023), electronic evidence is frequently generated and presented as the predominant form of evidence in both criminal

and civil procedures. According to Wiysonge (2012), electronic evidence, such as video footage, electronic copies of contracts, or documents signed with electronic signatures, offers greater convenience and accuracy in its production compared to physical evidence.

- Associative evidence refers to the use of related or connected information to support a particular claim or argument. Throughout the process of an investigation, distinct objects discovered at the scene of criminal activity may be utilized as evidentiary material to establish a connection between a victim and suspect at a specific location (Lee & Pagliaro, 2013; Horsman, 2021).

#### **4.4.2 Laboratory analysis of evidence**

After the gathering of physical evidence, the next phase involves the utilization of crime scene evidence. According to the theory, physical evidence recognition and laboratory analysis guide investigators in their investigative efforts, ultimately leading to the formulation of a successful hypothesis (Lee & Pagliaro, 2013; Ying, 2021). During this phase, the application of investigative thinking becomes crucial as not all the evidence gathered will contribute to the attainment of a conclusive outcome (Gehl & Plecas 2017; Bitzer, 2019), and not all categories of physical evidence have the capacity to establish a direct connection or ascertain the identity of a potential perpetrator (Gehl & Plecas 2017). The primary application of physical evidence discovered at crime scenes is the identification of substances whose nature is initially unknown (Lee & Pagliaro, 2013). Not all crime scenes will necessarily possess a ‘smoking-gun’ or an eyewitness account; however, these scenes will always include tangible physical evidence that can significantly aid the investigating authorities in their efforts (Lee & Pagliaro, 2013; Bakhtiar, 2022). Dean et al. (2006) assert that investigators must consider the manner in which they establish connections with the victim, witnesses, potential suspects, the local community, and the broader public in order to obtain the necessary information for building a strong case. In the pursuit of sound investigations, detectives aim to optimize the potential for positive results by strategically undertaking permissible and rational risks within a broad scope of authority (Dean et al., 2006; Oosthuizen et al., 2022). Detectives have to demonstrate a proactive approach in utilizing creative strategies to uncover new data and, if needed, transform this information into evidentiary material (Dean et al., 2006; Oosthuizen et al., 2022), and In this process they are assisted by evidence that is obtained in the laboratory.

#### **4.4.3 Forensic analysis**

This is the final phase that involves forensic examination. Investigators engage in the process of gathering evidence to reconstruct the truth about a criminal event (Carvey & Altheide, 2011; Kumar et al., 2022; Borysenko et al., 2021). According to Carvey and Altheide (2011) and Borysenko et al. (2021), the truth behind an incident is revealed by the examiner through a process of uncovering and revealing the remaining evidence associated with the crime. The objective is not to preestablish the culpability or innocence of a prospective suspect (Lee and Pagliaro, 2013), but to provide valuable information to help criminal investigators in their case investigations (Lee & Pagliaro, 2013; Nugroho & Heriyanto, 2020). After the submission of evidence to the laboratory, scientific examinations are conducted by taking into consideration the specific type of evidence, which may include firearm, handwriting, DNA, video, and fingerprint evidence (Lee & Pagliaro, 2013; Nugroho & Heriyanto, 2020). During this phase, laboratory scientists are required to adhere to the fundamental principles of evidence examination, which includes four distinct yet interconnected processes (Lee & Pagliaro, 2013; Nugroho & Heriyanto, 2020; Bakhtiar, 2022):

- The first and most crucial phase is the identification and acknowledgment of an item or pattern as potential evidence that holds significance. The investigation may suffer negative consequences if the failure to acknowledge essential evidence prevents the establishment of significant connections among the suspect, victim, crime scene, and physical evidence, as suggested in the four-way linkage theory.
- The subsequent logical step involves the identification of different types of evidence. Identification can be understood as a system of classification. As the number of shared traits between two or more things increases, the process of identification gets increasingly more complex and sophisticated. In the field of forensic science, the identification of evidence sometimes involves the comparison of specific class features shown by an unknown object with corresponding qualities displayed by a recognized standard. If the class properties of the known and unknown samples are fundamentally identical, it is possible to classify the unknown object using the known samples.
- The concept of individualization holds a distinct position within the field of forensic evidence analysis. Moreover, this particular area is subject to significant scrutiny in court. After the first identification process, forensic scientists may proceed with further investigations to determine the potential uniqueness of a given sample, even within the

context of other samples belonging to the same class. The aforementioned procedure is commonly known as individualization.

- The reconstruction phase is the last stage in the process of forensic examination. The success of this stage relies solely on the accurate recognition, identification, individualization, and interpretation of pertinent evidence. The process of reconstruction involves the utilization of investigative material, crime scene information, and laboratory analysis of physical and pattern evidence.

#### **4.4.4 Applicability of Lockard's exchange theory to the study**

Applying this theory was significant in the current field of research as it clarified the logical procedures that must be adhered to by investigators and forensic scientists to arrive at a conclusive investigation outcome, particularly concerning non-intimate femicide. For instance, Lockard's (1920) exchange theory posits that when an offender and a victim come into contact, there is a reciprocal exchange of tangible evidence. Arif et al. (2023) affirm that physical evidence plays a crucial role in non-intimate crime investigations as it serves to establish the modus operandi of the crime, establishes a link between a suspect and the crime scene, and aids in the identification of the perpetrator. Physical evidence also serves as a crucial foundation for the investigative process, ultimately leading to a logical and sound conclusion. In cases of non-intimate femicide, the utilization of investigative thinking and scientific reasoning plays a crucial role throughout the investigation, starting with the gathering of physical evidence and concluding with the building of a solid case.

The significance of scientific reasoning is its application in investigations into non-intimate femicide, where crime investigation needs to be systematic, methodical, and logical. The process commences with the initial reaction to a crime scene and progresses through various stages, including scene security, documentation of the crime scene, identification of physical evidence, enhancement of patterns, collection and preservation of physical evidence, examination of physical evidence and analysis and profiling of the crime scene, and this process ultimately culminates in the reconstruction of the crime (Lee & Pagliaro, 2013; Dutelle, 2020). According to Lockard (2013), the initial step in investigating a non-intimate femicide or murder case should involve the collection of physical evidence (Lee & Pagliaro, 2013). In the event that a female individual was subjected to sexual assault and then killed by an unidentified perpetrator, it is imperative for the investigator to systematically gather all the

available evidence with the aim of narrowing down the scope of the investigation. In the context of rape-related femicide, it is imperative for the investigator to diligently gather and carefully document all pertinent physical evidence present at the scene of the crime. The physical evidence that can be utilized in forensic investigations includes blood, semen, fingerprints, hair, body fluids, and pattern evidence. Additionally, associative evidence can also be employed in such investigations. However, it has been argued that, during this phase, investigators should not operate in isolation due to the presence of physical evidence that requires expertise in forensic science, such as fingerprints, hair, fibers, and body fluids. All of these aforementioned elements necessitate analysis in a forensic laboratory. The medical evidence report will be prepared by the forensic pathologist assigned to the examination of the deceased individual. The collection of pertinent evidence aids in elucidating the 5 W inquiries pertaining to the criminal case (Gehl & Plecas, 2017).

Following collaboration with other stakeholders, the next phase involves the investigator's utilization of the evidence collected from the crime scene. The investigator involved in the non-intimate femicide case undertakes the task of breaking down, organizing, and presenting the available information (Sunde, 2017). Following the process of information fragmentation, the investigator tries to derive significance from the information and ascertains the extent to which the various pieces of information are interconnected and aligned or are inconsistent with one another (Sunde, 2017). The aim is to eradicate select physical evidence that lacks the capacity to establish a direct or conclusive connection between the suspect and the crime. The complexity of non-intimate femicide cases necessitates the application of investigative thinking due to its significance. According to Dean et al. (2006), an investigation can be conceptualized as a cognitive activity, and therefore the capacity of a detective to think critically as an investigator is of utmost importance in resolving a non-intimate femicide case (Dean et al., 2006).

The last phase in a non-intimate femicide investigation entails the investigator's effort to reconstruct the truth surrounding the incident. However, given the complexity of certain non-intimate femicide cases, the theory posits that it is imperative for the investigator to seek a second opinion prior to accepting the hypothesis at this stage. This measure is implemented to mitigate the potential influence of bias in the investigation. Another objective of this practice

is to serve as a reminder for detectives to adopt a critical perspective when making decisions and to acquire new declarative knowledge.

#### **4.4.5 Limitations of Locard's transfer theory**

One of the primary limitations of Lockard's exchange theory pertains to the dynamics of evidence (Indian Law Portal 2020; Mummery, 2021). Criminals, like any individual involved in a crime, possess the ability to manipulate physical evidence prior to its examination by investigators (Mummery, 2021). This alteration of evidence by interested parties, including the accused, as well as other external factors undermine the fundamental principle of preserving evidence in its original state (Roux et al ,2015). Any interference thus hampers the objective of establishing a reliable link of detection, thereby compromising the integrity and accuracy of the findings obtained from such evidence (Mummery, 2021; Indian Law Portal, 2020; Lochner and Zinn, 2014). There are several aspects that may contribute to the destruction of evidence, such as the intentional manipulation of evidence, the transportation of evidence from one location to another, the behaviour of the victim prior to the commission of the crime, the acts of witnesses, natural elements like animal or insect activity, and the inappropriate conduct of law enforcement officers, scene technicians, and medical staff (Mummery, 2021; Indian Law Portal, 2020). A particular weakness of this theory in the context of this study was its sole focus on the investigative processes without consideration of the subsequent outcomes or events that might occur following the investigation process.

#### **4.5 Conclusion**

It is evident from the aforementioned discussion that the four dimensions, namely differential social organization, differential location in the social structure, theoretically defined structural causes, and differential social location in primary, secondary, and reference groups, contribute to a learning structure that renders females vulnerable to non-intimate femicide. Individuals who perpetuate or endorse violence against women learned such behaviours through four significant social psychological mechanisms: differential association, differential reinforcement, imitation, and favourable definitions of law-breaking. According to the second theoretical perspective, the implementation of primary preventative measures is crucial in mitigating the commission of non-intimate femicide. The utilization of debates and campaigns has the potential to contribute to the prevention of non-intimate femicide. Nevertheless, it is important to note that these theories have primarily been examined and tested within the

context of Western societies, with limited research utilizing them in African contexts. Non-intimate femicide in the African context can be attributed to many sociocultural factors, and theories like the ones used in this study offer an explanation for how social institutions contribute to the development of learned behaviour within a given environment or context.

## CHAPTER FIVE

### DATA PRESENTATION, ANALYSIS AND INTERPRETATION

#### 5.1 Introduction

This chapter will concentrate on the presentation, analysis, and interpretation of the data. Data analysis in qualitative research involves systematically transforming unprocessed data through activities such as searching, evaluating, recognizing, coding, mapping, exploring, and describing patterns, trends, themes, and categories to uncover their underlying meanings (Ngulube, 2015*b*; Bailey, 2008), and thus data analysis demonstrates how the researcher interpreted the unprocessed data (Ngulube, 2015*b*). While data interpretation was the researcher's endeavour to derive significance from the data and then address the question "Why does it matter?" by considering the implications of the study's findings (Bailey, 2008). When analyzing the data, the researcher connected the research findings with the theories discussed in Chapter four. Additionally, the existing literature was utilized to determine whether the current study's findings were supported or disputed by those of previous researchers.

The researcher conducted interviews with 28 participants who were stakeholders from the SAPS, social workers employed by the SAPS, representatives of the NPA, and an NGO representative. These participants provided their diverse opinions on non-intimate femicide as they were allowed to frankly discuss its nature and causes from their personal perspectives and experiences. The data were collected in the KwaMashu and Umlazi townships near Durban. The findings revealed that non-intimate femicide does occur in both townships, but there was a lack of statistical non-intimate femicide data as such data are currently included in overall murder statistics. This means that when the bodies of murdered females were found, it was difficult to determine whether they had been killed by a partner or a stranger or what the motive was. Furthermore, numerous factors increase the risk of females becoming victims of non-intimate femicide. The questions posed to the participants were aligned with the study's objectives, which were to:

- Determine the extent of non-intimate femicide in Umlazi and KwaMashu;
- Examine the factors that contribute to non-intimate femicide in KwaMashu and Umlazi;
- Explore the procedures employed by homicide investigators when investigating non-intimate femicide;

- Examine the legislative response to non-intimate femicide; and
- Determine if programs are in place to combat non-intimate femicide in the study area.

The data presentation is divided into separate sections to ensure clarity.

## 5.2 Section A

The first theme that emerged from the data was ‘the extent of non-intimate femicide in KwaMashu and Umlazi’. This theme emerged in response to the following question: “*How often does non-intimate femicide occur in KwaMashu and Umlazi?*”

### 5.2.1 Theme 1: The extent of non-intimate femicide in KwaMashu and Umlazi

The participants disclosed that non-intimate femicide does occur in KwaMashu and Umlazi, but its occurrence was deemed to be uncommon in comparison with cases of intimate femicide and male-on-male homicides. For instance, participants from KwaMashu stated:

*“In KwaMashu it does happen maybe once a month or once every two months. (KwaMashu Investigator 1)*

*“I don’t know the exact statistics of non-intimate femicide because every murder case is captured in one book.” (KwaMashu police officer 2)*

*“Two cases a month are too much. I think we get one every second or third month because we normally receive cases of gender-based violence, so non-intimate femicide is not common, but it does happen.” (KwaMashu Prosecutor 1)*

The KwaMashu participants also contended that presenting comprehensive statistics on non-intimate femicide was challenging because this phenomenon, particularly in the study area, was still treated like any other murder case, unless the event could be related to intimate femicide. Due to the fact that non-intimate femicide is treated similarly to other murder cases, it was impossible to obtain precise statistics on non-intimate femicide cases in the study area.

The Umlazi participants also argued that non-intimate femicide occurred less frequently in Umlazi township compared to intimate femicide. They commented as follows:

*“In Umlazi we do get non-intimate femicide cases but not as often compared to intimate femicide cases.” (Umlazi Prosecutor 3)*

*“It doesn’t happen that much, only few cases we get in Umlazi” (Umlazi Investigator 1)*

*“One time we received 35 murder cases. Out of all the cases there were only two non-intimate femicide cases. Between September 2022 and November 2022, we only had two cases of non-intimate femicide in Umlazi.” (Umlazi Prosecutor 4)*

It was evident from the information provided that the police stations in the two townships did not record precise data on non-intimate femicide. Participants from Umlazi further contended that a factor that contributing to this lack of statistics in the area was the number of female fatalities discovered on the streets. It was challenging to categorize these case as either intimate or non-intimate femicide due to insufficient information regarding the suspect-victim relationship and the motive for the killing.

