

University of Cape Town

**An exploratory study on the perceptions of Zimbabwean women activists regarding the  
Domestic Violence Act (2007)**

By

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**LPFRE001**

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## **Declaration**

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## **Abstract**

The overall aim of the study was to explore the perceptions of Zimbabwe women activists regarding the Domestic Violence Act (2007) in that country. The study surveyed fourteen women activists in Zimbabwe to determine their perceptions on the strengths and weaknesses of the Act, the challenges of implementing the Act, and lastly, their recommendations with regard to the amendments, if any, that they would want to see made to the Act.

The respondents comprised women who worked for organisations that advocated and lobbied for the rights of women in Zimbabwe. The research design was qualitative, and a purposive sampling technique was employed to recruit the respondents. In-depth face-to-face interviews were used to gather data for the study. Most of the respondents who were interviewed were lawyers, although there were also a significant number of social workers and a teacher.

The study established that the Act had both strengths and weaknesses. The most significant strengths of the Act was the criminalisation of domestic violence in Zimbabwe. This therefore meant that the problem of domestic violence was now receiving much needed attention from the state and its law enforcement agents. Another strength of the Act was the fact that the definition of domestic violence was expanded to include other cultural practices that violate the rights of women. These included such practices as forced virginity tests and forced marriages, as well as the pledging of the girl child as a form of payment, practices which hitherto were not classified as criminal offences.

Conversely, the Act also had some weaknesses. The most outstanding of these was the lack of a clear monitoring and evaluation strategy, which the respondents indicated made it difficult to measure the effectiveness of the Act. Another concern that emerged from this study was the lack of a well-defined role for the traditional leaders. This could potentially create difficulties with regard to how far the traditional leaders could go when presiding over cases. The study also found that women organisations played a significant role in the provision of important services to victims of domestic violence. These services included counselling, the provision of safe houses, and the processing of the protection order forms. Overall, however, the study revealed that there had been many obstacles and problems in the implementation of the Act, and that accomplishments had been few. Some of the setbacks or difficulties that contributed to the

ineffective implementation of the Act included the limited number of resources, safe houses, and counselling facilities, and the lack or even non-availability of protection order forms. Without all these necessary services and materials, the operations of the Act were inevitably curtailed. In a nutshell, the respondents were convinced that most of the difficulties encountered in the implementation of the Act originated in the lack of financial backing it had received from the government, particularly from the ministry of women's affairs.

## **List of Abbreviations**

AU	African Union
CEDAW	Convention for the Elimination of all forms of Discrimination Against Women
DEVAW	Declaration on the Elimination of Violence Against Women
DFID	Department for International Development
FAO	Food and Agricultural Organisation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICPD	International Conference on Population and Development
MDGs	Millennium Development Goals
NGOs	Non-Governmental Organisations
OAU	Organisation of African Unity
SADC	Southern African Development Community
UN	United Nations
UNAIDS	United Nations Acquired Immune Deficiency Syndrome
UNFPA	United Nations Population Fund
UNICEF	United Nations International Children's Emergency Fund
WCoZ	Women Coalition of Zimbabwe
WHO	World Health Organisation
ZWLA	Zimbabwe Women Lawyers Association

## **Clarification of Terms**

**Domestic violence** refers to physical, sexual and or psychological violence within a family or within the community, or any form of violence that is not condoned by the state (World Health Organization, 2005).

**Gender** refers to the socially constructed roles, behaviours, activities and attributes that are assigned to women and men by society. These roles are said to be dynamic and content specific (World Health Organization, 1993).

**Perpetrator of domestic violence** refers to an individual or a group people who inflict pain or any act of violence against women, be it psychological, sexual or physical. The individual may be an intimate partner or former spouse or any member of the extended family (United Nations, 1993).

**The Domestic Violence Act (2007)** in this study is the Act that was passed by parliament into law in Zimbabwe in 2007. The main aim of the Act is to address issues pertaining to domestic violence in Zimbabwe and also to protect the rights of the victims. Prior to passing of the Domestic Violence Act, there was no legislation that criminalized domestic violence (Domestic Violence Act of Zimbabwe, 2007).

**Victims also called survivors** refer to any individual who would have been abused in a case of domestic violence; this can be either a woman or a man (Clark, 2000).

**Protection order is** a court order that restrains a perpetrator from contact with a victim of domestic violence so as to prevent further acts of abuse. A permanent protective order will usually only be issued after a full hearing before the appropriate court (McFarlane et al., 2004).

**Safe houses** are temporary shelters that are offered to victims of domestic violence; they are meant to give some form of relief from further victimization (Clark, 2000).

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## **CHAPTER 1:INTRODUCTION**

### **1.1 Background of the Study CHAPTER 1: INTRODUCTION**

Domestic violence is widely recognized as a global problem. The United Nations (UN, 2002) notes that domestic violence is one of the least visible but also one of the most common forms of violence against human beings, and particularly against women and children, and that it has serious effects on their health and well-being. It is also a violation of their rights and freedoms as human beings, especially as it concerns their entitlements to equality, security, integrity and dignity in the political, social, economic and cultural spheres (UN, 1993). Advocates for Human Rights (2010) define domestic violence as involving abusive or threatening behaviours, which include physical, emotional, economic and sexual violence with the purpose of establishing power and control over another. It has severe consequences, at times even fatal ones, for women, children, families, communities, and the world at large (Advocates for Human for Rights, 2010; Clark, 2000; Garcia-Moreno et al., 2005; Kaur and Gar, 2008).

The United Nations (UN, 2011-2014) note that violence against women and girls is a grave violation of human rights, as it prevents them from fully participating in society. Clark (2000) argues that domestic violence has tremendous costs, which include health care and legal expenses, as well as losses in productivity, with a significant impact on national budgets and the overall development of a country. The United Nations Programme on HIV/AIDS (UNAIDS, 2011) affirms that spousal violence is the leading form of ‘gender-based’ violence, especially directed against women by their intimate partners. UNAIDS (2011) additionally states that ‘gender-based’ violence is grounded in the cultural practices that are based on inequality.

The UN (2006) regards domestic violence as a pervasive form of human violation that deprives women and children of their dignity and fundamental rights. Studies on domestic violence indicate that the majority of the victims of domestic violence are women (Art and Jefthas, 2011; World Health Organization [WHO], 2005, 2013). In most cases, this abuse is inflicted upon them by an intimate partner. According to the UN (2011-2014), in countries like Australia, Canada, Israel, South Africa and the United States, intimate partner violence accounts for between 40 and 70 percent of all female murder cases. Even the ratification of many conventions to curb violence, especially against women, such as the Convention on the Elimination of all Forms of

Discrimination Against Women (CEDAW, 1979), the Declaration on the Elimination of all Forms of Violence against Women (DEVAW, 1993), as well as the Beijing Platform for Action (1995), does not seem to have helped the situation much either. WHO (2005) states that, despite the criminalization of domestic violence in many countries, the implementation of these laws has not yielded positive results. It is in light of the magnitude of domestic violence that this study sought to explore the perceptions of women activists in Zimbabwe regarding the Domestic Violence Act (2007), which will be henceforth referred to simply as ‘the Act’ in this study.

## **1.2 The Domestic Violence Act of Zimbabwe (2007)**

**The Domestic Violence Act (2007)** in this study is the Act that was passed by parliament into law in Zimbabwe in 2007. The main aim of the Act is to address issues pertaining to domestic violence in Zimbabwe and also to protect the rights of the victims. Prior to passing of the Domestic Violence Act, there was no legislation that criminalized domestic violence (Domestic Violence Act of Zimbabwe, 2007). The Act, defines domestic violence as any unlawful act, omission or behaviour which results in death or the direct infliction of physical, sexual or mental injury to any complainant by a respondent and includes the following—

- (a) physical abuse;
- (b) sexual abuse;
- (c) emotional, verbal and psychological abuse;
- (d) economic abuse;
- (e) intimidation;
- (f) harassment;
- (g) stalking;
- (h) malicious damage to property

The Act also prohibits other cultural practices such as forced virginity, female genital mutilation, forced marriages, child marriages, forced wife inheritance or sexual intercourse between father in-law and the newly married daughter –in-law.

### **1.3 Geographical Setting of the Study**

The study was conducted in Harare, the capital city of Zimbabwe. Harare is home to the bulk of the organizations that are involved in the advocacy of women's rights. According to the Women Coalition of Zimbabwe (WCoZ, n.d), there are about 59 women organizations in Zimbabwe. The WCoZ is a network of women rights activists and women's organizations with national structures; it is a forum where women meet to engage in collective activism on issues affecting women and girls in Zimbabwe. Its central role is to provide a focal point for activism on the rights of women and girls. The headquarters of more than three quarters of these organizations are located in Harare (WCoZ, n.d). This study thus focused on women drawn from ten of these organizations that were actively involved in championing the rights of women, especially with regard to domestic violence.

### **1.4 Problem Statement**

As indicated in Section 1.1 above, domestic violence is a serious problem for most countries, and it has significant health and economic implications (WHO, 2005). However, despite the prevalence of domestic violence in many countries, individual governments, particularly in the developing world, have taken a long time to draft and publish laws that make domestic violence a criminal offence. As stated by the UN (2011-2014), it took decades of mobilizing by civil society and women's movements to force many governments and the international community to put domestic violence on the agenda. However, despite a number of countries enacting laws against domestic violence in recent years, the implementation of these laws has been problematic and inadequate (UN, 2011-2014).

Lawyers for Human Rights in Zimbabwe (n.d.) have noted that cases of domestic violence in Zimbabwe have intensified since 2008, with about 1, 940 cases reported in a single month – despite the new Act. A report by Lawyers for Human Rights in Zimbabwe (n.d) further states that, in 2011, the number of cases rose to about 10,351 in that year alone and that it was possible these numbers would continue to escalate if unchecked. They also indicated that, despite the presence of a law that outlaws domestic violence in Zimbabwe, cases of violence, mainly directed against women, are still on the rise. Another women's rights organization, Musasa (2009), explained that the mere existence of the law against domestic violence has been

ineffective in actually decreasing cases of domestic violence. It is therefore the aim of this study to explore the perceptions of women activists regarding the implementation of the Act (2007), and to gain a deeper insight into their opinions in this regard.

### **1.5 Significance of Study**

The study explored the perceptions of women activists regarding the Act (2007). It took Zimbabwe as a country almost three decades to pass legislation that criminalizes domestic violence (Musasa, 2009). Prior to the enactment of this Act, domestic violence was not regarded as a criminal offence in terms of the law in Zimbabwe; when this Act was finally passed into law, it was thus celebrated as an expression of government's progressive stance towards a widespread social problem (Musasa, 2009). It was therefore the desire of the author to offer a platform to women, as the majority of those affected by domestic violence to tell their stories in their own settings and in their own words, in the hope that this would allow them to look at their situation from a different perspective. The study also encourages the reader to engage with the experiences of these women.

Engaging the women as partners rather than merely as respondents would hopefully encourage them to feel included. As the author is a man, his intention is to make this research inclusive, working for women and with women rather than on women. In other words, it is important that this research extends further than merely the creation of knowledge, and that it should include and be driven by a commitment to social justice and social change that will serve to enhance the lives of women (Hall & Stevens, 1991). Thus it is the author's intention that this study will provoke a conversation on domestic violence that may influence policy formulation. Although the findings of this research may not be conclusive, it is envisaged that they will prompt further investigation and identify some specific areas where improvements can be made.

### **1.6 Overall Aim of and Research Objectives of the Study**

The overall aim of the study was to explore the perceptions of women activists regarding the Domestic Violence Act (2007). Fourteen women activists in Zimbabwe were thus surveyed to determine their perceptions on the following issues:

- The strengths of the Act;

- The weaknesses of the Act;
- The challenges in the implementation of the Act; and
- Their recommendations, if any, with regard to the changes that they would want to be made to the Act.

## **1.7 Layout of the Study**

Chapter 1: This chapter gives an overview of domestic violence, clarifies some of the terms that will be used in the study, and introduces the geographical setting of the study (Harare) and the problem statement. The significance of the study and the overall aim and objectives of the study were also outlined in this chapter.

Chapter 2: This chapter explores the literature around domestic violence and the theoretical framework that will help conceptualize this issue. Relevant international and regional conventions that are meant to address the problem are also discussed. Lastly, the chapter explores the gender aspect of domestic violence well as its effects on the victims' health and wellbeing.

Chapter 3: This chapter discusses the research design and the methodology that was adopted in the study. The data analysis (utilizing Tesch's coding system), the ethical considerations, and the limitations of the study as well as the data verification issues are some of the concepts deliberated on in Chapter 3.

Chapter 4: This chapter presents and analyses the research data. This will also include what the data mean to the main study, the research aim and the objectives.

Chapter 5: This chapter presents the main conclusions and recommendations of the study. In this section main conclusions that would have been made from the study will be discussed as well as the recommendations that will be made to the area of study.

## **CHAPTER 2: LITERATURE REVIEW**

### **2.1 Introduction**

This chapter will present a review of the literature that is relevant to the research topic and its objectives. The literature was gathered by consulting secondary sources, which included lecture notes, journal articles, online policy documents, books and government publications. This chapter begins by looking at the theoretical frameworks that underpin the study. In addition, it includes an in-depth discussion of domestic violence, and of international and regional treaties to protect the rights of women and address gender-based domestic violence. Lastly, it will also consider the effects of domestic violence on the victims – or rather the survivors, as well as the effects on their families and communities.

### **2.2 Theoretical Framework**

The following sub-sections will deliberate on the theoretical framework, which is of significance in understanding domestic violence. The Human Rights and Social Exclusion theories will be used in conceptualizing the subject matter.

#### ***2.2.1 Human Rights Approach***

The UN (2008) defines human rights as the inalienable rights of all individuals, irrespective of their gender, race, ethnic group or colour, to freedom, safety and security. The UN (2008) further explains that, “as human beings, we are born with these *rights*, they are not bestowed from some other power, nor can they be taken away” The discourse of human rights and the mechanism in place is there to protect and enforce the rights that are embodied in international documents, which suggests that a legal standard of minimum protection should be recognized as mandatory for the maintenance of human dignity (Brennan, 1999). The International Covenant on Civil and Political Rights (ICCPR, 1984), the Convention for the Elimination of all forms of Discrimination against Women (CEDAW, 1979) and the Convention Against Torture (1984) are all treaties endorsed by the international community to protect the rights and dignity of all human beings, including and especially women and children (UN, 2008).

The relevance of this Human Rights Approach to the study is that it regards domestic violence as a gross violation of these fundamental human rights. The United Nations International Children’s

Emergency Fund (UNICEF, 2000) postulates that domestic violence is the most pervasive form of human rights violations, denying women and girls their right to equality, security and self-worth and their right to enjoy fundamental freedoms. The survivors of domestic violence, the majority of whom are women, are effectively deprived of the right to make decisions about their lives in as far as reproductive health is concerned. Despite the existence of various international laws against all forms of violence against women, little progress has been made in reducing violence against women and children, especially girls (WHO, 2005). Because they are continuing to experience such violence, measures should be put in place to protect them and their rights (UN, 2006). The assertions of both the UN (2006) and WHO (2005) indicate that, although the international community appears to be committed to fighting domestic violence, much still needs to be done. Violence, regardless of its form – whether in the public or the private sphere – is a violation of one’s fundamental human rights. The obligation therefore rests on the relevant state to ensure that these rights of its citizens are protected.

### ***2.2.2 Social Exclusion Approach***

The Social Exclusion Approach emanated from the European dissatisfaction with the perceived failures of the welfare system in the early 1990s. The Department for International Development (DFID) (2005) defines social exclusion as a process by which certain groups are systematically underprivileged on the basis of their race, gender, ethnicity, caste or age. The DFID (2005) additionally explains that this discrimination can occur in public institutions, such as the legal system, as well as in social institutions, such as the household. The process of exclusion can also involve the systematic denial of entitlements to resources and services, the denial to participate on equal terms in social relationships, and in the economic, social, cultural or practical arena.

