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FACULTY OF ARTS
DEPARTMENT OF DEVELOPMENT STUDIES

The efficacy of the Domestic Violence Act in reducing gender based violence in rural communities. A case study of Ward 23, Mberengwa District, Zimbabwe

BY

ADDJOY MEMO

R103669X

*A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF A BACHELOR OF
ARTS DEGREE IN DEVELOPMENT STUDIES.*

SUPERVISOR: MS MKHUHLANE

2014



APPROVAL FORM

The undersigned certify that they have supervised the student Addjoy Memo’s dissertation entitled: The efficacy of Domestic Violence Act in reducing gender based violence in rural communities, A case study of Ward 23, Mberengwa. The dissertation was submitted in partial fulfillment of the requirements for the Bachelor of Arts in Development Studies Honors Degree at Midlands State University, Gweru, Zimbabwe.

.....

Supervisor

.....

Date

.....

Chairperson

.....

Date

RELEASE FORM

Name of student: Addjoy Memo

Dissertation Title: THE EFFICACY OF THE DOMESTIC VIOLENCE ACT IN REDUCING DOMESTIC VIOLENCE IN RURAL COMMUNITIES, A CASE STUDY OF WARD 23, MBERENGWA.

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I declare that this research is my original work and is submitted in partial fulfillment of the requirements of BA in Development Studies Honors Degree at the Midlands State University, Gweru, Zimbabwe.

ADDJOY MEMO

Student No// R103669X

.....

Signed

.....

Date

DEDICATION

To the Almighty for His guidance and leading me throughout the entire time

I also dedicate this to my family, especially my Mother for the unwavering support and encouragements which kept me strong enough to persevere, special mention to my Father and Aunty Tsitsi for the amazing support. God Bless You.

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Not forgetting the survivors of domestic violence for their willingness to openly share with me their experiences of GBV. To them I say now you are equipped with the necessary knowledge to free yourself against the scourge of domestic violence, stand up and assertively demand your legal rights.

ABSTRACT

Gender based violence a global phenomenon a cause for concern, which does not discriminate, knows no race, ethnicity and geographical location, and is a social, economic and a health scourge, a development problem, has bedeviled the achievement of all the Millennium Development Goals. Not until the coordinated approach between the rural and urban, men and women that gender based violence can be totally eradicated. Because gender based violence is inherently gendered, men can be victims as well as perpetrators thus their involvement in the quest to eliminate it as victims, perpetrators, gatekeepers, advocates and activists, is very crucial. In an attempt to align with the international and regional calls for the introduction of measures to eliminate one of the social ills that has held back developmental initiatives, countries have enacted laws which seek to eliminate domestic violence and Zimbabwe was of no exception. The ever increasing cases of domestic violence saw the enactment of the DVA in Zimbabwe in 2007. However to note is how the law is fairly being utilized in the urban areas and rarely in the remote grassroots areas. Thus envisaged in this study is the implementability and utility of the act against a background of social cultural norms and beliefs, poor enforcement mechanisms and unequal prioritization of service provision. The researcher used qualitative research to unpack the efficacy of the Act .The study reveals that GBV is rooted in traditional cultural practices, beliefs and norms, and until these cultural structures are done away with the eradication of gender based violence shall remain a dream in the pipeline especially in the rural areas.

ACRONYMNS

CEDAW	Convention on the Elimination and Discrimination of Violence against Women
CCPR	Convention on Civil and political rights
DVA	Domestic Violence Act
DV	Domestic violence
GBV	Gender based violence
MDG	Millennium Development goals
MWGCD	Ministry of Women Affairs Gender and Community Development
NGOs	Non – Governmental Organization
NGP	National Gender Policy
VFU	Victim Friendly Unit
SADC	Southern African development committee
UN	United Nations
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Emergency Fund
UNGA	United Nations General Assembly
UWCHR	United World Conference on Human Rights
WHO	World Health Organization
ZWLA	Zimbabwe Women Lawyers Association

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Introduction

The enactment of the domestic violence act in 2007 as a response to the ever growing domestic violence in communities saw the relative reduction of violence amongst communities. The act which was introduced to protect both men and women has impacted in a variety of ways depending on the level of awareness and receptiveness especially to those communities who were fully reached to during the combined efforts awareness raising campaigns by both the government and the NGOs. The law was a commendable step in an endeavor to reduce and gradually eradicate domestic violence as it was seen as creating a more equitable, co-operative and peaceful world to eliminate all forms of GBV if efficiently utilized. The aim of the law was to provide relief and ensure protection for survivors of domestic violence as well as long term measures for the prevention of gender based violence. To be ascertained is the reason for this quietness, whether it is because of the ignorance of the law or to women it might be as a result of the patriarchal nature of the society they live in which views women's suffering in the hands of their male counterparts as normal. Thus the thrust of the research is to ascertain both men and women's plight under gender based violence, measuring the effectiveness of the law in place, which is meant to put an end to gender based violence and a society where both men and women equally partake in the development of their societies and the country at large.

Background

Gender based violence has been widely recognized as a violation of human rights and a crime against humanity. However despite this realization it has been vastly noted that this phenomenon of domestic violence, especially against women is on the increase globally. Gender based violence has also emerged as a serious cause for concern world over as a serious human rights,

global health and a development issue. Reports and evidence available has shown that 6 out of 10 women globally experience gender based violence in silence and also reveals that although women are the most haunted group of people in terms of GBV as victims and men as perpetrators, it's not always the case as there are some men who are also victims of GBV. In addition, GBV is recognized as the most strong form of inequality. It has been found to have deep negative impacts, ostracizing women's ability in both the public and the private sphere, reduces women's abilities to fully realize and reach their fullest potentials in life hence deeply estranging women in continued poverty. Thus domestic violence has been globally recognized as a gross human rights abuse. According to Declaration on the Elimination of Violence against Women, UN general Assembly Resolution 48\1004 (2003), violence against women, comprise of the rights and fundamental freedoms of women and impairs or nullifies women's enjoyment of their freedoms.

Recognized also is the idea of the devastating impacts of violence against women, which has stimulated widespread movements to seek to redress women's plight under the domestic violence. According to Godenzi (2000), violence against women robs of the women the feeling of safety and this in turn implies that the women's freedom and welfare to enjoy the fullness of rights is tightened, women's full advancement is prevented. In this way it is evident that domestic violence becomes a typical factor crossing and affecting all proportions of women's life including exacerbating the factor of social exclusion already faced by women. Social exclusion impedes one's ability to fully practice and enjoy individual autonomy and right to partake fully in all dimensions of life, thus becoming one factor that continue to entrench women in widespread poverty.

It is of no justice to always focus on women alone when talking about domestic violence as men are also victims of gender based violence. Many researches and journals document the women's experiences with the phenomenon of domestic violence. However to note is that men are also part of victims of violence, though the most socially injured are the women. Sisselman (2009) alludes to this factor as quoted in Tracy (2006) , men are also victims of domestic violence but the most common victim , and the most socially injured part are the women. Accordingly it is of important to also involve men and listen to their experiences with GBV, affording them a platform to also speak out against the social phenomenon. To note is also the idea that totally eradication of GBV can only be achieved when both men and women are taken on board in all the measures that are done instead of only empowering one side when the perceived high percentage of perpetrators are left out. Thus it is the scope of this research to welcome aboard men, not only as perpetrators but as victims and also agency of change.

The Oxfam gender Policy (2010) also made mention of the fact that violence against women comprising the infringement of basic rights, suppress women's self-determination and their chances of leading a successful life. Pickup etal (2001) also noted that domestic violence to which women are subjected to limits the women's freedom to fully participate even in issues that pertain to their lives, thereby widening the gap between men and women. Domestic violence against works as an impediment to the development of society and the country at large due to the inequalities associated with it.

It is against this background that violence has been placed at the forefront globally, internationally and nationally as a human right abuse, and a punishable offence requiring stiffer

penalties. To this end, in 1993 the United World Conference on Human Rights (UWCHR) placed violence as a human right abuse. Taking a leaf from the UWCHR, the United Nations General Assembly adopted the declaration on the elimination of violence against women, affirming that states should ensure that acts of violence are stopped and also giving the state the major mandate to ensure the safety of all survivors, prosecuting all acts of violence.

Just like many states, Zimbabwe has taken a step to empower its survivors through the ratification of international laws and policies such as the Convention on the elimination of all forms of violence against women (CEDAW), Convention on Civil and Political rights (CCPR), the Beijing Declaration of 1995, SADC Declaration on Gender and Development. Zimbabwe has promulgated various laws to safeguard and protect women against the claws of gender based violence. The Domestic Violence Act is one of such laws which are meant to ensure that the most vulnerable group which are women, though men can also be survivors, reach their fullest potentials without facing the hurdles of the society, where they are hinged and tied around domestic violence with a deep root in patriarchal traditional society, where a women's place is regarded to be in the kitchen, taking the leading role of reproduction. Therefore it is within the jurisdiction of this paper to analyze and note the impact of the Act as a means to curtail the rampant abuse of humankind through domestic violence as a human right violation in Zimbabwe especially to the rural populations which are highly marginalized and never given first preferential focus despite being the most highly entrenched in traditional patriarchal societies. The research seeks to curtail the reasons why victims of gender based violence fail to utilize the rights which laws specifically guarantee them, especially the grassroots people and their

adaptation measures in cases of violence and also how the community at large view and deal with domestic violence.

The Domestic Violence Act (2007) 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”*. Prior to the enactment of this law in 2007 in Zimbabwe, there existed no law which protected victims of GBV. Most suffered in silence as the traditionally oriented society they reported to offered no any other support except to assure them that they had to endure no matter any circumstances that might befall them, regarding such matters as of privacy. In a survey conducted by Musasa Project (2006) prior to the institutionalisation of the DVA in 2007, at most 1 in 3 women reported some form of violence within the extended family, but with no substantive progress in the amelioration of her plight. Six years down the line after the enactment of the Domestic Violence Act in Zimbabwe, rural populations are still seen suffering in silence at the brutal hands of their partners and the society as a whole which is still entrenched in the traditional practices which deprives, especially a women to exercise her right and abilities to reach her fullest potential, the system which regards a women violence as a norm rather than a social scourge. Despite the recent realisation that rural populations needed special attention when it comes to the awareness campaigns they are the ones highly affected by the traditional patriarchal societies and their vulnerability by the NGP 2013-2017, nothing much has been done so far.

It would not be justice to only look at the violence being perpetrated towards women alone as men are also victims of gender based violence. Thus in an attempt to defile the previous odds

which have been mainly centralised on the impact of the law on women only, the research thrust is to also find out the impact and efficacy of the law on men as the law itself specifies that either a man or a woman might become a perpetrator. It is against this background that the research seeks to unpack the rural people's experiences with gender based violence. Encompassed forms of violence in this research would include harmful traditional social practices, wife battery, rape and property grabbing.

Conceptual framework

Gender based violence entails violence that is directed against a person on the basis of gender. It reinforces inequalities between men and women and further compromises the health, security and dignity of the victims though at many times it is highly ignored by the state and the communities at large. According to the report released by WHO, legal and cultural norms tend to disregard violence against women as a crime but rather treat it as a normal part of life and as a normal private family life. Gender based violence cannot be understood outside the social structures, gender norms and roles that support and justify it as normal or tolerable. GBV includes domestic violence, sexual harassment and harmful social practices such as forced marriages, genital mutilation. According to the 2007 DVA legislation, domestic violence was conceptualized as

Any unlawful act, omission or behavior which results in death or the direct infliction of physical, sexual, or mental injury to any complainant by a respondent and includes the following, physical, sexual, emotional, verbal, psychological, economic abuse, intimidation, harassment, stalking, malicious damage to property, abuse derived from cultural practices.

