Implementation of the Domestic Violence Act [Chapter 5:16] in Mwenezi District, Zimbabwe

By

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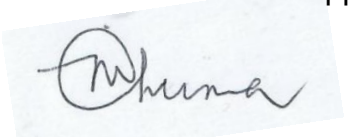
DECLARATION

I hereby declare that this thesis titled, 'Implementation of the Domestic Violence Act [Chapter 5:16] in Mwenezi District, Zimbabwe' is exclusively a product of my own work. The thesis has not been submitted to any other institution of higher learning for the award of any qualification. I have acknowledged the sources of published or unpublished works of other scholars which I have made use of both in the text and in the list of references appended to the thesis.



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ABSTRACT

A number of countries in Africa, Zimbabwe included, have enacted specific legal mechanisms to address and prevent the problem of domestic abuse. This study focuses on the implementation of the Domestic Violence Act [Chapter 5:16] in rural areas of Mwenezi district. The purpose of the study was to establish the extent to which the law had been implemented, with a view to developing a model to enhance its effective implementation. It further endeavored to explore the adequacy of the Domestic Violence Act in dealing with the social calamity of domestic violence. Barriers which stifled effective implementation of the law were also interrogated.

The study employed the interpretive paradigm, the qualitative research approach and intrinsic case study design to generate the necessary data. The study draws from African feminism and Control Theory as the theoretical lenses. The participants of the study were purposively sampled from women residing in Wards three, four and thirteen. Views of officials from agencies involved in the implementation of the law were also sought. In-depth interviews, focus group interviews and documentary analysis were the research instruments used to collect data.

The findings of the study established that implementation of the Domestic Violence Act in rural communities of Mwenezi district was stifled by many factors, chief amongst which was, women's lack of knowledge and understanding of the provisions of the law.

The study concluded that the Domestic Violence Act has not been effectively and exhaustively implemented in rural areas of Mwenezi district. The study indicated a need for the state, complemented by Non-Governmental Organisations (NGOs) such as Musasa Project, to train women and communities on the provisions of the law.

***Key words**: Domestic violence, Domestic Violence Act, implementation, Perpetrator, Survivor*

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DEDICATION

This thesis is dedicated to my wife, Chipo Chuma and my children Nyasha, Tanaka and Tinomudaishe. It is also dedicated to all survivors of domestic violence in Mwenezi District in particular, and the country at large.

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CHAPTER ONE

GENERAL OVERVIEW OF THE STUDY

1.1 Chapter introduction

The chapter sets the tone of the study by presenting an expansive but detailed background to the study revolving around a general understanding of domestic violence and the Domestic Violence Act. A plethora of relevant international instruments such as Declaration on the Elimination of all Forms of Violence against Women (CEDAW) was highlighted to put the study and enactment of the law into context. A focussed statement of the problem is provided to lay the foundation for the study and open a research gap. A precise aim of the study, accompanied by objectives, which tally with research questions, forms the fulcrum of this chapter.

1.2 Background of the study

Domestic violence is a universal phenomenon which permeates every part of the globe and every facet of human society. The scourge has emerged as one of the world's most pressing problems. It has been recognised recently as a pervasive global phenomenon and a growing concern. As Gaidzanwa (2004) observes, domestic violence is a worldwide phenomenon that transcends the bounds of geography, race, culture, class and religion and touches virtually every community in every corner of the globe. This means that domestic violence is as rampant in Zimbabwe as it is elsewhere in the world, both in rural and urban areas.

Violence in the domestic realm is the most prevalent, yet relatively hidden and ignored form of violence. While international statistics vary slightly, women are victims of violence in approximately ninety five per cent of the cases of domestic violence and ninety nine per cent of the perpetrators are men (Zimbabwe Demographic Health Survey, 200-2006). Although researchers have pointed out that females can also be perpetrators of domestic violence, their actions account for a small percentage of the social calamity. The glaring statistics highlighted above compelled this researcher to focus on women as survivors of this type of abuse, with men as perpetrators. According to Carter and Weaver, (2018),

domestic violence is a debilitating experience perpetrated largely by people (usually men) who have either promised to love the victims through matrimonial or conjugal pledges; or those who are expected to love and care for them because they are kith and kin: husbands, boyfriends, partners, relations and parents.

Domestic violence has been defined in varied ways across academia. Also referred to as intimate violence, the term is amenable to many definitions and has elicited various interpretations. Flood (2014), a sociologist who specialises in gender, sexuality and interpersonal violence, provides a more specific definition of the term domestic violence. Domestic violence, according to Flood, is a systematic pattern of power and control exerted by one person against another, involving a variety of physical and non-physical tactics of abuse and coercion in the context of a current or former intimate relationship.

The 1993 Declaration on the Elimination of Violence Against Women of the United Nations General Assembly defines domestic violence as “Any act of gender based violence that results in, or is likely to result in physical, sexual, or psychological harm or suffering of victims, including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or private life” (Oguli, 2002:167). The Home Office in England has put forward the definition that domestic violence is any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been in intimate relationship or are family members regardless of gender or sexuality (Heise, 2011).

The Southern African Development Committee (SADC) Protocol on Gender and Development (2008) defines domestic violence as all acts perpetrated against women, men, girls and boys on the basis of their sex which cause or could cause them physical, sexual, psychological, emotional or economic harm. The definition further includes “the threat to take such acts or to undertake the imposition of arbitrary restrictions on or deprivations of fundamental freedoms in private or public life in peace time and during situations of armed or other forms of conflict”.

The Domestic Violence Act of Zimbabwe [chapter 5:16] follows international trends and 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". Similarly, Gauley (2007) defines domestic violence as violence perpetrated by an intimate partner and other family members to gain control and power. The definition of domestic violence proffered by the Domestic Violence Act in Zimbabwe is consistent and dovetails with the international and regional definitions of domestic violence by including broad definitions of physical, sexual, psychological and economic abuse

There is consensus in the definitions advanced above of what constitutes domestic violence. It occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate another and, it can also include cohabitants and non-married partners. Domestic violence is a form of gender based violence which includes physical, sexual, emotional, psychological or economic abuse committed by a person against a spouse, child or any other person who is a member of the household.

Gender based violence has also been defined by Watts and Zimmerman (2005), as any form of violence that perpetuates or maintains the existing gender roles and is often caused by the failure to conform to the laid down gender roles. Although some scholars have used the two terms, domestic violence and Gender- Based Violence interchangeably or one in place of the other, this study, however treats these two concepts separately, and thus, focuses attention on domestic violence.

While recognising that other forms of violence are equally worthy of attention, this study does not consider them. It does not cover the violence inflicted on men and women by strangers outside the confines of the home. It does also not consider violence involving domestic workers, as this is perpetrated by individuals who are not related. This study focuses on violence in the domestic sphere, which involves intimate partners as well as ex-partners and cohabiting ones.

The term domestic violence in this study refers to the type of relationships involved rather than the place where the violent act occurs. According to Mojab (2004), domestic violence takes various forms, depending on the context and circumstances in which patriarchal gender relations are embedded or interact with variables such as culture, religion and race

among many others. The forms of violence recognised in this study are broad and include physical, sexual, emotional and economic abuses.

Domestic violence against women is pervasive and universal (WHO, 2016). Schlesinger et al. (2015) comment on the pervasiveness of the phenomenon in western societies. They further observe that married or unmarried women, in co-residential formal or informal unions, or in non-co-residential formal or informal unions, have different experiences with violence. In South Africa, Furred (2012) notes the widespread nature of violence, especially against women, in post-apartheid South Africa, and describes it as a "rnundanacity". According to Furred (2012), mundanacity entails an ordinary, everyday, ubiquitous, and commonplace occurrence, which appears to make people lethargic and unable to resist or oppose it. Similarly, Wood and Jewkes (1997) describe widespread male coercion and violence within sexual relationships in Cape Town, South Africa. In Ghana, Amaokahene (2016) describes domestic violence as pervasive and debilitating in natureWatts, Ndlovu. jovana. and Keogh (2017) present evidence of the widespread nature of violence against women in Zimbabwe.

The global dimensions of domestic violence are alarming, as highlighted by studies on its prevalence. Hoosen (2003) highlights that domestic violence has reached epidemic and gargantuan proportions. She further states that statistics from around the globe show that at least one in every three women has been beaten, coerced into sex or otherwise abused in their lifetime. Similarly, Sweeney (2016) points out that domestic violence is the single most common source of serious injury to women, being responsible for more injuries than road accidents, muggings and rape combined.

Vetten (2004) observes that more than twenty per cent of women globally are reported to have been abused by men with whom they live with. Among women aged between fifteen and forty four, domestic violence accounts for more deaths and disability among women than the combined effects of cancer, malaria, traffic injuries and war (Ellsberg et al., 2011).

In the Dominican Republic, both official police reports and stories in the media documented a continuing increase in domestic violence particularly against women and girls over the years 1990 to 1994 (Gnanadason, 1996). According to national police

statistics in that country, ninety five per cent of the victims are women and children. Farr (2009) made similar observations in New Papua Guinea, that domestic violence was cited as a daily occurrence in that country. It was noted that on average, two thirds of women had been hit by their husbands.

According to WHO (2012), one in three women in Uganda's rural areas is subjected to verbal or physical threats from their partners, while fifty per cent of women who have been threatened subsequently receive severe injuries. Beating a female partner is viewed as justifiable in certain circumstances by seventy per cent of the male respondents and ninety percent of the female respondents in Uganda (Heise, 1999).

According to Kenyan government statistics (2009), fifty per cent of women in Nairobi have experienced violence since they were aged fifteen. One in four Kenyan women was found to have experienced violence during the twelve months before they were interviewed. Intimate partner violence was the most common form of violence cited, with forty two per cent of married women reporting physical or sexual violence from their current or most recent partners (USAID, 2009).

In South Africa, statistics about domestic violence are also glaring. Vetten (2004) revealed that domestic violence takes place in one of three South African households, and that, on average, every six days a woman is murdered by her partner. A survey conducted by Morna et al (2014), in six SADC countries (Zimbabwe, Zambia, Botswana, Lesotho, South Africa and Mauritius) revealed high levels of domestic violence in the countries surveyed, with the highest prevalence recorded in Zambia.

The statistics cited above show that domestic violence continues to escalate, particularly in rural areas, despite measures put in place by governments to combat it. In light of the above, it is necessary to carry out a study on the full implementation of Domestic Violence Act in Mwenezi District.

The two Zimbabwe Demographic and Health Surveys (2005-2006 and 2010-2011) revealed that over thirty six per cent and thirty per cent respectively of women interviewed reported that they had experienced physical violence since the age of fifteen in Zimbabwe.

The findings of the two surveys highlighted that domestic violence is a persistent and pernicious problem in Zimbabwe.

Musasa Project (1996) established that one in three Zimbabwean women was living in an abusive intimate relationship and one in four women had experienced domestic violence of a physical nature in their lifetime. The Zimbabwean Republic Police reported that more than twenty percent of women were physically assaulted by their spouse every day (The Outpost 2017). Similarly, a baseline survey conducted by the Ministry of Women Affairs, Community, Small and Medium Enterprises Development (MWSMED), partnered by gender links in 2013 revealed that about a quarter of women in Zimbabwe experienced some form of violence perpetrated by an intimate partner in the period between 2011 and 2012 (Machisa and Chiramba, 2013). It was also reported that domestic violence accounted for more than sixty percent of the murder cases that went through the Harare courts (Magorokosho, 2010).

Machisa and Chiramba (2013) report that domestic violence in Zimbabwe, by province, ranges from forty eighty per cent to eighty eight percent. Masvingo Province was cited as one of the provinces with the highest prevalence of this vice, with Mwenezi District in the province reported to have recorded high cases of intimate partner violence between 2013 and 2014 (The Outpost, 2015). According to the Zimbabwe Republic Police Mwenezi Annual Report of 2015, there had been an upsurge in domestic violence cases in Mwenezi District, which resulted in forty five murder cases in the first nine months of 2015 (The Outpost, 2015). The high prevalence of violence in the domestic space in the district has, thus, compelled this researcher to carry out a comprehensive and detailed study on the implementation of Domestic Violence Act.

It has been noted that there is no single factor to account for the violent behaviour that occurs in the domestic sphere. The causes of domestic violence are multifaceted and vary across geographical areas. Most researches have concentrated on the interconnectedness of factors to explain the occurrence of the phenomenon of domestic violence. Several complex and interconnected institutionalized social and cultural factors have exposed and made women particularly vulnerable to domestic violence.

According to Gaidzanwa (2005), domestic violence, particularly violence against women, is one of the most serious human rights violations in the Sub-Saharan region which cannot be glossed over. In many countries, domestic violence has been taken up as the salient and immediate manifestation of women's oppression by men and in Africa in particular, widespread violence against women is now probably the most direct and unequivocal manifestation of women's oppressed status (Mama, 1997).

Gaidzanwa (2004), asserts that factors contributing to domestic violence include socio-economic forces, the family institution where power relations are embedded and enforced, fear of, and control over, female sexuality. As Heise et al. (1999) note, even though most societies condemn domestic violence, the reality is that violations are often sanctioned under the garb of cultural practices and norms.

Oguli (2002), notes that women's lack of economic resources, hence their dependence on male counterparts, underpins their vulnerability to violence and the difficulties to extricate themselves from violent relationships. The reverse of this argument also holds true in some societies, that is, victims' increasing economic activity and independence, particularly in the case of women, is viewed as a threat which leads to increased violence (Adu-Gyamfi, 2014). This is particularly 'true' when the male partner is unemployed and feels his power is undermined in the household. Lack of legal protection within the sanctity of the home has also been highlighted as a strong factor perpetuating violence. Until recently, the public/private sphere dichotomy that has ruled most legal systems has been a major obstacle to the realization of equal rights.

Omeje (2014) posits that people who commit or who suffer violence face some common personal, socioeconomic, and environmental challenges. These may include life situation factors such as low education, low income, financial dependency, poverty and resource-scarce environments, and problems associated with childbearing.

Domestic violence has been increasingly recognised as both a social problem and an issue of human rights in recent times. Despite this recognition, and the urgent need to tackle it, many people around the globe continue to suffer violence in the home and in the community, with devastating physical, emotional and psychological effects. According to

Adu-Gyamfi (2014), domestic violence is a major threat to the social and economic development of communities and whole societies. Data on the socio-economic and health costs of violence left no doubt that domestic violence undermines progress towards human and economic development.

There is a growing recognition that countries experiencing domestic violence cannot reach their full potential, as victims are denied the opportunity to participate in the affairs of their country. According to Morna et al. (2014), domestic violence is a human rights issue that affects victims in various fundamental ways. It presents serious challenges to citizens' quest to realize their agency to fully participate in public and private life. Issues of domestic violence and people's rights to health and safety of their bodies have become a topic of increasing concern for organizations such as the World Health Organizations (WHO) and the United Nations (UN). These two Orgabisations recognise violence in the private sphere as one of the most pervasive human rights violations in the world (Watts and Zimmerman, 2002). The impact of domestic violence on men and women's health leads to severe and fatal consequences. Battered victims, for instance, have high incidence of stress and stress-related illnesses such as post-traumatic stress syndrome, panic attacks, depression and, above all, low self-esteem (Mesatywa, 2008).

Singh (2002), asserts that domestic violence violates several fundamental rights. It strips the victim of the most fundamental rights to equal treatment, dignity and respect. Most significantly, women in violent situations are less able to use contraception or negotiate safe sex, hence run the risk of contracting HIV virus and subsequently AIDS. Studies in many countries have shown high levels of violence during pregnancy, resulting in high risk to the health of both the mother and the foetus. In the worst case scenario, domestic violence can result in death of the victim.

Despite numerous researches done and great strides made in raising awareness of the prevalence and consequences of such violence, high worldwide rates of domestic violence, particularly against women, continue unabated (WHO, 2012). It has been noted that efforts to curb domestic violence may be limited, in part, because existing literature has not adequately investigated the structural inequities that perpetuate a system of power imbalances that put women at risk of experiencing violence (Else-Quest and Grabe, 2012).

Studies done across the globe show that survivors of abuse do not report incidents to the authorities because they do not want to be ridiculed since their culture justified wife beating as ‘a demonstration of a husband's love and affection for his wife’. Abuses in the domestic sphere are also not to be reported to ‘the outside world to avoid washing dirty linen in public’. According to Omeje (2014), most women interviewed in Ghana would prefer to suffer in silence mainly to avoid ridicule, blame for crimes committed against them. In South Africa, Vetten (2004) observes that domestic violence cases are not escalated to police to avoid ‘unduly exposing’ husbands and families, and to avoid social stigma, family disgrace and disrepute. In their view. survivors ‘family matters should be kept within the family’,

In recent years, there has been a greater understanding of the social ill of domestic violence, its causes and ramifications on humanity and society at large. Consensus has, thus, developed on the need to deal with this issue. The Convention on the Elimination of All Forms of Discrimination Against Women adopted by the United Nations General Assembly, the Beijing Platform for Action, the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa and the SADC Protocol on Gender and Development, all reflect this consensus. These instruments call upon member countries to implement strategies, aimed at eradicating domestic violence that has been rampant across the globe.

Meanwhile, the Zimbabwean government has signed and ratified a number of international human rights conventions and protocols alluded to above. These international instruments are relevant and appropriate to deal with the conundrum of domestic violence. Zimbabwe has also undergone a constitutional review and transformation in 2013 and human rights have become a focal point. The first attempt to deal with the phenomenon of domestic violence in Zimbabwe through legislation was the Draft Domestic Violence Bill of 1995 (Christiansen, 2010). This bill was further developed and strengthened, culminating into the Domestic Violence Act [Chapter 5:16] of 2007. The Domestic Violence Act was put in place to deal with high prevalence of domestic violence (Machisa and Chiramba, 2013). The Domestic Violence Act is the main law aimed at preventing and combating domestic

violence in Zimbabwe. The Act was enacted because the existing laws were not adequate in preventing and combating domestic violence (Machisa and Chiramba, 2013).

The Domestic Violence Act makes provision for the protection and relief of victims of domestic violence and, provides for matters connected with or incidental to it (Government of Zimbabwe, 2008). The Act offers victims protection from the abuser in the form of Protection Orders and shelter, and provides compensation and counseling services. A further noteworthy feature of the Domestic Violence Act is the broad powers given to courts to shape the conditions of a Protection Order (Government of Zimbabwe, 2012).

The Zimbabwean government also put in place bodies such as the Ministry of Women Affairs, Gender and Community Development in 2005 to oversee the coordination of all activities in line with the eradication of violence (Morna and Nyakujarah, 2013). The annual mobilisation of women throughout the world around the theme of 16 days of Activism against domestic violence from 25 November to 10 December also represents a major milestone and a tremendous endeavor to increase awareness on violence against women in all its shades (Lepekele, 2014). The Domestic Violence Council, was also appointed in terms of Section 16 of the Domestic Violence Act, to oversee the implementation of the policy.

Despite the enactment of the Domestic Violence Act in South Africa, it emerged from studies conducted in that country that the intention behind the law did not translate into a neat remedy to insulate the victims against domestic violence. A study by Parenzee et al (2001), notes that although South Africa has ratified various human rights instruments that seek to address domestic violence, there are no significant changes to the victims as they continue to experience victimization. The study also revealed lack of infrastructure within the police force and the court system, which hampered effective implementation and enforcement of the Act.

A study by the Development Research Africa in 2007, which sought to assess the implementation of the Domestic Violence Act in South Africa, revealed interesting findings. It emerged, from the study, that the capacity of Protection Orders in addressing the concerns of the victims had been hampered by the attitude of police officers who trivialised

domestic violence cases. Results of the study by Vetten (2005), are consistent with the findings by Parenzee, which established that the enforcement of the law requires adequate resources and individuals who care about the problem. Lack of resources allocated to fight the pandemic, negative attitudes and, perceptions of law enforcement agencies towards domestic violence have rendered the Domestic Violence Act a useless and ineffective piece of legislation in South Africa.

In Tanzania, Oguli (2002) posits that the effective operation of the legislative framework to fight domestic violence cases was limited by several actors. She noted that implementing officers interpret the laws based on their experiences and discretion. Their decisions were usually influenced by their cultural orientation. She further observed that most women were dependent on men, and in the majority of cases, withdrew their cases from courts with encouragemed from police officers.

In Zimbabwe, Magorokosho (2010), established that, when the Domestic Violence Act was being debated in parliament, it received a lot of criticism from male legislators and even from other people who were not necessarily acquainted with the law. She further revealed that some people felt that the law was an attack against long accepted and cherished gender roles of women and men which are in fact an integral part of their culture.

It was against this background that this study explores the implementation of the Domestic Violence Act in Zimbabwe's rural areas with Mwenezi district as the case study. It is anticipated that the study would yield reliable data that further informs and educates the populace about domestic violence. This enables them to take preventive measures against the scourge. This is quite a noble endeavor as domestic violence has been identified as a major conundrum, posing a serious global health, human rights and development issue in the Sub-Saharan region and Zimbabwe in particular (Morna et al, 2014).

1.3 Statement of the problem

Prior to the enactment of the Domestic Violence Act in Zimbabwe in 2007, there had not been any law in Zimbabwe that specifically addressed domestic violence. The legislation was promulgated to deal with the scourge of domestic abuse. Despite the growing literature on the issue of domestic violence in Zimbabwe, there has been limited or no

substantive research undertaken to monitor the implementation of the legal framework in a rural context. The dearth of knowledge on the implementation of the legal framework in a rural context therefore necessitated this study. This study is expected to serve as a stimulus to further discuss the phenomenon of the scourge in a rural context, with a view to enhancing implementation of the law. The study is also expected to add data to the body of academic knowledge through empirical research.

1.4 Aim of the study

The aim of this study was to establish the extent to which the Domestic Violence Act had been implemented in rural areas of Zimbabwe using Mwenezi as a case study.

1.5 Objectives of the study

The specific objectives of this study were to:

- Assess the extent to which the provisions of the Domestic Violence Act were understood by women in Mwenezi district.
- Analyse the adequacy of the provisions of Domestic Violence Act in preventing and curbing domestic violence in Mwenezi district.
- Explore constraints impeding effective implementation of the Domestic Violence Act in communal areas of Mwenezi district.
- Develop a model to guide the implementation of Domestic Violence Act

1.6 Major research question

- To what extent has the Domestic Violence Act been implemented in communal areas of Zimbabwe?

1.6.1 Sub-research questions

- To what extent did women in rural areas have knowledge and an understanding of the provisions of the Domestic Violence Act?
- To what extent were the provisions of the Domestic Violence Act adequate enough to curb domestic violence?

- What constraints militated against effective implementation of the Domestic Violence Act in a rural setting?
- What challenges were faced by survivors of abuse to report cases of domestic violence to law enforcement agents?
- What challenges were faced by survivors of abuse when reporting cases of domestic violence to law enforcement agents?
- What hurdles were faced by implementing agencies to decrease the prevalence of domestic abuse in rural areas?

1.7 Significance of the study

1.7.1 Theoretical significance of the study

Many theories of domestic violence (Social Learning, Feminist, Patriarchal, Exchange and Giddens's (1984) Structuration Theories have been developed and evolved overtime to explain the reasons for unrestrained violence in human society. In other words, all the theories alluded to above widen an understanding of why domestic violence persists in society. They, however, fail to give an explanation on how a legislation such as the Domestic Violence Act ought to be implemented. It was, therefore, important to note that whilst these theories are useful in informing our understanding of causes of domestic violence, they remain inadequate to offer solutions to the problem. There is, therefore, a huge theoretical gap because the existing theories are predominantly causative in nature.

1.7.2 Practical significance of the study

By deepening our understanding of domestic violence, people responsible for the implementation of the policy could be able to comprehend, and hence counteract the multiple forms of violence meted out against innocent people in rural areas**.** The study could have implications for those responsible for the implementation of the law, as it may shed more light on how they could plug gaps and make the law relevant to address the needs of people within a given context.

1.7.3 Methodological significance

This study is anticioated to enable new meanings to emerge that could proffer a better understanding of social problems confronting human society**.** By allowing the voices of the study participants to be heard, interpretive methodology enables new meaning or fuller meaning to emerge.

1.8 Delimitations of the study

This study will be conducted in three wards, namely ward three, four and thirteen of Mwenezi District. The three wards have been chosen to provide a diverse range of participants who provide a variety of experiences on the study topic. In other words, the three wards have been chosen to enable the researcher to interact with as many different groups of participants as possible. The participants are women residing in the three wards, traditional chiefs, headmen, village heads, community development officers, ward coordinators, police officers, court officials and representatives of non-governmental organisations.

1.9 Anticipated limitations of the study

Neiuwenhuis (2007) observes that all research endeavors have limitations. This study is no different. The case study design employed means that the findings are not generalisable; they could only be applied to the context of the study. The study under investigation is also so sensitive that getting participants to open up can be a huge challenge. As a male researcher, soliciting for responses from a predominantly female population also presents difficulties. To counteract the challenges mentioned above, the researcher depends on gatekeepers to facilitate or allay any fears of participants. The researcher will also use expert skills and knowledge to assure the participants that the research would be beneficial to them.

1.10 Definitions of terms

1.10.1 Domestic violence

According to the Government of Zimbabwe (2011), domestic violence refers to all acts perpetrated against women, men, girls and boys on the basis of their sex, which cause or could cause them physical, sexual, psychological, or economic harm, including threat to take such acts, or undertake the imposition of arbitrary restrictions on, or deprivations of, fundamental freedoms in private or public life.

1.10.2 Domestic Violence Act

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

1.10.3 The notion of gender

According to Vetten (2005), gender refers to the array of socially constructed roles and relationships, personality traits, attitudes, behaviours, values and relative power and influence that society ascribes to the two sexes on a differential basis. In a nutshell, gender refers to the culturally and socially constructed differences between females and males found in the meanings, beliefs and practices associated with masculinity and femininity.

1.10.4 Implementation

Implementation, according to Fullan (2001), is the process of putting an idea or set of activities new to people attempting or expected to change something. In the same vein, Kandiri (2004) views implementation as the deliberate sequential set of activities which are directed towards putting an adoption proposed into effect and making it occur. In this study, implementation refers to application of the Domestic Violence Act in rural areas of

Mwenezi district. Effective implementation therefore refers to the correct usage of the Act to progressively decrease the prevalence rate of domestic abuse in rural communities.

1.10.5 Perpetrator of domestic violence

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

1.10.6 Survivor of abuse

Survivor refers to any individual who would have been abused in a case of domestic violence; this can be either a woman or a man (Clark, 2000). The terms victim and survivor can be used interchangeably. Victim is a term often used in the legal and medical sectors. Survivor is the term generally preferred in the psychological and social support sectors because it implies resilience.

1.10.7 Shelter

A Shelter is a space where women and girl survivors of domestic violence can access accommodation, from short-to long-term duration, along with services that assist the rehabilitation and reintegration process (Musasa Project, 2012).

1.10.8 Protection Order

A Protection Order is a court order that restrains a perpetrator from contact with a victim of domestic violence so as to prevent further acts of abuse. A permanent protective order will usually only be issued after a full hearing before the appropriate court (Magorokosho, 2010).

1.10.9 Patriarchy

Patriarchy refers to a social organization marked by supremacy of the father in the clan or family, the dependency of wives and children, and the reckoning of descent and inheritance in the male line, broadly controlled by men of disproportionately large share of power (Parenzee, et al 2001).

1.10.10 Masculinity

Osborne as quoted in Machisa and Chiramba (2013) note that masculinity is connected with men's attempt to control women through force, coercion, abuse and silencing, hence women's experiences of subordination and violence in various social settings. Such experiences of violence and subordination are meant to put females in their "proper place" so as to reduce competition and resistance from women.

Hearn et al cited in Osirim (2003) contend that masculinity entails having the qualities or characteristics of a man or being virile.

1.10.11 Femininity

According to Meena (1992), femininity is described as a way women evolve socially to enact appropriate behaviours and experiences. Women's qualities or characterization raises concern that femininity could expose women to gender based violence

1.11 Organisation of the thesis

1.11.1 Chapter One: Introduction and background to the study

This chapter discussed the introduction and background to the study where the phenomenon of domestic violence was laid bare. Implementation challenges of the Act, particularly in rural areas, were outlined. This section further discussed the statement of the research problem, the purpose and significance of the study. It also presented the research objectives, as well as research questions of the study. Delimitation and definition of concepts were also done in this chapter.

1.11.2 Chapter Two: Theoretical Framework

In this chapter, the main theory and theoretical frameworks which inform the study will be discussed. The study is informed by African Feminist and Control Theories.

1.11.3 Chapter Three: Literature Review

This chapter examines the literature related to the study. It reviews what other scholars have written regarding the subject of implementation of domestic violence legislations in

different countries, focusing particularly on survivors' knowledge of the contents of various Acts, adequacy of the Act to provide protection to survivors of abuse and constraints adversely impacting on effective implementation of the laws.

1.11.4 Chapter Four: Research Methodology

Chapter Four presents and justifies the research methodology used in the study. The interpretive paradigm is utilised for this study together with the qualitative approach. The study is anchored on intrinsic case study design, while purposive sampling procedures are used to select participants for the study. The research methods to be used to collect data include: in-depth interviews, focus group interviews and documentary analysis.

1.11.5 Chapter Five: Data presentation and analysis

Chapter Five focuses on data presentation, analysis and interpretation. In this chapter, the researcher presents and analyses all the data collected through interviews, focus group discussions and documents analysis. Data is presented using narrative form and emerging themes.

1.11.6 Chapter Six: Discussion of findings

Chapter Six is where the findings of the study are evaluated in light of theoretical frameworks, and related literature, in order to establish the linkages with the lessons learnt from what has been experienced. The comparison of findings with related literature gives insights that fully explain the complexities surrounding domestic abuse, and implementation of the legislation to prevent and combat the scourge.

1.11.7 Chapter Seven: Summary, Conclusions and Recommendations

Chapter seven gives the summary of the study. The methods used to reach the findings, and how they related to the research questions is also part of this chapter. The conclusion, recommendations and the suggested model that could be provide guidance to effective implementation of the Act are presented in this chapter. Areas of further research are also identified in the chapter.

1.12 Chapter summary

This chapter gave an overview of the study. It explored and highlighted the introduction and background to the study. The problem that gave impetus to the study was contextualized. In addition, the chapter outlined the research statement of the problem, the purpose of the study, and the delimitations of the study. Key terms were defined as used in the study. The next chapter discusses the theoretical framework which informed the study.

CHAPTER TWO
THEORETICAL FRAMEWORK

2.1 Chapter introduction

Several scholars have proposed theoretical approaches that illuminate the complex and dynamic social processes of gender and power that may explain threats unleashed by domestic violence (Heise, 1998). The following chapter deliberates on the theoretical frameworks which are of significance in understanding domestic violence. This study is underpinned by Control and African Feminist theories.

2.2 Theoretical Frameworks used

Sitwala (2014) defines a theoretical framework as a specific perspective which a given researcher uses to explore, interpret or explain events or behavior of the subjects or events one is studying. In the same regard, Swanson (2013) opines that a theoretical framework refers to the theory that a researcher chooses in a research to offer a description of an event or shed light on a particular observable fact.

In research, a theoretical framework enables the researcher to see clearly the main constructs and concepts in a given study. Corvelec (2013) points out that a theoretical framework assists the researcher to specify key constructs that influence a social phenomenon of interest. It also highlights the need to examine how those key constructs might be at variance and under what circumstances.

Swanson (2013) further argues that a theoretical framework strengthens the study by permitting the audience to evaluate the research assumptions and connect the researcher to existing knowledge as well as guiding him or her on how to formulate hypotheses and select research methods. To add more, Jacard and Jacob (2010) assert that a theoretical framework provides the researcher with a general research approach.

The theoretical framework gives a researcher a basis for research design, target population, research sample and data collection methods. Sitwala (2014) also argues that the use of a theoretical framework in a study guides the researcher in the collection, interpretation and explanation of data. This implies that once data is collected and analyzed, a framework is used as a mirror to check whether the findings agree with the it or whether there are some disparities

2.2.1 Control Theory

This theory was propounded by Hagan et al (1990). The theory illustrates how societies foster patriarchal family structures in which men are expected to have power over women. The Control Theory focuses on and places gender at the of the interpretation of social relationships. It further looks at gender relationships as being complicated by the reality of being linked to dominance, inequality and conflict.

According to Haggan (1990), at the heart of Control Theory is the notion that domestic abuse results from individual men's need and desire to obtain and sustain control within a relationship. This means that men's penchant for violent behavior is motivated by the need to gain power and control over female partners or spouses within a domestic sphere.

Bart and Moran (1993) argue that men are of the opinion that they are justified in their abusive behavior towards their intimate partners as this conduct is viewed as the acceptable norm. Gaidzanwa (2005) expounds that men are socialized to perceive their partners as their 'property'. To this end, abuse perpetrated against women is just one of a variety of forms of control that men try to exercise over their property, women. As Conway (2016) remarks, maltreatment of women is just one of a variety of tools designed to control intimate partners that men employ in order to exercise dominance over women. Based on the views of the scholars above, this study expects to find men's penchant for control over women and, subsequently, domestic violence to continue unabated.

The Control Theory further contends that men resort to battering their partners as a response to perceived powerlessness and loss of power in a relationship. This means that male partners invoke violence against females whenever they suspect and feel that their power in a relationship is threatened or lost. Violence is, therefore, regarded and used by

men as the ultimate weapon to gain, regain and sustain power and control over women. The theory is quite relevant and useful for this study because it explains the underlying reasons for men's deployment of violent behavior in a relationship. It can also be noted for instance that domestic abuse against women continues to thrive as men, and to some extent women, perceive such acts as normal part of gender relations.

According to Coalition on Violence against Women (COVAW, 2003), domestic violence within the home is about power and control, where the perpetrator of the same uses violence as a way of immobilizing the other. This means that powerful and dominant male members in a relationship use the threat of force or violence to obtain compliance from the subordinate and weaker female partners. Conversely, weaker men similarly use violence as an instrument to recover the lost ground. This means that abuse is employed by both men with financial muscle and those without to regain and maintain their supremacy over women.

This study, therefore, sees it fit to apply the Control Theory as it useful and relevant to the subject under discussion. The primary advantage of employing this theory is that it integrates the concepts of power, control and conflict to explain domestic abuse experienced by women in the rural context of Mwenezi district.

The Control Theory has shown its utility to this study as it reveals that domestic violence towards women cannot be addressed simply by changing the socio-economic status of women per se. It will further reveal that not even legislation and funding may change the mindset and behavior of perpetrators. At a deeper level, the theory shows that the structural conditions that the abused poor women experience in education and in every other sphere of life must change to make it easier for them to leave violent relationships.

The Control Theory recognizes that most African societies are extremely patriarchal in nature, and Zimbabwe is no exception. According to World Health Organisation (WHO) (2010), patriarchal societies and structures are common phenomena in African countries and this exposes a lot of women to partner violence as well as to diseases and physical injuries that could result from the abusive behavior. In this regard, patriarchy defines the

way in which the acceptance of male dominance within a society is a significant factor which contributes to the continued acceptance of domestic abuse.

According to Parenzee et al. (2001), a patriarchal system refers to a social organization marked by supremacy of the father in the clan or family, the legal dependency of wives and children(), and the reckoning of descent and inheritance in the male line, broadly controlled by men of disproportionately large share of power. In this context, a patriarchal system or society is one ruled by men, characterized by control, power, authority, dominance and hierarchy at the expense of women.

Osborne (1995) further posits that patriarchy is connected with men's attempt to control women through force, coercion, abuse and silencing. This results in women experiencing subordination and violence in various social settings. In line with this is the perception that domestic violence is part of gender relations. Ultimately, abused women find it difficult, if not impossible, to leave abusive relationships and this resullts in acts of abuse continuing with impunity. Jack (2014) similarly notes that patriarchy defines the way in which the acceptance of male dominance within a society is a significant factor which contributes towards the continued acceptance of women abuse. This means that a patriarchal system which manifests itself in hegemonic masculinity poses a threat to the well-being of women.

Gaidzanwa (2004) notes that the Zimbabwean societal arrangements have historically been shaped by patriarchal relations that legitimize the economic, socio-cultural and sexual dominance of males over females. Domestic violence under such circumstances reflects extensions of conventional patriarchal structures in which women had long been regarded as subservient to male authority. At the /heart of the Control Theory is the fact that social and political structures as well as cultural institutions and social forces keep the subordinate partner oppressed and powerless in an intimate relationship. This means that survivors are incapacitated and face hurdles in their quest to live a violence- free life.

This study examines the examine the extent to which survivors of abuse are reluctant, and in some cases constrained, to report cases of abuse to the authorities owing to the patriarchal nature of society, and many other barriers which also prevent them from taking action against the perpetrators. This explains the prevalence of the phenomenon of abuse

despite the existence of legislation to tackle it. Thus, the implementation of the legislation is adversely affected by this barrier.

According to Hagan et al (1990), the Control Theory asserts that domestic violence is rooted in historical processes and the different roles assigned to men and women . As this study shows, men are assigned to the public sphere where they are able to obtain economic resources, whereas women are assigned to the domestic sphere which prevents them from obtaining critical resources. Thus, the lack of economic resources on the part of women breeds dependence on men and this dissuades them from confronting the elephant in the room (domestic violence) head on. This illustrates the point that abused women remain glued to abusive partners because they sustain their livelihoods. Lack of reporting of incidences of abuse to the police by survivors owing to lack of economic independence has huge implications for the implementation of legislation to protect women.

The Control Theory has thus highlighted men's underlying desire and motive to exert control and achieve compliance from women. Knickmeyer (2003) supports this argument by positing that domestic violence is a consequence of men's quest for control and part of a methodical attempt at maintaining and progressively enhancing male dominance in the home and society. The control is not only limited to physical control but also extends to other areas such as economic domination and decision- making.

In light of the foregoing, the Control Theory is adopted for this study as it is relevant to the subject of domestic violence against women, particularly in rural areas where females are treated as mere subjects by the dominant male counterparts. As Williams (1989) puts it, domestic violence is essentially about power and control.

Despite significant contributions made by the Control Theory to explore the complexities around the phenomenon of domestic violence, these efforts have not catalysed meaningful policy progression. The Control Theory is criticised for its tendency to focus on patriarchy as the root and often the sole cause of violence against women. It is criticized as exclusionary in its analytical and organizing omissions. More significantly, one can argue that the theory on its own fails to radicalise consciousness and intensify

awareness of the need to end male domination and violence against women. It is for this reason that the study also draws upon African Feminism to compensate its shortcomings and complement it.

2.2.2 African Feminism

According to Conway (2016), a theory on domestic violence without feminist lenses inevitably results in the presentation of the dominant patriarchal perspective. It is for this reason that this study sees it fit to also employ this theory on domestic violence. At the heart of African Feminism is the perception of women as an oppressed group who, like other oppressed peoples, must struggle for their liberation against their oppressors, in this case men. This is important particularly when one seeks to establish the extent to which cultural practices and other barriers have impacted on survivors' capacity to protect themselves against the scourge of abuse.

African Feminism has been defined by Mekgwe (2003) as a discourse that takes care to delineate those concerns that are peculiar to the African women's situation. Steady (2005) echoed the same sentiments by positing that African feminism proposes African-ed approaches to the study of gender in Africa based on an understanding of African socio-cultural realities and feminist traditions. As Gaidzanwa (2005) argues, African feminism advocates activism and analysis of women abuse to expand from addressing physical manifestations of male violence into a movement to end all structures of violence.

According to Crenshaw (2016), African feminism posits that human rights are unassailable and that men and women must be treated as humans first. This means that African feminism makes vital contributions in dismantling patriarchal arrangements fuelling domestic violence. To this end, African Feminists called for and advocated an end to impunity for acts of violence in the home and has made important gains both in building grassroots community support and in demanding state funding and legislation to increase women's safety. The enactment of the Domestic Violence Act by the state in 2006 is a crucial illustration of the contribution of African feminism to end domestic violence against women.

African Feminism made important observations that feminists must approach violence against women through an engagement with structural violence. Crenshaw (2016) posits that violence acted upon poor African women in the public realm, through discrimination, harassment, exploitation, threats of violence, and actual violence experienced in places of work and this was inextricably linked to violence in the home.

African Feminism is useful for this study because it has contributed to the achievement of some important changes in how state and non-governmental organizations respond to domestic violence by challenging structural inequalities that increase women's vulnerability to the scourge. The establishment of a safe shelter at Hebron in Mwenezi is seen as a direct result of lobbying by African Feminists who worked hand in glove with Musasa project, a non-governmental organization. The shelter offers accommodation, counseling and life skills training to survivors of abuse. These services are critical in ameliorating the challenges faced by abused women.

Borrowing from Marxist Feminists, African Feminism argues that the subordination of women is a result of women's lack of political and economic power (Schneider, 2000). In this regard, they unequivocally and categorically state that women should have the same rights as men both in the public and in private spheres. The marginalisation of women in the economic sphere leaves women with little choice but to remain in relationships with abusive husbands who provide for their economic needs. Women's lack of economic independence is thus seen as an albatross around women's necks preventing them from leaving violent relationships. Economic dependence of women on their partners is therefore a useful starting point to reveal how masculine dominance, aided by economic privileges, asserts itself within power structures. The African Feminist Theory is highly valuable for this study because its efforts to end or reduce male violence against women expanded into a movement with the potential to radicalize the consciousness of oppressed women.

The African Feminist Theory fits well in this study in that it argues that those with the power, particularly males, usually resort to violence when their position of dominance is

threatened. According to Ritzer and Goodman (2004), the feminist theorists locate women abuse to be a result of a patriarchal system whereby male domination and oppression is tolerated. The African Feminist Theory is applicable to this study as it emphasises that maltreatment of women is just, but one of a variety of strategies employed by males to intimidate females. Within this context, domestic violence is used to keep women in a subordinate position as men continue to exercise authority, and their superiority remains fairly intact in rural areas.

Feminists have highlighted the extent of domestic violence endured by women due to men's desire to control and dominate them. As Jack (2014) note, men learn how to hold other human beings in contempt and to perceive women as subordinate. In addition, Dissel and Ngubeni (2003) note that domestic abuse serves as a pertinent tool for women compliance to satisfy male sexual desires.

African Feminism is useful and applicable to this study since it seeks to examine the experiences and accounts of African women from their vantage point. As Dobash and Dobash (2004) expound, men are socialised to perceive their partners as their property. The implication of this is that they can treat their 'property' anyhow. Bart and Moran (1993) argue that men are of the opinion that they are justified in their abuse of intimate partners as this conduct is viewed as the acceptable norm.

Feminists note the marginalisation of women when it comes to the application of the law in some societies. Roure (2009) observes that in countries such as Brazil, men and women who committed murder in the context of domestic violence were given different sentences. This shows that male privileges, despite the existence of the law, can still perpetuate gender inequalities, further escalating cases of abuse against women. To this end, in Zimbabwe, and in many other African countries, domestic violence is viewed as a social ill rooted in power relations between men and women, and is perpetuated by culture and tradition that nurture male dominance.

2.3 Chapter summary

This chapter discussed the theoretical frameworks that guided the study. These theoretical approaches offer a useful base from which to deepen understanding and and dynamics of domestic violence. The two theories reveal that effective implementation of the Act is torpedoed by social and political structures as well as cultural institutions, and social forces which keep the subordinate female partner oppressed and powerless in an intimate relationship. The powerful and dominant males in a relationship use the threat of force or violence to obtain compliance from the subordinate and weaker partner. The next chapter discusses literature review to map the field and position the study within a proper context.

CHAPTER THREE
REVIEW OF RELATED LITERATURE

3.1 Chapter introduction

This chapter is devoted to reviewing literature related to the phenomenon of domestic violence in view of the implementation of Domestic Violence Act to curb the social ill. It reviews knowledge and awareness of anti-domestic violence legislation among people in different geographical regions across the world. The chapter explores and evaluates the extent to which the provisions of the different pieces of anti-domestic violence legislations operating in different parts of the world provide effective remedies and protection against domestic violence. It highlights the ways in which the legal systems in selected countries have dealt with the issue of domestic violence. The chapter then considers challenges and constraints impeding effective implementation of the Act.

Literature review is critical as it allows the researcher to better understand the research problem in terms of historical background, theoretical framework and the current research trends as this facilitates and allows the researcher to examine the problem under investigation holistically, with deep insight.

3.2 The concept of domestic violence

Domestic violence continues to be a global epidemic that kills, tortures, and maims physically, psychologically, sexually and economically. As noted in Chapter 1, domestic violence entails any act that results in, or is likely to result in physical, psychological, sexual and economic harm. As Osirim (2003) observes, domestic violence cannot be solely understood as physical abuse, but as a phenomenon that takes on a myriad of forms, including the economic. sexual and the psychological. Domestic violence has deeply-rooted structural explanations in Zimbabwe, linked to the long history of colonialism and white minority rule, political transition and economic crisis (Gaidzanwa,2005).

Violence in the domestic sphere is usually perpetrated by males who are, or who have been in positions of trust, intimacy and power. Numerous studies have revealed that while women can also be violent and perpertrators of abuse, their actions account for a small

percentage of domestic abuse. This means that domestic violence is in most cases perpetrated by men against women. It is for this reason that this study focusses on domestic abuse perpetrated on women by men.

3.2.1 Scope of domestic violence

Domestic violence encompasses intimate or ex-partner violence including acts of physical aggression, sexual coercion, physchological abuse and controlling behaviour in the context of an intimate partner relatioship. It also includes rape and sexula assault, sexual coercion and harassment. Harmful practices such as girl pledging, widow cleansing, forced inheritance form part of domestic violence (Domestic Violence Act, Chapter 5:16)

3.2.2 Magnitude of domestic violence globally

According WHO (2016), around the world, at least one in three women has been beaten, coerced into sex or abused in some other way. As Vetten (2005) notes, the toll of domestic violence on women's health exceeds that of traffic accidents and malaria combined. Mesatywa (2008), further observes that domestic violence kills and disables the same number of women between the ages of fifteen and forty four as cancer does.