Social exclusion in terms of gender has impacted negatively on women in particular. The DFID (2005) reveals that discrimination against women is widespread and systematic. The DFID (2005) in addition reiterates that women continue to face many barriers when they wish to participate in politics, and that they remain vastly under-represented in both local and national government bodies worldwide. In the private sphere, such as in the home, too, certain cultural practices continue to prevent women from exercising their rights with regard to their reproductive health (WHO, 2005). In countries such as India and Pakistan, for instance, women

have been and continue to be victims of dowry related violence, female genital mutilation and other practices harmful to women (UN, 1993; Visaria, 1999; WHO, 2002).

The theory on social exclusion is relevant to the area of violence against women in both the public and the private sphere, where women are relegated to mere subjects by men and marginalized (Williams, 1989). Violence against women by men, as Williams (1989) puts it, is essentially about power and control. Vichealth (2004) notes that domestic violence disrupts one's ability to participate in both social and economic life as they are even denied the right to work, thus perpetuating the marginalization of the individual. In the Australian context, it has been observed that many homeless people are women who have escaped from family violence, or children who lived with or witnessed such violence (MacDonald, 2007). Thus domestic violence has also been seen to increase destitution amongst some of the survivors.

Governments in some areas of the world have systematically discriminated against women through their institutions and the application of laws around domestic violence. Atkinson (2002) noted that victims of domestic violence, particularly women and children, are usually victimized further when they seek help from medical, legal and welfare services and from political leaders. Even when laws exist to protect them, women are still discriminated against. In India, for example, Visaria (1999) cites cases of women who have died in the hands of their partners, where the perpetrators have not been brought to book.

The marginalization of women when it comes to the application of the law has been well documented in some areas. Roure (2009) observed that, in countries like Brazil, and Visaria (1999) in India, men and women who committed murder in the context of domestic violence were given different sentences: Thus, men who killed their partners received relatively light sentences, because the killings were labelled as 'honour' killings. In contrast, women who had killed their spouses, were often given heavier sentences, as their actions were labelled 'culturally unacceptable'. From similar studies by the WHO (2005) and others, such as Musasa (2009) and The DFID (2005), it can be inferred that women are often excluded from participation in both practice and in the formulation of policies on domestic violence.

### 2.3 Domestic Violence Overview

The WHO (2005) estimates that, globally, one in every three women has experienced violence in their intimate relationship at some point in their life. The WHO (2005) furthermore estimates that between 20 percent and 50 percent of women in the world have at some point experienced some form of violence, though not necessarily from their spouses or intimate partners. For instance, in the United States, about a million cases of domestic violence are reported annually, according to the United States Department of Justice (2013). Thus, given the disturbing statistics, domestic violence has in recent years attracted the attention of the regional and the international community, with the UN (2000) indicating that the majority of the victims are women. The magnitude of the problem of domestic violence was summarized by the UN Secretary General, Ban Ki-Moon in 2009, when he said:

*“Violence against women stands in direct contradiction to the promise of the United Nations Charter to ‘promote social progress and better standards of life in larger freedom’. The consequences go beyond the visible and immediate. Death, injury, medical costs and lost employment are but the tip of an iceberg. The impact on women and girls, their families, their communities and their societies in terms of shattered lives and livelihoods is beyond calculation. Far too often, crimes go unpunished, and perpetrators walk free. No country, no culture, no woman, young or old, is immune.”*

Globally, violence within the home is universal across cultures, religions, class and ethnicity. Similarly, the UN (2000) indicates that violence against women is present in every country, cutting across boundaries of culture, class, education, income, ethnicity and age. Thus domestic violence affects almost everyone across the globe in one way or the other. Nonetheless, despite its widespread prevalence, domestic violence is still not customarily acknowledged and has tended to remain invisible - a problem thought unworthy of legal or political attention (Visaria, 1999). Moreover, as Visaria (1999) states, the social construction of the divide between public and private underlies the hidden nature of domestic violence against women that is since the violence happens in the home it is considered to be more of a private issue. Ojigho (2012) supports the views of Visaria and argues that many a government still regards domestic violence as a private issue where the state should not intervene.

Ojigho (2012) notes that such attitudes by many governments have their roots in cultural and patriarchal beliefs that perceive domestic violence as a legitimate form of discipline. UNICEF (2000) observed that, although most societies proscribe violence against women, the reality is that violations against women's human rights are often sanctioned and hidden behind the smokescreen of cultural practices and norms. From the studies by the WHO (2005), Visaria (1999) and Ojigho, (2012), it can be seen that the question of domestic violence is complex and that addressing it calls for more than just the enacting of a law.

Violence particularly against women takes many forms. According to the UNICEF (2010), it includes intimate partner violence, marital rape, sexual violence and dowry-related violence. Prasad (1994) describes dowry related violence as the abuse that is inflicted on the bride after the family has failed to pay the bride price and gifts to the family of the bridegroom and this practice is popular in India. It also includes femicide (killing of women), sexual abuse of female children, female genital mutilation/cutting and other traditional practices harmful to women. According to the UN (2010), such practices are still common in countries such as Ethiopia, where 3 out of 4 women are exposed to such practices. In some instances, the definition of domestic violence has also been expanded to include other traditional practices, such as forced and early marriage as well as non-spousal violence, exploitation and trafficking.

The abovementioned studies and others (Jalal, 1998; UN, 2006; WHO, 2005) indicate that the majority of victims of domestic violence, involving an intimate partner, are women. These studies also emphasize that the definition of domestic violence has been extended to include other cultural practices that impede and deny the rights of women and girl children. Therefore it is imperative that all efforts to address domestic violence should also take cognizance of the role that cultural and traditional practices play in perpetuating violence against women.

A recent report by the UN (2014) postulates that the 2013 global review of available data indicates that about 35 percent of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. The UN (2014) further states that, in countries like Australia, Canada, Israel, South Africa and the United States, intimate partner violence accounts for between 40 and 70 percent of female murder victims. The figures have policy implication in that whatever strategy is initiated by the government, it must seriously consider issues of domestic violence. Given the above figures, the problem of domestic violence

remains a challenge to many countries and hence it is necessary to draft appropriate policies to tackle it. However, policies on their own will not improve the situation. Effective implementation of the plans and the availability of resources, both financial and material, are key to the success of implementing such laws.

The Commonwealth of Australia (2008) mentions that violence against women also constrains development and obstructs women's participation in political, social and economic life. In addition, the Commonwealth of Australia (2008) states that the effects of domestic violence also include escalating costs in health care, social services and policing. Moreover, it also lowers the overall educational attainment and mobility of victims, their children and even the perpetrators of such violence (WHO, 2005). Violence against women has also been found to undermine and limit the achievement of the Millennium Development Goals (MDGs), including those set for poverty, education, child health, maternal mortality, Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and overall sustainable development (UN, 2006).

#### **2.4 Domestic Violence in Zimbabwe**

The Southern African country of Zimbabwe has also been affected by domestic violence. The Zimbabwe Demographic Health Survey (Zimbabwe National Statistics Agency, 2010-2011) paints a gloomy picture of the prevalence of domestic violence. The survey states that one in every three women in Zimbabwe has experienced physical abuse at the hands of their intimate partner, while 30 percent of the women aged 15-49 have experienced physical violence since the age of 15 years (Zimbabwe National Statistics Agency, 2010-2011). In most cases, this violence is perpetrated by current or former husbands or partner. Disturbingly, Musasa (2012) notes that, of the total number of women who had experienced physical or sexual violence, only 37 percent sought help. This suggests that reported numbers of domestic violence cases are still low.

Musasa (2012) revealed that most women were not keen to report cases of domestic violence in Zimbabwe for fear of further reprisals by the extended family. Musasa (2012) also noted that in some cases women were reluctant to report cases of abuse because they still regarded it either as normal or as an acceptable form of discipline. These findings are consistent with other studies done in India and Brazil, where women were also not willing to report cases of domestic violence for a wide range of reasons (Roure, 2009; Visaria, 1999). For instance, Visaria (1999)

noted that women in India were not willing to report cases of domestic abuse because they had no trust in the justice system. Furthermore, women also feared that they would lose financial support if the abuser (almost always the breadwinner) was arrested and imprisoned (Bendall, 2010; Musasa, 2012).

The Zimbabwe Women Lawyers Association (ZWLA) (n.d.), indicates that, although physical and sexual abuse are the most common forms of violence in Zimbabwe, there are also other traditional practices that violate the rights of women. ZWLA (n.d.) in addition states that certain cultural practices, such as forced virginity testing, pledging of girls for the purposes of appeasing avenging spirits, and forced marriages, were still prevalent in Zimbabwe. Distressingly, Musasa (2009) and WHO (2013) state that cases of domestic violence in Zimbabwe seem to be on the increase, despite the existence of the Domestic Violence Act.

Zimbabwe is a signatory to many international and regional conventions that advance the rights of women. These include (CEDAW) (UN, 1979), the Declaration on the Elimination of all Forms of Violence against Women (DEVAW) (UN, 1993), the Beijing Declaration Platform (1995). The country also ratified regional conventions, such as the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, which was adopted by the then Organisation of African Unity in Ethiopia in 1995, and the SADC Maputo Declaration (2008), which set out to further promote the rights of women.

Zimbabwe has moreover implemented several legal policies, such as the Legal Age of Majority Act (1982) (Madhuku, 2010) the Matrimonial Causes Act (1985) (Madhuku, 2010) as well as the National Gender Policy of Zimbabwe (2002). Unquestionably, all these policies were designed to improve the status of women in Zimbabwe. However, the high statistics of domestic violence in Zimbabwe suggest that efforts to eradicate domestic violence still have a long way to go and that the fight against domestic violence cannot be won by simply enacting a law (ZWLA, n.d.). The government also needs to demonstrate political will by providing both financial and material resources. Without the necessary resources, government's apparent commitment to fight domestic violence will remain mere rhetoric.

## **2.5 International and Regional Conventions**

The late 1990s have seen domestic violence drawing much attention both at the international and the regional level (WHO, 2005). WHO (2005) argues that more and more women are being abused, and that the problem was becoming more publicized, rather than being hushed up, as in previous years. Women's movements and organizations have also been instrumental in lobbying for reforms within the legal system. This has often resulted in governments enacting legislation that is meant to curb cases of domestic violence. One of the Conventions that was ratified on the international scene to promote the rights of women was CEDAW (UN, 1979). CEDAW is grounded in the UN's vision of eliminating all forms of discrimination against women, where discrimination is defined as the failure of certain groups of people to benefit from services offered by a country. Thus CEDAW was grounded on the principle of ensuring that both men and women benefited from social services equally. Although the convention does not specifically include domestic violence it does at least call attention to the rights of women and condemn all forms of discrimination against women (WHO, 2005).

A ground-breaking move to condemn violence against women was made in 1993 at the World Conference on Human Rights in Vienna (WHO, 2005). The member states to the UN insisted that the state and local biases in the implementation of CEDAW due to cultural and religious interpretations or reservations be eliminated. This accordingly led to the Declaration on the Elimination of Violence against Women (DEVAW) (UN, 1993), which was adopted by the UN General Assembly in 1993 (UN, 2010). DEVAW (UN, 1993) is regarded as one of the few treaties that directly condemn violence against women. Under DEVAW (UN, 1993), states are also obliged to introduce measures that guarantee the protection of the rights of women by enacting various anti-domestic violence laws. In subsequent conventions, the rights of women were indeed upheld, as is evidenced by such international agreements as the Beijing Platform for Action (1995) and the International Conference on Population and Development (ICPD, 1994), which all reaffirmed the need to protect the rights of women.

At the regional level, the African Union, which was at the time known as the Organisation of African Unity (OAU), also ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa in 1995 (OAU, 1995) . In terms of this protocol, member states are expected to combat all forms of discrimination against women through

appropriate legislative, institutional and other measures (AU, n.d.). These measures include national constitutions and other legislative instruments, which must be based on the principle of equality between women and men, whose effective implementation must be assured. The Maputo Protocol, adopted by the Southern African Development Community (SADC, 2008), encouraged all member states to commit themselves to modifying the social and cultural patterns of contact of women. Implementation was to occur through public education and communication strategies, with a view to eliminating harmful cultural and traditional practices that are based on the idea that either sex is subordinate to the other.

## **2.6 Gender Aspect of Domestic Violence**

The connection between gender and domestic violence has been a contested topic of debate amongst scholars around the world. Researchers do not seem on the percentages of women versus men, girl children versus boy children, who are victims of domestic violence in various countries around the world. WHO (2005) revealed, in most countries, it was predominantly women who were victims of domestic violence: Between 15% and 71% of women who had ever been in relationships, whether casual or marital, reported being on the receiving end of physical or sexual violence, or both, by an intimate partner at some point in their lives (WHO, 2005). The findings seemed to confirm that this was just as prevalent in industrialized or developed countries, as in the developing world (WHO, 2005).

When it comes to the reporting of domestic violence, there are also gender differences. Osirim (2003) and Brown (2004) indicate that men tend to under-report their perpetuation of domestic violence, while women were more likely to under-report their victimization. Osirim (2003) postulates that, the reason why women tend to under-report when their partners are violent towards them, include their financial or familial dependence on the abusive partner. Another reason noted was the tendency to excuse or normalize the partner's violence, and in fact to regard such violence as an indication that the abused partner loved them. Visaria (1999) also noted that, in India, most women were unlikely to report cases of domestic violence perpetrated against them for fear of further harassment by the family and by society. WHO (2005) argues that cultural factors also had a bearing when it comes to reporting. For instance, in societies (Nigeria cited by Ojigho, 2012 and in Zimbabwe cited by Musasa, 2009) where men were

considered to be the head of the house and the family, wife beating was condoned and thus not worth reporting.

The gender aspect of domestic violence has also been investigated by various groups of researchers. Braaf (2013), for instance, discusses two main groups of researchers who have looked at the gender aspects of domestic violence from opposing perspectives. On the one hand, feminist researchers suggested that there was ‘gender asymmetry’ in domestic violence, arguing that women were the primary targets of abuse and that men comprised the majority of perpetrators (Braaf, 2013) On the other hand, family conflict researchers have argued that there is ‘gender symmetry’, in that both women and men experience and perpetrate violence at similar rates (Braaf, 2013).

Feminists and family conflict researchers also seem to differ with regard to how they conceptualise domestic violence. Kimmel (2002) contends that feminist researchers explore the wider dynamics of domestic violence, such as why it occurs, how it manifests and how the victim is ultimately affected. Family conflict researchers, in contrast, seem to have a narrower definition of domestic violence being mainly concerned with numbers, i.e. by measuring the incidents of violence between partners (Kimmel, 2002). According to Braaf (2013), family conflict researchers and feminists also adopt different data collection approaches. Feminist researchers are more interested in qualitative types of research, which are commonly used in clinical studies, while family conflict researchers tend to favour quantitative approaches, relying more on such tools as surveys (Kimmel, 2002). Despite the fundamental differences in their approaches to research the fact remains that more women than men are victims of domestic violence.

## **2.7 The Effects of Domestic Violence on Victims**

Domestic violence, whether inflicted on a female or a male, has undesirable effects on the victim. It has far-reaching physical and psychological consequences, and may even be fatal. In the United States of America and many other countries, domestic violence has been a cause of concern with victims particularly women sustaining serious injuries. The United States Department of Justice (2013) states that 37 percent of all women who sought treatment in emergency rooms were victims of injuries that had been inflicted by current or former partners.

In countries like South Africa, high levels of violence during pregnancy have been reported, and this has often resulted in the death of the mother, the child or both. Suffla et al. (2008) notes that the highest rates of murder by strangulation were in the 20 to 39 year age group and in the over 60 year old population, particularly amongst women of mixed descent. Women who are physically abused during pregnancy are also at risk of developing pregnancy-related complications, such as abortion (WHO, 2005).

Women are not only abused physically, but they are also at times denied control over their reproductive health. The WHO (2005) and the UN (2010) indicate that women who are abused are more susceptible to unplanned or early pregnancies and sexually transmitted diseases, including HIV/AIDS. For instance in Bombay, India, 20% of all of adolescent abortion seekers said that their pregnancies had occurred as a result of forced sex, with 10 percent being from rape (WHO, 2005). According to the United Nations Population Fund (UNPF, n.d.), about 222 million women in developing countries today do not have the means to delay or prevent pregnancies and childbearing. The UN (n.d.) notes that this is in part due to coercion and violence by an intimate partner. WHO (2005), which conducted a country to country study, that included Bangladesh, Tanzania, Peru and Ethiopia among others concluded that women in violent situations were less likely to use any form of contraception, including safer sex practices. Consequently, this exposed them to the risk of contracting sexually transmitted infections and unwanted pregnancies. Cultural practices and gender-based violence have also exacerbated the spread of HIV in many countries (WHO, 2005 & 2006; Food and Agricultural Organization, 2006). All the studies discussed seem to confirm the extent of the effects of domestic violence on the victim and hence the need to curb the scourge.