It is evident from the information provided above that the lack of statistics on non-intimate femicide is a problem at local level, while the literature indicates that is also a challenge at national and global levels. The available literature indicates that there are inherent gaps and limitations in femicide data that primarily stem from a lack of information regarding the relationship between the perpetrator and the victim as well as the motive for the murder of women (UN Women, 2022). The South African government has identified the absence of administrative data on femicide and gender-related killings as a key concern that needs to be addressed. This decision was made in response to a request from the Special Rapporteur on Violence against Women (Department of Women, Youth, and Persons with Disabilities, 2022). In response, the government expressed its intention to establish a Femicide Watch that will aid in collecting administrative data on both intimate femicide and non-intimate femicide (Department of Women, Youth and Persons with Disabilities, 2022), but such as body has not yet been established in 2024. The United Nations Special Rapporteur on Violence against Women also urged countries such as Canada to enhance data gathering on femicide and to establish Femicide Watch initiatives or observatories to closely monitor the femicide phenomenon (Dawson and Carrigan, 2021).

A major set of data collected from the participants focused on the first objective of the study, which was to determine whether non-intimate femicide occurred in Umlazi and KwaMashu. It was affirmed that this crime had been committed in these two townships, although it was argued that it was not as widespread as intimate femicide. Because non-intimate femicide cases are categorized as general murder cases in both areas, it was difficult to obtain precise numbers from the participants.

### **5.2.2 Theme 2: Hotspots of non-intimate femicide**

Several participants asserted that non-intimate femicide occurred infrequently in KwaMashu and Umlazi. However, they did mention that there were certain areas where cases of non-intimate femicide were likely to occur. The participants contended that locations such as hostels, taverns, and shebeens<sup>1</sup> were spaces where females were at high risk of becoming the victims of non-intimate femicide. A participant from KwaMashu raised the following argument:

*“Taverns and KwaMashu Hostel are the hotspot areas where we normally get cases of non-intimate femicide. Sometime here in KwaMashu we have shootings that happen at the taverns. So, it might happen that a female dies during a shooting, or some females die during a robbery at a tavern.” (KwaMashu Investigator 4)*

*“We receive a lot of those cases from the hostel and other areas surrounding KwaMashu. KwaMashu Hostel is one of the most dangerous places for females due to the living conditions and the crime rate in this environment.” (KwaMashu Investigator 3)*

Another investigator argued as follows:

*“Because KwaMashu Hostel has a high rate of murder cases and robberies, females who go or live there are likely to become victims of non-intimate femicide. That is because of the environment; especially Mijodolo (Sharks) is the most dangerous place for females.” (KwaMashu Investigator 1)*

According to the information, alarming incidences of non-intimate femicide occurred at KwaMashu Hostel. They argued that a contributing factor was the high crime rate that was

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<sup>1</sup> A shebeen is an informal business where alcohol is served and sold. These liquor outlets are commonly not registered/licenced.

deemed prevalent at this location. Previous research has demonstrated that violence and crime in KwaMashu Hostel occur randomly and that anyone is at risk of becoming a victim (Thobane et al., 2020). An earlier study also posits that numerous residents, particularly females, who live in KwaMashu Hostel live in fear of being targeted, particularly as guns are often used by hostel residents and outsiders (Thobane et al., 2020). The commission of violent crimes that endanger the lives of residents, particularly those of women, is not a recent phenomenon in KwaMashu Hostel. A study conducted from 2009 to 2012 also revealed that KwaMashu Hostel was a dangerous location and that individuals who had never resided in hostels were anxious to set foot in this hostel, but regretted it later (Xulu, 2012). Furthermore, elevated incidences of criminal activity and aggression occur in this hostel, and these pose a severe threat to women's lives. This has prompted certain church leaders to advocate for the cessation of violence at the notorious KwaMashu Hostel (Xulu, 2012; Mkhize, 2023).

The participants also referred to taverns as hotspots for non-intimate femicide, primarily as robberies frequently occur at these locations. Mass shootings and gang violence also occur frequently in or near South African taverns and these acts have become an ongoing and life-threatening social issue (Booi, 2022). The entire country was shocked by such events in Limpopo, Pietermaritzburg, Soweto, and other locations. Booi (2022) contends that taverns in South Africa are a manifestation of the pervasive and accepted structural violence that prevails in townships, as evidenced by existing literature and media reports. This statement was made in response to a series of tavern shootings that had occurred in South Africa.

The Umlazi participants indicated that the Umlazi Glebeland Hostel, also known as the Umlazi Hostel, posed a significant risk to females, while the taverns that are located on these premises were also flagged as hotspots for violence and murder. Two prosecutors provided the following information:

*“Yes, I have dealt with a non-intimate femicide cases. It happened at the hostel and in taverns where people were drinking alcohol. There once was an issue about R5.00 as the lady wanted her R5.00 from one of the guys she was drinking with. Because she was under the influence of alcohol, she became aggressive. It happened that the guy got tired of her and then he stabbed her to death over R5.00. The perpetrator told the court that he had not liked the way the lady had spoken to him as a man. He told the court that he had killed the lady on purpose because she had not respected him and that, as a man, he should be approached with dignity and*

*respect, especially in public places. He further told the court that the issue was not that he was being accused of the issue of R5.00, but because of the humiliation that he had experienced in front of other men, as this had been too much.” (Umlazi Prosecutor 1)*

*“I dealt with a case of a female who was killed [by a man] because she was fighting with a guy in the tavern. I do not remember the full story, but I think the guy was under the influence of alcohol. I have dealt with other cases of non-intimate femicide before from Umlazi Hostel. One involved two friends who had an argument at a party, and one friend ended up being stabbed with a beer bottle by her male friend. Such an incident also happened in another tavern when the perpetrator was under the influence of alcohol.” (Umlazi Prosecutor 2)*

Research conducted in South Africa has shown that policy makers perceive shebeens and taverns in townships as the key locations where alcohol-related violence occurs (Faull, 2013). This perception is attributed to a lack of security systems at these places while many are unlicensed for selling alcohol (Faull, 2013). The participants argued that shebeens and taverns in Umlazi posed a significant threat to women, which is corroborated by the literature that states that the Glebelands (Umlazi) Hostel and the KwaMashu Hostel have gained significant attention in recent years due to the alarming number of homicides that occurred at both facilities (South African Police Service, 2016). Various interventions, such as *imbizos* (community gatherings to share knowledge) and dialogues, have been implemented to address the issue of violence in or near township hostels. However, these efforts have produced limited positive outcomes (South African Police Service, 2016).

The responses that were quoted above suggest that the behaviour of intoxicated females and males at hostels, shebeens, and taverns increases the risk of women being attacked and killed. The current study thus affirms the correlation between alcohol consumption and aggressive and violent behaviour, as posited by various other studies such as that of Bacskai et al. (2006). Excessive drinking can diminish revellers’ inhibitions, impair their judgment, and heighten the risk of aggressive behaviours (Bacskai et al., 2006).

Several participants argued that even shacks near the mega city of Umlazi were focal points for non-intimate femicide. One participant offered the following information:

*“In my years of experience as a homicide investigator, I have been exposed to dockets of females who were killed next to the mega city in the shack area.” (Umlazi Investigator 1)*

The aforementioned evidence thus indicates that not only the KwaMashu and Umlazi hostels, but also the shack areas near the Umlazi mega city pose a significant threat to the safety of females. Taverns were clearly considered unsafe zones, and this was attributed to incidents of robbery and mass shootings in and near these spaces. Furthermore, it was asserted that even the taverns within the Umlazi Hostel were not safe for females, and the harm caused to females was commonly attributed to their aggressive behaviour. In this context, the ecological theory posits that various factors such as family, peers, religious organizations, neighbourhoods, attitudes, cultural ideologies, and environmental changes can contribute to a high risk of men engaging in violent behaviours, and these singly or in combination often result in women becoming the victims of non-intimate femicide.

## **5.3 Section B**

### **5.3.1 Theme 3: Factors that contribute to non-intimate femicide in the study area**

To address a key research question, the interview question: *“What are some of the factors that contribute to non-intimate femicide?”* was posed. In response, all the participants referred to specific factors that, in their respective views, contributed to non-intimate femicide. The participants had contrasting opinions due to their involvement in various cases of non-intimate femicide, and therefore different pieces of information were provided by the homicide investigators, the police officials, the prosecutors, and the social workers. It was clear that the participants dealt with various aspects of homicide and non-intimate femicide, as had been expected. The following sub-themes emerged as the main drivers non-intimate femicide in the study area:

#### ***5.3.1.1 Patriarchy and entrenched cultural beliefs***

The participants agreed that non-intimate femicide in the KwaMashu Hostel occurred as a result of men's desire to exercise power and dominance over women. Furthermore, it was stated that such behaviour by male residents was tolerated and rationalized within the hostel community due to adherence to the idea of male supremacy over women and a powerful idealisation of male masculinity. The following exemplifies these views:

*“Yes, there are cultural factors. As I have said, most people from the hostel come from rural areas so they do not value a female person like other people do. They do whatever they wish. These men view a female person as useless.” (KwaMashu Investigator 1)*

The participants further explained that allowing females to reside in these hostels exposed them to the increased likelihood of becoming victims of GBV and femicide:

*“Back in the days, females were not allowed to be in a hostel and females, whether married or not, were expected to stay at home. Now, when females have moved into the hostels, it has resulted in competition for employment, the distribution of resources, and housing allocation. Remember that the South African government does not prioritize females’ needs.” (KwaMashu Investigator 3)*

Previous researchers have argued that non-intimate femicide is a direct result of patriarchy, which is a social system that is characterized by male dominance and female oppression and exploitation (Mshweshwe, 2020). Furthermore, cultural beliefs and norms that endorse patriarchy perpetuate the dominance of men over women (Mshweshwe, 2020). In this context, the SSSL theory as proposed by Akers (2017) posits that individuals acquire cultural norms through socialization, and in this context adherence to patriarchal views is a powerful force even though it often occurs unconsciously. Moreover, these beliefs and norms are passed on from one generation to another, sometimes through enforced means (Akers and Sellers, 2004). It became evident from the participants' perspectives that the prevalence of patriarchal norms and cultural beliefs had created a conducive environment for numerous females to become the targets of GBV-related and political killings as they were deemed to pose a threat to male dominance.

### ***5.3.1.2 Politically motivated killings***

The notion was expressed that, particularly in KwaMashu, the dominance of patriarchal values and cultural beliefs resulted in the politically-motivated killings of females. Historically and traditionally, women were, and even currently are, not regarded as political leaders by Black communities (Breines, 2006). The participants were aware that some females residing in KwaMashu were interested in political leadership; however, it was agreed that they were at high risk of non-intimate femicide, or assassination. The following comments exemplify this notion:

*“I remember I once had a case of a female that was killed due to her political leadership role.”  
(KwaMashu Prosecutor 1)*

*“In the hostel there are block chairmen. These are people who are elected as the representatives of residents in the hostel. The person acts as a community leader and any problem that is experienced by residents is reported to the chairman. Females are now also contesting for that position as well as for political positions within the hostel.” (KwaMashu Investigator 1)*

*“We do get cases of political killings of females in the hostel, especially those that are interested in political power in the hostel. However, in the case of the political killing of a female, or any political killing, you do not get the full information while you are still at the crime scene; but, as you do your investigation, that’s when you get the full story.” (KwaMashu Investigator 2)*

The participants further elaborated that non-political female residents had also been murdered in the hostel due to their opposition to existing political movements or affiliations with organizations in the hostel:

*“I once had a case of a female that was killed in the hostel. I did not get the full information from the crime scene; however, as I was continued my investigation, I realized the victim had been killed because she had been publicly challenging the current political movement.”  
(KwaMashu Investigator 2)*

The participants also disclosed that political assassinations in the hostels were not a recent phenomenon as such incidents had occurred in the past. According to Xulu-Gama (2017), KwaMashu Hostel experienced serious divisions in the mid-1980s and 1990s. These divisions were based on political strife between the African National Congress (ANC) and the Inkatha Freedom Party (IFP), while ethnic differences between the Zulu and Xhosa groups also created severe conflict. These conflicts in and around the hostels occasionally compelled individuals, particularly women and children, to evacuate targeted informal settlements near the hostels and to seek refuge in shelters. According to the SSSL theory, it may be argued that the historical social structure of groupings within KwaMashu has had a substantial influence on the development of behaviours that have resulted in non-intimate femicide, specifically in the event

of political killings. The residents of KwaMashu Hostel thus witnessed political assassinations ordered by leaders, and this affected families, the community, and peer groups. Females are therefore highly vulnerable to political assassinations due to the learned behaviours that perpetrators acquired. It therefore follows that political killing behaviour is not inherent in the genes, but a learned behaviour that occurs within intimate personal/political groups.

It is noteworthy that political killings are not unique to South Africa as they occur in both developed and developing countries world-wide. Examples are the assassination of John F. Kennedy in America and the various assassinations of political leaders in Latin American countries such as Guatemala. More specifically, non-intimate femicide assassinations against women were primarily caused by the “power inequality between men and women in the social, economic, legal, political and cultural spheres” (Frías, 2023). For instance, FACTBOX (2016) cites ten female politicians who were murdered for doing their job:

- Anna Lindh - Sweden's foreign minister was stabbed while shopping in a Stockholm department store in 2003. The mother-of-two had been widely tipped as Sweden's next prime minister. Her killer, Mijailo Mijailovic, who was born in Sweden to Serbian immigrant parents, was sentenced to life. He told a Swedish newspaper he was motivated by a hatred of politicians.
- Benazir Bhutto - Bhutto, who had served twice as Pakistan's prime minister, died in a suicide gun and bomb attack in 2007 after a campaign rally in the city of Rawalpindi. She was assassinated just weeks after returning to Pakistan from self-imposed exile to prepare for elections in 2008.
- Indira Ghandi - India's third prime minister was assassinated in 1984 at her New Delhi residence by two Sikh bodyguards following the army's storming of the Golden Temple in Amritsar aimed at flushing out Sikh separatists.
- Agathe Uwilingiyimana - Rwanda's first female prime minister was assassinated at the start of the 1994 genocide along with 10 Belgian peacekeepers who were guarding her. She was killed a day after the Rwandan president's plane was shot down on April 6, 1994.
- Aquila Al-Hashimi - The Iraqi politician was the only member of Saddam Hussein's regime to be invited to join the transitional governing council after the U.S.-led invasion. She was shot after being ambushed by six men thought to be loyal to the former regime near her Baghdad home in 2003.

- Hanifa Safi - The Afghan politician was killed in 2012 after a bomb attached to her car exploded as she left her home in eastern Laghman province. She was a leading advocate for women's rights and regional head of women's affairs.
- Isabel Currasco - The governor of Spain's northern Leon province, a Popular Party politician, was shot dead in 2014 while walking near her home. A 60-year-old woman and her daughter were convicted of carrying out the murder in revenge for the loss of the daughter's job at the provincial council.
- Saado Ali Warsame - The veteran Somali singer turned lawmaker was killed in Mogadishu in 2014 by Islamist gunmen who sprayed her car with bullets. The al Shabaab militant group said afterwards it was targeting lawmakers for supporting the "invasion of enemies" - a reference mainly to African Union forces.
- Zara Shahid Hussain - The senior politician from Pakistan's reformist Tehreek-e-Insaf party led by former cricketer Imran Khan was shot outside her home in Karachi in 2013.
- Gisela Mota - The mayor of the Mexican city of Temixco was killed in January 2016 a day after taking office. Mexican media said she was attacked at her home by four gunmen.