Out of this gross human right violation Zimbabwe just like many other states globally, enacted the DVA in 2007 as a means to curtail and bring to justice perpetrators of domestic violence. Against a background of a country deeply rooted in patriarchy, there existed the mushrooming of NGOs and other civil society organization in conjunction with the Domestic Violence council, a government body meant to monitor the progress of the DVA and its implementation, converging to raise awareness amongst women and men and the community at large about the devastating effects of domestic violence to the community and the country at large. To this end it is vital to unearth the effects and the impact of the Act to both men and women especially grassroots populations who are usually sidelined by the duty bearers, law enforcements agency and the social workers in terms of reach during awareness campaigns.

Against this background it is however important to applaud the works done by organizations such as Musasa, Padare, ZWLA in their quest to empower communities so that they are able to claim and confidently assert their rights against all odds, which are the social norms they are confined to, the patriarchal society they live in. however the success of the act in alleviating violence in the society cannot be fully achieved as long as the rural populations are being left out in such awareness's. Important to note is the fact that rural communities are the ones largely still confined to the highly patriarchal social systems which have been highly blamed as to exacerbating violence and also poverty which is seen as one factor that contributes to domestic violence. Thus it is the thrust of this research to unearth the impact of the Domestic Violence Act to grass roots impoverished, traditional, remote areas taking on board gender lenses, which shall enhance an environment of gender equality hence taking a step towards informing the responsible people in their quest for the achievement of MDG 3, which is seen as a critical

foundation for the achievement of all other MDGs hence a critical foundation for human development.

Statement of the problem

The enactment of the DVA in 2007 was viewed as the most progressive legislation in curbing domestic violence. While it is important to applaud the government and the women's movements for their commitment to safeguard against domestic violence, it is equally important to dig much deeper on the impact of the DVA legislation, measuring its efficacy and progress ever since 2007. Little or no literature has been available on the experiences of grassroots communities in relation to the various laws meant to nip GBV in the bud. To note is how the government and NGOs activities and service provisions are mainly centered in the urban areas, thus the scope of the study, to unearth how rural communities get reach of the important information. Researches available highly exclude experiences, knowledge of the remote populations when infact they are the ones more vulnerable to the yoke of patriarchy, one factor which exacerbate GBV. Additionally the available information fails to take on board men from both the urban and rural sphere and this has jeopardized and slowed down the attempts to end Domestic Violence. On this basis the research sought to fill in the knowledge gap through the examination of both men and women's experiences in the rural areas with regards to the implementation of the Act for an enhanced coordinated approach to the eradication of GBV and attainment of gender equality.

Justification of the study

While it is agreeable that there has been a lot of talk about GBV and the DVA itself, there was however need to unravel this topical issue further digging on the effectiveness, relevance and

impact of the law in providing a shield for victims of GBV in rural areas, for their emancipation, digging further on how the rural communities perceive the Act. The research managed to untangle the efficacy, implementability and the impact of the Domestic Violence Act on the most vulnerable women in rural areas and men also, opening up recognized loopholes and challenges, if any, for the possibilities of mapping and coming up with relevant recommendations to the implementation partners, which shall assist in the full implementation of the law by every citizen regardless of their geographical location and their high susceptibility. The research is further going to assist the policy makers to consider the various locations and conditions in different geographical zones with which women go through, hence the ability to device policies which give greater credential to rural dwellers not only in terms of GBV but all women empowerment related policies, taking note that women's experiences are not linear but differ in relation to culture, race and geographical location , thus the research contributing to the body of knowledge of rural areas, women and law. The research encompassed men's views in relation to the implementability of the act hence being gender sensitive, alluding to the fact the gender based violence cuts across all sexes. The research shall assist the responsible ministries to improve in their gender sensitive budgetary allocations, reserving higher percentage allocations to rural communities. The research shall go a long way in showing, to various stakeholders, the utility of the DVA to rural populations, highly burdened with the yoke of patriarchy. It was the researcher's conviction that the dimension under the spotlight that is the extent, to which rural women in Mberengwa took advantage of the DVA, had little, if any documentation. The platform allowed of the conscientisation of both men and women with little knowledge regarding the Act. The researcher took the opportunity to distribute pamphlets taken from Musasa.

Theoretical framework

The study is grounded in Liberal theory, one of the feminist perspective theories. The liberal feminist theory asserts that women's plight can only be changed through effective legislation which they believe is one way to upsurge the patriarchal system, a factor which sustain violence. Liberalism argues that equality for men and women can be achieved through legal means and social reform leaning towards promotion of equality. Liberal Feminists argue that women have the same capacity as men Pence and Paymar (1986) emphasizes gender and power inequality in opposite relations which focuses on the idea that sanctions a male's use of violence and aggression throughout life. They see the root causes of violence as the outcome of living in a society that condones aggressive behaviors of men while socializing women to be nonviolent and subservient. Tracey (2007) asserts that patriarchy is the ultimate cause, the over arching construct which ultimately engenders violence against women. Liberal feminists contend that patriarchy subjugates women and silence them. To this end liberal feminists content that it is the role of the state to enact laws which strictly monitor any cases of violence against women, not only legislation but strict and effective legislation. State is given the mandate to ally with women's movements in the promotion of women's autonomy and should effectively safeguard women against violence regardless of who they are.

The liberal feminists are also equally concerned with the redressing of social hierarchies through ensuring equal opportunities and equal rights such as equal access to education, employment and other areas of public life. Liberal perspectives allude that domestic violence can only be done away with through the enactment of laws which summon the perpetrators of violence to the courts.

Objectives of the study

1. To find out the nature and causes of gender based violence in rural areas.
2. To establish the level of awareness of DVA amongst rural populations.
3. To unpack the applicability of the Act in rural areas.
4. To establish the factors that hinders the full implementation of the Act in rural areas.

Research questions

1. What impact and how effective is the Domestic Violence Act in protecting victims against all forms of violence.
2. What are the challenges faced by rural communities in their attempts to defend themselves against violence.
3. What solutions can be derived to ensure that rural men and women like their urban dwellers are able to utilize the powers the laws that specifically guarantee them?
4. What are the developmental effects of gender based violence on men and women and the country at large.

Research Methodology

The study largely encompassed qualitative research method. Qualitative methodology best captures views and experiences on domestic violence and gender as it avails a contextualized description of human behavior that helps in understanding why and how they respond to the act and the continued violence they are subjected to. Creswell (2009) asserts that qualitative research is efficient in exploring and understanding the meaning individual or groups ascribe to a social or human problem. He also added that it works best in issues that relate to marginalization of people and an interest in creating a better society for them and everyone. It is more open and thereby

more involved than other research strategies. The strategy was also relevant to the aim of study which sought to transform the perspectives of the world and at the same time bringing a call for action. Qualitative research provides detailed verbal descriptions, cases, settings and systems obtained by interacting with, interviewing and observing social phenomenon. Unstructured interviews, questionnaires, focus group discussions, key informant interviews are the key data instruments that were employed.

Research Design

Research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research. The researcher used the descriptive design which has its main purpose as that of acquiring knowledge, thus according to Ghosh (1992) In this case the reason was to get information as to why GBV is endemic despite the existence of the Domestic violence act. Descriptive design is very much descriptive in nature and applicable especially in qualitative research, which is the research method used in this research. Research design is specifically designed to produce accurate and reliable measurements that allow for statistical analysis.

Sampling Method

Proper sampling method should give a precise but correct representation of the whole population. Thakur (2009) pointed out that sampling methods assist in accessing or getting vital information more quickly. The aim of sampling is to get an approximate representation of the possible target population, Mounton (1996). Purposive sampling method was used to select the population size to use for sampling. For purposive sampling, the essence is to locate only the knower in the production of the research and a population of interest and in this case these were the men and

women with first-hand experience of domestic violence. The community ward coordinators assisted the researcher with 40 people consisting of both men and women with first hand experiences with domestic violence for focus group discussions (FDGs), which were composed of both men and women. The discussions were based on consent and willingness, looking into consideration that the topic under research is very sensitive with which some individuals were unwilling to share their experiences, thus the issue of consent was highly considered.

Key informants interviews were conducted with the Ministry of Women Affairs, Police and traditional chiefs, village heads and the councilor of the area under the scope of the research. These assisted with information regarding their first hand experiences with victims of domestic violence and the state and progress of the law in their perspective.

Data collection methods

Unstructured interviews

Unstructured questions assisted the researcher to get as much information as possible from interviewees' through the use of probing, interpreting gestures, that is the unspoken words portrayed through facial expressions and many other body languages. This is a very crucial method to gather data pertaining to domestic abuse as people sometimes find it hard to divulge much information on their experiences about violence, which is highly regarded as a private issue especially in rural areas. Unstructured interviews enabled the researcher to gather full in-depth information as it brought out the respondent's social realities regarding gender based violence and the in-depth interviews ensured a natural environment which elicits more information. With the assistance from the community based counselors, the researcher identified the respondents,

especially those with first-hand experience with GBV. The flexibility of the researcher in Ndebele and Shona was an added advantage as she could easily converse the interviews in any of the two languages, depending on the language of the interviewee as the area under study consists of the mixed population of the two languages, Ndebele and Shona.

Questionnaires

These were distributed to 40 respondents comprising of both men and women who were purposively selected through the ward coordinators who are aged between 18-45, to find out about their experiences of GBV including their level of awareness of the law itself, community perceptions and their coping mechanism. These are cost effective as the area of study under spectacular was large and the researcher needed to gather as much information. They were transverse in vernacular; this was so particularly because the area of study was a very much remote area, with few or none at all being able to converse in English thus enabling better understanding by the respondents. Questionnaires were also used to quickly gather information from the duty bearers about their experiences in dealing with issues to do with domestic violence in the area.

Focus Group Discussions

Three groups comprising of between 6-8 participants were used for Focus group discussions. Two groups were divided in relation to sex and the third one comprised of both males and females. They were conducted on the basis of willing and consent to share their experiences as a group. Due to the nature of the research, the FGD participants were promised of confidentiality and no mention of their names in the research. The participants were obtained through the Ministry of Women Affairs, ward coordinators, the assumption being that the Ministry is well

informed on men and women who are survivors of GBV. This enabled the researcher to access the victim's coping mechanisms. Focus group discussions assisted in ensuring that respondents divulge much information because of their interactive in nature. The mixed gender focus group was very productive and informative to the researcher as both men and women managed to open up on their shocking experiences. The researcher facilitated the FDGs and at the same time capturing data through writing and also recording.

Key informant interviews

Key informant interviews were conducted with the duty bearers, those who were given the responsibility to ensure that the implementation of the DVA is flawless. These included the law enforcements agencies such as the police, the ministry of women affairs, gender and community development, the chiefs responsible for the area and the village heads and other community based structures such as the ward coordinators. The researcher used semi structured interviews. The questions were aligned depending on the responses of the informants. This enabled capturing of much relevant information alone. Unfortunately the researcher could not reach the prosecutors and magistrates as they were only based in Zvishavane

Literature Review

Domestic violence has highly become a globally phenomenon hence attracting worldwide attention due to its highly detrimental effects in the families, societies spreading over to wider perspective , that of having a devastating effect on the developmental aspect of a country as a whole. Gender based violence, is seen as one way that has led to the diversion of funds for developmental purposes for the purposes of channeling it to the support of GBV survivors. Domestic violence has been widely seen as the most pervasive, shameful human rights abuse. This has spurred a lot of attention from UN and regional bodies with recommendations to member states that are meant to be adhered to in an endeavor to safeguard people from gross human rights violation. In response, laws have been enacted to protect the victims of the abuse. Against this background and the lot of talk by the government and the women rights organization on the impact of such laws, it is quiet important to allude that the “walk the talk” that has been done is highly biased and centers on the impact of the laws in the urban areas but this study however shifted the focus and looked at rural men and women as the center of focus. This is due to the consideration that these two spheres are two distinct due to their location and culture hence assuming that the laws has the same impact on both rural and urban communities would not be a fair justice. The rural areas have its flaws which makes the implementation of the law an impediment.