## **2.8 Summary**

This chapter explored the relevant theoretical frameworks of domestic violence. It is a global problem that exists across all boundaries of race, colour, religion, status, and it is thus crucial to tackle it. Domestic violence has also been seen to have serious effects on the health and general well-being of victims, particularly women and children. In Zimbabwe, it was found that cases of domestic violence were significantly high, although reporting of these cases by the victims were low especially at the police stations. With increased attention on domestic violence, the international community, such as the UN, the AU, and their respective member countries have

taken the initiative to fight the scourge. Treaties such CEDAW (UN, 1979) and DEVAW (UN, 1993) are some of the agreements signed to address the problem of abuse on an international and regional level. However, even though these documents were signed, it does not guarantee their effective implementation – this remains the responsibility of the member states.

The next chapter discusses the research design and the methodology that was adopted in the study.

## **CHAPTER 3: METHODOLOGY**

### **3.1 Introduction**

This chapter will outline the research design, the sampling strategy, the data collection strategy and the data analysis. The chapter will also discuss the pre-testing of the interview schedule, the ethical considerations as well as the data verification. Lastly the chapter will explore the possible limitation of the study.

### **3.2 Research Design**

The study adopted the qualitative approach as it was appropriate for exploring and understanding the perceptions of women regarding the Domestic Violence Act. The qualitative approach allowed the women to speak about their observations and perceptions in relation to the Domestic Violence Act. The choice of a qualitative research design was motivated by the aim and objectives of the study as well as the phenomenon that was investigated. Babbie and Mouton (2011) states that a qualitative approach is appropriate in understanding rather than explain human behavior. The research design was exploratory in nature as the author sought to have a better understanding of the Domestic Violence Act and its contribution to addressing issues of domestic violence. Saunders et al. (2007) argues that exploratory research is useful in giving an in-depth and a better understanding of a problem under study.

Although the study was not about victims of abuse, through women sharing their experiences, the researcher was to get in-depth and detailed information. As a result the study tends to be more detailed and in-depth information is collected. Ellsberg and Heise (2005) note that use of the qualitative approach is also essential as it can help to inform policy or programme development and can be used for monitoring and evaluation.

#### ***3.2.1 Population under study***

The population under study was women activists who were drawn from organizations that advocates for the rights of women. Women activists in this context refers to those individuals who were employed in organizations that advances women's rights in Zimbabwe. The researcher chose this group of women as they were more likely to be aware of the existence of the Act than

ordinary women. The women were also chosen on the basis that they worked for organizations that were actively involved in the lobbying and advocacy for the rights of women especially around the issues of domestic violence. Advocacy is a broad term covering a range of activities that seek to influence policies or bring out systemic social change (The Free Dictionary, n.d). Advocacy also seeks to address the root causes of social and economic problems. Lobbying on the other hand is defined as an attempt to influence specific legislation (The Free Dictionary, n.d). This may involve contacting or urging the public to contact or members to reject a certain policy. Therefore the respondents were chosen on the basis of the organisations that they worked for and the services provided by their organisation.

Besides advocating for the rights of women, the organisations were the respondents were drawn from also provided a wide range of services tailor made to meet the needs of women. The services included counselling, legal services, processing of the protection order forms as well as provision of safe houses. It was with all these characteristics in mind that the researcher concluded these respondents would be able to give an in-depth insight into the subject matter. Information on the women organisations and their contacts was made available by the Women Coalition Zimbabwe (WCoZ). The Women Coalition of Zimbabwe is a network of women rights activists and women's organisations with national structures (WCoZ, n.d). The central role of WCoZ is to provide a focal point for activism on women's and the girl child's rights (WCoZ, n.d)

### **3.2.2 *Sampling Strategy***

The study employed a non-probability and purposive sampling strategy. This type of sampling was influenced by the fact that the researcher wanted the most insightful and relevant information to answer the research questions. Babbie and Mouton (2011) write that in purposive sampling participants are chosen according to pre-selected criteria relevant to a particular research question. In other words the main goal of purposive sampling is to focus on a particular characteristic of a population that is of interest and which will be best able to answer the research questions.

In this study a total of 14 women were recruited as respondents from ten organizations that are involved in pursuing the interests and rights of women in the area of domestic violence and other

forms of violence. Information on the organizations and their contacts was made available by WCoZ. The respondents were chosen from ten organizations. It was the assertion of the researcher that the sample size was a manageable and representative of the population under study. The sample size was influenced by the aim of the study which was to gain an in-depth of the phenomena rather than to generalize the findings. Creswell (2007) notes that in qualitative research the sample size ought not to be too large such that it becomes demanding to extract data. Data extraction is defined as the act or process of retrieving data out of generally unstructured or poorly structured sources for further processing or storage (De Vos, 2002). Creswell (2007) correspondingly explains the sample size in qualitative research should not be too small either to achieve data saturation. Creswell (2007) defines data saturation as the point where no new data or themes will emerge in data collection and analysis in qualitative research. In this occurrence the study was purely for academic purposes. It was for this purpose that the researcher felt the sample size of fourteen respondents was appropriate considering that the aim of the study was not to compare, but to engage in a deeper analysis of the subject matter which is domestic violence.

### ***3.2.3 Sampling criteria***

The respondents were chosen based on the following criteria;

- They should have been working for Non-Governmental Organizations (NGOs) that advocates for the rights of women and the girl child.
- Working for organizations that were located in Harare, area of study.
- The women should also have worked in the respective organizations for a minimum of two years.

Using the above sampling criteria it was the assumption of the researcher that the respondents were going to provide responses that were insightful. Creswell (2007) argues that in any research it is important that the respondents should be selected on their ability to provide the most credible information.

### ***3.2.4 Data collection strategy***

Data was collected using face-to-face interviews and a total of 14 respondents took part in the study. De Vos (2002) describes an interview as a conversation with a purpose between the

researcher and the respondent. De Vos (2002) reiterates that in qualitative interviews, the conversation gives an insight into what the respondent regards as important and relevant to the area under study. Thus in this study the interview was chosen as it provided the researcher with a detailed and in-depth information of the subject matter. An interviews schedule (see appendix A) was used as guide. According to De Vos (2002) an interview schedule is a set of questions to be covered in the interview which acts as a guide to the researcher. The schedule had all the questions clearly stated and consequently this allowed the researcher to remain focused De Vos (2002) argues that interviews are ideal as they give more room for issues to be explored. De Vos (2002) similarly notes that the approach is more flexible compared to structured interviews. Face-to-face interviews also allow for the discovery or elaboration of information that may be important to the respondent though not previously thought of by the researcher.

### ***3.2.5 Data collection tool***

An interview schedule was used in the study as a data collection strategy. Creswell (2007) states that an interview schedule is an instrument that is used to gather data for a specific study. Creswell (2007) further notes that the interview schedule asks for and obtains all the information required for the given study. Thus in the study the interview schedule acted as a guide to the researcher to ensure relevant questions that were in line with the research objectives were asked. In this study in as much as the researcher had an interview schedule, there was flexibility in the way the interview was conducted. The interview was permissible to take the direction in which the interviewee felt but also making sure not to lose of track of the critical issues. All the questions that were asked were similar and the wording was almost the same from interviewee to interviewee to ensure credibility.

### **3.3 Gaining Access**

Gaining accessing to the organizations was not easy for the researcher. It took the researcher over three months to negotiate entry into the organizations. The researcher also noted that some organizations were more accommodative than other others. Some organisations even suggested to the researcher to change the data collection tool from interviews to questionnaires as they felt the former was time consuming. However since the aim of the study was to gain an in-depth insight into the study focus matter, the data collection tool had to be maintained. The challenges

that the researcher encountered to gain access are not unique to this study alone. Patton (2002) as well as Shenton and Hayter (2004) maintains that gaining access into organisation for researchers is not easy. Patton (2002), Shenton and Hayter (2004) further attributes the failure by the researchers to fully explain the aim and goals of the research to the management as one of the reasons why it tends to be difficult to gain access in organisations. Permission to recruit respondents in this study was done through the formal way in which the researcher sent letters of request (see appendix B) to the different organisations. The letters sent to the different organisations gave a brief background of the study and the overall aim of the study. In the letter ethical issues were also unequivocally emphasised.

Follow ups to the written letters was done through telephone calls and visits to the organisations. In order to gain the trust of the respondents and also to add value to the study, meetings were also arranged with management and at times with employees. It was during these meetings that the researcher took the opportunity to fully explain to the management the aim and objectives of the study as well as some ethical issues. Most of the organisations were able to buy in the idea of the research after the meetings were done. Thus the researcher also used the whole process of gaining entry to also build a good rapport with the respondents as expected in interviews.

### **3.4 The Interview Process**

All the interviews were conducted at the work places of the respondents in their respective offices and on average each interview lasted between 30 to 45 minutes. All the respondents preferred to have the interviews in their offices which they felt had privacy and were more secured. Green and Thorogood (2004) highlight the importance of creating an ideal environment that would ensure that there is a smooth flow of information from the interviewer to the respondent. Thus in this case the researcher ensured that the privacy and the security of the respondents were guaranteed in line with ethical considerations.

Before the start of each interview, the researcher revisited the overall aim of the study as well as the objectives. In addition the respondents were also made aware of the probable duration of the interviews. In the process it was also explained to the respondents that they were free to withdraw from the interview at any stage if they felt uncomfortable. This was in line with ethical

consideration of voluntary participation. Another critical issue that the researcher made known to the respondents was the fact that they were free to have access to the findings of the study.

In the interviews questions were structured from simple to more complex. Use of simple questions at the beginning helped in putting the respondents at ease. The researcher also used open ended questions that allowed for detailed feedback from the respondents and further probing. Probing is a technique used in interviews to stimulate the respondent to produce more information (Bernard, 1995). Use of leading questions was avoided in the interviews since this could have restricted the respondents from expressing their own views and experiences. According to Herman & Bentley (1993) leading questions are phrased to suggest a particular answer or to imply that one answer is expected or more correct.

Measures were also taken to ensure that the language that was used during the interviews was sensitive and structured in way that would not cause discomfort to the respondents. Most of the respondents preferred to have the interviews in the English language, though they were free to use the local language. To ensure the flow of the interviews, the researcher used Creswell's (2007) approach of reconstructing questions so that they were clearly assembled in a manner that would reduce misunderstanding. By so doing the researcher was able to extract the information that was needed in the interview. The researcher also used the technique of asking one question at a time to avoid confusing the respondents and also to ensure that the answers given were effective. In all the interviews the researcher made use of the listening technique and demonstrated interest in what the respondents said by maintaining eye contact.

In as much as the researcher allowed the respondents to do most of the talking, control of the interview was maintained in terms of time management and content. At the end of each interview ethical issues were revisited and the respondents were thanked for their time. The researcher also took time to assure the respondent that the information collected was going to be kept in a safe place. Before winding up the interview the respondents were given an opportunity to bring up issues that they considered to be pertinent regarding the study.

### ***3.4.1 Recording tool***

During the interviews a tape recorder was also used to ensure that all the information was captured from the respondents. De Vos (2002) advises researcher who use interviews as a data

collection strategy to also use a tape recorder. De Vos (2002) adds that a tape recorder allows fuller recording than note taking and it also enables the researcher to pay maximum attention to the respondent. However on the other hand the use of a tape recorder can also raise suspicion amongst the respondents. In line with ethical considerations, consent was sought from the respondents to record the interviews. The respondents were assured that once the transcribing of the data was completed, the collected information would be destroyed. The tape recorder was also tested before the commencement of every interview to make sure it was working. McNamara (2009) advises that the researcher should check to see that the tape is working beforehand and should also seek consent of the respondent.

The researcher also clarified to the respondents that the collected data would solely be used for the purposes of academic. Subsequently the only person that would have access to the information would be the supervisor. In a nutshell the researcher noted that the use of the tape recorder had some advantages. It allowed the flow of the interview and all the information was captured unlike in note taking. Equally important with the use of the tape recorder was the fact that it made probing easier. By and large it was not cumbersome to transfer the recorded information from the tape to the paper and therefore making transcribing much easier.

### **3.5 Data Analysis**

Data analysis is the process of reducing large amounts of collected data to make sense (Bernard 1995). Patton (2002) indicates that there are three things that occur during analysis; the data is organized, the data is reduced through summarization and categorization. Lastly patterns and themes in the data are identified and linked. Thus in this study data was analyzed using Techs' coding approach as outlined in De Vos (2002). The data was analyzed in the following manner;

- Data was first transferred from the tape to the paper.
- After transcribing I started reading through all the interviews that had been transcribed and choosing the most appropriate and comprehensive interviews that formed the baseline for my work.
- I then started taking note of interesting ideas or issues that were raised frequently by the respondents, or even the points that were stressed during the interviews and made notes.

- I then grouped the data together to come up with themes and categories that I felt were answered my research objectives
- I repeated the above process with all the transcripts I until I felt there was no more new information coming.
- I then further grouped the themes into sub themes and this formed the basis from which the analysis was developed from.
- The main themes were named using the research objectives. On the other hand the sub themes that were developed also provided a great deal of data.

### **3.6 Pre-Test**

Before going into the field, the interview schedule was tested to make sure that the schedule was appropriate for the study. Ulin (2002) and Kvale (2007) asserts that it is important to pre-test the interview schedule as this assists in determining flaws, limitations or other weaknesses within the study. Ulin (2002) and Kvale (2007) accordingly note the pre-test allows for necessary adjustments to be made before the actual study. Thus in order to test the appropriateness of the instrument, the interview schedule was tested on a group of women who had similar work experience, and or exposure to issues affecting women. Kvale (2007) maintains that a pre-test should be conducted with participants that have similar interests as those that will participate in the study to be implemented. Prior to the pre-test all the ethical considerations were taken into account and it was explained to the respondents that the main aim was to test the schedule for appropriateness. After pre-testing the interview schedule, areas that needed some adjustments were discussed with the researcher's supervisor.

### **3.7 Ethical Considerations**

The term ethics denotes the preferences that influence behavior in human relations as well as the code of conduct that is expected of any profession (De Vos et al 2011). This sub-section discusses ethical issues that were considered in this study and these included: informed consent, voluntary participation, anonymity and confidentiality.

#### **3.7.1 *Informed consent***

Informed consent entails that the respondents in the research should be well briefed about what the research will be about before they can make a decision to participate. De Vos (2002) notes

that the respondents in any study need to be told fully what the research is all about and what they can expect from it before they commit themselves. In this study consent of the respondents was sought by fully explaining and meaningfully to the respondents the overall aim and objectives of the study. In addition the research procedure as outlined in the section of the methodology was also brought to the attention of the respondents. The researcher also explained to the respondents how the information was going to be disseminated.

Pre-visits to the different organizations were also used as a means of gaining consent of both the management and the junior staff to participate in the study. During the visits, the researcher undertook to explain what the study entails, the overall aim as well as the objectives. It was also during the pre-visits meetings that the researcher was able to meet with the management of the respective organizations and this made it easier to get their support. The researcher also sent in formal letters to the different organizations seeking permission to recruit respondents for the study (See appendix C). In all the interviews, consent to proceed with the process was granted by the respondents verbally.

### ***3.7.2 Voluntary participation***

Participation in the research was voluntary as the researcher explained to the prospective respondents during the pre-visit that they were not obliged to participate. The issue of voluntary participation was revisited in and each interview that was conducted. The participants also were informed before, during and after the interviews that they could withdraw their participation at any point. Babbie and Mouton (2011) highlights the importance of respondents not be forced to take part in any study and instead it should be voluntary. Thus Kvale (2007) notes that participants who take part in a study willingly are most likely to provide information that is credible.