3.2.3 Scale of domestic violence In Zimbabwe

Levels of domestic violence remain a major concern and barrier to women's active participation in development. As the Zimbabwe Demographic and Health Survey (2010-2011) notes, thirty percent of women aged between fifteeen and forty nine have exprienced physical violence since age fifteen, eighteen percent of women have exprienced physical violence within the past twelve months.

3.2.4 Causes of domestic violence

The Declaration on the Elimination of domestic violence recognises that violence against women is a manifestation of historically unequal power dynamics between men and women (Gaidzanwa, 2005)**.** The power dynamics have led to domination over and discrimination against women. According to Magorokosho (2010), some of the contributing

factors to domestic violence include societal norms on sexual rights, poverty, harmful traditional practices, patriarchy and limited participation of women in decision-marking.

3.2.5 Repercussions of domestic violence

The impact of domestic violence goes beyond individual short-term injury and disability to the gross domestic product. As Adu-Gyamfi (2014) observes, domestic violence is one of the most pervasive of human rights violations, denying women and girls equality, security, dignity, self-worth, and their right to enjoy fundamental freedoms. Survivors of abuse are often traumatised which hinders them from seeking reproductie health services. In line with this, Coleman (2011) asserts that domesic violence is a profound health problem, sapping women's energy, compromising their physical health and eroding their self-esteem.

3.3 knowledge of laws addressing domestic violence in different countries

This section presents people and stakeholder's knowledge of existing laws and policies addressing domestic violence in various countries.

3.3.1 Knowledge of anti-domestic violence legislation in Europe

According to Eurobarometer Report on Domestic Violence (2010), the vast majority of European citizens (ninety eight per cent) have heard of domestic violence legislation. Ninety two per cent of the study participants indicated they have heard about it being discussed on television. Magazine and newspapers are the next most common media in which people heard about the subject. Other sources of information include books (sixteen percent), work place (fifteen per cent) and school (nine per cent). Conversely, only two per cent of study participants at European Union level say they have not heard anything about domestic violence legislation (Eurobarometer, 2010).

Knowledge and awareness of anti-domestic violence legislation in Europe is influenced by socio-demographic characteristics. According to Heise (2011), the majority of European citizens within the fifteen to fifty four age range are more knowledageable about domestic violence issues compared to those in the fifty five and above age range.

The Eurobarometer (2010), further notes that education is another important variable affecting citizens's knowledge of the legislation.

According to the statistics, ninety nine per cent of citizens in the majority of European countries demonstarate adequate knowledge and awareness of the law. Meanwhile those above fifty five years, who left education at fifteen years, or under, have limited knowledge of the legislation (Eurobarometer, 2010). This means that education is an important variable in determining people's knowledge of the law in Europe.

People's financial situation also appears to have an effect, with sixty per cent of people who never had trouble paying bills indicating such laws exists, as opposed to only fifty two who have had trouble paying their bills most of the time. There was, however, no evidence of the impact of gender on participants' knowledge of the laws (Heisie, 2011). The Eurobarometer (2010), further states that nineteen per cent of people who have no proximity to domestic violence say they 'do not know' the legal situation, versus thirteen per cent of those who do have proximity to domestic violence incidence.

With regards to laws concerning rehabilitation of perpetrators of domestic violence, many European citizens who participated in the study admit that they do not know if there are laws concerning this specific subject. There are also similar results regarding laws providing social and legal support for victims. However, only eight per cent say they do not know whether perpetrators of domestic violence are punishable by law. It is quite significant to note that not many European citizens have knowleadge about survivor support services and perpetrator rehabilitation centers.

Notwithstanding European citizens's lack of knowledge about support services, it is significant to note that European countries have made important strides and managed to make a paradigm shift in awareness of the laws concerning the phenomenon of domestic abuse. Euroapean governments' initiatives to raise public awareness to improve the visibility of anti-domestic violence legislation across member states is highly commendable.

3.3.2 Citizens of Naples' knowledge of the law

There are a number of legal statutes in Naples that have been enacted by the government to protect its citizens from domestic violence. According to Agenda 66 (2005), the Domestic Violence Crime and Punishment Act 2067, and the Human Trafficking and Transportation Control Act 2007, are some of the statutes enacted by government to fight domestic abuse.

The findings of the research conducted in some districts in Naples clearly highlighted that levels of knowledge and awareness concerning domestic violence laws and policies were very low among women in the districts where research was conducted. As Agenda 66 (2005) observes, a majority of women were unaware of any laws that could protect them from the domestic violence scourge. Only a small percentage of women who participated in the survey were aware that rape within marriage is illegal, and only an insignificant number of participants were aware of a specific law against domestic violence.

Fagan (2005), notes that among those women in Naples who were aware of the existence of laws against domestic violence, most were unable to state the exact and specific contents of the law. Researchers who assessed women's knowledge of various legislative acts during focus group discussions found that women participants who had heard about various legislative frameworks against domestic violence were not aware of the various provisions contained in the legal instruments.

Agenda 66 (2005), further observes that the government of Naples, apart from introducing legislative frameworks to regulate issues of domestic violence, also established the Gender Based Violence Elimination Fund to provide seed money for rescue, medication, support, legal aid, counseling and rehabilitation of the survivors of domestic violence. The results of the survey show that a significant number of women were not aware of this government established fund. Women, however, commented that, even when laws exist, and funds are established to cater for those in need of support, they are not fully implemented and perpetrators do not receive sufficient punishment (Agenda 66, 2005). It is critical to note for any law to be effective and achieve the intended objectives, it should be implemented fully.

Men's awareness of the laws and policies on domestic violence varied between districts in Naples. Fagan (2005), notes that, like their female counterparts, males were also largely not familiar with policy and pragmatic responses to incidents of domestic violence. Londt (2004), observes that only one man knew of the Domestic Violence Crime and Punishment Act, 2067 and none were aware of the Gender Violence Elimination Fund. However, men were aware of the roles that police, paralegal committees, district level officers and courts could play in protecting people who had suffered violence. Some researchers also noted that women's access to existing services to fight domestic violence could be limited by a range of factors, including lack of awareness of the law, fear of retribution, and the negative attitudes of service providers.

Agenda 66 (2005), established that in Naples, women were less likely to be aware of laws protecting them against acts of domestic violence if they had low levels of education, belonged to a religious minority ethnic group and had low levels of exposure to mass media as well as poor social networks. It also became clear that knowing that the law exists did not necessarily translate into knowing the specific provisions of the law. The lack of knowledge shown by women in Naples could be due to the relative lack of visible implementation activities, particularly in outlying areas.

3.3.2.1 Stakeholders' knowledge and awareness of the law in Naples

Researchers in Naples solicited for knowledge and awareness of laws and policies concerning domestic violence from different stakeholders. Many decision makers at the national level, and some at district level, were aware of the specific contents of the existing laws that could be utilised to protect women against violence and punish offenders.

Findings revealed that fiifty of the fifty three district social workers in Naples were aware of the existence of anti-domestic violence laws that exist to combat the social ills of domestic violence (Agenda 66, 2005). However, only a small percentage knew the specific provisions of the legal frameworks. According to Fagan (2005), thirty seven out of fifty three knew of the Domestic Violence Crime and Punishment Act and nineteen out of fifty three were aware of laws dealing with human trafficking. The majority of these social

workers were not aware of laws addressing sexual harassment in the workplace, nor were they aware of the Gender Based Violence Elimination Fund established by government.

Knowledge and awareness of support services available to victims is of utmost significance to create a violence free society. According to Agenda 66 (2005), researchers in Naples established that only about one quarter of women representing twenty four percent of interviewed participants were aware of the services available to the victims and survivors of domestic violence and most were unable to name the specific services. A very small percentage of women knew about shelter homes at the district level. Only about five percent of women were aware of the women's and children's at the district police office (Fagan, 2005). On the basis of the information mentioned above, it has been recognized that implementation and public knowledge of laws meant to protect citizens from violence in the domestic space have been less than ideal.

Reviewed literature on citizens of Naples' knowledge and awareness of the law to fight domestic violence clearly shows that those who were supposed to protected by the law lacked knowledge and awareness of the law. This could be attributed to lack of awareness campaigns by agencies responsible for the implementation and enforcement of the law. Lack of knowledge of the law in Naples contrasts sharply with the situation obtaining in Europe, with high levels of awareness of the law. The Citizens in Naples, unlike in Europe, relied on limited sources of information.

3.3.4 Knowledge and awareness of domestic violence laws in South Africa

Studies conducted at the University of Cape Town's Health Faculty to evaluate the implementation of the Domestic Violence Act in South Africa, five years after its introduction, revealed that most participants were aware of most of the provisions of the Act. According to Furusa and Limberg (2015), the majority of community members in farms surrounding Cape Town was aware of the provisions of the South African Domestic Violence Act. The members were also aware of where to get assistance if they became victims of domestic violence.

3.3.4.1 Awareness campaigns and 16 days of Activism as source of knowledge

The participants indicated that knowledge and awareness of the stipulations of the Act emanated from public knowledge such as awareness campaigns and 16 days of Activism conducted in collaboration with the Department of Justice and non-governmental organizations. It is interesting to note that during these awareness campaigns, community members are sensitised about their rights such as rights to lay criminal charges and procedures to follow when applying for a protection order. Participants further indicated that during awareness campaigns, community members are informed about the various forms of domestic violence and also told about the preventative measures that are available to victims of abuse.

The main findings of the research undertaken by Artz and Smythe (2005), however highlighted the fact that many women in South Africa are not familiar with the legislation. In nearly half of the cases, the matter was internally resolved and was not reported to the police.

3.3.5 Knowledge and awareness of the law in Ghana

The majority of Ghanaians in urban areas, according to Adu-Gyamfi (2014) in her study on challenges undermining domestic violence victims' access to justice, revealed they had comprehensive knowledge of the domestic violence legislation. All the participants stated that they could report their domestic violence perpetrators to the Commission on Human Rights and Administrative Justice, the Social Welfare Department, Domestic Violence and Victim Support unit of the Ghanaian Police service Unit. The participants further posited that they got to know these human rights institutions through the various mass media, education by human rights institutions and non-governmental organisations. Findings by Adu-Gyamfi point to the fact that human rights awareness and knowledge of domestic violence legislation is very high among the general populace in Ghana.

3.3.6 Knowledge of the law in Mozambique

In her study on whether women were aware of rights regarding legislation dealing with domestic violence in the Beleluane community in Mozambique, Justino (2008) established that a large number of women were ignorant about their rights regarding the

problematic phenomenon of domestic violence. A large number of women interviewed in her study did not know the comprehensive meaning of domestic violence. Her findings further revealed that a great number of the women in the study thought that domestic violence was restricted to physical violence. They failed to realise that domestic violence comes in various forms, such as sexual violence by husbands, verbal abuse, neglect and others.

Justino's study highlighted that some women who occupy key positions in fields such as teaching, the police force, nursing and agriculture were, however, aware of the laws concerning the domestic violence legislation. According to Justino (2008), one of the police officers interviewed mentioned that twenty five per cent of the assaulted women who went to the police station to complain had a slight idea of the laws that protected women against aggression.

According to one community elder interviewed, domestic violence is not a crime (Justino, 2008). He went on to say that seventy five per cent of the women were not aware of the laws that protected them against domestic violence. Women who sought help either at the non-governmental organisations or at the law courts only did so in order to try and make their marriage partners stop aggression and not to have the person who committed the crime get arrested. Another problematic issue with the law identified by Justino was that the vast majority of women were outside of the formal legal system, especially rural women and urban poor women.

3.3.7 Women's relationship with the legal system in Mozambique

The majority of in Mozambique women did not think of themselves as having rights, much less having any relationship with the official legal system. They saw themselves as existing outside the legal system, particularly because they did not know what it offered them and partly because it did not offer them very much. Against this background, Justino (2008) was of the view that there was a need for the Beleluane community to participate in campaigns or educational programs to sensitise the public about laws on domestic violence.

3.3.8 Women's knowledge of Domestic Violence Act in Zimbabwe

Makahamadze et al (2012) note in their research in Zimbabwe on religious women's knowledge of the Act that very few participants in their research understood the main provisions of the Domestic Violence Act. The majority of participants did not know the content and purpose of the legislation. The women lacked an understanding of the provisions of the Act. Inadequacy of the Act limited their power to protect themselves against the evil of domestic violence. These findings are consistent with findings by the Southern African Research and Documentation (2000), which indicated that most women in societies in Southern Region of Africa have limited knowledge of legal provisions that seek to protect their rights and this prevents them from taking advantage of any law that seeks to protect them.

An analysis of the findings shows that European citizens have adequate knowledge and awareness of the anti-domestic violence legislation. Adequate knowledge of the law could be attributed to multiple sources of information which include, television, radio, friends, magazines, books, cinema and the newspapers. This implies that either many people in European member states read magazine and newspapers or that their print media is more willing to discuss issues related to domestic violence. The situation in Africa contrasts sharply with what has been happening in Europe. Citizens in Africa, particularly rural dwellers are ignorant of the specifi provisionsof the legislation. Lack of knowledge of the law could be attributed to limited sources of information and lack of proficiency in some sources of information such as newspapers and books due to illiteracy.

3.4 Adequacy of the provisions of Domestic Violence Act to prevent and curb abuse

Several countries have enacted specific legal mechanisms to address and prevent the social evil of domestic violence. Against this bacground, this section seeks to examine the adequacy of the law in different jurisdictions.

3.4.1 Provisions of the anti-domestic violence legislation in the United Kingdom

Domestic violence has been recognized in the United Kingdom as a serious threat that undermines the ability of victims to participate as full citizens of the country. To this end, the Home Office took the lead in co-coordinating policy and legislative development surrounding issues of domestic violence. Civil remedies in combating domestic violence have existed for quite some time. There is a wide range of legal remedies for victims of domestic violence under the United Kingdom laws. These include both civil and criminal penalties.

According to Oyoo (2010), civil remedies in curbing domestic violence encompass occupation and non-molestation orders. Occupational orders regulate the rights of occupation to the home, for example, excluding a perpetrator from the family home and also possibly from surrounding area. The occupation order and non-molestation orders are applied to a broad range of people to prevent further violence to the victims. Domestic violence in the United Kingdom is handled under the auspices of various pieces of legislation, including the Protection from Harassment Act, the Family Law Act, the Crime and Security Act, Domestic Violence, Crime Victim Act, among many others.

The Crime and Security Act of 2010 introduced domestic violence Protection Orders where a senior police officer issues a domestic violence protection notice where she or he has reasonable grounds for believing that the person has been violent towards someone or has threatened violence (Oyoo, 2010). The notice acts as the basis for the application for the Protection Order. The order prohibits the suspected perpetrator from molesting the victim and where they cohabit, may require the suspected partner to leave the premises.

3.4.2 A crisis definition of the term domestic violence in United Kingdom

Despite the various pieces of legislation put in place by Home Office to prevent and eradicate domestic violence, there are still some loopholes and limitations that militate against the fight against domestic violence. The major weakness is that there is a crisis of definition of the term domestic violence, since there are over 14 different definitions of the term (Matthews, 2007). The term domestic violence is generally understood to cover a wide range of behaviour, much, but not all of which, is criminal.

A fragmented approach where domestic violence has a plethora of definitions means that that issue of domestic violence cannot be dealt with in a consistent manner across the country, thereby hampering the fight against this vice. As Oyoo (2012), argued, the criminal justice system has failed to give adequate protection to victims of domestic violence and has not, in most cases, held perpetrators accountable for their violence by failing to arrest, charge, convict and sentence appropriately.

3.4.3. Provisions of Domestic Violence Act in Malaysia

The Malaysian Domestic Violence Act was promulgated in 1994 and became operational in 1996. Prior to the implementation of the Act, criminal proceedings were enforced through the penal code (Aishath, 2010). To date, the Malaysian Domestic Violence Act works in tandem with the Penal Code. The Domestic Violence Act is the main legislation which gives protection and provides civil remedies to the abused victims, while the penal code concerns itself with penalizing the abuser.

The Domestic Violence Act of Malaysia outlines several remedies to the survivor of violence in the domestic sphere. There is plethora of these remedies which includes Interim Protection Order, compensation, counseling and many other provisions and remedies. The victim of domestic violence can apply to the court for an Interim Protection Order pending investigation of the alleged domestic violence (Glick, 2005). The purpose of an Interim Protection Order is to prohibit the person against whom the order is made from inciting any other person to commit further abuse against the applicant (Vetten, 2005). This order will cease effect upon the completion of the investigations or when the criminal proceedings are instituted against the perpetrator.

A court may issue a protection order or more protection orders to restrain the perpetrator from using domestic violence against the victim. Besides the remedy of protection orders, the Malaysian Domestic Violence Act also provides support to the victim in the form of compensation and counseling services. Compensation for the victim is awarded where a victim of abuse suffers personal injuries or damage to property or financial loss as a result as a result of domestic violence. In granting the compensation, the court has discretion to

take into account several matters, including the pain and suffering of the victim (Roslina, 2012).

3.4.4 Scope, definition and meaning of the term domestic violence in Malaysia

Zarizana and Anna (1999), posited that there are several procedural weaknesses in the Malaysian Domestic Violence Act. They contended that the Act does not criminalise acts of domestic violence, but merely provides for certain civil protection orders. Similarly, Aishath (2010), commented, soon after the Act became operational, that domestic violence is not criminalised in the statute since there is no penalty imposed together with enforcement procedures. This loophole, it has been argued, will make police powers and interventions less effective as the vice is treated as a personal issue devoid of any criminal undertones. Apparently, many claimed that the provisions of Domestic Violence Act of Malaysia had not met its objectives and goals, thus making it ineffective in protecting those who require its protection (Kumaralingan, 2003).

An analysis of the provisions of the Malasiyan Act seems to suggest that all members in a domestic unit facing domestic violence including men can be protected by the law. However, Roslina (2010), clearly stated that the Domestic Violence Act was legislated to provide protection to mainly women and children. In light of the above observation, it was then suggested that the Act could be applicable and effective to certain sections of the populace but might not be adequate enough to give protection to men and the elderly.

According to Payne (2005), the definition of domestic violence in the Act is not clear enough to recognise, diagnose and intervene to provide treatment to the problem. The condition laid down in order to invoke the provision of abuse is that the victim and abuser must be residing together in a home. This means that elderly people staying in institutional settings are not covered and protected by the Domestic Violence Act of Malaysia. Zabdi (2009) notes that the legislative instrument in Malaysia is still lacking to cater for the problem of elder abuse. Razak (2002) corroborates Zabdi's findings, arguing that the Act has been drafted to protect a large section of the populace, including the elderly, yet society confined the meaning of domestic violence to children and intimate partners. The

limitation emanates from the fact that the Act only covers cases of violence that occur in domestic settings.

Zabdi (1994), asserts that, based on current provisions, it seems the Act does not signal the real intention to protect the victim, as it does not specifically state the state's intention to prevent acts of violence as does in the Sri Lanka Act. Kumuralingan (2003) also notes that the Domestic Violence Act of Malaysia, although it prescribes equal treatment between men and women in a violent situation, only covers and prescribes few forms of domestic violence. The Act only included physical, sexual and psychological abuse, but is silent on financial abuse, abandonment and neglect. Past researches reveal that the elderly are prone to abuse of a financial nature. This means that the Act, in its current state, is woefully inadequate as it leaves out some types of violence experienced by some people in the Malaysian community.

3.4.5 Sri Lankan laws against domestic violence

In Sri Lanka, the provisions of the Prevention of Domestic Violence Act (PDVA) make attempts to guarantee equality and protect victims from violent situations. Earsberg (1993), asserts that the legal framework in Sri Lanka falls short of offering and ensuring legal protection against sexual abuse to women in marital relationships in that country. Marital rape or sexual/emotional abuses in a marital set up are not recognised by the Act which acts in tandem with the Penal Code.

According to the Prevention of Domestic Violence Act, emotional or sexual abuse means "a pattern of cruel, inhuman degrading or humiliating conducts of a serious nature directed towards an aggrieved person" (Gonslalves, 2001:187). It is presumed, in the Sri Lankan Act, that marital rape or sexual abuses in a marital relationship do not amount to 'cruel, inhuman, degrading or humiliating conduct of a serious nature directed towards an aggrieved person'. One can, therefore, note that Sri Lankan women experiencing sexual abuse cannot expect absolute protection from the Act.

Taub and Schneider (1993) argue that it is also self defeating and deceiving to expect a wife to seek judicial redress against her husband on marital rape. It is difficult for a victim of rape to prove a pattern of cruel, inhuman and degrading conduct, and expect the

magistrate to interpret the term ‘domestic violence’ to include rape and sexual abuses in a marital relationship.

3.4.6 Impact of patriarchal ideology o the law

It is important to note that Sri Lanka, as a country, operates on the basis of patriarchal ideology. This means that a wife is largely expected to submit herself unconditionally to have sexual intercourse with her husband. Mehr (2000) observes that any sexual engagements in a marital relationship, do not amount to rape even if the wife refused and protested against it (Mehr, 2000). To this end, the Prevention of Domestic Violence Act in Sri Lanka does not recognise and accept that ‘rape’ could take place in a marital relationship. It can be noted that the Act, in Sri Lanka is inadequate, becuase it omitted rape and other forms of sexual violence between spouses.

3.4.7 Protection Orders and provision of shelter homes in Sri Lanka

Mehr (2000) posits that the Prevention of Domestic Violence Act of Sri Lanka in its present form is not capable of providing adequate protection to victims of violence in the domestic space due to a multiplicity of factors. It has been argued that the only effective protection mechanism against domestic violence advocated in the Act is the Protection Order. Other practical measures such as shelter homes are not provided for by the state, hence, the courts cannot compel private organisations to ‘take in’ victims unless they offer to help.

Kapur and Cossman (1996) argue that the courts cannot be expected to devote individual and special attention to provide protection to victims of domestic violence given the high number of cases they handle on a daily basis. In light of observations made by various scholars on Prevention of Domestic Violence Act in Sri Lanka, the Act is a classic example to explain not only the inadequacy of the legislative instrument, but also its ineffectiveness in preventing and protecting people against domestic violence.

3.4.8 Protection against domestic violence in India

In contrast to the Sri Lankan Act, the Protection of Women from Domestic Violence Act 2005 of India recognises sexual abuse as a form of domestic violence. Sexual abuse entails any contact of a sexual nature that abuses, humiliates, degrades or otherwise

violates the dignity of women (Jalzabdi, 2009). The protection covers any woman who is, or has been, in a domestic relationship with the respondent. Unlike the situation in Sri Lanka, the legislative instrument in India is not gender-neutral as it is meant to provide protection to the wife, and female live- in-partner from domestic violence at the hands of the husband or male live-in partner or relatives (Earsberg, 1993).

The Indian legislation has accepted the necessity of having a law which provides extra protection to women in a highly patriarchal society. It does not assume equality between men and women but, instead, recognises gender imbalance as a remedial measure capable of guaranteeing substantive equality to women and, subsequently protecting women against violence.

3.4.9 The South African Domestic Violence Act 116 of 1998

The South African Domestic Violence Act was enacted “to afford the victims of domestic violence the maximum protection from domestic abuse that the law can provide and to introduce measures which seek to ensure that the relevant organs of the state give full effect to the provisions of the Act…” (Domestic Violence Act 116 of 1998). Unlike the previous legislation on domestic violence, that is, the Prevention of Family Violence Act, the new Act, the Domestic Violence Act, offers much broader protection for victims of domestic violence.

The Act provides a detailed and comprehensive definition of domestic violence. The definition includes a variety of acts, such as different forms of abuse that encompass physical, psychological, emotional and economic abuses. Further, the Act gives a detailed definition of each form of abuse. Hoosen (2003) argues that the innovative inclusion of all forms of abuse, particularly economic abuse, is to be welcomed becuase victims of financial deprivation are now able to seek redress. The Act not only clarified the meaning of domestic violence, but also greatly extended the meaning to provide broader protection.

Vetten (2004), asserts that, the broadening of the conduct qualifying as domestic violence as well as the increased compass of persons that qualify for protection has also contributed towards the realisation of the right to be free from violence. The Act managed to capture and spell out what constitutes domestic violence. This created legal certainity

for effective implementation by agencies. The categories of people who are entitled to relief are extended by the expanded definition of domestic relationship. Various types of relationships are included, such as same-sex relationship, and people with parental responsibilities for a child. The abuse of the aged in domestic violence has also been addressed, because the Act specifically includes all family members related by consanguinity and affinity.

3.4.10 Obligations of the courts in addressing domestic violence in South Africa

The Act has been commended and applauded by Vetten (2005), for endowing the courts with much wider scope of powers than they had under the previous Act of Prevention of Family from Domestic Violence Act. Vetten further posits that in the Protection Order, the courts may now impose obligations, conditions and orders on the respondent to ensure the safety and well-being of the complainant. This includes, for instance, prohibiting the respondent from committing any act of violence or from entering the complainant's residence or place of employment. Respondents are also obliged to pay emergency monetary relief to the complainants in the form of medical, dental expenses, household necessities or relocation and accommodation expenses, as well as compensation for loss of earnings. The relief is focused and premised on expenses the complainant had to incur pursuant to the issue of protection order against domestic violence.

3.4.11 Enforcement of Protection Orders in the Republic of South Arica

The provision that a Protection Order is enforceable throughout South Africa is another positive and strength of the Act. The Act provides that any court has jurisdiction to grant a protective order if a complainant or respondent resides or is employed in its area of jurisdiction. As Naidoo (2006) observes, the previous Act lacked specific guidelines regarding the jurisdiction of the court. The new Act clearly stipulates the court's jurisdiction in detail. In the event that a respondent does not comply with a protection order, the court may impose imprisonment of up to five years. The Act is also commendable for addressing the issue of firearms and other weapons in domestic violence. There is a provision in the Act that allows the courts to seize any dangerous weapons in possession of the

respondent. It has been argued that this measure contributes significantly towards the safety of victims.

3.4.12 Role of police and court officials as outlined in the South African Act

Artz and Smythe (2005), commenting on the part of law enforcement agents, point out that the legislation imposes specific duties on members of the South African Police to assist complainants of domestic violence. These duties include, informing complainants of the remedies available to them, assisting victims to find shelter and obtaining medical treatment for them. Failure by the police officers to comply with an obligation imposed by the Act constitutes serious misconduct.

A further duty that pertains to prosecutors was added. This prohibits a prosecutor from refusing to prosecute or from withdrawing a charge in respect of the contravention of a protection order, unless authorisation has been obtained from a prescribed senior member of the prosecuting authority. In addition, the issuing of Protection Order is a measure specifically created to protect victims from violence. Parenzee et al (2001) note that the violation of the protection order is criminalised to expedite and simplify the enforcement of the protection order.

3.4.13 Unavailability and inaccessibility of victim support centers in South Africa

Victim support s and specific domestic violence courts make a valuable contribution to contain incidents of domestic violence. Kruger (2004), however, pointed out that victim support s and special domestic violence courts are too inadequate to provide protection to the majority of South Africans who are in need of this service. A one stop support center was established in Bloemfontein and in a few other parts of the country. According to Le Rouxin (1997), South Africa had only 14 shelters, while there were 700 shelters for victims in the US.

The majority of these shelters for victims is not subsidized by government due to financial crisis it currently faces. Further, special courts for domestic violence cases lack adequate facilities such as victim-friendly rooms and restrooms. It was stated that these victim friendly s only exist in some parts of the country, particularly in urban areas, and there are

none in rural settings. A lack of funding has hampered the establishment of more victim-friendly s throughout South Africa.

3.4.14 Suitability of the Domestic Violence Act to handle domestic violence cases

The criminal sanction that follows when a Protection Order is violated has been criticised by some scholars. Scholars such as Kruger (2004) argue that the criminal law should not 'intrude' into private domestic relationships. They argue that the law is not suited and appropriate to regulate matters of domestic dispute because criminal sanctions are often a catalyst for further domestic violence. The critics claim that mediation is a more appropriate method of resolving domestic dissention due to its therapeutic value. Another argument is that criminal sanction often punishes not only the offender, but also the victim such as when the offender's fine is paid out and family income and imprisonment leads to financial loss by dependant victims.

3.4.15 Adequacy of measures and mechanisms to rehabilitate the perpetrator

Another deficiency highlighted by scholars inherent in the South African Domestic Violence Act is lack of measures and mechanisms to help and rehabilitate perpetrators of domestic violence. It has been contended that legal remedies alone cannot combat domestic violence. According to Artz (2000), innovative and appropriate sentencing options may still be explored by the courts, such as the inclusion of suitable life skills and rehabilitation programs by experts in the field, to help perpetrators reform. It has been argued that rehabilitating the perpetrator is a better means of ensuring harmony in the home than only punishment and deterrence through the criminal justice system.

3.4.16 Training of role players

Appropriate training for all role players in the implementation of the Domestic Violence Act is also critical if the cessation of domestic violence is to be achieved. Special training for role players such as magistrates, prosecutors and police officers who handle domestic violence cases is still a problem in South Africa. Hoosen (1999), observes that training has been available on small-scale bases and only at certain s. Compliance with the duties imposed by the Act will only become a reality if the relevant agencies and role players are

properly trained and sensitised to the needs of the complainant in situations of domestic violence.

3.4.17 Kenyan experience with domestic violence

Kenya has no specific legislation that seeks to regulate domestic violence. Domestic violence in Kenya is dealt with by the Sexual Offences Act 2006 and the Kenyan penal code. In addition to these two legislative frameworks, the Kenyan government is in the process of steering the Protection against Domestic Violence Bill. The Bill seeks to make provisions for the protection and relief of victims of domestic violence. Oyoo (2010) did a critical evaluation of the Bill, highlighting its progressive provisions as well as inherent shortcomings.

Unlike the Kenyan Penal Code and the Sexual Offences Act, which do not deal sufficiently and decisively with cases of domestic violence, the Bill has proffered a fairly elaborate conceptualisation of the term domestic violence. It defines domestic violence as violence against a person, threat of violence or of imminent danger to that person by any other person with whom that person is or has been, in a domestic relationship (Oyoo,2010). The broad definition of the term domestic violence, proffered by the Bill and its elements would go a long way in ensuring that victims of violence are adequately protected. The Bill has also been applauded for recognising the various forms and manifestations of domestic violence.

An added feature of the Bill is the power bestowed upon police officers who may arrest without a warrant, anybody who breaches a protection order. The Bill also provides for onward of compensation to the victim where the court deems this to be necessary.

3.4.18 Criminalisation of marital rape in Kenya

Despite the progressive provisions of the Bill, it has also been noted that there are inherent weaknesses that may impede its implementation once the Bill has been enacted into law. Oyoo (2010) observes that the first shortcoming of the Bill concerns marital rape as a form of violence. The lack of criminalisation of marital rape means that married women and men cannot file a suit on a charge of marital rape. Lack of criminalisation of marital rape is

premised on the notion that there is an express consent to sexual intercourse upon marriage.

Although police officers are given all powers to arrest suspects upon suspecting breach of protection order, the shortcoming is that Protection Orders cannot be enforced outside the jurisdiction of the court that made the order. In short, the Bill has some limitations although they do not outweigh the positives.

A close analysis of various anti-domestic violence legislation found in different jurisdictions provides a clear testimony that they are adequate to curb abuse, if effectively implemented. Whilst some weaknesses are noted in some pieces of legislation, they are still not huge to compromise the safety of survivors. The British legislation for instance was attacked for its fragmented approach where domestic violence has a pethora of definitions. This makes it difficult for the scourge to be dealt in a consistent manner across the country. The Malaysian law together with Sri Lankan, as well as Indian, contain useful provisions to protect survivors from abuse. The South African Domestic Violence Act was applauded for providing a detailed and comprehensive definition of domestic violence among several positive provisions. This is quite useful given that the Zimbabwean Domestic Violect Act, the subject of discussion in this study borrows heavily from the South African one.

3.5 Factors militating against implementation of domestic violence legislation

An analysis of the constraining factors that militate against the implementation of domestic violence legislation helps to highlight how the presence of a domestic violence law in itself does not necessarily affect prevalence of the problem. It may, rather be, the nature of institutions and other factors that will affect or hamper the effective implementation of the law. Therefore, this section establishes factors and constraints hindering effective implementation of domestic violence law across the globe.

3.5.1 Structural dependence of women on men: its impact on implementation of the Act

Structural dependence of women on their male partners or women's lack of economic independence has been cited as a huge barrier to the implementation of anti-domestic violence legislation in Ghana. Lack of empowerment on the part of women has kept them from seeking help or leaving violent partners because women are not financially independent and do not have a reliable means of support (Adu-Gyamfi, 2014).

Participants in Adu-Gyamfi's (2014) study, highlighted that quite a number of abused women feared that they would lose their partners support and this prevented them from seeking justice. Some also mentioned that they did not have resources to access the required relief from the state's justice system. Adu-Gyamfi's findings are quite consistent with Matthews and Abrahams' (2001) study, which noted that high levels of unemployment amongst victims who reside in rural areas of South Africa and the financial constraints associated with this lack of employment hampered women from seeking costly legal action. This means that despite the fact that participants knew the appropriate state institutions to seek redress from, socio-economic factors hamper the effective implementation of anti-domestic violence law.

Similarly, in South Africa, women's financial dependence on their partners was also noted as a huge factor that undermines the effective implementation of the Domestic Violence Act. In a study conducted in Western Cape on the implementation of the Domestic Violence Act by Artz and Smythe (2005), it was discovered that the majority of female farm workers who were victims of domestic abuse were afraid to involve and report cases of domestic violence to police officers because their employment contacts were tied to the employment of their partners. This was found to be discouraging women from applying for Protection Orders thereby rendering the Act ineffective.

According to Agenda 66 (2005), many women in South Africa were not employed on the farms in their own right but, instead, their employment was subsidiary to their male partners' employment. This meant that women on their own did not have binding employment contracts. Such an economic factor meant that if women were forced to leave farms as a result of getting their partners arrested, they would lose income. They would rather stay in a relationship with an abusive partner than leave him and seek justice against him.

It has been argued that it cannot be denied that a woman who depends financially on her husband is highly unlikely to seek judicial redress. Furthermore, she finds it difficult to request the justice system to intervene and curb the occurrence of domestic violence. It has been highlighted that the situation is even gloomy for women who are bold enough to take matters in their hands as they are looked down upon by police officers, judicial office bearers and neighbors. The state does not help matters either as it fails to offer any support services as a remedial measure (Vetten, 2005).

Matthews and Abrahams (2001) argue that the fact that rural and semi-rural areas continue to be under-resourced in contemporary South Africa means that women living in such areas are faced with expensive yet poor telecommunication which often prohibits survivors from making distress calls to police stations. The fact that Protection Orders are presented only in two (English and Afrikaans) of the eleven official languages in South Africa is also a cause for concern. Vetten (2005) posits that women whose first language is not English or Afrikaans therefore find it extremely difficult to read and complete Protection Order application forms. Vetten (2005) further observes that currently, application forms for Protection Orders are not available in Braille, and sign language interpreters, for the deaf are not readily available at courts.

Extensive substantive research has been conducted to monitor the implementation of the Domestic Violence Act in South Africa (Parenzee et al 2001, Artz 2003 and Artz and Smythe, 2005). The findings of these studies have concurred that despite the gains made by the law in addressing human violations against women, challenges still persist in the implementation of the Act. The achievements made included a paradigm shift in the South African law from denial of the existence of domestic violence to a legal acknowledgement and endeavors to nip the problem in the bud. Although the South African Domestic Violence Act represents a marked progress on paper, experience in the field of advocacy shows that the true test of effective legislation lies in its implementation**.**

Strong emotional, financial and familial ties to the offender have been cited by Padayachee (2009) as serious obstacles contributing to women's reluctance to report cases of domestic violence to law enforcement agents. It was further noted that victims and the criminal justice outcomes for domestic violence may be in conflict, particularly

when the victim wishes or wants her partner to go for counseling instead of being arrested. Reluctance on the part of victims to report cases of domestic violence has been noted to be a serious issue that undermines the implementation of an otherwise well crafted legal intervention.

Musasa Project (2008), notes that women constitutes the majority of the world's poorest groups, largely due to lack of access to education. It emerged that lack of access to, and lower levels of education narrow the scope of the economic activities women can engage in. This then limits the options that these women have, especially when they are in a weaker financial position than the perpetrators. This observation by Musasa Project is useful in the formulation of questions that sought to establish the factors that hinder the successful implementation of anti-domestic legislation despite having the legislative framework in place.

3.5.2 Social-cultural practices that condone domestic violence in Africa

Many cultural beliefs in most African countries reflect widespread tolerance of violence against women as a normal part of gender relations. The belief that violence is an indicator of love has existed for many years in many parts of the world. A study conducted by Wood and Jewkes (2009) in Cape Town, South Africa, revealed that sexual assault is a regular feature among pregnant teenagers' sexual relationships. This means that custom, tradition and religious beliefs are frequently invoked to justify the use of violence against women. They act as barriers to the effective implementation of laws against domestic violence.

According to Connell and Mesterchmidt (2005), South African men across the racial spectrum are raised according to dominant masculine norms and hegemonic masculinity. Men are taught to perceive themselves as superior and encouraged to use violence as a tool to exercise their masculinity. Similarly, Jewkes et al. (2005) observe that most men in South Africa perceive that women should submit to their authority. Physical and sexual violence are then used against women to demonstrate male power and male sexual entitlement as well as teaching women their social place and punish them for their transgressions of socially constructed rules.

It can be seen that customary practices and some aspects of tradition are often the cause of violence against women, hence act as a constraining factor in the implementation of laws against domestic violence. Cultural practices in this context contribute to the normalisation of domestic violence.

Even though some cultural norms and practices do empower and protect women's human rights, traditions, customs and religious values may also exist to justify or even encourage violence against women (Bultrim and Djeddah, 2006). Van der Hoven (2001) reveals, in her findings in a study conducted in South African communities that the strong, unequal, conservative and patriarchal attitudes that dominate the country are pivotal in explaining why domestic violence against women is viewed as a private matter.

Njezula (2006), observes that the inordinate levels of domestic violence in most African countries, while highly complex, has to a greater extent been explained in terms of the patriarchal nature of the societies. She further indicates that most community members believe that wives or intimate female partners should be submissive to male partners, assume a passive role in the relationship and should not challenge the authority asserted by the male partner. The above notion helps explain why men's aggression towards female partners is condoned by neighbors, and community members as an acceptable tool to keep women in subordinate positions.

Singh (2009) notes that family and community members choose not to intervene when confronted with intimate partner violence. Members of the immediate family may also be reluctant to intervene, as they perceive that their involvement may imply interferrence, or they may fear the perpetrator. A survey carried out by Van der Hoven (2001), that investigated the attitudes of female members in a community of Pretoria revealed that the white community largely maintained a patriarchal attitude when confronted with domestic violence.

In Ghana, the implementation of domestic violence legislation has met with lots of impediments. As Adu-Gyamfi (2014) observes, integral among these impediments, are attitudes, beliefs and cultural practices which place men high above women. To add on, certain violent actions perpetrated against women, such as marital rape, are overlooked.

The danger is that people will hold firm to these practices even though they violate the Domestic Violence Act.

According to a United Nations website cited in Adu-Gyamfi (2014), twenty eight per cent of males and forty four of females between the ages fifteen and forty nine in Ghana still think that the husband is justified in hitting or beating his wife under certain circumstances. The practices that subordinate women to men, to a larger extent, remain unchallenged in Ghanaian communities.

Pick up et al. (2001), assert that the practice of beating wives within the household is considered a legitimate punishment for a wife who fails in her marital duties within a cultural milieu that values female obedience and deference to men. Such a cultural practice hinders, in a significant manner, the implementation of anti-domestic violence legislation.

Violence perpetrated predominantly by men against women, particularly in households, is viewed as a normal part of gender relations. In this regard, Zimmerman (1994), states that many women opt to remain silent about the violence perpetrated against them by men for fear of reprisals or that the attacker will retaliate and further harm them. Women are also reluctant to report cases of abuse against them for fear that reporting may bring shame and damage to their own and families' reputation. In such circumstances, victims may opt to endure many forms of violence perpetrated against them in order to save their relationships and marriages.

In her study, Anderson (2011), discusses the issue of domestic violence. In her article, she explains from the feminist perspective why women tend to stay in abusive relationships. Her observations help explain the interplay between cultural constructions of femininity, and structural conditions that perpetuate domestic violence. She further interrogates why women do not often leave abusive relationships. A study carried out by Jewkes and Morrell (2010), in South Africa reveals that, whilst it is not expected that men should harm women, the use of modest violence to assert men's control and dominance over women is traditionally accepted.

Burrill et al. (2008) consider the various socio-cultural factors that perpetuate domestic violence in African societies as opposed to, for example, Western societies. They contend that African practices related to marriage, for instance, lobola payment by the husband's family, give them the right to exploit, the labour of, and subject the bride to their commandments. The prevalence of ideologies justifying female subordination promotes domestic violence.

Researchers have noted, particularly in Africa, that masculine construction requires manhood to be equated with the ability to exert power over others especially through the use of force. Women subsequently are construed as passive and submissive, and accepting violence as part of the woman's estate. Barlett and Rhode (2010), sought to trace the genesis of laws that proscribe domestic violence in their study. They established that under common law in most African communities, a husband, as master of his household, could subject his wife to chastisement.

Gillum (2009), asserts that while women may perceive and feel that violence against them is both painful and wrong, they may not necessarily define it as a crime. In such circumstances, women are expected to endure many forms of violence perpetrated against them in order to save their marriage and keep their relationships intact. Such a prevailing attitude, undoubtedly undermines and militates against the Act's aim of providing relief and protection to victims.

In Zimbabwe, research undertaken by Chirume (1999), confirms that wife beating may be interpreted as the expression of love by a husband as well as a tool for stabilising marriages. The first beating is expected to occur immediately after the wedding, to fulfill this long cherished expectation. Chirume's findings are consistent with those by Manuh (2007), who unearthed in Egypt that married men are justified to beat up their wives for refusing sex, talking back, talking to other men, wasting money or burning food. It is, therefore, in light of these cultural expectations, acceptable and expected for a husband to discipline his wife through modest beatings without using weapons such as knives and axes. It is, thus, clear from the above findings, that cultural and social hindrances prevent women from accessing legal redress against domestic violence.

Vetten (2005), observes that some researchers felt that the enactment of the South African Act was retrogressive in the sense that it challenges African norms and values. It was argued that the Act should not only be ignored but challenged because it trivialises African manhood. Against this background, it can be noted that anti-domestic violence legislation in most African societies will struggle to take root owing to prevailing norms and values obtaining at a particular period in time.

3.5.3 Perception of domestic violence in Africa as a private matter

A major challenge facing the implementation of the Domestic Violence Act in Ghana was that the general public still perceived domestic violence as a private matter. This fits well into the private family structure where patriarchy and culture violate women's dignity, causing them to feel degraded and less human (Adu-Gyamfi, 2014). Broadly, the perception of domestic violence as a family matter in Ghana has had serious repercussions on the implementation of the laws that seek to protect vulnerable people from the vice. The general belief that domestic violence is a private family issue discourages Ghanaian victims and survivors from reporting their abuse, and this prevents the implementation of the Act. As Adu-Gyamfi (2014:198), states, one participant in Ghana reportedly said:

> "*Domestic violence is an intimate family affair which neither the policy nor the society is supposed to engage themselves in*".

Such kind of thinking presents a substantial obstacle to the implementation of the provisions of the Domestic Violence Act. It presents a barrier to victims' ability to obtain effective relief from abuse and, creates huge pressure on victims to settle domestic violence matters privately thereby affecting the response of the criminal justice system.

3.5.4 Traditional leaders and families' intervention in domestic violence cases

It was also observed that families, religions and traditional leaders regularly intervene in the criminal justice process. They withdraw, force victims to withdraw reported cases from the police and courts of law. Similarly, church organisations, opinion and traditional leaders, do not encourage married victims to report abuse to law enforcement agents,

because doing so would break the marriage. Because of the prevailing attitudes, it has been traditionally difficult for victims to report cases of domestic violence to the arms of the state.

Adu-Gyamfi (2014), also notes that a majority of respondents indicated that a number of men still are unwilling to be questioned about their actions in relation to domestic violence, let alone to be arrested. In the case of victims, they do not report such abuses because they have been brought up in the mistaken belief that it is acceptable, even normal for a married man to beat his wife.

3.5.5 Criminal justice delivery system as a constraining factor in the implementation of the Domestic Violence Act

The criminal justice delivery system has been cited by Padayachee (2009), as one of the biggest factors in the lack of effective implementation of the South African Domestic Violence Act. Magorokosho (2010), is of the view that the criminal justice delivery system has been constrained or hampered by lack of resources, which have compromised the capacity of the implementing agencies to fully carry out their duties and obligations contained in the Act.

The shortage of basics such as forms, shelter and transport to serve the court processes, and arrest perpetrators shows that this legislation was not ‘costed’ before it was enacted. With regard to shelter, Magorokosho (2010), further notes, at the time she carried out her study in Zimbabwe, that it was only Musasa Project which was offering shelter to victims of domestic violence. The department mandated to provide relief this important relief, the Social Welfare, was beset with financial problems.