This global wave of the realization of the detrimental effects of domestic violence has outraged a spark in the ways in which individual states are embarking on, in an attempt to fight this gross human right practice experienced world over. Much research has been done on the impact of the various institutional frameworks on preventing continued domestic violence, however a lot of

ground pertaining as to how the laws have impacted on the lives of the GBV survivors, raking in all the people from different religious beliefs, race, ethnicity and geographical location. For example a research that was conducted in the Asian countries which included Indonesia, Japan, Taiwan and India, carried out by Darsin (2009) reviewing the impact of the domestic violence laws, revealed that the laws were somewhat biased and in some instances lacked depth explanations and conceptualizations which he mentioned as the factor behind the legislation failures. The research left out the aspect of different geographical locations of survivors, failing to bring out the perceptions of both men and women regarding the effectiveness of the laws in fighting human rights violations through domestic violence

In Nigeria, Chika (2001) also researched pertaining to the effectiveness of the law that prevents domestic violence in Nigeria; her research only encompassed women's views on the efficacy of the law. In doing so, she failed to allude to the fact that domestic violence knows no gender, thus men can also be seen or regarded as survivors of violence and also fails to be gender sensitive. Thus the research unraveled what both men and women perceive with regards to the law, thus the aspect of gender sensitivity being taken aboard.

According to the OECD development policy brief of 2013, the introduction of laws is a step further in achieving gender equality and combating domestic violence through the address of GBV, however those laws would be toothless if no necessary measures are taken in ensuring proper use and practice of the legislation if the intended beneficiaries are not aware of the powers that are invested in them through the law, they are not enough without proper mechanisms for enforcement and also means to which the intended beneficiaries of the law are made aware of the

provisions of the law. UNICEF 2009 report also alluded to the above idea, that for effective use of legislation, awareness campaigns targeted at the beneficiaries should be widely conducted and is only one way to ensure success of any empowerment institutional legislation. Hence the research sought to align with the internationally approved standards, ensuring that the noted gap in GBV legislation and awareness is filled in.

In addition the SADC Gender protocol barometer of 2012 released that by 2015 state parties should by then have enacted and able to effectively enforce legislation which prohibits all forms of violence and ensuring that laws on GBV provides comprehensive treatment and attention.

Musasa Project in its in 2011 research entitled, Gaps in the implementation of the DVA, disclosed that the law has been successful in curbing against abuse, and though highlighted some few hiccups faced by the women after having approached the police. From the research Musasa Project conclusions were based on the findings from women in Harare and Bulawayo urban. This is evidence that the study was not all inclusive as rural women's experiences were excluded despite them being highly vulnerable to domestic violence. Thus the thrust of this study was to fill in the knowledge gap pertaining to the rural women's experiences, a subject that has always been left out by many researchers.

Much attention has also been given to the utility of the Act and its impact to the religious groups in trying to discern how these how various religious affiliated women relate to the domestic violence act. Chireshe (2011) thesis entitled Utility of the Zimbabwe Domestic Violence Act dwelt much on the utilization of the law by Christian women who are again in urban Masvingo. Of note is how these researches are highly confined to the urban dwellers. Similarly

Makahamadze (2011) in his research chronicled the community and women's perceptions regarding the Act, however the study was also centered in urban Harare. Thus the ideal of this study to take on board grassroots women and the community at large in issues to do with gender based violence.

From the researches available, it has come to the attention of the researcher that urban women are now much informed on the laws which enhance their legal status measuring by the number of cases that are reported to the police as compared to the grassroots remote areas where no or little reports have been penciled, furthermore scholars have seem to give a blind eye regarding to the experiences of rural women vis-a-vis domestic violence. Kupeta's (2012) findings in her research also revealed that a considerable number of people have been capacitated and are now aware of laws that guarantee them of their rights. Of note in this realization is that the report never took a leaf at the level of awareness of women in the rural areas, in fact the outlook was only based on the evidence in the cities where awareness campaigns have been widely conducted by both the government and women lobby organizations However this research lacks the voices of the rural dwellers thus the thrust of this study to encompass the rural majority women if the fight against gender based violence is to be fully achieved.

According to UNFPA as quoted in the News Day, it has done a lot in concientising the communities and the whole country at large about gender based violence. However noted by the researcher is the fact the awareness campaigns have not been far reaching. Muvunzi's research Education and Legislative System, Domestic Violence in Zimbabwe, she concurs with the researcher of the need to encompass rural people in raising awareness of the laws which

specifically guarantee them of their rights. She came to the conclusion that the legislative stem hasn't made a mark in the rural areas, hence the idea to find out how the rural communities are coping.

The disparity of the level of awareness was also noted by Bote (2008) in her research, revealed organizations and government interventions and awareness's are highly centralized in the cities which has led to the disparities in the cases reported, she revealed that in Harare in 2010, 512 applications for protection order were received as compared to only 7 handled by the courts in Mutoko. In Masvingo 76 applications were handled and only 1 in Mwenezi. Deeper research is therefore required to reveal the major factors of impediments which need greater attention as this has impacted a lot in the empowerment of the rural women.

On that note this study to unpacked the experiences of the rural communities with regards to GBV, with the findings going a long way in assisting the policy makers in devising better ways to target rural dwellers hence enhanced better programming. The research coincides and seeks to answer Viriri et al's rhetoric question on why domestic violence still persists at an alarming rate despite so many years after the Beijing World conference where ambitious proposals were lined up. This validated the idea that unless men and women are aware of their rights, eradication of domestic violence is a fallacy.

Thus the scope of the research, uncover rural communities' experiences behind a highly patronized hierarchical, traditional patriarchal nature of the society they reside in, which has seen them being left out in the campaigns against gender inequality and women empowerment. Six

years down the line after the enactment of the DVA but still rural women seem not to experience the gains currently being experienced by the urban dwellers. The research helps in the realignment of gender awareness programming and budget allocations in terms of the geographical locations of the intended beneficiaries, with an informed perspective.

CHAPTER 1

1.0 Overview of the DVA

The DVA, an act put in place to protect victims of domestic violence, is the extension of the long arm of law which is meant to promote gender equality, through the promotion of an enabling environment that allow for both men and women's ability to enjoy their rights without having one group infringing the rights of another. Taking a leaf from both regional and international declarations and conventions such as the Convention on Economic Social and Cultural Rights, Convention on Civil and Political Rights, Universal Declaration of Human Rights, UN Convention on the Elimination and Discrimination Against Women ,the Beijing Declaration and Platform for Action, the 1997 SADC Declaration on Gender and Development together with its addendum on the Prevention and Eradication of Violence Against Women and Children, the SADC Protocol on Gender and Development and lastly the Protocol to the African Charter on Human and People's Rights on the Rights of Women, Zimbabwe introduced laws and policies which sought to align with international and regional principles , ensuring that both men and women become equal partners in development.

Zimbabwe being a signatory to the above international instruments , it was left with no option but to enact laws which addressed the inequalities which existed in the highly patriarchal society, which highly disadvantaged women, thus putting in places laws and policies designed to

promote gender equality and uplift the status of women as a highly disadvantaged group. These include the legal age of majority act of 1985, the matrimonial cause's act of 1985, the labour relations act of 1985, the sexual offenses act of 2001, the national gender policy of 2001 and the Domestic violence act of 2007. Domestic violence affects all nationalities, ethnic groups and cults across the entire social strata, thus according to Tom and Musingafi (2013).

As has been highlighted in the opening sentences that the DVA is just but part of an extension of laws and policies that seeks to ensure an environment of equality and total freedom for every individual, men or women. There existed laws which were enacted to get away with the inequality which existed which deprived especially women their fullest development whether socially, economically and politically there by remaining the most laden within the society. Thus as result of the realization of this phenomenon, international calls for the endorsement of equality laws became widespread. Thus a number of laws were introduced for the purpose of taking forward the cause of equality. To note is how these laws might seem to favor women, however one has to take note that it is against the historical background of women being the victims of discrimination and patriarchy since time immemorial, thus the laws sought to protect and address this phenomenon through the enactment of laws which prevent society to view women as second class citizens but as equal partners to men. Article 5 of CEDAW alludes to this social redress through the enactment of laws and policies stating that

State parties should take appropriate measures to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority and superiority of either of the sexes or on stereotyped roles of both men and women

As a way of attaining gender equality between men and women, Zimbabwe had to introduce laws that were meant to redress the social imbalances that dated back to the colonial era. Such laws as the Legal Age Majority act, which afforded women to control their sexuality and according them a legal personality just like their male counter parts, the Labor relations Act, which addressed workplace imbalances, the Matrimonial Causes Act, which sought to ensure equitable distribution of matrimonial resources, the Administration of Estates Act which allowed for equal sharing or benefits in case of death, the Criminal Law Codification Act which criminalized the willful transmission of HIV and also prohibited marital rape, the 2006 National Gender Policy which sought to ensure that all programs being implemented are integrated and coordinated for the promotion of equality between men and women. In short, these were the previous laws that were enacted for the cause of driving the process of achieving gender equality. The DVA became an extension of the efforts that were set in pace since independence.

It was against the historical realization that there existed no law which sought to protect victims of domestic violence, which on its own domestic violence was a factor which was seen as exacerbating the already existing inequalities. The Ministry of women affairs Gender and community development in its 2013 Baseline study quoted that domestic violence reinforces the differences and inequalities that exist between men and women. Thus the need to address domestic violence was perturbed by the rise of cases against domestic violence not only in Zimbabwe but globally. It was the realization of the detrimental effects of domestic violence to the survivors and largely within a country that led to the outcry across all globe for the introduction of laws and policies that brought to book perpetrators of domestic violence and providing safe houses to the survivors. The SADC Protocol being one of the regional outcries to

end domestic violence and Zimbabwe a signatory to it, has its aim that of halving current levels of gender based violence by 2015.

Gradually the existence of the MWAGD enabled for thorough advocating for the enactment of another law which prohibited domestic violence and see it within the global lenses that it was a threat to human beings, hindering them of their full enjoyment of human rights, hence to seek a law which provided for the protection and offering of shelter and counseling services to the survivors of domestic violence. The roots of domestic violence were largely seen as structural, hence the need to address the problem with structural terms and policies which was going to modify the mechanisms which will engender an environment that is conducive to equality between men and women hence doing away with gender inequality. The role of the state was seen as pivotal in the introduction of legislation that sought promotion of equality between men and men, and ensures that both men and women contribute fully to development. This led to the enactment of the domestic violence act in 2007, an extension of the laws which previously existed but this time offering support services to the survivors of the highly regarded social ill, domestic violence.

Domestic violence was globally viewed as the social ill, a human rights issue and a serious blockade to the development of a nation. Parramore et al (2006) alludes to the above having stated that domestic violence is a social, economic and health concern that does not discriminate. As a result of this, countries across the globe are coming up with strategies that are meant to end the violence and provide safe solutions to survivors of violence and Zimbabwe is of no exception. Taking a leaf form the regional and international declarations and conventions which

advocate for the realization by states that domestic violence is violations of human rights hence need greater attention if gender equality among men and women is to be attained, the Women movements advocated for the enactment of such a law as prescribed by the regional and international conventions and declarations, a law that was going to bring to book all the perpetrators of violence, regardless of sex. Domestic violence is seen as the most pervasive way, that exacerbate the discrimination and sidelining of women in all the developmental effects, domestic violence subjugates women and elevate men to greater heights hence seeing themselves as superior to women. However this is not to say that men are only perpetrators of GBV as they can also be victims. However as noted by the Minister of Women Affairs Cde Oppah Muchinguri as quoted in The Chronicle that men need to break up the male socialization of being masculine hence shying away to reporting their experiences with GBV hence making it appear as if the law was only effected to safeguard women.