### ***3.7.3 Anonymity***

Christians (2000) defines anonymity as the process of not disclosing the identity of a respondent, or the author of a particular view or opinion in a research. Christians (2000) in addition states that it is not just about the individual's name that defines his or her identity but also his gender and place of residence. In this study the identity of the respondents and their organizations were not revealed anywhere in the report. In order to protect the identity of the respondents, numbers

were used as opposed to names during the interviews. The respondents were also assured that the collected data was going to be kept in a safe place and would only be used for academic purposes. The recorded interviews were also erased after the data had been transcribed to protect the anonymity of the respondents.

#### **3.7.4 Confidentiality**

Kvale (2007) defines confidentiality as the process of not disclosing to other parties opinion or information gathered in the research process. Kvale (2007) maintains that confidentiality is essential for the building of trust between the researcher and the participant. It also gives integrity to the study. During the interviews the researcher assured the respondent that the information collected was not going to be shared with anyone including their immediate supervisor or manager. As a result the information that was collected in this study was only shared with the author's supervisor for academic purposes. By so doing the researcher was able to gain the trust of the respondent and this also added to credibility to the study. The findings of the study will be made available to the respondents upon request.

There were a number of limitations that the researcher encountered in conducting the research and these are discussed below.

### **3.8 Limitations and Challenges of the Study**

This sub-section will discuss some of limitations and challenges that were encountered while carrying out the study and these include the gender of the researcher, the research design, gaining access and the interview process.

#### **3.8.1 Gender of the researcher**

Domestic violence is a sensitive topic and hence the need to be considerate when dealing with the subject matter. When the researcher went into the field there was a possibility that his gender was going to influence how the respondents were going to accommodate him. Considering that the majority of perpetrators of domestic violence are men, there was a possibility that some of the respondents were not going to be comfortable talking to a male figure about domestic violence. Beel (2013) observed that at times it can be difficult and traumatic for women to discuss issues of domestic violence with a male researcher especially if they are in an abusive

relationship. As a result Beel (2013) stresses that it is important for the researcher or counsellor to recognize the diversity of women and their experiences when dealing with domestic violence.

In order to deal with this anticipated challenge, the researcher took advantage of the pre-visits to enlighten the potential respondents on what the study was all about. The author also explained to each and every respondent during the interview that the research was purely for academic purposes. The author made it clear to the respondents that the reason for embarking on this study was also motivated by the interest the author has in gender studies. Accordingly on the other hand it was made clear to the respondents that the motive for undertaking the study was to initiate a discussion around domestic violence that may bring about positive change especially in policy issues. The ability of the researcher to effectively communicate with both the management and the other staff at the different organizations made it possible for him to garner their support and overcome the challenge of gender difference with the respondents.

### ***3.8.2 Research design***

Qualitative research as an approach also has its own limitations. De Vos (2002) states in as much as qualitative research has gained some acceptance as an approach, it also has its limitations such as the lack of generalization of the findings. Generalization according to De Vos (2002) refers to the applicability of the research findings to the general population. However it is important to note that the main objective of this study was not to generalize, but rather to gain an in-depth sight of the perceptions of women regarding the Act. It was meant to give a platform to women as the majority of the victims of domestic violence to express their views and experiences. From the interviews with the respondents a number of issues came up and these included the strengths and the weaknesses as well as a general view on how the Act is being implemented. The findings of the study though expressed at a micro level reflected the opinions of women as the majority of the victims of domestic violence.

### ***3.8.3 Gaining access***

Gaining access into some of the organizations was not easy for the researcher as some of the potential respondents were worried about the data collection strategy. Most of the potential respondents expressed that interviews were time consuming and hence they could not participate in the study. To address this challenge the researcher explained fully and meaningfully the

overall aim and objectives of the study. The expected duration of the interviews were also highlighted while at the same time emphasizing ethical consideration. The potential respondents were made aware that participation was voluntary and that they were free to withdraw their participation at any stage of the study. The repeated follow-up visits and the telephone calls also played a part in gaining the support of the potential respondents to take participate in the study.

#### ***3.8.4 Sample size***

The initial plan was to recruit twenty respondents for the study from each organization, one from the management and another one from the field staff. However this was not possible as at times the field workers would not be available despite making an appointment with the researcher. As a result the researcher ended up interviewing respondents from the management side as these were readily available. A total of 14 respondents were interviewed though the initial plan was to get 20 respondents. However it is important to note that the total number of respondents interviewed did not affect the study as those who participated were able to give in-depth and detailed information.

### **3.9 Data Verification**

Data verification is important in any research. Dependability, credibility and conformability are some of the standards that are used in qualitative research to verify data and ensure trustworthiness. Each one of these is discussed in greater detail below.

#### ***3.9.1 Credibility of study***

Credibility according to Shenton and Hayter (2004) refers to the ability of a study to measure what it is intended for or the findings to be congruent with the phenomena under study. In this study the research used research design, data collection strategy and data analysis, all which are in compliance with what other scholars in qualitative research recommend. Lincoln and Guba (1985) postulate that in order to add credibility of one's study, there is a need to use data collection strategies and analysis that has proved to be successful in other studies. In the data analysis, the researcher used the coding system, a popular approach in qualitative research. Yardley (2008) supports the use of the coding system as one of the most effective ways of analysing data in qualitative research. Credibility in the study was also ensured through the use

of respondents who had voluntarily participated in the research. The respondents participated in the study without any coercion and were free to withdraw at any stage.

### ***3.9.2 Dependability of study***

Dependability is described by Shenton and Hayter (2004) as the ability of a study to produce the same results if repeated in the same context with the same methods and with the same respondents. In order to address the dependability issue more directly, Lincoln and Guba (1985) stresses that the study should be reported in detail. Further all the steps taken to carry out the research should be well outlined so as to enable a future researcher to repeat the same study and yield the same results. In this study the objectives were well outlined and easy to conceptualise. The section on the methodology gave a detailed background of the research design, the population of study; the data collection strategy and how the data was analyzed.

### ***3.9.3 Conformability***

Patton (2002) defines conformability as concerned with objectivity in science. Patton (2002) describes objectivity in qualitative research as the ability to ensure that the findings of the study are a result of the experiences and ideas of the informants rather than the characteristics and preferences of the researcher. In this study measures were taken to ensure objectivity through the use of the interview as a data collection strategy. The use of the interview gave the respondents enough room to express their views and interpret their feelings without the influence of the researcher. The interview process was also a partnership with the researcher and the respondent assuming a symmetry relationship. Using the technique of probing and seeking clarification throughout the interviews, the researcher was able to gather research data from the perception of the respondents.

### **3.10 Conclusion**

This section discussed the methodology, the research design, ethical considerations such as informed consent, confidentiality, voluntary participation and anonymity as well as the pre-test of the interview schedule. Limitations and challenges that were encountered by the researcher before and during data collection were also deliberated. In discussion the three data verification

principles such as the dependability, credibility and conformability of the study were also explored.

The next chapter presents the research data.

## CHAPTER 4: PRESENTATION AND DISCUSSION OF FINDINGS

### 4.1 Introduction

This chapter presents the findings of the study, which was conducted in Harare, Zimbabwe. The overall aim of the study, as indicated in the introductory chapter, was to explore the perceptions of women activists in Zimbabwe regarding the Domestic Violence Act of Zimbabwe (2007). In this chapter, therefore, a profile of the respondents will be provided, followed by a presentation of the major themes, which have been derived from the research objectives. The themes developed will assist in facilitating an in-depth discussion of the research data. Lastly, it needs to be noted that all the respondents were female.

### 4.2 Profile of the Respondents

Table below sets out the particular services provided by the organizations that participated in the study. It also lists the respondents' occupations and their years of experience in their current jobs at that organization.

**Table 1: Profile of organizations and respondents**

<b>Respondent</b>	<b>Services provided by the respondents' organization</b>	<b>Occupation</b>	<b>Years of practice</b>
1	Paralegal services	Lawyer	3
2	Paralegal services	Lawyer	2
3	Counselling	Social worker	3
4	Counselling	Social worker	3
5	Research centre on women's rights	Lawyer	3
6	Counselling on domestic violence	Lawyer	2
7	Rights for disabled women	Chairperson	4

8	Resource centre for women's rights	Director (Lawyer)	4
9	Paralegal	Lawyer	3
10	Paralegal	Lawyer	2
11	Counselling	Teacher	3
12	Counselling	Lawyer	3
13	Counselling	Lawyer	3
14	Counselling	Social worker	3

In the following sub-sections, we will look more closely at the information summarized in Table 1 above, namely, the occupations of the respondents, their years of experience or practice in their current positions, and the services rendered by the various organizations

#### ***4.2.1 Occupation of the respondents***

- The lawyers constituted the highest number of the respondents (8 out of 14).
- Social workers also comprised a significant number of the respondents (3 out of 14).
- There was only one teacher in the group (1 out of 14).
- The other two were a director (lawyer) and a chairperson who was not at liberty to disclose her profession.

As legal issues are important in protecting women's rights, it thus explains why most of the respondents were lawyers Social workers similarly play a critical role in the provision of psycho-social support, and hence their number amongst the respondents was relatively high too.

#### ***4.2.2 Years of practice***

- Two (2 out of 14) respondents had the highest number of years of working experience, viz. 4 years, and were in senior positions.
- Most of the respondents (9 out of 14) had three years of working experience at their respective organizations.
- The remaining three respondents (3 out of 14) had worked for their organizations for only two years.

As most of the respondents had more than 2 years of working experience, it was felt that this was sufficient for them to be able to offer in-depth insights into the study area.

#### ***4.2.3 Services provided by the respondents' organization***

- Half of the respondents (7 out of 14) worked for organizations that provided counselling services to women victims of domestic violence.
- Just over a quarter (4 out of 14) of the respondents worked for organizations that provided paralegal services to women and girls.
- Just under a quarter of the respondents (3 out of 14) were distributed among different types of centres, viz. a resource centre, a research-based centre and an organization that advocated for the rights of disabled women.

The services provided by the respondents' organizations were mainly counselling and paralegal advice with regard to domestic violence issues. The respondents were thus likely to be able to provide rich information in this study focus area.

### **4.3 Discussion of the Research Data**

The overall aim of the study was to explore the perceptions of women activists regarding the Domestic Violence Act (2007) in Zimbabwe, referred to as the Act herein. Fourteen women activists were thus interviewed to determine their perceptions on the following:

- The strengths of the Act;
- The weaknesses of the Act;
- The challenges with regard to the implementation of the Act; and
- Their recommendations, if any, with regard to the changes that they would want to be made to the Act.

The findings will be discussed in relation to the themes and sub-themes as they emerged from the data analysis. Table 2 below presents the framework of the research data analysis.

**Table 2: Framework for research data analysis**

<b>Themes</b>	<b>Sub-themes</b>	<b>Categories</b>
<b>4.4 Respondents' Perceptions on the Strengths of the Act</b>	<i>4.4.1 Criminalization of domestic violence</i>	
	<i>4.4.2 An increase in reported cases of domestic violence</i>	
	<i>4.4.3 Act defends women against the violation of their human rights</i>	
	<i>4.4.4 Forms of domestic violence well defined by the Act</i>	<ul style="list-style-type: none"> <li>• Enforced marriage unlawful</li> <li>• Pledging of girls criminalized</li> <li>• Forced virginity tests made unlawful</li> </ul>
	<i>4.4.5 Perceived additional benefits of the Act</i>	<ul style="list-style-type: none"> <li>• Enforced arrest as advantage to victim</li> <li>• Reporting of domestic abuse by a third party</li> </ul>
<b>4.5 Respondents' Perceptions on the Weaknesses of the Act</b>	<i>4.5.1 Lack of a clear monitoring and evaluation strategy</i>	
	<i>4.5.2 Traditional leaders'</i>	

	<i>role not well defined</i>	
<b>4.6 Respondents' Perceptions on the Implementation of the Act</b>	<b>4.6.1 Respondents' roles in terms of the Act</b>	<ul style="list-style-type: none"> <li>• Counselling services</li> <li>• Processing of protection order</li> <li>• Public responsiveness campaigns</li> </ul>
	<b>4.6.2 Challenges of implementing the Act</b>	<ul style="list-style-type: none"> <li>• Inadequate financial resources</li> <li>• Limited counselling services</li> </ul>
	<b>4.6.3 Lack of political will</b>	<ul style="list-style-type: none"> <li>• Limited safe houses</li> <li>• Non-availability of protection order forms</li> </ul>
	<b>4.6.4 Challenges of the English language</b>	
	<b>4.6.5 Lack of awareness about the Act</b>	
	<b>4.6.6 Unfair police conduct</b>	
	<b>4.6.7 Ineffective judiciary system</b>	

	<p><b>4.6.8 Under-resourced Anti-Domestic Violence Council</b></p>	<ul style="list-style-type: none"> <li>• Restricted working space for the Anti-Domestic Violence Council</li> <li>• Limited financial resources for the Anti-Domestic Violence Council</li> </ul>
	<p><b>4.6.9 Exclusion of disabled people</b></p>	<ul style="list-style-type: none"> <li>• Difficulties in accessing police stations and courts buildings</li> <li>• Language barrier</li> <li>• Unsuitable safe houses for the disabled people.</li> </ul>
<p><b>4.7. Proposed Recommendations by the Respondents with regard to the Act and its Implementation</b></p>	<p><b>4.7.1 Support for the Anti-Domestic Violence Council</b></p> <p><b>4.7.2 Need for monitoring and evaluation strategy</b></p> <p><b>4.7.3 Recommendations to policy makers</b></p>	<ul style="list-style-type: none"> <li>• Alignment of Act with the Constitution of Zimbabwe</li> <li>• Support for Ministry of Women’s Affairs</li> </ul>

**4.4 Respondents’ Perceptions on the Strengths of the Act**

The respondents mentioned a number of issues that they considered as the strengths of the Act. These included the *criminalization of domestic violence, the increase in reported cases of domestic violence*; the fact that the Act condemns the violation of women’s rights and *defends the women against the violation of their rights* and the fact that *forms of domestic violence were well-defined*. Other important issues that were perceived by the respondents as benefiting victims of domestic violence included the *forced police arrest of perpetrators* of violence and the use of *third parties to report cases of violence*. These sub-themes will be discussed in detail below.

#### **4.4.1 Criminalization of domestic violence**

Most of the respondents remarked that, for a long time, the country did not have a law that made domestic violence a criminal offence and hence the passing of the law was good news for women. The respondents felt that the Act would go a long way in the fight against domestic violence. Most of the respondents also expressed the view that women activists and organizations played a significant role in influencing the government to draft such laws, as reflected in the following statement:

*“...for twenty-seven years we didn't have a law that would recognize domestic violence particularly against women...the lobbying and pushing by women activists as well as different organizations forced the government to criminalize domestic violence.”*  
(Respondent 1)

The sentiments of Respondent 1 were echoed by Respondent 7 who said that:

*“...It is good that we now have a law that makes violence in the home a criminal offence; we fully support the law...”* (Respondent 7)

Conversely, one of the respondents expressed dissatisfaction at how long it took for domestic violence to be made a criminal offence:

*“... Although it took us long to have a law that criminalizes domestic violence, I am happy that at least we now have something as women...”* (Respondent 3)

The fact that there had previously been no law that criminalized domestic violence meant that cases of abuse were only treated under other criminal offences. This meant that domestic violence was not given the necessary attention; more importantly, it meant that the law enforcement agencies and the judiciary were not obliged to give cases of domestic violence much attention. However, once it had been criminalized in terms of the law, victims of domestic violence could now officially report their cases to the authorities, and they would be more likely to receive the appropriate help from the police and other law enforcement agents.

It emerged from the interviews that the Act only came into effect after women's organizations and other human rights groups had lobbied vigorously for a long time, pressurizing the government to take cognizance of the fact that domestic violence needed to be given speedy

attention. This concerted pressure from women's organizations does, however, demonstrate the utility of collective action in bringing about change. In addition, with the presence of the law on domestic violence, the government can be held accountable in the event that the justice system fails to help its victims. For instance, in India and Nigeria, studies show that the individual governments were influenced to some extent by women activists and organizations to criminalize domestic violence (Ojigho, 2012; Visaria, 1999). In countries like Brazil, women also forced the government to institute police stations specifically for women that would deal with cases of domestic violence (Roure, 2009).