Vetten (2005), notes that the issue of access to justice as it relates to those most vulnerable to cases of domestic violence is critically important in the successful implementation of the law. She argues that inadequate human resources, severely hamper the implementation of even a progressive law. The process of applying for a Protection Order was long and arduous in South Africa due to very few people being available at the magistrate courts to assist complainants (Naidoo, 2006). Similarly, Padayache (2009), contends that, although dedicated domestic violence courts have

been allocated for domestic violence cases, in both the civil and criminal courts , these are often staffed by one magistrate and one clerk. An overburdened and under-resourced criminal justice system would ultimately puts the victims at risk as they do not have any protection from the law, while waiting to make the legal application.

According to Londt (2004), family and domestic violence courts continue to have long queues, with many victims having to return the following day. This was cited as very disturbing considering the danger abused women face at the hands of their intimate partners. Despite measures put in place where in serious cases magistrates can stay after hours and work on week-ends to hear these cases, this did not succeed in clearing the backlog of domestic violence cases that required immediate attention.

Londt (2004), further observes that the process and many procedures inherent in the Act provide unnecessary delays which discourage victims from using this law to remedy their experiences of domestic violence. Findings from some studies (Artz, 2003, Artz and Smythe 2005), in South Africa show that in-spite of some improvements and progress made as well as confidence expressed by magistrates on the potential of the Domestic Violence Act, magistrates still expressed frustrations due to resource constraints.

3.5.6 Complex legal system

According to Magorokosho (2010), numerous South African studies, show that the intention or objective behind the South African Domestic Violence Act did not translate into a neat remedy to the problem. This was mainly because the problem of domestic violence was being channeled through a complex legal system that is flawed, under-resourced and is plagued with inequalities, biases and other human frailties. A plethora of researches conducted in South Africa on the implementation of Domestic Violence Act revealed that despite its progressiveness, findings show that the Act is inconsistently applied (Artz, 2003), and that its effectiveness is limited by court constraints (Matthews and Abrahams, 2001).

Lemon (2013), asserts the prevalence of the general perception of the judicial system as inefficient, and as a serious obstacle for victims of domestic violence to access justice, and report their cases to the appropriate formal institutions. It was noted that insufficient

budget, and resources were allocated in Soth Africa to fight the pandemic of domestic abuse (Vetten, 2005).

3.5.7 Inadequate manpower in the Criminal Justice System

Vetten (2005), observes that lack of adequate manpower in the criminal justice system has resulted in Non-Governmental Organisations, mostly foreign- funded, taking over the bulk of the work which was entrusted by the law to the police and courts. This includes, informing the victim about their rights and advising them on how the process of applying for a Protection Order is carried out. It also includes helping the victim find alternative accommodation and other support services. The findings by Vetten highlights the failure by the Department of Justice and Police, as they are unable to fully carry out the duties mandated by the law.

Non-governmental organisations such as NICRO, FAMSA and MOSAIC have approached the courts to assist with services to victims of domestic violence (Vetten, 2005). These organizations have been seen as valuable to the courts, in alleviating the burden on courts particularly assisting the civil courts with the applications for protection orders and counseling interventions. However, despite the intervention by organisations alluded to above, challenges of dedicating adequate time to these cases still remain (Padayachee, 2009).

3.5.8 Access to justice: challenges faced by victims

The criminal justice system in South Africa is alleged to have failed dismally to give adequate protection to victims of domestic violence. It failed to hold perpetrators account for their deeds by arresting, charging, convicting and sentencing them appropriately. The weaknesses inherent in the criminal justice system greatly hamper the fight against domestic violence and, reduce incentives for victims to seek redress in the legal system. Although it is notable that the legal system in South Africa through the Domestic Violence Act has made great strides in the direction of curbing domestic violence, the system still experiences some challenges in the fight against domestic violence.

Artz (1999) makes a compelling argument that access to justice is encouraged and discouraged by factors including, but not limited to, cheap and available transport services, speedy response of police and emergency services, and support structures in the form of accommodation and advice. In a study carried out in South Africa by Parenzee et al. (2001), to monitor the implementation of the South Africa Domestic Violence Act, it was established that although South Africa had ratified various human rights instruments that seek to address violence against women, there are no significant changes to the victims as they continued to experience domestic violence even when cases are in the hands of police and judicial personnel.

3.5.9 Lack of infrastructure in the police force and court system

The study by Parenzee et al (2001), reveals that lack of infrastructure within the police force and the court system hampered the effective enforcement and implementation of the Act in South Africa. From the study, it was found that the system was unable to track cases or records to identify who had applied for a protection order in another court. It further emerged that there was lack of, inter-sectoral networking and supportive services, which makes it difficult for the victim to get protection whilst sitting on the Protection Order. It becomes clear that the implementation of anti-domestic violence policies usually suffers from real-world constraints. This means that what appear to be weak policies, in fact reflect weakly implemented policies whose goals are undercut by resource limitations and organizational constraints.

3.5.10 Attitude of law enforcement agents as a barrier to implementation of law

The implementation of the Domestic Violence Act in South Africa, according to Parenzee at al. (2001), has been undermined by factors such as under-resourcing of courts and police stations, police perceptions of domestic violence, fragmented service provision from the courts, the police and the health sectors and the lack of information for applicants regarding the application procedure for Protection Orders. The South African police, for instance, have never submitted a report on domestic violence cases as is required of them. They have also been noted to often display a lack of knowledge regarding the procedures to be followed in domestic violence matters. Moreover, many

male police officers are themselves perpetrators of domestic violence, or associate with people who are.

In her study, Gonsalves (2010), analysed the trials and outcomes, and the unwillingness of the police to probe violence, particularly against women in the domestic sphere. This has led to a situation in which the law as a whole can easily be taken as an instrument of patriarchal oppression that breeds violence.

The role of police officers in curbing domestic violence has been noted as critical by many researchers. They are the gatekeepers to the criminal justice system, hence, their interventions may be the first step in establishing a safe environment for victims of domestic violence. Despite the centrality of police officers, both victims and perpetrators have experienced many challenges in seeking police help. Challenges cited by Oyoo (2010), included the attitude of the police officers, their reluctance to intervene and arrest, as well as police victim insensitivity.

Oyoo (2010), further notes the laxity of law enforcement agents as one of the major factors that fuel domestic violence cases and limit the effectiveness of anti-domestic violence legislation. In another study conducted in Kenya by FIDA-Kenya (2008), it emerged that most police officers are not keen on apprehending the perpetrators of domestic violence, particularly if they are ready to 'buy' their freedom. This further serves to perpetuate the culture of violence which then continues unchecked and unabated due to police corruption.

Njezula (2006), writing about domestic violence in South Africa, decries the lack of police cooperation in combating domestic violence, particularly against women. She observes that women victims of rape or assault face a criminal justice system that is too often unable or unwilling to assist them in their efforts to seek redress. This study by Njezula helps give an insight into the legal system's treatment of the victims of domestic violence even in cases where there is a law that exists to deal with the vice.

Hoosen (1997) also observes that victims of domestic violence have experienced many challenges in seeking police help. Challenges included the attitude of the police officers, their reluctance to intervene and arrest, police brutality and the lack of victim sensitivity.

He noted that implementing the Act remains a pipedream because police officers are not properly trained and sensitised to the needs of the victims in situations of domestic violence. Kruger (2004) observed that although police officers are trying their best to execute their mandate, they encountered difficulties in realising their objectives. Often there is no shelter available to take victims to and in some instances police do not have enough vehicles or officers on duty to comply with the prescribed duties.

3.5.11 Shortage of victim support s, shelter and special courts as constraining factors

According to Kruger (2004), a critical evaluation of the implementation of the Domestic Violence Act in South Africa reveals various constraints and deficiencies. He notes that although formal protection against domestic violence is, to a greater extent, achieved by means of the law, major problems are still experienced in implementing the law. Victims often do not obtain real protection due to certain cultural and religious perspectives and a lack of public awareness.

Other constraining factors in the implementation of the law noted by Kruger (2004), are the dire shortage of victim support s, shelters, special courts with trained personnel and appropriate s. According to Hoosen (1997), cited in Kruger (2004), South Africa has only 14 shelter centers. They exist only in some parts of the country. An observation was made that there is need to multiply their services particularly, in rural areas.

Research conducted in Ghana by Amoakehene (2014), revealed that for many years, the Ark Foundation was the only Non-Governmental Organisation that provided shelter for abused women in that country. It was further noted that due to the general lack of resources at state facilities such as the Domestic Violence and Victims' support unit in the Ghanaian case, victims are asked to pay for medical services. This requirement undoubtedly limits the opportunities of poorer women to seek redress from the courts.

According to Hwenha (2014), shelter centers face a plethora of challenges in their endeavors to curb cases of domestic violence. One of the challenges that shelters face is the lack of resources, which limits the number of victims that can be housed at any given time. Njezula (2006), notes that there is also consistent problems of 'next phase'

housing for women, who, when they have to leave the shelter due to some level of stability, unfortunately cannot afford to live in communities yet and still require some measure of protection.

3.5.12 Inadequate funding of agencies fighting domestic violence

Kruger (1997) states that the South African government has not allocated enough funding to equip special courts for domestic violence with adequate facilities such as victim-friendly waiting rooms and restrooms. Intermediary facilities are also required to establish more special courts to handle cases of domestic violence effectively on a national basis. It was noted that although members of the police force execute the mandate imposed on them by the Constitution in respect of the domestic violence law, in practice they encounter difficulties in carrying out their duties. Often there is no shelter available to take the victims to, and in some instances police do not have enough vehicles or officers on duty to carry out the prescribed duties.

The scarcity of resources by the government of South Africa has meant that the progressive legislation becomes a theoretical exercise and not a pragmatic one. Lack of substantial funding has curtailed the expansion of specialized training to cover all players or institutions involved in domestic violence cases. Specialised training provides invaluable contribution in the implementation matrix of anti-domestic violence legislation. Hoosen (1999), contends that the successful implementation of the Domestic Violence Act in South Africa hinges on the capacity and commitment of police officers. Poor attitudes from the police renders implementation of the Act an illusion. This is because police interventions are considered the first step in establishing a safe environment, hence, they are the gatekeepers of the criminal justice system.

3.5.13 Lack of effective coordination and non-existence of National Domestic Violence Strategy

Lack of coordination and collaboration. between government departments and civil society, within government and within civil society, has greatly undermined efforts to fight the pandemic of domestic abuse. Although collaboration has improved around 16 days of Activism, other strategies of development are not well coordinated. As Artz and Smythe

(2005) point out, domestic violence service delivery continues to be fragmented, ad hoc, often uncoordinated and culturally inappropriate. The South African government, together with non-governmental role players, has also failed to develop a coordinated inter-sectoral, inter-governmental National Domestic Violence Strategy. In their final reflections on the success of the Domestic Violence Act in South Africa, Artz and Smythe (2005) posits that the continued interaction with all state role players and effective encouragement of effective inter-sectoral cooperation between them is critical, going forward.

3.5.14 The Process of obtaining and enforcing Protection Orders

Danis's (2003) study on the effectiveness of protection orders issued by the civil courts yield mixed results. Findings shows that although Protection Orders are useful in determining repeated incidents of physical and psychological abuse among offenders who do not have a history of violence, sixty per cent of women with Protection Orders in South Africa reported violations during the year after they were issued. Danis reported numerous cases where women failed to return to fetch their final or even interim protection orders.

Magorokosho (2010) notes, in her study on the efficacy of Protection Orders in terms of the Domestic Violence Act in Zimbabwe, that enforcing Protection Orders is problematic since it usually results in loss of family ties on the part of women. She notes that the relationship of the victim to the perpetrator determines the victim's choice to utilize the order. Even though victims are aware of how to proceed against perpetrators breaching the Protection Order, the decision to enforce the warrant of arrest was determined by other pressures such as the need to maintain family relations and the need to preserve marriages.

Another study by the Development Research Africa in 2007, which sought to assess the implementation of the South African Domestic Violence Act and its effects on the lives of women seeking Protection Orders in the four courts of eThekwini revealed interesting findings. It emerged that the capacity of Protection Orders in addressing the concerns of victims had been hampered by the attitude of police officers who trivialized domestic

violence cases, flawed court processes and the negative perception by the victims that the police and the courts did little to protect them from the abuse.

In her study in Ghana, Oguli (2002) notes that despite the existence of anti-domestic violence legislation, implementation of the law is limited by various factors. She notes that implementing officers interpret the laws based on their experiences and discretion and this is usually influenced by their cultural orientation. She further notes that as most women are dependent on men, some of them withdraw their cases and this is usually encouraged by police officers. It is important to note that despite the existence of anti-domestic violence legislation, as noted by Oguli, the operation of the legislative framework is limited by several factors.

3.5.15 Challenges in programming and implementation of laws and policies

Researchers have come up with varied explanations on challenges affecting the implementation of laws and policies.

A dual legal system in which the general and customary law apply continues to work against the interests of women as customary rules are mostly defined by men even where they affect women (Government of Zimbabwe, 2006). Tsanga (2003) notes that the dual nature of the legal system subjects women to severe inequalities particularly, those residing in rural areas where the customary law is more pronounced. She further observes that the Zimbabwean government's failure to develop nationwide programs aimed at raising people's awareness about state law has meant that the bulk of the population which lives in the rural areas is often unaware of the substance and operation of the laws which affect them.

Resistance to state legislation has been cited by many scholars as a major obstacle to effective implementation of laws and policies particularly in many African countries (Tsanga, 2003; White and Kachika, 2009; Vetten, 2005; Griffith, 1986). Tsanga (2003) attributes resistance to state law to instrumentalism. Instrumentalism reflects a naïve and positivistic conception of law in which rules are seen as commands given by the legislator and received by an individual. McFadden (1998) posits that legislations in Africa are ineffective due to lack of political will. Countries without political will or capacity often lack

the budget or infrastructure to implement the laws, such that the law has no substantive impact on the rates of gender-based violence.

3.5.16 Structural impediments in implementing the Domestic Violence Act in rural areas

Buzawa and Buzawa (1990) examines the factors that militate against police officers taking action against perpetrators of domestic violence cases. They establish that the occupational code of being a good officer is to fight crime. Domestic violence, according to the occupation code, has little occupational value to police as it is not viewed as a serious crime. Tweedie and Pradham (2008) note that police officers based in urban areas are more sensitive to gender issues and women's rights issues than those confined to stations in rural areas.

3.5.17 Non-reporting and lack of disclosure of incidents of domestic violence

According to Zimmerman (1994), many women opt to remain silent about domestic violence perpetrated against them by men, because of fear of reprisals or that the attacker will retaliate and further harm them. Women are reluctant to report forms of abuse against them for fear that reporting may bring shame and damage their own families' reputation.

3.5.18 Women's perceptions of gender inequality

Gender inequality is essentially socially constituted; as a result, it is perceived differently and has different expressions in different socio-cultural settings (Moore, 1994). Different people express divergent perceptions of what constitutes abuse within a given social context. Inequalities of power between men and women contribute to an environment that accepts excuses and even expects violence against women.

3.5.19 Religious factors undermining anti-domestic violence legislation

Chireshe (2012), examines several factors that constrain women in Zimbabwe from reporting cases of domestic violence to law enforcement authorities. She unearthes that religious factors, among other factors, deterred victims of domestic violence from reporting the abuse to the authorities. The major religious factor was that God had the

power to end the abuse by changing the abuser. Prayer was identified as the key to 'unlock' God's intervention. The advice to pray in cases of domestic violence was given and encouraged by religious and community leaders, to look up to God who has all the answers.

Gillum (2009), also reveals that the belief in God's intervention to proffer solutions to problems faced by victims of domestic violence tends to inculcate both a spirit of patience and one of resilience in the abused individuals. It was reported that it was considered ungodly to report cases of domestic violence to secular institutions. This means that women can endure violence without seeking help from law enforcement authorities.

In his study, Taylor (2010) observes that those who put the power of change in God's hands are left waiting and enduring rather that actively seeking out resources, support and other alternatives. Chireshe (2012) opines that the advice and encouragement to endure suffering in the hope that things will change for the better is also found within the context of Shona culture where abused women are often encouraged that marriage is not easy but something that needs perseverance. This deters abused victims and survivors from taking legal action against their abusive spouses. In this regard, the abused remain silent because religion and culture taught them that it is a virtue to endure suffering hence they are prevented from seeking help from the police. Christiansen (2010) observed that silence in the face of domestic violence perpetuates the culture of violence, thereby undermining any efforts aimed at alleviating the challenge. Under such circumstances, the implementation of the Domestic Violence Act is hindered.

It has also been noted that fear of social stigma contributes to abused women and men's unwillingness to take advantage of the Domestic Violence Act. As Chireshe (2012) observes, the private domain is culturally protected from outside intervention in both Christianity and Shona society such that reporting to authorities is often shunned when domestic violence is made public by reporting to police. It was likened to washing dirty linen in public, to the extent that it would lead to the stigmatization of both the abuser and abused. The desire to maintain family secrets is a major factor that deters most victims from reporting cases of domestic violence to authorities.

3.5.20 Police response and intervention in domestic violence cases

Historically, victims of domestic violence have sought help and protection from a variety of institutions including the family, traditional courts and church organizations. According to Bendall (2010), the South African Police Services (SAPS) have been obligated and mandated by the South African Domestic Violence Act to provide individuals who experience domestic abuse with the necessary assistance they require. The duties of police include assisting victims to find suitable shelter, providing them with the necessary medical treatment, removing weapons from the abuser and accompanying the complainant or abused to their house to remove personal items, informing them of their rights to apply for a protection order and laying criminal charges against perpetrators of domestic violence (Naidoo, 2006).

The role of the South African Police Services has been heavily scrutinised when it comes to the Domestic Violence Act. Several studies have focused on the failures of the police nationally (Matthews, 2012, Vetten, 2014, Taranto et al, 2013, Hwenha, 2014). Non-compliance with the provisions of the Domestic Violence Act by the police was mentioned as one major concern that militates against the successful implementation of the Act. According to Taranto et al (2013), police non-compliance with the provisions of the Act included refusal or reluctance to serve protection orders or to arrest perpetrators of domestic violence who had violated the conditions set out by a protection order. In some instances, it was noted that police officers often attempted to mediate domestic violence disputes instead of arresting the perpetrators as is required by the law (Taranto et al 2013).

According to Parnas (1967) cited in Kruger (2004), police officers failed to actively pursue cases where victims and offenders had intimate relationship, fearing that women in particular might drop charges against the perpetrator. The observations made by Parnas are consistent with Hwenha's (2014) findings which show that police often would release a male perpetrator a few hours after he has been arrested. Furthermore, when incidents of domestic violence are reported to the police in South Africa, female victims would be disrespected and dismissed, the treatment and care they received would be inadequate

and they would be discouraged from reporting incidents of intimate partner (Hwenha, 2014).

Although the Domestic Violence Act of South Africa assigned key duties to the police and positioned them at the forefront of the battle against domestic violence, researchers have reflected upon lack of interest and motivation amongst police officers when confronted with incidents of domestic abuse. Matthews and Abrahams (2001) attributes the occurrence of police non-compliance and failure to discharge the mandate outlined in the Act to the fact that police officers still predominantly view incidents of domestic violence as a private issue. Female victims in a study carried by Gopal and Chetty (2006) in South Africa reports a lack of interest from police officers to become involved in cases of domestic violence. They further notes that in situations where women would report cases of domestic violence to police officials, they were encouraged to seek domestic solutions to their problems.

Parallel to the findings alluded to by Gopal and Chetty (2006) above, a qualitative study undertaken by Mesatywa (2008) examining the implementation of the Domestic Violence Act in Ntselamanzi and Upper Qhumashe townships in Eastern Cape, found that police officials, when confronted with incidents of intimate partner violence, did not follow the required protocol outlined by the DVA. It was noted that instead, police officers urged female victims to return home and sort their differences with their abusive partner as it was regarded as a private family issue. External intervention was thus viewed not only as inappropriate but uncalled for (Mesatywa, 2008).

Prinsloo (2007), establishes that in cases where the police were involved in domestic violence cases, the majority of the victims reported that police did not do enough to protect them. Thus, Hoosen (1999) notes that compliance with the duties imposed by the Act will only become a reality if the police officers, as relevant enforcement agencies, are properly trained and sensitized to the needs of the complainant in situations of domestic violence.

Naidoo (2006), posits that despite some improvements in the implementation of the Domestic Violence Act, police still fail to comply with all provisions of the Domestic

Violence Act. Complaints leveled against the police included delays in attending to call-outs, attempts at mediating cases instead of arresting the perpetrator and complaints of not being taken seriously by the police (Taranto et al 2013). Police cite lack of vehicles as the reason for not attending call-outs and that at times they are addressing more pressing matters than domestic violence (Matthews, 2011).

Special duties for prosecutors have been provided in the South Africa Domestic Violence Act. The Act prohibits a prosecutor from refusing to prosecute or from withdrawing a charge in respect of the contravention of a protection order, unless authorization has been obtained from a prescribed senior member of the prosecuting authority (Hoosen, 1999).

3.5.21 Challenges encountered in filling in Protection Order application forms

In Namibia, Hubbard (2010) observes that in the implementation of the Combating of Domestic Violence Act of 2003, there were numerous challenges with applications for Protection Orders. Both complainants and applicants experience difficulties in filling in Protection Order application forms. Although clerk of courts are supposed to provide assistance to complainants to fill in the application forms, it was noted that a number of these clerks are unable and unwilling to commission affidavits. In this regard, many potential applicants are forced to visit both a magistrate's court and a police station. This scenario slows down the process and creates additional obstacles for complainants.

In Namibia, a Protection Order is designed to be an alternative to criminal charges where a victim of domestic violence is reluctant to lay charges against a partner or spouse. On the other hand, it is possible for a victim of domestic violence to simultaneously lay criminal charges and apply for a Protection Order if he or she wishes. The purpose of a Protection Order is to provide additional safety against possible retaliation by an abuser.

The options or remedies available to victims of domestic violence did not seem clear to all key role players. There was lack of clarity as to whether Protection orders and criminal proceedings could be pursued either as alternatives or simultaneously. Another fundamental flaw in the Act pertains to the issue of physical violence. The Act does not indicate whether 'physical violence' is limited to physical abuse as defined in the Act, or if

physical violence encompasses all types of violence that include physical acts of violence such as sexual abuse or physical forms of harassment. Hubbard (2010) suggests that it would be useful to add a definition of physical violence to the Act, to add clarity and remove all doubt.

3.5.22 Accessibility of courts to victims of domestic violence in Namibia

In Namibia, researchers revealed that the courts were too inaccessible to those in outlying areas. Hubbard (2010) suggests that there should be use of mobile courts, with clerks of court accompanying them to assist people in remote areas with Protection Order applications. Insufficient shelter homes for victims of domestic violence were also cited by researchers as another hindrance to the full utilisation of the law, particularly in outlying rural areas.

3.6 Chapter summary

The literature reviewed in this section reflected that effective implementation of the anti-domestic violence legislation required that the policy or law be adequate to guarantee protection to the vulnerable sections of society. Survivors of abuse needed to be conversant with the provisions of the Act, and implementing agencies needed to be sufficiently resourced to execute their mandate effectively. There was, however, scant literature that explored issues related to the extent to which implementation of the Domestic Violence Act had been done, particularly in Zimbabwe's rural areas. The limited research done on the implementation of the Act just cursorily mentioned the subject matter but did not explore in detail constraints hampering effective implementation of the Act in rural areas.

Most of the studies on the implementation of domestic violence legislation were conducted in South Africa (Hwenha, 2014; Taranto et al., 2013; Mesatywa, 2008; Gopal and Chetty, 2006; Naidoo, 2006; Vetten, 2005; Hoosen, 1999; Parenzee et al. 2001; Kruger 1997). Very few studies were conducted in Zimbabwe and fewer still in rural communities. These studies represent the unique circumstances and concerns of researchers in South Africa. Furthermore, the research results they obtained were

impact results that are not static. This study, therefore, explores in-depth, the extent to which the Domestic Violence Act [Chapter 5:16] has been implemented in Zimbabwe, particularly in rural areas. The next chapter presents the methodology to be used in this study.

CHAPTER FOUR
RESEARCH METHODOLOGY

4.1 Chapter introduction

The previous chapter reviewed literature on the major concepts covered by this study, whose thrust is to unpack the implementation of the Domestic Violence Act in Mwenezi District of Masvingo Province. This was critical in order to identify possible gaps in literature in order to provide a niche for this study. This chapter gives an overview of the research methodology adopted in the study. It begins with an outline of the study's research paradigm, followed by a discussion of the research approach adopted. The chapter then rationalises and describes the study's research design, to put the thesis into proper context and perspective. The data gathering techniques and sampling strategies that are used are discussed and justified. The chapter ends with a discussion of issues related to ethical considerations that are upheld.

4.2 Research paradigm

According to Tracy (2013), a paradigm is a preferred way of understanding reality, building knowledge and gathering information about the world. Babbie (2007) elaborates that a paradigm is a model or framework for observation and understanding which shapes both what we see and how we understand a social phenomenon. In other words, a research paradigm may be viewed as beliefs and practices that regulate inquiry within a discipline by providing lenses and procedures with which the investigation is conducted. Put simply, paradigms are perspectives or ways of looking at reality, they are frameworks of reference researchers use to organize their observations and reasoning. There are three major types of paradigm: positivist, interpretive and post-positivist paradigms.

4.2.1 Positivist paradigm

The positivist paradigm focuses on objective measurement of social issues in which it is assumed that reality consists of facts and that researchers can observe and measure reality in an objective way without the influence of the researcher on the process of data collection (Hennink et al, 2011). This implies that positivist research is assumed to be value-free as there is a separation of facts from values. Charmaz (2006) asserts that positivism adopts the epistemological approach, whereby researchers formulate a hypothesis by collecting empirical data and then evaluating whether the evidence supports the hypothesis.

4.2.1.1 Limitations of positivist paradigm

Positivism is often criticised for its assumptions about objective measurement which essentially separates the researcher from the researched. By separating the participants from the researcher, this paradigm fails to acknowledge the interactive and co-constructive nature of data collection with human beings (Pattons, 2002). The minimisation of subjective perspectives has potentially produced research 'with human participants that ignores their humanness'. Thus, a positivist approach is not appropriate to study sensitive and complex topics such as domestic violence since it fails to penetrate deep enough beneath the surface.

4.2.2 The interpretive paradigm

This research study adopts the interpretive paradigm. The interpretive approach seeks to understand peoples' lived experience from the perspective of people themselves, which is often referred to as the *emic* or the 'inside' perspective (Hennink et al, 2011). This involves studying the subjective meanings that people attach to their experiences, rather than focusing on facts as in the positivist paradigm. This study, therefore, adopts this paradigm against the backdrop that individuals construct their own knowledge within their social-cultural contexts and are influenced by their prior knowledge, background and values.

According to Hennink et al (2011), the interpretive paradigm places strong emphasis on the importance of interpretation and observation in understanding the social world. Thus, in interpretive studies, the researcher seeks to interpret the meanings and motivations that participants themselves give to the way they experience a social phenomenon.

4.2.2.1 Justification for the use of interpretive paradigm

Most of the research conducted in other countries on the implementation of domestic violence legislation has been based on the interpretive paradigm. These included: Paranzee et al. (2001), Vetten (2005), Van der Hoven (2001), Taranto et al. (2013) and Mesatywa (2008). All these researchers rejected the use of positivism for their studies on the grounds that it assumes the existence of a prior fixed relationship within the phenomenon, hence, axiologically, maintaining separation of the researcher from the researched, thereby taking the etic approach or the outside perspective to research (Wahyuni,2012). This, however, is not the intention of ths study, for the researcher seeks to take the emic approach to understand the implementation and responses to the Domestic Violence Act.

The main objective of this study is to examine the subjective meanings that participants attach to their experiences. This means that positivism could not be used in this study. Positivism applies a rather homothetic approach, aiming to find universal law-like facts that can be generalized beyond the investigated case by controlling factors of context and time (Basden, 2011). Such an approach would not fit in with this study, because the phenomenon under study is too complex to be reduced to a set of observable laws. In addition, generalisability in this study is a less important issue than understanding the implementation of Domestic Violence Act in the chosen three wards of Mwenezi District. In this study, the primary goal of the researcher is to understand how the Domestic Violence Act is implemented from the point of view of those who experience it.

The researcher intends to understand and interpret the process of implementation as well as finding out the meanings embodied in participants' actions. He further intends to construct shared meanings (model) based on the actions and experiences of the participants and interpretations of the researcher. This is intended to serve the overall

purpose of the research. The overall purpse is not to prove, but rather to explore how the Domestic Violence Act is implemnted in the wards identified inorder to enhance effective implementation. The interpretive paradigm is therefore found useful for the purpose of this study, hence its adoption.

This study subscribes to the view that individuals construct their own knowledge within their social-cultural contexts and are influenced by their prior knowledge, background and values. The researcher recognises that data generated to help enhance the effective implementation of the Domestic Violence Act could be interpreted through the meanings that the research participants give to their experiences. The researcher, therefore, positions himself within the parameters of an interpreted epistemological discourse. He further acknowledges that the perspectives of the study participants reflect their subjective views of the implementation process and that the researcher also brings his subjective influences to the research process, particularly during the data collection and interpretation stage (Denzin, 2010).

The coming together of the researcher and the study participants during the data collection process contributes to the co-construction of knowledge. This enables participants to bring out their own views that leads to the construction of a multiplicity of strategies that may assist in the implementation of the law. The researcher then gets insight into the meanings and interpretations that the participants give to their experiences. This enables the production and understanding of the context, culminating into a model for effective implementation of the Domestic Violence Act.

By interviewing the participants and analysing documents that guide the implementation of the law, the researcher gathers and documents participants' experiences and views. This helps to reveal the underlying experiences and constraints that impedes the implementation of the law. This provides an opportunity for the voices, concerns and practices of research participants to be heard (Hennink et al, 2011). As a result, the researcher will manage to uncover and interpret deeper meaning in discourse that is represented in a collection of personal narratives.

According to Snape and Spencer (2003), the interpretive paradigm emphasises the importance of interpretation and observation in understanding the social idea. It supports the view that there are many truths and multiple realities. Similarly, Rubin and Rubin (1995) assert that there is not one reality in the world, but researchers understand issues in different ways and arrive at different meanings. In this regard, the main goal of the interpretive paradigm is to understand the meaning of the social situation from the point of view of those who live it.

The researcher seeks to understand the social phenomenon of domestic violence from the perspectives of victims domestic violence. Subsequently, the researcher interprets the social phenomenon, understand the process of meaning construction and reveal what meanings are embodied in people's actions (Scwandt, 1998). Smith, cited in Gray (2014), avers that social reality can be viewed as being socially constructed, based on a constant process of interpretation and re-interpretation of the intentional, meaningful behaviour of people, including researchers.

Within the interpretive paradigm, interpretation of the social inquiry is a constructive process, and consequently, the researcher cannot be isolated from the phenomenon being investigated. Mason (2002) contends that where reality is assumed to consist of meanings, perceptions, beliefs and underlying motivations, the interpretive paradigm is most relevant. It is, therefore, critically important to find out the subjective meanings or realities which stimulate people's actions in order to understand and make sense of these actions in a way that is meaningful for the research participants (Saunders et al , 2003).

By adopting an interpretive paradigm, the researcher enters the social world of women survivors of domestic violence, traditional leaders and non-governmental organisations. The major objective is to engage with them and collect in-depth information regarding the social phenomenon of domestic violence. More significantly, it gives insight into what motivates and stimulates their behaviours. From the information collected, interpretations are made to serve the overall objective and purpose of the research. The research intends to establish the extent to which the provisions of the Domestic Violence Act have been implemented in rural wards of Mwenezi District.

4.2.2.2 Criticisms of the interpretive paradigm

Interpretive research has often been censured for producing a vast amount of material concerning a small number of settings (Yin, 2009). However, this study regards this attribute as a strength which attests to the richness of data obtained from research. Another criticism directed at the interpretive paradigm is that its ontological assumption is subjective rather than objective (Tracy, 2013). The element of subjectivity means that there can be multiple perspectives on reality, whereas objectivity underpinned by positivism means that only a single truth is accepted.

For the purpose of this study, there is no intention of generalising the findings to get the single truth. What is critical is the selection of the appropriate research paradigm for the inquiry under consideration (Tuli, 2010). Similarly, Merriam (2009), argues that getting started on a research journey begins with examining one's own orientation to basic tenets about the nature of reality, the purpose of doing research and the type of knowledge that can be produced. As previously stated, the interpretive paradigm seeks to understand phenomenon in its natural settings, which in this case would be the implementation of Domestic Violence Act in selected wards of Mwenezi District.

4.2.3 Post-Positivism paradigm

Post-positivists believe that reality exists, like positivists do, though they hold that it can be known only imperfectly (Ritzer, 2008). This implies that this type of paradigm is not a rejection of the scientific approach, but rather a reformation of positivism to address weaknesses noted in positivism. It reintroduces the basic assumptions of positivism by advocating and reaffirming ontological realism, the possibility and desirability of objective truth and the use of experimental knowledge (Denzin and Lincoln, 2008).

4.2.3.1 Limitations of Post-Positivism paradigm

Sidhu (2007), contends that a post-positivist paradigm does not penetrate deeply enough into humans' interrelationships. This means that full analyses of complex inter relationships involving social phenomenon such as domestic violence taking place in a natural setting demands a different paradigm such as the interpretive strategy. Similarly,

Chiota (2003), observes that post-positivism does not go deep enough below the surface. This means that the paradigm could not adequately cover issues under the current study. It was because of these weaknesses of the Post-Positivist paradigm that the researcher decided against employ this approach, but instead employed the Interpretive one.

4.3 Research approach

Research approaches play a pivotal role in a research study as they reflect a clear understanding of what the researcher intends to accomplish. Scholars have identified three main common research approaches that are: quantitative, qualitative and mixed method research approaches (Denzin and Lincoln, 2008). The three research approaches are briefly described below.

4.3.1. Quantitative research approach

The quantitative research approach is guided by the assumptions inherent in the positivist paradigm (Charmaz, 2006). Positivism adopts the epistemological approach whereby researchers formulate hypotheses from theoretical concepts or statistical models and then operationalise and test the hypotheses by collecting empirical data before evaluating whether the evidence supports the hypothesis or not (Prasad, 2005). According to Hennink et al (2011), the quantitative research approach emphasises the objective measurement of social issues. It assumes that social reality consists of facts and that researchers can observe and measure reality in an objective way. This means that the researcher has no influence on the process of data collection. In light of the foregoing, research is thus assumed to be value-free, as there is a separation of facts from values. The purpose of the quantitative research approach therefore is to quantify a problem and then generalise the findings to a broader population.

4.3.1.1 Criticisms leveled against quantitative research approach

The quantitative research approach has often been criticized for its assumptions about objective measurements which essentially separate the researcher from the research participants. Its failure to acknowledge the interactive and co-constructive nature of data collection with human beings means that the approach is not appropriate for this

particular study which requires accounting for the contextual influences on people's behaviour in relation to the phenomenon of domestic violence. As Denzin and Lincoln (2011) observe, the minimisation of subjective perspectives that emanates from failure to acknowledge the interactive nature of data collection with human beings has potentially produced research with human respondents that ignores humanness. This implies that the quantitative research approach does not account for the contextual influences on peoples' lives, focusing only on capturing facts which is a major drawback.

4.3.2 Qualitative research approach

The qualitative research approach emerged largely in response to perceived limitations inherent in the quantitative approach (Green and Thorogood, 2004). According to Grossoehme (2014:56), qualitative research is the "systematic collection, organization, and interpretation of textual material derived from talk, conversation, observation or documents". To add to that, Babbie (2007) defines qualitative research as an approach that allows researchers to examine peoples' experiences in detail. It uses a specific set of research methods such as in-depth interviews, focus group discussions, observation, content analysis, visual methods and biographies. It is therefore important to note that qualitative research is much more than just application of qualitative methods.

According to Snape and Spencer (2008), qualitative research is a naturalist or interpretive approach concerned with understanding the meaning people give to the phenomenon within their social context. It is an imperial inquiry that investigates a contemporary phenomenon within a real life context using multiple data collection strategies (Cohen et al., 2011). Denzin and Lincoln (2011:102) posit that in spite of the inherent diversity within qualitative approach, it can be described as:

> "a set of interpretive material practices that make the world visible, transform the world and turn the world into a series of representations, including field notes, interview, conversations, photographs, recordings and memos to self".

Qualitative researchers study things in their natural settings, attempting to make sense of or interpret phenomena in terms of the meanings people bring to them.

This implies that qualitative researchers study people in their natural settings, to identify how their experiences and behaviour are shaped by the context of their lives, such as the social, economic, cultural or physical context in which they live. Accordingly, the researcher decides to use a qualitative approach to accomplish the overall aim of the study since a quantitative approach lacks deeper theoretical analyses (Stokes, 2010). Furthermore, a qualitative approach is appropriate for this study because it is distinguished as a highly contextual approach where data is gathered over a considerable period of time time and in real life settings.

4.3.2.1 Justification for the use of qualitative approach

It has been noted that qualitative research studies participants in their natural settings. This suits the study where there is close interface between the researcher and what is being studied (Neuman, 2011). This is possible because the researcher hails and grew up in the area where the phenomenon of domestic violence is being studied. This means that the researcher is in a vantage position to understand how research participants' responses to the scourge are shaped by the social and geographical context in which they are found.

Data collection techniques such as in-depth interviews which involve close contact between the researcher and research participants is used. As a result, rather than merely asking about what participants experience, researching in a natural setting provides an opportunity to observe and hear what participants actually experience. The more the researcher become immersed in the study area, the more he is able to understand the dynamics surrounding the phenomenon of domestic violence in a rural context.

Cohen et al. (2011) opine that the qualitative methodology is most appropriate, particularly for examining sensitive topics such as domestic violence. The process of rapport-building provides a comfortable atmosphere for participant disclosure. The close working relationship forged due to the qualitative approach helps to provide a more realistic and adequate explanation from the research participants themselves on factors that constrain the implementation of Domestic Violence Act, particularly in a rural setting. Rather than focusing on facts and statistical figures, the study seeks to understand the

phenomenon of domestic violence from the perspective of the participants, using their own words and concepts (Snape and Spencer, 2008).

Ritchie and Lewis (2003) assert that the qualitative methodology provides a unique tool for studying what lies behind, or underpins a decision, attitude, behaviour or other phenomenon. The qualitative approach is appropriate for this study for it enables the researcher to understand why victims of domestic violence sometimes do not report their ordeal to the law enforcement agents. The reason that underpins their decisions to report or not to report cases of domestic violence to the authorities, which subsequently affects the implementation of the domestic violence legislation, could not be ascertained by any other approach other than the qualitative one.

Qualitative research approach is also adopted for this study because the researcher wants to get in-depth understanding of the implementation of the Domestic Violence Act. The intention being to identify the factors that impede implementation of the Act in order to make the law effective. Through triangulation of data collection techniques, the researcher is able to explore and examine in-depth issues related to the implementation of the Domestic Violence Act.

The data collection techniques allow the researcher to study in-depth hidden meanings emanating from research participants. The qualitative nature of the study enables the researcher to ask probing questions such as ‘why’ and ‘how’, where necessary. Data yielded from the probing allowed for thick narrative descriptions to be made on all issues investigated (Tracy, 2013).

Since the purpose of this study is to achieve depth of information, the qualitative approach is most relevant. Its suitability emanates from the fact that it thrives on a small number of study participants.. The researcher focusses on three three wards in Mwenezi District, targeting information rich cases. The three wards have been chosen for their capacity to represent the diversity and range of points of view required for this study. The small number of participants means that the researcher has enough time to deeply engage with each participant so as to explore their experiences and views regarding the implementation of the Domestic Violence Act. This gives the researcher the opportunity

to take into account the words and views of participants (Tracy, 2013). This led to the collection of data, that is very detailed, rich and extensive, this would be lost if the study was grounded on the quantitative approach.

4.3.2.2 Criticisms leveled against qualitative research

One of the criticisms leveled against the qualitative approach is that the researcher might be biased and not observe all factors that might influence the situation under study (Anderson, 2010). In this study, individual bias is addressed by getting peer researchers to read interview transcripts and observations. The problem of bias leveled against the qualitative approach in this study is also circumvented by reflexivity. Reflexivity is defined by Hennink et al (2011) as a process that involves conscious self-reflection on the part of researchers to make explicit their potential influence on the research process. To achieve reflexivity, the researcher has to take constant stock of his actions and his role in the research process and subject them to the same critical scrutiny as the rest of his data.

4.3.3 Mixed methods

The mixed method research approach is becoming increasingly recognised as the third research strategy (Johnson et al. 2007). The mixed research approach has been defined as the collection or analysis of both quantitative and qualitative data in a single study in which the data collected concurrently or sequentially are given a priority and involve the integration of data at one or more stages in the process of research (Creswell, 2014). Researchers who employ mixed methods argue that the approach ensures that the inherent bias of one measure is counterbalanced by the strengths of the other. As Greene et al. (2009) observe, mixed methods enable results to converge or corroborate one another, thereby strengthening the validity of the findings.

4.3.3.1 Limitations of mixed methods

Fielding and Fielding (2006) call attention to the fact that researchers should not always assume that mixed methods are of benefit. It has been argued, from a practical perspective, that collecting both quantitative and qualitative data can be too expensive and time-consuming. Gray (2014) is of the view that using both interviews and

questionnaires in a single study increases the time required for both participants and researchers to reflect on the issues at hand. Problems can also arise in trying to synthesise the findings and interpretations from the two approaches.

Giddings (2006) argues that mixed methods are nothing more than ‘positivism dressed in drag’. This was said, because the approach, instead of offering the ‘best of both worlds’, finds itself located within the thinking of positivism because it rarely reflects a subjective view of the world. Against this backdrop, the researcher decides against using mixed methods in favour of the qualitative research approach due to the challenges they present both to the researcher and researcher participants.

4.4 Research design

Qualitative researchers use different types of research designs depending on the purpose of the study, the nature of the research questions as well as the skills and resources available (Crotty, 2008). This researcher acknowledges the existence of many research designs, but regards the case study design as the most appropriate strategy for studying human behaviour of this nature (De Vos et al. 2014).

According to Cresswell (2007), research design refers to a broad framework that is made up of different essential elements of the study. In other words, research design forms the basis upon which empirical evidence is generated in order to respond to the study’s critical questions. It shows how all the major parts of the research study work together in an effort to address the research questions. A case study research design is adopted owing to its ability to investigate the phenomenon of domestic violence in a rural setting.

Robson (2002) defines a case study design as a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence. Similarly, Yin (2009) defines the case study as an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident. Cresswell (2007:150) adds that a case study involves “an exploration of ‘bounded system’ (bounded by time, context and/or place), or a single or multiple case, over a period of time through detailed, in-depth data collection involving multiple sources

of information". Case studies, in brief, entail the researcher picking on very few research participants and carrying out an intensive study with these participants, using data collection methods such as interviews, observation and focus groups to produce 'thick descriptions'.

Gray (2014) asserts that the case study design is particularly useful when the researcher is trying to uncover a relationship between a phenomenon and the context in which it is occurring. In the context of this study, the researcher seeks to unpack the nexus between the phenomenon of domestic violence and the context of a rural setting in which it takes place. Yin (2009) proposes two major types of case study designs, namely the single-case and multiple case designs.

4.4.1. Single case study design

A major distinction has been made between single and multiple case study designs. It is important to note that holistic single case designs are based on a single unit of analysis whereas multiple casing includes multiple units of analysis (de Vos et al, 2014). Gray (2014) notes that in a single case study design, only a single case is examined at a holistic level. In this regard, an intensive study of one instance or a small number of instances is undertaken in order to produce detailed descriptions of these cases (Thomas, 2004). This means that the purpose is not to understand a broad social issue, but merely to describe the case being studied.

4.4.1.1 Limitations of single case design

Critics of single case study design include those who view this type of design as an inadequate or inappropriate strategy of inquiry. The criticisms leveled against single case design have been focused on two main sets of issues. The first one is the extent to which casing can produce rigorous data and yield findings of high internal validity. The second one is the problem of generalization. It is for this reason that the researcher decided against using single case design as a strategy of inquiry (Yin, 2009).

4.4.3 Multiple/collective case study design

The collective case study design is extended to a number of cases so that comparisons can be made between cases (de Vos et al, 2014). This study adopts the multiple or collective case study. The cases for the purpose of this study are three wards in Mwenezi District. Gummesson (2000) indicates that the multiple or collective case study design is becoming increasingly acceptable as the most appropriate strategy of inquiry in human sciences.

4.3.3.1 Justification of multiple case study design

The multiple case study design is used for this study as it allows participants to immerse themselves in the activities of a small number of people in order to obtain an intimate familiarity with their social worlds (de Vos et al, 2014). Yin (2009) asserts that a multiple case study design has a distinctive advantage over other research strategies when the 'how' and 'Why' questions are being posed to discover a current phenomenon and when the researcher has little or no control over the events. Sidhu (2007) concurs with Yin (2009) that the case study is more suited to sensitive topics as it penetrates deeply into inter relationships, to produce thick descriptions.

Yin (2009) avers that undertaking of a multiple-case study design is expensive and time consuming. Regardless of Yin's concerns, this study still adopts this strategy to investigate the phenomenon of domestic violence in the three wards of Mwenezi District. This is justified for two reasons. First, the evidence and conclusions coming from multiple designs are more reliable and convincing than those based on single-case designs. This means that the findings are more likely to be generalised. Second, the assumption that there are different conditions obtaining in the three wards demonstrates the need to have sub-units to cover all different conditions and practices.