### ***5.3.1.3 Being socio-economically disadvantaged***

The participants argued that females in KwaMashu and Umlazi who are socio-economically disadvantaged were at high risk of becoming victims of non-intimate femicide. Socio-economic disadvantage refers to people who reside in a socio-economic situation that is less advantageous compared to the conditions of others within the same society (Fergusson et al., 2004). One of the factors that contributed to the socio-economic disadvantage of females is the historical transitions that were implemented by the apartheid government in KwaMashu and Umlazi. When apartheid policies were introduced in the late 1940s and 1950s, Black migrants and the Zulu communities residing in Durban experienced a period of upheaval and adjustment (South African History Online, 2019; Khuzwayo, 2023). The implementation of the Group Areas Act (1950) resulted in the enforced separation of citizens into designated suburbs based on racial categories, namely White, Bantu/African, Coloured, and Asian racial distinctions (Khuzwayo, 2023). The African residents of Durban were forcibly displaced and relocated to townships, specifically KwaMashu and later Umlazi, which are located on the outskirts of Durban (Khuzwayo, 2023). As a result of the apartheid government's policies, KwaMashu and Umlazi are now predominantly inhabited by individuals from the middle and lower socio-

economic classes. These two township areas have attracted people from various locations who desire to reside in proximity to the city of Durban. According to sociological research, people are drawn to cities due to their entertainment amenities', cultural attractions, and employment opportunities (Lame Leaning, n. d).

The participants argued that, due to the Nationalist government's policies, socio-economically disadvantaged females were, and still are, compelled to reside in overpopulated areas with poor living conditions, including inadequate housing, lack of security, insufficient street lighting, and the absence of surveillance cameras. Such conditions still prevail in KwaMashu and Umlazi even 30 years after the shift to democracy and a predominantly Black government. These circumstances significantly increase the risk of females experiencing home burglaries and becoming victims of rape and homicide as a result of the unfavourable social conditions that are prevalent in these environments. In societies characterized by the low value of and a lack of economic power for women, the ecological system puts women at risk of experiencing non-intimate femicide as they become the targets of men with criminal intentions (Wasuna, 2019).

#### ***5.3.1.4 Robberies and burglaries***

Another sub-theme that emerged from the data is the impact of robberies and housebreakings on the safety of females. Robberies and housebreakings are criminal acts during which perpetrators steal valuables from residents/residences by force or the threat of force. These crimes directly impact victims and the demeanour of the perpetrators is often life-threatening. The participants contended that many cases of robberies and housebreakings in the study area resulted in non-intimate femicide. The following exemplify the view of the majority of the participants:

*“Let me tell you something: KwaMashu as a whole experience a lot of robberies. Some robberies are happening in taverns and others in people’s houses.” (KwaMashu Prosecutor 3)*

*“There was a case in KwaMashu hostel where a female aged 29 was brutally killed during a robbery.” (KwaMashu Prosecutor 1)*

The participants further disclosed that the majority of female victims of house robberies were killed due to their ability to identify the thief. In such cases, the thief's intention was to harm the homeowner or any other witness to the robbery to eliminate any evidence.

*“Cases of non-intimate femicide that occur at KwaMashu Hostel and other parts of the KwaMashu area are cases that are caused by house robberies. So, the females that were killed knew the housebreaker. At that point the housebreakers killed the witness because they knew that they would be identified to the police, especially if the victims knew them.” (KwaMashu Investigator 4)*

According to the participants, in areas with a high rate of house breaking, such as KwaMashu Hostel, women are generally prevented from reporting these incidents as they fear that the criminal/s might return and harm them in retaliation.

*“For instance, we had a case of an old male that was hospitalized. He had been robbed and shot. He told us that the people that had robbed him were the same people that had been seen robbing another house that belonged to females. However, those ladies never reported any case related to the burglary because they feared for their lives.” (KwaMashu Investigator 1)*

The KwaMashu participants also revealed information that highlighted the role that illegal guns had played in robberies, as these weapons had made it effortless to rob or steal from residents in KwaMashu. Both the KwaMashu and Umlazi police stations received cases of female murders resulting from robberies and housebreakings. An Umlazi participant offered the following information:

*“I remember a case where two females were killed during the night when they were coming from a tavern. They were robbed and then killed. The guy that they were walking with managed to escape from the criminals.” (Umlazi Prosecutor 5)*

*“I once had a case, I think it was in 2021, when a female was robbed, but she was trying to fight back. And we also had some cases of females that were killed during house robberies. I once had a case of a female who was raped and then killed during a house robbery, but I do not remember the full story.” (Umlazi Prosecutor 3)*

The participants argued that the majority of victims of housebreakings and robberies were females who had either been walking the streets alone at night or who had lived alone. Catalano (2010) argues that households owned by single females with children tend to experience the highest incidences of burglaries. This is affirmed by another study that attributes this to the fact that females have lower physical strength compared to males (Van der Stouwe et al., 2021). According to van Zyl et al. (2003), burglaries and street robberies are longstanding issues in South Africa. The latter study asserts that these crimes continue to pose a significant problem in residential areas and are likely to persist as long as a significant percentage of the population faces a high unemployment rate, as this condition results in poverty and relative deprivation (van Zyl et al., 2003). Although both township and wealthier areas are targeted, robberies and housebreakings are more prevalent in townships because the majority of informal residents in townships lack the financial means to implement any form of security (Ceccato & Abraham, 2022).

#### ***5.3.1.5 Femicide associated with rape***

Abrahams et al. (2017), whose study was conducted in South Africa, argue that there is a strong rape culture in this country that encourages men to target women and children. This culture results in serious forms of violence that are rooted in the wider framework of gender inequality and patriarchal societal norms that tolerate sexual violence and gender-based aggression towards women and children. According to the participants of the current study, the victims of non-intimate femicide in KwaMashu and Umlazi were mostly women who had been subjected to sexual assault before being murdered. It was also revealed that rape-related homicide in KwaMashu and Umlazi tended to occur during house robberies, after a woman had failed to keep a promise to a man, or as a corrective rape effort. Thus, the Umlazi participants affirmed that cases of rape homicide in fact occur in this township. The following were pertinent comments in this regard:

*“To tell you about non-intimate femicide in KwaMashu, we do not have many such cases here, but there was a year when we had a high rate of female killings in KwaMashu. It was something involving sex homicide; some female bodies were already decomposed when they were found.”*  
(KwaMashu Police Officer 1)

*“I once had a case of females raped and then killed during house robberies, but I do not remember the full story.”* (Umlazi Prosecutor 3)

*“Lots of females were killed after being raped in Umlazi. This is because the perpetrator was trying to cover up or destroy rape evidence.” (Umlazi Prosecutor 1)*

The Umlazi participants also referred to the risky tendency among women who agree to engage in sexual activity with a man while they are intoxicated, but then refuse to fulfil that commitment. Such women are at serious risk of rape homicide, as one participant narrated:

*“For example, there was a case when a guy and a female were drinking and agreed to have sex. The girl then decided not to have sex. So, the guy decided to rape the lady and then he killed her. The reason for the killing her was that the guy was afraid that the lady might report that rape case to the police. The case was sent to the court and the man was imprisoned for 18 years. I remember another case in V Section. Ladies were sitting with guys and they were all drinking. When the ladies saw that the guys had fallen asleep, they decided to rob them while they were sleeping. It happened that one guy woke up, and he then woke up the others. One of the guys told the ladies that, as they had been trying to steal from them, they would have to pay by having sex with them. The ladies agreed, but after the sex the guys decided to kill the ladies because they later realized that what they had done was rape and that was not good. So, they decided to kill the ladies because they were afraid that this might lead to their arrest.” (Umlazi Investigator 1)*

#### **5.3.1.6 Corrective rape**

The participants also argued that cases of rape homicide could be connected to a lack of understanding of and respect for an individual's sexual orientation. According to a report by the European Parliament (2019), it has been demonstrated that LGBTQ individuals in African countries face significant levels of discrimination and violence due to the prevailing lack of acceptance of such communities in Africa. According to the participants, a significant number of Black lesbian women in KwaMashu and Umlazi are at high risk of experiencing corrective rape, citing such cases that resulted in fatal consequences. The term ‘corrective rape’ defines a specific type of sexual assault in which the perpetrator's intention is to ‘heal’ or ‘rectify’ a lesbian woman's sexual orientation (Naidoo & Karels, 2012; Koraan, 2015). The act of corrective rape is motivated by the assumption that lesbian women are attempting to adopt masculine behaviours and ‘real men’ then aim to reinstitute their femininity (Naidoo & Karels, 2012; Koraan, 2015). A participant from KwaMashu stated the following in this regard:

*“I have dealt with cases that involved lesbians being killed after being raped, but I am not sure if those cases belong to the category of non-intimate femicide, because here in KwaMashu we hardly ever categorise cases as non-intimate femicide.” (KwaMashu Prosecutor 2)*

*“As I have said, in KwaMashu Hostel females are not valued. There was a case three years ago of a lesbian that was raped and killed in KwaMashu. The case somehow did not go to court because people were afraid to testify.” (KwaMashu Investigator 1)*

Cases of homicide after corrective rape occurred not only in KwaMashu, but in Umlazi as well.

*“As a social worker in Umlazi, I once had a case that was referred to me by the police. It involved a lesbian who had been killed by one of the community members. It was said that the suspect first told the victim that she should stop acting like a male and she should be a female, or else he would fix her. I was told that the lady had first been raped and then killed.” (Umlazi Social Worker 1)*

Another participant related the following incident:

*“I remember in 2010 or 2011 a lesbian was found dead next to a road and the DNA results came back stating that the victim had been raped before being killed.” (Umlazi Prosecutor 3)*

The above examples suggest that the South African government must exert more significant efforts to safeguard women. Rape homicide in South Africa has been a persistent form of violence that needs urgent attention. In 2007, the South African government introduced a law to address sexual violence (Vetten, 2014), but escalating violence against women and girls means that communities still require education regarding LGBTQ issues and the recent amendment to the Criminal Law (Sexual Offences and Related Matters) Amendment 2022 which addresses sexual violence and related homicide cases. The findings of the current study affirm those of earlier researchers that women are often killed after being raped for being lesbians (Abrahams et al., 2017). The latter author found that approximately 20% of female and nearly 10% of child homicides were sexual crimes, and argues that this is a travesty as South Africa and the rest of the world have prioritised the decrease of women and child mortality rates as a significant policy objective in their legal frameworks. This finding thus highlights the inefficiency of these frameworks and law enforcement efforts to prevent the untimely and brutal deaths of women.

### **5.3.1.7 Intentional murder**

Intentional homicide was also highlighted as a prominent factor that contributes to non-intimate femicide. The participants stated that women who resided in KwaMashu Hostel were at high risk of harm and even murder. Intentional homicide refers to the deliberate and unlawful act of a person or group to cause the death of another person. The participants narrated incidences of females who had resided in one of the hostels but who had been deliberately targeted and killed. Various reasons were offered for these killings, such as political leadership, opposing political views and party affiliation, being in possession of threatening confidential information, or being a potential witness in a court trial.

*“Some females were killed because they had confidential information that would destroy someone. The one case that I remember is when a female at the hostel was opposing the leader of the ruling party, who was a man.” (KwaMashu Investigator 1)*

*“A case that I remember is when a female was shot and no one wanted to come close to the crime scene. You could tell that she had been an informant who had been targeted; even the way she was killed revealed that the killing was not an accident.” (KwaMashu Police Officer 1)*

The participants also disclosed that inter-clan conflicts in the informal areas around KwaMashu and Umlazi rendered women vulnerable to murder, while they agreed that females might also be deliberately murdered if they witnessed a crime and would testify in court. Two participants from Umlazi offered the following information:

*“Most cases of intentional killing will happen when one is going to testify in a serious crime case such as rape.” (Umlazi Investigator 5)*

*“All female witnesses are likely to become victims of non-intimate femicide, especially if they are going to testify about a serious crime that was committed by a male.” (Umlazi Investigator 1)*

The above responses indicate that intentional homicide occurs in KwaMashu and Umlazi. Nevertheless, intentional homicide in South Africa does not exclusively target females as males also fall victim to this crime. The perpetrators of this specific type of homicide commit the act

to silence an individual who dares to challenge the status quo or even those who investigate the crime. The intentional act of homicide has significant negative consequences as it attacks the tapestry of societal cohesion and economic strength while undermining democratic values (United Nations Office on Drugs and Crime, 2019). The data clearly revealed that intentional killings had occurred in the study area and were likely to happen again, but they occurred for different reasons. For example, women in KwaMashu were killed because they had been privy to confidential information, while those in Umlazi had been killed because they would be witnesses in court trials. The Umlazi participants were aware of females who were afraid of testifying because they might be killed. One such case in which a witness was silenced was the assassination of an ANC councillor, Princess Zodwa Sibiyi, who was killed at Glebelands Hostel. This assassination was committed in the presence of her children. She would have testified in the murders of William Mthembu and Thokozani Machi who were killed in September 2015 when they were fatally shot in the parking lot of a Shoprite store in Montclair (Ngubane, 2019).

Intentional or premeditated non-intimate femicide is thus not uncommon in South Africa or other countries. Many such cases occurred to silence an individual or when the perpetrator tried to prove himself or herself to a group. For instance, in Latin American and some Eastern European countries, females have become easy targets for perpetrators who wish to join gangs and who have to prove themselves as being worthy and unafraid (Dawson & Carrigan, 2021).

The participants admitted that intentional homicides in KwaMashu and Umlazi had a negative impact on the investigative process. For instance, females became increasingly reluctant to testify in court as they feared for their lives, and females who had been victims of crime tended to refrain from reporting an incident. The participants also mentioned that identifying the body of a deceased woman in KwaMashu Hostel posed a problem as acquaintances and friends shied away from becoming involved.

### ***5.3.1.8 Infidelity***

The data also revealed that infidelity contributed to non-intimate femicide. Infidelity refers to a sexual and/or emotional act committed by one partner with a person outside the relationship, and when this infidelity violated the trust of the other partner (Rokach & Chan, 2023). Although such cases are actually intimate femicide, there is a connection between infidelity and non-intimate femicide as well, particularly when a friend or relative of the wronged partner

takes matters into his or her own hands. Anger and jealousy play a key role in such incidences. According to the participants, female infidelity can potentially endanger innocent individuals to the point of murder. For instance, one participant narrated a case involving a male who killed his girlfriend's family because he believed that everyone in that family was aware of her infidelity but did not condemn her. The man's intense anger stemmed from his financial support of the girl and her family. The participant reminisced as follows:

*“The old lady and her three granddaughters were killed by one of her granddaughters’ boyfriends because of anger issues due to infidelity.” (KwaMashu Prosecutor 1)*

Such actions are explained by the SSSL theory which posits that male individuals may embrace violent behaviours due to acculturation, and many may then use violence to retaliate against people, particularly females, outside the intimate relationship when they feel their male relative was wronged.