However, notwithstanding the above, merely having a law that criminalizes domestic violence is one thing but making the law work is another issue. In as much as Zimbabwe does have a law that criminalizes domestic violence, what matters is how the Act is being implemented. The WHO (2005) argues that many countries, particularly in the developing world, have been applauded for executing progressive laws on domestic violence. However, their implementation has left much to be desired. The WHO (2005) further notes that a lack of political will and limited monitoring and evaluation strategies have often contributed to the failure by many governments to implement laws on domestic violence effectively.

#### ***4.4.2 An increase in reported cases of domestic violence***

Most of the respondents stated that, since the enactment of the Act, there has been a distinct increase in the number of cases of domestic violence reported to the courts and the police. The respondents attributed this upsurge to awareness programmes, which had educated and made people aware of the existence of the Act:

*"...of late there has been a sudden increase in the number of reported cases of domestic violence both at the courts and at the police after the enactment of the Act..."*  
(Respondent 7)

*"...I think more and more victims of domestic violence especially women are coming forward to report cases of domestic violence; maybe people are now aware of the Act..."*  
(Respondent 10)

*"... There seems to be an increase in the number of women coming to report cases of domestic violence and that's encouraging..."* (Respondent 8)

*“...statistics seem to indicate that more and more women are forthcoming to report cases of domestic violence and this is interesting...”* (Respondent 12)

The respondents attributed the sudden increase in the numbers of reported cases to an increase in awareness programmes. Two respondents also felt that the escalation could be attributed to the value-added record-keeping of the police and to information collected by NGOs that work with women. Increased awareness makes it easier for victims of domestic violence to access services in the event of abuse. Although the increase in reported cases was perceived by the respondents as a positive development, most of the respondents also acknowledged that there are still many women, who are victims of domestic violence and abuse, who are still not aware of the existence of the Act:

*“...It’s a positive thing that many victims are coming forward to report cases of domestic violence, but still a large number of women are not aware of this Act...”* (Respondent 3)

*“...yes, there is an increase in reported cases, but I still feel a lot of women out there are not aware of this Act, especially in the rural areas...”* (Respondent 5)

Two respondents, however, expressed the view that the increase in the number of reported cases could also be attributed to better data collection and better record-keeping:

*“... I think the police and the courts are now recording and keeping documentation of reported cases, unlike in the past and hence the figures are now readily available...”*  
(Respondent 6)

*“... with the Act compelling the police and the judiciary to keep the records of reported cases, I would not be surprised why there seems to be an increase in reported cases of domestic violence...”* (Respondent 5)

These statements seem to indicate that cases of domestic violence were not necessarily increasing, but that cases were increasingly being *reported*, and that the police and the courts were now keeping more accurate records. This meant that more accurate figures of the problem were more readily available. Roure (2009) states that in countries like Brazil the enactment of the law on domestic violence compelled the police and the courts to keep records of reported cases of domestic violence. Roure (2009) forthwith notes that this contributed to the information on

domestic violence to be readily available whenever it was needed. The ability to access accurate information in this regard was thus a reflection of improved efficiency on the part of the police and the judiciary when it comes to record keeping. Non-Governmental Organizations (NGOs) similarly appeared to be playing a vital role in providing accurate statistics on reported cases of domestic violence. The availability of such statistics in turn means that the state and other actors are better equipped to create and improve intervention programmes on domestic violence.

#### ***4.4.3 Act defends women against the violation of their human rights***

All the respondents emphasized that domestic violence was a violation of human rights and that it was important that the Act was protecting the rights of the victims:

*“... domestic violence is a gross violation of one’s human rights and so to me the Act seeks to protect those rights...”* (Respondent 8)

*“... Domestic violence is a gross violation of one’s fundamental human rights and as such the Domestic Violence Act is one instrument that can actually protect the rights of women from being violated, especially by men...”* (Respondent 7)

*“... The Domestic Violence Act protects the rights of the victims from being violated...”*  
(Respondent 3)

*“...At least the Domestic Violence Act acknowledges that we have rights as women, [and] that [we] should be protected from all forms of violence against women...”*  
(Respondent 4)

It is clear from the above statements, that the respondents regard domestic violence as a violation of one’s human rights and that they feel that women, as the majority of victims of domestic violence, should be protected. It is crucial to note, however, that merely having a law is not sufficient. The law needs to be supported by a strong political will to succeed. Visaria (1999) points out that, at the international level, the UN and other bodies have strongly condemned domestic violence as a violation of women’s rights in particular.

#### **4.4.4 Forms of domestic violence well defined by the Act**

Most of the respondents felt that the enactment of a law that criminalized domestic violence was a step in the right direction; they were also grateful that the different forms of domestic violence were well defined in the legislation. Traditional practices, such *forced marriage*, *pledging of the girl child as payment* for avenging spirits and *forced virginity testing* were all regarded as expressions of domestic violence, and they welcomed this. Each of these sub-themes is discussed in detail below.

- **Enforced marriage unlawful**

Most of the respondents were grateful that *forced marriage* under the Act was also regarded as a criminal offence. They felt that girl children should not be forced into marriage, as this violated their right:

*“...I am happy with the Act, the girl child should not be forced into marriage; it’s a violation of her rights...”* (Respondent 2)

*“...our culture is so unfair at times, it allows a young girl to be forced into marriage...I am happy with this law because it puts that to an end...”* (Respondent 8)

*“...I find the Act to be so progressive since it prohibits some cultural and religious practices such as forced marriages, which are common in some churches...”*  
(Respondent 6)

The respondents’ statements as reflected above seem to indicate that forced marriages are common in Zimbabwe, and that it is common amongst some cultures and religions to force a girl child to enter into a marriage. In this instance it not so much that the girl is not prepared for marriage but can be forced to marry someone whom she does not know, or love, or who could be far older than her. In some circumstances there is a possibility that the girl maybe too young to get married. As indicated by the Zimbabwe Women Lawyers Association (ZWLA, n.d.), in some cases, the family of a girl child was prepared to give her up for marriage in return for receiving financial and material gains from the man, who is usually much older. In such a scenario, the girl child is denied the right to receive an education and to create a better future for herself, as it is likely that she will be taken out of school in order to get married. Not only is the girl deprived of

the opportunity to receive an education, but she is also denied the right to choose whom to marry and when to have children.

Although forced marriage may be construed as part of one's culture, it is also important to note that, in most cases, there is also the gender aspect of this practice, with most forced marriages affecting girl children, rather than boy children (ZWLA, n.d.). In effect, it is all about the control and the marginalization of the girl child by a patriarchal society. Forced marriages also increase the possibilities of an early pregnancy, which has negative health implications for girl children too (WHO, 2005).

- **Pledging of girls criminalized**

Another cultural practice that most of the respondents indicated was unfair and that they were happy that, under the Act, it was now regarded as a criminal offence was the pledging of the girl child as a form of payment. The following were the sentiments expressed by the respondents:

*“...I feel us as women are short changed if someone commits murder; you are given up as compensation to the bereaved family; that's not fair.... So the Act comes at a right time to stop such practices...”* (Respondent 7)

*“... The Act is a positive thing for me as it criminalizes some of these practices that infringe on the rights of women, especially the girl child...”* (Respondent 8)

*“... I fully support the government for coming up with such a law which makes it a crime, kuripa ngozi, (pledging of the girl child as a way of appeasing the avenging spirit)...”* (Respondent 3)

From the sentiments of the respondents, there seems to be a link between forced marriage and the pledging of the girl child. In both situations, it is the girl child who is the victim. The fact that the girl is given up to another family in 'payment' or 'as compensation' means that the girl loses her independence and becomes part of a system of which she may not approve. It is important to note that, as in forced marriage, the pledging of the girl child is done without her consent. The criminalization of such cultural practices in the legislation can ensure that the rights of the girl child are protected.

Osirim (2003) and Ojigho (2012) observed that the practice of pledging the girl child seems to be prevalent in most African countries. To some extent, this may explain why most of these countries have condemned some of the cultural practices that violate the rights of women in their laws against domestic violence. Osirim (2003) and Ojigho (2012) further explain that by putting in place laws that criminalize such cultural acts, governments can protect the rights of its citizens, especially girl children and women. However, in enacting laws that prohibit some of the traditional customs, the government may fall out of favour with traditional leaders, who may feel that they are the custodians of such cultures, traditions and customs. Considering that such practices are usually profoundly entrenched in people's lives, it may take a while before the different groups are willing to accept that their practices are a violation of women's rights and that they should thus desist from engaging in such practices (Visaria, 1999).

- **Forced virginity tests made unlawful**

Most of the respondents expressed appreciation for the fact that the Act made it a criminal offence to perform a forced virginity test on a girl child:

*"... Forced virginity tests amongst girls are a common feature here and it is often done without their consent; to me it's a violation of their rights and, yes, the government is right, it's a crime..."* (Respondent 3)

*"...I don't understand really why girls have to undergo virginity tests against their will, it's not fair. I am happy that at least there is a law that prohibits the practice..."* (Respondent 7)

The practice of virginity testing is not just a violation of the girl's human rights, but it also makes them lose their dignity, especially if a girl is found to be no longer a virgin (ZWLA, n.d.). As a result, the respondents believe that the law does not only protect the rights of the girl child, but also her dignity and self-esteem:

*"... I feel the virginity test comes with embarrassment if one is found to be not a virgin, so yes, I applaud the Act on domestic violence, as it protects the girls from humiliation and loss of dignity..."* (Respondent 8)

The above response indicates that women were not happy with the forced virginity test as a traditional practice. The respondents regarded it as a violation of one's rights and that it thus ought to be stopped. Moreover, virginity testing is sex-biased as only the girl child is tested; this practice brings humiliation to the female child, as her sexuality becomes a subject of discussion. Ironically, the men are not subjected to the same treatment, thus suggesting that it is acceptable for them to have sexual contact outside and before marriage, while it is not acceptable for the girl child to do so. The practice is thus seen as sexist, perpetuating the notion that sexual intercourse before and outside of marriage is acceptable for men, but not for women. With this practice, women's sexual activity is further subjected to public scrutiny and even reprisals. In as much as those who support the practice consider it a part of their culture, it is degrading and strips the girl child of her civil liberties and her right to control and make decisions about her own reproductive health. It is a manifestation of authority and control of women by men under the pretext of culture. Moreover, this practice could have other serious consequences for the girl. For instance, if the information (if she happens no longer to be a virgin) were to leak, since confidentiality is not guaranteed, she might be subjected to stigmatization and bullying in her community. It is in light of these challenges that the author believes that the practice serves no purpose but to control women. It is solely a case of wanting to exert patriarchal control and power over the girl child based maybe on the assumption that girls are and women are more like 'property' than individual subjects with guaranteed human rights.

By passing a law that criminalizes domestic violence, the government of Zimbabwe has endeavoured to adapt itself to international laws, such as CEDAW (1979) and DEVAW (UN, 1993), which appeal for an end to all forms of discrimination against women. The Zimbabwean government as a signatory to the UN is indebted to respect the conventions under international law (ZWLA, n.d.). The government should therefore be applauded for its determination to protect victims of domestic violence. However, the author believes that the adoption of these international pacts without full and effective implementation is essentially futile and meaningless. In a progressive society like Zimbabwe, women and the girl children need to be accorded the same rights as men. Both of the above mentioned conventions are meant to protect women against all forms of discrimination and violence.

#### **4.4.5 Perceived additional benefits of the Act**

The respondents mentioned what they considered to be other benefits of the Act; these included the *ability of the police to arrest without warrant* and *the ability of a third party to report domestic violence on behalf of the individual*.

- **Enforced arrest is an advantage for the victim**

Nearly half of the respondents applauded the Act for giving the police the powers to arrest the perpetrator, should they feel the life of the victim was in danger. The respondents felt this was a good measure, as it would protect the victim and remove her from immediate harm:

*“...what I also regard as the strength of the Act is the fact that the police are able to arrest a perpetrator without a warrant and this to me takes away the danger from the victim immediately...”* (Respondent 4)

*“...at least the Act provides a provision where the police can impose forced arrest on the perpetrator using their own discretion, I found that to be beneficial to the victim because relief is instant...”* (Respondent 9)

*“...there have been cases where victims have died at the hands of their abuser; so with the Act giving powers to apply forced arrest, the victim is immediately offered some protection...”* (Respondent 10)

The research data, as presented above, shows that the respondents wholly support the idea of forced arrest and regard it as offering respite and protection to the victims of domestic violence. It makes sense for the police to arrest the perpetrator as soon as they realize the victim’s life is in danger, and the Act empowers them to do so. Natarajan (2006) seems to support the research data presented above and stated that, at times, use of force by the police is appropriate. It also grants temporary safety to the victim of domestic violence, and time to recover from the shock and trauma that is often associated with such violence and abuse. It is important to note, however, that arresting the perpetrator may only be a temporary measure to stop the violence. It is only when the perpetrator is convicted of his crime that offers a more long-term solution. However, if the perpetrator is released within a short period of time, it is possible that the victim of abuse may suffer even more abuse at home, as they may be accused of being responsible for

the arrest of the perpetrator. In that case, other long-term measures will have to be found to address the problem, as arresting the perpetrator may at times actually worsen the situation instead of resolving it.

Alternative means of resolving domestic violence may need to be explored in this case, such as the involvement of a mediator. According to Fischer et al. (1993), mediation is a process of bringing together two people in order to find a solution to their problem. The mediator does not impose his or her ideas on the two individuals who are in disagreement or conflict with each other; the role of the mediator is solely to facilitate dialogue. This approach can only work, however, if both parties are willing to reach a compromise.

A few of the respondents did not regard forced arrests as a good way of resolving marital dispute:

*“...forced arrest for me does not work; it actually creates more problems for the victim than anything else...other ways need to be explored...”* (Respondent 8)

*“...I think we need to think seriously about the issue of forced arrest as I feel it’s likely to create more problems for the victim than anything else...”* (Respondent 9)

The above comments echo the fact that forced arrest may have some shortcomings, even though it may bring some relief to the victims. Based on the author’s own work experience in the area of domestic violence, women usually report cases of domestic violence because they want the abuse to stop, rather than to have the perpetrator arrested. As long as the life of the victim is not in danger, it may instead be better to enquire if they wish to lay charges or just have the perpetrator cautioned. It may thus be better for the police to explore alternatives before employing forced arrest, while nevertheless protecting the interests of both the abuser and the victim. Natarajan (2006) concedes, similarly, that forced arrest of the perpetrator does not work always and that it may be advisable to use other means.

- **Reporting of domestic abuse by a third party is permitted**

Most of the respondents also indicated that the Act also allowed for a third party to report cases of domestic violence on behalf of the victim. The respondents noted that this helped to expose cases of abuse:

*“... The other good thing about the Act is the fact that a third party can also report cases of abuse and to me that’s an advantage because it exposes cases of abuse, which will be at times hidden...” (Respondent 3)*

*“...The fact that us as organizations can also report cases of domestic violence on behalf of the victim is a good thing. as at times the victims may not even be aware of the existence of such services...” (Respondent 5)*

*“...because of this provision within the Act, cases of violence especially against disabled persons by families or care givers have been reported to the police or relevant authorities...” (Respondent 10)*

The advantage of such reports by third parties is that it allows subtle or hidden cases of abuse to be exposed. In many situations, after all, victims of domestic violence suffer in silence, never reporting the abuse to the relevant authorities, for a number of reasons. It may be that victims are not aware of the legislation, or of the availability of protective services. Or victims may be afraid of the consequences or fearful of the repercussions, if they were to approach the authorities. They may be afraid to lose the financial or material support that they receive from the perpetrator; for instance, women who are financially dependent are less likely to report their abusive partners – and the same applies to disabled persons too (WHO, 2005). This provision therefore allows a third party to report the case on behalf of the victim. This provision is particularly relevant in the case of disabled persons such as the blind or the deaf who may find it difficult to communicate with the authorities.

The following section will discuss the perceptions of the respondents with regard to the perceived weaknesses of the Act.

#### **4.5 Respondents’ Perceptions on the Weaknesses of the Act**

The respondents identified two issues that they regarded as the most important weaknesses of the Act, namely, the *lack of a clear monitoring and evaluation strategy* as well as the *role of the traditional leaders, which was not well defined*.