Moreover, the multiple case study design offers substantial flexibility in terms of what data are collected and how (Neuman, 2011). More significantly, multiple methods of data collection offer thick descriptions of the phenomenon under study (Hossain, 2011). The

study adopts the multiple case study design in the sense that the researcher does not consider the voice and perspective of one group of participants only. In this study, the views of victims of domestic violence, law enforcement agents, traditional chiefs and officials from a local non-governmental organization are sought and sounded. Most significantly, the study offers voice to the powerless, who in this particular case are survivors of domestic abuse. This enables the researcher to get insight into and understand the implementation of the Domestic Violence Act by hearing all the participants in order to address the sticking points in the implementation matrix.

Denscombe (2008) avers that this type of case study design offers an opportunity to explain why certain outcomes may happen more than just finding out what those outcomes are. Nieuwenhuis (2007) submits that a case study design offers researchers the opportunity to gain greater understanding of a phenomenon by considering the complexities and dynamics of a particular case. This is quite attractive and very important for a study of this nature which seeks to achieve an in-depth understanding of the dynamics and manifestations of domestic violence within a rural setting despite the existence of domestic violence law. Gray (2014) confirms that a case study design is particularly useful in revealing the phenomenon as well as the context in which it takes place.

Denscombe (2008) further argues that the multiple case study design enables the researcher to use multiple sources of data and a variety of research methods to explore the research questions comprehensively. Thus, any findings or conclusions are likely to be more compelling and accurate (Yin, 2009). A further strength of the case study approach lies in its ability to use several data collection methods such as interviews, focus group discussions, observations and documentary review.

Using different data collection methods allows the researcher to interact effectively with the research participants. This enables in-depth views to emerge from different angles regarding the phenomenon of domestic violence and the implementation of the Domestic Violence Act. The use of a variety of research methods to answer the research questions is also critical as it fosters validation of data through triangulation. This has prompted and supported the usage of a multiple case study as a research design for this current study.

Morris and Wood (2001) contend that a case study design is the best for gaining a deeper understanding of any research of a qualitative orientation.

4.3.3.2 Limitations of multiple case study design

Tsang (2013) notes that case studies in general, and multiple case study design in particular, have not been widely and universally accepted by researchers as reliable, objective and legitimate. The greatest criticism directed at this approach relates to the difficulty in generalising the findings to a larger population (Thomas, 2004). The argument that multiple case study design is inherently ungeneralisable has been widely discussed. Tuli (2010) observes that case studies are often criticised for being limited in scope and insufficient for meaningful generalizations to be made to larger aggregates.

However, in support of the multiple case studies, Yin (2009) points out that most scientific inquiry have to be replicated by multiple examples of the experiment, and case studies too can be based upon multiple cases of the same issue or phenomenon. Gummesson (2000) concurs with this view by, asserting that even in medicine, doctors' skills are often built up from the knowledge of many individual cases. Stake (2005) posited that the use of qualitative research in general and case study design in particular is particularisation, not generalisation.

Another criticism of the multiple case study design is the extent to which this type of casing can produce rigorous data (Thomas, 2004). The researcher uses the audit trail or natural history he provides as a proof of the rigorousness of the research. It is critical to note that the basic principle of multiple case study design in this instance is not to prove but to improve. The amount of time it takes and the volume of documentation it generates is also cited as another limitation of this type of research strategy.

Meanwhile, Yin (2009) argues that scholars who subscribe to the above viewpoint confuse case studies with one particular type, the use of ethnographic or participant observation studies. The one argument that Yin (2009) does concede to is that conducting case studies successfully is an uncommon skill. For this study to be successful, the researcher had to be thoroughly prepared before embarking on the design process itself.

4.5 Selection of participants

4.5.1 Population

The concept of population is central to any research study as it specifies all the possible elements to be included in the study. Mitchell (2012) defines population as the target group with which the research is going to be carried out. Gray (2010) conceptualises population as all the possible elements that should be included in the research. Cresswell (2009) defines a population as a group from which the researcher is interested in gaining and drawing conclusions. Thus, population in this study comprises all those potential participants that could make up a study group.

The target populations are men and women in Mwenezi District, traditional leaders, ward coordinators, community development officers, officials from the Ministry of Justice, Legal and Parliamentary Affairs, police officers, hospital staff members, councilors and staff from non-governmental organizations. The research will be carried out in three wards of Mwenezi District, namely ward three, four and thirteen. The study areas or sites have been chosen due to their convenient and easy access. The three wards are also chosen for their capacity to represent the diversity and range of points of view required of this study.

4.5.2 Sample and sampling method

The population under study is too big for everyone to be a research participant. It is for this reason that sampling is undertaken in this study. According to Pattons (2002), sampling is a process whereby a small proportion or sub-group of a population is selected for analysis. In this regard, it is a procedure used to select part of the population for study purposes. Neiunhuis (2007) describes sampling as the procedure used to select part of the population for study purposes.

Oppong (2013) extends the definition of sampling by stressing that it is a process of selecting subjects to take part in a research investigation on the grounds that they provide information considered relevant to the research problem. In the same vein, Karavakas (2008) notes that the advantage of using sampling is that it makes the

researcher practical and enables the researcher to organize the research with ease. This means that sampling reduces the costs of the research and saves on time.

Ishak and Bakar (2014) strongly feel that the main purpose of sampling for qualitative researchers is to select informative cases or units that can widen researchers' understanding about the phenomenon under study. The same idea is noted by strydon and Delport (2011), who postulate that sampling in qualitative research is done to assist the researcher to collect the richest data. The main concern for qualitative researchers therefore, would be to find cases or units of analysis that would enhance what the researcher wishes to learn about a particular phenomenon. For this reason, the researcher uses non-probability sampling to select the research participants. According to Sekeran and Bourgie (2009), non-probability sampling deliberately avoids representing the wider population.

Neuman (2006) notes various strategies of recruiting participants for qualitative research. The commonly used strategies include purposive and snowball sampling strategies (Hennink et al., 2011). To this end, this study adopts a purposive sampling technique whereby subjects or research participants are selected on the basis of the researchers' 'judgments of their typicality or possession of the particular characteristics being sought'. The researcher uses his personal judgment to select cases that answered the research questions and objectives.

4.5.2.1 Purposive sampling

The process of selecting individuals from the study population to participate in a research study is of fundamental importance. Purposive sampling is a non-probability form of sampling where the researcher specifies the characteristics of a population of interest (Johnson and Christensen, 2012). Bougie and Sekeran (2009) argue that purposive sampling is appropriate for obtaining the type of information that is required from very specific pockets of people who alone possess the needed facts and can give the information sought.

In this study, the researcher purposively selects women survivors of abuse in the three wards. The researcher first links with a local non-governmental organization (Musasa

Project) that has an established presence in the research sites. Liaison with the local Non-governmental organization is instrumental in community leaders accepting the study and assisting with research participants' recruitment. The researcher then meets a range of community gatekeepers in the study area who include traditional chiefs, headmen, village heads and councilors in the respective wards. The researcher then shares the recruitment criteria which comprises women survivors of domestic violence. The gatekeepers then assist the researcher to identify eligible women in the three wards who meet the recruitment criteria, informed them about the study and invite them to participate.

By virtue of their role in the implementation of the Domestic Violence Act, police officers in the Victim Friendly Unit, Community Development Officers and Ward coordinators from the Ministry of Women Affairs, Gender and Community Development as well as officials from the criminal justice system are also purposively selected as they are assumed to possess rich information.

Rubin and Rubin (1995) identified three guidelines for selecting a purposive sample. They point out that the researcher should select the informants who are knowledgeable about the issues being investigated, willing to talk and are representative of the range of points of view. The research participants alluded to above represented typical and divergent data that addressed the research questions that were generated. Selection of research participants who are knowledgeable about the phenomenon of domestic violence and the implementation of the Domestic Violence Act is achieved by including various professionals tasked with the implementation of the Act.

Recruitment of participants who are willing to talk is addressed by the involvement of community gatekeepers such as chiefs, who will also increase participation in the study and ensure that participants would keep their interview appointments. The involvement of several research participants from diverse backgrounds occupying different statuses in the three research sites, enables the researcher to capture multiple ranges of point of view.

4.6 Data collection instruments

The process of gathering information concerning issues of interest in any research endeavor cannot be given lip service. According to Stake (2010), a qualitative researcher tries to find data that embodies personal experiences of particular situations. Thus, they make use of any data that paints a picture of what is happening. Hennink et al (2011) define data collection instruments as techniques or procedures used to gather and analyse data related to some research questions or hypothesis. As Mack et al (2005) argue, qualitative data collection techniques are effective research instruments for getting deep insights about how people experience, feel and interpret the social world.

The adoption of a qualitative approach allows the use of several different kinds of data collection methods to generate data, such as in-depth interviews, focus group discussions and documentary analysis. These data collection techniques are discussed below.

4.6.1 In-depth individual interviews

In-depth interviews have become an important strategy for data collection. As defined by Gray (2014), an in-depth interview is a one-to-one method of generating data that involves an interviewer discussing a specific topic in-depth. Similarly, Bougie and Sekeran (2009) define an in-depth individual interview as a set of open-ended questions and probes that yield responses about people's experiences, perceptions, opinions, feelings and knowledge. This indicates that an in-depth interview is a special kind of knowledge producing conversation.

An in-depth interview provides a relaxed atmosphere in which the interviewer and interviewee co-create knowledge and meanings in the interview setting thereby co-constructing reality (Hesse-Biber and Leavy, 2006). The in-depth interviews were of a semi-structured type, with the specific objective of eliciting abroad range of information with respect to the areas of concern delineated by the research questions.

Dawson (2002) argues that an in-depth interview in a semi-structured form, is perhaps the most widespread type used in qualitative research. In this kind of interview, the

researcher pre-establishes a set of questions to know more information about specific issues and sometimes identify new issues that were not originally part of the interview. It is characterized by flexibility, in which the researcher can add or remove questions from the schedule, based on the results of each interview. Saunders et al. (2003) argued that the investigator is not requested to follow a specific order of questions but can vary the order depending on the flow of the conversation. The researcher adopts this type of interview as it is more flexible in that participants are given the chance to speak and explain social phenomena from their own worlds (Gall, 1996).

Moreover, in-depth interviews give the researcher the opportunity to 'probe' for more detailed information by asking the research participants to give more clarification to their answers. This is significant for those who adopt an interpretive paradigm because a prime concern is on understanding the meanings that the research participants ascribe to various phenomena (Saunders et al., 2003). Sidhu (2007) elaborates that an in-depth individual interview is attractive for qualitative research due to its capacity to determine attitudes, discover the origin of the problem, involve the interviewee in an analysis of his or her own problems and secure his or her cooperation in his or her analysis.

For King and Harrocks (2010), in-depth individual interviews are preferred because they allow probing in cases where participants give vague responses. In the context of this study, in-depth individual interviews were used to assess the extent to which the Domestic Violence Act is understood and made use of by people in Mwenezi communal areas. This is very useful since leads to an increased insight into the phenomenon of domestic violence within a rural setting as well as the implementation of the Domestic Violence Act.

The interview is influenced by the level of awareness and the emotional state of the interviewee, such that a possible distortion of data may occur as a result of the interviewee being anxious or annoyed at the time of the interview (Pattons, 2002). To avoid having biased data, the researcher let the interview flow without interruptions. The current researcher observes reflexivity at all stages of this study to counteract the limitations of interviews. Reflexivity is a process that involves conscious self-reflection on the part of researchers to make explicit their potential influence on their subjectivity, on

how their social background, assumptions, positioning and behaviour impact the research process (Hennink et al., 2011). This means that the researcher needs to use reflexivity continually throughout the research journey so as to validate and to question the research process.

Green and Thorogood (2004) recommends that researchers maintain awareness of social setting of the research to highlight any influences on the data collected. This means that researchers need to consider how both the social and political context might have shaped or constrained the research. In the context of this study, although there is anecdotal evidence of women being abused, it would not be clear whether they would really want to talk about such a sensitive issue. The researcher adopts a balance between comprehensive reflexivity and becoming too analytical so as to avoid becoming overly self-indulgent and potentially paralyzing the research process.

In this study, three sets of in-depth interviews will be conducted. The first set of in-depth interviews will be conducted with women survivors of domestic violence. This set of interviews will be conducted to examine women's level of awareness and knowledge of the Domestic Violence Act. An in-depth interview schedule for abused women is appended in Appendix 1.

The second set of in-depth interviews was conducted with traditional leaders encompassing traditional Chiefs, headmen and village heads to understand the extent to which the Domestic Violence Act is understood and made use of by people in Mwenezi District.

The third set of in-depth interviews was conducted with officials from Musasa Project, police, Criminal Justice Officials and representatives from the Ministry of Women Affairs. This was done to assess the extent to which the Domestic Violence Act is understood and made use of by people in Mwenezi communal areas. It was further used to explore factors that constrain the effective implementation of the Domestic Violence Act.

During the interviews, participants are addressed using codes instead of their real names, to ensure anonymity. Field notes are taken and conversations recorded using a voice recorder, after asking for permission from each participant. Participants, with offices

will be interviewed in their own offices at a time convenient to them. The interviews could take long depending on the quality of responses and probing. Kelly (2006) suggests that an interview should not be too long and should last one hour and half at most so that the respondents' listening span is not affected.

4.6.1.1 Justification for using in-depth interviews

In-depth interviews will be used in this study because of their flexibility and adaptability (Babbie and Mouton, 2006). The same observations were noted by Sekeran and Bourgie (2009), who explain that the researcher can adapt the questions as necessary to ensure that the questions and responses are properly understood by the interviewees. In this study, the researcher is able to vary the order of questioning, depending on the flow of the conversation. The researcher exercises patience and allows the research participants to speak freely, while guiding the conversation to cover important issues as well as gently re-focusing the conversation when it 'wandered' off track. This assists the participants to get clarity on the information the researcher needed to obtain.

The dynamic nature of the in-depth interview engages interviewees more actively. This enables the researcher to probe deeply on some responses given by the participants (Rowley, 2012). This aspect is very valuable in this study because it allows detailed information about thoughts, experiences and behaviours regarding the implementation of the Domestic Violence Act to be captured. This leads to increased insights into participants' thoughts and experiences, enabling the researcher to reach beyond initial responses and articulate what could lead to effective implementation of the Act.

Through the use of in-depth interviews, the researcher establishes good rapport with the participants and to motivate them to tell their stories (Sekeran and Bourgie, 2009). Establishing good rapport with the interviewees is an extremely important factor in the success of interviews (Rowley, 2012). It assists the researcher to obtain information that the participants probably would not reveal through other data collection techniques such as observation. In the interviews, the researcher also has the opportunity to observe and interpret non-verbal communication as part of the participants' feedback. The non-verbal

communication was very valuable during discussions and analysis of the findings, hence contribute to the rich and insightful results (Denscombe and Jessop, 2013).

Despite the strengths of the in-depth interviews explored above, some limitations were raised against this data collection technique. Kvale and Brinkmann (2008) establishes that the responses given during the interview process may not be accurate, hence may not reflect situation on the ground. Because of the presence of the researcher, participants may tell lies or exaggerate issues. In addition, the interview may well be influenced by the level of awareness and the emotional state of the interviewee. As a result, possible distortion to data may occur due to the interviewee giving misleading data by providing information that the interviewer wants to hear (Maree, 2007). The current researcher will avoid gestures that are negative such a nodding of one's head or giving remarks such as 'yes' or 'no', to authenticate or reject the participants' responses during the interview session.

4.6.2 Focus group discussions

Focus group discussions have become a popular tool for generating data in many parts of the world. According to Hennink, et al. (2011), a focus group discussion is an interactive discussion composed of between six and eighty pre-selected participants, led by a trained moderator and focusing on a specific set of issues. They further state that the aim of a focus group discussion is to gain a broad range of views on the research topic, over a period of time and create an environment where participants feel comfortable to express their views. Similarly, Welman et al. (2005) defines a focus group discussion as an interaction between one and more researchers and a small number of individuals who are brought together to express their views on a specific set of open questions for the purpose of data collection.

Silverman (2010) asserts that the primary objective of a focus group discussion is to describe and understand meanings and interpretations of a select group of people so as to gain deeper insight into a specific issue from the perspective of the members of the group. Interaction between participants that share similar experiences or characteristics might elicit thoughts, ideas and perceptions about issues related to the topic of interest.

Morgan (2007) asserts that the ‘hallmark’ of a focus group discussion is its explicit use of group interaction to produce information and insights that would be less accessible without the interaction found in a group. Focus groups are appropriate when adopting a qualitative research approach that calls for the collection of in-depth information. The element of probing which emanates from effective interaction between participants is extremely beneficial for research as it provides a deeper understanding of the issues and produces richer information.

Kitzinger (2004) argues that perhaps the most significant value of a focus group discussion is that an interaction between participants can reach parts that other methods cannot reach; revealing dimensions of understanding that often remain untapped by the more conventional one-to-one interview. In the context of this study, the focus group discussions enables the researcher to gather information that could not be easily obtained from an individual interview (King and Harrocks, 2010). Furthermore, King and Harrocks (2010) assert that focus group discussions have the potential to reveal the social and cultural context of people’s understanding and beliefs, interacting in a group also makes the process more natural

In this study, focus group discussions are conducted in a convenient place for all the women at a time agreed upon by all the participants of the group. A focus group interview schedule will guide the discussions. The data from the focus group discussions was recorded through a voice recorder and in note form. Refer to appendix VI for the focus group discussions schedule.

4.6.2.1 Justification for use of focus group discussions

Focus group discussions encourage a range of responses which provide a greater understanding of the attitudes, behaviour, opinions or perceptions of participants regarding the implementation of the Domestic Violence Act in a rural context. According to Charmaz, (2006) a well-conducted focus group discussion can uncover unique perspectives on the study issue due to the group environment in which data is collected.

Since focus group discussions function within a social context, the researcher is able to explore individuals’ diverse perspectives and gain further insights into how the Act is

articulated and implemented in the chosen wards. As a result, the researcher is able to understand group processes by eliciting how the implementation of the law is executed and viewed by expected beneficiaries. As such, focus group discussions, offer possibilities for the researcher to explore the gap between what the victims of domestic violence say and what they do (Conradson, 2005).

Flick (2009) observes that focus group discussions have an added advantage in the sense that the group environment brings a variety of perspectives to the phenomenon under study. The challenges brought about by divergent views from different participants also prompt rationalizations and further discussion. This provides greater detail and uncovering various facets of the issue. For example, several group participants may raise an issue, whereupon other participants may challenge the issue, which leads participants to justify the issue or provide examples to elaborate their point.

Group discussions on the topic may reveal subtle nuances or details related to the issues. The interactive nature of data collection found in a group discussion further enabled the researcher to generate more insights on the research issues than a series of in-depth interviews with the same number of participants would have yielded. In addition, Charmaz (2006) notes that the environment generated by a focus group discussion acts to temper extreme views so that the method also provides an effective means to identify community norms, values and views on the topic under discussion.

It has, however, been noted by Krueger and Casey (2009) that in focus groups, certain personalities within the participants may inluence the direction of the group discussion. In the same vein, Hopkins (2007) notes that the social context of focus group discussions has a significant influence on ‘issues of disclosure, social conformity and desirability’. Thus, in focus groups, due to the presence of some group members, the participants may feel too intimidated to speak and may simply conform to the dominant ideas present in the group.

To address the challenges highlighted above in this study, the researcher groups participants into relatively homogeneous socio-demographic characteristics or some degree of shared experience of the discussion topic. Barbour (2007) asserts that group

homogeneity is desirable because participants are more likely to share their views and experiences with others who are familiar to themselves. Conversely, participants who feel that others in the group are of a higher status or have greater knowledge of the discussion issues are more reluctant to contribute to the discussion.

In this study, group homogeneity is achieved by segmenting groups by age and gender. The researcher conducts separate group discussions comprising young married women and older married women. However, the researcher takes great care in selecting only a limited number of characteristics to achieve homogeneity. As Babour (2007) posits, too much specificity creates difficulties in participant recruitment and requires too many group discussions.

Homogeneity among participants is also achieved in terms of participants' level of knowledge or experience on the discussion topic. This means that officials from the Ministry of Women Affairs, Gender and Community Development, those from the Ministry of Justice, Legal and Parliamentary Affairs and staff members from Musasa Project comprises a separate group. Traditional chiefs and headmen constitutes another separate group. Hennink et al. (2011) contend that participants with similar experiences of a particular issue can foster a strong sense of identity with other group members, thereby fostering a dynamic discussion

To eliminate the possibility of dominance by some group members, the researcher outlines, at the beginning of each group discussion, the purpose, mode of operation and expected outcomes. The researcher also encourages all participants to feel comfortable about expressing their views without feeling intimidated by more articulate or dominant participants. This will be enhanced by seating all group members around a table so as to provide maximum opportunity for eye contact with both the researcher and the other group members (Stewart, et al., 2013). The researcher also encourages a dynamic conversation rather than making participants take turns and also, all contributions are equally welcomed and recorded.

Wilkinson (2004) challenges the common misconception that focus group discussions are inappropriate for researching sensitive topics by arguing that the fact that everyone will

be in the same boat is particularly important to facilitate disclosure and discussion of issues at hand. Focus group discussions are employed to complement the individual interviews in order to ensure both the collection of quality data and rigor. They are employed specifically to assess the extent to which the Domestic Violence Act is understood by people in a rural set up. They are also employed to explore factors impeding the successful implementation of the Domestic Violence Act in the rural wards of Mwenezi communal area.

4.6.3 Documentary analysis

Documentary analysis is the third research gathering technique to be used in this study. According to Borg and Gall (2005), documents are standardized artifacts in various forms, which can be in the form of notes and case reports. It is any substance that gives information about the investigated phenomenon and exists independently of the researchers' actions (Corbetta, 2003). Ritchie and Lewis (2003) state that documentary analysis involves the study of existing documents to understand their substantive content or illuminate their deeper meanings which may be revealed by their style or coverage. It is normally used for specific purposes other than those of the research but it can be used by the researcher for cognitive purposes.

Yin (2009) asserts that for case studies, the most important use of documents is to corroborate and augment evidence from other sources. Using documentary analysis in this study provided access to information that will would have been be difficult to get using other data collection techniques. In research, documents can be described as primary or secondary sources of data (Cohen et al 2007). Primary sources of data are unpublished, for example, reports or minutes of organizations obtained directly from the research participants. Secondary sources refer to any materials that are based on previously published works such as books and articles (Hennink, 2011).

In the present study, a number of documents are critically analysed, including Musasa Project's strategies to fight domestic violence as well as guidelines for the implementation of the Domestic Violence Act, Musasa Project reports, Police reports and magazines focusing on domestic violence, particularly those from the Victim Friendly Unit are also

reviewed. Monthly and annually reports from the Ministry of Women Affairs, Gender and Community Development are also consulted to generate information in the form documentary analysis. Secondary sources including journal articles, independent research reports and other literature on domestic violence and the Domestic Violence Act is also going to be used.

Such documents are of great value in studying the phenomenon from different perspectives and enriching the researcher's knowledge about the implementation of the Domestic Violence Act in a rural context. This method enables the researcher to highlight and pursue any contradiction in the evidence between the data gleaned from the documents and the interviews with the associated stakeholders. Documentary analysis is used to analyse the adequacy of the provisions of the Domestic Violence Act in curbing domestic violence in Mwenezi District.

4.6.3.1 Justification for the use of documentary analysis

Analysing the documents enabled the researcher to obtain a deeper understanding on the implementation of the Domestic Violence Act in a rural area. This is because documents are non-reactive since the information given in a document is not subject to possible distortion as a result of the interaction between the researcher and the research participants, as may happen during interviews (Gray, 2014). Corbetta (2003) concurs and extends Gray's postulations further by arguing that apart from producing information not tainted by reactivity, documentary analysis also helps the researcher to study the past which provides a rich background to the phenomenon under investigation. Another advantage of documentary analysis is that, it is a cost-effective data collection method as the information has already been produced.

Using documentary analysis, the researcher is in a position to identify and probe any contradictions in the evidence emerging as a result of the inconsistencies between the data generated from the documents, the in-depth interviews and focus group discussions with participants. In addition, documentary analysis helps the researcher to understand the history, philosophy, organizational structure, and principles of organizations involved in the implementation of the Act. Thus, document analysis complements interviews and

focus groups in the data collection process and provides more insight into those aspects that focusses on the implementation of domestic violence legislation.

It has, however, been noted that the data generated from documents might be outdated and might give a completely wrong picture of what is currently happening on the ground (Pattons, 2002). In this study, the researcher cross-checks the data to determine when the documents were developed and utilised. To avoid the issue of outdatedness, only those documents that were written from 2012 onwards are utilised. The researcher further selects only those documents that have a direct bearing on the implementation of the Domestic Violence Act.

4.7 Data analysis

Data analysis is a critical component of research as it guides and enables the researcher to navigate the analysis process. Nieuwenhuis (2007) asserts that the overall aim of qualitative data analysis is to summarize what the researcher has observed and heard in relation to phrases and words that are common as well as patterns and themes. The summary enables the researcher to identify and elucidate these themes. The interviews and focus group discussions were recorded and transcribed. Transcription is done by the researcher himself in order to familiarize with the data. The quality of the transcript could be compromised if it done by another person. As Cohen et al (2011) observe, transcription provides an accurate record of interviews.

Data from the study are analysed following the content analysis method. In this framework, data analysis is done deductively using the research questions and inductively through multiple readings and interpretations of raw data (Cresswell, 2013). Thus, the findings are derived from both the research objectives outlined by the researcher and findings arising directly from the analysis of raw data. It should be noted, however, that the process of content analysis is not as linear and sequential as it appears in the discussion below. Rather, analysis involves continual movement across all the stages discussed below. Content analysis is used as it aids in the understanding of meaning in complex data through the development of summary themes or categories from the raw data (Hesse-Biber and Leavy, 2006).

The researcher has a firm conviction that content analysis is suitable and beneficial since it enables all the views of the participants to be captured. The researcher allows research findings to emerge from the frequent and dominant themes inherent in the raw data. This enables the researcher to condense the extensive and varied raw textual data into a brief and summary format. This further facilitates and enhances the establishment of clear links between the research questions and the summary findings derived from the raw data. Above all, the researcher is able to develop a model related to the implementation of the Domestic Violence Act in a rural setting, which was evident in the raw data. The content analysis procedure followed by the researcher to analyse the data consists of data reduction, data display and drawing of conclusions (Sekeran and Bourgie, 2009).

4.7.1 Data reduction

Data reduction is viewed by Sekeran and Bourgie (2009) as the process of selecting, coding and categorising data. As suggested by Sekeran and Bourgie (ibid), reduction of data included preparation of raw data, coding and creation of categories.

4.7.2 Preparation of raw data

The researcher makes verbatim transcriptions of the in-depth and focus group discussions (Gray, 2014). The transcriptions will be done as soon as each interview with each participant is completed. This allows the researcher to identify new issues that needed to be explored further in subsequent interviews. The researcher arranges all data orderly, interspersing notes, interviews, and documents by their date of collection (Saldana, 2009). The researcher finds chronological organization of the data beneficial because it shows the trajectory of the analysis, illustrating how the data was collected and interpreted over time. All interview transcript data from focus group discussions and document analysis are read over and over again so as to capture the meanings of the words spoken by the participants and interviewer.

The notes from focus group discussions and documentary analysis are interwoven with transcripts from the interviews.Different fonts are used so that the researcher's voice could be clearly distinguished from participants' voice in the data. The researcher prints and make a back up of each raw data file. The text for each research question is read

separately in detail so that the researcher could get the whole picture of the studied phenomenon (Fouche and Schurink, 2011). The researcher omits redundancies, repetitions, unnecessary and unimportant digressions.

4.7.3 Coding data

According to Tracy (2013), coding refers to labeling and systematizing of data. On the same note, Johnson and Christensen (2012) view coding as a process of making segments of textual data with symbols, descriptive words or categories. Coding is the analytical process through which the qualitative data that have been gathered is reduced, rearranged and integrated to form a theory.

Cohen et al. (2011) conceptualise coding as the practice of reducing text data into smaller units and then examining, comparing, conceptualizing and categorizing it. This helps to identify similar information and enables the researcher to search and retrace the data to identify items with a similar code. The codes are further grouped into categories and named. Once coded, it is possible to detect patterns and themes in the data. This is also done to help the researcher to draw meaningful conclusions from the data (Sekeran and Bourgie, 2009).

Coding of the data involves creating open codes where the researcher begins with an examination of the data and assign words or phrases that capture its essence (Saldana, 2011). The codes are written in the margin. The codes were then compared across the whole data set to identify variations, similarities, patterns and relationships. The researcher then wrote reflections and ideas related to sections of data to abstract the data and deepen analysis.

4.7.4 Creation of categories

Categorisation is the process of organizing, arranging and classifying coding units. Tracy (2013:134) terms this process “the secondary cycle coding or closed coding”. During this process, the researcher critically examines the codes identified in open coding and organize, synthesise and categorize them into interpretive concepts. This process moves beyond first-level open descriptive codes to analytic and interpretive closed codes.

Rather than simply mirroring the data, the codes serves to explain, theorise, and synthesise the data. The researcher reads the data several times so as to interpret and identify patterns, rules or causes and effects progressions.

The researcher selects appropriate quotes that convey the essence of each category. The general categories are changed and refined during the process of data analysis as the new themes emerged inductively. The specific themes are inductively derived from multiple readings of the raw data. The researcher inductively searchs for sub-themes including contradictory points of view and new insights finally defined.

4.7.5 Data display

Data display involves taking the reduced data and displaying it in an organised, condensed manner (Sekeran and Bourgie, 2009). The authors assert that codebooks, charts, matrices, diagrams, graphs and phrases may help to organize the data and to discover patterns and relationships in the data so that the drawing of conclusions is eventually facilitated. Tracy (2013) supports the use of a systematic codebook as a data display method that best organises and lists key categories, definitions and examples. Bernard and Ryan (2010:50) assert that a detailed example of a codebook may include:

> "Short description of code, detailed description of code, inclusion criteria (features that must be present to include data with this code), exclusion criteria…typical examplars (obvious examples of this code), atypical exemplars (surprising examples of this code), close but no exemplars (Examples that may seem like the code but are not)".

4.7.6 Drawing conclusions

According to Sekeran and Bourgie (2009), conclusion drawing is the final analytical activity in the process of qualitative data analysis. This was the point where the researcher answers the research questions by determining what identified themes stand for and thinking about explanations for the observed patterns and relationships.

4.8 Measures to ensure trustworthiness

Trustworthiness is of great importance in qualitative research. It refers to the confidence or trust one can have of a study, and its findings are determined by those assessing the said study (Robson, 2011). The aim of trustworthiness in a qualitative research is to support the argument that the inquiry's findings are worth paying attention to. Cresswell (2009) asserts that in any qualitative research, aspects of trustworthiness need to be addressed through credibility, conformability and dependability.

4.8.1 Credibility

Credibility deals with the accuracy of data to reflect the observed social phenomena (Wahyuni, 2012). This involves establishing the believability of qualitative results from the perspective of the research participants (Flick, 2009). Simply put, credibility is concerned with whether the study actually measures or tests what is intended. This involves establishing that the results of qualitative research are believable from the perspective of the participants in research.

To address credibility, the researcher employs three techniques. The first technique the researcher employs enlists the help of a competent peer debriefer (Lincoln and Guba, 2005). Peer debriefing assists the researcher, at the data analysis stage, to check the consistency of data coding as well as identify other perspectives on the study which might be be overlooked by the researcher. For peer debriefing, the researcher relies on a competent peer selected from one of the universities in Zimbabwe. The peer researcher will be a Sociology lecturer with vast experience in qualitative research studies.

During the meetings with the peer debriefer, the researcher gives regular progress reports of the study and the peer debriefer poses questions regarding the research questions, methodology and other key components of the study. In addition, the researcher regularly meets his supervisors to discuss the research issues. The fresh perspectives, insights, questions and observations they bring enables the researcher to refine his methods, develop greater explanation of the research design and strengthen his arguments in light of the comments and suggestions proffered.

Secondly, since the purpose of qualitative research is to understand a phenomenon from the participants' standpoint, the participants are the only ones who can legitimately judge

the credibility of results (Trochim, 2006). Member checking is, thus, used to validate the truthfulness of the findings. This is done by feeding the findings of the analysis back to the participants through focus group discussions. The focus group members selected offer comments on whether the data was interpreted in a manner congruent with their own experiences (Wahyuni, 2012). An analysis of how far they consider the findings to reflect the issues from their perspective is made.

Thirdly, credibility is enhanced by prolonged engagement with the research participants. The researcher stays in one of the three selected wards and is able to engage the participants for quite a long period of time and within their flexible time. This provids the researcher with the opportunity to establish good rapport and trust with participants (Saldana, 2009). Opportunity is also extended to colleagues, peers and academics to scrutinize the research findings as a way of further promoting credibility.

4.8.2 Confirmability

Confirmability refers to the degree to which the results could be confirmed or corroborated by others (Hennink et al., 2011). It refers to how well the researchers' findings are supported by the data collected. In this study, confirmability is upheld by triangulation of methods and keeping an audit trail. Triangulation of methods involves comparing data collected from in-depth interviews and focus group discussions. This is useful so as to improve consistency and accuracy of data by providing a more complete picture of the phenomenon under investigation. The use of different data collection methods not only ensures saturation of data, but also made triangulation of data possible.

4.8.3 Dependability

Dependability deals with the core issue that the way in which a study is conducted should be consistent across time, researches and analysis techniques (Flick, 2009). It is viewed as the assessment of the integrated processes of data collection, data analysis and theory generation. Dependability is concerned with the stability of data overtime. This dependability is accomplished through keeping an audit trail, that is, a detailed chronology of research activities, processes, analysis and emerging themes. Thus, the process through which findings are derived should be explicit and repeatable as much as

possible. The researcher also conducts a code-recode procedure on the collected data during the analysis phase to increase dependability of the study.

4.9 Ethical considerations

Ethics are a very important consideration when conducting researches, particularly those involving human beings. According to Somekh and Lewin (2012), ethics refers to the system of moral standards by which individuals can judge their actions as right, good or bad. Drewstudy (2009) postulates that ethics in research generally means that an investigator has a moral obligation to protect the participants from harm, unnecessary invasion of their privacy and promotion of their well-being.

The definitions proffered above highlight the researcher's utmost moral duty of keeping participants safe all the times. Cohen et al. (2007:109) posits that

> "ethics embody individual or communal codes of conduct based upon adherence to principles which may be explicit and codified or implicit and may be abstract and impersonal or concrete and impersonal".

It should be noted that research is a public trust that must be trustworthy, socially responsible and ethically conducted if the results are to be valuable (Hennink et al., 2011).

Gray (2014) cautions that it is of paramount importance that researchers respect the rights, privacy, dignity and sensitivities of their research participants and also the integrity of the institutions within which the research occurs. It is, therefore, necessary for all researchers to uphold certain ethical principles. The following ethical considerations were observed and upheld in this study: informed consent, confidentiality, anonymity and avoidance of harm to participants.

4.9.1 Right to privacy and participation

In this study, the right to privacy and participation is ensured in a number of ways. In line with the right to privacy and participation is the idea of gaining entry into the research sites where data Is collected. To get permission to conduct the research, the researcher

acquires an introductory letter and ethical clearance certificate from Great Zimbabwe University. After the clearance letter from the University has been issued, the researcher negotiates with gatekeepers for permission to access participants at the research sites. In this case, the gate keepers are the District Administrator for Mwenezi, Councillors and traditional chiefs, headmen and village heads for the respective wards.

Hennink et al. (2014) highlight that researchers need to respect research sites so that the sites are left undisturbed after the research study. This display respect for the social hierarchy of the study as well as the cultural norms of the area under study. The researcher's task is to ensure that participants have complete understanding of the purpose and methods to be used in the study, the risks involved and the demands placed upon them as participants (Best and Kahn, 2006).

All participants are well informed about what participation entailes and are reassured that declining would not affect their standing and status in society. The researcher then asks participants for their informed consent before the research begins to avoid deception (Trochim, 2006). This is reinforced by the use of consent forms. Creswell (2009) elucidates that participants have the right to participate voluntarily or to withdraw from the study at any time. Those who agree to participate freely are asked to sign the consent form. Verbal consent is sought for those participants who are reluctant to accept written consent. The researcher seeks permission to use a voice recorder during both the focus group discussions and the in-depth interviews.

4.9.2 Right to confidentiality and anonymity

In research, the right to confidentiality and the right to anonymity often put research participants at ease when giving information which might otherwise be regarded as sensitive. Bernard and Ryn (2010) posit that confidentiality is not disclosing information from participants or identifying participants' information using information they would have provided. Anonymity on the other hand deals with disguising the identity of research participants.

Assurance is given to all participants that no personal information will be used in any way to obtain information beyond that which is needed for professional research purposes

and that the information would be kept confidential. As a result, in this study, no names of participants are taken or recorded. This is meant to protect the participants' identities and to give them the opportunity to give their honest opinion without fear of victimization.

For the sake of confidentiality and anonymity in the three wards where research will be conducted, pseudo-names and codes are used in this study. This is done to ensure anonymity and safety of all participants. To enhance anonymity, even during interviews and focus group discussions, the researcher allows each member of the group to introduce himself/herself using the codes provided as highlighted earlier on in the data collection methods section. The use of codes provides a basis for building greater rapport among group members. The researcher uses the codes to direct questions at group members with immediate effect.

Within this study, confidentiality is observed by making sure that the information gathered is used only for the purpose stated by researcher and is not to be given to any other person for any other reason. Participants are also told that the research is for academic study, with a potential to be published. Cohen et al (2007) states that it is the fundamental responsibility of the researcher to ensure that all records have no real names of the participants. It is for these reasons that all data obtained for the study are not associated with an individual. The use of group data rather than individual data facilitates the retention of participants' anonymity since no individual response could be traced back to the individual.

4.9.3 Avoidance of harm to participants

Babbie (2007) asserts that the fundamental ethical rule of social research is that it must bring no harm to participants. Flick, Von-Kardorff and Steinke (2004) warn that in any study, if the researcher is not careful, it is possible to harm informants not only by exposing information about individuals but also by discussing them as a group or in publication in a way which they may find harmful or which actually disadvantages them. In the context of this study, harm may be broadly defined to include not only extreme physical pain or death, but also such factors as psychological stress, personal

embarrassment, humiliation, or a myriad of influences that may adversely affect the participants in a significant way (Strydom, 2011).

Additionally, harm can as well refer to anger, irritation, physical and emotional stress; loss of respect from others, negative labeling, invasion of privacy and damage to personal dignity. During the course of carrying out this study, the likelihood of physical, emotional or psychological harm is thoroughly examined and guarded against. Avoidance of harm to participants is observed in this study by showing empathy to participants as well as terminating the interview once signs of causing distress to participants are observed. The researcher will further keep information, including the identity of the participants, confidential and secures it from appropriation by unauthorized persons or for purposes other than the approved research. The researcher is responsible for safely keeping all the information given by participants so that it would not be found and used to label the participants in any way.

4.10 Chapter summary

This chapter presented the research methodology that guides the study. The chapter outlined and justified the use of interpretive paradigm for the study. A discussion of research paradigm and approach that are utilised to generate the necessary data to answer the study's research questions was given. The chapter rationalised as well as described the study's research design which is the intrinsic case study. A detailed description of the study's research context was given in the chapter. The methods that were used for sampling and for generating the data were explained and justified. The chapter mentioned and elucidated the different ways that are used to ensure trustworthiness of the study's findings. Ethical considerations that are adhered to in the study were illustrated. The chapter sets the stage for the next chapter, which presents and analyses the findings of the study.

CHAPTER FIVE

DATA PRESENTATION AND ANALYSIS

5.1 Chapter introduction

The previous chapter outlined the methodology used in the study. The main aim of this chapter is to review and discuss the major themes and sub-themes of participants' views and how they relate to literature. De Vos et al (2005) posit that themes provide an in-depth explanation on how and why things happen the way they do, as well as provide descriptions of how people behave or should behave. The primary goal of this study is to examine the implementation of Domestic Violence Act in the rural setting of Mwenezi District. The study endeavors to explore women's awareness and knowledge of the provisions of the Act using an interpretive approach. The study examines the adequacy of the Act as a panacea to the phenomenon of domestic violence. The study further interrogates constraints impeding the effective implementation of the law from guaranteeing protection to survivors.

Data is presented in a manner that is in sync with the research questions of the study. Included in the chapter is the analysis of the data that was obtained under each section. As alluded to in Chapter One, the study sought to respond to the following sub-research questions:

- To what extent did women in rural areas have knowledge and an understanding of the provisions of Domestic Violence Act?
- To what extent were the provisions of Domestic Violence Act adequate enough to curb domestic violence?
- What constraints militated against effective implementation of the provisions of Domestic Violence Act in a rural setting?
- What barriers were faced by survivors of abuse to report cases of domestic violence to law enforcement agents?
- What challenges were faced by survivors of abuse when reporting cases of abuse to law enforcement agents?

- What obstacles were faced by implementing agencies in fighting the scourge of abuse?
- What model could be proposed to enhance effective implementation of the Domestic Violence Act in rural communities?

5.2 Biographical profile of participants

The study sample was composed of thirty women (ten drawn from each of the three wards), three councilors (one from each ward), three ward coordinators (representing the three wards), three traditional chiefs, three headmen and six village heads. In addition, there were five police officers one from the Victim Friendly Unit and four general officers, one prosecutor, one Clerk of Court, one magistrate, two Community Development Officers from the Ministry of Women Affairs, Community, Small and Medium Enterprises Development, one Social Welfare Officer, and two officials from Musasa Project. Furthermore, five focus group discussions were convened to complement individual interviews.

Table 5.1: Profile of women participants in Ward 3, 4 and 13

	Ward 3			Ward4			Ward13			Total	%
20—29years	Number **4**	Level of Education		No. **3**	Level of Education		No. **5**	Level of Education		**12**	40
		Pry 1	Sec 3		Pry 1	Sec 2		Pry 4	Sec 1		
30-39Years	**3**	1	2	**4**	2	2	**3**	3		**10**	33.4
40-55 years	**2**	2	None	**3**	3		**3**	3		**8**	26.6
Totals	**9**			**10**			**11**			**30**	100

Table 5.1 represents the profile of women participants in Ward 3, 4 and 13. As shown in the table, the biographical profiles of the participants show that their ages range from twenty to fifty five. There are more participants within the age range twenty and twenty

nine years representing forty per cent of interviewed participants, followed by the thirty to thirty nine age range, representing thirty three poit four per cent and last but not least, there are eight participants within the age range forty to fifty five years representing twenrty six point six per cent of women participants.

The table shows that the majority of participants within the ages range twenty to twenty nine and thirty to thirty nine wards three and four have attained secondary education. This means that they could have a satisfactory knowledge and an understanding of the provisions of the Act. Arends-Kuenning and Amin (2001) support this view by contending that greater years at school may provide women with an opportunity to gain knowledge and information about the law.

Conversely, the scholars further posit that a woman's limited years in schooling results in limited or lack of knowledge of the provisions of the Act. This reflected a dire situation in Ward thirteen, where participants had low levels of education, hence had a poor grasp and lack of understanding of the law intended to protect them against domestic abuse.

Njezula (2006) contends that women with no education, with incomplete primary education and complete primary education knew little about the provisions of anti-domestic violence legislation. This implies that participants with complete primary and incomplete secondary education lack knowledge of the Act as they are incapacitated to read newspapers, the Act itself and other literature which are major sources of information on the provisions of the Act. The same scenario applies to participants in the age range forty to fifty five years across the three wards that attained only primary education. The participants' level of knowledge and awareness of the Act was anticipated to be low because of their low level of education.

Table 5.2: Biographical data of officials from different agencies and government departments

Age of participants	**Occupation**	**Qualifications**			**Experience**		**Gender**		**Total**
		Degree	Diploma	Secondary Education	10 years and below	10 years and above	Male	Female	
25-34 years	Police	1	2	0	3	0	2	1	3
	Ward Coordinators	0	0	2	2	0	1	1	2
	CDOs	2	0	0	0	2	1	1	2
	Musasa Project	0	1	0	0	1	0	1	1
	Prosecutors	0	1	0	1	0	1	0	1
	Social Work	1	0	0	0	1	0	1	1
	Clerk of court	0	1	0	0	1	1	0	1
	Social welfare	0	1	0	0	1	0	1	1
35-44 years	Police	0	2	0	0	2	2	0	2
	Ward Coordinators	0	0	1	0	1	0	1	1
	Musasa Project	0	1	0	0	1	0	1	1
	Magistrate	1	0	0	0	1	1	0	1
	Councillors	0	1	2	3	0	3	0	3
Total		5	10	5					20

Table 5.2 represents the biographical data of officials from different agencies and government departments. The educational levels and experience of officials representing agencies were utilised to gauge the knowledge and preparedness of such staff members in the implementation of the Act. Twelve males and eight female participants were interviewed. The table shows that the majority of the officials, particularly from government departments (court officials, community development and social welfare officers), possessed degrees and diplomas. This implies that they had prerequisite qualifications to understand the provisions of the Domestic Violence Act as well as their roles and duties in the implementation of the law.

Ward coordinators, however, seemed to have the least qualifications to sensitize women more effectively about the scope of the Act. Since Ward Coordinators closer and more accessible to women in rural areas, their low qualifications could compromise and undermine survivors' safety and protection against domestic abuse. Chuma and Chazovachii (2012) established that ward coordinators' lack of knowledge of the provisions of the Act stemmed from low educational qualifications which adversely affected implementation of the Act.

Officials from Musasa Project had moderate education, sufficient enough to appreciate and understand the provisions of the Act. The knowledge possessed by these officials was critical, given that the impetus to fight the domestic violence scourge was initiated by Musasa Project. As Magorokosho (2010) observes, the need to have anti-domestic violence legislation in Zimbabwe was brought to the fore by Musasa Project.