The domestic violence agenda was pushed by many declarations as has been mentioned earlier. Zimbabwe a signatory to a number of regionally and internationally conventions which bound states to take necessary actions to avert the ever-growing rage of domestic violence that continued to take a swipe across the globe hence being mentioned as being detrimental to individual human rights, to personal social development and to the development of the country at large. Hence the enactment of the DVA was a fulfillment of the binding regulations by which Zimbabwe agreed to be signatory to and pledged to work towards eliminating domestic violence especially GBV within communities. For example the CEDAW recommend state parties act to protect survivors of domestic violence against any form of domestic violence of any kind especially that which happens within families that is in the private sphere.

Before the enactment of the act, there was no clear definition of domestic violence, hence its enactment saw the clear definition of what exactly was entailed by domestic violence. This was after the realization of ever increasing cases of domestic violence in the country. Attempts to introduce a law which dealt with cases of domestic violence had been made in the past, the major attempt being the Draft Domestic Violence Bill of 1995, which was established through the Bulawayo Women Association. However, the Bill was postponed until 2003 when it reemerged as a result of the ever increasing reported levels of domestic violence cases and advocacy pressure from women's organizations such as the Musasa Project and Women's Action Group thus according to Christiansen, (2010). Unfortunately the government did not facilitate the enactment of the Draft Domestic Violence Bill. The Domestic Violence Act of Zimbabwe adopted some of the issues addressed in the Draft Domestic Violence Bill. The Act was an expansion of the 1995 Bill.

Being signatory CEDAW, Zimbabwe was obliged to ensure that there is a legislation which seek to 'modify or abolish existing laws, regulations, customs and practices which constitute discrimination of women', for domestic violence is seen as one factor that contributes to the inequalities which exist in the communities and is also said to be a factor which leads to the subjugation of women. CEDAW, Article 2 states that states parties should undertake "to embody principles of the equality of men and women in their national constitutions or any other appropriate legislation if not yet in cooperated there and to ensure through law and other appropriate means the practical realization of this principle. As quoted in the CEDAW document, it further takes mention of the adoption of appropriate measures to eliminate discrimination

against women and for the establishment of legal protection of the rights of women on equal basis with men.

Article 5 further note that state parties should take appropriate measures to change the social and cultural patterns of behavior of both men and men with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either the sexes or on stereotyped roles for men and women .The Southern African Development Community (SADC) Declaration on Gender and Development (especially the Addendum on Violence) require interventions at the legislative, social service, and educational levels to remove discrimination against women, to empower them, to promote and protect their human rights, to provide support to those who have been abused, and to take action against perpetrators of gender-based violence

According to Chabaya et al journal of 2009, it was as after the realization of the ever rising global attention of the dire impacts of domestic violence that the enactment of the Domestic violence Act was seen as a necessity for the protection of the victims of domestic violence, both men and men. As noted by them, increased attention has led to a number of responses from different actors seeking to decrease domestic violence. Thus the domestic violence act came into scene after a decade long of campaigning and advocating for its introduction. Oxfam 2007 report make mention of the Women's coalition which consisted of 27 women organizations widespread campaigns for its enactment. Their desire was to propel domestic violence out from in the rear of closed doors and into the public domains. Perturbed by the Beijing Platform for action a surge of action was triggered in many countries as a means to nip domestic violence in the bud. Prior to the enactment of the Act, it was only physical violence between family members which was

regarded as an act of domestic violence. In actual fact there existed no offence called domestic violence, any case of domestic violence reported to the police was slotted into any common law offenses of assault common, assault with intent to do grievous bodily harm, indecent assault and many others. This tended to limit the scope of domestic violence since any other act that failed to fit in the existing common law offenses would not be considered as an offence, Legal Resources Foundation (2007). Thus the enactment of the Act led to a proper conceptualized definition of domestic violence and marked the beginning of a new era where issues of domestic violence will be backed by the law which now protects every member of a family from physical, psychological, sexual and economic abuse.

1.1 Provisions of the Act

Although, previously laws existed which hindered against sexual and marital rape, which are the sexual offenses Act and the codification reform Act, there existed no law which safeguarded men and women against domestic violence, and summoning the perpetrators to a charge in the court. In an endeavor to eradicate domestic violence a legislation which sought to redress the inequalities between men and women exacerbated by the practice of domestic violence such a law was introduced for the protection of survivors of domestic violence. The Act outlined and put into definition of what consists of domestic violence, forms of domestic violence, and the task of the duty bearers and how victims are supposed to be protected. It was enacted to 'to make provision for the protection and relief of victims of domestic violence and to provide for matters connected with or incidental to the fore going. For the first time in Zimbabwe it is said that the law recognized domestic violence as a specific crime.

The purpose of the act is to protect victims of domestic violence and provide for long term measures of prevention of domestic violence promulgated in 2006 and came into force in 2007, DVA, section 3, subsection 1 conceptualized 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 complainant1 by a respondent and includes the following: physical abuse, sexual abuse, emotional, verbal and psychological abuse, economic abuse, intimidation, harassment, stalking, forcible entry into the complainant's residence where the parties do not share the same residence, depriving the complainant or hindering the complainant from access to or a reasonable share of the use of the facilities associated with the complainant's place of residence.

This definition is wide in any attempt to encompass all forms of abuse. It was borrowed from the one stated in the UN General Assembly (2006) which defined domestic violence as ‘ a range of sexually, psychologically and physically coercive acts against adult and adolescent men or women by a current or former intimate partner without her consent. It does not only end there but continue to make provisions for the cultural or customary rites or practices that discriminate against and degrade women. much emphasis was placed on this provisions for they are the ones who are highly affected by cultural practices and norms such as mentioned in the Act section 3, subsection 1 which are forced virginity testing, female genital mutilation, pledging of women for the purposes of appeasing spirits, forced marriages, child marriages, forced marriages and sexual intercourse between father in law and newly married daughter in laws.

Forms of domestic violence includes among others, physical abuse, sexual abuse, psychological abuse, economic abuse, harassment, stalking, intimidation as mentioned in the Act. For the purpose of this study, four categories or forms of domestic violence would be dwelt with much deeper, that is, physical abuse, economic abuse, psychological abuse and sexual abuse. In reference to the Act, physical abuse is defined as any act or threatened act of physical violence towards a complainant. This refer to any form of abuse that lead to of that inflict physical harm and pain of the body for example the acts of hitting, kicking and punching or any other manner of physical abuse or threat of such physical assault.

Psychological abuse encompass the acts of humiliating a person by insulting, ridiculing a person, calling names of repeated threats to cause emotional pain. Sub section 2 (c) of the Act (2006) defined emotional, verbal and psychological abuse as a pattern of degrading or humiliating conduct towards a complainant including but not limited to repeated insults, ridicule or name calling, repeated threats to cause emotional pain, repeated exhibition obsessive possessiveness which is such as to constitute a serious invasion of the complainant's privacy, liberty, integrity of security.

Economic abuse includes the acts of depriving of one's spouse of monetary care for family use, for household needs medical expenses or school fees. It also encompasses selling off of household property without the other spouse's consent, refusing someone to look for a job or start up an income generating project. The Act conceptualize economic abuse as

the unreasonable deprivation of economic of financial resources to which a complaint is entitled under the law or which the complaint requires out of necessity, including

household necessities , medical expenses, school fees, mortgage bond and rent payments or any other expenses. It also includes denying the complainant the right to seek employment or engage in any income generating activity.

The other form of domestic abuse which has become highly prevalent in this era in Zimbabwe is sexual abuse. This is forcibly having sexual acts without the other person's consent and this includes rape, unwanted sexual touching or any act that sexually degrades another person. The Act defines sexual abuse as any conduct that humiliates, degrades or otherwise violates the sexual integrity of the complainant.

The act is purported to be shrouded with controversy on the issue of classifying excessive possessiveness, jealousy, repeated insults, ridiculing as acts of domestic violence, a vague explanation, adding on to that the issue of conjugal rights and marital rape highly controversial. According to Makahamadze et al, Domestic Violence Act is a controversial piece of legislation because it considers repeated insults, ridiculing, and demonstrations of obsessive possessiveness and jealousy of a partner as domestic violence. This conceptualization was criticized for being excessively vague (Christiansen, 2010). The purpose of the Act is to prevent and protect victims of domestic violence. The Act seeks to establish peaceful relations not only between husband and wife or boyfriend and girlfriend, but also between such relations as employer and maid, stepmother and child or relative to relative (Legal Resources Foundation, 2011).

To validate the idea that the Act was meant to protect survivors of domestic violence, both men and women , the Act explicitly states that a complaint can be a current, a former or estranged

spouse of the respondents of child of the respondent whether born in and out of wedlock, and includes an adopted child and a step child or any person who is or has been living with the respondent, whether related to the respondent or any person who co-habit with the respondent or is or has been in an intimate relationship with the respondent, who applies for a protection order or in respect of whom a protection order may be issued. Thus a complaint can be a man or a woman.

The victim of domestic violence is given an option to report to a trained VFU police officer, who as mentioned on section 5, of the Act (Zimbabwe 2006) advises the complainant of the right to apply for relief under the Act and the right to lodge a criminal complaint against the perpetrator. Where the police officer suspects that a crime has been committed, is being committed or is threatened, he or she may arrest the respondent without warrant of arrest and take reasonable steps to bring the perpetrator before the magistrate within forty eighty hours. The respondent is the alleged perpetrator of an actual or threatened act of domestic violence.

A protection order or an interim protection order can be applied for relief from abuse to the court by the complainant where he/she is /has experienced an act of violence, a person acting with the consent of the complainant, any person having care or custody of a complainant who is a minor or any person acting as the complainant's representative, Zimbabwe (2006). With the assistance of the police, victim friendly unit the complainant is advised to apply for relief and the right to lodge a criminal complaint against the perpetrator. A protection order is meant to protect the complainant from serious or substantial harm or discomfort or inconvenience whether physical, economic. It is signed by the magistrate. Upon being granted

the protection order by the court, it outlines some prohibitive instructions that the perpetrator is expected to adhere to such as emergency monetary relief, custody of the children, prohibited visits to the complainant's place. (Zimbabwe 2006 section 11). In case of any changes in the circumstances, the protection order maybe revoked variation and or extended by the complainant or representative through the clerk or registrar of court, however it usually lasts for five years.

Part 4, section 15 of the Act relate to the setting up of the Anti-domestic violence council and the Anti –domestic violence counselors for better implementation of the Act. These will be working in conjunction with the responsible ministry and also form a panel of social workers, private voluntary organizations responsible for taking care of survivors, chiefs or headmen as defined in the Traditional leaders Act. The Anti-domestic counselor is responsible for providing counseling services to survivors of domestic violence among an array of other responsibilities in conjunction with the police while the Anti-Domestic council

keep under constant review the situation and problem of domestic violence in the country, take necessary steps to disseminate and increase awareness of issues of domestic violence, promote research into the problem of domestic violence, provide the provision of services necessary to deal with all aspects of domestic violence such as safe houses and support services and monitor their effectiveness, monitor the application and enforcement of the Act and any other law relevant to issues of domestic and do everything necessary for the effective implementation of the Act. (Zimbabwe 2006).

All the above was an attempt to ensure that the Domestic violence council feeds in relevant and important action recommendations to the implementation partners for enhanced results and well-coordinated and mapped way forward.

The law highly contradicts with African traditional beliefs and norms. For example it provides for the prosecution of marital issues on the public sphere, the prosecution courts which is contrary to the belief that such issues should remain in the private domain. This is even supported by the Shona adage “*chakafukidza dzimba matenga*”, entailing that a lot happens in the family private domains. The contradictory in nature of the act has ostracized its power to effect change with men and women regarding it as a taboo, hence the need for greater knowledge transfer.