#### **4.5.1 Lack of a clear monitoring and evaluation strategy**

Most of the respondents mentioned that there seemed to be no clear monitoring and evaluation strategy in terms of the Act:

*“...I still feel the Act lacks the much needed monitoring and evaluation strategy that would enable us to see where we are and where we are going...”* (Respondent 3)

*“...one of the challenges of the Act is the fact that there is no clear cut route, which we are going to follow in terms of monitoring and evaluation. So if we don't monitor the Act, how do we know where we are going ...?”* (Respondent 7)

*“... The Act does not seem to have a plan on how it is going to be monitored and evaluated...”* (Respondent 5)

*“...there is no way we can have a policy that has no monitoring and evaluation plan...”* (Respondent 4)

The remarks by the respondents as cited above confirm that there is a need for a clear monitoring and evaluation strategy in terms of the Act. The lack of such a strategy makes it difficult to gauge how the Act is being implemented and how much the situation has been improved. As outlined in DEVAW (1993), monitoring and evaluation play a critical role when it comes to the implementation of any policy. From the author's experience working in NGOs, it may seem that most organizations, including government departments, are not keen to have their programmes monitored and evaluated, perhaps because it is often associated with fault finding. The opinions of the respondents regarding the need for monitoring and evaluation as mentioned above are consistent with studies done by the WHO (2005), UN (2006), and Ojigbo (2012), who argued that monitoring and evaluation is crucially important, as discussed in Chapter 2.

However, even if there was such a clear monitoring and evaluation strategy, it would not necessarily make the Domestic Violence Act a perfect one. Other factors, such as well-stated objectives, adequate resources and well-defined roles also play an important part. In addition, there is also a need for commitment from all those who are involved in the implementation to carry out the monitoring and evaluation. In this case, as indicated by the research data, the

government, NGOs and other human rights groups all have an important role to play if the Act is to be effective.

#### ***4.5.2 Traditional leaders' role not well defined***

The role of traditional leaders in terms of the Act, according to most of the respondents, was not well defined. The respondents felt that the traditional leaders had a crucial role to play in the fight against domestic violence and hence there was a need for their duties to be well articulated in the Act:

*“...to me the traditional leaders have a critical role to play especially considering that there are near where the majority of the women stay, but in the Act this is not well explained as I see it...”* (Respondent 6)

*“...just like the role of the police and the judiciary is well stated in the Act, I think it should be the same for the traditional leaders in how far they go in mitigating in cases of domestic violence...”* (Respondents 8)

*“...traditional leaders have crucial role to play in the fight against domestic violence, they are the first contact for the victims when it comes to reporting in the village...their role is not well explained in the Act...”* (Respondent 12)

According to the above comments, the role of traditional leaders, such as the chiefs, is not sufficiently well defined in the Act. The respondents felt that the chiefs and other traditional leaders have an important role to play since they were the first point of contact for most victims of domestic violence in the rural areas. The Zimbabwe National Statistics Agency (2010-2011) indicates that the majority of the women live in the rural areas in Zimbabwe. As a result, involving traditional leaders and properly defining their role in the Act would be instrumental in changing the cultural and traditional mindsets that perpetuate domestic violence, especially in rural areas. Moreover, to prevent traditional leaders going beyond their jurisdiction or what is expected of them when handling cases of domestic violence at community level, their role needs to be well defined. By virtue of their proximity to the people at grassroots level, the importance of traditional leaders in the fight against domestic violence cannot be underestimated.

Engaging traditional leaders in condemning domestic violence and other cultural practices that violate the rights of others, especially women, is essential in the fight against domestic violence. However, traditional leaders can also be a hindrance to the effective implementation of such laws, considering the fact that they are the custodians of traditions and cultures, responsible for preserving them, which may put them in a compromising position. Ojigho (2012) discovered that, in countries like Nigeria, traditional leaders at times actually contributed to the further violation of women's rights through certain cultural practices.

The next section discusses the research data on the respondents' perceptions on how the Act is being implemented in Zimbabwe.

#### **4.6 Respondents' Perceptions on the Implementation of the Act**

With regard to the implementation of the Act in Zimbabwe, the respondents were asked to report on their *roles in terms of the Act*, the *challenges of implementing the Act*, and the *plight of disabled persons* in relation to the Act. These issues are discussed in greater detail below.

##### ***4.6.1 Respondents' roles in terms of the Act***

Most of the respondents indicated that they were providing services to victims of domestic violence in the form of counselling and the processing of the protection forms. They were also engaging in public awareness campaigns, to make more women, particularly in rural areas, but also in the cities, aware of the Act and related legislations to protect them against domestic violence and other forms of abuse in their homes.

- **Counselling services**

Most of the respondents described their role in the implementation of the Act as that of primarily providing counselling to victims of domestic violence, and women in particular. Such counselling was usually provided for free:

*"...we provide counselling services to victims of domestic violence and these are usually for free...meant to empower them and also help deal with their stress..."* (Respondent 6)

*"...our organization provides free counselling services to victims of domestic and our target populations are women...though at a small scale..."* (Respondent 3)

*“...women and girls come to our organization for free counselling services, especially those related to domestic violence...” (Respondent 7)*

Victims of domestic violence are likely to benefit from counselling services, as they may be having other problems, such as emotional distress. Not only do the counselling services give women the space to tell their stories, but they to collect themselves and to focus on what they want to do about their future. For instance they may decide to divorce their spouse, if the abuse is not stopped or they may be a need for a protection order. However, these counselling services were usually offered at a small scale only, and hence there is a need for government to expand them.

Since the services are mostly offered for free, they empower women who are economically or financially dependent on their violent or abusive husbands. The author believes that, if information on what women need to do in case of abuse is made available to them, these women will be in a better position to deal with their situations. The WHO (2005) and Parenzee (2001) assert that counselling services play a crucial role in helping victims of domestic violence to deal with their predicaments better.

- **Processing of the protection orders**

Some of the respondents mentioned that their organizations were involved in the processing of protection order forms for victims of domestic violence:

*“...in our organization we assist women and girls who are victims of domestic violence to process protection order forms, and these are done for free...” (Respondent 6)*

*“...We help in the processing of the protection order that protects the victim of domestic violence from further harm by the perpetrator...so the order keeps the perpetrator away from the victim...” (Respondent 5)*

*“...processing of the protection order in our organization is done for free for victims of domestic violence, women and children, but we are also limited by resources...” (Respondent 3)*

The respondents described the protection order as a restraining or removal order aimed at protecting victims of domestic violence from further harm by the perpetrators. Such a protection

order can sometimes also compel the perpetrator to vacate the home where the victim is residing. This service is welcomed by victims of domestic violence, because it offers them some form of relief. Compelling the perpetrator to vacate the residence where the victim is staying will also give the victim the time and space to recollect themselves and to think calmly through their situation. In as much as the protection might be an option, but how likely is it that the violent spouse will obey the order. There is a possibility that a determined abusive spouse, who feels that he is entitled to punish the woman for whatever reason, will simply buy their time, before returning to hurt their partner again. However, the respondents acknowledged that their operations, in as far as the processing of the protection orders is concerned, were also hampered by limited resources.

- **Public responsiveness campaigns**

Most of the respondents also mentioned that they were involved in programmes that increased awareness about the existence of the Act, although this occurred only at a small scale; more needed to be done in this regard:

*“...as organizations we are also involved in awareness programmes, but this is at a small scale, more needs to be done...”* (Respondent 3)

*“...we are actively involved in awareness campaigns, but we are limited by resources, so it is at a lower scale...”* (Respondent 8)

From the above remarks, it is clear that, in order for a law or service to be utilized effectively, people need to be made aware of it and hence the respondents are playing a crucial role in making people aware of about the Act. The WHO (2005) notes that awareness campaigns have the potential to change how people view the issue of domestic violence and its effects. Thus these campaigns can be used to educate people on how they can not only reduce cases of abuse, but also prevent them in the first case.

The UN (2006) indicates that awareness campaigns open dialogue between different people and that they have the potential to bring about change; but for them to succeed, a collective effort from both government and NGOs is required. It is evident from the remarks cited above that NGOs have an important role to play in making people aware of the existence of the Act. Thus to the author it seems for people to be able to utilize a law or an Act such as the one on domestic

violence, there is need for it to be publicized. However, Musasa (2009) notes that, at times, people may not wish to utilize an Act, even though they might be aware of its existence. Musasa (2009) highlights the different reasons, as discussed in Chapter 2 why women in Zimbabwe in particular may not be forthcoming to utilize the Act on domestic violence.

#### **4.6.2 Challenges of implementing the Act**

A number of issues were raised by the respondents as regards challenges in the implementation of the Act. These included a *lack of political will* on the part of government, *unfair conduct on the part of the police, the ineffective judiciary* and the fact that *the Act excluded other special groups, like disabled persons*, who are equally affected by domestic violence.

#### **4.6.3 Lack of political will**

Most of the respondents felt that the effective implementation of the Act was being hampered by what they referred to as *lack of political will* on the part of the government:

*“...I feel there is lack of political will on the part of our government to see to it that this Act is effectively implemented as evidenced by limited financial resources, limited safe houses and many other issues...”* (Respondent 3)

*“...the government to me doesn't seem to be really committed to making sure that the Act is put to good practice...a victim gets to the courts and protection order forms are not available, they need to prove to us that they are really committed...”* (Respondent 13)

As the respondents point out, a lack of political will on the part of government was demonstrated by the failure of the government to provide the following: *adequate financial resources, safe houses for victims of domestic violence, adequate protection order forms and awareness programmes* about the Act all of which are attributed to poor allocation of resources.

- **Inadequate financial resources**

Most of the respondents felt that the financial resources that were being provided by the government towards the implementation of the Act were not sufficient; however, the government as the main role player was supposed to see to it that the Act was adequately resourced financially.

*“...I don’t think the government is serious with the implementation of the Act, just look at the resources financially that are allocated to the ministry of women’s affairs... it’s a mockery of the women...”* (Respondent 6)

*“...I think there is lack of political will on the part of the government to see to that the Act is implemented effectively, look at the 2013-2014 budget allocation to the ministry of women’s affairs, its peanuts really. Resources in terms of finance need to be made available for the implementation of the Act...”* (Respondent 3)

*“...I feel the government is not really committed to the fight against domestic violence as evidenced by the by the allocation to the ministry of women’s affairs, year in and year out...we need a gender sensitive budget”* (Respondent 8)

It was evident from the research data that this lack of financial resources was hampering the implementation of the Act. The respondents felt that the budget allocation for the ministry of women’s affairs, for instance, was not adequate to ensure the effective implementation of the Act. The author believes that financial resources are critical for any programme to be able to meet its goals, and that, with limited resources, the Act is unlikely to meet its objectives of effectively addressing issues around domestic violence. It is interesting to note that several of the respondents emphasized that the government should implement what they called a gender sensitive budget. According to the UN (2006), this is a budget that takes into consideration both the needs of men and women and the impact of such a budget on both genders.

Zimbabwe as a signatory to the UN is obliged to make sure that adequate financial resources are made available to address issues of inequality. International Conventions such as the Beijing Platform for Action (1995) similarly call for governments to be gender sensitive in all its policies. However, the issue of limited resources being made available towards the implementation of legislations is not confined to Zimbabwe alone; studies conducted by Parenzee (2001) in South Africa and Ojigbo (2012) in Nigeria also indicated that domestic violence programmes in those countries too are often under-resourced.

- **Limited counselling services**

Some of the respondents lamented the lack of counsellors and counselling services for the victims of domestic violence in Zimbabwe; they acknowledged that most of these services were being offered by NGOs, who are mostly confined to urban areas:

*“... Domestic violence is so traumatic and as such victims also need support services in terms of counselling, but these are not readily available and the few that are available are in urban areas...”* (Respondent 3)

*“...government does not seem to have counselling services for victims of domestic violence; the few that are available are offered by NGOs...”* (Respondent 7)

*“...not only are counselling services not available, the counsellors too are not there save for a few in the NGOs....”* (Respondent 8)

The respondents clearly value the importance of counselling for abused women, recognizing that such women have emotional and psychological needs that call for immediate attention. Consequently counselling thus offers some relief, and allows victims to recover from their trauma and decide how to deal with their situation. Failing to provide such services is tantamount to denying the victim a platform to tell their story and denying them a safe space within which to recover and heal. Since most of the counselling services are confined to urban areas, as indicated from the research data, it can thus be deduced that women in the rural areas are systematically being deprived of the essential service to which they are entitled in terms of the Act. WHO (2005) cautions that counseling services must be provided by people who have the necessary technical expertise in dealing with domestic violence, and that this must be taken seriously, as it is an important element in the management of cases of domestic violence.

- **Limited safe houses**

Another crucial service, which the respondents felt the government was failing to offer, was the provision of safe houses for victims of domestic violence. Matczak et al. (2011) defines a safe house as a temporary shelter that is offered to victims of domestic violence to protect them from further abuse. Most of the respondents emphasized that it was the mandate of the government to ensure that safe houses, among other things, were available according to the Act:

*“...safe houses are crucial for the victims of domestic violence and yet they are not readily available; the government does not seem to care...”* (Respondent 8)

*“... It is well stated in the Act that the government should ensure that it provides these services such as safe houses, where abused women can have some form of relief with their children, but these houses are not there...”* (Respondent 7)

*“...I think it is the duty of the state to make sure that the resources such as safe houses are available where victims of domestic violence, the majority who are women, can have some form of relief...”* (Respondent 9)

Victims of domestic violence often need a respite from the abuser, and as such safe houses could provide this (Parenzee, 2001). However, with the state failing to provide these services, as indicated by the research data, victims of domestic violence are left with no place of refuge in the event of abuse at home. Thus the security and the decision making capacity of the victims is severely curtailed. Since the majority of the victims of domestic violence are women, the abuser could be the sole breadwinner at home. If they are abused, they are thus more likely to be homeless, and thus would need to be accommodated temporarily in a safe house until they can find another home or until the abuser is arrested and imprisoned. The author is of the opinion that the failure by the government and other role players to provide safe houses is tantamount to exposing the victim of domestic violence to further abuse. The provision of safe houses as indicated by Giridhar (2012) is critical in the implementation of anti-domestic violence laws.

- **Non-availability of protection order forms**

Most of the respondents expressed their concern at the non-availability of protection order forms at the courts when needed by the victims. They felt that this made the application process for the protection order even more difficult for the victims:

*“...the forms are usually not available and often victims are asked to photocopy using their own resources and this causes a lot of inconveniences on the part of the victim who is already stressed and often has no money on them...”* (Respondent 3)

*“...I don't understand honestly why at times the protection orders are not available when they are so important to the victim...someone is not doing their job...”* (Respondent 8)

*“... It is the duty of the state to make sure these forms are readily available for the victims when needed...”* (Respondent 7)

Such non-availability of the protection order forms can certainly act as a stumbling block in the implementation of the Act. As in the case of the safe houses, the protection order offers some form of relief to the victim as the perpetrator’s contact with her is immediately restricted (WHO, 2005). When such an order is granted, the perpetrator may even be moved out of the place of residence to ensure that the victim is out of danger. The non-availability of the forms means that the victim is likely to be exposed to further harm, and it can also act as a deterrent to those who may want to report cases in future. The victims are also more likely to lose confidence in the justice system, which is supposed to serve and protect their interests (Roure, 2009). Government is obliged to provide these forms as part of the implementation of the Act, but their failure to do so reflects a lack of commitment on the part of those who are responsible for this. In countries like South Africa (Parezee, 2001), protection orders are readily available, even though there are other challenges associated with them such as the language barrier and at times its violation by the perpetrator, as discussed in Chapter 2.

#### ***4.6.4 Challenges of the English language***

Most of the respondents complained that the language on the protection order form was not user-friendly; as it was written in the English. They felt that it did not cater for those who could not read or write in the English language.