It is important to note that the two representatives from Musasa Project were both females who were expected to have a better understanding of the experiences of abused women. Sardenberg (2011) corroborates this view by positing that women's presence in agencies fighting domestic violence is vital not only to get laws on the statute books, but also to play an important role in monitoring the implementation of these policies and holding governments to account in making domestic violence legislation more effective.

Table 5.2 further shows that of the three councillors, only one possessed a diploma qualification. The other two had attained only secondary education and were all males. This could impinge on the implementation of the law, given that the majority of men feel that some forms of abuse such as spousal violence are justified for a variety of reasons. According to Uganda Demographic and Health Survey (2006), males justify and condone domestic violence against females if they burn food or refuse sexual engagements.

Table 5.3: Biographical data of traditional leaders in the three wards under study

Age of participants	**Traditional leader**	**Qualification/ Education**			**Gender**		**Total**
		Non-Formal Education	*Secondary*	*Diploma*	*Male*	*Female*	
30-49 years	Chiefs Headman Village head	1 1 2	0 0 1	0 0 0	1 1 2	0 0 1	1 1 3
50-79 years	Chiefs Headman Village head	1 2 3	0 0 0	1 0 0	2 2 3	0 0 0	2 2 3
Total		10	1	1			12

Table 5.3 represents the biographical data of traditional leaders in the three wards under study. The biographical information was also obtained from two traditional chiefs, six village heads and three headmen in the three wards under study. The table above shows that the ages of traditional leaders range from thirty to seventy nine years. As shown in the table, there are seven traditional leaders within the fifty to seventy nine years age range and five traditional leaders within the thirty to forty nine years range. There was only one female among the twelve traditional leaders. The fact that most of

the traditional leaders were male could stifle implementation of the Act as they would resist any endeavors to undermine the patriarchal system from which their power and authority was derived. Pilcher & Choffey (1996) support this view by arguing that patriarchal systems have always existed to ensure the dominant position of male traditional leaders and encourage their oppressive behaviour towards women.

As the table further shows, only two traditional leaders out of twelve had formal education. This potentially compromised their ability to understand and appreciate the objectives and purpose of a modern law. Naved and Persson (2005) complement the above view, albeit from a different perspective, by observing that a traditional leader with high levels of educational attainment tends to protect women from domestic abuse as he condemns and fights the conventional gender norms which fuel the scourge of abuse in rural areas.

This section presented the biographical profiles of participants. The data showed that the levels of education of survivors of abuse varied according to age and geographical location of participants. Most participants in Wards three and four attained secondary education while those in Ward thirteen had incomplete primary education. The majority of participants from government departments possessed degrees and diplomas while those from Musasa Project attained secondary education. Ward coordinators attained only secondary level of education, while nearly all traditional leaders had no formal education.

The next section presents and analyses findings on forms of abuse experienced by women in the three respective wards. Women's knowledge and understanding of the provisions of the Domestic Violence Act in rural wards of Mwenezi District is also presented in the section.

5.3 Data presentation and analysis

The following presentation is about forms of abuse experienced by women in rural areas of Mwenezi district.

5.4 Forms of abuse experienced by women

The findings of the study revealed that women experienced various forms of domestic violence encompassing physical abuse, psychological and emotional abuses, sexual assault and financial or economic abuses. The different forms of abuse experienced by women are presented and analysed as follows:

5.4.1 Physical forms of abuse experienced by women

The findings of the study revealed, as confirmed by various stakeholders, that women suffered broadly from two types of physical abuse. The first physical form of abuse experienced by women inflicts grievous bodily harm on the survivor. Examples of such forms of abuse included hitting, kicking and whipping. The following responses from a distraught woman serve as clear evidence of physical abuse suffered by women:

> *'I was hit by my husband with axe on the forehead and suffered severe injuries".* (Comments by a woman participant on 23 March 2018 during an in-depth interview).

A police officer concurs with the sentiments expressed by the woman, saying:

> *We have assisted several women suffering from multiple forms of physical abuse referred to us by our key implementing partners* (Comments made by a police participant during a group interview on 23 June 2018).

The second forms of physical abuse experienced by women left no physical scars on the survivor and included pinching, pushing and shoving. These forms of abuse were considered to be harmless and less threatening by survivors. It has been, however, noted that such 'minor' forms of physical abuse could easily get out of control, resulting

in grievous bodily harm. The following comments from women are illustrative of this type of abuse experienced by women:

> *Our husbands shake, pinch, shove and push us. This is repeated more often, particularly if it does not cause injuries (*Comments made by an abused woman during a focus group discussion on 5 July 2018).

The comments made by the woman were echoed by a Musasa Project official who said that:

> *We have established during our outreach programmes that forms of physical abuse such as shoving and pinching are very prevalent in rural areas particularly ward 13* (Views by a Musasa Project official during an in-depth interview on 6 May 2018).

5.4.2 Psychological and emotional forms of abuses experienced by women

The research findings established that women in rural wards of Mwenezi District suffered from different types of psychological and emotional abuses. Representatives of various agencies and stakeholders confirmed that women suffered from psychological and emotional offences that included ridicule, name-calling, insulting comments, accusations and public humiliation. The comments from the following participants attest to this.

> *My husband calls me various names even in the presence of our children. I feel bad when this happens in the presence of well respected people, my friends and children* (statement made by a survivor of abuse during an in-depth interview on 18 June 2018).

An official from the Ministry of women Affairs made similar observations below:

> *Quite a significant number of women come to our officers complaining about bad treatment from their husbands. Insulting comments feature prominently in their*

reports (Comments made by an officer commemorating 10 days of Activism against violence on 25 November 2018).

The Matron at Hebron safe shelter weighed in, saying:

Psychological and emotional abuses are rampant in most wards here but women are either masking them or not reporting them to police and other service providers due to lack knowledge (Sentiments by the Matron on 19 November 2019).

5.4.3 Sexual abuses experienced by women

The findings of the study indicated that women experience forms of sexual abuse as defined by the Domestic Violence Act. Representatives from various agencies and stakeholders were all in agreement that sexual abuses against women is a problem of huge proportion as some women are coerced into sex against their will and others are denied sex when they need it. It was noted that husbands believed that they had unlimited sexual access to their wives regardless of their feelings and circumstances. The comments from survivors of abuse attest to this:

"My partner makes bad comments about my sexual organs each time he gets angry with me" (Words spoken by an angry abused woman on 22 March 2019).

Traditional leaders made similar observations regarding sexual abuses experienced by women.

Many women come to our courts complaining about sexual matters against their husbands. Some are denied conjugal rights while others are forced to indulge in sex against their will (Comments made by a Chief soon after a traditional court session on 18 July 2018).

An official from Musasa Project buttressed the views made by survivors and the chief, She remarked:

Sexual forms of abuse are ubiquitous in the three wards you mentioned. Despite the high prevalence, they are the least talked about and reported to authorities (Words spoken by a Musasa Project official at a shelter center on 27 March 2018).

5.4.4 Forms of economic abuse experienced by women

Data collected through in-depth interviews and group interviews suggested that economic violence against women was rampant in rural communities. Participants representing various agencies confirmed that women experienced various forms of economic abuse perpetrated by their husbands. It was noted that economic abuse occurred to women just as frequently as other forms of abuse alluded to earlier in this study. The following comments from one woman during a group interview bears testimony to this:

My husband is not providing household necessities including food requirements, medical expenses and school fees for our children (Comments by an abused woman during a focus group discussion on 5 July 2018).

A District Social Welfare officer made revealing comments about economic abuses experienced by women, she said that:

Many women visited our offices requesting for food and other basics citing lack of support from their husbands (Statement by a District Welfare Official on 19 December 2018).

From the responses of survivors of abuse and representatives of various agencies and other stakeholders, women were exposed to four types of domestic abuse, namely physical abuses, psychological and emotional abuses, sexual and economic abuses. The four forms of abuse could be experienced by survivors simultaneously, although sexual and physical forms of abuse seemed to be more prevalent.

5.5 Women's knowledge and understanding of provisions of domestic violence act.

The following presentation is about knowledge and understanding of the provisions of Domestic Violence Act by women in rural communities of Mwenezi District. This is related to Research Question One, which goes:

> *To what extent do women in rural areas have knowledge and an understanding of the provisions of Domestic Violence Act?*

5.5.1 Knowledge and understanding of physical forms of abuse

Research findings revealed that women had varied knowledge and understanding of the two physical forms of abuse. It was noted that women had sufficient knowledge and understanding of physical forms of abuse which resulted in grievous bodily. However, knowledge and understanding of 'lesser and harmless' physical forms of abuse was limited. Survivors of abuse, officials representing different agencies and other stakeholders all agreed that women had sufficient knowledge and understanding that physical forms of abuse which caused grievous bodily harm constituted domestic abuse. Meanwhile, 'lesser threatening and harmless' forms of abuse such as shoving were not defined and classified as constituting violations of women's rights. This is shown by the following statements from participants:

> *I know it is bad for my husband to beat me, particularly if I sustain serious injuries as a result. I can go to police for redress* (Comments by a survivor of abuse during an in-depth interview on 29 May 2018).

A police officer from the Victim Friendly Unit echoes the sentiments of the survivor:

> *Women generally are quite aware that physical forms of abuse culminating in grievous bodily harm constitute a violation of the law (Comments made by a Victim Friendly Officer during a focus group discussion on 18 October 2018).*

The research findings further revealed that women's adequate knowledge and understanding of certain physical forms of abuse were shown by high disclosure and high rate of reporting made to the authorities. This shows that survivors of abuse were quite clear that domestic violence which results in grievous bodily harm constituted domestic abuse. Conversely, there was low disclosure and low rate of reporting of minor forms of abuse such as pinching. This also shows that survivors of abuse did not understand and define such indiscretions as abuse. The following comments from a survivor attest to this:

> *If my husband beats me and I sustain serious injuries, I will definitely go to police and clinic for treatment. As for minor and trivial punches I just ignore* (Statement made by a survivor of abuse during an in-depth interview on 5 July 2018).

A police officer supported the sentiment of the survivor by saying:

Women come to police stations when the beatings are so severe, frequent and injuries are visible. This shows they understand that physical abuses which cause grievous bodily harm violate the law (Police comments during an in-depth interview on 5 July 2018).

The sentiments expressed by the participants clearly show that physical forms of abuse considered as life-threatening were lodged with police, while 'less harmful and less threatening' forms of abuse were either concealed or ignored.

5.5.2 Women's knowledge and understanding of psychological and emotional forms of abuse

The findings of the study revealed that women's knowledge and understanding of psychological and emotional forms of abuse were grossly limited. It was noted that psychological and emotional forms of abuse were misunderstood by most women in rural wards as the generality of them did not define and categorise these forms of abuse

as domestic violence. Representatives of different agencies and survivors themselves indicated that abused women did not consider psychological and emotional abuses as constituting domestic violence. This is shown by the following statement from a survivor of abuse:

> *As women we are ridiculed, insulted and humiliated verbally by our husbands. I doubt very much if there is a law that penalizes culprits who terrorise us (*Statement by a woman during a focus group discussion on 5 July 2018).

An official from Musasa Project weighs in:

> We *discovered during our outreach programmes and during 16 days of Activism against GBV that survivors of abuse in rural communities are not knowledge that psychological and emotional forms of abuse constitutes a violation of the law (*Comments by Musasa Project official at a Workshop in Mwenezi on 4 June 2019).

Representatives of different agencies and other stakeholders confirmed survivors' lack of knowledge and understanding of the law as demonstrated by low rate of reporting to police and other authorities. A police officer sums up survivors' lack of knowledge and understanding of psychological abuse below:

> *As police, we have not received any complaints of psychological abuse from women. We only discover psychological abuse against women when it is combined with other forms of abuse women will be reporting* (A general police officer's narrative made on 23 March 2018).

A traditional leader complemented the sentiments of the police officer as follows:

> *Women are not aware that psychological abuse violates their rights. We have not dealt with such kind of misdemeanor because women are not coming to us*

complaining although such behaviour is highly prevalent (Statements made by a headman in ward three on 28 February 2018).

As shown by the comments from the participants, women were not reporting psychological and emotional abuses to law enforcement agents and other agencies due to lack of knowledge and understanding that such forms of abuse are a violation of women's rights. It was noted that the rate of reporting of psychological abuse was slow and low as survivors trivialise this type of abuse.

5.5.3 Women's Knowledge and understanding of sexual abuses

The findings of the study indicated that women's knowledge and understanding of sexual abuses was weak. From the views solicited from various stakeholders, it emerged that sexual abuse was the most prevalent form of abuse, yet the least understood by the survivors. During a group interview, it became clear that women lacked sufficient knowledge and understanding that sexual abuse constitutes domestic abuse. One woman remarks as follows:

My husband usually forces himself on me when he is drunk. There is nothing I can do since he paid lobola. I have to make him happy even if I am not feeling well (Comments made by a sexully abused women in ward 13 on 14 April 2018).

A traditional leader expressed shock and disgust about survivors' inadequate knowledge and understanding of sexual forms of abuse. He said:

Many women in my area have fallen victim to sexual abuses but decide to remain silent because they do not define such behaviour as a form of abuse. There is a veil of secrecy surrounding sexual issues compounding everything (Views from a Village head in ward 4 on 16 August 2018).

Representatives from different agencies further revealed that women's insufficient knowledge of sexual abuses was shown by low rate of reporting. A police officer revealed survivors' pathetic situation by lamenting that:

> *Women abused sexually rarely report the agony they go through to the police. I have never received even a single complaint of a sexual nature since i joined this station ten years ago* (Comments made by a police officer on 17 June during an in-depth interview).

A representative from the Ministry of Women Affairs adds:

> *Women feel it is disingenuous to talk about issues of sex with strangers. Although this type of abuse is so prevalent in the communities, women do not open up until they get divorced and want to hit back* (Comments made by an official from the department of women Affairs on 24 March 2019).

The responses of participants representing different agencies show that women's knowledge and understanding of sexual forms of abuse was inadequate. Insufficient reporting of sexual forms of abuse shows lack of awareness and knowledge of this type of scourge.

5.5.4 Women's knowledge and understanding of economic forms of abuse

In-depth Interviews conducted with women and representatives of different agencies indicated that women's knowledge and understanding of economic abuse was not up to scratch. It was noted that women did not define and categorise economic forms of abuse as constituting domestic violence despite their prevalence. The comments from survivors capture this reality as, one woman remarked as follows:

> *My husband is in the habit of spending all proceeds from our farm produce on girlfriends. If there was a law to punish such people, I would not waste time reporting him to police* (Comments made by an economically abused woman on 8 May 2019).

A Social Welfare Officer weighs in:

> *.... It is quite evident that these women are not aware that economic neglect constitutes a form of abuse* (Sentiments made by a District Welfare Officer at Rutenga on 4 September 2018).

The research findings further revealed that survivors' lack of knowledge and understanding of economic forms of abuses was shown by lack of reporting to police and other service providers. This was confirmed by the following statements from a Musasa Project representative.:

> A *mean survey done by our organisation in wards three, four and thirteen revealed that economic abuse is prevalent in these wards but women are not reporting to police owing to lack of knowledge and understanding of this type of abuse (Comments by a Musasa Project representative at Hebron shelter center).*

A police officer concurs with the views expressed by the representative from Musasa Project, saying:

> *We have received only isolated cases of reports or complaints from women on economic abuse. It could be a sign that they are not aware of this form of abuse* (Police sentiments made on 18 October during a focus group discussion).

The responses from survivors of abuse and representatives of different agencies, and lack of reporting of economic forms of abuse to the police by survivors showed that knowledge and understanding of economic forms of abuse among women was grossly insufficient.

5.5.5 Women's awareness and knowledge of safe shelters

The researcher also assessed women's awareness and knowledge of safe shelters Research findings revealed that women's awareness and knowledge of safe shelters was particularly inadequate in Ward three and thirteen, but satisfactory in Ward four. The responses from different groups indicated that survivors of abuse from ward four regularly made inquiries about the safe shelters at Hebron High School while their counterparts in Ward three and thirteen, it seemed, never made inquiries. Lack of knowledge of safe shelters is shown and confirmed by statements from survivors of abuse and other stakeholders. A woman participant made the following comments during a group interview:

> *"I have never heard about that thing. I am hearing it for the first time from you. Maybe people in urban areas have some idea"* (Comments made a survivor of abuse during a focus group interview on 5 July 2018).

The sentiments expressed by the woman above are echoed by a traditional leader who says:

> *The majority of women seek temporary accommodation from relatives and neighbours after being beaten and chased away by their husbands. Some go to village heads while others come to us Chiefs if our homesteads are close to theirs* (Comments by a Chief whose jurisdiction covers ward 3 on 6 My 2019).

The statements from the participants showed that survivors lack awareness and knowledge about safe shelters.

The research further established that survivors of abuse, particularly from Ward three and thirteen, lacked awareness and knowledge of the safe shelter at Hebron since they did not make any inquiries on this facility. A representative from Musasa Project attested to this saying:

> *Quite a significant number of women, particularly from Ward four, have made inquiries about our shelter center here and we have accommodated them. We have however not yet received any inquiries from the other two wards, Ward 3 and 13*(An excerpt from a Musasa Project representative made on 5 November 2018).

Inquiries made by women in Ward four about the safe shelter indicated that they had sufficient awareness and knowledge about the existence of the facility. Lack of inquiries made by women in Wards three and thirteen also demonstrated their lack of knowledge and awareness of the safe shelter.

5.5.6 Survivors' perception of safe shelters

The responses from different agencies and stakeholders interviewed showed that survivors of abuse made few inquiries on shelter havens owing to negative perceptions

about such facilities. Some did not make any inquiries about the facility owing to lack of knowledge about the existence of the facility. It was noted that survivors from different religious doctrines other than the Zion Christian Church were also reluctant to utilise the safe haven out of fear of contamination from Zion Christian Church backgrounds. Thus, they opted to seek refuge from traditional leaders who were accepted by offenders as neutral adjudicators of domestic disputes. A survivor of abuse in Ward three confirmed the prevailing thinking by the following words below:

> *I was advised to go to Hebron for accommodation by police after my husband bashed me. I told my friends about the idea and they all discouraged me saying I will be in prison since there is prison built for women at Hebron* (An extract from a survivor of abuse taken on 23 August 2018).

Traditional leaders shared their misgivings and sentiments with the researcher regarding women's perception of the safe shelter at Hebron. They indicated that women had negative perceptions about the safe shelter at Hebron. This was shown by the following comments from one Headman who made the following comments below:

> *The location of that thing is a problem. Many victims shun the center because it is located at a Zion Christian Church School. Abused women from other church denominations feel uncomfortable to go to a facility located at Zion Christian school* (A Headman making reservartions about location of center on 7 May 2019).

A ward councilor chipped in, saying*:*

> *We advised many women to go to Hebron safe shelter after having been beaten by their husbands, but, it seems they have a negative view of the facility. They prefer to be accommodated at traditional leaders' homesteads and relatives' homes in the aftermath of conflict with husbands* (An extract from one councillor in ward 3 on 15 July 2018).

The comments from the Headman and the Councilor demonstrated that survivors of abuse had negative perceptions about the safe shelter. This meant that they could not utilise the support service , thereby undermining implementation of the Act.

5.5.7 Women's knowledge of police duties in matters of domestic violence

The findings of the study revealed that survivors' knowledge and understanding of police duties in relation to domestic violence was insufficient. Different agencies and other stakeholders confirmed that survivors of abuse lack clarity on the duties of police in relation to domestic abuse. The duties included, carrying out investigations and arresting perpetrators of abuse, advising the complainant on how to obtain shelter and medical treatment and, advising the complainants on how to apply for a Protection Order. A survivor of abuse lambasted police officers who insisted on arresting her abusive husband, she said:

> *We do not believe it is right for police to arrest our husbands after they bit us. We expect police to mediate and resolve conflicts* (A terse statement from an uninformed abused woman participant on 24 July 2018).

A police officer weighed in, saying:

> *Women seek police intervention when beaten by their intimate partners but they do not expect us to institute investigations and make arrests. They expect us to mediate in their disputes and for abuse to stop not for their partners to be incarcerated* (Comments made by Victim Friendly Officer on 13 March 2018).

The statements made by the survivor and the police officer showed that women were not clear about investigating and arresting duties of police.

The research findings further revealed that survivors also lacked knowledge about the duties of police in advising complainants on how to obtain shelter and medical treatment. A ward coordinator confirmed this below saying:

> *In our interactions with women, we have realized that they are not aware of police duties to advise survivors on how to obtain shelter and medical treatment. Our advice is not taken on board* (Comments made by a ward coordinator on 3 March 2019).

The duties of police officers, in advising complainants of the right to apply for relief under the Act, elicited interesting comments. Representatives from different agencies indicated that there was a huge gap in terms of survivors' knowledge, let alone of a Protection Order. A court official summed up the situation of women vis-à-vis a Protection Order by saying:

> *We have not received any referral from police regarding applications for Protection Orders from survivors of abuse. Police confirmed during our Multi-Sectoral meetings that women are not coming forward to seek advice on Protection Order application (An extract from an officer of the court on 3 February 2019).*

The responses of participants from different agencies generally agreed that survivors of abuse were not conversant with the duties of police as outlined in the Act. The fact that women never made inquiries to police on Protection Orders is an indication that they were not familiar and conversant with police work on these matters of domestic abuse.

5.5.8 Chapter conclusion on knowledge and awareness of provisions of the Domestic Violence Act

This section presented and analysed findings on women's knowledge and understanding of provisions of the Domestic Violence Act. Research findings indicated that women had sufficient knowledge and understanding that physical forms of abuse which caused grievous bodily constituted domestic abuse. There was , however, no clue that 'less threatening and harmless' forms of physical abuse constituted abuse.

Survivors' knowledge and understanding of the other forms of abuses encompassing psychological and emotional abuses, sexual and economic abuses were woefully inadequate. Women's lack of knowledge and understanding of the forms of abuse was

demonstrated by their failure to report these to the relevant authorities, particularly the police.

Research findings further showed that women in the three wards under study had different levels of knowledge and understanding of safe shelters. Women in ward four possessed knowledge of safe shelters, as, they made inquiries about them. The situation was, however different for survivors of abuse in Ward three and thirteen, who never made inquiries about these facilities, hence they lacked awareness and knowledge about them.

This section further examined women's knowledge and awareness of police duties in relation to domestic violence. Women demonstrated lack knowledge of police duties, as they did not report their abusers to the law enforcement agents to institute investigations and make arrests. Survivors also did not report to the police to seek advice on how to obtain shelter and medical treatment. This section further noted that survivors were also not conversant with police duties, as they also failed to seek advice from police on the right to apply for relief under the Act. Though not directly linked to survivors' knowledge of the provisions of the Act, this section also looked into forms of abuse experienced by survivors of domestic violence. The next section presents findings on the adequacy of the Act in preventing and curbing domestic violence against women.

5.6 Adequacy of the Domestic Violence Act to prevent and curb domestic violence

This section presents and analyses findings on the adequacy of the Act in preventing and mitigating domestic violence in rural communities. This is related to Research Question One, which reads:

> *To what extent are the provisions of the Domestic Violence Act adequate enough to prevent and curb incidences of domestic violence in rural communities?*

5.6.1 Strengths of the Act

5.6.1.1 Comprehensive definition of domestic violence

Data gleaned from documents and generated from in-depth interviews and group interviews revealed that the greatest strengths of the Zimbabwean Domestic Violence Act lies in its broad definition that it gives to domestic violence. Domestic violence is defined in the Domestic Violence Act [5:16] as:

"Any unlawful act, omission or behaviour which results in death or the direct infliction of physical, sexual or mental injury to any complainant by a respondent and includes the following, physical abuse; sexual abuse; emotional, verbal and psychological abuse, economic abuse, intimidation, harassment and stalking...."

The definition provided by the Act has been hailed by representatives from different agencies such as police, court officials and those from Musasa Project who all concurred that the broad definition proffered by the Act is quite comprehensive, detailed and progressive as it stipulates what constitutes domestic violence.

A Magistrate stationed at Rutenga Magistrates' court aptly captured the adequacy and comprehensiveness of the Act as follows:

> *The legislation can be best described as quite adequate and solid enough to deliver elusive freedom and justice to underprivileged members of society facing the scourge of domestic abuse (Comments made by a Magistarte at Rutenga circuit on 4 May 2019).*

Representatives from the Ministry of Women Affairs applauded the comprehensiveness of the definition of the social phenomenon. This is shown by the following statements from one official:

> *The definition provided in the Act is quite exhaustive as it managed to categorise all forms of behaviour which constitutes domestic violence such that there is no infraction which violates the rights and dignity of women which was left out. The clarity can enhance implementation of the Act* (Statement by an official from the Ministry).

Police officers also added their voice to the adequacy of the Act in terms of the definition it proffers. They indicated that the Act is quite sound and solid in terms of its

definition as it covers all forms of abuse suffered by women. The following comments bear testimony to this:

> *The dentition of domestic violence is quite solid in terms of the way the social phenomenon has been conceptualized. This leaves agencies and other stakeholders tasked with the implementation of the legislation with no doubt about the scope of the issue to be dealt with* (Comments made by Officer-in-Charge at Mwenezi police station on 4 February 2019).

The responses from groups of people representing different agencies suggested that the definition of domestic violence was well conceived and adequate to provide protection to survivors of abuse, as it casts the net wider in the manner it conceptualises the phenomenon. It is noted that the definition is plausible as it is extensive and exhaustive by including a range of deviant behaviours within its canvass.

5.6.1.2 Elaborate capture of forms of domestic violence

An elaborate description of the various forms of domestic violence is a critical component in the implementation matrix of the Act. Reviewed academic articles and other documents showed that the Zimbabwean Domestic Violence Act is adequate to nip the vice of domestic violence in the bud. The Act was applauded for capturing and incorporating various forms and manifestations that constituted domestic abuse. This is shown from scholars' observations below:

A Musasa Project (2008) document posits that the Act is comprehensive and exhaustive in the sense that it captures the various forms and manifestations of what constitutes domestic violence. These include physical abuse, economic abuse, psychological and emotional abuse, sexual abuse, intimidation, stalking and harassment.

The Police Post (2017) applauds the provisions of the Act, noting that it provides a detailed description and explanation of each form of domestic abuse. For instance, economic abuse is described and conceptualized to include unreasonable deprivation of economic and financial resources to which the applicant is entitled under the law or

which the applicant requires out of necessity, including household necessities, medical expenses, school fees, rent and mortgage expenses.

A court official stationed at Rutenga Magistrates' court complemented academic articles and other documents on the detailed description of forms of domestic violence, she said:

> *"A major strength which typifies the adequacy of the Act is that it expounded on the various forms of domestic abuse"* (An excerpt from a Magistrate at Rutenga on 4 March 2019).

Responses from different people representing different agencies and academic papers reviewed suggested that the exhaustive categorisation of forms of abuse proffered by the Act is sufficient and sound to deal effectively with all forms of abuse facing survivors. It was thus noted that implementing agencies and other stakeholders tasked with the implementation of the Act would not have any problems interpreting or recognising whether behaviour amounted to violation of women's human rights.

5.6.1.3 Interrogating adequacy of Protection Orders as a relief to survivors

A Protection Order is the principal remedy for survivors of domestic violence. It seeks to bar the perpetrator from abusing the vulnerable survivor. Reviewed literature has shown that a Protection Order as a remedy is sufficient to deal with any incidents of a domestic violence nature. This is shown by the literature below:

Musasa Project (2008) argues that a huge strength of the Protection Order lies in making a provision for an application of this order to be lodged in a representative capacity for persons without capacity to act on their own. According to the Domestic Violence Act (2007), powers are conferred to a complainants' representative defined as a police officer, a social welfare officer, a person acting on behalf of a church to apply for a Protection Order on behalf of the complainant.

A clerk stationed at Rutenga Magistrates' court commented on the adequacy of a Protection Order in guaranteeing safety to survivors of abuse. She states that a

Protection Order is adequate as a form of relief for survivors of abuse. This is shown by the following comments she made:

> *Protection Orders as forms of relief are complete and adequate to secure justice for survivors of domestic scourge. For instance, an application may be brought outside ordinary court hours if the court is satisfied that the complainant requires urgent intervention (Comments by a Clerk of Court on 5 March 2019).*

Representatives from Musasa Project indicated that a Protection Order as a form of relief for survivors is sufficient to curb forms of domestic violence. The statements below bear testimony to this:

> *Protection Orders offer friendly and flexible remedies to survivors of domestic violence since both criminal and civil remedies are provided. This broadens the sources of relief survivors can call upon in the event of a social ill of a domestic nature* (Statements made by a Muaasa Project Officer on 4 May 2018).

The sentiments from people representing different agencies showed that a Protection Order, in terms of its coverage and target, is a sufficient remedy in guaranteeing peace to women. It was noted that a provision in the Act allowing an application for a Protection Order to be made by someone in a representative capacity is quite inclusive and exhaustive as it makes domestic violence everyone's responsibility.

5.6.1.4 Provision of Anti-domestic violence counselors

Research findings revealed that the Act receives numerous plaudits from many articles and officials from different agencies for the inclusion of Anti-domestic violence counselors. This was shown by the following statements and observations;

The Newsday of 25 November 2018 says:

> *The Act through a provision of anti-Domestic Violence Council provides a good starting point for the elimination of domestic violence. What seems to be problematic are implementation challenges encountered by role players such as police* (An extract from Newsday of 25 November 2018).

Representatives from Musasa Project felt that the Act was made more complete by the inclusion of the provision of anti-domestic violence counselors in the Act. This is confirmed by the statements of the Matron at Hebron Safe Shelter, she says:

> *The provision of anti-domestic violence counselors at ward, district and provincial levels was well thought-out. Such a provision makes the Act adequate as it enables women to access required services without problems* (Comments by the Matron at Hebron Shelter center).

The sentiments of the Matron were echoed by a ward Councilor, who observed:

> *Since all Traditional leaders automatically become counselors, this provision enables them to play a meaningful role in preventing and mitigating domestic violence*(Statement made the Councillor for ward 13 on 28 July 2018).

The responses above showed that the provision of Anti-Domestic Violence counselors is a progressive and positive aspect of the Act as the counselors were expected to keep under constant review the problem of domestic violence in Zimbabwe by monitoring the application and enforcement of the Act and any other law relevant to issues of domestic violence.

5.6.2 Shortcomings of the Act

Despite the positives inherent in the Act, it has some limitations which might have hindered it from effectively protecting survivors of domestic violence. These are hereunder highlighted:

5.6.2.1 Failure to acknowledge root causes of domestic abuse

Research findings revealed that notwithstanding the strengths inherent in the Act, weaknesses were also noted. This is shown by arguments from reviewed research articles below:

Chuma and Chazovachii (2012), and The Outpost (2017) note inherent gaps and flaws in the Act in the sense that it does not cover, or was silent on, infidelity issues which were at the epi of causing many disputes in the domestic sphere. It noted that because

the Act is silent on issues of infidelity, it can not be viewed as an adequate and effective instrument to fight and curb domestic abuses.

Similarly, Magokorokosho (2010) scrutinises the Act and established that it did not take into consideration measures and strategies to deal with cultural practices and belief systems that fuelled cases of domestic violence, particularly in rural communities.

Police officers indicated that the Act had some gaps which could undermine its effectiveness. This is shown by one officer's statement. She says:

> *"The Act has flaws in that it does not make reference to root causes of domestic violence such as infidelity"* (A recorded statement from a poice officer on 20 June 2018).

Musasa Project (2018) made observations that the Act had gross shortcomings as it had some omissions and is silent on the role of the patriarchal system in entrenching and deepening traditional ideologies fuelling domestic violence. There had been no attempt or intention to address the root causes of domestic violence.

Both scholarly articles and responses from officers representing different agencies showed that failure to make reference to the causes fuelling domestic violence is a monumental weakness associated with the Act.

5.6.2.2 Lack of measures to rehabilitate the offender

Data generated from in-depth interviews and reviewed research articles indicated that the Act has been criticized for its failure to contain any measures to rehabilitate the offender. This is shown by the statements from people representing different agencies;

Police officers note that the Act is inadequate in the sense that it does not have any measures to rehabilitate the offender. The Officer in Charge at Rutenga Police Station confirms this, saying:

> *"The Act is very robust although its failure to contain measures to rehabilitate the offender is its Achilles heel"* (An excerpt from the Member in-Charge, Mwenezi on 26 February 2019).

The Magistrate at Rutenga Court Circuit echoes the views of the Officer-in-Charge by saying:

> *By assuming that the perpetrator is always wrong, the Act is deemed woefully inadequate as it does not confront the huge elephant in the room but rather only providing palliative care to the victims* (Comments from a Court Official on 29 February 2018.)

Findings and arguments from scholarly articles also revealed that the Act had some gaps and limitations owing to failure to rehabilitate the perpetrator. Arguments from scholars such as Magorokosho below attest to this:

Magorokosho (2010) notes that by focusing more on punishing the perpetrator instead of educating and rehabilitating him, the Act exhibits glaring weaknesses, subsequently compromising the safety of survivors.

Responses from interviewed participants representing different agencies and reviewed articles clearly show that the Act has some limitations as it fails to make provisions for the rehabilitation of perpetrators of domestic violence. It is noted that this is crucial in ensuring family tranquility and harmony, thereby preventing the occurrence of domestic abuse in future.

5.6.2.3 Lack of operational guidelines and training to social service agencies

Research findings revealed that there were no operational guidelines issued to some agencies involved in the fight against domestic abuse. This is shown from statements of police officers. A police officer had this to say:

> *Operational guidelines in view of the anti-domestic violence legislation and training was only offered to officers in the Victim Friendly Unit yet even general officers attend to incidences of domestic violence* (Comments from a police Officer on 28 March 2018).

Judicial officers also bemoaned lack of operational guidelines and training offered to court officers prior to implementation of the Act. This was confirmed by the comments from a Court Official who had this to say:

> *No prior training was done to sensitise service providers on the scope of the new legislation. Operational guidelines were also not given for officers to familiarize themeslves with the law(*Comments from a Prosecutor stationed at Rutenga on 26 May 2018)

The responses from representatives of police and court officials showed that operational guidelines on how to implement the law or deal with survivors of abuse were not given to agencies involved in the enforcement and implementation of the Act. It was noted that the Act has some gaps from the outset, since no training has been offered to service providers.

5.6.2.4 Chapter conclusion on the adequacy of the Act to prevent and curb domestic violence

This section presented two themes that focused on the adequacy or inadequacy of the Act as an antidote to domestic abuse. The first theme explored the strengths of the Act, while the second one concentrated on its shortcomings.

The findings and analysis of the data revealed that the Act was appropriate, relevant and adequate to deliver justice to survivors of domestic violence. The adequacy of the Act was typified by the comprehensiveness of the definition of domestic violence, its elaborate capture of different forms of domestic violence and adequacy of remedies to protect survivors of abuse such as Protection Orders.

The shortcomings of the Act were represented by the failure to acknowledge the root causes of domestic violence, lack of measures to rehabilitate the offender and lack of operational guidelines and training for service agencies.

Overall, notwithstanding the aforementioned shortcomings, the Act was deemed quite solid and adequate to provide and guarantee protection to vulnerable sections of the

community against cases of domestic violence. This meant that if properly and vigorously implemented, the Domestic Violence Act could manage to curtail occurrences of domestic violence against women in rural communities. The next section presents findings on constraints impeding effective implementation of Domestic Violence Act in rural communities. It focuses on obstacles hindering women from reporting incidences of abuse to police.

5.7 Barriers hindering survivors of domestic abuse from reporting their ordeal to police

This section interrogates constraints faced by survivors of abuse that militate against effective implementation of the Domestic Violence Act in rural wards of Mwenezi District. This is related to Research Question Three, which reads:

> *What constraints militate against effective implementation of Domestic Violence Act in rural communities of Mwenezi district?*

The study revealed that women faced various impediments in reporting cases of abuse to police and other stakeholders. The various factors are presented as follows:

5.7.1 Economic security challenges

Research findings revealed that women in rural communities lacked financial independence as they dependeded on their male partners to sustain their livelihoods. Representatives from different agencies indicated that poverty among women incapacitated them from taking action against the scourge of abuse. This is shown by statements from survivors:

> *As women in rural areas, we do not own land, livestock and do not possess skills to survive independent of our husbands. Everything is provided by our partners (Comments from an abused female on 23 May 2018).*

The views of officials from the Ministry of Women Affairs were solicited and the following revelations emerged:

Women in rural communities lack ownership and control of productive resources such as land which is vital for their livelihoods (Statement by a Community Development Officer on 28 May 2018 at Neshuro offices).

Representatives from police, traditional leaders and Musasa Project made similar observations. They all agreed that women's lack of economic independence is a major constraining factor blocking survivors from reporting abuse to police. A representative from Musasa Project sums up the pathetic situation of survivors thus:

The majority of women in rural areas depend financially on their male partners as they do not own the means of production. They cannot report their source of livelihoods to police as their husbands provide everything including food, clothes and fees for the children (An extract from a representative from Musasa on 16 June 2019).

The sentiments expressed by all groups of people interviewed showed that women's precarious socio-economic status is an albatross around their neck, which hinders them from reporting abuse to police. As a poverty stricken segment of rural populace, survivors of abuse require the benevolence of their husbands to meet their basic needs. It was noted that the feminisation of poverty was a huge constraining factor preventing women from reporting cases of abuse to police and other relevant agencies. There was so much fear among women that they couldt lose economic support from their partners the moment they reported the abusive partner to the authorities.

5.7.2 Fear of backlash for reporting domestic abuse

Data generated through in-depth interviews and focus group interviews revealed that women were gripped by fear of backlash and social costs associated with disclosing their victim status to police or making their situation public. This is shown by the responses of survivors of abuse. One woman spurred on by fellow women during a group interview said:

Sometimes we find ourselves as women between a rock and a hard place. My brother, we find it difficult to alert authorities about cases of abuse perpetrated by

our partners because sometimes we are lambasted by our families and society at large once we disclose abuse meted against us (Comments made by women during a focus group interview on 5 July 2018).

Representatives from Musasa Project, police and officials from the Ministry of Women Affair all confirmed that women stayed in abusive relationships because of fear of backlash from male partners. They were afraid that the perpetrator of abuse could even harm the women's children and relatives. An official from the Ministry of Women Affairs succinctly put the fears of survivors as follows:

The major impediment facing survivors of abuse to speak out and protect themselves against domestic abuse is fear of revenge and further abuse by the male partner. (Comments by an official from the department of Women Affairs on 13 May 2019).

The responses from representatives of different agencies and other stakeholders bore testimony to the fact that fear of backlash among women prevents survivors from taking action to prevent and mitigate against the social ills of domestic violence. It was noted that the rate of disclosure and reporting of domestic abuse incidents was low owing to fear of backlash and costs associated with making the scourge public. It was further noted that the fear of reprisals concerns provided abused women with sufficient reasons to stay in abusive relationships as the mere thought of reporting was considered suicidal and untenable by the terrified and petrified impoverished women residing in rural communities.

5.7.3 Cultural practices as a hindrance for survivors in reporting abuse to police

Research findings showed that cultural ideologies and traditional practices was another major obstacle hindering women from reporting domestic violence cases to police. Women remained stuck in abusive relationships owing to cultural ideologies and traditional practices. Women indicated that cultural ideologies and traditional practices which still held sway in rural areas exerted a lot of influence on women. This diminished any hope of acting contrary to them. The following responses from women bear testimony to this.

> *We are taught as women the moment we are born to respect our culture. Culture has also taught us not to wash our dirty linen in the public and to keep family secrets. We cannot therefore report abuse lest we are labeled deviants and hot heads (*Comments from an abused women on 4 March 2019).

Representatives from different agencies and other stakeholders also indicated the coercive influence of cultural ideologies and traditional practices in preventing survivors of abuse from reporting their ordeal to the authorities. An official from Musasa Project confirmed that culture and tradition significantly reduce any chances for survivors reporting abuse to police. She said:

> *Cultural practices keep a tight veil of secrecy around issues of domestic abuse perpetrated against women. Many women tolerate abuses largely because of fear of going against cultural practices prevailing in a given area(*Comments from an official representing Musasa Project).

Traditional Leaders added their voice to the issue of cultural ideologies and traditional practices by arguing that people should respect their culture to prosper. One traditional leader had this to say:

> *Since time immemorial, our culture does not allow dirty linen to be washed in public. Our women are not permitted by cultural norms and values to report cases of abuse to the police. In the event of domestic abuse, a good nurtured wife should follow the right protocols and not involve external people like the police* (Statement from a village head, ward four, on 4 July 2019).

The responses from people representing different agencies and other stakeholders confirmed that socio-cultural norms which held sway in rural communities dictated a *de facto* subordinate position for women, both in public and private spheres. Women were, thus, constrained by cultural and traditional practices from reporting incidences of abuse to the police. This means that cultural practices greatly perpetuated violence against women and undermined any endeavors to ameliorate domestic abuses suffered by survivors.

5.7.4 Perception of domestic violence as a private matter

The study revealed that domestic violence was viewed as a private matter by survivors when it happened between intimate partners. It was noted that women were socialised from an early age, never to disclose or share domestic issues with external agencies or the outside world as the issues of domestic abuse were deemed a private issue. This is borne out by the responses of women themselves. A woman confirmed this notion of domestic abuse as a private issue, saying:

> *The majority of us women do not go to the police when beaten by our husbands. Marriage is considered as sacrosanct and whatever happens there should remain a top secret. A well groomed woman is expected to keep family issues secret even when beaten by a husband* (An excerpt from abused an female on 7 April 2019).

Traditional leaders added their voice to the issue of treating domestic violence as a private issue by survivors. It was noted that traditional leaders had similar views to those of survivors. A headman in one of the three wards commented as follows:

> *Women in our jurisdictions, believe rightly so, that domestic matters are not for public consumption including issues of conflict particularly between husband and wife* (Comments made by a headman in ward 13, on 4 July 2018) .

Police officers and representatives from Musasa Project complained that women's perception of domestic abuse as a private matter undermined their efforts to deal with the phenomenon in a ruthless manner. A police officer summed up the feeling as follows:

> *"Our determination to deal decisively with perpetrators of abuse is thwarted by survivors who believe that domestic violence is a private matter"* (A terse statement by a police officer at Matibi base on 4 July 2019).

The responses of participants from different agencies showed that the phenomenon of domestic abuse wass perceived as a private matter by women particularly when the

relationship was intimate. Such a perception shared among survivors of abuse prevented them from reporting forms of abuse to the police.

5.7.5 Availability and accessibility of police stations

It emerged, from the findings of the study, that the unavailability and inaccessibility of police stations in rural areas impeded women from lodging complaints against perpetrators of abuse to the police. This was laid bare by responses from survivors of abuse. During a group interview, a woman said:

> *Many women stay with husbands who beat them because there are no police offices for one to go and get assistance* (A statement from a female during a focus group discussion on 5 July 2018).

Representatives of Musasa Project, Ministry of Women Affairs, police and other stakeholders such as traditional leaders all agreed that survivors of abuse were not reporting cases of domestic violence because of the unavailability of police stations or police posts in many wards in rural areas. The Matron at Hebron safe shelter captured this reality saying:

> *Survivors of domestic violence sometimes do not report cases of abuse to the police because of the unavailability and inaccessibility of police stations in most wards in rural areas* (A statement from a Matron at Hebron Shelter Center on 13 May 2018) .

The research findings confirmed that in the wards where police posts or temporary bases were available, survivors faced yet another hurdle of inaccessibility of these facilities. For example, it was noted that the physical infrastructure of police posts found in rural areas lacked proper ‘charge offices’ for abused women to feel free and comfortable to file complaints of abuse against offenders. The comments of one police officer were apt. She says:

> *We have no police stations in most rural wards here. Some wards are serviced by police posts and bases that are not ideal to fight the threat posed by domestic violence* (Comments by a police officer at Rutenga station on 3 June 2019).

The revelations by survivors of abuse and people representing different agencies suggested that police stations in rural wards were insufficient and, subsequently, police officers were not visible to survivors of abuse. It was noted that this undermined the dispensing of justice to survivors of abuse as police officers were a critical component in safeguarding and protecting the rights and interests of abused women.

5.7.6 Availability and accessibility of a safe shelters

Representatives from different agencies and other stakeholders indicated that the limited number of safe shelters and insufficient space at the center acted as a bulwark against women disclosing and reporting incidents of abuse to service providers such as Musasa Project. It was observed that there was only one safe shelter located at Hebron High School to provide counseling and legal aid services to the whole district of Mwenezi. A Musasa Project official bemoaned lack of safe shelters in rural areas and insufficient space to accommodate people in need of the services. She says:

> W*e have this facility in place located at Hebron High School to service the whole district of Mwenezi and other districts like Chivi which do not have such shelters. The shortage of safe shelters compromises survivors' intention to disclose and report their ordeal* (A statement by an official from Musasa Project on 4 April 2019).

A headman commented on the availability and accessibility of safe shelters, saying:

> *The safe shelter at Hebron is just as good as not available and inaccessible to the majority of survivors because it cannot accommodate many people and quite a number of people are not even aware of its existence* (An excerpt from a headman in ward 3 on 3 March 2019).

The testimonies of participants reflected genuine concerns of survivors of abuse due to the fact that there was only one safe shelter available which was not readily available and accessible to an alarmingly high number of survivors dotted around the district. It was noted that many survivors of domestic abuse were left with no choice but to remain in abusive relationships.

5.7.7 Chapter conclusion on barriers constraining survivors of abuse from reporting domestic violence to the police

This section presented and analysed findings on obstacles preventing survivors from laying charges against perpetrators of abuse at police stations. There were six sub-themes that emerged from the study namely, economic security challenges, fear of backlash for reporting abuse to the authorities, cultural practices, perception of domestic violence as a private matter, availability and accessibility of safe shelters, as well as the availability of police stations and visibility of the police in rural communities.