It is also quite important to hammer home the fact that although the act provide for the protection of survivors of domestic violence and through providing safe houses, it fails to take a holistic approach that caters for even the financial assistance to survivors who would have been deprived of financial support through the prosecution of their survivors. It was realized that one of the reasons why women do not report cases of violence is because of the fear to lose their source of their finance after the prosecution of their partners. They would rather withdraw the cases than be left in financial distress. Thus if only the act was holistic its implementability was going to be heightened.

To note is that the act is very much contradictory to the norms and cultural beliefs of the Zimbabwean community. This could the reason why its provisions are taking long to be accepted by the people, especially the rural set ups highly dominated by male hegemony and patriarchy. To rural men as evidenced in the research, a women should be subject to his husband

as they purport, a wife is a husband's property. The community is of the perception that the law imposes values and practices that are alien to their culture and traditional norms.

Conclusion

It is noted above that the quest to promote gender equality in Zimbabwe started way back through the signing and becoming signatory to various international and regionally conventions and declarations which vied for the eradication of discrimination of human beings on the ground of their sex. Zimbabwe being signatory to the Convention on the Economic, Social and Cultural Rights, Convention on Civil and Political Rights, Universal Declaration of human rights, CEDAW, Beijing Declaration and Platform for action, SADC Declaration on gender and Development with its addendum on the Prevention and Eradication of violence against Women and Children, SADC Protocol on Gender and Development, Protocol to the African Charter on Human and People's rights on the rights of women. Taking a leaf from these and other conventions and declarations, Zimbabwe introduced laws such as Legal Age Majority Act, Labour Relations Act, Matrimonial Causes Act, Sexual Offenses Act, Criminal Law and Codification Reform Act, national gender policy, constitutions, and the Domestic Violence Act. The enactment of the DVA was just an extension of the legal framework arm meant to promote gender equality in the society. The law came as a relief to the survivors of domestic violence as it provided a long term measure to the prevention and eradication of domestic violence.

CHAPTER 2

2.0 Nature and Causes of Domestic Violence in Mberengwa

Introduction

Domestic violence exists virtually in all societies and all socio-economic and cultural groups. The chapter shall give an overview of the nature and causes of abuses being experienced in Mberengwa and how they deal with it, relating it to the provisions highlighted in the previous chapter. The nature and causes of domestic violence are always the same despite the geographical area, race, and colour and Mberengwa is of no exception.. The nature of domestic is largely inseparable as the forms of abuse are intertwined, one form of abuse lead to another. Domestic violence experienced in the community varied from psychological abuse, economic abuse, sexual abuse, physical abuse and intimidation. Psychological violence was noted as in built in all types of violence. Varied causes of domestic violence were unearthed in Mberengwa with the major ones ranging from lack of food, economic deprivation, extra marital affairs on the part of the male counterpart and alcohol abuse. It was difficult to unravel the causes of violence towards men as they were reluctant to open up due to fear of stigmatization, societal norms and expectations. Only physical and sexual related cases found their way to the police, other forms of violence are culturally settled through the help of the extended family.

Mberengwa District, ward 23 is a very much dry remote area with its people highly relying on rain fed agriculture for their communal farming. Hunger and poverty highly characterize the area, especially against a background of lack of enough rainfall for good harvests for the past 6 years. For house wives there exists no any source of income as they are no any income generating projects. Men rely on piece works such as looking for firewood for sale at the nearest growth

point, thatching, building and gold panning. For that reason women heavily depend on their male counter parts for family sustenance.

2.1 The nature of GBV more prominent in Mberengwa: A contextual perspective

Just like many societies Mberengwa is embodied with various forms of GBV, with the more prominent being the psychological and economic abuse, which goes unreported. Other forms of GBV such as physical and sexual abuse are also rampant and these are the only cases which find their way to the police. However it came to the attention of the researcher that man rarely report their experiences of GBV despite the shocking revelation of the nature of abuse they go through.

2.1.1 Violence against women

Psychological abuse

Gender roles specialization is the sole driver of GBV at the household level in the community. These are expectations of the society for a man and a woman. For example a woman is expected to sexual satisfy her husband bed, failure to do so a woman is labeled with all sorts of names. As related by one 32 year old woman, the husband would pick a fight unnecessarily, blaming everything on her that she was not a good wife. She disclosed that it's been 3 1/2 half years suffering from such neglection and humiliation. Despite this the woman professed ignorance on what and how the law could assist her as her aunty had failed to settle the brawl, but instead would force her back to her abusive husband. She lamented *“how can the law assist me to peaceful stay with my husband, ever since we started staying together we have been seeking advice from Aunty but to no avail , how do you think the law can assist in issues like these, I have suffered a lot in the hands of my husband.”*

In other words the sentiments above resemble a woman who has learnt to live with her abuse and take it as normal despite the trauma that she undergoes as the abuse torment her. Such cases, it was discovered that they never get to the police, the furthest they could go is the extended family.

Traditional counselors were seen as one area which exacerbates psychological abuse within the household as they never regarded emotional or verbal abuse as a serious matter but in fact as part and parcel of the private family life. Thus some women continued to suffer in silence the trauma associated with psychological abuse such as depression, lack of self-esteem, terror and poor health which all in turn affected their participation in the developmental policies of their policies.

One perspective once blamed such violence as having some repercussions on the participation of women in democratic processes, as they would have developed a tendency of seeing themselves as unworthy and their decisions not so important. Traditional counselors were blamed for working as a catalyst for increased gender based violence, especially emotional abuse. According to their teachings no matter how much a woman suffer in marriage she was expected to hold on, for abuse is viewed as part of the daily private marriage life that a woman should learn to live with and this behavior and attitude rooted in patriarchal structures continue to subjugate and silence woman. One woman reminisced how her aunty at one point asked her if she thought she was the only one going through that and blaming her for always seeking to dry her dirty linen to the public. From then on she says she has continued to suffer unending insults from her husband with nowhere to turn to. Until customary structures are done away with, domestic violence shall remain rooted and the use of the act to eradicate it a mammoth task.

There is a widespread phenomenon of the extra marital affairs that men are engaging in. These on their own are bringing emotional torture as women are always in constant fear of being infected by HIV. This is also against their limited negotiating power for safe sex even if they suspect or know that their husband or sexual partner was or is engaging in extra marital affairs. From the focus group discussions conducted man retorted that it was their right to have wives as many as they could as long as they could afford to fend for them, hence woman should accept the fact that a man can do anything he deem necessary in terms of the number of wives. On being questioned of the HIV issue man disclosed that they would be careful enough. However this was only a way of justifying their actions. One woman disclosed that she contracted HIV after the husband had married a second wife, who was previously married somewhere else. Her resentment for the husband to marry the wife in the first place invited a lot of trouble and violence within the family as she started being deprived of the monetary support, repeatedly beaten leading to her front teeth being knocked out. Fear of being named and shamed by the society, she hold on only to get infected with HIV.

Additionally the hands of patriarchy are also a cause and a factor that has exacerbated the culture of violence in the area. Just like many rural areas where male hegemony is seen as the proper arm that should govern a community. Women are forced to be subordinate to their men and take man's word as law. Thus patriarchy has become a cause of economic, physical and psychological abuse. Unless patriarchal values are done away with, violence in grass roots communities shall remain rooted hence making the achievement of MDGs in Zimbabwe a farfetched dream.

Economic abuse

The area of Mberengwa is devoid of any form of developmental projects that may assist the unemployed with any source of income hence from the focus group conducted the sentiments that poverty is the underlying cause of domestic violence in the area. The participants indicated that most squabbles at the household level between spouses largely emanate from arguments to do with the family income disposal and further escalates into fights. This factor was not only associated with the unemployed as one of the participants a wife to a teacher disclosed the same.

Still taking a close look at the gender role specializations, a man is expected to be a breadwinner of the family, failure to provide such has been seen as a cause of domestic violence. This happens in cases where the husband has stopped supporting or funding for the family. With reference to one case unearthed the wife disclosed that the husband never brought home any income for the upkeep of the family, but instead spent his money on beer. This resembled both psychological and economic abuse. However the women never knew they could get assistance to enable the equal sharing of the income available. Instead they continued to reel under the abuse of the husband for the sake of keeping her marriage intact.

So serious is the issue of economic abuse in the area that some children had stopped attending school due to the deprivation of the financial support to the family. One case a woman disclosed that despite that husband was into gold panning, he never brought home any income, instead he squander all the money he gets with girlfriends and prostitutes who were said to be rampant in all areas where gold panning was being conducted. This has led to school dropouts for her two

children and also poor health as they could hardly get enough food for the day, only for now because she managed some little harvests this farming season. As can be noted in this how economic abuse has serious repercussions on the social development of the children as it affect their health and their right to education.

The socialization of agricultural produces was the other cause of conflicts which led to wife battery or deprivation of food to the whole family by the father. This emanated from the husband refusing the wife to harvest farm produces such as maize, alleging that she has to wait for his approval. This caused violence as the wife is the one who had been spending time in the fields, cultivating. Culturally it is said that women own ground nuts and round nuts and all other cash crops are said to be belonging to the father despite the little time they spend in the fields. The father has the final say on the sell and use of the cash crops. The thorny issue that the women highlighted is that despite all this control men rarely spend most of their time in the fields. Again these kinds of abuses never reach to the arm of law instead women suffer in silence.

The area of Mberengwa fall under region 4 of the geographical zones in Zimbabwe, the region most well-known for fewer rains and unfertile soil not really meant for crop cultivation. To worsen the situation the councilor revealed that for the past 6 years the area hasn't been receiving proper rains which could allow for a good harvest. People have been relying on donor food programs such as Care International. As a result of this, there has been widespread lack of food entitlements for the past six years and this has somewhat caused violence within the home as husband may easily take a fight with the woman accusing her of failing to economize, wasting food. Another unbelievable case that the researcher met with was that of a man who had gone to

an extent of refusing the wife to prepare food in his absence, the wife alleged that the husband had even gone to an extent where would have to pour water for preparing sadza for the wife. She lamented

He refuses me to take anything in the fields in his absence despite that I am the one who used to spend most of the time cultivating in the fields while he has gone beer drinking, alleging I did not bring a piece of land from my parents, you would not believe it that he even pour water in the pot for preparing sadza alleging am too wasteful.

Thus this instance could be blamed on poverty, the husband feeling much pressured to fend for the family accusing the other partner of being wasteful. Also to note in this instance is the controversial ownership of communal land, which is said to be belonging to man, hence the woman having no power over it.

Physical abuse

According to the Victim Friendly Unit interviewed at Mataga Police Station, this is one major area where the community is highly involving the police. The survivors were forced to report in cases where they needed to seek medication from the hospital. Nurses at Musume hospital disclosed that they were not able to treat anyone who is hurt without full police report of the nature and cause of the injury. The VFU supported this claim, disclosing that if it wasn't for the need to get medication, there would not have been receiving any cases of domestic violence especially with intimate partners as the women are very much adamant to speak out against domestic violence in the name of preserving their integrity and their marriages. One officer , Constable Madziva disclosed

we have indeed covered some areas together with the community liaison relations officer in the awareness campaigns but society is very much reluctant, they only report critically cases such as when one needs to get medication, even after getting medication, they do not want to let the legal arm take its course, instead the victim would come straight to plead for the release of the perpetrator, what we can only do is to provide counseling and release them.(VFU Police interview)

Accordingly one could see how societal norms shape and exacerbate levels of GBV. The fact that the victims are not empowered enough not to remain silent, but stand up and speak for themselves to name and shame violence. Until society is well accustomed and aware of the detrimental effects of such behavior both at an individual level and the country at large gender based violence shall remain rooted in patriarchal societies. This can only be achieved through increased education and awareness campaigns by both the government and responsible organizations. Its high time the government develop gender lenses to enable gender responsive budgeting that shall finance the idle Anti – Domestic Violence Council to increase the effort of awareness in the rural areas.