*“...The protection order form is written in the English language and I feel this is not appropriate, as those who cannot read the language are short-changed...”* (Respondent 3)

*“...There is a need to use a number of languages such as Ndebele and Shona so that the majority of the people who can’t read or write in English can also be catered for...”* (Respondent 5)

*“...The language on the protection order form does not cater for the majority of women, especially those from the rural areas, who might have difficulties in reading English...”* (Respondent 8)

*“... The protection order form is not only written in English, but even the legal language is difficult to comprehend...”* (Respondent 7)

Language is essential for effective communication; it is thus crucial that the legislation be written in the language(s) that will be best understood by the people affected by it. The fact that the protection order forms are written in a language that most of its users may not understand, as indicated by the research data, creates a challenge in the implementation of the Act. Considering that Zimbabwe is a multi-tribal state, it would make more sense if the forms were written in the main indigenous languages, so as to cater for everyone. The fact that the form is written only in English assumes that every victim who may utilize the form will be able to read and write English. Moreover, as mentioned by the respondents, not only is the form written in the English language (which is not understood by everyone), but the fact that it is written in legal jargon makes it even less user-friendly. With all these complications, the form effectively loses its utility. Interestingly, the issue of the language on the protection order form is not unique to Zimbabwe alone. Countries like South Africa, which has more than eleven official languages, face the same challenge (Pareeze, 2001).

#### **4.6.5 Lack of awareness about the Act**

Most of the respondents indicated that the Act was not well known, especially amongst women – and particularly in the rural areas – and yet, these were the most likely to be victims of domestic violence:

*“...there is still a gap in terms of awareness; women who are the majority of the victims are not aware of the act and other services available to them when abused...”*  
(Respondent 1)

*“... [the] level of awareness on the existence of the Act is very low especially in rural areas, where the majority of the women live...”* (Respondent 5)

*“...most of the NGOs are located in the urban areas leaving most rural areas unserved, thus depriving the rural women in particular of the much needed information...”*  
(Respondent 7)

*“...interestingly the level of awareness amongst women of the Act is low compared to men; men ironically see, to know more about the act than women...”* (Respondent 8)

The research data indicates that the level of awareness on the existence of the Act is low amongst women in both rural and urban areas. The former are at a greater disadvantaged than their counterparts in the urban areas, however, as most of the women’s organizations are confined to towns and cities. Having a law or an Act in place is not sufficient: the people who are supposed to benefit from such law or Act must also be aware of its existence and have access to the relevant services. The fact that this is not the case in Zimbabwe should be a source of concern for policy makers. After all, policies are made so that they can be utilized and benefit the target population. However, in the case of this Act, as expressed by the respondents there is a widespread lack of awareness among the population, and particularly among women – and even more so among women in rural areas. Ojigho (2012) notes that rural women are often disadvantaged, as they are usually located far away from the justice system, such as the police and the courts. Moreover, awareness programmes in the rural areas are usually hampered by poor infrastructure, such as a poor transport network and poor roads (WHO, 2005).

In Nigeria, too, as discussed in Chapter 2, awareness programmes on women’s rights are also limited (Ojigho, 2012). However, even if women are aware of domestic violence legislation and that help is available to them, as Visaria (1999) observed in the case of India, they may be reluctant to seek help because they lack confidence in the police and the judiciary. The lack of public awareness on the Act is thus merely a reflection of other, equally important, challenges facing the Act.

#### ***4.6.6 Unfair police conduct***

Most of the respondents expressed reservations at the way the police conducted themselves when dealing with victims of domestic violence. They felt that the police had a critical role to play in dealing correctly and effectively with domestic violence, but remarked that, more often than not, they treated the victims unfairly:

*“... The police are usually biased when it comes to treating victims of domestic violence especially women; they don’t take them seriously...”* (Respondent 6)

*“...the police will tell you this is a private issue so go home and resolve it with your husband, or alternatively they tell you we have no transport, go bring the perpetrator...”*  
(Respondent 8)

*“... the police never treat victims of domestic violence especially women with dignity; very often they tell you it is a private issue that should be solved at home...”* (Respondent 10)

The above comments indicate that abused women often do not trust the police, whom they accuse of being biased when it comes to dealing with cases of domestic violence; not only that, their complaints are often dismissed, or they are simply not believed. This may explain why victims of domestic violence may at times be unwilling to report cases. The police, as the arm of government, are supposed to protect the rights of all citizens without any bias; moreover, because the police are usually the first point of contact for victims of domestic violence, it should be expected that they will provide victims with the necessary information and support. The fact that the police still treat domestic violence as a private matter undermines the efforts of mitigating the effects of domestic violence and reducing its prevalence. Such behavior on the part of the police is not confined to Zimbabwe; countries such as South Africa (Pareeze, 2001), Nigeria (Ojigho, 2012) and India (Visaria, 1999) have also had similar experiences.

- **Corruption amongst police officials**

The majority of the respondents mentioned that the police were corrupt:

*“...the police are corrupt and at times dockets disappear at the police stations, leaving the victim at a mercy...”* (Respondent 3)

*“...the police are usually bribed by the perpetrator so that they treat the victim of domestic violence unfairly or [they do] not arrest the abuser...”* (Respondent 5)

The research data reflects some of the challenges that victims of domestic violence have to deal with when seeking justice at the police station. Police corruption means that victims of domestic violence are unlikely to be treated fairly when reporting cases of abuse. The author is of the opinion that the behavior of the police is a reflection of a dysfunctional system. If institutions were properly managed, problems like these could easily be dealt with by the authorities. In

countries like Brazil (Roure, 2009) corruption amongst the police has been singled out as one of the main factors that discouraged victims of domestic violence from reporting cases of abuse.

- **Trivialization of domestic violence**

The majority of the respondents stated that the police rarely took the issue of domestic violence seriously:

*“...the police don’t seem to take cases of domestic violence seriously; at times victims are turned away ...they are told to go home and resolve the problem with their partner...”*

(Respondent 8)

It would seem that dealing with the police is not the only challenge that the victims of domestic violence have to deal with when they seek justice. However, in as much as the police can be blamed for their lack of professionalism and for trivializing domestic violence, the research data also indicate that other factors contribute to the police not doing their work as expected.

- **Police lack of necessary training**

*“...in as much as the police maybe biased in the way they execute their duties, I also feel that at times they lack the necessary training on how to deal with cases of domestic violence...”* (Respondent 3)

As discussed in Chapter 2 (WHO, 2005 and Anaba 2010) the police often lack the necessary training to deal with cases of domestic violence. However, in some instances (Roure, 2009), it has been found that, even with the necessary skills and training, the police still treat victims of domestic violence unfairly. Thus the biased conduct of the police towards victims of domestic violence is not just a reflection of lack of training; other issues, like cultural beliefs towards domestic violence and socialization, also come into play.

#### **4.6.7 Ineffective judiciary system**

Most of the respondents expressed dismay at the judiciary system, which they blamed for imposing lighter sentences on perpetrators of domestic violence. The respondents indicated that the sentences imposed were not a sufficient deterrent for would-be perpetrators:

*“...the judiciary system just like the police is a let-down to victims of domestic violence; the sentences given to abusers are not deterrent enough for me...”* (Respondent 3)

*“...the sentences that are given to perpetrators of domestic violence are not deterring enough; this makes the victims lack confidence in the system that is supposed to protect them...”* (Respondent 7)

*“... Most of the victims of domestic violence would rather suffer in silence than to report their case because the judiciary system does not take issues of domestic violence seriously...”* (Respondent 9)

The research data indicates that the respondents are not impressed with the conduct of the judiciary system for failing to deliver. Since the judiciary is likely to be the next point of contact for victims of domestic violence, after they have interacted with the police, the services that they render should serve and protect the interests of such victims of abuse. However, as was the case with the police, as discussed earlier, the judiciary too seems to have problems dealing with cases of domestic violence. It appears that the sentences that are imposed on the perpetrators do not act as a deterrent, and this may make the victims lose confidence in the system that is supposed to protect them. The failure by the judiciary to impose appropriate sentences on perpetrators seems to be a common feature in other countries too, as indicated by studies in Nigeria (Ojigbo, 2009), Brazil (Roure, 2009) and India (Vasaria, 1999). Moreover, too light sentences will not discourage would-be perpetrators from committing domestic violence related crimes in future.

- **Under-resourced judiciary system**

However, a few of the respondents also admitted that the judiciary was facing certain challenges that made it difficult for them to deliver justice:

*“...in as much as we may blame the judiciary, I still feel they also face other challenges such as the workload, poor working conditions...”* (Respondent 9)

*“...just like the police, the judiciary is also under-resourced and understaffed, and the working conditions including the salaries are poor and hence it explains why they are not motivated...”* (Respondent 14)

It is evident from the research data that the judiciary in Zimbabwe could be operating sub-optimally, as a result of a number of challenges. Although both the individual (judges) and the system have their shortfalls, other factors are also responsible for reducing the effectiveness of the judiciary. Like the police, they too are working in a poorly resourced environment, with insufficient staff, which frustrates staff and reduces morale. Ultimately, though, the anger and the frustrations they feel may be unfairly expressed on the poor victims seeking assistance.

The WHO (2005) notes that the poor working conditions of the judiciary and the police have a bearing on the ability of the staff to deliver services effectively, especially in the area of domestic violence. In South Africa, Parenzee (2001) notes that being understaffed and working within a resource-strained environment leads to decreased motivation by the staff to deliver, especially in the courts. It follows therefore, that in a well-supported and better-resourced working environment, staff motivation is likely to be elevated, thus leading to the better implementation of the Act in Zimbabwe.

#### ***4.6.8 Under-resourced Anti-Domestic Violence Council***

According to some respondents, the Anti-Domestic Violence Council (referred to as ‘the Council’ below) was appointed by the Ministry of Women’s Affairs in Zimbabwe:

*“...The Anti-Domestic Violence Council was appointed by the Ministry of Women’s Affairs in Zimbabwe...its mandate is to ensure that the Act is effectively implemented to reduce cases of domestic violence...”* (Respondent 3)

Most of the respondents felt that, notwithstanding its central obligation, the Council faced a number of impediments in carrying out its mandate. The main challenges that the respondents identified included *restricted working space* and *inadequate financial resources*.

- **Restricted working space**

The majority of the respondents were concerned that the council did not have an office of its own and hence they believed this was hampering its operations:

*“...The council does not have offices of its own and honestly how do you expect to function effectively...”* (Respondent 3)

*“...The council is not taken serious by the government, look at the fact that they do not have a working space, on office...”* (Respondent 7)

*“...How would expect the council to operate without an office, the council does not have an office of its own, this is very sad...”* (Respondent 8)

The failure by the government of Zimbabwe to ensure that the Council has a suitable working space suggests a lack of commitment to ensuring that the Act is effectively implemented. If the government of Zimbabwe was really serious about tackling domestic violence, then it would prioritise it. Although the mandate of the Council was well defined, as demonstrated by the research data, as long as it is not well supported and well-resourced, its operations will be curtailed.

- **Limited financial resources to support operations of the Council**

Most of the respondents felt that the Council was not well supported financially and materially, and that this affected its operations:

*“...if the ministry of women affairs it is ill-funded, how would you honestly expect the Council to be adequately funded, it’s not possible...”* (Respondent 8)

*“...the council is not just inadequately resourced; it has no enough budget to effectively implement and monitor the Act...”* (Respondent 3)

*“...The council has many challenges and one of them is the lack of financial resources for its daily operations...”* (Respondent 4)

As was the case with the police and the judiciary, it is inevitable that the lack of resources will affect and curtail the operations of the Council, and also affect staff morale; given the limited financial resources, the staff is likely to be less motivated to work, which would in turn hamper the implementation of the Act. The author believes that the lack of political will and the lack of prioritization of the issues that concern women might explain why important institutions like the Council – as well as the police and the judiciary – are not well supported. As indicated by the respondents, as long as the Ministry of Women’s Affairs was underfunded, other institutions too would be inadequately resourced:

*“...if the mother ministry like that of women’s affairs is underfunded, what more of other institutions like the Council...the situation could be worse for them...”* (Respondent 10)

Considering that women constitute the majority of the victims, by failing to support the Council, the government seems to be tacitly and systematically violating the rights of women. According to ZWLA (n.d.), in Zimbabwe, as in most developing countries, women are underrepresented in parliament, which may explain why policies that are meant to benefit women are usually not taken seriously. If the Council is unable to operate effectively, as suggested by the research data, it is unlikely that domestic violence can be curtailed, and thus women, who are the majority of the victims, are likely to continue suffering in silence. The few NGOs that are well resourced, such as the women organizations, as indicated by the respondents in the study might have to fill in the gap that the government is failing to cover in terms of service delivery.

#### **4.6.9 Exclusion of disabled people**

Some of the respondents mentioned that, in the implementation of the Act, the welfare of the disabled was not adequately addressed; they raised issues such as the *language barrier, difficulties in accessing places of justice* such as police stations and court buildings, and *unsuitable safe houses for the disabled*.

- **Inaccessible police stations and court buildings**

The inaccessibility of police stations and courts for people with physical disabilities was raised as a major concern:

*“...the police stations and the courts are not accessible for people with disabilities especially those on wheelchairs, so it makes life difficult when it comes to reporting...”*  
(Respondent 4)

*“...there are usually no ramps or anything that would allow a wheelchair to easily get, and hence it makes it difficult for people with wheelchairs to negotiate their way around...”* (Respondent 4)

Given the above comments, it could be deduced that disabled individuals are being systematically excluded by the same system that is supposed to serve them. It is the author’s assertion that people with disabilities, just like other citizens of Zimbabwe, have a Constitutional

right of access to the justice system. However, in the case of this Act, it seems that the policy makers did not consider the plight of special groups like the disabled in terms of how they would access most of the buildings, like the police stations and the courts.

From the author's experience of visiting the courts and the police stations, it does seem that most of them do not have facilities like ramps for wheelchairs, which thus restricts the movement of people who are wheelchair-bound. It is unfortunate that disabled people are usually left out of and overlooked by many programmes, as noted by the UN (n.d.), and this Act is one of the many laws that have deliberately neglected the disabled. The UN (n.d.) too notes that people with disability often face difficulties in accessing police stations and the courts, and that this amounts to a violation of their human rights. Thus, for as long as the Act does not address the needs of all the special groups like the disabled, then its relevance in promoting the inclusiveness of women, especially those who are disabled, will remain questionable.

- **Language barrier**

The language barrier for people who were deaf and dumb was raised by one respondent as a major difficulty when cases of domestic violence are reported:

*"...another challenge for the disabled especially for the deaf and dumb is the issue of communication; how do they tell their story to the police and the court, this is difficult..."*

(Respondent 4)

As is evident from the discussion in the previous sections, the police and the judiciary already face challenges in dealing with domestic violence. Dealing with people with language problems is thus even more difficult. As a result, the writer believes that people who are deaf and dumb are likely to be marginalized when they seek justice. The police and the judiciary, simply because they are overloaded with work, are more likely not to be patient and sensitive when dealing with this special group of people. In this regard, Speech Pathology Australia (2013) notes that people with communication challenges are often difficult to interview; the police are thus likely to be impatient when dealing with this group of people, unless they have received appropriate training.

Under normal circumstances, an individual who deals with cases of domestic violence would be expected to be professionally empathetic and sensitive to the people that they will be assisting. This is not always the case, however, and disabled people are more likely to suffer secondary

abuse at the hands of the police and the judiciary. Engaging an interpreter would be an option for both the police and the judiciary personnel. However, as indicated by one of the respondents, Zimbabwe does not have a standardized sign language, thus complicating even the idea of engaging an interpreter:

*“...Zimbabwe seems not to have a standardized sign language and to me that’s a problem for the disabled people who are deaf and dumb when it comes to communication...”* (Respondent 4)

Considering all the factors that have been mentioned above, it appears that it is challenging for people with disabilities to seek justice when they are victims of domestic violence. The process may be particularly cumbersome for the victim and there is also no guarantee that the interpreter will translate the victim’s words correctly.

In as much as the Act has apparently failed to address the needs of special groups, like the disabled, the author believes that it should also be acknowledged that it can be difficult to have an entirely inclusive policy. This does not suggest, however, that other groups of people should be deliberately neglected when it comes to policy formulation. Instead, it is imperative that every effort should be made to promote social inclusion in any policy design. In this case, the police as the first point of contact for victims of domestic violence need to ensure that they offer the necessary help and information. However, from the research data it is clear that this is not always the case as victims often seem to be ill-treated.