The research data revealed that survivors of abuse were not keen to report their tormentors to law enforcement agents due to lack of economic independence. These women solely depended on their spouses for their livelihoods, hence did not want to antagonise their sources of survival. The findings showed that the majority of women were not employed, as they survived on farming on land owned and controlled by their partners.

From the findings, it emerged that the fear of backlash for reporting incidences of abuse to police was another huge barrier preventing survivors from reporting perpetrators of abuse to the police. Survivors were afraid that the perpetrators would revenge and cause damage when they found that they had been reported to the police. Cultural practices emerged as another challenge affecting reporting of abuse by survivors to law enforcement agents.

The findings further revealed that the perception of domestic violence as a private matter dissuaded many survivors from lodging complaints against violators of the law. The data further revealed that lack of availability of, and inaccessibility of the safe havens in the district negatively affected and limited survivors' options when confronted with cases of domestic violence.

The findings of the study further revealed that lack of availability of police stations and invisibility of police officers on the grounded has negatively affected survivors' capacity

to lodge complaints with police. The next section presents findings on challenges faced by survivors when reporting perpetrators of abuse to police.

5.8 Challenges faced by survivors of abuse when reporting cases of abuse to the police

The following section explores challenges faced by survivors of abuse when reporting domestic violence to law enforcement agents. This is related to Research Question Five, which reads:

> *What challenges are faced by survivors of abuse when reporting cases of domestic violence to law enforcement agents?*

Research findings revealed that survivors of domestic violence faced several challenges when reporting cases of abuse to law enforcement agents. The challenges are presented as follows;

5.8.1 Police station environment and fear of police

Research findings revealed that the state of police station environment in rural areas was a major hurdle faced by survivors of abuse when reporting incidences of abuse to law enforcement agents. Officials representing different agencies and other stakeholders confirmed that the deplorable state of police station environment and fear of police posed a big challenge for women to report abuse they encountered on a daily basis This is shown by the responses of survivors of abuse below;

> *The makeshift police station at Matibi Hospital is located in the middle of nurses' houses. The house which is used as a charge office is also used as accommodation by officers* (Comments by an abused female on 17 september 2018).

A police officer stationed at Matibi Police base buttressed the comments of the survivor of abuse, he said:

> *The location of the station here at Matibi is not appropriate for survivors to file complaints against cases of domestic violence since there is no privacy. For one to get to this police station, one has to navigate through several nurses' houses* (A statement made by a police officer on 18 December 2018).

It further emerged, from the findings of the research, that representatives from Musasa Project and other agencies that survivors of abuse lacked confidence in police and generally feared them owing to lack of conducive environments at police stations and poor police attitudes. This is shown by the following statements from the matron at Musasa Project:

> *There are no Victim Friendly Units in most rural areas. There are usually small rooms where survivors usually have their statements recorded by police*(Comments made by an employee of Musasa Project 10 January 2019).

Traditional leaders also indicated that women in rural areas were not comfortable with police officers, as they sometimes brutalised survivors for no apparent reason.

The comments and statements from groups of participants interviewed in the study showed that conditions at police stations, base stations and police posts in rural areas were not conducive for survivors to be comfortable to file their complaints effectively against perpetrators. There was generally fear of the police by survivors of abuse, owing to unfriendly police station environments and the bad conduct of some officers.

5.8.2 Police corruption

The researcher sought the views of police and other officials representing different agencies in relation to alleged corruption bedeviling the force. The adverse impact of corruption on effective implementation of the law to safeguard women against the scourge of abuse were also sought. Research findings revealed that some law enforcement agents were corrupt when dealing with cases of domestic violence in rural communities. The statements from survivors bear testimony to this: One survivor said:

> *Police officers take advantage of our desperate situation as women to demand chickens and goats to perform their duties. Without paying something, no help is given* (Words spoken by a survivor of abuse in ward 4 on 12 March 2019).

Musasa Project representatives together with those from the Ministry of Women Affairs, police and other stakeholders confirmed that police corruption was so endemic and ubiquitous that survivors of abuse faced a huge hurdle. The statements from the Member-in-Charge at Rutenga Police Station confirmed police corruption:

> *Like any other organisation in the country, we have some officers that are corrupt but they are not many. Corruption is an evil that has corroded the police force. Culprits are however dealt with severely when found on the wrong side of the law* (A police officer words during an in-depth interview on 3 February 2019).

The revelations by representatives of different agencies, including police themselves, that they demanded 'unofficial fees' and bribes from complainants to institute investigations and effect arrest, had been noted as one of the major challenges encountered by women when reporting domestic abuse to police. This dissuaded women from reporting cases of domestic violence to police.

5.8.3 Police attitudes towards domestic violence

The findings of the study indicated that the attitude of police officers when confronted with incidences of domestic abuse was pathetic. Representatives of different agencies and other stakeholders confirmed that poor attitudes by police towards the phenomenon of domestic abuse presented a challenge of gigantic proportions to survivors. This is borne out by comments from survivors of abuse. One survivors had this say:

> *"...Staring at me, the officer simply told me it was my fault that my husband was beating me when i went to the station to report my husband"* (Words spoken by a female participant following ill treatment by police on 17 April 2018).

Representatives of the police also confirmed that negative attitudes by some of their colleagues when approached by survivors of abuse were rampant. The following statement by a police officer illustrated this point:

> *We have received brickbats from the community accusing us of not doing anything to stamp out corruption in the rank and file of our organisation to alleviate suffering experienced by survivors of abuse* (Words spoken by a police officer at Sarahuro base station on 17 October 2018).

The responses from different groups of participants interviewed showed that the attitude of the police in relation to domestic violence was appalling. It was noted that domestic abuse remained high owing to police ineptitude and poor attitude. It was further noted that due to negative police attitudes, the pleas and cries of survivors were not attended to as swiftly as required or were not even attended to at all.

5.8.4 Police bias and stereotypical behaviour of police towards women

Research findings revealed bias and stereotypical behaviour on the part of law enforcement agents when dealing with cases of domestic violence reported by women. Participants representing different agencies and other stakeholders bemoaned gender bias and stereotypical behaviour exhibited by police. The sentiments from survivors depicted this reality. One of the survivors said:

> *Police do not act swiftly and fast enough when a woman seeks help from them. As women, we feel we are unfairly treated simply because we are women. We have seen police doing everything when our husbands need help from them* (An extract from an abused female participant in ward 13 on 19 September 2018*).*

Another woman concured with the above sentiments, adding:

> *"As women, it is like police officers are not concerned about our plight"* (A terse statement by a frustrated and abused woman in ward 3 on 25 June 2018).

Police officers' responses also revealed their biased tendencies against survivors of abuse. The statements from one police officer aptly captured this point.

> *Reports made by women are treated with caution as they make false reports on many occasions. More often than not, many women unlike men withdraw cases of abuse after police have invested a lot of time and resources making*

investigations (An extract from a police officer during a group interview on 23 june 2018).

The above responses from different groups of people interviewed showed that police officers were biased against women survivors of abuse who file cases against their abusive husbands. It was noted that police officers were willing and more prepared to assist men, particularly on matters of stock theft, than assisting women survivors of abuse. The unethical conduct by police posed serious challenges and repercussions. Survivors in the end were forced to stay in abusive relationships because they were not willing to report cases to such 'unresponsive and uncouth officers'.

5.8.5 Chapter conclusion on challenges faced by survivors when reporting cases of domestic abuse to police

This section focused on challenges faced by survivors of abuse when reporting cases of abuse to the police. It emerged, from the findings, that police station environment and fear of police presented a huge hurdle for abused women to file cases with police. It was quite evident that police officers were demanding bribes from survivors of abuse to institute investigations and make arrests. Poor police attitudes towards cases of domestic abuse also affected women, resulting in withdrawal of cases and survivors staying put in abusive relationships.

The findings of the study also established that police bias ad stereotypical behaviour against women survivors of abuse negatively affected survivors' resilience to deal with cases of domestic violence. The next section presents findings on challenges faced by agencies involved in the enforcement and implementation of the anti-domestic violence legislation.

5.9 Obstacles faced by agencies fighting domestic abuse

The following section presents challenges faced by agencies involved in the enforcement and implementation of the Domestic Violence Act in rural wards of Mwenezi District. This is related to Research Question One, which reads:

What constraints militate against effective implementation of Domestic Violence Act in rural communities of Mwenezi District?

5.9.1 Resource constraints faced by the Ministry of Women Affairs, Community, Small to Medium Enterprises Development

Interviewees revealed that the Ministry of Women Affairs, Community, Small to Medium Enterprises Development was facing financial woes which incapacitated it to carry out its programs and projects to prevent and mitigate the conundrum of domestic abuse. This is borne out by the statements by survivors. A young woman in her mid-twenties said;

> *Our coordinator always emphasises in all our meetings convened by Musasa Project when given time to talk about domestic violence that her ministry doesn't have money to raise awareness of domestic violence* (An excerpt from female participant in ward 13 on 17 February 2019).

The views of the survivors of abuse were buttressed by an official from the Ministry of Women Affairs, who stated that:

> *The economic challenges currently bedeviling our country and Ministry in particular undermined our efforts to deliver a non violent society* (Words spoken by an officilal from the department of Women Affairs).

The official went further and mentioned that her ministry sometimes failed to hold important commemorations such as the 16 Days of Activism against Gender Based Violence, International Day of the Girl Child, and the International Day of Rural Women to educate people about the provisions of the Act, due to financial constraints.

It was noted that the Ministry of Women Affairs, the lead agent in the coordination and implementation of the Act, was too plagued by serious resource constraints to effectively carry out important programs and projects that could prevent and curb the skyrocketing cases of domestic abuse.

An official from Musasa Project confirmed the precarious financial status of the Ministry of Women Affairs, stating that:

> *The Ministry is in financial doldrums as it fails to line up activities to make it practically relevant to the needs of women due to resources constraints, both human and material. They are now referring all cases to our organisation, creating huge pressure upon us* (Words spoken by a Musasa Project representative at Hebron Shelter Center on 21 Novemeber 2019).

The revelations, particularly by a representative of Musasa Project, showed that the Ministry of Women was faced with severe financial constraints to assist survivors of abuse overcome the challenges they face in life. It was noted that the financial woes faced by the Ministry means that it fails to roll out important programmes to educate people on the provisions of the Act.

5.9.2 Scarce resources in the department of police

The findings of the study showed that at system and operational level, the department of police faced major resource limitations that inhibited optimal comprehensive survivor-friendly service provisions. This is shown by the following responses from police:

> *Shortages of both material and human resources has weakened our resolve as officers to discharge our duties in relation to domestic violence* (Comments made by police during a rare awareness camapign at Rutenga on 19 October 2018).

Judicial officers and representatives of other agencies involved in fighting for the rights of women indicated that the department of police was dogged by a serious lack of resources. This is confirmed by the statement from a magistrate based at Rutenga circuit, who says:

> *As officers of the court, we rely on police in a big way to execute our mandate. In the majority of cases, justice is not only delayed but denied as police do shoddy investigations citing lack of material and human resources* (Words spoken by a Magistrate at Rutenga circuit on 07 january 2019).

The responses of participants showed that the department of police had not been spared as it was also dogged by critical shortages of both material and human resources. This adversely affectsd the implementation of the Act, as police officers were expected to assume the largest responsibility to ensure that domestic violence offenders were accounted for. It was further noted that police officers were hamstrung by serious shortage of resources. They did not have vehicles and fuel to attend to call outs to carry out investigations and arrest violators of the law.

While the budgetary allocation of the department of police in relation to domestic violence was not available, it was clear from the sentiments of participants that police were not sufficiently supported with critical human and material resources.

5.9.3 Constraints faced by Musasa Project

Research findings revealed that Musasa Project, like other agencies fighting against domestic violence, also faced some challenges in executing their mandate and achieving zero tolerance to domestic violence. Officials from Musasa bemoaned lack of support from implementing partners of Domestic Violence Act. The Matron at Musasa Project offices at Hebron succinctly remarked as follows:

> *As Musasa Project, we work with various partners through the Referral Pathway System. Unfortunately our endeavors are now in vain as our fellow partners are now referring everything to us even issues that are within their purview* (A comment from a Musasa Project officer on 12 February 2019).

Representatives from other agencies indicated that Musasa Project was overwhelmed due to the ever-increasing in cases of domestic violence. It was noted that the only safe shelter in the district at Hebron High School was also not spacious enough to accommodate high numbers of survivors who needed accommodation and other requirements. A police officer attests to this saying:

> *Previously, we used to refer many survivors of abuse to Musasa for legal aid, skills training, counselling and for bus fare for survivors to travel to court. It now appears that they are now overwhelmed as they are now turning away some*

survivors (Words sopken by a police officer at Mwenezi station on 3 February 2019).

The responses from people from different agencies suggested that Musasa Project, like any other organisations in Zimbabwe tasked with the implementation of Domestic Violence Act, faced some constraints to effectively execute their mandate. It was noted, for instance, that providing legal and counseling services was a daunting task as Musasa had no such staff on the ground, particularly at the safe shelter.

Research findings further noted that Musasa Project no longer provided skills training and avail seed money to women to start their own small business owing to inadequate funding. The organisation depended on donor funding making their programmes unsustainable and accused of providing palliative care.

5.9.4 Under-resourced anti-domestic violence counsellors

Research findings revealed that the anti-domestic violence counselors were dogged by critical shortage of resources which crippled their operations. The following statement from one of the counsellors underlined their financial woes:

We have failed dismally as counselors to disseminate information and increase awareness of the public on domestic violence owing to financial challenges (Words said by a councellor during anin-depth interview on 7 March 2019).

An official representing the Justice and Legal Affairs Ministry, a member of Anti-Domestic Violence Council also bemoaned underfunding of the Anti-Domestic Violence Council as follows:

We encounter several impediments as counsellors in carrying out our mandate. The main challenges include restricted working space and inadequate financial resources (A statement said by an interviewee on 25 March 2019).

The responses were a clear evidence that anti-domestic violence counsellors faced crippling financial resources to execute their mandate as outlined in the Act. It was

noted that lack of resources and space culminated in counsellors operating at low capacity levels.

5.9.5 Knowledge of the provisions of the Act by agencies

Agencies within the chain of service provision relating to domestic violence were expected to have received training to sensitise them on the needs of survivors of domestic abuse. Research findings revealed that although the Act created responsibilities for the agencies and actors involved in the implementation of the law, some officials of various agencies demonstrated lack of knowledge to provide domestic violence survivors with the protection they were legally entitled to.

5.9.5.1 Knowledge of the Act by police officers

The findings of the study revealed that knowledge of the provisions of the Domestic Violence Act was low among general police officers who were not specialists from Victim Friendly Unit to effectively deal with the scourge of domestic violence. Representatives from different agencies made revelations that knowledge of the provisions of the Act among the police was not to the level expected. This is shown by the responses of a the police officer:

> *I am attached to traffic branch of police but sometimes I am deployed to deal with cases of domestic abuse without expertise in this area. This heavily compromises my efforts to deal decisively with this phenomenon* (Comments from a police officer on 24 March 2019).

Representatives from the Ministry of Women Affairs also made submissions regarding police knowledge of their duties and responsibilities towards domestic abuse. One officer remarked as follows:

> *Police officers have failed to arrest the perpetrators, turned away complainants, failed to open criminal cases and dismally failed to assist survivors to find suitable shelter owing to lack of knowledge about the provisions of the Act (Remarks by another officer on 24 march 2019).*

The participants' statements, as highlighted by representatives from agencies, indicated that police officers' knowledge of the provisions of the Act, particularly those not from the Victim Friendly Unit was poor owing to lack of specialized training on how to deal with or respond to incidences of domestic violence. It was noted that the Victim Friendly Units was not staffed by personnel specifically trained to handle cases of domestic violence. In some areas, there were no Victim Friendly Units as cases of domestic violence were attended to by general police officers and others from other branches such as the traffic section.

5.9.5.2 Knowledge of officials from the Ministry of Women Affairs, Gender, Small to Medium Enterprises Development on provisions of the Act

The study revealed mixed findings about officials from the Ministry's knowledge of the provisions of the Act. It emerged that those stationed at district and, community development officers, were quite conversant and knowledgeable about the provisions of the Act. Those at ward level, specifically ward coordinators, had insufficient knowledge regarding the provisions of the Act and their role in the whole process. This is shown by the statements of Musasa Project representatives. The Matron at the safe shelter said:

> *Some officials from the ministry have sufficient knowledge of the provisions of the Act, particularly at provincial and district levels, while those at ward level, specifically ward coordinators, seem to have insufficient knowledge* (Words spoken by a Matron at Hebron shelter center on 13 February 2019).

The sentiments of the Matron at the safe shelter were corroborated by a court official who made the remarks below:

> *Our Referral Pathway System is not working as expected as some officers like ward coordinators are not conversant with the provisions Act. They are appointed on party lines as they do not possess proper qualifications and skills to do the job* (Comments made by a clerk of court during a group interview on 27 October 2018).

One of the ward coordinators supported the sentiments of the court official saying:

Our role in the communities includes making sure there is peace in communities we serve. With regards to Domestic Violence Act in particular, we rely on our superiors at the district office and the party because the issue is so sensitive (A statement made the Coordinator ward 13 on 8 January 2018).

5.9.2.3 Knowledge of the Act by traditional leaders

It emerged, from the findings of the research, that traditional leaders' knowledge of the provisions of the Act was too inadequate to contribute efforts towards reducing the scourge of domestic abuse. Representatives from agencies and other stakeholders felt that traditional leaders' lack of formal education contributed immensely to this problem. Representatives from Musasa Project and Ministry of Women Affairs made the following comments, respectively:

Traditional Leaders are counselors by virtue of their positions in society. Since their positions are not determined by meritocracy, lack of knowledge owing to lack of formal schooling is their greatest undoing (Views from a Musasa Project employee on 17 June 2018).

Traditional leaders possess little knowledge regarding the content and provisions owing to lack of literacy. They fail to comprehend issues during workshops as they cannot read and write (A statement from a Community Development officer on 13 August 2018).

The responses suggested that officers from the Ministry stationed at the district offices were quite knowledgeable and conversant with their mandate regarding the implementation of the Domestic Violence Act. It was noted that on one hand, all the officers at district level possessed at least a first degree in social science. Ward coordinators, on the other hand, possessed insufficient knowledge about the provisions of the Act and demonstrated lack of confidence during the interviews. Traditional leaders, whose influence in rural areas was huge, were reported to possess insignificant knowledge of the provisions of the Act.

5.9.6 Chapter conclusion on findings of challenges faced by agencies fighting abuse

This section interrogated the challenges faced by agencies involved in the fight against domestic violence. The Ministry of Women Affairs, the department of police and, Anti-domestic violence counsellors faced human and material resource challenges to effectively discharge their duties as outlined by the Domestic Violence Act.

The resource constraints faced by these agencies incapacitated them from carrying out important programmes and implementing projects to reduce incidence of domestic abuse. The police, for instance, due to lack of material resources, failed on many occasions to conduct awareness campaigns on provisions of the Domestic Violence Act. Musasa Project, although financially sound in comparison with other agencies and stakeholders, also faced some challenges which debilitated its effectiveness in reducing cases of domestic violence. Lack of support from other agencies meant that the partnership framework in the form of Referral Pathway System impinged negatively on the organisation.

Lack of knowledge and understanding of the provisions of the Act were established by the research as one of the factors impeding effective implementation of the Act. The data revealed that some officers, particularly from the Ministry of Women Affairs at district level, had sufficient knowledge of the provisions of the Act, while those at ward level from the same Ministry had low understanding of the provisions of the Act. Police officers from the Victim Friendly Unit demonstrated solid knowledge of the Act, although they were few in the district. Shortage of specialist police officers from Victim Friendly Units resulted in general police officers being deployed to attend to cases of domestic violence.

It was noted that human and financial challenges faced by agencies involved in the fight against domestic abuse and insufficient knowledge of some officials from different agencies has stifled implementation of the Act to protect women from the scourge of domestic abuse.

*5.*10 Chapter summary

The intention of this chapter was to present the data gathered from the participants through in-depth interviews, focus group interviews and documentary analysis on the implementation of the Domestic Violence Act in rural areas of Mwenezi District. It emerged, from the findings of the study that survivors lacked sufficient knowledge and understanding of the contents and the provisions of the law to enable reporting of incidents of abuse to the police. This scenario adversely affected effective and efficient implementation of the law, as abuse continued unabated since survivors continued staying put in abusive relationships.

The findings of the study also revealed that the Domestic Violence Act, as an anti-dote to domestic abuse, wass quite adequate and solid enough to provide protection to survivors of abuse if fully implemented. Although some weaknesses were noted in the Act, they were outweighed by the strengths.

Data further revealed that survivors of abuse faced too numerous challenges to report their ordeal to law enforcement agents. The following barriers prevented survivors from reporting their ordeal to police: survivors' lack of economic independence, fear of backlash, cultural practices and ideologies and perception of domestic abuse as private matter.

It also emerged, from the findings of the study, that survivors of abuse encountered several impediments when reporting cases of victimization to the police. They faced a hostile reception from police officers when filing cases of abuse against perpetrators of abuse. Negative police attitudes, police corruption and police bias are some of the hindrances survivors have to contend with in their endeavor to reduce cases of domestic abuse.

As for hurdles faced by agencies involved in the fight against the scourge of domestic violence, data indicated that agencies including the police, Ministry of Women Affairs and Musasa Project faced a plethora of challenges that stifled their endeavor to deliver a non-violent society for the benefit of everyone particularly women and fellow vulnerable sections of the populace. From the findings, it also emerged that resources

constraints faced by the agencies make implementation of the Act a futile exercise. Having devoted this chapter to the presentation and analysis of data, the next chapter discusses in detail the findings of the study in light of the empirical literature and theoretical frameworks.

CHAPTER SIX

DISCUSSION OF RESEARCH FINDINGS

6.1 Chapter introduction

The previous chapter presented and analysed the findings of the study according to themes and sub-themes regarding the implementation of the Domestic Violence Act in Mwenezi district. This chapter discusses the findings of the study based on the major themes that emerged during in-depth interviews, focus group interviews and documentary analysis. The thrust is to identify keys areas in the findings so as to draw conclusions in as far as the implementation of the Domestic Violence Act in rural wards of Mwenezi District is concerned. The discussion is informed and grounded on current literature as well as the two theoretical frameworks that underpinned the study, namely African Feminism and the Control Theory.

6.2 Women's knowledge and understanding of provisions of Domestic Violence Act

The following section discusses women in rural areas' knowledge and understanding of the provisions of Domestic Violence Act. This is related to Research Question One, which reads:

To what extent do women in rural areas have knowledge and an understanding of the provisions of Domestic Violence Act?

6.2.1 Women's knowledge and understanding of forms of abuse

The study revealed that survivors experienced four forms of abuse which are physical, psychological and emotional, sexual, and financial and economic abuses. Despite the prevalence of forms of abuse experienced by women, it was shown that many forms

and incidences of domestic violence were not reported to police because survivors lacked sufficient knowledge and understanding of what constituted domestic abuse.

As revealed by the findings of the study, survivors of abuse reported to the police physical forms of abuse which inflicted bodily harm and were considered life-threatening. According to Dobash and Dobash (2004), detailed statistics concerning the consequences of violent acts revealed that women were much more inclined to report physical injuries and psychological scarring as a result of men's aggression towards them. It was further observed that other forms of domestic violence, although serious and extensive crimes, were often unrecognised and underreported (Lawrence, 1984).

By reporting physical forms of abuse which caused grievous bodily harm to police, survivors demonstrated sufficient knowledge and understanding of this dimension of physical abuse. The high rate of reporting of physical forms of abuse which left women with physical scars implied that implementation of the law with regards to physical forms of abuse was successful, as law enforcement agents and other relevant agencies could then respond swiftly to survivors' cries for help.

The findings of the study support those by Justino (2008) who observes that a great number of the women in her study thought that domestic violence was restricted only to physical violence. They failed to realise that domestic violence comes in various forms, including psychological and emotional abuse, sexual abuse and financial or economic abuses. She further argues that those survivors' knowledge and understanding of physical forms of abuse which caused grievous bodily facilitated and enhanced effective implementation of the Act against domestic abuse.

The findings of the research revealed that survivors of abuse were not reporting all physical and other forms of abuse. These other forms of abuse encompassed psychological and emotional abuse, sexual and economic to relevant and appropriate agencies such the police. It was noted that physical forms of abuse considered life-threatening were lodged with police, while 'less harmful and less threatening' forms of abuse were either concealed or lodged with other agencies such as traditional leadership and family networks.

The findings of the study were corroborated by research undertaken by Artz and Smythe (2005), which highlighted that many women in South Africa were not familiar with legislation on anti-domestic violence and all forms of abuse which constituted domestic violence. The scholars further support the findings of this study when they noted that nearly half of the cases of domestic violence were internally resolved and not escalated to the police.

The findings that women in rural areas lacked sufficient knowledge and understanding of different forms of abuse expanded that by the Southern African Research and Documentation Center (2000), which observe that most women in societies in Southern region of Africa possessed limited knowledge and understanding of the provisions of the law.

Similarly, Justino (2008), observes that a major problem with the law was that the vast majority of women were outside of the formal legal system, especially rural women and urban poor women. This meant that most women in rural areas of the world did not think of themselves as having rights, much less having any relationship with the official legal system. Justino further argues that the women saw themselves as existing outside the legal system partly because they did not know what it offered them and partly because it did not offer them very much by way of protection.

Similar results were also obtained by Gillum (2009), who established that while women perceived and felt that domestic violence was both painful and wrong, they did not necessarily define all forms of domestic abuse as a crime. In such circumstances, survivors endured many forms of domestic abuse perpetrated by their partners owing to lack of knowledge and understanding of what constituted domestic violence. This meant that such ‘ignorant’ women could not report types of domestic abuse such as sexual offences perpetrated by their partners to police. Such a prevailing attitude undoubtedly undermined and stifleds effective implementation of the Act to guarantee safety and protection to vulnerable sections of the populace, particularly women.

Meanwhile, Tom and Musingafi (2013) contradicted the findings of the current study noting, that the overwhelming majority of women in Harare urban in Zimbabwe, had sufficient knowledge and understanding of the different forms of abuse and provisions of the Act. Urban women's knowledge and understanding of the different forms of abuse was attributed to concerted efforts and concentration of agencies in urban settings, at the expense of rural areas.

Memo (2014) supports and substantiates the findings by Tom and Musingafi (2013) when she observed that agencies tasked with the enforcement and implementation of the Act were concentrated in urban areas. This created a rural-urban divide resulting in women in rural areas lagging behind their urban counterparts regarding knowledge and understanding of the provisions of the Act.

It is significant to note that the findings of the current study also contradicted those by Adu-Gyamfi (2014), who posits that human rights awareness and knowledge of forms of domestic violence was very high among the general populace in Ghana. She further argues that knowledge and awareness of the stipulations of the Act in Ghana emanated from education and awareness campaigns during the 16 Days of Activism against Gender Based Violence and Women's Day conducted in collaboration with the department of Justice and non-governmental organisations.

The disparity on levels of knowledge and understanding of different forms of abuse between women based in Harare urban and in those in Ghana and Europe on the one hand, and those in the study on the other hand, is explained by the availability and invisibility of agencies fighting domestic abuse in Ghana and Europe. Conversely, the unavailability and invisibility of agencies noted in this study undermined survivors' knowledge and understanding of the Act. The discrepancy could also be explained by the abundance of multiple sources of information in urban areas, Ghana and Europe, which were non-existent in rural areas of Mwenezi District.

While survivors' situation was gloomy in rural areas of Mwenezi District, their counterparts in rural areas of Ghana and Europe enjoyed a violence free society. This is explained in Zimbabwe by agencies' lack of commitment to carry out their mandate as espoused in the Act. This was corroborated by Memo (2014), who notes that some agencies in Zimbabwe were not carrying out their duties, believing that Non-Governmental Organisations, particularly Musasa Project should shoulder the responsibility since they were the ones who lobbied for the enactment of the Act.

Overall, the research study revealed that survivors' knowledge and understanding of different forms of abuse and subsequently the Act itself, was woefully inadequate to have an impact in reducing cases of domestic violence perpetrated by male partners in rural areas of Mwenezi District. Survivors' lack of knowledge and understanding of forms of abuse, thus, incapacitated and prevented survivors from lodging complaints with the authorities. This demonstrated lack of knowledge and understanding of the provisions of the Act by women, which stifled implementation of the anti-domestic violence legislation in the rural wards of the district.

6.2.2 Women's awareness and knowledge of safe shelters

The study revealed that women's awareness and knowledge of safe shelters was inadequate. This was evidenced by low inquiries made by survivors on this facility. It emerged that there was only one safe shelter in the whole of Mwenezi District, located at Hebron High school. The only safe shelter at Hebron High school was inadequate to cater for the ballooning number of women battered by their intimate partners as mentioned earlier in the study.

The findings of the study further revealed that the unavailability and scarcity of safe shelters in two of the wards under study had a bearing on women's lack of awareness and knowledge of their existence. It was noted that insufficient safe shelters in the district adversely affected women's awareness and knowledge of the provision of this facility. According to UN Women (2016), women's lack of awareness on the safe shelters and the various services delivered by this facility was one of the major

challenges faced by abused women to insulate themselves against different forms of abuse.

Le Roux (1997) corroborates the findings of the study by positing that shelter homes were too few in South Africa to make any significant impact on women's knowledge and awareness of their existence. It was noted, for instance, in South Africa that there was only one stop support established in Bloemfontein and in a few other parts of the country (Kruger 2004). In Mongolia, Advocates for Human Rights (2013) supports the findings of the study by noting that there was only one fully functioning safe shelter with twenty beds. It was further observed that four other shelters in Mongolia were closed due to lack of funding.

Mugugunyeki (2014) concurs with the observations above and adds that women in rural areas in Zimbabwe hardly knew about safe shelters due to their unavailability and inaccessibility. This compromised the safety of survivors resulting in women losing confidence in the security forces. This implied that lack of awareness and knowledge of safe shelters exposed women to abuse, as the phenomenon of domestic violence continued unabated.

Since shelters are a key ingredient in the implementation of the Act, their absence adversely stifled implementation of the law. According to UN Women (2016), safe shelters are basic elements in providing protection services and resources which enable survivors to recover from the traumatic violence experiences, rebuild their self-esteem and take steps to regain a self-determined and independent life. This means that safe shelters are essential to effective implementation of the Act, such that their absence undermine effective implementation of the law.

UN Women (2016) further contends that safe shelters provide refuge and could be a place to empower survivors through a systematic process of counseling and, legal and economic empowerment which are integral to break the cycle of violence. The unavailability of this critical facility significantly affected and stifled implementation of the legislation to provide security to vulnearbale women in rural areas.

A study by the Government of Naples (2012) corroborates the findings of the current study. It indicated that only about one quarter of women in that country believed or knew that some social services for accommodation are available in their districts for survivors of domestic violence. Of major concern was the observation that even those who knew about the existence of shelters were not able to name and identify the location of the shelters. This showed that survivors' awareness and knowledge about safe shelters was rather patchy.

The lack of safe shelters revealed by this study resonated with several researchers' findings, notable among them Mujuzi (2014), Avocats Sans Frontieres, (2011), Le Roux (2004) and Kruger (2004) who all observe that safe shelters were grossly inadequate and non-existent in most rural wards in Africa. Adu-Gyamfi (2014) also supports and substantiates the findings of the study by asserting that many people in rural areas of Ghana did not even know where to go when their rights were violated because safe shelters for abused women were mainly available in urban areas rather than in rural areas where most domestic violence occured.

It was suggested that survivors in the wards without safe shelters and, where they were inadequate, survivors exprienced serious multiple forms of abuse. Mujuzi (2014) notes in Uganda that women residing in wards without safe shelters or where they were inadequate could easily stalked, threatened and even killed while trying to escape from their marauding abusive partners in Uganda. She further observes that at one point, one participant in her study recalled that survivors were asked to stay in police cells or were taken to homes of police officers for overnight accommodation due to lack of safe shelters. Such a scenario could even further complicate the well being of survivors, as they could suffer from secondary victimization at the hands of rogue police officers.

The findings of the current study expand observations made by Lepekele (2014) that the failure by the state and other agencies to provide shelter services meant that the security and the decision making capacity of the survivor was severely curtailed. He further stated that the failure by the government and other agencies to provide safe houses is tantamount to exposing survivors of domestic violence to further multiple forms of abuse. This showed that safe shelters were integral to the implementation of

anti-domestic violence legislation. Their absence or inadequacy, as had already been highlighted, undermined the effective implementation of the law.

The provision of safe shelters as highlighted by many scholars such as Giridhar (2012) is critical in the implementation of anti-domestic violence laws. The lack of awareness and knowledge of safe shelters as demonstrated by lack of inquiries from survivors meant that large numbers of abused women had no choice but to remain in abusive relationships. They could only, where possible, rely on family and other informal social structures for support. While the family and other informal social structures could contribute to a reduction of domestic violence cases, their effectiveness was undermined by their desire to keep cases of abuse under a veil of secrecy to protect the reputation of the family. This implied that informal social structures adversely affected implementation of the Act, while the absence of formal safe shelters meant that domestic violence continued unabated.

6.2.3 Women's knowledge and understanding of police mandate

Emanating from the findings of the study was the view that women in Mwenezi district were not familiar and conversant with the duties of police officers in relation to domestic violence. Specifically, as findings revealed, women lacked knowledge of police duties of carrying out investigations and making arrests. They were not aware of police's obligation to advise them as complainants, on how to obtain shelter and medical treatment. Still, they were not aware of officers' obligation to assist the complainants in any other way including advising the complainants of the right to apply for relief under the Act and the right to lodge a criminal complaint.

The research findings revealed that survivors of abuse lacked sufficient knowledge and understanding of police duties to facilitate effective implementation of the law. This was shown by lack of reporting and underreporting of abuse perpetrated by offenders to police. The fact that women were not cooperating with police when cases of abuse were reported by third parties illustrated women's lack of knowledge and understanding of police duties as defined in the Domestic Violence Act.

The findings of the study agree with Magorokosho (2010), who unveiled that underreporting and non-reporting of domestic violence cases by survivors was an indication that survivors were not familiar with police work in relation to domestic abuse. This implied that the phenomenon of domestic violence remained a big issue as long as women were not complementing the endeavors of police and other agencies to nip the scourge of abuse in the bud.

The Department of Safety and Security in South Africa (1998) corroborates the findings of the current study by revealing that the majority of South Africans in rural communities were not conversant with police work. It further noted that the majority of South African police stations were located in white suburbs or business districts. As a consequence, underprivileged women in rural and semi-rural areas had limited knowledge of the role of the police. More significantly, the few that were knowledgeable incur unaffordable travel costs to access protective police services. Such a scenario adversely affected effective implementation of the law, leaving women vulnerable to multiple forms of abuse.

The fact that many women did not seek police advice on how to obtain shelter and medical treatment or to be assisted in any other way clearly demonstrated their lack of knowledge and understanding of the provisions of the Act. It was noted that survivors only visited police stations to get police reports which was a requirement for one to be attended to by medical personnel. The fact that women still insisted on being treated without police reports proved beyond any reasonable doubt that they were not conversant with the police duties of advising complainants on how to obtain shelter and medical treatment.

It also emerged, from the researcher's interactions with both survivors of abuse and police that women lacked knowledge and understanding of police duties. The duties encompassed advising the complainants of the right to apply for relief under the Act and the right to lodge a criminal complaint in relation to domestic violence. It was suggested that survivors never sought police advice on their right to lodge a criminal complaint. The fact that Protection Orders were not requested from the police by survivors

provided ample evidence that women lacked knowledge about the police obligation of assisting survivors to fill in application forms for Protection Orders.

It was quite evident from the research findings that survivors of abuse were not familiar and conversant with police duties as espoused in the Act. It was noted that survivors of abuse never thought that police could play a meaningful role in reducing cases of domestic violence experienced by women. The fact that survivors usually went to police to ask them to mediate in their conflicts with perpetrators of abuse speaks volumes about women's lack of knowledge and understanding of the police mandate in reducing cases of domestic violence. This scenario severely stifled implemention of the Act to provide relief to abused women.

The implication of women's 'ignorance' of police work regarding implementation of the law was that domestic abuse continued uninterrupted. What was clear from the findings of the study was that implementation of the law was impeded by women's lack of awareness and knowledge of police duties. In a nutshell, it could be said that the implementation of the law remains a mirage, with abuse unrelenting owing to survivors' lack of knowledge and understanding of police duties.

6.2.4 Survivors' Knowledge of Protection Orders

From the findings on women's knowledge of Protection Orders, it emerged that survivors of abuse were not familiar and conversant with this type of remedy. It was further noted that survivors did not understand and appreciate this type of remedy when it was explained to them how the legal document was completed and the procedures needed to make the document operational.

The study found that survivors only knew about Peace Orders and answered 'I don't know' when they were asked about Protection Orders. In some instances, survivors confused Peace Orders with Protection Orders. This showed that they were in the dark in so far as the issue of Protection Order was concerned. Since Protection Orders are a key ingredient in the implementation matrix of the Domestic Violence Act, survivors' lack of knowledge thereof impeded effective implementation of the Act.

As Magorokosho (2010) observes, Protection Orders are at the epi of the Act and the most commonly used legal remedy for victims of domestic violence in most African countries.

According to Musasa Project officers, the majority of Protection Order applicants did not turn up on the court date when their matters were supposed to be heard. It was noted that the applications would have been lodged with the courts by Musasa Projects on behalf of clients. This provided ample evidence that women lacked knowledge and understanding of Protection Orders. Such a situation undoubtedly stifled enforcement and implementation of the Act.

It surfaced, from the findings of the study, that survivors of abuse lacked knowledge and an understanding of Protection Orders. It was established that women were experiencing domestic abuse, but still would not benefit from the remedy proffered by Protection Orders owing to lack of knowledge. Magorokosho (2010) corroborates and supports the findings of the study. She contends that the majority of women, particularly in rural communities, have not heard about Protection Orders. She further observes that this could be explained by the dereliction of duty by service providers and agencies, as they failed to comply with their mandate as explained in the Act.

The officers of court pointed out that survivors of abuse were not clear about Protection Orders because agencies tasked with the implementation of the Act were not sensitising people enough about this critical provision in the Act. This view was supported by Lopes et al. (2013) who posit that the key agencies in the implementation of the Act still failed to comply with the duties and responsibilities as laid out in the Act.

6.3 Adequacy of the Act in preventing and curbing domestic abuse

This section interrogates the adequacy of the Act in providing protection and safety to women in rural areas. This is related to Research Question Two, which goes:

To what extent are the provisions of the Domestic Violence Act adequate enough to curb domestic violence?

6.3.1 Strengths of the Act

The findings of the study unearthed that the strengths of the Act were underpinned by the following: a comprehensive definition and description of the phenomenon of domestic violence, an elaborate capture and detailed description of forms of domestic violence, criminalization of domestic violence and provision of a Protection Order as a relief mechanism for survivors.

6.3.1.1 Comprehensive definition and description of domestic violence

From the findings of the study, on the definition and description of domestic violence in the Act, it emerged that the scourge was elaborately captured, recognised and diagnosed for relevant and appropriate agencies to intervene and nip the social phenomenon in the bud. The findings showed that the Domestic Violence Act was well-characterized, as it portrayed and signaled the real intention to prevent and protect women against domestic violence.

It was, however, noted that the presence of a clear and detailed legislation did not result in substantial reduction in the incidences of domestic violence perpetrated against women. The fact that the legislation could not address the root causes of domestic violence meant that it could not prevent domestic violence from occurring. It was also interesting to note that the Act was poorly implemented, resulting in poor service delivery to survivors.

It emerged, from the findings of the study, that the Act provided a detailed and comprehensive definition of domestic violence. The definition included a variety of behaviours such as different forms of abuse that encompassed physical abuse, psychological abuse, emotional abuse as well as economic abuse. It was noted that the Act not only clarified the meaning of domestic violence but also greatly extended the meaning to provide broader protection to women.

The adequacy of the Act to insulate women against domestic abuse was confirmed by a detailed definition of each form of abuse. The Zimbabwean Domestic Violence Act was a replica of the South African Act because it borrowed heavily and adopted most of the provisions from the South Africa one. To this end, observations made about the South

African Act equally applied to the Zimbabwean Act, as the two legislations had a lot of commonalities than differences.

Hoosen (2003) supports the findings of the current study by positing that the innovative inclusion of all forms of abuse, particularly economic abuse, had to be welcomed because survivors of financial deprivation were also now able to seek redress. The Act not only clarified the meaning of domestic violence but also greatly extended the meaning of domestic violence to provide broader protection. It was, therefore, noted that the broadening of the Act provided a good foundation for the prevention and curbing of domestic abuse. This meant that all forms of abuse were captured by the Act. This was significant as it left no room for any indiscretions outside the purview of the law. However, despite the adequacy of the Act, many survivors of domestic abuse experienced a gap between law and implementation.

The study further revealed that the Act was sufficient to flush out domestic abuse due to its elaborate and exhaustive coverage of all forms of abuse perpetrated against vulnerable sections of the populace. As already mentioned in the study, the Zimbabwean Domestic Violence Act was a replica of the South African one. This meant that the observation made about the South African Act equally applied to the Zimbabwean one. To this end, Vetten's (2004) prognosis of the South African experience also applied to Zimbabwe. Vetten (2004) corroborates the findings of the present study. She established that the South Africa Domestic Act broadened the conduct qualifying as domestic violence, as well as the increased compass of persons that qualified for protection. This significantly contributed towards the attainment of a violence free society. The Act therefore managed to capture and spell out what constituted domestic violence, hence, creating legal certainty.

Findings further showed that an elaborate description and manifestations of the various forms of domestic violence was critical for effective implementation of the law to provide and guarantee protection to survivors against domestic abuse. It emerged, from findings, that the Act was quite relevant and adequate to guarantee protection to women. The findings expanded those of Musasa Project's (2018). Musasa Project showed that the Act was comprehensive and exhaustive in the sense it captured the various forms and

manifestations of what constituted domestic violence. The various forms of abuse encompassed physical , economic, psychological and emotional and sexual abuses.

The exhaustive categorisation of the phenomenon of domestic violence and its elements offered by the Act, one could argue, would go a long way in ensuring that survivors of whatever form of domestic abuse were adequately protected by the law. This implied that if the Act was appropriately and fully implemented, it would ensure adequate protection to survivors of abuse.

The findings of the study demonstrated that the Act was elaborate and detailed enough to deliver a non-violence society. It was noted that this helped to facilitate effective implementation of the Act. The findings of the study resonated with those by Bote (2008), who applauded the adequacy of the Act as it provided an elaborate description of the social phenomenon of domestic violence which was quite relevant and useful, given that the social ill could take many different forms. This showed that the Act was quite exhaustive to dispense justice given that some forms of domestic violence such as psychological and emotional abuse were not readily discernible.

In line with the findings of the study, The Outpost (2017) applauds the provisions of the Act by, noting that it provided a detailed description and explanation of each form of domestic abuse. For instance, economic abuse was described and conceptualised to include unreasonable deprivation of economic and financial resources which the applicant was entitled under the law. A detailed description and explanation of each form of domestic abuse typified the adequacy of the Act, in the sense that it clarified various forms of domestic abuse.

6.3.1.2 Provision of Protection Orders adding strength to the Act

The findings of the study revealed that the inclusion of a provision on Protection Orders strengthens the Act to effectively provide safety to survivors of abuse. It emerged from participants representing agencies tasked with the implementation of the Act that Protection Orders provides the most viable remedy to survivors of abuse. Magorokosho (2010) concurs with the findings of the study by asserting that Protection Orders were at the core of the Act.

Protection Orders strengthened the robustness of the Act as they prevented perpetrators of abuse from harming their partners. Bote's (2008) findings that the principal remedy for survivors of domestic violence was the Protection Order was confirmed by this present study. It was noted that a Protection Order was a key ingredient of the Act as it sought to bar the perpetrator to from abusing the vulnerable survivor. This showed that a Protection Orders, as a remedy to domestic abuse was sufficient enough to deal decisively with any incidences of domestic violence.

From the findings of the study, it emerged that the inclusion of a Protection Order added steel and strength to the Act. It made the Act more relevant, appropriate and adequate to deal with incidences of abuse. Goldfarb (2008) emphasises and acknowledges the utility and strength provided by a provision of a Protection Order to the Act. She noted that by breaking the silence about the abuse and creating a public record of what had been hidden in private, Protection Orders enabled battered women to regain a sense of control. A sense of control in turn enabled survivors to take further steps to insulate themselves against abuse.

The findings of the study further revealed that the provision of Protection Orders in the Act made the anti-domestic violence legislation complete and relevant to the needs of survivors. Lepekele's (2014) findings were corroborated by the findings of the current study that a Protection Order was quite useful to survivors of abuse because it weakened the resolve of the perpetrator to continue abusing the vulnerable person. One can, therefore, argue on the basis of Lepekele's analysis, that a Protection Order provided further evidence about the efficacy of anti-domestic violence legislation in providing security to women.

Another utility and advantage added by a Protection Order was that it gave the survivor time and space to recollect herself and to think calmly through her situation. The Development Research Africa's (2007) findings are corroborated by the findings of the current study. It revealed that the majority of survivors acknowledged the positive impact of the Protection Order on their home life. It was noted that women felt that their homes were calmer and safer places where their abusers were either absent or more respectful than they had previously been. It was further noted that survivors reported

feeling less stress, less fear and more happiness because of the beneficial impact of Protection Orders.