Evidence from the Sister In Charge at Musume Hospital, Sister S. Mapendere revealed that they have treated several patients to do with domestic violence. She reminisced of a woman who was rushed to hospital unconscious with severe injuries all over her body. The woman was said to have been severely battered for having taken the money that the husband had hidden without the man's consent. Although the woman had used the money productively the husband was perturbed by the lack of respect of the woman for having taken the money and using it without

his knowledge. Thus one could see how forms of abuse are intertwined, one form of abuse lead to another. In the above case the woman was economically deprived and hence leading to physical violence.

Wife inheritance by the relatives of the husband after the death of husband was also revealed as one of the cause of physical abuse especially when the man had his own family at first. Resentment and anger on the part of the first wife invited a lot of physical abuse from both the wife and the husband. One case with which the researcher met up with was of a case of a woman who had been neglected by her husband after having inherited the wife of his uncle. As related by the woman , she experienced a lot of beatings from the husband that at one time she sustained a broken limb and was never given money to seek medication all because she had showed resentment and tried to reason with the husband about the negative effects of such inheritance. *“I ended up testing HIV positive after husband had inherited his uncle’s wife, even when I tried to advise him all I could get were everyday beatings, accusing me of trying to rule him”*. Thus a woman is expected to bear all the brunt in marriages for the sake of preserving and keeping her marriage intact despite such violence. As highlighted by some women, the idea of keeping their marriages intact, taking care of their children and pressure from relatives and community, fear of humiliation silence them, making them hang on their marriages.

Upon being questioned on the reason why they decide to hold on to the abusive marriages, most women disclosed that family relatives persuaded them to hang on disclosing that, that was part of the daily family life. One woman disclosed that this was her second marriage after the failure of the first one and hence cannot leave her marriage just like that. The same woman disclosed that

she has suffered a lot of beatings from the man even for petty issues. She had even sought assistance from the village head but to no avail. Upon being asked if she knew of the protection order which can protect her from the severe beatings, she professed ignorance and even alluded that she was going to seek relevant assistance now that she knew. Thus lack of knowledge has hindered women to seek relevant assistance to solve their issues and instead have accepted their plights.

Sexual abuse

Echoes from the FDGs revealed that sexual violence is the most frequent form of abuse with which women are subjected to by their spouses. To worsen the situation, women never knew that being forced to engage in sex without their consent was a form of abuse. Most women disclosed that their husbands would force them into sex even without their consent, purporting that it was their right to have sex with them as they want. It was revealed that women were regarded as sex objects by their husbands. One man alluded to this saying that, *“a wife that I paid lobola for has no right to refuse me sex whenever I want, regardless of the situation. That is my right!”* On being asked of the reason why the woman would be refusing, the man retorted that a *“simple argument would sanction me in the bedroom and I would not take that, a woman should perform all her duties”*. One woman revealed that several times her husband had had sex without her consent and would force himself on her. Despite all this the woman would not dare tell anyone as she feared humiliation and shaming. From the observation of the researcher during the focus group discussions, a high percentage of women were subjected to this form of abuse and never regarded it as abuse but a normal privacy marriage life.

2.1.2 Violence against men

GBV knows no gender. This was evidenced when man revealed that they were also the victims of this social scourge, equally facing physical, economic and psychological abuse by their partners. The abuse of men has been widely swept aside, making it appear as if GBV only affect women only. Yes men are the majority of the perpetrators thus according to the available statistics, however this does not mean that women are only victims but are perpetrator's too. However the biggest challenge is the refusal of men to open up due to society socialization and expectations that challenge men to be strong in whatever circumstances.

Evidence in this research reveals that women resort to physical abuse of their partners because they would have suffered for a long time under the abuse of their partners. An interview with one of the female perpetrators of violence revealed that the woman was constantly abused by the man, it was only one chance that she got and she struck her husband on the right arm with a log that she took from the fire place hence the husband sustaining severe injuries and burns on his arm. According to the woman, Elina Dube , 46 year old woman who was not even hesitant to say her name, it was only as a result of the harsh conditions that her husband subjected her to that lead to her anger building up, always seeking to revenge whenever she got the chance. “ *I had had enough of beatings and insult from my husband every time he came home drunk, especially nowadays with the existence of cheap brew of 'mukumbi' marula beer, he is always drunk,*” said the 46 year old woman. “*When I got the opportunity I picked up a log from the fireplace and struck him once on his arm.*” Instead of reporting the case to the police, the husband lied to get treatment in a bid to cover up for the embarrassment from society. Thus most of the violence

towards men is a form of retaliation and usually this kind of abuse towards men is severe as women tend to resort to weapons at their disposal such as pots, logs e.t.c.

However it was not all violence towards men which was a form of retaliation. Some men disclosed they are always under constant scrutiny name calling and verbal abuse from their wives. One man revealed that his wife was always shouting at him that he should go and find a job like many other man. He said *“I have seized to enjoy peace at my house because the wife is always shouting that I should go look for a job. She has gone to the extent of refusing me my conjugal right, for that reason I don’t see any sense in continuing staying with such a woman when she is refusing me the sole reason I paid for her lobola”*. Thus from the men’s sentiments, he has continued to suffer emotional abuse, name callings and repeated verbal abuses but has never sought any assistance anywhere due to socialization.

Despite all this violence men rarely or never at all seek legal action in such cases. According to Morrison et al (2004), men do not seek legal redress due to the stigma associated or attached with it. One Mr Bhebhe during the FGD echoed the sentiments that it was a humiliation and degrading for a man to be seen pointing a finger at his wife accusing her of abusing her to the public, he lamented *“Yes we are being abused my child, though it might not be physically, we are always subjected to psychological, verbal, economic abuse and humiliation but that is not a public issue.*

2.2 Use and application of the Domestic Violence Act

2.2.1 Knowledge of the Act

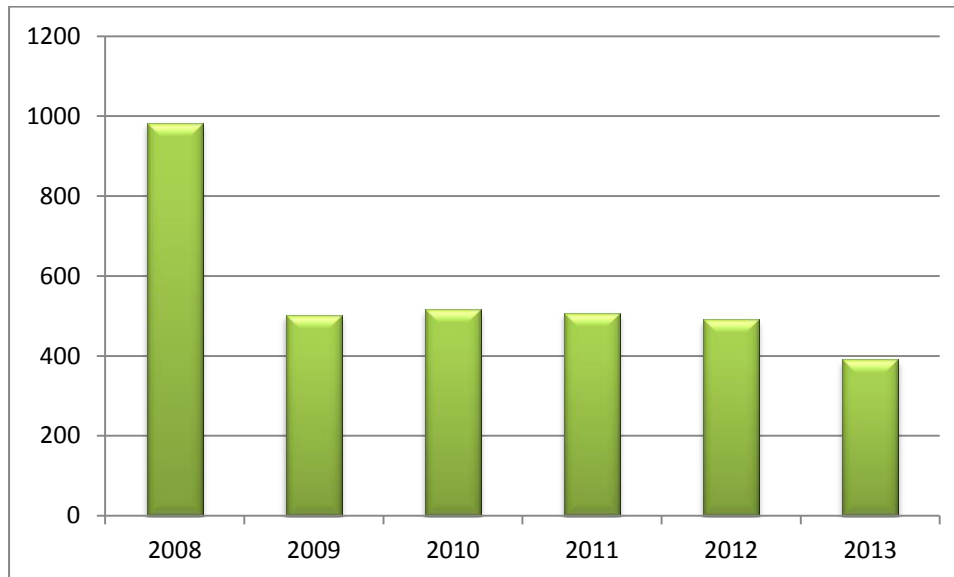
Evidence envisaged revealed that rural communities are still a long way to understanding and up taking of the provisions of the DVA. Although most of the respondents agreed that they were aware of a law that could protect them from domestic violence, they did not have a strong understanding of the provisions of the act. A small fraction professed that they could not be seen hanging their domestic, private linen issues to the attention of the public, thus they disclosed that although they knew that the police could assist them, but various factors hindered them to fully implement or take advantage of the Act. Although they had a general idea of the act, 45 participants, that is 92% of the population interviewed professed ignorance of the vital and exact provisions of the Act. This reality confirmed the fact that rural areas are always lagging behind in terms of catching up with the urban areas.

Evidence unearthed show that little or no education awareness campaigns have been targeting grassroots areas, hence lagging behind in terms of the knowledge of the Act. The police expressed the lack of a budgetary allowance targeting at financing the education and awareness raising campaigns. The lack of knowledge is also exacerbated by the idleness of the Anti-domestic violence council which is the board created to oversee the implementation of the act and providing and documenting periodic status of the DVA across the country. Additionally NGOs are very much concentrated in the urban centers ever since the enactment of the act, creating an imbalance between the rural areas. It is important to note that it would be a futile exercise or effort of eradicating domestic violence when the rural areas entrenched with customary norms and beliefs which tolerate domestic violence.

According to the police, trends of cases of domestic violence have been noted as static. This could be as a result of reluctance by the male victims to report and also because only sexual and physical violence find their way to the police. However, only cases of domestic violence which ended up finding their way in their hands are those that are related to physical violence. The reason being members of the community did not regard economic abuse, psychological abuse as a violation of a human right and violation of a law. Most of the economic cases of abuse were settled traditionally. Thus though the statistics given by the police show a downward trend of the cases of domestic violence, they did not depict a clear picture of the trends of violence in Ward 23 of Mberengwa as most of the cases which did not involve physical assault went unreported.

The VFU unit at the Mataga police station also validated the trend of reported cases as revealed by the community members, that only female survivors reported their cases. This revelation links us back to the idea of socialization of men whereby they are taught to resemble some form of masculinity. Culturally it is very much degrading for a man to be known to be going through abuse from the wife, the man is labeled a coward. As evidenced by the man's interjections, men shy away from seeking legal assistance to redress issues to do with domestic violence. Infact some few men who knew about the existence of such legislation assumed that the Act applied to only female survivors, they even went on to accuse the Act of holding the capacity to destroy many families as its provisions were a tantamount to their African traditional beliefs.

Graph showing trends of physical and sexual since 2008



Source: Mataga VFU

The trends above resemble the statistic as given by the police. However these statistics cannot be relied unto much as the police disclosed that only sexual and physical abuse cases reach them. There existed no any other service provider institution which could provide with reliable and updated statistics which cover a wide range of the trends of abuses. Thus the reason why only physical and sexual abuses find their way to the police, according to the community relations liaison officers this is because the community does not perceive economic and psychological abuse as public issues but rather issues that should be dealt with in the private sphere. As can be seen above there were so many cases of physical and sexual violence cases reported in 2008 due to the politically motivated violence that was very much prevalence during this period. Between 2009- 2013 there hasn't been any decrease in cases of domestic violence. A general expectation of the trends of violence had to show a sharp decrease to show that people are now aware of the negative impacts of domestic violence to development, or either an increase could show that people are now aware of their rights which laws specifically guarantee them and are making full

use of the act. However the graph shows a static level of reported cases meaning that the law hasn't made any considerable impact in the rural as compared to the urban areas

2.2.2 Enforcement

The enforcement of the act can be general regarded as below expectation considering that the act has been in the play for the past 8 years. The enforcement of the act as revealed in the study is being hampered by lack of a centralized justice delivery system. Instead the court sessions are only done in Zvishavane which costs the community \$10 to and from. The Mataga police station only arrest and post over the arrested individuals to Zvishavane for trials. This has limited the use of the act due to the proximity of the justice systems, which end up burdening the victims as they pursue justice.

In addition to that, the police also further reiterated that the Victim friendly unit is there to assist the perpetrator and the survivor before the case is considered to be posted further to Zvishavane. If they are any other means available to settle the matter, the parties are assisted to settle the dust. However what has to be noted is that the police sometimes would not have addressed the root cause of abuse which later resurfaces. A few protection orders had been granted to the survivors, although the police disclosed doubt over the authentic of the order in such a rural setup.