#### **5.3.1.9 Criminal tendencies and behaviour**

Another theme that emerged from the data is the prevalence of criminal (or illicit) activities in the Umlazi area. The Umlazi participants stated that illegal activities in the area were driven by high unemployment rates, arguing that this played a role in non-intimate femicide.

*“There are females that are involved in drug dealing. Yes, we do have them. But you also find that a female may not be directly involved, but some of her family members are; she then ends up being a victim of homicide as she gets caught in the cross fire between warring drug lords. Sometimes, if a drug lord is unable to get hold of the person that is targeted who is also a drug lord, the family is targeted and vulnerable females are then killed because they want to hurt the person that they are looking for.” (Umlazi Investigator 2)*

In this context, unemployment seems a culprit in non-intimate femicide in Umlazi as a significant number of unemployed females tend to develop romantic relationships with criminals, particularly drug pedlars. According to the ecological theory, when there is a high rate of violence, women are at increased risk of becoming victims of non-intimate femicide. In these instances, women serve as a convenient means for retaliation against drug lords. The following exemplifies this notion:

*“In one of the sections here in Umlazi, the criminals were looking for a guy who was a known criminal. However, they did not find him, so they ended up killing his girlfriend. The reason*

*that the girl was killed was that they wanted to hurt her boyfriend. The guy was selling drugs and stolen goods for a living as he was not employed.” (Umlazi Investigator 3)*

The above statements affirm that unemployment is a driver of illegal activities and non-intimate femicide in Umlazi. Unemployment extends beyond Umlazi and is a nationwide crisis. For instance, in the second quarter of 2023, the unemployment rate among the youth in South Africa reached an alarming 60.7% (Cowling, 2023). The new minimum hourly wage in South Africa, which came into effect on 1 March 2022, is R23.19, which is equivalent to US\$1.44 per hour (Cowling, 2023). It is therefore unsurprising that so many South Africans resort to illicit activities to make ends meet, and that such activities are escalating (Mtati, 2012). According to the SSSL theory, individuals belonging to the lower class feel frustrated and irritated and resent the world when they are unable to achieve their goals through legitimate means. Such individuals or groups then engage in unlawful means to ensure their survival (Jovanoski and Rustemi, 2021; Lau, 2020).

### **5.3.2 Theme 4: Unclear motives**

The last theme that emerged under this section was ‘unclear motives’. The participants highlighted that, due to the complex nature of non-intimate femicide, the motivation of the perpetrator was often unclear, which made it difficult to identify and arrest a suspect. For instance:

*“When I say it’s tricky sometimes, it’s even difficult to prove that the victim was killed by her sexual partner. It could have been a family member or a stranger. I have a case of a female that was found dead in her house, and now I am not sure if the victim was killed by her partner or a stranger.” (Umlazi Investigator 5)*

*“As I have said, I do have cases of murder; however, neither the motive nor the suspect is clear, so I do not know if it was the boyfriend or any other person [who killed her]. But in most cases, we found ladies lying next to the road, and in many such cases the motive was quite unclear. We could not even say that the person was raped until we got the DNA results, and the DNA results are always delayed (Umlazi Investigator 4).*

Based on the discussion in this section, it is evident that various factors played a role in cases of non-intimate femicide in the study area. Furthermore, the factors that contributed to non-

intimate femicide in KwaMashu differed somewhat from those that contributed to non-intimate femicide in Umlazi. For clarity, this information is summarized in the table below:

**Table 5.1: Factors that contribute to non-intimate femicide in KwaMashu and Umlazi**

<b>KwaMashu</b>	<b>Umlazi</b>
Patriarchy and cultural factors	The Umlazi participants did not identify cultural elements as contributing to non-intimate femicide.
Political killings motivated by jealousy and patriarchy	The participants from Umlazi did not identify political killings, driven by jealousy and patriarchy, as a significant factor contributing to non-intimate femicide.
Political affiliations (opposing a current ruling party)	The participants of Umlazi did not identify political affiliation as a significant factor contributing to non-intimate femicide
Housebreaking (burglaries)	Housebreakings and robberies (burglaries)
Rape homicide	Rape homicide
Corrective rape	Corrective rape
Intentional (premeditated) killing	Intentional (premeditated) killing
Infidelity	Infidelity was not identified as a significant factor that contributes to the occurrence of non-intimate femicide
	Illegal activities
	Motive unclear

## **5.4 Section C**

This section addresses the legislative framework, investigative measures, and prosecutorial procedures that apply in cases of non-intimate femicide. The discourse will also explore the challenges faced by prosecutors and investigators in non-intimate femicide cases. The Umlazi and KwaMashu participants' responses did not differ significantly, and they also encountered similar challenges. For instance, it was established that the criminal courts in Umlazi and KwaMashu applied their constitutional mandate similarly and that their procedures were comparable with those utilised in the rest of the country, as affirmed by the literature.

### **5.4.1 Theme 5: Legislative response to non-intimate femicide**

A main theme in this section is the legislative measures taken in response to cases of non-intimate femicide. This theme emerged in response to the following question: “*What is the*

*legislative response to non-intimate femicide in this area?”* Various sub-themes emerged and will be discussed in subsequent sections.

#### **5.4.1.1 Key legislative framework for sentencing the perpetrators of non-intimate femicide**

The following findings are highlighted:

- The Courts are directed by the Criminal Law Amendment Act No. 105 of 1997 to prosecute cases of femicide, and such cases include non-intimate femicide. The literature indicates that the South African parliament enacted this Act in an effort to curb serious crimes (Cameron, 2017). This legislation, that mandates minimum sentences for guilty perpetrators, was implemented in South Africa over two decades ago and was enacted to address grave offenses such as organized crime, premeditated homicide, the killing of a law enforcement officer, or the murder of a potential witness in a legal case. Other such cases are murder linked to a rape or robbery with aggravating circumstances, repeated instances of rape committed by an accused, gang rape, and the rape of a minor (a child under the age of 16) (Cameron, 2017). According to the data, in cases of non-intimate femicide the court relies on the Act referred to above for legal recourse. However, the participants admitted that no specific legislation was utilised to address non-intimate femicide. Some statements in this regard were the following:

*“We are guided by the Criminal Law Act No. 105 of 1997, which governs such cases and it makes it mandatory for the court that finds someone guilty of non-intimate femicide to sentenced the guilty person according to the minimum sentence that is stipulated in the Act.” (Umlazi Prosecutor 2)*

*“When we sentence an individual that has committed any criminal act, we are guided by the minimum sentence. A first-time offender is sentenced to 15 years, the second time offender is sentenced to 20 years, and a third-time offender, or a habitual offender, is given a sentence of no fewer than 25 years.” (KwaMashu Prosecutor 3)*

- The court has the discretion to impose a sentence of less than 15 years for a first-time offender, but only when exceptional circumstances can be proved. The aforementioned statement aligns with the argument by Cameron (2017) that the court is permitted to deviate from the mandatory minimum rule solely if there exist substantial and compelling circumstances that warrant the imposition of a reduced sentence.

*“We have only one law that is responsible for all murder cases and depending on the offender himself [or herself]. The charge of murder starts from 15 years; however, if the court finds that there are extenuating circumstances that the defense can show, then the sentence can be fewer than 15 years.” (KwaMashu Participant 1)*

#### **5.4.1.2 Legislative constraints related to non-intimate femicide**

The participants were highly critical of the minimum sentence:

*“The minimum sentence is failing our victims; I am saying this from experience. There are cases where an offender got sentenced for only six months, then after six months the person was seen walking in the streets of Umlazi. I feel like the justice system is the one that is preventing offenders from being arrested. You can do all the work but if the justice system decided, then that is it.” (Social Worker Umlazi 1)*

*“In general, I am not really satisfied with how the law deals with cases of murder, including non-intimate femicide cases. I would say that there should be changes in the law because the persons that kills someone deserves a sentence that is more than a life sentence. In order for people to fear the law, the sentence must be harsh.” (Umlazi Investigator 3)*

Not only the participants, but also research scholars criticized the minimum sentence for criminal acts. Studies have argued that minimum sentences create a false sense of assurance among citizens, leading them to believe that the government is taking effective action against crime (Gadinabokao, 2016). However, some participants argued that the minimum sentence effectively provides justice for victims of non-intimate femicide, as exemplified by the following:

*“From my experience, I have seen a lot of changes. If you would see the Constitution and related legislation, much has been done in an attempt to address the issue of female killings. Our Constitution speaks for itself in respect of the Bill of Rights. From a criminal law point of view, you will see the legislature has been constantly evolving to the extent that it makes more effort now to protect the victims and it increases the section where it comes to the accused, in so far as the minimum sentence. There is a minimum sentence of 15 years and it makes it difficult for the accused to escape that section if he/she was found guilty. I think our Constitution is really progressive, and role-players from the legal perspective are doing their best to enforce the law, and all of us are very aware of these amendments.” (Umlazi Prosecutor 2)*

Other participants also offered similar arguments:

*“Murder is a common law crime. The minimum sentence Act has deterrent features. The legislature has amended the Domestic Violence Act and the Sexual Offences and Related Matters Amendment Act. The change in the minimum sentence was made by the government to protect humankind and I think this will lead to a decrease in femicide, and I believe that non-intimate femicide falls under the femicide term.” (Umlazi Prosecutor 3)*

*“They are making progress with new amendments in respect of domestic violence, sexual violence, and by increasing minimum sentences.” (KwaMashu Investigator 3)*

*“I think so, because the government is utilizing all its resources to the best to put the perpetrators away from society and also to highlight the seriousness of this issue. Where I think we fall short is not the government, it is the community organizations that are failing to eradicate crime and educating people in society about non-intimate femicide.” (Umlazi Prosecutor 2)*

*“They are doing their best because we now have the ‘16 days of activism’ campaign (KwaMashu Investigator 3)*

South Africa is not the only nation lacking a non-intimate femicide law, as there are also countries in Latin America that do not have such a law. However, these countries have implemented femicide laws that address both non-intimate and intimate femicide cases. In Latin America, femicide has been criminalized in eighteen countries, with distinct legal provisions addressing both intimate and non-intimate femicide (Pasinato and de Ávila, 2023). Guatemala is one of the countries that has implemented legislation that specifically targets femicide. In 2008, the Guatemalan government passed a law that addresses femicide and various other types of violence directed towards women (Bay, 2020).

#### **5.4.1.3 Key components of femicide legislation**

The law is applicable in cases where a woman was intentionally killed due to her gender, and this is related to efforts to quell the unequal power dynamics between men and women. The

law is applicable to situations where the perpetrator was the victim's intimate partner and there is or was a relationship between them. Such relationships are familial, marital, intimate, friendly, companionship, or employment relationships. Aspects such as the continuous perpetration of abuse against the victim, killing related to rituals, and whether it was committed with or without a weapon are considered (Beck and Stephen, 2021; Bay, 2020). Also, when the murder involved rape or misogyny, the act is sentenced in conjunction with any of the qualifying conditions outlined in Article 132 of the Guatemala Criminal Code (Bay, 2020).

Under the above-mentioned legislation, individuals convicted of femicide, whether it is committed as intimate or non-intimate femicide, can face a maximum prison sentence of 50 years, and this sentence cannot be reduced or mitigated (Bay, 2020; Trujillo, 2010). Considering the aforementioned information and data, it is evident that the South African government continues to fall short in addressing non-intimate femicide. Literature evidence has shown South Africa is among the countries with the highest incidence of femicide in the world, just like Guatemala. Furthermore, it is evident that Latin American countries are making important progress in protecting women against homicide, and South Africa can learn many lessons from this region.

#### **5.4.2 Theme 6: Investigative Procedures**

This theme emerged in response to the following objective: To explore the procedures employed by homicide investigator when investigating non-intimate femicide.

##### ***5.4.2.1 The importance of the investigation process***

The participants emphasized the importance of the investigation process in bringing the offender to court and implementing the minimum sentence. Investigation refers to the process in which a police investigator gathers evidence to identify and capture the individual responsible for a crime, and then assists the prosecutor in obtaining a conviction (Greenwood et al., 1975). The court has direct jurisdiction over the investigator. The participants indicated that the investigation commences at the crime scene, followed by the investigator conducting interviews with individuals in the surrounding area to gather details of the incident. Additionally, it was mentioned that the investigator must obtain tangible evidence and the testimonies of witnesses. The participants disclosed that the testimony of an eye witness is crucial in murder investigations. One investigator stated the following:

*The crime investigation starts at the crime scene. Once we arrive at the crime scene, we protect the crime scene. Let me give an example: if the death was unnatural such as a rape homicide, we secure the crime scene, then we call for assistance. Usually, we ask for medical assistance and forensic people. If the suspect is around, we arrest him or her. At this stage it is my job as the investigator to do the documentation of the crime scene, ensure that photographs or pictures and a videotape of the crime scene are taken, and we even take pictures of the dead body. I also ensure that we search the crime scene and we take fingerprints. Then one of the last things is to collect any evidence that can help when investigating the case.” (KwaMashu Investigator 2)*

The statements made by the participants correspond with the arguments put forth by Locard's exchange theory. According to the theory, the core principle of forensic investigations is the ability of crime scene investigators or forensic scientists to recognize possible physical evidence, regardless of its dimensions, visibility, or whether it incriminates or absolving nature (Basu, 2021).

#### ***5.4.2.2 The role of the senior prosecutor as the leader of the investigation***

A prosecutor provided the following information:

*“When investigating murder cases, the investigators are guided by the regional senior court prosecutor so they know what evidence is needed for the case to reach trial.” (KwaMashu Prosecutor 1)*

The participants stated that, at some point during the investigation, the suspect may completely deny any involvement in the crime. In such instances, the investigator must apply for section 205 which enables the investigator to verify the whereabouts of the suspect during the occurrence of the criminal event. Cases are often cracked by utilizing the GPS to determine where a cell phone was at the time of the murder. The second step after collecting the evidence is to verify the relevance of the information received. It was stated that eyewitness played a crucial role in the investigation. One of the prosecutors stated:

*“Once the police have made an arrest, we have to check if there is relevant evidence, if it is admissible evidence, and if all those boxes are ticked. We also wait for the postmortem report. Sometimes the docket will come with no witnesses, so the police should first find witnesses and then the evidence should link. Then we can prepare the case for the court roll. First, it goes to the District Court. The investigators are guided by the regional court prosecutor and when it*

*has been finalized, the matter is transferred to the regional court where we deal with the trial and call witnesses.” (Umlazi Prosecutor 1)*

The investigators contended that prosecutors approached cases quite differently. Some prosecutors might decline the police file investigation and express dissatisfaction with the insufficiency of evidence, whereas others may accept the file and utilize the available evidence to initiate legal proceedings against the perpetrator. According to the literature, murder investigations in South Africa are conducted following a structured approach, with investigators being guided by specific phases of any investigation.