In terms of its coverage and target, one could intelligently infer that a Protection Order was clearly a sufficient remedy in guaranteeing peace to women. Lepekele (2014), however, was not overly optimistic about Protection Orders as an anti-dote to domestic abuse. He suggested that there was a possibility that a determined abusive spouse who felt that he was entitled to punish the woman for whatever reason, would simply buy their time before returning to hurt their partner again. However, Lepekele's fears were without foundation, given that a perpetrator who returned to torment the survivor after a Protection Order was issued, not only violated the law but invited the law enforcement agents to arrest him.

6.3.1.3 Provision of anti-domestic violence counselors

The findings of the study showed that the Act was made relevant and adequate by the provision of anti-domestic violence counselors. All the groups of participants noted that the anti-domestic violence counsellor was critical to achieve zero-tolerance for domestic abuse. According to Newsday 25 November 2018, on paper, the Act through a provision of anti-Domestic Violence Counsellors, provided a good starting point for the elimination of domestic violence. It noted, however, that what seemed to be problematic were enforcement and implementation challenges encountered by agencies such as the police.

Medecins Sans Frontiers (MSF) (2018) supports the findings of the study by noting that a progressive and positive aspect of the Act was the provision of Anti-Domestic Violence Council at national, provincial and district levels. It wass noted that such a provision enabled women to access required services without problems. Lowe-Morna et al. (2014) corroborates the findings of the study stressing that the anti-domestic violence counsellors made the Act more adequate by providing mechanisms and measures for the effective implementation of the law.

It further emerged from the findings of the study that the anti-domestic violence counsellors were given the mandate to promote the establishment of safe-houses for

the purpose of sheltering the survivors of domestic violence pending the outcome of court proceedings. Magorokosho (2010) confirmed the findings of the study by asserting that the expected establishment of shelter support services for complainants by the counsellors would provide a much needed source of support for survivors. This showed that the Act is made more relevant, appropriate and adequate by the provision of anti-domestic violence counsellors.

6.3.1.4 Criminalisation of domestic violence

The findings of the study revealed that the criminalisation of domestic violence strengthened the law to deal effectively with law breakers. Before the enactment of the Domestic Violence Act [Chapter 5:16], domestic abuse was not criminalided, hence criminals could get away with murder. The criminalisation of domestic abuse provided impetus for stakeholders and agencies involved in the enforcement and implementation of the Act to deal with the scourge more ruthlessly. More significantly, it presented opportunities for survivors to take appropriate action to prevent and reduce the prevalence of crime. WHO (2005) supports the findings of the study when it observed that many countries, particularly in the developing world, had been applauded for executing progressive laws that criminalised domestic violence. This showed that the criminalisation of the domestic violence signaled one of the major strengths of the Act.

Research participants pointed out that the criminalisation of domestic violence capacitated and enhanced survivors' commitment to fight abuse with zeal. The findings coincide with those of Lepeleke (2014) who found that once domestic violence had been criminalised in terms of the law, survivors of domestic violence could now officially report their cases to the authorities without fear. They were even more likely to receive the appropriate help from the police and other law enforcement agents.

Notwithstanding the plaudits on the progressiveness of the Act from various quarters, having a law on paper that criminalises domestic abuse without effective implementation is not enough. This was confirmed by Matthews (2012), who observes that many studies show that several governments in Africa had enacted quite relevant and useful laws on domestic violence but implementation had left much to be desired.

The findings of the current study on criminalisation of domestic violence, however, contradict those by Oyoo (2010), who found that the Kenyan bill on domestic violence did not criminalise all forms of abuse in that country. For instance, it was established by Oyoo (2010) that marital rape was not criminalised as a form of domestic violence. Non-criminalisation of marital rape was premised on the notion that there was an express consent to sexual intercourse upon marriage. This meant that married women could not file a suit on a charge of marital rape. Such a scenario impeded full and effective implementation of the Domestic Violence Act.

6.3.2 Shortcomings of the Act

Despite the positives inherent in the Act, research has unearthed some flaws and limitations in it. The flaws could undermine effectiveness of the legislation in reducing the prevalence of domestic abuse. The limitations of the Act are discussed below:

6.3.2.1 Failure to acknowledge root causes of domestic abuse

Rresearch found that the Act had some flaws in the sense that it failed to consider and address some of the root causes of the social phenomenon in order to prevent and curb the vice. Chuma and Chazovachii (2012) note that the glaring weakness of the Act was its failure to make reference to infidelity in the Act, yet the bulk of domestic violence cases could be traced to this infraction. The Outpost (2017) also support the findings of the present study by noting inherent gaps and flaws in the Act in that it did not or was silent on infidelity issues which were at the epi of causing many disputes in the domestic sphere.

The study further found that the Act had serious flaws since it dit not contain any measures and strategies to deal with cultural practices and ideologies fuelling the scourge of domestic abuse. To this end, when she scrutinised the Act, , Magokorokosho (2010) established that it did not take into consideration measures and strategies to deal with cultural practices and belief systems that fuelled cases of domestic violence, particularly in rural communities. In this regard, effective implementation of the Act could not be achieved without tackling head on, traditional and cultural practices fomenting and exacerbating domestic abuse.

It also emerged, from the findings, that no reference was made to the system of patriarchy yet the bulk of social ills of domestic abuse were exacerbated by this system. This is authenticated by the Control Theory which views patriarchy as central and connected to men's attempt to control women through force, coercion, abuse and silencing. This results in women experiencing subordination and violence in various social settings. To this end, Musasa Project's (2018) observations coincide with the findings of the study. It unearthed that a gross shortcoming of the Act was its omission or silence on the role of the patriarchal system in entrenching and deepening traditional ideologies fuelling domestic violence. The failure to make reference to deep roots of domestic violence showed that any interventions to cure the ills of this phenomenon of domestic violence would not achieve the desired results.

6.3.2.2 Lack of measures to rehabilitate the offender

The findings of the study revealed that the Act was deemed inadequate and was criticised for its failure to contain any measures to rehabilitate the offender. In support of findings of the study, Magorokosho (2010) emphasises that the Domestic Violence Act was inherently inadequate as it focused more on punishing the perpetrator instead of educating and rehabilitating him. This epitomises glaring weaknesses on the part of the Act, subsequently compromising the safety of survivors.

By assuming that the perpetrator was always wrong, the Act was deemed woefully inadequate, as it did not confront the huge elephant in the room, but rather simply provided palliative care to the survivors. This meant that the incidences of domestic violence would continue unabated as the failure to rehabilitate the perpetrator of domestic violence resulted in occurrence and reoccurrence of domestic abuse.

In light of the above observations, an inference could be made that the Act lacked innovativeness to include restorative justice and rehabilitating the offender. For this reason, the Act was attacked as it sought to address the symptoms and not the real issues confronting domestic relationships. This had been identified as one of the barriers to effective implementation of the law. It was assumed that the perpetrator and

the survivor would not find each other once the perpetrator was reported, indicted and sentenced since it did not consider rehabilitation mechanisms.

6.3.2.3 Lack of operational guidelines and training to social service agencies

The findings of the study showed that lack of operational guidelines and training prior to implementation of the Act among agencies compromised endeavors to fight the social ills of domestic violence. Bote (2008) bemoans lack of prior training to service providers and agencies such as members of the police, the health care system and judiciary officials on how they would implement the law. Such a scenario presented challenges to agencies who would struggle to provide the much-needed support to survivors.

It also surfaced, from the findings of the study, that although police attached to the Victim Friendly Unit were given prior training on handling of cases of domestic violence, general officers who happened to attend to cases of domestic abuse in rural areas did not receive any form of training. Findings further noted a serious shortage of Victim Friendly Units, particularly in rural areas. The provision of a Victim Friendly Unit at every police station was hailed as a step in the right direction by both critics and supporters. However, this provision was eroded or undermined by the fact that this was not mandatory as no obligation was given to any specific agent or role player.

Bote (2008) substantiates the findings of the study by noting that the framing of the statement that ‘where practically possible, the Victim Friendly Unit be staffed by at least one police officer’ constitutes a serious flaw in the Act. This gave room for failure to establish Victim Friendly Units under certain circumstances. This partly explained non-existence of Police Victim Friendly Units in rural communities.

The study further unearthed that lack of operational guidelines and training, particularly to police officers, had retarded effective implementation of the law. It was noted in some circumstances that some police officers from the Traffic Section could be assigned and deployed to attend to cases of domestic abuse without any training and expertise in handling matters of domestic abuse. This obviously undermined effective implementation of the law, leaving women exposed to orgies of domestic abuse.

Musasa Project (2008) concurs with the viewpoint above, observing that the Victim Friendly Unit is not yet a specialized unit and this is a cause for concern.

6.3.2.4 Role of traditional leaders not clearly defined

The study revealed that the roles of traditional leaders were not clearly defined in the Act, yet such leaders were influential, particularly in rural areas where customary law held sway. The Zimbabwe Demographic Health Survey (2010-2011) supports the findings of the study. It indicated that the roles of traditional leaders had not been clearly defined. Such a situation undermined the effective implementation of the law as traditional leaders would not play their expected instrumental role in changing the cultural and traditional ideologies which were deeply implicated in perpetuating incidences of abuse, particularly in rural areas.

Lepekele (2014) corroborates the findings of the study by contending that by virtue of their proximity to the people at grassroots level, the importance of traditional leaders in the fight against domestic violence could not be underestimated. He further asserts that efforts to implement anti-domestic violence legislation in African countries was hampered by the lack of clearly defined role of traditional leaders. The failure to adequately articulate the roles of traditional leaders in the Act was a testimony of the fundamental flaw of the legislation. Chiefs and other traditional leaders were highly respected in rural communtities. This meant that failure to capture their roles clearly regarding implementation of the law renders it ineffectual.

Notwithstanding the critical role traditional leaders could play in preventing and curbing abuses perpetrated against women, research had shown that chiefs in particular, in some cases, negated any endeavors to fight the scourge of domestic abuse. The findings of this current study confirmed Ojigho's (2012) findings that in Nigeria, traditional leaders, at times contributed to violation of women's rights through certain cultural practices.

6.3.3 Chapter conclusion on adequacy of the act

This section presented two themes that focused on the adequacy or inadequacy of the Act as an antidote to domestic abuse. The first theme explored the strengths of the Act, while the second one concentrated on the shortcomings of the Act.

The findings and analysis of the data revealed that the Act was appropriate, relevant and adequate to deliver justice to survivors of domestic violence. The adequacy of the Act was typified by comprehensiveness of the definition of domestic violence, elaborate capture of different forms of domestic violence and adequacy of remedies to protect survivors of abuse, such as Protection Orders.

Shortcomings of the Act were represented by failure to acknowledge the root causes of domestic violence, lack of measures to rehabilitate the offender and lack of operational guidelines and training to service agencies.

Overall, notwithstanding the aforementioned shortcomings, the Act was deemed quite solid and adequate to provide and guarantee protection to vulnerable sections of the community against cases of domestic violence. This meant that if properly and vigorously implemented, the Domestic Violence Act could curtail occurrences of domestic violence against women in rural communities. The next section presents findings on constraints impeding effective implementation of the Domestic Violence Act in rural communities. It focuses on obstacles impeding women from reporting incidences of abuse to the police.

6.4 Constraints impeding the effective implementation of Domestic Violence Act in rural areas

This section of the study discusses constraints hampering effective implementation of the law. This is related to Research Question Three, which is:

What constraints militate against effective implementation of the provisions of the Domestic Violence Act in a rural setting?

The findings of the study revealed challenges or obstacles militating against the effective implementation of the Act in rural areas of Mwenezi District. The challenges included barriers impeding women from reporting cases of domestic abuse, the conundrum faced by survivors when reporting incidences of abuse to the police and challenges faced by agencies involved in the fight against domestic abuse. These challenges will be discussed in light of other studies.

6.4.1 Barriers faced by survivors of domestic abuse in reporting their ordeal to police

6.4.1.1 Women's economic security challenges

The findings of the study revealed that survivors of abuse faced economic challenges that incapacitated and prevented them from reporting cases of abuse to the police. The survivors explained that their weak socio-economic status and financial dependence on their partners was a huge barrier preventing them from reporting the scourge of domestic abuse to the police. They reiterated that their precarious socio-economic prevented them from seeking help or leaving violent partners as they did not have reliable means to support their livelihoods hence they depended on their abusive partners.

It was established that survivors stayed in abusive relationships due to poverty, as women dio not own, nor did they control productive resources such as land to sustain their livelihoods. As shown by the findings of the study, women's lack of economic independence prevented them from escaping violent relationships. Schuler (1996) concurs with the findings of the study. He argues that the link between domestic violence and lack of economic resources and dependency is circular. The threat and fear of violence kept women from seeking employment, culminating in increased levels of poverty, thereby reducing their human agency to survive independent of abusive partners.

The study established that the threat and fear of livelihood challenges felt by survivors when alienated from the breadwinner prevented them from reporting abuse to law enforcement agents, as they were compelled to endure domestic violence. Osrim

(2003) corroborates the findings of the study by observing that women, more often than not, failed or tended to under-report abuse perpetrated by their partners because of their financial or familial dependence on the abusive partner. The Control Thoery is relevant here as it asserts that domestic violence is rooted in historical processes and roles assigned to men and women differently.

The theory makes a pertinent observation that men are assigned to the public sphere, where they are able to obtain economic resources, whereas women are assigned to the domestic sphere, which prevents them from obtaining critical resources. Thus, the lack of economic resources on the part of women breeds dependence on men which dissuades them from confronting the elephant in the room (domestic violence) head on

Martin (1981) expands the findings of the study when he contends that women receiving welfare or depending financially on their spouses were significantly less likely than other women to report abuse to police or terminate abusive relationships. This implied that dependency was promoted and enhanced by poverty, as women needed husbands' benevolence to survive. Matthews (2004) supports the findings, asserting that most women failed to report and disclose their plight to the authorities and decided to stay in abusive relationships because their partners provided financial support.

Feminisation of poverty, particularly in rural areas, was found to be a debilitating factor preventing women from reporting cases of domestic violence. A study by Martin (1981) confirmed the findings that when an abused woman left her abuser, there was a fifty per cent chance of her standard of living dropping to below the poverty datum line. This was due to the fact that she was financially dependent on the abuser and dids not have the necessary life skills to survive on her own, and had not even acquired the necessary skills to apply for a job.

The weak socio-economic status of survivors was a huge barrier to effective implementation of the Act. Hindin and Adair (2002) corroborate the findings of the study. They contend that the dependence hypothesis suggested that when men had higher levels of education, brought in more resources, made more money, and dominated decision making in the home, women were more likely to be abused and stayed in an

abusive relationship because they were dependent on their husbands. This showed that leaving an abusive partner was not easy for women because it meant leaving the area entirely and, as a result, moving away from their partner who was a source of livelihood.

Research conducted by Farouk (2005) yielded similar results to those of this study. She notes that women rarely asserted themselves to confront the evil of domestic violence because they had few alternatives. The socio-economic benefits accruing from the male partner dissuaded many women from contemplating reporting abuse to the police or leaving violent and abusive relationships. This implid that a woman who returned to her natal family could not get any support from society in general and her family in particular.

The findings of the study showed that survivors' economic dependence on their husbands disempowered and incapacitated them from taking any initiatives to protect themselves against domestic violence. The findings of the study found support from Banda (2005) who noted and reiterated that there was fear among abused women that reporting one's husband would result in him being imprisoned, the family often losing its only breadwinner and the children their father.

It was further noted that survivors' reluctance to disclose and subsequently report incidences of domestic abuse to police emanated from fear that the Criminal Justice System often punished not only the offender, but survivor as well. For instance, survivors bore the brunt when the perpetrator's fine was paid out of the family income or if imprisonment led to financial loss for dependant survivors. This implied that effective implementation of the Act was frustrated and compromised by survivors' poor socio-economic status and subsequently dependence on their abusive partners.

Despite reliefs provided for in the Act in the form of compensation to be paid to the victims and other remedies, women's fear of the economic conundrum remained a powerful force preventing help-seeking behaviour to the authorities. This effectively killed any possible hope of reporting domestic violence to the authorities. The findings augmented those by Artz and Smythe (2005) who established that in South Africa, the majority of female farm workers who were survivors of domestic violence were afraid to

involve the police because their employment status was tied to their partners. Such a scenario undermined effective implementation of the law, as domestic violence against women in rural areas continued unabated.

Several scholars, prominent among them Adu-Gyamfi, (2012), Oguli, (2002), Matthews and Abrahams, (2001) and Jewkes et al. (1999) concur with and support the findings of the study. They noted note that high levels of unemployment among women survivors of abuse who resided in rural areas made them the poorest majority. This meant that the financial constraints associated with lack of employment, thus, hampered them from seeking costly legal action. In light of the foregoing, one could contend that the feminisation of poverty was a major barrier in the implementation of anti-domestic violence legislation.

6.4.1.2 Fear of backlash for reporting domestic abuse

The findings of the study showed that fear of backlash by survivors of abuse prevented them from reporting the scourge of abuse to police. It emerged from the study that survivors of abuse feared backlash and social costs associated with making their situation public. Survivors of abuse and representatives from different agencies stressed that a woman who had been abused feared retaliation from her abuser if she mades an effort to extricate herself from an abusive relationship.

According to Turner (2002), a woman who had been abused was afraid of retaliation from the abuser should she left the abusive environment or made an effort to escape. Turner further argues that the abuser in the situation might have made specific threats and stated that if the abused partner left, he would hurt or killid her, or may even threatened the safety of the children. This argument was supported by Matthews (2004), who claims that statistically, the most dangerous time for a woman in an abusive relationship was just prior to leaving that relationship. In fact, women who were divorced or separated were fourteen times more likely to report being the victim of violence by a spouse or ex-spouse (McCue, 2008). Hempill (2008) also corroborates the findings of the study by asserting that staying with one's tormentor provided some minimal security in that the abused woman knew the perpetrator's whereabouts and what he would be

thinking and doing. She says this always shielded or warned women of the danger approaching. Survivors of abuse reiterated during both in-depth and group interviews that they were afraid of being maimed or killed by their marauding partners once they got caught whilst attempting to flee from the abusive relationship.

The findings of the study were also echoed by Snodgrass (2008) who asserts that women who left their batterers were at seventy five percent greater risk of being killed by the batterer than those who stayed in an abuse relationship. Snodgrass's analysis lends credence to the view that an abused woman was 'better off' staying in an abusive relationship than trying to escape, because the consequences of such an action were too ghastly to contemplate if caught. This showed that fear of backlash and costs associated with disclosing or reporting abuse to police stifled effective implementation of the Act.

The current study findings also concur with those by Musasa Project (2012) which revealed that most women were not keen to report cases of domestic violence in Zimbabwe for fear of further reprisals by the extended family. These findings were consistent with other studies done in South Africa by scholars such as Singh (2009) and Lusdin and Vetten (2004) who found that many women were not reporting cases of domestic violence to the police for fear of further attacks from the abusers. This demonstrated and substantiated the social reality obtaining in rural areas that fear of backlash immobilised women and weakened their resolve to involve law enforcement agents in their struggles against domestic abuse. This obviously militated against effective implementation of the law in rural communities, leaving domestic violence prevalent. The basic tenets of the Control Theory that abuse perpetrated against women is just one of a variety of forms of control that men try to exercise over their partners are illustrative.

Fear of backlash in the form embarrassment and stigma also emerged as another constraining factor preventing women from reporting the abuse they suffer at the hands of batterers. Giorgis (2002) concurs with the findings. He contends that women were reluctant to report their ordeal to law enforcement agents for fear of being ostracised and discriminated against by the society in which they live. This resonates well with the

Control Theory which asserts that men are of the opinion that they are justified in their abusive behaviour towards their intimate partners as this conduct is viewed as the acceptable norm.

Social isolation had been revealed and shown to be another hindrance associated with lack of agency on the part of women to take action and report cases of abuse to police. According to Davidson (2004), severely abused women tended to be extremely isolated and had no one in their limited social network that could provide the type of support they needed. In most abusive relationships, the abuser would often slowly work to socially isolate the abused partner by not allowing her to work, not allowing her to leave the house, nor even to meet with friends (Matthews, 2004).

Effective implementation of the Act as was demonstrated by the findings was adversely affected by women's fear of shame. Due to fear of backlash in the form of shame, women struggled to escape from abusive relationships. It was noted that the shame would have emanated from the suspicion that people, including neighbors and relatives, would know about their marital problems and caused them to end up being ridiculed in the community, preventing them from seeking help and thus forcing them to stay in abusive relationships.

The findings of the study further revealed that survivors of abuse maintained a culture of silence on domestic abuse for fear of repercussions in the event of disclosure and reporting the culprits to police. Marriage was highly respected and considered as sacrosanct by women in rural areas. The effect of this was that no-one wanted to be associated with the tag of having failed in marriage as a result of reporting an abusive husband to the authorities. According to Gordon (1996), some women may have feared the shame of failing in their marriages and, therefore, stayed to maintain the marriage, even an abusive one.

Singh (2009), Ludsin and Vetten (2004), and Matthews and Abrahams (2001) make similar findings from their studies on battered women in South Africa. They discovered that abused women reasonably were afaid that if any endeavor to alert authorities was discovered by the perpetrator, he would take revenge upon the survivor, children or

even her family. The arguments presented above reinforced the findings of the present study, that fear of backlash by survivors was one of the prominent factors hampering effective implementation of anti-domestic violence legislation in rural communities**.**

6.4.1.3 Cultural practices impeding implementation of the Act

The findings of the study showed that cultural ideologies and traditional practices were a major obstacle hampering effective implementation of the legislation to protect women against domestic abuse. The study unearthed that cultural practices such as lobola payment and pledging of women as wives deeply perpetuated violence against women and undermined any endeavors to ameliorate the situation. This subsequently compromised effective implementation of the law. The perception that traditional practices and cultural ideologies rendered the implementation of the Act ineffective found support from many academics.

Several scholars, including Memo, (2014), Matope, (2013), Anderson, (2011), Jewkes and Morrel, (2010), Justino, (2008), Mvududu and McFadden, (2008) confirmed in studies conducted in different Sub-Saharan African countries that lobola payment as a customary practice contributed in no small measure, to women's suffering. It exposed and incapacitated women by giving ultimate power to the husband in the home thereby reducing their status to that of sex toys. This implied that women were left with no negotiating power on issues sexuality, and lacked the agency to report abuse to police and other agencies tasked with implementation of the law.

It also emerged from findings of the study that the traditional practice of beating wives within the household as a legitimate punishment for a wife who failed in her marital duties had seriously undermined and constrained survivors from seeking protection from the authorities. The two theories which inform this study, African Feminism and the Control are quite relevant, useful and illustrative here. They contend that domestic abuse against women continues to thrive as both women and men perceive that such acts are normal part of gender relations. Avocats Sans Frontiers (2017) supports the findings of the study, noting that women in rural areas in particular still believed strongly that their partners had a moral right and were justified in 'disciplining' them.

The findings were consistent with those by Manuh (2007), who unearthed in Egypt that married men were justified in beating up their wives for refusing sex, talking back, talking to other men, wasting money or burning food. This implied that domestic violence was accepted and condoned, thereby compromising any endeavors to put this menace to an end.

Cultural ideologies and traditional practices were found to be the major cause preventing women from reporting cases of abuse. According to Kim & Motsei (2002), in traditional African culture, domestic violence was considered by many to be a legitimate tool in conflict resolution and the primary means to gain control over women. Most men perceived wife-beating as a justified response to women's supposed transgression or lack of submissiveness and the resistance to traditionally accepted roles for a certain gender such as failing to perform household duties and sexual infidelity.

According to Dutton (1994), cultural ideologies in both industrialised and developing countries provided legitimacy for violence against women in certain circumstances. Religious and historical traditions in the past had sanctioned the chastising and beating of wives (Heisse, 1996). Women in rural areas internalised cultural ideologies which were inculcated through the process of socialisation, making it difficult for them to report issues of domestic abuse for fear of being labeled deviants. This, ultimately, adversely affected effective implementation of the law.

In Zimbabwe, research undertaken by Chirume (1999) confirms and supports the findings of the study. It highlighted that wife beating was interpreted as an expression of love by a husband as well as a tool for stabilising marriages according to cultural ideologies. He further posits that the first beating of a female was expected to occur immediately after the wedding, to fulfill this long cherished expectation. Such a perception seriously impeded women from reporting cases of abuse to police, again undermining effective implementation of the Act.

It also emerged, from findings of the study, that traditional practices undermined any endeavors to protect survivors against domestic abuse. It was noted that traditional leaders had not embraced and accepted the Act, which they viewed as undermining

their traditional authority. According to Jewkes (2002), domestic abuse was widely overlooked or tolerated in South Africa and had come to be perceived almost as the accepted norm and conduct not to be challenged due to traditional practices and cultural ideologies. It was further observed that in many instances, women were blamed for staying in abusive relationships.

Vetten (2005) corroborates the findings of the study. She established in South Africa that traditional leaders, whose influence were huge in rural communities, did not support the South African Act. They viewed the legislation as retrogressive in the sense that it challenged African traditional norms, values and practices. This implied that the majority of survivors could not subscribe and support the dictates of the law they felt was an alien concept. Given the influence of traditional leaders in rural communities, a compelling case could be made that attitudes towards the Act, even those of survivors, posed a serious threat to effective implementation of the law.

However, the findings of the present study contradicts those by Londt (2004), who established that far from cultural practices aggravating women's vulnerability to domestic abuse, they could serve as a creative resource for intervention by the authorities. Londt posits that traditional practices such as public shaming could be mobilised as a resource to confront abusive partnership relationships. In this context, traditional practices could have a positive impact on the implementation of the Domestic Violence Act. The observations made by Londt, however, appeared to have limited positive impact on the phenomenon of domestic abuse since perpetrators of abuse in ruralareas are dissuaded by public shaming. In the final analysis, women would not utilise cultural practices as a resource to stem domestic abuse.

One could conclude, basing on the African feminist perspective, that women tend to stay in abusive relationships owing to the influence of traditional practices holding sway, particularly in rural areas. The African strand of feminism is relevant and appropriate here to explain the interplay between cultural constructions of femininity and structural conditions that perpetuates domestic violence and explain why women do not leave abusive relationships. This sheds more light on why survivors of abuse often struggle to

attain justice owing to cultural constructions of femininity and structural conditions which relegate women to the periphery.

The findings of the current study further revealed that implementation and enforcement of the Act faced serious challenges as it sought to overturn long established and entrenched societal structures and cultural ideologies which required huge resources. Magorokosho (2010) corroborates the findings of the study. She asserts that traditional structures and values inherent in rural communities infused hierarchical symbolic representations of male dominance and female subordination. She further observes that such representations constructed women as inferior to men, thereby legitimising and justifying unequal gender relations which women themselves, ironically, supported, thereby perpetuating domestic abuse.

On the basis of the aforementioned, it becomes clear that rural communities often perpetuated domestic violence by preserving social and cultural practices that were sustained by power inequalities. In many cases, communities justified and defended male abusers and oppressive and harmful traditional practices that reinforced men's authority and dominance over women.

6.4.1.4 Perception of domestic violence as a private matter

Research findings revealed that the perception of domestic violence as a private matter when it happened between intimate partners rendered implementation of the Act a futile exercise in rural areas of Mwenezi District.

The research findings confirmed during both in-depth and focus group interviews, that the perception of domestic violence as a private matter presented a substantial obstacle to the implementation of the provisions of the Domestic Violence Act in rural communities. It presented a huge barrier to victims' ability to obtain effective relief, and created a huge pressure on victims to settle domestic violence matters privately. Adu-Gyamfi (2014) supports the findings of the study. She observes the general belief and perception of domestic violence as a private issue in Ghana. This implied that Ghanaian survivors were discouraged from reporting abuse to the authorities. She further notes

that such a perception fits well into the private family structure where patriarchy and culture violate women's dignity, causing them to feel degraded and less human.

Ahmed (2005) concurs with the findings of the study. He notes that despite the severe physical and emotional health consequences bequeathed by domestic violence on survivors, the vice was still not recognised as a serious public social problem. More significantly, society did not identify domestic violence as a serious crime. Rather, it was viewed as a personal matter that should be resolved privately within the family. It was noted that some law enforcement agents also shared this view. The domino effect of this was that survivors of abuse would lose confidence in the security apparatus of the state, with devastating consequences. Once confidence was lost, it meant that they would not report cases of abuse to police, effectively hindering delivery of justice to survivors.

The findings of the study further revealed that the perception of domestic abuse as a private issue stifled implementation of the Act. Magorokosho (2010) and Bendall (2010), corroborate the findings of the study. They found that there had been always the assumption and negative stereotype that domestic violence was a private issue, and that the law was not supposed to entertain 'bedroom gymnastics'. This meant that survivors of abuse were blocked from reporting incidences of abuse to the authorities because such infractions were viewed as belonging to the private sphere. As a result, law enforcement agencies and survivors too were unwilling to involve police in cases of domestic violence and women were often mistreated (Farouk, 2005).

Mesatywa (2008) argues that the perception of domestic violence as an intimate dispute by police and their unwillingness to intervene in 'household and private disputes' remained pervasive within the police in South Africa. Stack and Soggot (2001) add that domestic violence ws also rife even among police officers who also treated it as a private issue not worth sharing with external agencies.

According to Wood & Jewkes (2001), one of the most remarkable features of domestic violence within certain boundaries and contexts was its tolerance and perception as a private matter. Such a perception of domestic violence as a private matter adversely

affected the implementation of the Act in rural communities. The fact that this perception was shared by both survivors and some agencies tasked with the implementation of the Act meant that no-one could take the initiative and responsibility to prevent and curb the scourge.

6.4.1.5 Lack of availability and inaccessibility of shelters

Research findings revealed that safe shelters were an integral component in the fight against the scourge of domestic violence. As noted by Parenzee (2001), survivors of domestic violence often needed respite from the abuser and as such, safe houses could provide this. The provision of safe houses, as indicated by Giridhar (2012), was critical in the implementation of anti-domestic violence laws. This showed that their unavailability and inaccessibility to survivors of abuse in some rural areas seriously undermined efforts by agencies to effectively implement the Act to protect survivors against domestic violence.

Avocats Sans Frontieres (2011) supports the findings of the study, arguing that shelters were essential to ensure effective legal redress to domestic violence. It was further contended that shelters provided refuge and could be a place to empower survivors through a systematic process of counseling, legal and economic empowerment which was integral to break the cycle of violence. The non-availability and inaccessibility of shelters to abused women therefore stifled implementation of the Act, as survivors would stay put with perpetrators of abuse since there was no alternative accommodation.

UN Women (2016) supports the findings of the study, observing that the fact that there were few shelters available across the country in general indicated that shelter services were not accessible to the large majority of the population. In addition, the identified shelters were located in the regional capitals and were not necessarily accessible to women living in the rural areas.

Lepekele (2014) supports the findings of the present study when he observes that the failure by the state and other agencies to provide shelter services meant that the security and the decision making capacity of the survivor was severely curtailed. He

further states that failure by the government and other role players to provide safe houses was tantamount to exposing survivors of domestic violence to further abuse.

Several researchers, including Mujuzi (2014), Avocats Sans Frontieres, (2011), Le Roux (2004) and Kruger (2004) observe that safe shelters were grossly inadequate and non-existent at all in some rural wards in Africa. This implied that survivors without the facility in the wards and in cases where they were not adequate could easily be stalked, threatened and even killed while trying to escape from their marauding abusive partners. This undermined effective implementation of the law in rural communities.

Kruger (2004) further substantiates the findings of the study by noting that there was only one stop support center for the ever-ballooning number of survivors of abuse in rural communities of South Africa. Similarly, Avocats Sans Frontieres (2011) observes that Kasempa District in Zambia did not have a shelter nor did it have a transit home, while Solwezi District in the same country had only one shelter which was run by the Young Women Christian Association.

The woeful inadequacy and inaccessibility of shelters noted by the study, as one could infer, had seriously undermined effective implementation of the law in rural communities as women endured violence. Abused women stayed in abusive relationships since there was nowhere for them to go. Mujuzi (2014) supports the findings of the study when she noted in her study in Uganda that at one point, one participant in her study recalled that survivors were asked to stay in police cells or were taken to homes of police officers for overnight accommodation due to lack of shelters. Such a scenario compromised the well-being of survivors as they could suffer secondary victimization at the hands of rogue police officers.

6.4.2 Challenges faced by survivors of abuse when reporting cases of abuse to the police

This section discusses the challenges faced by women when reporting domestic abuse. This is related to Research Question Three, which reads:

What constraints militate against effective implementation of the provisions of the Domestic Violence Act in a rural setting?

6.4.2.1 Police station environment and fear of police

The findings of the study revealed that the state of police station environment and fear of the police in general by rural dwellers adversely affected the implementation of the Act in rural wards of Mwenezi District. Survivors of abuse complained that the conditions obtaining in base stations and police posts in rural areas were not enabling for them to lodge complaints of abuse against their partners.

The findings concur with those by Musasa Project (2017) who indicates that lack of privacy and confidentiality at police stations in Buhera District was a major barrier for survivors of abuse to file complaints against perpetrators of abuse with law enforcement agents. Musasa Project further notes that there were usually small places where survivors have their statements recorded by police. This shows that police station environments were not appropriate and suitable for abused women to feel confident to have their statements recorded. The implication could be that an abused woman would remain in an abusive relationship for fear that a police station could be a source of secondary victimisation.

The location of police and base stations was not ideal for women to feel comfortable when filing cases of abuse. Mashiri and Mawire (2010) substantiate and support the findings of the study. They note that a major challenge observed at Gweru Central Police Station was the location of the Victim Friendly Unit (VFU). They further note that for one to access the facility, one needed to pass through the charge office. This meant that the location of the station was not appropriate for survivors to file complaints against cases of domestic violence since there was no privacy. The lack of an enabling police station environment discouraged women from reporting cases of abuse thereby undermining effective implementation of the law.

It was noted, with interest, that a progressive and robust legislation implemented by agencies such as the police but without the necessary infrastructure would not encourage and make end users comfortable. Mesatywa (2008) asserts that poorly

constructed police structures not only create negative attitudes towards the police but may lead to victimisation of abused women. Additionally, Ambrosino et al. (2005) re-iterate that lack of proper facilities and basic amenities among poor and rural communities posed a danger and place survivors in compromising circumstances.

There were also difficulties that complainants faced in accessing the Victim Friendly Unit, if it existed at all, in rural areas. The fact that most rural police posts and bases lacked special facilities meant that survivors never felt comfortable to tell their full stories. Mesatywa (2008) lends credence to this view when she discovered that some women resorted to withdrawing their applications as they found the process of the justice system too overwhelming and unemphathetic to them.

It was further observed that other survivors who experienced the realities of a harsh police station environment in rural areas and the process of opening of dockets were unable to cope with the administrative requirements of the Act. They later abandoned the process, out of frustration. Such a scenario seriously undermined the effective implementation of the Act, leaving women vulnerable to multiple dimensions of abuse.

The fact that even the police themselves voiced concern about the sub-standard nature of police stations in rural areas speaks volumes about the challenges survivors faced when reporting cases of abuse to the police. This adversely affected effective implementation of the law as both survivors and service providers were frustrated and lacked motivation to report and prosecute cases reported to their logical conclusion.

6.4.2.2 Police corruption

The findings of the study revealed that police corruption stifled implementation of the Act in rural areas. Law enforcement agents were named by research participants as the most corrupt arm of government. Abused women stressed that law enforcement officials demand bribes in various forms when approached for assistance. It was noted that due to police corruption, officers would not respond swiftly and effectively to reports or calls of domestic abuse. Lepeleke (2014) supports the findings of the study by observing that abused women often did not trust the police whom they accused of being corrupt when it came to dealing with cases of domestic violence. He further asserts that

this could explain why victims of domestic violence were at times reluctant to report cases of domestic violence.

Roure (2009) also corroborates the findings of the study indicating that corruption amongst the police had been singled out as one of the main factors that discouraged survivors of domestic violence from reporting cases of abuse. Similar arguments were raised by Magorokosho (2010), who posits that corruption by law enforcement agents demonstrated that getting anti-domestic violence legislation on the statute books was only half the struggle. Where a progressive policy had been introduced, the question now was how state agents could translate and deliver domestic violence policy in ways that protected and empowered women.

It emerged from the findings of the study, that because of police corruption, women ended up withdrawing cases of abuse against perpetrators after they fail to pay 'protection fees' for investigations by police to commence. It is further noted that police officers would also demand bribes from perpetrators of abuse for them to destroy evidence and sweep cases of abuse under the carpet. The withdrawal of cases when perpetrators paid bribes to the police undermines the purpose for which the law has been enacted and raise serious concerns about the translation of formal policies into substantive changes in the lives of women. In the final analysis, one could argue that police corruption around issues of domestic violence contributes in no small measure to poor implementation of the Act and failure to deliver justice to survivors of abuse as envisaged and intended by the law.

6.4.2.3 Police attitudes towards domestic violence

The study found that negative attitudes by police officers towards the phenomenon of domestic violence stifled any endeavors to prevent and curb the phenomenon of domestic abuse. Bote (2008) notes that poor attitudes by police officers emanated from the fact that being a male-oriented and dominated organisation, the police always showed and expressed patriarchal assumptions and negative attitudes toward women who sought help from them. Bates' analysis fits well with the the Control Theory which locates women abuse at the epicenter a patriarchal system, whereby male domination

and oppression is tolerated. The Control Theory is complemented by the African Feminist Theory which emphasises that maltreatment of women is just one of a variety of tools designed to control intimate partners that men employ in order to exercise dominance over women.

Toranto et al. (2013) concur with the findings of the study by asserting that negative attitudes by the police and lack of sensitivity to the needs of survivors of violence were raised by applicants in their interactions with law enforcement agents. It was noted that survivors complained of being yelled at. The police were also impatient and at times raised their voices or spoke harshly to survivors.

Participants in the present study confirmed that owing to negative police attitudes, law enforcement agents were found to be the weakest link in so far as the enforcement and implementation of the Domestic Violence Act was concerned. It was noted that the attitude of police officers prevented them from fulfilling their duties as outlined and enshrined in the Act. This meant that owing to their ineptitude and negative attitude , they (police officers) failed to respond to the pleas of abused women to institute investigations and make arrests.

Several scholars, including Oyoo (2010), Njezula (2005), Vetten (2004), Jewkes and Abrahams (2000) and Hoosen (1997) complement the findings of the study, observing that the implementation of anti-domestic violence legislation across the continent of Africa has been hampered by the attitude of police officers who are unsympathetic to the needs of survivors. As Parenzee et al (2001) note, most of the provisions in the Act involve police in one way or another and place many duties on law enforcement agents. This meant that implementation of the Act was undermined by negative attitudes of police, given their critical role in the implementation and enforcement of the Act.

The study further revealed that the negative attitude of police towards domestic violence survivors was not helpful and undermined all efforts by survivors to lead a life free of violence. Oguli (2002) corroborates the findings of the study, arguing that the operation of the anti-domestic violence legislative frameworks was limited by the attitude of police

who interpreted the laws based on their experiences and discretions at the expense of survivors. Writing about domestic violence in South Africa, Njezula (2005) further corroborates the findings of the study when, she decries lack of police positive attitude and cooperation in preventing and combating domestic violence. She observes that survivors of abuse faced poor officers that were too often unable or unwilling to assist them in their efforts to pursue justice. Lack of empathy, compassion and treatment of survivors of abuse indiscreetly by police rendered implementation of the legislation ineffectual. One can argue that in light of this evidence, police were failing survivors.

To further buttress the findings of the study, the Institute of Criminology, University of Cape Town (2001), discovered that progressive legislation enforced by those with unprogressive attitudes can create hostility and resentment in the complainants torwards law enforcement agents. This shows that with all its progressive provisions, the law failed to achieve the desired results because of the wrong attitudes of police officers.

A study by Development Research Africa (2007), which sought to assess the implementation of the South African Domestic Violence Act in a rural community in that country, came up with significant findings. It established that the capacity of anti-domestic violence legislation in addressing the concerns of survivors had been hampered by the attitude of the police who trivialises domestic violence cases, resulting in negative perceptions by the survivors that the police and the courts did little to protect them from the abuse.

Vetten (2014) made vital contributions and insights to the nexus between police attitudes and non-implementation of the Act. She found that police records in dealing with cases of domestic violence had been described by many critics as mediocre. On top of their mediocrity was their failure to arrest the abusers, failure to open criminal cases and failure to assist survivors to find suitable shelter. She also noted that police were unresponsive to women's unfortunate circumstances as they frequently used warnings in place of prescribed punishment for violent conduct.

Padayachee (2009) also contributed to the debate around domestic violence and police intervention or non-intervention by arguing that survivors of domestic abuse experienced many challenges in seeking police help because of police negative attitudes. The challenges included negative attitudes of the police, their reluctance to intervene and arrest perpetrators of domestic violence as well as lack of police sensitivity. This meant that justice remained a mirage to survivors of abuse as police details failed to adhere to the minimum standards of service commitment and standards as prescribed in the Zimbabwe Republic Police Client Service Charter owing to their negative attitude.

6.4.2.4 Police bias

The findings of the study showed that unethical police conduct and bias against abused women impinges on the effective implementation of the Domestic Violence Act in rural areas of Mwenezi District. Participants representing different agencies criticised police conduct and felt strongly that unethical conduct jeopardises any opportunities for survivors to be insulated against domestic abuse. Survivors felt discriminated and neglected by the police whom they thought were the first port of call and a shield against domestic violence. Findings showed that police were not prioritising issues of domestic abuse reported by women as they expeditiously attended to concerns raised by men, partiularly those involving stocktheft..

Gender bias, particularly against cases of abuse reported by women, adversely affected implementation of the Act in rural areas. Parnas (1967) cited in Kruger (2004) supports the findings of the current study in indicating that police officers failed to actively pursue cases where victims and offenders had intimate relationship, fearing that women in particular would drop charges against the perpetrator.

The observations made by Parnas are consistent with World Food Programme's (2013) findings and those of this study which showed that police often would release a male perpetrator a few hours after he had been arrested. The World Food Programme further complemented the findings of the current study by indicating that when incidents of domestic violence were reported to the police in South Africa, female survivors would be

disrespected and dismissed. This showed that the treatment and care they received was inadequate. As a result, survivors were discouraged from reporting incidents of domestic abuse involving male intimate partners.

From the findings of the study, it could be argued that women survivors of abuse faced challenges from law enforcement agents who trivialised their issues on the basis of gender. Female victims in a study carried out by Gopal and Chetty (2006) in South Africa reported a lack of interest from police officers to become involved in cases of domestic violence when women were survivors. Gopal and Chetty (2006) further note that in situations where women reported cases of domestic violence to police, they were encouraged to seek internal family solutions to their problems.

Mesatywa (2008) further corroborates the findings of this study by noting that police, instead of being empathetic to the cause of women, urged them to return home and sort out their differences with their abusive partners. External intervention was, thus, viewed not only as inappropriate but uncalled for. According to Campbell (1998), the police were aware of the criticisms of gender biases that were usually directed towards them but decided not to take any action as most of them were males, who also abused their partners. The implementation of the Act was therefore seriously undermined by gender biases and stereotypical behaviour of police in such circumstances. This resulted in incomplete police statements and witness statements being inconclusive.

In a related study carried out in Johannesburg area, Prinsloo (2007) established that in cases where police were asked to intervene in domestic violence cases, the majority of female victims reported that the police did not do enough to protect them. Thus, Hoosen (1999) notes that compliance with the duties imposed by the Act coud only become a reality if the police officers, as relevant enforcement agents, were properly trained and sensitised to the needs of the complainant in situations of domestic violence. Taranto et al (2013) support the findings of the study, highlighting that complaints leveled at the police by female survivors included delays in attending to call-outs, attempts at mediating cases instead of arresting the perpetrator and complaints of not taking the survivors seriously.

Naidoo (2006) posits that despite some improvements in the implementation of the South Act, police still failed to comply with all provisions of the Domestic Violence Act. It was quite revealing that police gave excuses when approached by survivors and sometimes stated that they were addressing more pressing matters than domestic violence. It was important to note that the unethical conduct and bias by law enforcement agents was not only peculiar to Zimbabwe; countries such as Ghana (Adu-Gyamfi, 2014) Uganda (Mujuzi, 2014) South Africa (Parenzee, 2001) and Nigeria (Ojigho, 2012) observed similar tendencies.

6.4.2.5 Lack of police support services

The findings of the study revealed that lack of police stations, base stations and police posts in rural areas was a stumbling block in the implementation of the law. According to Musasa Project (2017), the roles and responsibilities of police extended beyond just the investigation of incidences of abuse, arresting and prosecuting the perpetrators as well as investigating the offence to the satisfaction of survivor. More importantly, police were mandated to provide care and support to survivors of domestic abuse.

The Department of Safety and Security (1998) in South Africa corroborates the findings of the study. It highlighted that there were very few police stations in rural communities to provide police services needed by survivors residing in those areas. The department further observes that nationally, seventy four percent of South African police stations were located in white suburbs or business districts. This left rural areas without adequate police details.

The shortage of police stations in rural communities, coupled with disproportionate number of officers to the population affects women in rural areas disproportnately. This implied that underprivileged women in rural and semi rural areas incurred unaffordable travel costs to access police protective services outside their living area. The implementation of the Act was thus severely undermined as police officers were a critical component in safeguarding and protecting the rights and interests of survivors. Artz (1999), drawing on the research based in poor black rural communities in the Southern Cape, listed some of the obstacles that women had to overcome in order to

obtain police support services. Due to the non-availability of these essential services in most rural communities, abused women are traumatised. The obsatcles faced by abused women included the following:

- Expensive travelling costs to get to police services;
- Limited or absence of taxi and bus services;
- Slow response times by police and ambulance services;
- Lack of, or poor and expensive telecommunication services;
- Long distances to travel to public services

6.4.3 Challenges faced by agencies tasked with implementation of the law

This section discusses challenges faced by agencies involved in the fight against domestic violence. This is related to Research Question Three, which is:

What constraints militate against effective implementation of the provisions of the Domestic Violence Act in a rural setting?