Lack of professionalism of the ward co-coordinators who are responsible for providing advice and counseling where appropriate has also limited the enforcement of the act. The ward counselors, an arm of the Ministry of Woman affairs are themselves not knowledgeable as they are allegedly to have selected not on merit but rather on political grounds. The receptiveness of the police themselves towards issues to do with domestic violence was mentioned by the

community to be very discouraging. One respondent reminisces at one moment when she was severely beaten by husband and reported the matter to the police when the police started to ask her a lot of intimidating questions *“I will never go back to the police to be humiliated like that, asking me in front of people such denigrating information”*. Thus from these sentiments the level of receptivity of the police was really questionable. With the level of corruption in the police force, one villager even accused them of being bribed by the perpetrators to cover up the abuse, *“I saw the father of my child walking scot free before I was called for court hearing”*

As a result of this victims rather choose to live with the abuse and accept it as normal and part of the private marriage life. This limits the usefulness of the act as means to curb domestic violence, a social phenomenon that has become a widespread global phenomenon with the need for urgent attention if development has to be fully achieved especially in developing world where domestic violence grapple the limited resources that can be channeled for other development purposes.

CHAPTER 3

3.0 Challenges in the implementation of the Domestic Violence Act

Introduction

After having looked at the nature and trends of violence in Mberengwa, it is the scope of this chapter to unpack the challenges faced by the community in their endeavor to seek justice over the perpetrators of domestic violence and assertively demand their rights. Although the community of Mberengwa faces a number of cases of domestic violence/ gender based violence, they however revealed a number of impediments to the use of proper channels to ensure that the perpetrators are brought to book. The research revealed a number of impediments to the full use of the Act by both men and women. By reason of Mberengwa being a very much primitive, due to its geographical area which is highly rural with very much bad infrastructural road development and for that reason, lagging behind in terms of many developmental aspects and for that the domestic violence policy was of no exception. Lack of knowledge, societal norms and beliefs, fear of reprisals, arrogance, poor enforcements mechanisms, economic dependency of women

3.1 Social and cultural norms

Just like many other societies which are cultural rooted in traditional beliefs and social expectations of both man and women. To this end Mberengwa was found to be of no exception as the people are highly expected to conform to the cultural and social expectations, sentiments which were highly emphasized by the village head Mr D Shoko during one of the interviews,

such information is a general knowledge my daughter, it is a well-known fact since way back that a women should be subject and submissive to her husband, all this you are

bringing us is a taboo to our culture and even the bible says a woman should submit to her husband.(interview with the village head Mr .D. Shoko)

Chief Malaini Nkomo also echoed the same sentiments that trying to promote gender equality through the introduction of such laws is a taboo and a way of trying to disrespect the traditional norms as he believes that a woman should always be subjective to a man. The chief's sentiments echoes with the idea of the MWGCD in conjunction with other NGOs that because chiefs and village heads are the gate keepers of patriarchy hence must be the starting point in the education awareness campaigns. However it was really disturbing to note that these campaigns were beginning to reach them only recently. In a very patriarchal society a women is a subject to her husband and is expected to perform certain duties. No matter how many those tasks are detrimental to their social, economic, political development. Thus in this society men are socialized to control and exert a form of power on their women. Generally chiefs are seen to be the gate keepers of patriarchy and the situation in Mberengwa was of no difference as Chief Nkomo went on to emphasis that their mandate is to strictly ensure that the cultural norms of the society are well preserved, to prevent what can be termed cultural erosion.

The issue of lobola also came out during the focus group discussions, that men regard the paying of lobola as a way of buying , thus regarding their wives more of a property with which they can do whatever they so wish to. For that reason, traditionally men have to exert total control over their women. It was really unsurprising that men still regard their wives as good as their property because of the payment of lobola, they see the payment of lobola as a getaway to their controlling behavior over their wives. One men was quoted as saying *"I paid lobola for her, for*

that reason she should be submissive to me, follow my rules, she is more like my property”, amid applause from the other man who were part of the discussion. Thus until men’s views and beliefs are completely turned around GBV is there to remain.

It became evident that rural set ups are largely based on traditional practices and their beliefs are largely rooted in traditional norms. From the three focus groups conducted, one elderly man unequivocally condemned the Act, accusing it as un-African and alien to their beliefs and hence suggested that the government should revoke the law before it causes more harm in the art of destroying families. Most of the male participants regarded the law as retrogressive as they alleged that it challenged African traditional norms and beliefs, by sort of like trying to give women an enhanced status almost equal to men. Traditionally women are expected to conform to the needs and rules of the man. To note is how the area under study is highly traditional in nature, with mostly men refusing to realize the importance of the act in the quest to promote personal development, of the society and the country at large. Many men saw domestic violence as part of normal cultural gender relations, hence seeing no reason to report to the police but instead seek to resolve their issues culturally. The essence being such issues are culturally regarded as matters of privacy, hence quarrelling parties should resolve their issues amicably still in the private domain without any external interference. This perspective has led to the condoning of violence by the community, with one woman having expressed that the community only intervenes in dire situations which would have shown high risks of death. Thus this lack of community cooperation in combating and shaming perpetrators has reduced the elasticity of the Act, as the Act take note of witnesses of any acts of violence having a mandate to report the acts of violence; this

is in relation to neighbors and or community members. One survivor retorted that the community came to her rescue after the husband had knocked out all of her front teeth.

3.2 Economic dependence of women

Women's dependency on men is not a new phenomenon, this is how both men and women have been socialized especially in the African Traditional set up where men are empowered to be the breadwinners and women are taught to rely on their husbands for survival. This has been seen as an issue that hinders the full implementation of the Act, especially during this period in Mberengwa where the community does not have enough food but are relying on buying food, especially mealie meal. For this reason women choose to suffer under domestic violence for the sake of preserving their marriage and fear of losing the bread winner after having reported him to the police. The fact that women lack economic independence has rendered the implementation of the act a toothless arm of the law that seeks to do away with domestic violence. Women chose to keep quiet despite reeling under abuse by their spouses.

Most women do not have any source of income, the majority is uneducated. To worsen the situation there are no any other income generating projects that are done in this area. The area was found to be so dry that even the little gardening is only done for a limited space of time, before the dams dry up, hence not a way with which families can rely on. Thus women have little or none at all as a source of income. For this reason men justify their violence towards women as they regard women as good as their children because they fend for them. This phenomenon subject woman to domestic violence, they do not report such cases in fear of being left without a provider. This was seen as the major impediment to the full implementation of the Act. The act itself does not provide of even the temporary provisions of basic needs to the victim especially

when it is the breadwinner who would have been sent to jail. Respondents disclosed that hunger has been the major cause of conflicts, coupled with male ownership and monopoly of monetary issues the cases though very much prevalence in the community, are largely under reported.

The lack of ownership of important assets such as cattle, land and even shelter has left women's ability to report such circumstances to the police. A man can send away her wife in case of being reported. For instance a one survivor narrated her ordeal under the brutality of her husband, relating that she was made to slip in the cold with one year 4 months old baby strapped on her back, this was after they had an argument with the husband. This illustration serves to curtail that man regard any sort of a building for shelter at their home as his, hence having all the powers to throw the woman away at will. For the ownership of land, despite that woman are the ones who spend most of their time working in the fields, man retain all the powers as to how the food is going to be utilized. A good example is that of a man who even went to the extent of refusing his wife to take any food in the fields, but instead has to wait for him in essence she was not allowed to enter the fields. Despite all this, the rural women do not report as they fear to lose everything including basic necessities such as housing, food as they are regarded as male ownership.

Adding on women's lack of economic empowerment as an impediment to the full implementation of the Act, women made mention of the high travelling costs required to get to nearest justice delivering system. For example court proceedings are only done in Zvishavane which costs them \$10 to and from. This becomes a very big challenge as the women would sometimes opt to use that money if ever available to buy food commodities for their children. The high cost of legal presentations becomes another challenge to the women. Some cases might

need the assistance of lawyers but because these are expensive, women are left with no option but to rest their cases and continue suffering in the hands of their male counterparts. The fact that the Act does not offer any free legal representation to the victims of domestic violence makes its implementability a challenge as some cases might need the assistance of lawyers with which women would be lacking that financial hand to steer up their cases till the hand of justice is fully utilised. Adding on the Act's failure to provide with material support in cases when the perpetrator is the sole breadwinner and has resorted to depriving the victim of necessities, the Act does not guarantee the victim of any material support. Adding on, the only mechanism available for the survivors is the safe houses which are again unfortunately located in the urban areas.

Rural areas are devoid of such safe houses which again increase the inapplicability of the Act to the rural areas. Nothing as yet has been done by the responsible authorities to streamline the rural areas in accordance to the requirements of the Act to enable its full implementability in both spheres of the country, which are the rural areas and the urban areas. In fact the rural areas are being left out, with many gender organizations centered in the urban areas. For example organizations such as Padare/ Enkundleni, Musasa, Zimbabwe Women Lawyers Association to mention just but a few centered in the urban areas and streamlining their activities in the rural areas nearer their town center of operation. This contributed to the big challenge of the proper implementation of the act for the benefit of the community.

3.3 Arrogance especially by men

The traditional socially construction or orientation of men is another stumbling block to the full implementation of the Act. Men rarely seek legal action to redress their situations due to the stigma attached to domestic violence. Socially men are expected to be strong, showing their

masculinity. Thus the focus groups conducted with men, they revealed that it is total degrading for a man to disclose abuse perpetrated by women. Men victims rarely come out in the open even when they are subjected to domestic abuse. Some men revealed that it was totally humiliating for a man to disclose such matters to the attention of the public. Although the police disclosed that they received few cases of men as victims of abuse as compared to the cases relating to men as perpetrators. The information found revealed that men are also victims of domestic violence just like women; instead they are reluctant to approach the responsible authorities to find relevant assistance. This can be said to be the major reason why man opt to suffer in silence in the guise of being a man. The fact that men rarely report cases of abuse has painted a wrong image of the Act, making it appear as if the Act was only enacted for women. Men interviewed in the community admitted that they are equal victims of domestic violence just like women, the difference being they are shy to come out in the open, as they would be regarded as cowards.

3.4 Lack of knowledge and awareness of the law

According Kaur, introduction of a law alone is not enough but awareness campaigns which shall help in the changing of the mindset. He further adds that effectiveness of measures and initiatives will depend on coherence and co-ordination associated with their design and implementation. Thus lack of awareness and proper provisions of the act was seen as another barrier to the flawless implementation of the act. Most of the villagers knew about the existence of the law, however through further discussions the villagers resembled a situation where they were not aware of the provisions of the act. The gender officer stationed at Mberengwa district offices, which is about 125km from the area of research, revealed that there was much more to be done to ensure the community of Mberengwa is well acquainted with the provisions of the act, hence

ensuring its full implementation by individuals. She lamented over the unavailability of awareness mechanisms such as public education, advocacy and campaigns with a mandate to do away with misinterpretations of the act by the public. A lot of activities can be done to keep the rural areas well apprised with the new phenomenon which are meant to development human security. Of note is how the NGOs and government activities which are meant to raise awareness of the act and even of the developmental impact of domestic violence in the families, community and the country at large. Although the police officer stationed at Mataga Growth point made mention of being currently involved in the dissemination of information on DVA through the department of Community Relations Liaison Officer, targeting individual members of the community and traditional leaders who consist of the chiefs, councilors and village heads, the community itself displayed a lot of ignorance of the provisions of the act, though some knew there existed such law.

Councilor Mashoko also echoed the same sentiments that lack of knowledge has affected his community in terms of the uptake of the law. It was only recently that the community relations officer department is teaching the duty bearers about the law so that they can in turn cascade the knowledge to the whole community.