According to the participants, a murder investigation typically begins when the police are informed of the crime either by a witness or a surviving victim, or when they initiate it themselves. The initial stage is the preliminary investigation phase during which the offense is identified and, if feasible, the suspect is arrested. The initial stage of the investigation involves securing the crime scene, identifying victims and witnesses, obtaining basic statements, and processing the crime scene (Myeza, 2019). The second phase, known as the in-depth investigation phase, involves re-examining preliminary investigation data, revisiting the crime scene for further processing, locating and interviewing existing and new victims and witnesses, processing documents, gathering facts and evidence, and arranging the application of criminalistics, and the third phase is the concluding investigation phase, where the case is either suspended or successfully concluded and prepared for prosecution (Myeza, 2019).

Latin America has a specific protocol for investigating cases of femicide, which includes non-intimate femicide cases as well. The protocol outlines the process of identifying femicide by examining the motives, signs, and indicators related to sex or gender. It also considers the broader context of femicide and its different types, such as intimate partner femicide or non-intimate femicide (Roth et al., 2023). The model assists investigators and experts in identifying the motivation of the perpetrator/s, including the perceived benefits and consequences, to uncover the underlying reasons for the femicide. Additionally, the protocol helps determine if the killing was influenced by gender inequality, and investigators consider factors such as cause of death, context, location, power imbalances between the victim and the perpetrator/s, and the victim's risk level just before the femicide (United Nations High Commissioner for Human Rights, 2014). Roth et al. (2023) state that the victim's body can yield crucial evidence

regarding the motives of the perpetrator during an investigation. This evidence includes the nature of the injuries, the cause of death, instances of sexual assault, mutilation, excessive force, prolonged attacks, torture, and the location of injuries (Roth et al., 2023). When investigating gender-related homicides in Latin American countries, investigators strive to identify the victim, collect and preserve evidence related to the death, identify potential witnesses, determine the cause, manner, location, and time of death, and differentiate between natural death, accidental death, suicide, or homicide (United Nations High Commissioner for Human Rights, 2014). The objective is to determine and capture the individual responsible for the crime. Once the investigator has identified the suspect, he or she presents the alleged wrongdoer to the appropriate court for legal proceedings (United Nations High Commissioner for Human Rights, 2014). The investigative framework employed by countries in Latin America is therefore similar to that used by the South African CJS.

However, the investigative approach in Latin American countries differ from South Africa's due to the involvement of various experts such as psychologists, sociologists, criminologists, and anthropologists. Anthropological and psychological experts offer insights on gender-related motivations, while sociological experts analyze the victim's social network and criminologists provide a perspective on the nature of the victimization (United Nations High Commissioner for Human Rights, 2014; Dawson and Carrigan, 2021). In South Africa, professionals such as social workers and psychologists are employed to address the needs of surviving victims and indirect victims, and they gather detailed information about the offender, offer support to victims GBV, and assist in the planning of GBV and femicide prevention programs. The Umlazi social workers contended that, when confronted with cases of femicide, their only duty was to offer assistance to the affected families and facilitate programs aimed at empowering surviving victims. Thus, where other countries engage various experts in their investigations, South Africa relies exclusively on homicide investigators and forensic and DNA experts for crime investigations. According to the literature, it is necessary for a police official to receive training on different pieces of legislation and investigative methodologies to conduct criminal investigations (Myeza, 2019). Any criminal investigation requires rational, unbiased, and lawful examination that needs to expose the nature of the criminal behaviour and the culprit (Myeza, 2019).

### **5.4.2.3 Investigative thinking**

Investigative thinking is crucial in homicide cases as it helps the court and police investigators to analyze collected evidence, formulate theories about the sequence of events, and establish reasonable grounds for conclusions (Gehl and Plecas, 2017). The presentation of reasonable grounds aids the court in determining the possible guilt of a suspects and this result in an arrest and prosecution. According to the Locard's exchange theory investigative thinking enables the investigator to address the six distinct circumstances that contribute to a crime: the what, where, when, who, why, and how (Brainspores,2014). Furthermore, the application of investigative thinking enables investigators and prosecutors to exercise discernment in determining what evidence is required for the case. This is because, according to the Locard theory, not all forms of physical evidence possess the ability to create a direct link or determine the identify of a prospective offender (Gehl and Plecas, 2017).

### **5.4.3 Theme 7: Prosecuting the offender**

This theme originated from the following question: *“What are the procedures that are followed to prosecute a suspect in the event of non-intimate femicide?”*

It was clear that the participants’ statements did not deviate from the legislative response theme. In brief, it was determined that the court uses minimum sentencing to prosecute the offender in all murder cases. The participants stated that during the prosecution phase, the court and investigators must carefully examine the case file and thoroughly verify the presented evidence. Some pertinent comments were the following:

*“When preparing for the prosecution stage, we still follow the process of reading the docket and checking that there is enough evidence that links the suspect or accused to the crime. At this stage the suspect is allowed to apply for bail, which is the constitutional right of the suspect. The case goes to court, and the bail application is submitted.” (KwaMashu Prosecutor1)*

*“The docket is screened internally and every matter is dealt with the greatest degree of seriousness and respect. The statements are scrutinized, interviews are arranged with the witness so that they can prepare themselves and understand how the matter will play out in court, and meetings between the detectives and the prosecutor are conducted. There is also a checklist or an investigative tool that we put in the docket to guide our colleagues and the*

*police, and there is an internal preparation form that is handed to our supervisors who double checks that the docket is treated with the utmost respect and is placed on the roll. We also guide our colleagues regarding bail and a protection order if necessary.” (Umlazi Prosecutor 2)*

*“It’s the same criminal procedure; it’s the minimum sentencing which is section 51.” (KwaMashu Prosecutor 2)*

It is evident from the aforementioned information that there is no distinct prosecutorial procedure for non-intimate femicide cases in South Africa as the court applies the same minimum sentence that is used for other murder cases.

#### **5.4.4 Theme 8: Challenges experienced by homicide investigators**

##### ***5.4.4.1 DNA profiling***

When conducting investigations on non-intimate femicide cases, investigators often encounter numerous challenges that impede the progress of the investigation. DNA profiling is a forensic technique used by forensic scientists and criminal investigators to identify individuals by comparing the DNA profiles of criminal suspects with DNA evidence to assess the probability of their involvement in the crime (Quereshi et al., 2021; Nemati, 2023; Maloy & Hughes, 2013). DNA analysis is crucial as it helps investigators to solve crimes where there are no suspects or witnesses (Panneerchelvam & Norazmi, 2003). Case law has shown that courts can convict an accused based on DNA evidence alone if the evidence is relevant, admissible, and reliable in the particular circumstances of the case (Meintjes-Van der Walt & Dhliwayo, 2021). Locard's Exchange Theory states that physical evidence, including DNA and various other kinds of evidence, serves a crucial role in helping investigators build a successful hypothesis (Ying, 2021). However, the participants contended that acquiring DNA was a time-consuming process that was often fraught with delays.

##### ***5.4.4.2 Delays in DNA analysis***

The issue of the frustrating delays in DNA evidence was highlighted by the participants as follows:

*“The Department of Forensic Science is also involved during the investigation. They assist with DNA information; however, they can take their time in finalizing the DNA process, but*

*this is beyond their control. Only a few doctors do post mortems (PMs), and the evidence presented by the doctor has to be in black and white and it's a lot of work.” (KwaMashu Investigator 1)*

*The most frustrating things that causes delays in the investigation process is DNA evidence. Most of the time you find that the person had been raped before she was killed. In such cases we must wait for the DNA results which forensic experts delay. Sometimes it might even take up to six months to deliver the results. Sometime the court might even go to the extent of withdrawing the case due to the lack of DNA evidence.” (Umlazi Investigator 3)*

Investigators in KwaMashu also complained about the DNA issue:

*“There are a lot of things that delay the court process and the investigation, but in most cases of rape the issue is DNA forensic delays. Lack of DNA can result in insufficient evidence in court, especially in cases of rape homicide. We cannot process those cases without evidence.” (KwaMashu Investigator 3)*

The participants contended that delaying the presentation of DNA and other forensic evidence could jeopardize the safety of surviving victims by exposing them to potential threats.

*“Many cases are being withdrawn because there is no witnesses or sometimes you are told to look for DNA for the particular crime you are investigating. In South Africa, we have an issue with DNA, as you can get the DNA results only after five years. What happens is that if after 6 months I as an investigator have failed to provide the DNA results that link the offender or suspect to the crime, then the suspect is sent home. Sometimes when the accused is out and we are still waiting for enough evidence, he/she might threaten the victim. This might cause the victim to drop the charges against the suspect.” (Umlazi Investigator 1)*

The Micro Biology unit of the Forensic Science Laboratory of the South African Police Service has consistently encountered similar issues as those mentioned by the participants (De Jong,2017). The literature reveals several factors that cause the delay of DNA processing, one of which is the emigration of numerous highly skilled scientists from South Africa to countries such as the USA, UK, New Zealand, and Australia. This phenomenon is primarily attributed to the comparatively low remuneration of these specialists by the South African government ( Omar,2008 ). The second reason is the high cost of training individuals to work at the Forensic

Science Laboratory in South Africa (Omar, 2008). For example, training a DNA specialist costs approximately R450 000 per individual, whereas the training of a ballistics expert costs about R500 000 per trainee, and training in chemistry toxicology and chemistry costs approximately R330 000 per person (Omar, 2008). Moreover, several issues can compromise evidence collection, such as the deterioration of samples caused by exposure to environmental elements (Stanley et al., 2020). Additionally, practitioners occasionally submit incomplete crime kits that were not stored in optimal conditions or promptly sent to laboratories (Stanley et al., 2020).

In Pakistan, similar delays of up to six months are experienced and this also impacts case outcomes negatively. This has been attributed to the inadequate training and lack of technical expertise among subordinate investigation officers who were not trained by well-equipped crime-scene technicians (Munir et al., 2021). Furthermore, police officers also receive inadequate training, are exposed to limited financial resources, and have insufficient equipment for the thorough and accurate collection and preservation of trace evidence (Abbas et al., 2023; Munir et al., 2021). The lack of specific legislation outlining the evidentiary significance of DNA tests has resulted in numerous issues within the CJS in Pakistan, and currently DNA testing is primarily conducted in high-profile cases (Munir et al., 2021). In countries such as the US, both the Federal Government and certain states have legislation regarding the collection of DNA samples from individuals who have been arrested for specific offenses (Government Accountability Office, 2023). However, they also encounter significant backlogs. This phenomenon can be attributed to the utilization of government laboratories by the Federal Government and certain states, while the availability of private laboratories is limited (Government Accountability Office, 2023). Consequently, a significant body of evidence in numerous unresolved homicide and sexual assault cases is currently awaiting analysis in these regional forensic laboratories, while the absence of private laboratories has resulted in numerous cases not being tested (Hurst & Lothridge, 2010). Many rape kits remain unresolved and are stored in the law enforcement evidence room due to a high volume of cases (Hurst & Lothridge, 2010). Furthermore, it has been contended that the absence of adequately skilled support personnel in forensic science causes a backlog in training and education, while crime laboratories suffer from a deficiency in essential equipment and materials required for DNA analysis (Hurst & Lothridge, 2010).

#### ***5.4.4.3 Witnesses that withdraw from cases***

Another factor that contributes delays in investigations and trial that was mentioned by the participants is the withdrawal of witnesses from a case. A witness refers to an individual who has knowledge, information, or familiarity with the facts and circumstances related to a crime (Gehl and Plecas,2017). A witness may be required to provide information, make a statement, or present documents during the investigation, inquiry, or trial (Public Legal Education and Information Service of New Brunswick,2006; Health and Safety Executive, n.d). This definition also encompasses individuals who are victims of the offense in question (Health and Safety Executive, n.d). A witness thus helps to furnish the court with pertinent information regarding a crime. However, multiple studies have demonstrated that witnesses are subjected to threats or physical harm before they provide testimony in court (Burton et al, 2006). Furthermore, it has come to light that, on certain occasions, a witness's family may also be subjected to threats (Burton et al .2006). As a result of such threats, the witness may choose not to return to the court to testify (Southern African Legal Information Institute,2023). The data affirmed that witnesses in non-intimate femicide cases tended to withdraw from a case if they were threatened by a suspect or his cronies. According to one participant, a significant factor that contributes to the withdrawal of individuals from cases is the absence of trust in the police. This investigator stated:

*“In one case that I had here in KwaMashu, the case was almost finalized, then it happened that the witness withdrew from the cases due to fear and her lack of trust in the police. And sometime the witness will withdraw from the case because of fear as they stay in the same society as the suspect, so anything might happen to them.” (KwaMashu Investigator 1)*

One of the participants from KwaMashu disclosed that it was common for family members to agree to be witnesses in a criminal case:

*“Witnesses who normally agree to testify and who do not withdraw from the case are family members.” (KwaMashu Investigator 2)*

Homicide investigators who had dealt with non-intimate femicide cases contend that murder cases, particularly those lacking witnesses or footage of the suspect committing the crime, were often not admissible in court. Furthermore, these cases often experienced significant delays of three to five years due to a lack of evidence. The participants also stated that withdrawal from

cases was not limited to witnesses, as secondary victims such as family also often chose to withdraw from a case. Another factor that was mentioned is bribery:

*“It’s difficult to fight non-intimate femicide and other cases of gender-related killing because witnesses are bribed with huge amounts of money.” (KwaMashu Prosecutor 2)*

Participants from Umlazi concurred, stating that victims and eyewitnesses withdrew from cases in fear of their lives. Participants from Umlazi stated:

*“As I have said, for a case to be successful there should be an eyewitness or a video that will give us a lot of evidence. Sometimes the witness withdraws in the middle of the case due to fear.” (Umlazi Investigator 3)*

*“It is very difficult to process cases of non-intimate femicide because no one wants to testify due to the fear that another female might die.” (Umlazi Investigator 2)*

According to a prosecutor, witnesses tend to be observed on the news that suspects kill witnesses, and this fills residents with fear and trepidation when they are required to testify in court. Murder and other serious crime cases thus require the testimony of an eyewitness to be successfully tried in court because courts do not base their decisions on unverified information, and this affirms the necessity of witnesses in cases of non-intimate femicide.

It was evident from the information provided that many cases of non-intimate femicide had been delayed due to insufficient evidence, particularly as witnesses feared becoming victims themselves. This information is consistent with the literature, as it states that one reason why witnesses in criminal cases may refuse to cooperate or withdraw from a case is because they have been intimidated by the suspect or his cronies. Additionally, they may be reluctant to face cross-examination and cases may be hampered by frequent postponements and lengthy delays. Furthermore, consultations and trial preparations conducted by prosecutors can also contribute to witnesses’ lack of motivation to testify (Ntuli & Bruce, 2001).

