

BLOG: A SOUTH AFRICAN PERSPECTIVE ON INCLUDING COMPANION ANIMALS IN DOMESTIC VIOLENCE LEGISLATION

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INTRODUCTION

This week, beginning 18 April 2022, marks “Animal Cruelty and Human Violence Awareness” week globally. And, although it is imperative to acknowledge the prevalence of violence against animals (both in the public and private sphere), it is equally important to acknowledge, as this week highlights, the intersection of human-animal violence that occurs daily worldwide. This is because both animals and vulnerable humans become the victims of shared perpetrators or shared systemic perpetrations of violence, and both animals and vulnerable humans should be able to live flourishing lives that are free from all forms of violence.

Violence can intersect in various ways with both animals and humans being victims or targets of perpetrators (whether intentionally or not). This includes, for example, in the public sphere such as in armed conflicts or in terrorist activities where animals and humans can jointly be the victims of violent attacks.¹ Also, the effects of climate change and ecological degradation, both within the public sphere, can result in various violations against both humans and animals, have been described as a slower form of violence.²

Yet, violence against animals and humans also occurs within the private sphere. This is where companion animals, children and predominantly women are the victims of violence in the home or domestic violence.³

WHAT IS ‘THE LINK’?

The above description of the intersection of violence in the home emerged from over 35 years of interpersonal violence studies and has come to be known in as ‘the link’.⁴ In terms of the link, it has been found that there is a *significant correlation* between the abuse of women, children and

¹ Conflict and Environment Observatory, *How animals are harmed by armed conflicts and military activities* (2021) at <https://ceobs.org/how-animals-are-harmed-by-armed-conflicts-and-military-activities/>. In Afghanistan a donkey laden with explosives and used in a ‘suicide bombing’ against British Army Officials. See Evans M, ‘Donkey ‘suicide’ bombing is latest tactic against patrols’ *The Times* at <https://www.thetimes.co.uk/article/donkey-suicide-bombing-is-latest-tactic-against-patrols-klxn10w6h6t>.

² Rob Nixon has coined the term ‘the slow violence’ in relation to environmental degradation. This is where environmental degradation exacerbates the vulnerability of ecosystems but also the vulnerability of those face challenges such as disempowerment, poverty and various other intersectional vulnerabilities such as race and gender. See Nixon R, ‘Slow Violence and the Environmentalism of the Poor’ in *Slow Violence and the Environmentalism of the Poor* (Harvard University Press 2011).

³ World Health Organization, *Understanding and addressing violence against women* (2012) at https://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf.

⁴ Ascione FR, ‘Battered women’s reports of their partners’ and their children’s cruelty to animals’ 1997 (1) *Journal of Emotional Abuse*.

companion animals in the home. Some studies have even shown that the link can also include elder abuse in the home.⁵

Women, who are the primary victims of domestic violence, often note how both their children and their companion animals also become the victims of their intimate partner's wrath. For example, in a study by Ascione *et al* it was found that women residing at domestic violence shelters were 11 times more likely to report that their partner had hurt or killed their companion animal than a comparative group of women that had not experienced domestic violence.⁶ In relation to the cooccurrences of domestic violence and child abuse or maltreatment, Herrenkohl *et al* note that '[i]t is known that child abuse and DV often cooccur; that is, in families in which one form of violence is present, there is an increased risk for the other'.⁷ A study on this cooccurrences found that there was a 57.5% prevalence of physical child abuse in adults who reported also having been exposed to DV when they were children, this is compared to 21.7% of adults who had not been previously exposed to DV.⁸

Violence in the home can extend beyond that of the initial perpetrator, this is where victims of violence become perpetrators themselves. Children who witness domestic violence and/or experience maltreatment themselves can 'act out' and harm companion animals in the home. On this, Ascione *et al* explain that witnessing violence in the home can compromise a child's psychological adjustment, increase their propensity to commit interpersonal violence, and make animal cruelty more likely to emerge.⁹

Women, who are themselves abused, can also in turn become violators of their children or companion animals. In a study conducted by Damant *et al* it was found that although men were the primary abusers of children in the home, 11 out of 27 female participants who were the victims of domestic violence, admitted to abusing their children. The reasons for this abuse, as expressed by interviewees, included fear and exhaustion, losing control of their behaviour and an inability to keep up with social expectations.¹⁰

Through acknowledging the link, groups such as the National Link Coalition state that the abuse of animals can no longer be seen in isolation. Instead, the abuse of companion animals (and other victims in the home) needs to be seen as a 'red flag' or an indicator of further violence against other family members.¹¹ The types of interventions in relation to this must be multi-pronged and include changed in laws and policies and extend to various field such as policing, animal welfare, social services and veterinary services.