It is of importance to note the slow pace at which the law is being administered or introduced to other communities. It's been 7 years ever since the introductions of the law, but still most remote setups are still devoid of the information regarding the law. The government and other responsible authorities can be made to bear the blame because the arm of government, which is the Ministry of Women Affairs Gender and community development, is failing to reach such

backward communities such as the area of research. Their offices are situated far away from the area of study, worse off the community co-coordinators who work hand in glove with the ministry are said to be uninformed even on the act itself. According to the village head interviewed the community coordinators and were not selected on merit as most of them are not able to read and write, despite the existence of some men and women who are well informed and trained for that particular work. Instead the community coordinators were said to be have been chosen according to their alignment to the ruling government, hence they themselves are not exactly aware of their mandate, thus drawing back the implementation of the Act. Their incapacity together with lack of streamlined job description has seen the ward coordinators failing to conduct awareness campaigns and capacitating their communities. This has drawn back the implementation and effectiveness of the act.

3.5 Poor enforcement mechanism by the duty bearers

The introduction of a law alone is not enough to ensure its success. The success of any legal instrument lies in its enforcement, failure to enforce it simply equate to a law being a toothless dog. However evidence envisaged in the research revealed that DVA's failure to be fully utilized lies in the weak delivery service systems that is the duty bearer's enforcements mechanisms are not so viable. The duty bearers include the police, the justice delivery system, lawyers, chiefs, village heads and the ward coordinators. Although the police pointed out that the community relations Liaison Officers have continued to target the community in their awareness campaigns, the information derived from the community show that the awareness campaigns are still to make an impact in the community, as a lot professed ignorance of the provisions of the act. The Anti - domestic council which was formed to oversee the implementation of the act is largely docile.

Although the training of the traditional leaders from some other parts of the country was done way back through organizations such as Musasa , ZWLA, the chief in Mberengwa professed ignorance of such measures, in fact they disclosed that the police is starting just now to educate village heads about the DVA. The community also professed ignorance of the 365 days of celebration against gender based violence, meaning these have never been done in their area.

Resource constraints have also hampered proper implementation of the Act because as it is there are no financial resources that are allocated to steer up the knowledge of the people about the legislation. There lacks no portion of the government budget allocation channeled to gender related activities. There lacks gender responsive budgeting in the government coffers.

3.6 Fear of stigmatization.

For grassroots setup which is highly traditional in nature as has been mentioned earlier, who believes that issues of domestic violence are matters of the privacy, and can only reach the traditional ways of solving domestic violence, that is at the family level, outside that they fear stigmatization. Nomatter how much they reel under domestic violence, both men and women it takes them long to open up to the police or even the neighbours especially if the violence does not include physical abuse. These attitudes constrain or draw back the success of the legislation in curbing domestic violence.

Conclusion

Conclusively it was noted that the rural setups are still a long way to having strong ownership of the domestic violence legislation as compared to the urban setups. Rural communities have been left out in the campaign for putting an end to domestic violence, which has been viewed as one

factor that has drawn back the successful achievement of the MDGs. For it was noted that, because domestic violence is one factor that exacerbate inequalities between men and women, hence going against MDG3 which advocates for the promotion of gender equality and empowerment of women. To some scholars, all other MDGs are hinged around MDG3, its success works as an enzyme to speed up the achievement of other Millennium development goals. Thus the failure to welcome aboard the grassroots communities in the quest to promote gender equality simply mean that the achievement of the extended period for the attainment of MDGs cannot be met.

Conclusion

The research findings clearly unraveled the level of implementability of the DVA by the rural communities. Characterized by deep cultural beliefs coupled with lack of educational awareness raising campaigns targeted at such remote areas like Mberengwa, the implementation of the DVA has proved to be a far reaching goal. Resource constraints and lack of appreciation that domestic violence is a social ill and affects human development by ostracizing human potentials, all have contributed to the slow take in of the provisions of the act by the rural dwellers. Violence in rural areas was found to very much prevalence and is deeply entrenched that far reaching campaigns are required to penetrate unto such customary dominated area. Non-governmental organizations and the Ministry of Women Affairs Gender and community development has failed to prioritize their activities and give rural setups greater preferential when embarking on DVA related campaigns, which has in a way created an in equality amongst the rural and urban dwellers in matters of taking informed decisions when faced with domestic violence, with urban dwellers much informed. An outcry by men was seen as they revealed that they were also victims of domestic violence, however social expectations made it hard for them to come out open and

seek legal assistance. Challenges that are experienced in the quest for the use of the legislation were also untangled. However it is equally important to note that despite all these flaws in the implementation of the act, it is indeed a progressive law which can bear its fruits if a coordinated approach by all sectors is adopted.

It was the revelation of the research that men are also victims of gender based violence despite them being discriminated and left out in the gender based education awareness raising campaigns. It was evidence that the fact that men are the gate keepers of patriarchy and other traditional norms, beliefs and expectations which are the sole drivers of violence, their being left out in the education campaigns is a militating factor against the achievement of eradication of GBV. The involvement of men is a step towards eradicating domestic violence. In addition to that the awareness campaigns have left the men less empowered than their female counterparts both in terms of desisting from perpetrating violence against women and also devoid of their legal rights on what to do when faced with domestic violence. Despite much national and international recognition that men are the perpetrators, it came to the attention of the researcher that indeed some men are indeed reeling under domestic violence perpetrated against them by their intimate partners. However cultural socialization proved to be a barrier to such violence being reported even to the traditional courts, men rather chose to suffer in silence rather than facing the humiliation and castigation by the society. This is seen as a drawback to the flawless implementation of the act.

Traditional norms, beliefs and expectation in the rural areas have also been noted as impediments to the use of the legislation. Culturally, the beating of a woman is regarded as normal and part of

gender relations. In fact women themselves have even come to accept some forms of abuse as normal, they feel and perceive the use of violence against them as normal. The belief that domestic violence is a private issue by the society was found to be a limiting factor towards the use of the arm of law by the community. Although the victims seem to be aware of the abuse they were going through, they had no confidence to stand up for themselves and shame the violence in fear of reprisals and name calling by the relatives and community at large. Community also saw the idea of letting out 'private matters' outside as humiliating and also denigrating the family, as some sentiments from them revealed. This attitude is deeply entrenching rural societies in much tolerance of domestic violence to accept it as part of a normal occurrence for day to day functioning of the family.

The absence of organizations' and government programs in the rural areas for the purpose of educating and raising awareness of their legal rights through awareness campaigns means that the remote areas are left out. A very wide gap can be noticed regarding the knowledge and awareness of the act, high priority given to urban centers in terms of service provision regarding issues to do with domestic violence. The urban folks are now well acquainted with their rights pertaining to domestic violence due to the first option they are given by the responsible organizations. For example the leading organisation on issues to do with Gender, Musasa Project is urban centered only working in rural areas near urban centers. Services given by such organisations are very important and should also be rendered to rural communities if total eradication of domestic violence is to be achieved. Musasa is widely known for the provision of counseling services, safe houses for victims, while ZWLA provides legal advice; however these services are only rendered to those in the proximity of their offices. Thus it came to the attention of the researcher that there

is need for decentralization of such services to cater for remote dwellers and empower them so that they are able to assert and demand their legal rights on a well-informed perspective.

Institutions available to support the cause for the eradication of domestic violence such as the VFU police, the Anti- Domestic Violence Council and the mother Ministry of Women Affairs should be highly decentralized. It was of note that the offices of these institutions are far away from the communities they save especially in rural areas. This is a very much big impediment as the victims find it hard to reach to even the police to merge a complaint against their abusers due to high costs with which the rural people cannot afford. There is also need for the police to take matters to do with domestic violence with the seriousness it deserves as they were pinpointed by the community as intimidating.

Conclusively this paper provided an insight into the efficacy of the DVA as a weapon to curb domestic violence. Customary beliefs, norms and expectations sanctions and reinforces violence that is being faced by rural communities. Thus the idea of the need to challenge the structures that perpetuate violence and encouraging communities to fully take advantage of the laws that protect them from all forms of violence highly need to be done. The only remedy for this was recognized as the decentralization of institutions which offer such services to cater for rural areas. The study also unpacked the challenges in the implementation of the act.

Recommendations

- Proper and far reaching education campaigns are needed which encompass both men and women, for the success of any legislation is in its implementability and can only be seen

when the intended beneficiaries are well informed of the laws which specifically guarantee them of their human rights and can assertively demand them.

- Gender lenses are required by the government so as to adopt a gender responsive budgeting meant to finance fractions which were set in place i.e. the Anti-Domestic violence council to ensure its function ability as a board that oversees the implementation of the act.
- There is need for decentralization of the structures which are in place to curb domestic violence so that the rural people have easy access to such i.e. safe houses for survivors, counseling units, courts. Currently all shelters for survivors of domestic violence are located in the cities, Harare, Bulawayo and Gweru. Practical these few safe houses cannot service the whole country, thus the need for the establishment of such irrespective communities. In the case of Mberengwa, court trials are done in Zvishavane which is about 210kms and cost \$10 to and from. This has hampered most survivors to report their cases.
- There is need for the government and gender organisations to refocus their programs and give greater attention to rural areas so as to get rid of biased activity aligning in their activities. While rural communities are still engrained in cultural practices and beliefs, urban men and women are now over empowered. Hence the need for refocus of their programs.

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Interview with constable Madziva of the VFU on the 29th of March 2014. Mataga Police Station.

Interview with Sister In Charge of Musume Hospital, Sister Simbisai Mapendere on the 29th
March 2014. Musume Hospital.

Appendix 1--Key Informants interviews

1. What have been your experiences with domestic violence in this community?
2. Is the community of Mberengwa is well acquainted with the issues related to domestic violence?

Explain your answer.

3. What are the major cases and causes of GBV that you have been receiving as the chiefs/ headman/ police/ health officials?
4. How did you deal/ do you deal with the cases received, what measures do you take?
5. What are the major gaps that you have realised as the VFU/ health officials in dealing with domestic violence?
6. What's your view on the implementability of the DVA?

'THANK YOU'

Appendix 2 -Questionnaire

My name is Addjoy Memo a student at the Midlands State University. I am carrying out a research on the Impact of Domestic Violence Act in Reducing Gender Based Violence. Please kindly fill in the questions in spaces provided below. All the information collected will only be used for academic purpose. For the sake of confidentiality, no names shall be mentioned

Tick the relevant box to indicate response.

1. SEX

Male []

Female []

2. AGE

18-24 []

25-30 []

30-35 []

36- 40 []

41-45 []

3. MARRIAGE STATUS

Single

Single Parent

Married

Divorced

Widow/er

[]

[]

[]

[]

[]

4. TYPE OF MARRIAGE

Traditional/ unregistered

5.11

5.07

[]

[]

[]

5. What do you understand by domestic violence /GBV?

.....
.....
.....
.....
.....

6. What forms of domestic violence have you encountered in your community.....

.....
.....
.....

7. Have you ever heard about the Domestic Violence Act? If YES, where?

.....
.....
.....

8. Have you ever experienced/ witnessed domestic violence?

.....
.....
.....

b If you answered YES to the above , 8. What measures did you/were taken to resolve the issue and how helpful were they?

.....
.....
.....

9. What challenges did you face in trying to report an incident of domestic violence?

From Relatives

.....

From the community

.....

From the police

.....

From the Court

.....

.....

10. Have you ever been involved in any awareness raising campaigns against gender based violence in your community?

.....

'THANK YOU'

APPENDIX 3-- Focus group discussions

1. What's your understanding of Domestic violence?
2. What are the major causes of domestic violence in your community?
3. Is domestic violence justifiable?
4. How have you been dealing with your experiences of domestic violence
5. How helpful is the chief, headman, family elders, police and or health officials in dealing with cases of violence.
6. What do you think are the impacts of domestic violence in the family, community and the country at large?
7. What do you understand by Domestic violence Act?
8. Do you think the law is applicable in your community? If Not what are the major challenges?

'THANK YOU'