When the legal framework is considered, Section 7(1) of the Witness Protection Act No. 112 of 1998 states that any witness who has a reasonable belief that their safety, or the safety of any member of their extended family, may be at risk due to their role as a witness, he or she

has the right to request protection (Government of South Africa, n.d). Furthermore, the witness has the option to request a protection order from various authorities, including the investigating officer, the commander of a police station, a public prosecutor, an interested functionary (such as the Director of Public Prosecutions in the region), the head warden of a prison, a social worker, or the Office for Witness Protection at either national or regional level (Government of South Africa, n.d). The participants stated that numerous eyewitnesses were nervous about becoming the next target and that many had no confidence in the CJS.

In consideration of the aforementioned literature and the participants' feedback, it may be argued that the South African CJS is failing eyewitnesses. Witnesses with knowledge of cases of non-intimate femicide and who might serve as witnesses reportedly fear for their lives, particularly in high-profile cases. A case in point is the tragic event in South Africa that involved the unfortunate demise of a woman outside a Magistrates' Court and who had been a pivotal witness in a case of assault against the police (Luvhengo,2023). In another incident, a woman was fatally shot immediately after testifying in a criminal case (Ebrahim and Solomons, 2023). In certain instances, witnesses were murdered due to an agreement between the police and the criminals with the intention of eliminating or silencing them. Similar events have occurred in other countries, including in the United States. It is undeniable that the intimidation of victims and witnesses hampers the efficacy of the justice system as law enforcement and prosecutors are deprived of crucial evidence to bring cases to conclusion, particularly when primary witnesses of domestic violence and gang-related crime were murdered (Healey, 1995).

## **5.5 Section D**

### **5.5.1 Theme 9: Preventive measures to curb non-intimate femicide**

All the participants acknowledged the need to implement projects that will specifically target the issue of violence against women, and many referred to a '16-days Activism Campaign' as a good starting point. However, some participants contended that no specific measure could be implemented on its own to prevent and/or curb non-intimate femicide, but most argued that it was imperative to curb GBV in intimate relationships. These responses reflect the tenets of the National Strategic Plan on Gender-Based Violence and Femicide 2020-2030. The following sub-themes emerged:

### **5.5.1.1 Dialogues**

The participants from both townships argued that too few people engaged in dialogues to discuss and understand non-intimate femicide. The literature clearly warns that females in South Africa are at high risk of being killed by their intimate partners (South African Medical Research Council, 2023). The South African government has also endeavoured to initiate dialogues in its quest to combat GBV, and these have resulted in discussions on preventing intimate femicide. A KwaMashu participant pointed out that such discussions were held during political rallies in the study area:

*“They do create awareness of GBV through dialogues during political rallies here in KwaMashu, but I feel they should not only discuss this issue at political rallies because not everyone in KwaMashu attends those meetings along with other community members.”*  
(KwaMashu Investigator 1)

Some participants stated that KwaMashu’s tavern owners often engaged in discussions with community members to address the various causes of femicide and GBV in taverns. A KwaMashu participant stated:

*“I remember the tavern owners of KwaMashu once held discussions about the GBV and femicide rate in KwaMashu. These discussions were attended by men and females were not part of these discussions. They [the men] addressed various factors that lead to femicide such as rape homicide.”* (KwaMashu Investigator 2)

The KwaMashu participants also disclosed that social workers were employed at the police station to specifically dedicate their services to the prevention of child abuse. Therefore, they neither addressed cases of non-intimate femicide nor proposed preventative measures to curb such incidences.

### **5.5.1.2 Regular patrols**

Another sub-theme that emerged was the need to conduct regular police patrols in and around the townships under study. It was evident from the data that patrols and dialogues were the only measures employed by KwaMashu police officers to reduce incidences of non-intimate femicide. A police officer offered the following information:

*“We always patrol every day and this assists us to keep the area of KwaMashu safe. Every shift does patrols, especially at night. At night we do a lot of patrolling because there was a time when we had lot of cases of females found dead on the streets.” (KwaMashu Police Officer 1)*

Umlazi participants claimed that Umlazi police station staff also engaged in dialogues to raise awareness of GBV and its consequences among community members. An investigator stated the following:

*“What we normally do here in Umlazi is to patrol and then we go to the community members to educate them about the consequences of GBV and femicide that are happening in intimate relationships.” (Umlazi Investigator 1)*

### **5.5.2 Theme 10: Collaboration**

It was also argued that Umlazi police officers worked collaboratively with social workers and NGOs to combat GBV and, by extension, femicide in intimate relationships and child abuse.

*“I am working under this NGO for social development. I have been placed here in Umlazi so that I can assist with GBV and femicide program planning. The programs that we offer are to reach the community and inform them about unhealthy relationships, things to look out for to prevent abuse, how to deal with trauma after abuse, how to know that you are being abused, and how to draw the line. When do you say enough is enough as a victim? Basically, I plan and deliver programs that empower humans; more especially programs that empower females.” (Umlazi Social Worker 1)*

It was heartening to hear that Umlazi police officers collaborated with social workers from NGOs to raise awareness and engage in discussions with the community to combat violence against women. The SAPS also actively collaborated with the community during street patrols in KwaMashu and Umlazi in an attempt to curb GBV, but this measure was not deemed sufficient on its own to combat non-intimate femicide, and it was suggested that the gap that a lack of more comprehensive and effective measures left had to be addressed.

**Table 5.2: Preventive measures to curb non-intimate femicide in the study area**

<b>KwaMashu</b>	<b>Umlazi</b>
Dialogues arranged by tavern owners	Dialogues arranged by tavern owners

SAPS patrols	SAPS patrols
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## 5.6 Recommendations

This final section highlights the most pertinent recommendations that the participants offered to address GBV in general and non-intimate femicide in particular. The question that prompted their responses was: “*What interventions would be most effective to combat non-intimate femicide?*” The participants offered various recommendations but many specifically addressed measures that the government should implement to combat non-intimate femicide.

### 5.6.1 Social awareness

The first sub-theme that emerged as a recommendation to address non-intimate femicide was the need to create social awareness. According to California office of Reform Education (2014, p.1), social awareness is “the capacity to empathize with individuals from various backgrounds, comprehend social and ethical norms, and identify resources and support within family, school, and community settings”. The participants from both townships argued that there were insufficient community programs to intervene in cases of non-intimate femicide. They argued that the government should invest in continuous social awareness and dialogue programs and not to limit such programs to only 16 days of activism. A participant from KwaMashu offered the following recommendation:

*“More awareness, awareness, awareness until it seeps into the community that killing is wrong!” (KwaMashu Prosecutor 2)*

Another participant suggested that social awareness campaigns should focus on promoting equality within the community:

*“Social awareness will really help, especially in ending non-intimate femicide cases that are caused by rape homicide and political killings. People in KwaMashu, especially those living in the hostel, still think that females are subordinate to men. People think that we do not have a voice until they realise that we are equal as human beings. Thus, enforcing the concept of equality during awareness campaigns will really help. I sometimes feel that the government is still failing to enforce equality among communities. Once people understand that we are equal to men and can do what men can do, [many social issues will improve]. Social awareness will*

*thus cure a lot of problems. [Sadly], we [women] are [still] not seen as equal, but as subordinate [to men].” (KwaMashu Prosecutor 2)*

The European Union (2024) states that social awareness programs that address female killings must aim to highlight the issue by employing traditional approaches like posters, brochures, websites, social media, and flash mobs. Social awareness programs and dialogues must also be conducted to influence individual development, as proposed by the social-ecological system concept (Crawford, 2020). The socio-ecological system concept states that social awareness should focus on all formal and informal social structures that have a direct or indirect impact on individuals; but, although Umlazi and KwaMashu, like many other Black townships, utilize social awareness efforts to address gender-based killings, these have not been sufficient as such killings still occur. Jones (2023) argues that the government is currently giving priority to racially segregated settlements where people frequently have to survive in severe poverty. Social awareness programmes are conducted in these settlements as the government has identified a correlation between poverty, GBV, and femicide. The efforts to turn the situation in Diepsloot around is a case in point. Diepsloot (an Afrikaans name that means ‘deep ditch’ in English) is plagued by leaks from power infrastructure and piles of discarded trash, while poor infrastructure and overpopulation in Diepsloot cause sewage to seep up through the ground. The overuse of facilities thus results in pipes leaking, taps dripping, and toilets not flushing. This area is also notorious for crime and GBV (Diepsloot Youth Program, 2024).

Similar challenges are prevalent in countries such as Jamaica and Guyana, where no programs have been launched to address non-intimate femicide (Atlantic Council, 2023). According to the latter study, Jamaica is a country with one of the greatest rates of GBV and femicide cases. The government has conducted numerous social awareness initiatives in this country to address GBV and femicide, and these campaigns have targeted societal attitudes, norms, and power dynamics that contribute to inequality and discrimination against women (USAID, 2022; Atlantic Council, 2023).

Two participants in the current study suggested that the government should utilize the *imbizo* concept to address issues concerning female killings and to curb the prevalence of toxic politics and rape in the KwaMashu Hostel, while an Umlazi participant suggested launching social awareness campaigns:

*“More campaigns! More social awareness campaigns can take us somewhere in Umlazi location.” (Umlazi Investigator 4)*

*“I think imbizos will help us a lot at this stage in both communities.” (NGO Participant 1)*

### **5.6.2 Educating communities on legal matters**

The participants suggested that raising social awareness about legal issues could help decrease incidences of non-intimate femicide. The KwaMashu participants suggested that the government should involve stakeholders like the NPA and the Department of Justice when planning social awareness programs to engage with community members. Other participants contended that social awareness campaigns should also include lessons on legal principles. One of the prosecutors stated the following:

*“...social awareness about the consequences of committing crime because people at the moment do not think about the consequences. More should be done to alert the community about violence. The sad part about the community is that they believe that they will apply for bail and they also believe that they will bribe the victim to drop the charge. Some even go to the extent of threatening the family [of the victim]. Community members make their own decision to come to court and then drop the charge. The community should be educated about the danger of the deals that they make with an accused; for instance, family members accept bribes from offenders not to follow up on cases. Social awareness of legal principles and the consequences will really help.” (KwaMashu Prosecutor 1)*

The KwaMashu participants also suggested that social awareness campaigns and information sessions about legal issues should be conducted in schools to educate children from a young age about the value of human life, equality, and the importance of reporting any threats, especially those involving females. The Umlazi participants also highlighted the need for increased social awareness regarding legal matters. The participants revealed that social awareness campaigns in Umlazi were conducted solely by police officers and social workers. The participants therefore suggested that government officials and other stakeholders involved in crime prevention should be presenters during such awareness campaigns. An investigator offered the following suggestion:

*“I think the government should also visit the community in Umlazi. Police officers should not be the only ones who visit the community. The government, the NPA, and the Department of*

*Justice people should also go to communities and educate society, especially females, about the importance of applying for a protection order when one will be a state witness. The prosecutor should also educate the public on court proceedings and why DNA results are always delayed. This will remove the assumptions people have about the DNA process because people watch a lot of TV and forget that TV is all about acting.” (Umlazi Investigator 1)*

Another participant recommended involving community members in social awareness campaigns:

*“Awareness programs can be conducted although we know that only a few people will show up. So, if people are participating in awareness programs, that will be great.” (Umlazi Investigator 2)*

In summary, participants from both townships suggested that the government should engage the NPA and members of the justice system to conduct social awareness campaigns on legal issues among communities in the study area. The KwaMashu participants believed that community members should be informed about the consequences of the illegal transactions they make with suspects and they should also be educated about the consequences of criminal activities. The Umlazi participants argued that community members should be educated to understand and utilize the witness protection order, especially if they are going to testify in a non-intimate femicide case.

Furthermore, the Umlazi participants suggested that the government should educate citizens on DNA profiling procedures and the significance of applying for a protection order. These suggestions highlight the widespread lack of awareness regarding the value of the witness protection programme in South Africa, which is a notion that is endorsed by Mphaphuli and Botha (2021). The testimony of all witnesses is crucial to fight crime and witnesses play a crucial role in criminal proceedings by providing important evidence to the courts. Without this evidence, the CJS may continue to struggle to achieve successful prosecutions (Nowroz, 2015).

### **5.6.3 Respecting diverse sexual orientations**

An Umlazi social worker suggested that the government should include programs on social awareness to educate lesbians about their rights and community members about the importance

of respecting all people's sexual orientation. During a conversation with a social worker, the researcher was informed that lesbian women often faced threats from violent males in society. She stated:

*"More programs should be conducted to educate people about respecting people's sexual orientation." (Umlazi Social Worker 2)*

Another social worker commented as follows:

*"Females that are lesbians should be educated about their rights and they should not tolerate the sexual comments that are normally uttered by males. Females should not behave like kids; they should not think that men are joking when they say they will correct their sexuality by raping them. The last case that I had was of a female who had been raped and then killed. The family told me that the victim had always told them about the sexual comments aimed at her by the offender. So, I think encouraging women not to fear to report abusive sexual comments by anyone can really help to prevent the worst from happening." (Umlazi Social Worker 1)*

It is crucial to have social awareness and respect for individuals' sexual orientation to combat the exclusion of lesbians from society, promote gender equality, and avoid harmful gender norms (Johnson,2019). One social worker said that social awareness programs should educate women to refrain from consuming alcohol with strange men. Umlazi participants suggested that the government should collaborate with high-profile organizations and utilize the media to educate the public on femicide issues. The participants also urged the government to conduct research on the causes of non-intimate femicide in Umlazi and to highlight its major contributing factors as well as preventive measures before launching social awareness campaigns. One participant stated that sound research findings and social awareness campaigns should be used to re-establish a sense of 'ubuntu' among the people of Umlazi.

The participants also offered recommendations on how the government could improve the CJS, and the sub-themes that emerged are discussed in the following sections.

#### **5.6.4 Employing more police officers and crime investigators**

Participants from both townships highlighted the significant challenges they experienced due to insufficient SAPS staff to combat crime and investigate murder cases. A participant from KwaMashu stated:

*“More police should be employed, and we also need more resources. It is difficult to fight crime, especially when there is a lack of resources like police vans; also, we do not have enough staff members. In South Africa, two policemen can police 100 people, for example. But our police station is responsible for the whole of KwaMashu and we have a lack of resources.”*  
(KwaMashu Investigator 1)

The same participant also revealed that a shortage of police officers led to a lack of police presence in crime hotspots:

*“There are not enough SAPS officers to go into the community to make sure that taverns are closed on time and that people are getting home safely. More visible policing is needed on weekends as taverns are busy. No vehicles are available to attend crime scenes. There are millions of things that can be done to improve the efficacy of the SAPS.”* (KwaMashu Prosecutor 1)

Umlazi participants also expressed dissatisfaction with the insufficient number of SAPS members, arguing that this had caused delays in criminal investigations:

*“The government is letting people down by not employing enough homicide investigators. I am including myself! It becomes so painful when someone enters the door of my office to enquire about an ongoing case of the murder of a family member. Sometimes it may happen that I do not even remember the case because of the workload that we have at work. Sometimes we get a lot of dockets on top of the current dockets that we are still working on. A murder docket requires a lot of information and is time consuming. Now we do not have enough time to work on each docket fully because we are given new dockets on top of the current dockets we are working on. Sometimes I am even forced to take the dockets home because I want to complete my investigation. So, I think if the Department of Police would hire more investigators, this would help to reduce the work overload.”* (Umlazi Investigator 1)

The same participant also suggested that more officers should be recruited to conduct police patrols, arguing that a high number of women had died during house robberies in Umlazi and that more visible policing could have avoided these deaths.