⁵ National Link Coalition, *The Link* (n.d.) at <https://nationallinkcoalition.org/>.

⁶ Ascione FR, Weber CV, Thompson TM, Heath J, Maruyama M and Hayashi K, 'Battered pets and domestic violence: animal abuse reported by women experiencing intimate violence and by nonabused women' 2007 (13) *Violence against women*.

⁷ Herrenkohl TI, Sousa C, Tajima EA, Herrenkohl RC and Moylan CA, 'Intersection of child abuse and children's exposure to domestic violence' 2008 (9) *Trauma, Violence, & Abuse* at 86.

⁸ *Ibid.*

⁹ Wood DS, Weber CV and Ascione FR, 'The abuse of animals and domestic violence: A national survey of shelters for women who are battered' 1997 (5) *Society & Animals*.

¹⁰ Damant D, Lapierre S, Lebossé C, Thibault S, Lessard G, Hamelin-Brabant L, Lavergne C and Fortin A, 'Women's abuse of their children in the context on domestic violence: reflection from women's accounts' 2010 (15) *Child & Family Social Work*.

¹¹ National Link Coalition, *The Link* (n.d.).

SOUTH AFRICA'S PREVALENCE OF VIOLENCE IN THE HOME AND POSSIBLE INTERVENTIONS

Gender-based violence and child abuse are both prevalent and persistent in South Africa. During the initial COVID-19 'hard lockdown', President Ramaphosa decried that gender-violence was South Africa's 'second pandemic' and described the increase in of domestic and intimate partner violence during this time as men effectively declaring war against women in the country.¹² In a SaferSpaces study in 2016 it was found that of children interviewed 42.2% reported experiencing some form of maltreatment in the form of physical, sexual, emotional abuse or neglect.¹³

Unfortunately, the rates of violence against animals in general and companion animals more specifically occurring in South Africa are incredibly difficult to ascertain. One of the few sources of reporting of violations is through the annual reports of the NSPCA (National Council of Societies for the Prevention of Cruelty to Animals). In terms of the Cape of Good Hope branch of the NSPCA, it is reported that for 2019 there were 26 880 animals inspected by the branch, with 6 490 cruelty investigations.¹⁴ The reports, however, do not delineate the number of cases that can be described as companion animal abuse. Even with the scarcity of rates of commission of companion animal abuse, we can infer from the link (the high rates of violence against women and children) as well as extreme violence of South African society, that companion animal abuse does exist and is likely to reflect similar pervasiveness as comparable to gender-based violence and violence against children.

Possible interventions in relation to violence against companion animals, children and women is through legislative and policy amendments in South African domestic violence law. South Africa currently boasts very progressive and expansive domestic violence legislation. The Domestic Violence Act 116 of 1998 broadly protects numerous members of the home or family from acts of domestic violence. This includes protecting current and previous intimate partners of violators and children in the home, as well as other family members. The act further includes individuals who may not be considered as family yet still share the same residence. The actions considered as acts of domestic violence not only include physical and sexual violence but also economic abuse, emotional and psychological abuse and coercive control.

Despite the broad nature of the act it still, however, does not include companion animals as potential victims of violence in the home. This is a problem if we consider both the value of the individual companion animal and their interest in living a life free from violence but also if we consider that the link exists in violent situations in the home. Also, if we consider the link, then protecting all individual victims of violence in the home can prevent violence or prevent continuing violence against other members of the home.

Thus, the Domestic Violence Act should include companion animals as complainants – who, similarly to children, can be represented by the other family members or an interested party. The inclusion of the protection of companion animals in domestic violence law can then also promote the collaboration between different interested parties such as social services, police, NSPCA

¹² Seleka N, *GBV during lockdown: South African men have declared war on women, says Ramaphosa* (2020).

¹³ SaferSpaces, *Child Maltreatment in South Africa* (n.d.).

¹⁴ NSPCA Cape of Good Hope, *NSPCA Cape of Good Hope - Annual Report*.

officials, medical practitioners and veterinary practitioners. If one party then becomes aware of or suspects abuse of one family member this information can be shared with other parties in order for them to investigate other potential victims and provide assistance.

The above intervention can be seen as a starting point on how law and policy can begin to reflect an understanding of the link. However, in order to promote real change for all victims of violence in the home, laws and policies should be evaluated with an intersectional lens, that reflects a dedication to the eradication of all forms of violence in the home against all victims of violence in the home.

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