- **Unsuitable safe houses for disabled people**

Some of the respondents questioned whether the so-called safe houses that were available would in fact be able to provide relief and safety to people with disabilities:

*“... The few safe houses that are available do not seem to have facilities that can address the needs of those on wheelchairs and those who may need special adapted bathrooms...”* (Respondent 4)

Considering the fact that safe houses are critical in the effective implementation of the anti-domestic violence laws (WHO, 2005), one would expect them to be available and suitable for accommodating people with special needs, such as the disabled. This does not appear to be the

case in practice. The few safe houses that were available did not, according to the respondents, have the necessary facilities to meet the needs of the disabled. This is an indication of how this special group of people continues to be socially excluded by the same system that is supposed to protect them. WHO (2005) argues that, not only are the houses not suitable for people with disabilities but even the staff may not have the necessary training to deal with them. It is the conviction of the author that, with proper support from the government and other organizations, these safe houses can offer some form of relief to people with disabilities.

The next section discusses respondents' recommendations with the regard to the Act and its implementation.

#### **4.7. Proposed Recommendations by the Respondents with regard to the Act and its Implementation**

The respondents made a number of recommendations with regard to amendments they would like to see made to the Act. These included *the need for the anti-domestic violence council to be fully supported*, *the availability of safe houses*, *the need for a clear monitoring and evaluation strategy*, and *the accommodation of marginalized groups like disabled people*; all of these are discussed in detail below.

##### **4.7.1 Support for the Anti-Domestic Violence Council**

Most of the respondents suggested that there is a need for the government to fully support the Council so that it can be effective:

*"...the government needs to fully support the anti-domestic violence council especially in terms of resources such as finances so that it functions effectively..."* (Respondent 3)

*"...resources should be made available to the council so that it can be able to operate independently and fulfil its mandate..."* (Respondent 7)

*"...I recommend that the council should be fully funded so that it can operate independently..."* (Respondent 10)

The research data suggest that the Council was underfunded and in need of more funding and resources, for it to operate effectively. As discussed earlier, the Council faced a number of

setbacks and most of these were as a result of inadequate funding. A lack of such funding will hamper the implementation of the Act. However, the Council must remain independent from government, even if it receives funding from government, as it must be able to hold the government accountable; if it was not independent of the state, this would be difficult:

*“...there is need for the Council to be independent of the government so that it can hold it accountable in the implementation of the Act...”* (Respondent 8)

The World Bank (2004) defines accountability as the obligation of the government, its agencies and public officials to provide information about their decisions and actions and to justify them to the public. McNeil and Mumvuma (2006) concur that accountability is problematic in many countries, especially in the developing world because these institutions tend to be weak, and accountability is often neglected. McNeil and Mumvuma (2006) further argue that most of the councils or boards appointed by governments find it difficult to operate as autonomous entities, and thus are unable to hold the state accountable.

#### **4.7.2 Need for monitoring and evaluation strategy**

Most of the respondents also called for a clear monitoring and evaluation strategy in terms of the Act, as this was essential for identifying gaps and assessing changes brought about by the Act:

*“ ... I recommend that the Act should have a clear monitoring and evaluation strategy so as to be able to assess progress...”* (Respondent 3)

*“...there is a need for the Act to have a strategy on how it is going to be monitored and evaluated...”* (Respondent 6)

*“...The Act should have a clear monitoring and evaluation strategy to assess its progress and some gaps...”* (Respondent 7)

Monitoring and evaluation plays a critical role in the implementation of any programme (WHO, 2005). Without such a strategy, it will be difficult to hold the government of Zimbabwe accountable as to whether it has fulfilled its mandate.

### **4.7.3 Recommendations to policy makers**

The respondents mentioned a number of issues that they felt policy makers needed to take cognizance of and these included the *need to align the current laws on domestic violence with the constitution* of the country and the provision of the *necessary support in terms of material and financial resources* to the Ministry of Women’s Affairs, to allow it to operate effectively. Above all, the respondents called for a *gender sensitive budget* that would cater for the needs of both men and women. The recommendations are discussed in detail below.

- **Alignment of the Act with the Constitution of Zimbabwe**

Some of the respondents emphasized the need to align the Act with the Constitution of Zimbabwe so as to avoid discrepancies in the law:

*“...first and foremost the Act should be aligned with the national Constitution so as to avoid any discrepancies in the application of the law...”* (Respondent 7)

*“...There is a need to align the Act with the current Constitution so that there are no law discrepancies in the application of the law...”* (Respondent 4)

The recommendations by the respondents were crucial since there was a new Constitution in the country, which had come into effect in 2013; it still needed to be dove-tailed with the Act in order to prevent inconsistencies in the application of the law.

- **Support for the Ministry of Women’s Affairs**

The respondents reiterated that the Ministry of Women’s Affairs needed to be fully supported both financially and materially to enable it to function effectively in addressing domestic violence. The Ministry of Women Affairs is responsible for the overall implementation and monitoring of all programmes that are related to the welfare of women in Zimbabwe. Most of the respondents were of the opinion that the policy makers and the government needed to prioritize the allocation of resources to the Ministry of Women’s Affairs, if the Act was to be properly implemented:

*“... The government should fully support the Ministry of Women’s Affairs so that it functions effectively in the provision of safe houses, awareness campaigns as well as offering counselling services to victims of domestic violence...”* (Respondent 7)

*“...I recommend that the government should avail resources both financial and material to the Ministry of Women’s Affairs so that it can effectively play its role...”* (Respondents 8)

*“...there is a need to fully support the Ministry of Women’s Affairs through allocation of all the necessary resources such as financial and material by the government...”* (Respondent 3)

As stated earlier in Chapter 2, the Ministry of Women’s Affairs was being sidelined in terms of resource allocation compared to other ministries (Musasa, 2008). It can be deduced that this is an indication that the government is trivializing and neglecting the importance of women’s issues and domestic violence. This may also explain why the research data indicated that there was a need for a gender-sensitive budget to be implemented in Zimbabwe. The failure to allocate sufficient resources to anti-domestic violence programmes and related legislations appears to be a feature shared by other countries too, for instance, Nigeria (Ojigho, 2009) and India (Visaria, 1999). In the case of South Africa, notwithstanding some challenges in the execution of their local anti-domestic violence programmes, the apportionment of resources, both materially and financially, has improved in recent years (Parenzee, 2001).

The next chapter presents the main conclusions and the major recommendations of the study.

## **CHAPTER 5: MAIN CONCLUSIONS AND RECOMMENDATIONS OF THE STUDY**

### **5.1 Introduction**

This chapter discusses the main conclusions and recommendations of the study. The main conclusions will be drawn from each objective, and recommendations will be made in relations to the various objectives of the study, where appropriate. The overall aim of the study was to explore the perceptions of women activists in Zimbabwe with regard to the implementation of the Domestic Violence Act (2007). In-depth interviews were accordingly conducted with fourteen women activists in Zimbabwe, to determine their perceptions on the following issues: the strengths of the Act, the weaknesses of the Act, the challenges in the implementation of the Act, and their recommendations, if any, with regard to the changes that they would want to be made to the Act.

### **5.2 Objective One: To determine the perceptions of the women activists on the strengths of the Act**

The study found that the Act had some strengths, which included the criminalization of domestic violence; it was agreed that this Act was long overdue, as Zimbabwe did not previously have an act that made domestic violence a criminal offence. The definition of domestic violence was broadened to encompass cultural practices that violate the rights of the girl child, such as forced virginity tests and forced marriages. The fact that domestic violence was criminalized was regarded as a milestone by victims of domestic violence. The study also revealed that the Act addressed issues of human rights, as victims of domestic violence were effectively protected against all forms of violence in both the private and public sphere. The study also found that the numbers of cases of domestic violence reported at police stations appeared to be increasing, though this may be less a sign that domestic violence is on the increase, but rather indicative of the fact that people are becoming aware of the Act

### **5.3 Objective Two: To explore the perceptions of the women activists on the weaknesses of the Act**

The study found that the Act also had some weaknesses, however; these included the lack of a clear monitoring and evaluation strategy as well as the undefined role of the traditional leaders in

presiding over domestic violence cases. The respondents felt that, without a clear monitoring and evaluation strategy, it would be difficult to assess the success of the Act or its shortcomings. The study also indicated that the role of traditional leaders was not well defined in the Act. This was a definite shortcoming, because traditional leaders have an important role to play, as most of them live in rural areas, where they would also be the first point of contact with victims of domestic violence, who would be likely to come to them seeking help and advice. In the rural areas, especially, these traditional leaders needed to know exactly how far they could go in dealing with cases of domestic violence in terms of the Act.

### **5.3.1 Recommendations**

In light of the above findings, it is therefore recommended that:

- There is a need for a clear monitoring and evaluation strategy to be put in place. This will unearth gaps with regard to the implementation of the legislation, thus enabling appropriate measures to be taken.
- The obligations and mandates of traditional leaders must be defined better, so that they will know exactly the set parameters, and especially the limitations and the obligations, within which they are allowed and required to operate.

## **5.4 Objective Three: To ascertain the perceptions of women activists regarding the implementation of the Act**

The study found that women organizations provided a wide range of services, which are essential for the implementation of the Act. These services included counselling, public awareness campaigns on the Act, processing of the protection orders, and the provision of safe houses for the victims of domestic violence. The findings showed that there were some challenges in this regard; these included the lack of public awareness about the Act, the limited material and financial resources made available for supporting anti-domestic violence programmes and awareness campaigns, and the limited provision of safe houses.

Equally important, as noted from the study, was the need for the Ministry of Women's Affairs and the Council to be fully funded so as to enhance their operations. The professional conduct of both the police and the judiciary also were found to be biased and inefficient in the execution of

their respective duties. Only limited numbers of safe houses and protection order forms were made available, even though both are extremely important to victims of domestic violence, thus compromising the safety of the abused. The study also found that the needs of special groups like the disabled people were not well catered for in the implementation of the Act, hence marginalizing this distinct group even further. Overall, it was evident from the study that the implementation of the Act was hampered by a number of challenges that need to be addressed as a matter of urgency. The challenges were partly attributed to a lack of political will on the part of the government.

#### ***5.4.1 Recommendations***

Bearing in mind the challenges discussed above regarding the implementation of the Act, it is therefore recommended that:

- There is a need to increase public awareness campaigns on the existence of the Act. The government, women's organizations and other human rights organizations need to work collectively to increase awareness of the Act in Zimbabwe.
- There is a need for the government of Zimbabwe to make both financial and material resources available to the Ministry of Women Affairs and the Council to improve their operations and their ability to implement the Act. The government also needs to prioritize women's issues in terms of budget allocation.
- The Act needs to be revised to embrace the needs of special groups, such as disabled people, especially with regard to access to the police stations and the courts.
- The issue of the language barrier needs to be addressed by engaging interpreters to ensure effective communication between the police or the judges and disabled people.
- The police and the judiciary would definitely benefit from special training on how to handle cases of domestic violence and also to improve their professional conduct in dealing sensitively with victims of abuse. This type of training will have to be followed by regular in house training to ensure that the officers are well supported and meeting their job expectations.

## **5.5 Objective Four: To determine the recommendations of the respondents regarding improvements to the Act**

A number of recommendations to improve the Act were highlighted by the study. For instance, there were limited numbers of safe houses for victims of domestic violence and limited numbers of protection order forms (or none at all), and that this curtailed the effective operation of the Act. The findings also indicated that there was no alignment between the Constitution of Zimbabwe and the Act. Moreover, special groups like the disabled were marginalized in the Act, and there was no clear monitoring and evaluation strategy for the Act.

The respondents – and the author – make the following recommendations to improve the Act and its implementation:

- There is a need for safe houses and protection orders forms to be made easily available for victims of domestic violence in the cities and in rural areas.
- There is a need for the Act to be aligned with the Constitution of Zimbabwe so as to avoid discrepancies in the application of the respective laws.
- There is a need for a clear monitoring and evaluation strategy to be put in place, so as to assess effectiveness and failures. The monitoring and evaluation would need the buy in of all stakeholders so as to ensure its success.
- The needs and interests of special groups like the disabled have to be catered for in the Act.

### **5.5.1 General recommendations**

In addition to the recommendations proposed by the respondents, the author further recommends the following:

- Considering the information that the women activists seem to have on issues related to domestic violence and policy, it is advisable for the government to consult them extensively before implementing the laws related to domestic violence. Thus a participatory approach would be ideal where the input of the relevant stakeholders would be utilized.

- With regard to the challenges faced by disabled persons in accessing police stations and courts, there is a need for collaboration amongst government departments, such as the Ministry of Construction and the Ministry of Justice. This is important in order to make public places, such as police stations and the courts, more accessible for people who are physically challenged.
- Interpreters need to be made easily available by the government of Zimbabwe at both the police stations and the courts, so as to support disabled people who find it difficult to communicate.
- The police, the judiciary and the NGOs need to work together closely by forming an intersectoral committee coordinated by the justice department, which will focus on domestic violence and improving service delivery.
- Since the government of Zimbabwe alone cannot provide all the needed financial and material support for the implementation of the Act, other role players like NGOs and the private sector should be approached to augment its efforts. NGOs can provide safe houses and counselling services on a wider scale, especially in rural areas. Similarly, the private sector can initiate workplace programmes that are meant to sensitize workers on domestic violence and peaceful co-existence in the home.

## **5.6 Recommendations for Further Research**

The research was conducted in Zimbabwe on a small sample of fourteen women, all based in Harare. Since the sample was small, there is a need to carry out the same research on a larger scale, which would include women activists in other cities and smaller town as well as in the rural areas so as to gain an in-depth understanding of the perceptions of women activists in Zimbabwe regarding the Act.

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## **APPENDICES**

### **Appendix A: Interview Schedule**

#### **Demography of the respondents**

Occupation:

Services provided by the  
respondents' organisation:

Years of practice:

#### **Theme One:** Perceptions on the strength of the Act

- Please kindly share with me what would regard as some of the positive aspects of the Domestic Violence Act?
- In your view do you feel the Domestic Violence Act is contributing towards the reduction of cases of domestic violence in Zimbabwe?
- What would you consider to be some of the benefits of the Domestic Violence Act to the victims of domestic

#### **Theme Two:** Perceptions on the weaknesses of the Act

- What would you consider to be some of the weaknesses of the Domestic Violence Act?
- How has these weaknesses affected the victims of domestic violence?
- Is there any groups of people that you feel are more affected by the flaws in the Domestic Violence Act?

#### **Theme Three:** Views on the implementation of the Act

- What are your views on how the Domestic Violence Act is being put to practice
- What would you consider to be some of the challenges in putting the Domestic Violence Act into use?

- What would you consider to be your role in the putting of the Domestic Violence Act into use?
- Are there any other role players that are involved in making sure the Domestic Violence Act work
- Please share with some of the challenges faced by role players in trying to make the Domestic Violence Act work.

**Theme Four:** Proposed recommendations regarding the Act

- What would you want to see change in the way the Domestic Violence Act is structured if any?
- What would you suggest to the policy makers that would make the Domestic Violence Act to be more helpful?

**Theme Five**

Do you have anything else that you would want to say before we close the interview?

Thank you for your time.

## Appendix B

UNIVERSITY OF CAPE TOWN



### Department of Social Development

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10 December, 2013

TO WHOM IT MAY CONCERN

#### Application to recruit research participants from your organisation

My name is Freddy Lipeleke and I am Zimbabwean. I am studying Masters in Social Development at the University of Cape Town. I hereby wish to request to recruit respondents in your organisation to participate in my study.

The overall aim of the study is to *explore the perceptions of women activists on the Domestic Violence Act (2007) in dealing with domestic violence*. The study will be conducted through individual in-depth interviews. I hope that the findings and recommendations of my study will contribute and possibly influence the amendment of the Act under investigation.

Participation in the study is completely voluntary. Responses and findings from the study will be kept confidential. Access to the final report if desired could be made available to the organisation. Further information regarding the study can be obtained from me: mobile number 0772 390 371 or 0772 910 042, email address: [lipeleke@yahoo.com](mailto:lipeleke@yahoo.com) or [lp1fre001@myuct.ac.za](mailto:lp1fre001@myuct.ac.za).

For any other queries my research supervisor Dr Gxubane can also be contacted at: [thulane.gxubane@uct.ac.za](mailto:thulane.gxubane@uct.ac.za).

Thanking you in advance for your consideration.

Yours sincerely

Freddy Lipeleke  
Master's student researcher