The literature affirms that the lack of visible policing and resources has a significant impact on public safety, particularly in townships and rural areas. The shortage of police officers, detectives, and homicide investigators is a nationwide phenomenon and not limited to Umlazi and KwaMashu. These shortages are due to budget constraints. For instance, only 15 000 new police recruits can be trained over a period of three years, which is insufficient to replace the officers leaving the service as the SAPS loses almost 6 000 members annually due to retirement, resignation, and career changes (Government Staff Writers, 2022). Koteli (2023) identified North West, Northern Cape, and Western Cape as the provinces with the highest shortages of SAPS members. More specifically, the resource scarcity in KwaMashu and Umlazi has been attributed to South Africa's financial crisis (Francke, 2023).

#### **5.6.5 Implementing a specialized unit for femicide in the court system**

The NGO participant and the prosecutors urged the government to establish specialized courts to address cases of all forms of femicide. A participant from KwaMashu stated:

*“The court that we have deals with four police stations: KwaMashu, Newlands, Inanda, and Intuzuma. All these police stations get a lot of cases. The problem is that there are not enough courts and staff like judges. We need new courts and one that will focus exclusively on cases of the murder of females.” (KwaMashu Investigator 1)*

The above view was also supported by one of the prosecutors:

*The South African government needs to establish courts that deal specifically with cases like non-intimate femicide, intimate femicide, and GBV. And they should be staffed with members like judges and prosecutors that are trained to deal with cases of femicide and GBV.” (KwaMashu Prosecutor 3)*

Establishing a specialized court to handle femicide and GBV crimes will be beneficial for all as they will be able to prioritize non-intimate femicide cases. In some countries, female homicide is treated with great seriousness and there are specialized tribunals dedicated to

addressing femicide. In Guatemala, for instance, there are specialized courts that handle femicide and GBV crimes only. Guatemala established the first specialized court for handling femicide and GBV in 2010. This court is known as the Criminal Court for Crimes of Femicide and Other Forms of Violence Against Women (Bay, 2020). The Guatemalan government has trained specialized judges, prosecutors, and police officers to address incidents of gender related killings in the quest to put an end to such crimes (Bay, 2020). However, in South Africa no such specialized courts for cases of femicide and GBV exist.

#### **5.6.6 Depopulation and social economic improvement**

Majdzińska (2021) define depopulation as the gradual reduction in population density in a certain location over time. This is often necessary as an expanding human population poses a significant risk to environmental sustainability (Majdzińska,2021). The participants contended that the escalating KwaMashu hostel population resulted in rising crime rates, with a concomitant rise in attacks on and the murder of women. The participants urged the government to address the overpopulation issue in the KwaMashu Hostel as a primary step in the fight against non-intimate femicide. An investigator stated the following:

*“KwaMashu Hostel is overcrowded. Sometimes when we are attending cases of murder in this hostel it’s difficult to go there because we are afraid that we might also get killed. There are a lot of criminals and that puts females at risk of being killed. I remember last year, in 2021, when we went to investigate a murder case, criminals in KwaMashu Hostel saw our car and then they took their guns and started firing at the police. We had to run for our lives.”*  
(KwaMashu Investigator 4)

One KwaMashu prosecutor stated that improving the country's economy will help combat non-intimate femicide. The participant explained that individuals remain in risky areas due to poverty and unemployment:

*“We live in an age of democracy and freedom; this means that we are not supposed to live in fear as females. I believe there is still a lot more that can be done to stop non-intimate femicide. I think one of the factors that can be resolved is the issue of unemployment. Females are forced to stay in unsafe areas. The government gives poor people R350, which is not enough to feed a family of five. People need jobs.”* (KwaMashu Prosecutor 2)

The issue of addressing the economy was also raised by a participant from Umlazi, who argued as follows:

*“Let us start at ground level. We have to address our economic standing by getting people jobs. People are drinking because of poverty, and the reason that they commit robbery is because they want to support their families. What I have noticed is that not all robberies are intended to kill, but they kill you because you are resisting and refuse to give them what they want. Improving socio-economic conditions will be the start of telling young people that there are other ways of earning money besides crime.” (Umlazi Prosecutor 1)*

The participants suggested collectively that improving the economic status of residents in both societies was crucial in addressing GBV and femicide. However, the Umlazi participants did not raise any concerns regarding the issue of overpopulated accommodation, as was addressed by the KwaMashu participants. In corroboration of the literature (Muzavaz et al,2022; Peña et al, 2016), the information presented above affirms a correlation between overcrowding and unemployment. Both low economic status and overpopulation have consistently been crises in South Africa, and the rationale for eliminating overcrowding is its association with high incidences of insufficient access to healthcare, education, and career prospects, as well as victimization and crime (Ataguba et al,2011). Furthermore, these challenges persistently result in poverty, GBV, air and water pollution, and food shortages, all of which diminish the quality of life of millions of people (Agrawal et al.2023). Moreover, the crisis of overpopulation in South Africa has the potential to increase the high rate of violence against females. In overcrowded places where criminals commit their nefarious acts with impunity, individuals easily learn negative behaviours, most of which are abusive and result in gender-related violence. Overcrowding is also a prevalent issue in countries such as the US where overpopulation in some urban areas has been a persistent issue since the early 1900s and is a matter of concern even today. It is a socio-economic issue that influences children’s behavioural development, contributes to a high crime rate, and strains local resources (Sariaslan et al,2014).

### **5.6.7 Amendments to existing laws**

The participants' final recommendation was to amend some laws in South Africa to better address GBV and its consequences. The participants were quite vague regarding the particular law that they thought needed to be altered and they were more inclined towards a broad

approach. The KwaMashu participants contended that stricter sentencing by the courts would reduce crime. One participant stated:

*“If the government would make sentencing more severe it will make people afraid of committing a crime.” (KwaMashu Prosecutor 2)*

The Umlazi participants also advocated for changes in sentencing and related laws and offered more precise advice on which laws should be altered to combat non-intimate femicide than their KwaMashu counterparts:

*“What I think could help is changing the sentencing procedures and laws. For instance, most crimes happen because of the illegal guns that are owned by people. When people are found with illegal guns, they are given a fine, which is totally wrong. What I hate the most about South Africa is that every time a person commits a crime, he or she will get bail. For instance, when someone was killed, the suspect is allowed to apply for bail according to the law. Then another issue that we need to fix is the sentencing law. In countries like Botswana, the sentencing laws are much harsher than here. As a result, Botswana has a low crime rate. Tight laws are needed to prevent crimes from happening. People should not live with fear. People have a right to life and freedom. Once the country has tighter laws, then everything will be fine.” (Umlazi Investigator 4)*

Below is a summary of the recommendations offered by the participants for combating non-intimate femicide:

**Table 5.3: Measures to combat non-intimate femicide**

KwaMashu	Umlazi
<ul style="list-style-type: none"> <li>• Raise social awareness of all femicide issues</li> <li>• Engage in dialogues</li> <li>• Implement imbizo opportunities</li> <li>• Address and enhance equality</li> <li>• Enhance social awareness of legal matters pertaining to GBV and female inequality</li> <li>• Conduct social awareness and equality campaigns at school level</li> </ul>	<ul style="list-style-type: none"> <li>• Raise social awareness of all femicide issues</li> <li>• Engage in dialogues</li> <li>• Implement imbizo opportunities</li> <li>• Government officials and other stakeholders should educate the public on GBV issues</li> <li>• Involve community members to be part of change</li> <li>• Create social awareness on the issue of rape and the need to respect people of all sexual orientations</li> </ul>

<ul style="list-style-type: none"> <li>• Employ more staff at police stations</li> </ul>	Employ more staff at police stations
<ul style="list-style-type: none"> <li>• Establish a specialized court that deals with violence against women</li> </ul>	
<ul style="list-style-type: none"> <li>• Launch depopulation measures at hostels</li> </ul>	
<ul style="list-style-type: none"> <li>• Address economic issues such as poverty</li> </ul>	<ul style="list-style-type: none"> <li>• Address economic issues</li> </ul>
	<ul style="list-style-type: none"> <li>• Amend current related laws</li> </ul>

Source: Author

### 5.7 Conclusion

In this data analysis and interpretation chapter, in-depth information and meanings pertaining to non-intimate femicide were derived from the processed data. Data elicitation was guided by the study's objectives, and these were successfully achieved. The first objective was to determine if non-intimate femicide was prevalent in the study area as no such data could be traced, but the participants affirmed that this phenomenon was entrenched in acts of GBV, just like intimate partner femicide. The prevalence of non-intimate femicide, although not as common as intimate femicide, was attributed to numerous factors. The role of the South Africa government was flagged in this regard, and it was argued that the government had hitherto refrained from establishing dedicated legislation to address cases of non-intimate femicide, while specific investigative procedures and programmes to curb such incidences were also deemed lacking. On the positive side, the participants agreed that two measures were employed to address non-intimate femicide, namely police patrols and dialogues among men in taverns. The success of these measures is doubtful as the participants lamented the limited number of police available in these two townships, while no pertinent evidence of the efficacy of the dialogues could be ascertained. It therefore came as no surprise that the participants urged the implementation of community awareness programs, the amendment of current laws, the depopulation of crowded hostels, the establishment of a special court for GBV and femicide cases, and other measures as summarised above to mitigate non-intimate femicide in the study area.

## **CHAPTER SIX**

### **FINDINGS, RECOMMENDATIONS AND CONCLUSION**

#### **6.1 Introduction**

Non-intimate femicide is a pervasive global social issue that has prompted countries to collaborate and develop more effective responses to address and mitigate it. According to the data, non-intimate femicide does occur in the KwaMashu and Umlazi townships, although to a lesser extent than intimate partner femicide. The study aimed to explore non-intimate femicide in KwaMashu and Umlazi and the investigation was guided by the following objectives:

- To determine the extent of non-intimate femicide at Umlazi and KwaMashu;
- To examine the factors that contribute to non-intimate femicide in KwaMashu and Umlazi;
- To explore the procedures employed by homicide investigators when investigating non-intimate femicide;
- To examine the legislative response to non-intimate femicide; and
- To determine if programs are in place to combat non-intimate femicide in the study area.

The research objectives were all attained. This chapter will highlight the findings regarding non-intimate femicide in KwaMashu and Umlazi and discuss the factors that contribute to this crime in these townships. The discourse will also examine the legislative response to non-intimate femicide as well as the investigative processes that are employed in cases of non-intimate femicide. Additionally, the chapter will address the challenges faced by homicide investigators who are required to solve such cases. Another topic of discussion is the implementation of intervention programs aimed at combating non-intimate femicide. The final section will present the study's recommendations.

#### **6.2 Key Findings**

##### **6.2.1 The prevalence of non-intimate femicide in KwaMashu and Umlazi**

According to the findings, non-intimate femicide does occur in KwaMashu and Umlazi, although it clearly occurs less frequently than intimate femicide. Precise statistics were not available as such cases are not recorded as a separate or distinct crime category; rather, non-

intimate femicide cases are typically classified as murder or homicide. The reasons for this are a lack of information regarding the relationship between the perpetrator and the victim when the body has been discovered, and the fact that the motive for such murders are also quite nebulous at the start of the investigation, and is likely to remain so if the case cannot be solved. Once such an investigation has started, detectives face various challenges in obtaining full details about the victim and the perpetrator; hence, these cases are documented in the murder book without clear categorization. The participants from KwaMashu contended that they had dealt with some instances of non-intimate femicide murder, while the Umlazi participants stated that, of 35 cases of murder, they had only investigated two cases of non-intimate femicide.

## **6.2.2 Factors that contribute to non-intimate femicide**

### ***6.2.2.2 Hotspots where non-intimate femicide is likely to occur***

Areas surrounding the mega city of Umlazi (typically informal settlements), overcrowded hostels (Umlazi Hostel and KwaMashu Hostel), taverns, shebeens, and shack dwellings are known hotspots for non-intimate femicide. It is primarily in these areas where women and girls are at high risk of falling victim to crime, and even losing their lives. However, all women are at risk of non-intimate femicide as burglars do not only target the dwellings of the poor, but they burgle more affluent residences as well, and they do not hesitate to kill if they believe that the victim may identify them in a police investigation.

Spaces like taverns and shebeens where alcohol is consumed are also notoriously unsafe for women, while KwaMashu Hostel and Umlazi Hostel are notorious for high levels of violence and conflict, to the point that they have the reputation of being war zones. Hostels are dominated by dangerous individuals known as ‘inkabi’ (murderers). The streets in the study area are also not safe, as female bodies were found discarded or murdered on street pavements or alongside roads. Most of these victims had been subjected to sexual assault prior to the murder, and most incidences occurred in close proximity to the mega city and shack areas. According to the ecological theory, homicide hotspots are characterized by high crime rates, and it is in these areas that females are particularly vulnerable.

### ***6.2.2.3 Patriarchy and cultural beliefs***

According to research a significant number of politically motivated killings in which women were also targeted occurred in or near the KwaMashu Hostel (Sosibo,2014). These murders can be attributed to the deep social conditioning that denies women the right to leadership positions, particularly in culturally entrenched social settings such as townships. It is therefore evident that the cultural socialization of communities that still embrace patriarchal norms is instrumental in exposing women to a high likelihood of being killed when they ‘overstep’ the social barrier that separates them from men. Society has indoctrinated men to believe that women are not supposed to be in leadership positions where they may be deemed ‘superior’ to men, as only men are perceived as sufficiently capable of taking on leadership roles in communities where most residents still adhere to traditional norms. This affirms the theory that the habits that are acquired and learned in socialization processes play a significant role in sustaining power dynamics and gender inequality, and this was evident in KwaMashu and even in Umlazi. In this context, the findings affirm that violence and murder are tools that are used to prevent women from functioning in leadership positions.

### ***6.2.2.4 Poor socio-economic conditions***

In a culture with low moral values and where limited economic power is granted to women, the ecological system theory posits that women are vulnerable to non-intimate femicide as they are easy targets for men who seek sexual gratification and/or need to demonstrate their superiority. Furthermore, women with low economic means are compelled to reside in unsafe settings where none are able to afford the cost of protection. These areas experience significant numbers of thefts and residential break-ins that are primarily perpetrated by males who specifically target vulnerable women who live without the protection of an adult male in the household. The findings revealed that, in cases of domestic burglaries, females were killed because they could possibly identify the perpetrator/s. Some females were also abused and killed when they walked the streets alone at night.

### ***6.2.2.5 Rape homicide***

Rape homicides in KwaMashu and Umlazi occurred during house robberies, when a woman had failed to fulfil her pledge to a drinking partner for sexual favours, and as corrective rape incidents. Postmortems affirmed that some women were murdered after being raped. This deed was attributed to the fact that perpetrators might attempt to avoid identification and

incrimination in the crime. According to the ecological system theory, women are often killed due to men's sense of entitlement and the perception that they have a right to any woman's body. Many men also believe that women owe them sex if they paid for their drinks. Some women may be killed after engaging in sexual activity or for refusing a man's demand for sexual gratification.

Corrective rape is a prominent factor that contributes to non-intimate femicide in KwaMashu and Umlazi. This is because males in these areas lack comprehensive knowledge and understanding of people's right to choose their sexual orientation, which is a viewpoint that exposes lesbians to the danger of corrective rape. Some men believe that raping a lesbian will expose her to the pleasure of sexual intercourse with a 'real man' and that this will forcefully reverse her sexual orientation. The probability that such incidents will occur is exacerbated by alcohol and drug use.

#### ***6.2.2.6 Intentional (premeditated) murder***

The findings also affirm that women in KwaMashu and Umlazi are subjected to intentional acts of homicide. The participants argued that women were deliberately killed in these township settings for various reasons, such as opposing the current ruling party or possessing sensitive information that might incriminate a criminal, which are reasons for non-intimate femicide that were particularly prominent in KwaMashu. Another cause of intentional homicide in KwaMashu is the ongoing conflict between different clans, which exposes women to retaliatory killing due to their vulnerability. The Umlazi participants also referred to the vulnerability of females who were eye witnesses to serious crimes.

#### ***6.2.2.7 Infidelity***

The participants referred to infidelity as another contributing factor to non-intimate femicide, particularly in KwaMashu. According to the findings, infidelity is not only associated with intimate femicide, but also with non-intimate femicide. The latter murders occur when the family members of the perceived jilted male partner step in and retaliate on his behalf, or when the female partner is murdered by hired individuals to get rid of her for financial gain.

### **6.2.2.8 Unemployment and crime**

The data collect from participants suggests that both unemployment and alcohol consumption are significant factors contributing to non-intimate femicide in Umlazi. Several recorded incidents have occurred as a result of the tension that arises when a lady becomes acquainted with an unfamiliar male at the tavern. According to the SAPS participants, perpetrators of non-intimate femicide claim that women either drink their alcohol or ask them to buy alcohol for them once they have consumed it. The women attempt to flee from these men without engaging in any sexual activity in return. Driven by anger and perhaps fuelled by the loss of money due to drinking, the perpetrators resort to violence, which may lead to homicide, as a means of seeking .

### **6.2.3 Legislative response to non-intimate femicide**

The Government of South Africa (2023b) clearly stipulates that every individual is entitled to the right to life. However, if this right is violated, the legislative response is directed by the Criminal Law Act No. 105 of 1997 (Kader,2022). When someone has been found guilty of murder, they are sentenced according to the minimum sentence specified in criminal law statutes. An initial offender receives a sentence of 15 years, while a repeat offender is given a sentence of 20 years. A third-time offender, however, is sentenced to 25 years. According to the participants, the court has the discretion to impose a sentence greater than the minimum of up to 10 years. The Criminal and Related Matters Amendment Bill of 2022 has faced significant criticism, particularly regarding the provision that allows individuals arrested for murder to be released after only six months of detention. That alone generates a sense of distrust among the public towards the CJS. Some participants observed that the government was making concerted efforts to combat non-intimate femicide, as evidenced by recent amendments to the law. Furthermore, additional pieces of legislation target any form of homicide committed against women, but a close scrutiny of the legal framework revealed that South Africa lacks specific legislation that addresses non-intimate femicide, the only act that is used to respond to homicide cases is the Criminal Law Act No. 105 of 1997. However, South Africa is not the only nation that lacks a dedicated law to address non-intimate femicide, as even some countries in Latin America do not have specific legislation to address this issue

### **6.2.4 Investigative processes and the prosecution of non-intimate femicide suspects**

Unlike some countries, South Africa lacks a specific guide for investigating cases of femicide that are not related to intimate relationships. However, existing homicide investigation guides

are used to investigate all types of crime, including murder. During the investigation of non-intimate femicide, the investigators receive guidance from the senior prosecutor regarding the necessary evidence to secure the conviction of the perpetrator. This investigative process consists of three distinct phases. The preliminary investigation phase encompasses activities such as securing the crime scene, identifying victims and witnesses, obtaining basic statements, and processing the crime scene (Myeza,2019). The second phase, referred to as the in-depth investigation phase, entails a thorough review of the initial investigation data, a revisit to the crime scene for additional processing, and the identification and interviewing of both secondary victims and witnesses. The final stage concludes the investigation phase, and in this phase the case is either suspended or successfully concluded and prepared for prosecution.

It has been asserted that investigators differ in their approach, as some seek comprehensive evidence while others rely on available evidence to build robust cases. To ensure the success of the investigation, it is imperative for the investigator to obtain an eyewitness or eyewitnesses who can provide testimony in court because the court does not rely on hearsay evidence and forensic evidence. There should therefore preferably be a witness who observed the perpetrator in the act of committing the crime. If there are no eyewitnesses, the court can rely on forensic evidence or surveillance cameras.

Non-intimate femicide cases in South Africa lack a clearly defined prosecutorial procedure, and therefore the court imposes the same minimum sentence that applies in cases of murder. During the prosecution phase, the court and investigators are required to carefully scrutinize the case file and thoroughly verify available evidence. The docket undergoes internal screening to ensure that every matter is handled with the utmost seriousness and respect. The eyewitnesses are called and adequately prepared for their court testimony. At this point, the suspect has the opportunity to request bail.

### **6.2.5 Challenges**

When analyzing cases of non-intimate femicide, investigators often encounter numerous obstacles that impede the progress of the investigation. The primary obstacle faced by investigators in KwaMashu and Umlazi is delays in obtaining DNA and other forensic evidence. As mentioned earlier, numerous stakeholders are involved in assisting investigators

in collecting physical evidence during the investigation process. However, insufficient laboratory resources and a shortage of staff are factors that contribute to delays when processing evidence, particularly when DNA profiling needs to be conducted to bring the perpetrator to book.

#### **6.2.6 Preventive measures to curb non-intimate femicide in KwaMashu and Umlazi**

There are no preventive programs in KwaMashu and Umlazi that specifically target non-intimate femicide. A current initiative that is used by KwaMashu tavern owners is to engage men in dialogues to specifically address the factors that contribute to femicide. In both the township communities, police officers are deployed to patrol the streets and crime hotspot areas to combat all types of violence, but interview evidence suggests that there are too few police officers to cover all the areas where danger lurks and threatens female residents.

### **6.3 Recommendations**

#### **6.3.1 Recommendations for all role-players**

This section presents recommendations that can be utilized by the Umlazi and KwaMashu SAPS and other role-players to effectively address and eradicate non-intimate femicide.

**Recommendation 1:** All stakeholders, particularly the SAPS, NGOs, and the NPA should establish programs that aim to raise awareness about non-intimate femicide in the study area. All role-players should understand that human beings are complex, and thus numerous factors impact an individual's learning and subsequent behaviours. Stakeholders should thus focus their social awareness efforts on bringing about change in individuals' meso-, exo-, micro-, and chronosystems, and they should thus introduce and implement appropriate programs that will address the factors that contribute to non-intimate femicide. These programs should focus on preventing rape homicide, the promotion of respect for people's sexual orientation, and they should advocate for gender equality. Social awareness campaigns should also be implemented in schools by the Department of Basic Education to guide children to unlearn the negative behaviours they acquired at home and in their communities, such as their adherence to a patriarchal attitude, toxic masculinity, and homophobic behaviour that may contribute to non-intimate femicide.

**Recommendation 2:** The SAPS and other related departments should conduct community-based dialogues in KwaMashu and Umlazi with the specific aim of educating men about the dangers of the sexual harassment of women and the imperative to accept and respect women's choices and sexual orientation.

**Recommendation 3:** The KwaMashu and Umlazi municipalities should install surveillance cameras in the streets and other high-risk areas to prevent housebreakings and gender-based and other crimes. This measure will aid in identifying and apprehending criminals who unlawfully trespassed on any premise.

**Recommendation 4:** The participants argued that the appointment and deployment of additional police and homicide investigators are imperative. The SAPS should thus deploy more police officers and homicide investigators in KwaMashu and Umlazi to alleviate the workload of current homicide investigators and to increase police visibility in these crime-ridden areas, particularly at the hostels, in and near taverns and shebeens, and in informal shack areas.

**Recommendation 5:** The Umlazi participants blamed the possession of illegal firearms for non-intimate femicide, arguing that such weapons facilitate the intimidation of females. Legislators should thus impose a severe penalty on any individual who is caught in possession of an illegal firearm.

**Recommendation 6:** The Department of Social Development and NGOs should educate women in Umlazi about the risk they take when they allow strange men to buy them alcoholic beverages in taverns and shebeens. Women should thus be educated about the significance of utilizing their own finances when purchasing alcoholic beverages.

**Recommendation 7:** The KwaMashu and Umlazi SAPS should actively promote the early closure of taverns to mitigate the risk of females walking alone at night and becoming the targets of criminals.

**Recommendation 8:** Councilors, the SAPS, and the KZN Premier should collaborate to recruit individuals who may assist in nighttime patrols in specific areas such as KwaMashu Hostel, Umlazi Hostel, and the vicinity of the mega city mall near existing shack dwellings.

**Recommendations 9:** The participants expressed dissatisfaction with the rate of DNA information blockage. The Department of Health in KwaZulu-Natal and the KZN Premier should consider expanding their laboratories and hiring additional scientists to address the issue of DNA blockage in KZN.

**Recommendation 10:** The South African government should ensure that perpetrators who commit femicide are not granted parole.

**Recommendation 11:** The KZN Provincial government should prioritize the construction of secure shelters for women who reside in high -risk area. Constructing such shelters will facilitate the relocation of women from dangerous regions

**Recommendation 12:** Although the study primarily examined non-intimate femicide, both the participants and the researcher recommend that the South African government should establish a specialized court for dealing with femicide cases. By doing so, non-intimate femicide will receive particular attention.

**Recommendation 13:** The SAPS should maintain separate statistical records of non-intimate femicide cases in the murder book. The SAPS should collaborate with the Department of Health, the mortuary, and the courts to maintain accurate statistics on female victims of all femicide incidences.

**Recommendation 14:** The KZN provincial government, related departments, and NGOs should launch entrepreneurial training initiatives for women who reside in high density areas such as hostels and shack areas to enable them to establish businesses that will ensure an income. Such training will empower women to attain financial independence, relocate from densely populated areas, and reduce their reliance on men for financial support and alcohol.

### **6.3.2 Recommendations for future researchers**

Future researchers should continue to study non-intimate femicide, with particular focus on areas such as Inanda, Umhlanga, KwaNdengezi, Verulam, and other townships and villages in KZN.

Moreover, although non-intimate femicide is not rife in KwaMashu and Umlazi, such murders do occur, and future researchers should persist in investigating non-intimate femicide in these two areas. Moreover, community members should be actively engaged in such studies to elicit broad understanding and formulate preventive measures to curb the non-intimate murder of women. It is also imperative to include hostel residents in KwaMasu and Umlazi in future research, as their contributions will facilitate comprehensive insight into the experiences and views of individuals who are directly impacted by non-intimate femicide.

### **6.4 Conclusion**

Based on the findings, it may be concluded that non-intimate femicide does occur in KwaMashu and Umlazi, but it is much less prevalent than intimate femicide. However, the findings clearly indicate that it is likely to occur in high-risk locations such as hostels, taverns, shebeens, and in informal shack areas. The prevalence of non-intimate femicide in these areas can be attributed to elevated levels of criminal activities and alcohol consumption. Women are extremely vulnerable to men who target them as they are deemed to lack the physical strength to fight and protect themselves. Several factors were highlighted that cause or encourage non-intimate femicide in KwaMashu and Umlazi, affirming that such incidences are often not random. These factors include patriarchal and cultural influences, a low socio-economic status, high levels of alcohol consumption, gender-based conflict, and rape. Moreover, the prevalence of patriarchal and cultural influences in KwaMashu significantly impacts the risk of political assassinations of women who wish to be or are in positions of political leadership. In the KwaMashu Hostel, for instance, females are not considered suitable leaders and only males are deemed suitable for these positions.

Additional factors that contribute to non-intimate femicide in KwaMashu and Umlazi include a high incidence of rape during robberies, and this results in the murder of the victim. Rape is also often a weapon when a man retaliates when a female refused to fulfil her promise of engaging in sexual intercourse after consuming alcohol with a male stranger. These women are

murdered following sexual assault as men fear that that they may report them, thus they are killed to eliminate any incriminating evidence. According to the participants, some women in KwaMashu and Umlazi were deliberately killed as they opposed the ruling party or they possessed sensitive and incriminating information. Another factor is men's desire to 'correct' a lesbian woman's sexual status as they fail to understand and acknowledge her right to choose her sexual preferences. Infidelity and a high unemployment rate also place women at risk, particularly those who choose to live with or date males who are engaged in criminal activities. Although the latter may be categorised as intimate femicide, the fact that these men merely use and abuse these women means that they remain 'strangers', and these women's demise may thus be attributed to prostitution and their deaths may be termed non-intimate femicide. Furthermore, females are also targeted and killed during house robberies, particularly if they are capable of identifying the perpetrator.

The legal framework is devoid of a law that specifically addresses the non-intimate femicide phenomenon. Criminal Law Act No. 105 of 1997 is therefore utilized to prosecute cases of non-intimate femicide. Moreover, the SAPS lacks a dedicated protocol for investigating cases of non-intimate femicide. Instead, they rely on guidance from senior prosecutors regarding the necessary evidence to prosecute offenders of non-intimate femicide. It is also argued that it is crucial for investigators to produce an eyewitness who can provide testimony about a case on non-intimate femicide in court, but it must be mentioned that forensic evidence can often place a perpetrator at the scene of a crime. However, delays in DNA and forensic evidence often stall such investigations for a very long time. The fact that there are no dedicated programs in KwaMashu and Umlazi to address non-intimate femicide was highlighted. However, the initiative that tavern owners use to ensue dialogue among men is laudable, while the value of police patrols must also be acknowledged. Unfortunately, the lack of sufficient police officers in the two townships undoubtedly limit the efficacy of such patrols, particularly in high-risk areas. The chapter was concluded with pertinent recommendations for role-players and future researchers that can all contribute to the prevention of non-intimate femicide.

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## APPENDICES