6.4.3.1 Resource constraints faced by the Ministry of Women Affairs

The findings of the study revealed that the Ministry of Women Affairs, Community and Small to Medium Enterprises Development, as the lead Ministry in fighting domestic violence, faced financial woes which incapacitated it from carrying out its programmes and projects to reduce cases of domestic abuse. Although it was difficulty sometimes to ascertain the budgetary allocations made to government departments for addressing domestic violence, anecdotal information showed that human and financial resources were usually not adequate.

The research established that financial woes facing the Ministry were hampering effective implementation of the Act. Participants from the Ministry of Women Affairs confirmed that budget allocation from central government for the Ministry was not adequate to ensure effective implementation of the Act. Several researchers, notable among them Magorokosho (2010), Ako and Akwengo (2009), Padayachee (2009) and Vetten, (2005) support the findings of the study by concurring that lack of resources faced by agencies involved in the implementation of the Act, particularly the Ministry of

Women Affairs and the Department of Social Welfare, severely undermined efforts to reduce the scourge of domestic abuse.

It emerged from the study that financial constraints and other resource challenges facing the Ministry meant that the department failed to roll out important programs to educate people on the provisions of the Act. As already alluded to elsewhere in this study, the failure by the Ministry to execute its mandate owing to scarcity of resources resulted in lack of awareness and knowledge of the provisions of the Act by survivors. This showed that survivors' ability to report cases of domestic abuse was undermined and compromised by budgetary constraints bedeviling the Ministry of Women Affairs. Padayachee (2009) supports the findings of the study when she observed that lack of resources by lead ministries in the fight against domestic violence had been one of the biggest factors in the lack of effective implementation of the South African Domestic Violence Act.

The findings of the study were further corroborated by Vetten (2005) who notes that a critical shortage of resources experienced by some government departments had resulted in Non-Governmental Organizations taking over the bulk of the work which was entrusted to government departments by the law. This resulted in such NGOs becoming overwhelmed and overloaded, leading to displacement of goals. Such a situation undermined the effective implementation of the law, thus exposing women to more cases of abuse.

6.4.3.2 Scarce resources in the department of police

Musasa Project (2017) notes that police were the most critical stakeholder in the multisectoral approach in responding to domestic violence and remained the most important partner in facilitating access to justice within the referral network. Despite the central role the police were mandated to play, research findings revealed that at system level, they faced major resource limitations that inhibited optimal comprehensive victim friendly service provision.

It emerged from findings of the study, that the department of police had not been spared as it was also dogged by critical shortages of both material and human resources. This

adversely affected the implementation of the Act, as police officers assumed the largest responsibility to ensure that domestic violence offenders were accounted for. Several scholars, including Mashiri and Mawire (2013), Mellish et al (2013), Matthews (2012), Padayachee (2009) and Parenzee et al. (2001) agree that lack of resources by the department of police was a huge impediment on the ability of the police to act in accordance with the provisions of the Domestic Violence Act.

Shortage of resources and manpower implied that the law enforcement agents could not execute their mandate as enshrined in the Act. It simply meant that police were incapacitated to visit crime scenes and conduct investigations, arrest the offender or advise the complainant to lay charges against perpetrators of abuse.

Mellish et al. (2013) support the findings of the study, observing that there was only one vehicle in the whole district of Kasempa in Zambia, which had to be shared with the Central Investigations Department (CID). This prompted delays in responding to reports of domestic violence offences, thereby undermining effective implementation of the Act. It was quite evident that several agencies, including police, were not showing the level of commitment needed to match the level of the threat faced by women.

Musasa Project (2017) supports the findings of the present study. It asserts that the Zimbabwe Republic Police lacked sufficient resources to enable swift responses against perpetrators of abuse. It further notes that in urban areas, officers ended up using personal resources to commute to various locations, or depended on the free rides offered by ‘good Samaritans’ to attend to call-outs. Musasa Project (2017) further argues the situation in rural areas was dire, as public transport was non-existent. This meant that an acute shortage of resources by the police department in rural areas rendered implementation of Domestic Violence Act a pipe dream.

Mathews (2012) concurs with the findings of this study by highlighting that police in South Africa, for instance, claimed that they had no vehicles available to travel to scenes of domestic violence to carry out investigations and make arrests owing to budgetary constraints. This showed that shortage of vehicles at police stations

undermined the operations of police as they could not attend to call outs by survivors to serve the court processes and arrest perpetrators. Critical shortage of vehicles to travel to scenes of domestic abuse, thus adversely compromised the safety of survivors and, ultimately, the implementation of the Act.

It further emerged from the findings of the study that the financial constraints faced by the department of police resulted in lack of funding to construct police stations in some rural wards and a specialised Victim Friendly Unit in rural wards. Kruger (2004) supports the findings of the study by contending that lack of funding for the department of police had hampered the establishment of more Victim Friendly Units and police stations throughout South Africa. Advocates for Human Rights, Mongolia (2013) echoe the same sentiments, noting that lack of resources and poor funding for the police by the government of Mongolia meant that there was only one Domestic Violence and Victim Support Unit in the regional capital of the country.

Kruger (2004) further supports the findings of the study, contending that lack of funding for the police has also undermined the training offered to the police in special units charged with issues of domestic violence. This resulted in police officers without specialised skills handling cases of domestic violence,because there was no funding for refresher workshops and further training for specialised police units. It was essential to note that as good as the provisions of the Domestic Violence Act looked on paper, the challenges faced by police adversely impacted on implementation of the law.

In light of budgetary constraints faced by the department of police, Vetten (2005) underscored the need to cost the implementation of domestic violence laws so that practitioners could advocate an itemised budget instead of demanding resources that could be misunderstood as excessive because of a lack of clarity as to the purpose for which the resources would be utilised.

6.4.3.3 Constraints faced by Musasa Project

Magorokosho (2010) observes that Musasa Project was projected to offer temporary shelter services to survivors of abuse whose lives were in immediate danger, educate

the public and authorities on the illegality of domestic violence, provide counselling, as well as legal and any other assistance to survivors of domestic abuse.

Research findings found that Musasa Project was in financial dire straits owing to economic challenges bedeviling Zimbabwe as a country. The non-governmental organisation faced both human and material shortages to effectively discharge their mandate as prescribed in the Act. The shortages of resources experienced by Musasa Project had an adverse impact on implementation of the Act in the rural communities of Mwenezi District.

It emerged from findings of the study, that Musasa Project was beset by resource constraints that negatively affected its operations to reduce and curb the phenomenon of domestic abuse. Adu-Gyamfi (2014) supports the findings of the study, stating that most agencies involved in the implementation of the Act were beset by serious challenges. Mujuzi (2014) further complements the findings of the study by positing that lack of resources inherent in Non-Governmental Organisations had severely curtailed efforts to provide shelters to vulnerable women. It was noted that the demand for services currently outstripped available resources and space at these safe homes making it difficult for women to stay for more than two weeks. The women were then often referred to other service providers equally incapacitated.

Human Rights Report (2014) also corroborates the findings of the study. It notes that efforts to establish shelters in rural areas of Mongolia stalled because of a lack of funding experienced by a local Non-Governmental Organisation. This was substantiated by a Regional Coordinator of a local Non-Governmental Organisation in that country. The Coordinator reportedly failed to raise resources to build a shelter after having obtained land near a police station on which to build the shelter in 2011. Such a scenario clearly showed how lack of funding can adversely affected any endeavors to construct more safe havens. This often undermined effective implementation of the law.

Bote (2008) observes that lack of resources experienced by Musasa Project was due to the fact that the Domestic Violence Act did not oblige the government to establish safe

shelters neither was it mandated to provide funding. Adu-Gyamfi (2014) supports the findings of this current study. She observes that the majority of safe shelters in Ghana faced financial constraints because the government was not under any obligation to subsidise or fund shelters. Such a situation heavily compromised the effective implementation of the Act, as shelters were deemed a major prerequisite in the fight against domestic violence.

Severe resources constraints experienced by Musasa Project incapacitated the organisation from executing its roles and duties as prescribed by the Act. The findings of the study revealed that Musasa Project's economic challenges emanated from the fact that the organisation was donor-funded. The donor-funded nature of the organisation always played to the funding partner's tune. This meant that if the donor was interested in counseling, then it was incumbent upon Musasa Project to stick to that agreed undertaking even if their clients did not need counseling services.

6.4.3.4 Under-resourced Anti-Domestic Violence Council

The findings of the study established that the Anti-Domestic Violence Council which was established in terms of section 16 of the Domestic Violence Act (Chapter 5:16) of 2007, faced serious resource constraints. The research confirmed that the Anti-Domestic Violence Council (ADVC) was dogged by critical shortage of resources which crippled its operations. Lack of resources and space experienced by the council meant that it operated at very low capacity.

Lepekele (2014) notes that the failure by the government of Zimbabwe to ensure that the council had a suitable working space and adequate resources suggested a lack of commitment to ensuring that the Act was effectively implemented. He further argues that if the government of Zimbabwe was really serious about tackling domestic violence, then it would prioritise the council by providing sufficient funding. Lepekele (2014) further supports the findings of the study when he observed that insufficient resources faced by the council also affected staff morale which would in turn impeded the implementation of the Act.

6.4.4 Implementing agencies' knowledge of the provisions of the Act

Agencies within the chain of service provision relating to domestic violence were expected to have received training to sensitise them to the needs of survivors of domestic abuse. Findings of the study revealed that some representatives of different agencies lacked knowledge of the provisions of the Act and commitment to provide domestic violence victims with the protection they were legally entitled to. Lack of knowledge of some agencies is discussed below:

6.4.4.1 Knowledge of police officers

The findings of the study revealed that police knowledge of the provisions of the Domestic Violence Act was too low to effectively deal with the scourge of domestic violence. Police's lack of knowledge of the provisions of the Act emanated from lack of specifically trained Victim Friendly Unit officers. It was noted that officers from other branches of police, such as Traffic Section, could be deployed to deal with cases of domestic violence. This implied that investigations by such officers were not thorough and sufficient, docket compilation was poor and haphazard, arrest of offenders was not prioritised and necessary referrals not given the attention they deserved.

According to WHO (2005), the police often lacked the necessary training to deal with cases of domestic violence. However, in some instances, as Roure (2009) observed, even with the necessary skills and training, the police still treated survivors of abuse with contempt.

Bote (2008) supports the findings of the study by noting that there was no prior training of service providers such as members of the police, the health care system or the judiciary on how they would implement the law or deal with survivors of domestic violence. It was further noted that the Victim Friendly Unit was not yet a specialised unit and this had serious adverse implications on the enforcement of the law by police.

Chuma and Chazovachii (2012) further support the findings of the study by asserting that lack of understanding of the provisions of the Act and poor training of police officers, and other key personnel were major issues impacting negatively on the implementation of Domestic Violence Act. They further posit that police officers were not properly trained on how to advise and assist survivors to apply for Protection Orders or

to lay criminal charges against perpetrators of abuse. This, undoubtedly, severely undermined effective the implementation of the law, thereby exposing women to multiple forms of abuse.

Parenzee (2003) corroborates the findings of the study, noting that the implementation of the South African Domestic Violence Act had been undermined by factors such as police's lack of knowledge and understanding of the Act. She further posits that the South African police ,for instance, had never submitted a report on domestic violence cases as was required of them due to lack of knowledge of the provisions of the Act. It was further contended that they often displayed a lack of knowledge regarding the procedures to be followed in domestic violence matters.

Vetten (2005) augments the findings of the study, albeit from a different angle,by indicating that many male police officers were themselves perpetrators of domestic violence or associated with people who were offenders. This further compromised the safety of survivors of abuse. Gonsalves (2010), in her study, analysed the trials and outcomes of police failure to probe violence, particularly against women, due to their lack of knowledge of the Act. This led to a situation in which the law as a whole was taken as an instrument of patriarchal oppression that breeds even more violence.

As highlighted by findings of the study, one of the greatest challenges hampering the implementation of the Domestic Violence Act in the rural areas was the severe dearth of skills and expertise in the area of law enforcement mechanism. Against this background, there was need for ongoing regular training and refresher courses for police officers to be conversant and well acquainted with operations of the law.

6.4.4.2 Knowledge of officials from the Ministry of Women Affairs, Community and Small to Medium Enterprises Development about the provisions of the Act

The Ministry of Women Affairs, Community and Small to Medium Enterprises Development was the lead authority in coordinating domestic violence policies and programs through a multi-sectoral approach. It was considered the first port of call for survivors of domestic violence since it was mandated to administer the Domestic Violence Act [Chapter 5:16]. The findings of the study revealed that some officers,

particularly those stationed at district offices, were quite conversant and knowledgeable about the provisions of the Act. Those at ward level, specifically ward coordinators, however, had insufficient knowledge regarding the provisions of the Act and their role in the whole process.

As findings of the study revealed, officers from the Ministry of Women Affairs had varied knowledge and understanding of the provisions of the Act. The Government of Naples (2012) concurs with the findings of the study when it observed that fifty of the fifty three district-level officers were aware of the existence of Nepali laws to combat domestic violence. It was also noted, however, that a smaller number knew about the specific laws tackling this issue. It was further noted that the majority of ward level stakeholders were, however, not aware of the provisions of the Act and the flaws inherent in the law. This scenario, it could be argued, adversely undermined the effective implementation of the law.

Chuma and Chazovachii (2012) corroborated the findings of the present study when they observed that people tasked to assist with the implementation of the Act, such as ward coordinators, had only secondary or elementary background and no practical experience on issues that directly concerned women such as domestic violence.

It was further noted that women participants agreed that the majority of ward co-coordinators saw themselves as party activists, understandably so, given that they were employed, in the first place, either as members or sympathisers of the ruling party (Chuma and Chazovachii, 2012). This showed that they were not employed on the basis of merit, hence exhibited awfully inadequate awareness of the Domestic Violence Act to facilitate effective implementation of the law.

The solid knowledge of the Act shown by Ministry officials at district offices could go a long way in providing protection to survivors of abuse. However, insufficient knowledge of the Act shown by ward coordinators who were more accessible to most survivors due to their proximity to the people was a major barrier for women to be protected.

6.4.4.3 Chapter conclusion on constraints impeding effective implementation of the Act

The intention of this section was to discuss the findings gathered from participants through in-depth interviews and focus group discussions on the constraints impeding the successful implementation of the anti-domestic violence legislation. Findings revealed that effective implementation of the law was impeded by three major constraints, namely, barriers faced by women in reporting incidences of domestic abuse to law enforcement agents and other service providers, constraints faced by agencies tasked with the implementation of the law and, last but not least, police ineptitude in the implementation of the law.

From the findings, it was discovered that women's dependency on their partners, fear of backlash after reporting the perpetrator to law enforcers, cultural practices and perceptions of domestic violence as a private matter have seriously undermined and prevented women from taking action against the phenomenon of domestic violence. Challenges faced by agencies and departments tasked with implementation of the law that emanated from scarcity of material and human resources have also slowed down efforts to put wheels of justice into motion against incidences of domestic violence. Police attitudes towards domestic violence, police station environment and fear of the police as well as police invisibility in rural communities have also adversely affected effective implementation of Domestic Violence Act.

6.5 Chapter summary

This chapter discussed the findings of the study based on major themes that emerged during the interviews and document analysis. The discussion identified key areas in the findings of the study so as to draw conclusions in as far as the implementation of anti-domestic violence legislation is concerned. The two theoretical frameworks that underpinned the study, namely the Control and the African eeminist Theories were used to explain and discuss the findings of the study.

On women's knowledge of the Act, it was noted that they lacked clear knowledge and understanding of the provisions of the Act which undermined effective implementation of the law to deliver a violence-free society. It also emerged from the discussion that the Act was sufficient enough to prevent and curb occurrences of abuse provided it was fully enforced by relevant agencies. The discussion further revealed that the implementation of the Act was plagued by several constraints. Overall, the discussion revealed that the implementation of the Act was hindered by several factors encompassing individual characteristics of survivors themselves. For instance, survivors could not define some forms of abuse owing to lack of knowledge of the provisions of the Act. At the same time, agencies mandated to facilitate implementation of the Act were not spared as they were dogged by serious shortages of resources to effectively deal with the scourge of domestic abuse of women.

CHAPTER SEVEN

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

7.1 Chapter introduction

The previous chapter discussed the study's findings. This chapter is divided into seven sections. The first section provides a summary of the study encompassing the topic and focus of the study, Theoretical frameworks and methodology of the study. The second section presents a summary of the study. The conclusions will be presented together with the major findings of the study. The fourth section puts into focus the implications of the study that are informed by its findings. Recommendations emanating from the study constitute the fifth section of the study. The contributions the study makes are presented in the form of a model in the sixth section. The chapter also provides an assessment of the extent to which the objectives of the study were achieved. The last section suggests areas for further research.

7.2 Summary

The study focused on, and dealt with, the implementation of the Domestic Violence Act in Zimbabwe's rural areas using Mwenezi district as a case study with a view to assessing whether the law was serving its intended purpose. The research study established that domestic violence had been occurring since time immemorial across nation states. According to Ahrens (2006), domestic violence continues to occur at an alarming rate although various policies and laws have been enacted across the globe to prohibit this type of violence. Reviewed literature showed that the implementation of the anti-domestic violence legislation was hampered by low levels of knowledge and awareness of domestic violence laws and policies by women residing, particularly in rural areas. Research undertaken by Artz and Smythe (2005) highlighted that many women residing in rural areas in South Africa were not familiar with the legislation meant to provide protection to them.

Reviewed literature further demonstrates that the implementation of domestic violence legislation had met with lots of impediments comprising women's lack of economic

independence, perception of domestic abuse as a private matter and the fear of backlash among other factors. Oguli (2002) notes in her study in Ghana that despite the existence of anti-domestic violence legislation, implementation of the law was limited by various factors.

This study was propelled by the need to establish the constraints impeding effective implementation of the Domestic Violence Act with a view to removing them so as to reduce the prevalence rate of domestic abuse. It was hoped that the study would unveil important information to agencies such as law enforcement agents on how they could deal with the complexities of the social phenomenon. It was envisaged that the study would be of major importance to all individuals in the country, groups and organisations because a clear understanding of domestic violence enhances effective implementation of the law.

The Control Theory had been demployed in this research because it was important to understand why and how the powerful and dominant male partners in a relationship used the threat of force or violence to obtain compliance from the subordinate and weaker partners. The study was also grounded in African Feminism to complement the Control Theory. Feminists have highlighted the extent to which women endured domestic violence due to men's desire to control and dominate them.

The study adopted the interpretive paradigm in light of Mason's (2002) contention that where reality was assumed to consist of meanings, perceptions, beliefs and underlying motivations, the interpretive paradigm was the most relevant. The qualitative research approach was used because it suited the study; it promoted synergies and close interface between the researcher and what was being studied, that is, the phenomenon of domestic violence and its survivors.

The case study design, which Gray (2014) views as particularly useful when the researcher was trying to uncover a relationship between a phenomenon and the context in which it was occurring, was also adopted in the study. In-depth interviews, documentary analysis and group interviews were employed as data collection techniques in the study. Data from the study was analysed following the content analysis method. In this

framework, data analysis was done deductively using the research questions and inductively through multiple readings and interpretations of raw data (Cresswell, 2013).

7.3 General conclusions

This section provides the conclusions of the study with respect to survivors' knowledge and understanding of the provisions of the Domestic Violence Act focusing on the implementation of the Act, the adequacy of the Act in providing and guaranteeing protection and security to survivors against domestic abuse, constraints faced by women when reporting cases of abuse to police, and challenges faced by agencies involved in fighting the scourge of domestic violence. These are summarised in the sub-sections that follow.

7.3.1 Conclusion regarding women's knowledge and understanding of the provisions of Domestic Violence Act

The study established that the implementation of the Domestic Violence Act was stifled by women's lack of knowledge and understanding of the provisions of the Act. From the findings, it was noted that women in rural communities experienced different forms of abuse but did not define and categorise all of them as constituting domestic violence. This adversely affected the implementation of the Act, leaving women exposed to multiple forms of abuse.

7.3.1.1 Forms of abuse experienced by women

It emerged from the findings of the study that women experienced diverse forms of abuse that included physical, psychological or emotional, sexual and economic or financial abuses. With the exception of physical forms of abuse, women's knowledge and understanding of the other three forms of abuse were inadequate. This meant that women who were physically abused, barring any other impediments, could report the violation to police thereby facilitating and enhancing effective implementation of the law. Conversely, inadequate knowledge and understanding of the other three forms of abuse resulted in survivors not reporting their ordeal to relevant agencies such as the police, rendering implementation of the Act a futile exercise.

7.3.1.2 Awareness and knowledge of shelter s

Findings revealed that women's awareness and knowledge of shelter s was inadequate as evidenced by low inquiries made by survivors about this facility. This implied that survivors would not exit or terminate abusive relationships as there was no alternative shelter in the event of a domestic dispute. This meant that domestic violence would continue unabated as women continued staying in abusive relationships owing to lack of alternative shelters.

7.3.1.3 Knowledge and understanding of police duties

The study established that women generally lacked knowledge of police duties in relation to domestic violence. The duties, as provided in the Act, included investigating and arresting perpetrators of abuse, advising survivors to seek medical treatment and shelter as well as providing any other assistance required by survivors of abuse. Contrary to duties of the police as outlined in the Act, survivors sought the intervention of the police to mediate in their disputes with husbands instead of, for example, arresting the perpetrators of abuse when there was evidence that a crime was committed. Such a scenario, therefore, undermined the effective implementation of the law to provide security to the vulnerable sections of the population.

7.3.1.4 Awareness and knowledge of Protection Orders

It was noted that survivors' knowledge and understanding of Protection Orders was grossly limited. Women were not applying for Protection Orders to insulate themselves against domestic violence. The few women who were aware of Protection Orders, after having been advised by Musasa Project, struggled to fill them. In some cases, they would not comply with day of return, thereby compromising the efficacy of the Act in delivering justice to those who needed it most.

7.3.2.1 Strengths of the Act

Unfolding from data were the strengths of the Act which included a comprehensive definition of the phenomenon of domestic violence, an elaborate capture of forms of

domestic violence, the provision of Protection Orders and anti-domestic violence counselors.

7.3.2.1.1. A Comprehensive definition of domestic violence

The findings of the study revealed that the greatest strength of the Zimbabwean Domestic Violence Act lied in the broad definition that the Act proffered . It was noted that the broad definition proffered by the Act was quite comprehensive, detailed and progressive as it stipulated what constituted domestic violence.

7.3.2.1.2 Elaborate capture of forms of domestic violence

The study found that the Act was comprehensive and exhaustive in the sense that it captured the various forms and manifestations of what constituted domestic violence. These include physical abuse, economic abuse, psychological and emotional abuse, sexual abuse, intimidation, stalking and harassment.

7.3.2.1.3 Provision of Protection Orders

The findings of the study indicated that the provision of Protection Orders strengthened the Act to fight the scourge of domestic violence. Protection Orders provided the most viable remedy for survivors of abuse to insulate themselves against domestic abuse.

7.3.2.1.4 Provision of anti-domestic violence counselors

The findings of the study revealed that the provision of Anti-domestic violence counselors provided steel to the Act to nip the scourge of abuse in the bud. It was noted that survivors could now get invaluable support from Anti-domestic violence counselors to lessen the burden of abuse.

7.3.2.2 Shortcomings of the Act

The study revealed the shortcomings of the Act which included failure to acknowledge root causes of domestic violence, lack of measures to rehabilitate the offender and lack of operational guidelines and training to social service agencies.

7.3.2.2.1 Failure to acknowledge the root causes of domestic abuse

The failure to acknowledge the root causes of domestic violence emerged as a major handicap for the Act to deal decisively with the social ill of domestic violence. Infidelity was noted as the major contributing factor to the ever- increasing cases of domestic violence, yet the Act did not make reference to it. Such a scenario undermined or weakened the Act to fight the scourge of domestic violence.

7.3.2.2.2 Lack of measures to rehabilitate the offender

Lack of measures to rehabilitate the offender emerged as another weakness inherent in the Act. It was noted that the Act concentrated on the survivor, leaving out the perpetrator who is responsible for the outbreak of abuse. The implication of this was that domestic violence would continue unabated.

7.3.2.2.3 Lack of operational guidelines and training to social service agencies

The study revealed lack of operational guidelines as the Achilles heel of the domestic Violence Act. It was noted that lack of operational guidelines and training prior to the implementation of the Act among agencies compromised endeavors to fight the social ills of domestic violence. It was revealed that no operational guidelines and prior training were provided to agencies involved in fighting domestic violence.

7.3.2.2.4 Lack of clearly defined roles of traditional leaders

The findings of the study revealed that the role of traditional leaders has not been clearly defined. Such a situation undermined effective implementation of the law as traditional leaders would not play their expected instrumental role in changing the cultural and traditional ideologies deeply entrenched in rural areas of Mwenezi District.

7.3.3.1 Barriers faced by women in reporting cases of domestic violence

The study established that survivors of abuse faced numerous constraints in reporting cases of abuse to the police. The obstacles cited by research participants included women's lack of economic independence, strangling traditional practices and cultural

ideologies, the perception of domestic violence as a private matter, fear of backlash and lack of availability of shelter s.

7.3.3.1.1 Women's lack of economic independence

Women's lack of economic independence emerged as a major stumbling block for the abused to lodge complaints with police against perpetrators of abuse. It was noted that most women were not employed, and did not own the means of production such as land which is central to their livelihoods. This meant that women remained trapped in abusive relationships for fear that their male partners would withdraw their support once an attempt was made to report them to the police.

7.3.3.1.2 Inhibiting traditional practices and cultural ideologies

Traditional practices and cultural ideologies were another constraining factor found to be undermining effective implementation of the Act in rural communities of Mwenezi District. It was noted, for instance, that lobola payment as a cultural practice which held sway in rural areas prevented women from reporting cases of abuse to police for fear that their parents could not afford to pay back the lobola to the son-in- law. This undermined effective implementation of the law as women were discouraged from reporting their ordeal to police and other agencies.

7.3.3.1.3 Fear of backlash

The findings of the study revealed that women were gripped by fear of backlash and social costs associated with making their situation public. It was noted that women were thus prevented and reluctant to seek protection from law enforcement agents due to fear of backlash and associated costs of making their plight a public issue.

7.3.3.1.4 Perception of domestic violence as a private issue

Emerging from the findings of the study was women's perception of domestic violence as a private issue. Women were not keen to report cases of abuse to the authorities as they felt that such issues did not require external agencies as they were deemed private. Failure to report incidences of domestic abuse owing to the perception of

domestic violence as a private matter undermined the effective implementation of the Act.

7.3.3.1.5 Lack of availability and accessibility of shelter s

Lack of availability of shelter s in rural areas of Mwenezi District exposed survivors to ever-escalating cases of domestic violence. Lack of shelter centers meant that survivors would not dare leave abusive partners as there was no alternative shelter for accommodation. Women thus endured the abuse perpetrated by their husbands due to lack of alternative accommodation.

7.3.3.2 Challenges faced by women when reporting cases of domestic violence

Survivors of abuse encountered many challenges when reporting cases of abuse to the police. The challenges encompassed police station environment and fear of the police, police corruption, police attitudes towards domestic violence and police bias against survivors of abuse.

7.3.3.2.1 Police station environment and fear of police

Research findings revealed that the state of police station environment in rural areas was a major hurdle faced by survivors of abuse when reporting incidences of abuse to law enforcement agents. Such a set up discouraged survivors from successfully having their cases fully prosecuted, thereby undermining effective implementation of the law.

7.3.3.2.2 Police corruption

The study revealed that police corruption was so rampant that it adversely affected the implementation of the Act as survivors were put off by the demands police officers were making from abused women. It was also noted that perpetrators of abuse could also pay bribes to the police to ‘throw away’ or destroy incriminating evidence. There were indications that the police were demanding bribes from survivors of abuse which survivors could not afford, yet offenders could easily raise the ‘protection fees’, much to the detriment of those who needed protection.

7.3.3.2.3 Police attitudes towards domestic violence

It emerged from the findings of the study that the attitude of police towards domestic violence was negative. Negative attitudes of the police towards domestic violence survivors meant that they would not respond to call outs by survivors**.** This culminated in women experiencing severe forms of abuse, as domestic violence continued unabated. Such a scenario stifled effective implementation of the Act because positive attitudes from police are central to eradication of the social ill of domestic violence.

7.3.3.2.4 Police bias against survivors of abuse

The study revealed that the implementation of the Act was stifled by police bias against abused women. There were indications that the police were biased against female complainants of domestic abuse. It was noted that they were much eager and prepared to assist male victims of stocktheft than survivors of domestic abuse.

7.3.3.3. C**hallenges faced by agencies tasked with implementation of the law**

Agencies involved in the fight against cases of domestic violence grappled with many challenges in their bid to reduce cases of domestic abuse. The police, Musasa Project and the Ministry of Women Affairs were plagued with serious constraints.

7.3.3.3.1 Resource constraints faced by Ministry of Women Affairs

The findings of the study revealed that the Ministry of Women Affairs, Community and Small to Medium Enterprises Development, as the lead Ministry in fighting domestic violence, faced financial woes which incapacitated it from carrying out its programs and projects to raise women's awareness of the provisions of the Act. It was noted that women's knowledge of the Act was low owing to failure by the Ministry to sensitise survivors about the provisions of the Act. The financial woes facing the Ministry thus hampered the effective implementation of the Act.

7.3.3.3.2 Scarce resources in the department of police

The findings of the study unearthed that the department of police faced major resource limitations that inhibited optimal victim-friendly service provision. It was noted that the

police were failing to attend to call outs to make investigations and arrests due to financial constraints bedeviling the department of police.

7.3.3.3.3 Constraints faced by Musasa Project

Research findings revealed that Musasa Project, like other agencies fighting against domestic violence, faced both human and material shortages to discharge their duties effectively. Shortage of material and human resources thus undermined effective implementation of the Act.

7.3.3.3.4 Under-resourced Anti-Domestic Violence Counselors

Research findings revealed that the Anti-Domestic Violence Counselors were dogged by critical shortage of resources thereby crippling their operations. The counselors could not carry out their supervisory role as resource constraints crippled any initiative to provide protection to survivors.

7.3.3.4. Knowledge of the provisions of the act by implementing agencies

The study found that officials from different agencies had varied knowledge of the provisions of the Act. Some officials from the Ministry of Women Affairs at district offices exhibited adequate knowledge of the Act while ward coordinators and some police officers lacked the knowledge to effectively facilitate and enhance implementation of the Act.

7.3.3.4.1 Knowledge of the Act by police

The findings of the study indicated that some police officers' knowledge of the provisions of the Act was poor owing to lack of specialized training on how to deal with or respond to incidences of domestic violence. This undermined the implementation of the Act as the role of police is critical in implementation of the law. It was noted that the Victim Friendly Unit was not staffed by personnel specifically trained to handle cases of domestic violence.

7.3.3.4.2 Knowledge of the Act by Musasa Project officials

The study discovered that the knowledge of officials from Musasa Project stationed at the shelter was not satisfactory. The Matron, the senior official at the , also kept referring the researcher to their provincial office. This demonstrated that she was not knowledgeable about the provisions of the Act, although the referrals could have been due to protocol of the organisation. Lack of knowledge of the provisions by the officials at the shelter, the Matron in particular, impeded effective implementation of the law as they were expected to play a significant role in the implementation of the Act given that they were the ones on the ground in the wards interacting with survivors.

7.4 Implications of the study, the contribution which it makes and recommendations arising from it

The study found evidence that attempts were made by agencies to curb and combat the scourge of domestic abuse in rural areas of Mwenezi District. However, implementation of the Act was hampered by several constraints. The implications of the Act for the future as well as the contributions which the study has made and the recommendations emanating from the conclusions are discussed in the following sections below.

7.4.1 Implications

The study's findings pointed to the need to reconsider implementation modalities of the Act which would entail both policy and practical considerations.

7.4.1.1 Policy implications

With regards to the policy (Act), the government needeeds to plug loopholes that hinder its effective implementation. For instance, there was need to re-define and elaborate on the role of traditional leaders in the implementation of the Act given their huge influence in rural communities. Focus should also be extended to perpetrators of abuse, including their rehabilitation and counselling to prevent them from committing violence in the future. This was an important feature of any anti-domestic violence law if its objectives were to be realised. The department of police needed to develop its implementation

guidelines for the speedy of implementation of the Act. This would enable the police department to set its own procedures for implementation, rather than being guided by the Ministry of Justice, Legal and Parliamentary Affairs.

7.4.1.2 Practical implications

At the level of practice , the findings should have helped agencies involved in the fight against domestic violence to identify the challenges hindering effective implementation of the Act. The survivors of abuse happened to be the major beneficiaries of the study if the Act was effectively implemented as a result of the recommendations presented. These would result in a new thrust guiding the implementation of the Act to enhance its effective implementation.

7.4.2 The potential contribution which the study makes

Although the study was conducted on a relatively small scale, it managed to gain important insights into the implementation of the Domestic Violence Act in rural communities of Zimbabwe. Despite the efforts made by different agencies to implement the Act, the challenges that were identified continued to undermine its effective implementation to guarantee protection to survivors. The model proposed in Figure 7.5 below might enlightened and provided guidance to various agencies concerning how the Act could be effectively implemented in order to create a society free of domestic violence. The model had its foundation in the literature which was reviewed before this study took shape.

7.4.2.1 Developing and raising women's knowledge of the Act

Figure 7.4 depicts that for effective implementation of the Act to be attained, women were to be knowledgeable about their rights as enshrined in the anti-domestic violence legislation. Knowledge and information on the rights of citizens empowered potential victims and survivors to make informed decisions on the options they might pursue to prevent and curb incidents of domestic abuse. This required agencies and other stakeholders to educate and provide information on rights and remedies available and accessible to survivors.

7.4.2.2 Providing and facilitating access to support services

Figure 7.1 shows that for the implementation of Domestic Violence Act to be realised, the availability and accessibility of support services by agencies was critical. In this regard, agencies ought to facilitate and provide access to medical aid, protection and legal support, and shelter facilities required by survivors. Access to support services was essential not only for dealing with emergency situations, but also for sustaining women in their struggle for justice. The roles and responsibilities of each of the agencies should have been clearly defined and spelt out to avoid and prevent contradictions and overlaps. Coordination among different agencies was, therefore, crucial for agencies to complement each other effectively.

There was need for the state to establish and provide adequate funding for these support services. It was critical that the state encouraged individuals and non-state actors, particularly non-governmental organizations fighting for the rights of women, to establish domestic violence support and counseling facilities. The presence of highly empathetic, highly trained and sensitised service providers was of utmost importance. This required that police officers, ward coordinators, social welfare officers, officers from the Ministry of Women Affairs, Musasa Project representatives and members representing anti-domestic violence counselors had appropriate skills and relevant knowledge so as to develop appropriate implementation strategies to achieve zero tolerance to domestic violence.

7.4.2.3 Monitoring and evaluating the implementation of the law

Figure 7.1 shows that for implementation of the law to be efficient and effective, well trained monitoring and evaluation specialists were required to examine whether the measures for the implementation of the legislation were in tandem with constitutional rights, and whether they were effective in reducing the incidence of domestic violence. Monitoring and evaluating specialists could also gather information, both though quantitative and qualitative research methodologies encompassing surveys and other techniques. While monitoring and evaluation of the law was in progress, it was supposed to be borne in mind that an increase in the number of reported cases of

abuse might not necessarily indicated an increase in the incidence of abuse. On the contrary, it could be an indication of high levels of awareness of the law and better access to appropriate and relevant services.

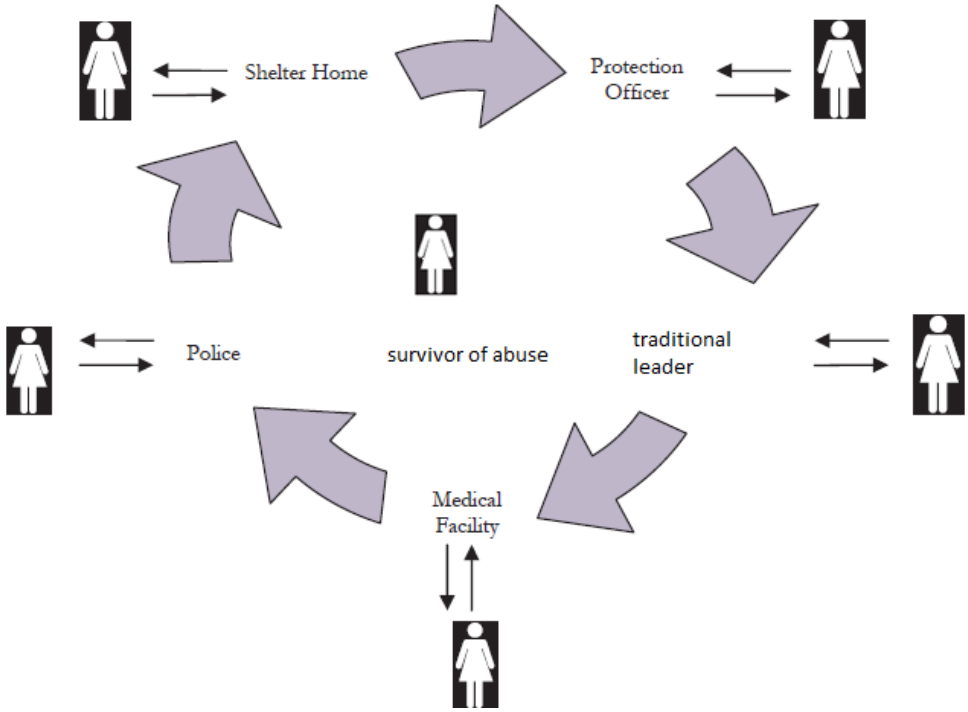

Figure 7.1 Domestic Violence Response Model for enhancing effective implementation of Domestic Violence Act in rural communities

7.4.2.4 Domestic Violence Response Model

The Domestic Violence Response Model can be characterised and described as a chain or wheel. Abused women had multiple entry points to gain access to appropriate services required. This meant that a survivor of abuse might approach a police officer when she required protection support services. It was important to note that the police constituted a pivotal link in the Domestic Violence Response Model. The model was highly flexible and user friendly for women in the sense that the abused could approach any agency and referred to other agencies in accordance with her particular needs. For

instance, if an abused woman approached a police officer when she needed legal support, the officer would not turn her away but assisted her to get legal representation. Coordination among different agencies was critical to meet the needs of survivors. The ultimate objective of the model was to progressively decrease the prevalence rate of domestic violence in rural communities.

7.5. Recommendations emanating from the study

From the analysis, discussion and conclusions drawn from the findings of the study, the following practical recommendations were offered for ensuring effective implementation of the Domestic Violence Act not only in rural areas of Mwenezi District, but also in other rural communities of Zimbabwe where conditions and circumstances were similar. The recommendations were identified and presented below:

7.5.1 Recommendations emanating from women's lack of awareness and knowledge of the provisions of the Act

There was need for government, through line ministries such as the Women Affairs and Justice, traditional leaders, agencies such as police and non-governmental organisations such as Musasa Project, to train communities on the provisions and contents of the Domestic Violence Act. This helped equip survivors with relevant and appropriate knowledge to disclose and report all cases of domestic abuse to the authorities.

7.5.2 Recommendations emanating from constraints impeding effective implementation of the Act

The state, complemented by non-state actors such as Musasa Project and other organisations fighting against domestic violence, should train women in skills development programmes that help them to become self-employed and self-reliant. Skills development programmes enable women to become financially independent and to capacitate them to speak out against domestic abuse. This is critical since the current study discovered that survivors stayed in abusive relationships owing to gender inequality and feminisation of poverty.

The culture of silence on domestic violence should be discouraged and eliminated through continuous awareness and sensitization programmes by agencies involved in fighting the scourge of abuse, including police, non-governmental organisations, traditional leaders and line ministries such as the Women Affairs Ministry.

One stop service s should be set up in at least in every district, comprising of medical facilities, psycho social support facilities, safe shelters and police facilities to make it easier for survivors to access the services since a full package is found at one place.

Police stations or base stations/police posts should be established within a ten kilometer radius of citizens to ensure visibility and presence of police to deter and respond to call outs by survivors of abuse. If resources are not permitting, police neighbourhood watch committees should be set up with the assistance of police, traditional leaders and business people in an area to fight domestic abuse.

Victim Friendly Units should be made available in every police station by the state and manned by officers with expert knowledge on issues of domestic violence.

Agencies such as police should develop supportive and empathetic attitudes that meet the needs of survivors of abuse. This can be done through regular training and refresher courses for police officers so that they can thoroughly investigate all cases of abuse.

7.6 The extent to which the study achieved its objectives

The extent to which the study has achieved its objectives will be assessed under the following themes: Women's knowledge and understanding of the provisions of the Act, the adequacy of the Act in preventing and curbing the scourge of abuse and constraints faced survivors of abuse and various agencies to create a non-violent society.

7.6.1 Women's knowledge and understanding of the provisions and contents of the Act

This study found that women's knowledge of the Act was grossly inadequate. It was noted that survivors struggled to define and categorise all forms of abuse they experienced as constituting domestic violence. Awareness and knowledge of the

availability and existence of shelter centers was found to be unsatisfactory among survivors of abuse. The study further unearthed that women were not conversant with remedies such Protection Orders which they could utilise to fight domestic abuse. Notwithstanding the fact that the police constitute a pivotal link in fighting domestic violence, it was quite depressing to note that women were not knowledgeable about the duties and responsibilities of the police in relation to domestic violence.

7.6.2 The adequacy of the Act to prevent and curb domestic abuse

Though it was abundantly clear from the documents analysed and academic papers perused, that the Act was quite adequate to progressively to decrease the prevalence of abuse in rural areas, there were also some loopholes that could affect effective implementation of the legislation. The strengths of the Act, however, overshadowed the limitations identified in the Act. The strengths of the Act were reflected by a comprehensive and detailed conceptualization of the phenomenon of domestic violence, as well as elaborate and exhaustive capture of all forms of abuse. The provision of Protection Orders and anti-domestic violence counsellors added impetus and strength to the Act as a bulwark to fight violation against women's rights. The shortcomings or limitations of the Act were exposed by failure to acknowledge the root causes of domestic violence, lack of measures to rehabilitate perpetrators of abuse and lack of operational guidelines and training to social service agencies on implementation of legislation.

7.6.3 Constraints impeding effective implementation of the Act

The study established that implementation of the Domestic Violence Act was adversely affected by several constraining factors. Survivors of abuse faced barriers in the form of lack of economic independence, fear of backlash, perception of domestic violence as a private matter, unavailability and inaccessibility of shelters, cultural practices and ideologies which prevented them from reporting the abuses they experienced to the authorities.

Survivors of abuse faced numerous challenges when reporting incidents of abuse to police. The challenges included police station environment and fear of police, police corruption, poor attitudes of police and police bias.

Agencies involved in fighting the social ills of domestic confronted hurdles which reduced their capacity to fight the crime. Musasa Project and police and faced funding challenges which undermined their efforts to embark on programmes and projects that promote the needs of survivors. It was further noted that agencies' staff were drawn back in their efforts to fight domestic abuse by lack of sufficient knowledge and understanding.

7.6.4 Monitoring and evaluating the implementation of the Domestic Violence Act

The study established that surveys and reports from the Ministry of Women Affairs were mentioned in the Act as strategies for monitoring and evaluating implementation of Domestic Violence Act. It was, however, noted that to date, no meaningful monitoring and evaluation were done owing to financing constraints confronting the Ministry**.**

7.6.5 Model that could be proposed to enhance the effective implementation of Domestic Violence Act in rural areas

A number of strategies which could contribute to effective implementation of the Act were suggested. An alternative model for enhancing the effective implementation of Domestic Violence Act was provided. Refer to Fig 7.1 above.

7.7 Suggestions for further research

The aim of the study was to explore implementation of the Domestic Violence Act in rural areas of Mwenezi District in Zimbabwe. As the study could not cover all the facets of the topic, the following aspects are recommended for further studies.

The current research was primarily focused on domestic abuse perpetrated by male partners against female partners. More research needs to be done in order to include domestic violence involving men as survivors and females as abusers.

The study explored constraints impeding implementation of the Act. It is suggested that further studies consider implementation strategies employed by agencies involved in fighting the scourge of abuse.

As the study was conducted in only one district, its scope could be too narrow to provide results which could be used to develop well informed implementation strategies. It is suggested that the study could be conducted in a number of wards and districts in Zimbabwe, to compare the results.

7.8 Chapter conclusion

This chapter provided the summary, conclusions and recommendations that emanated from the study. The study sought to investigate the implementation of Domestic Violence Act in Mwenezi District. The first component of the study examined women's knowledge of the provisions of the Act. The study found out that survivors were not conversant with the provisions of the Act.

The second component sought to analyse the adequacy of the Act of the Act as a guarantee and protector of women's rights. It was noted that despite some gaps in the Act, it remains sufficient and solid enough to deliver justice to survivors of abuse.

The third component of the study focused on constraints impeding implementation of the Act. It was established that constraints were at three levels, those disabling women experiencing domestic abuse to report their ordeal to the authorities, and challenges faced by survivors of abuse when reporting the scourge to police. The third constraint pertains to challenges faced by implementing agencies in their endeavor to create a peaceful society free of domestic abuse. The conclusions drawn from the discussions of the findings were presented in the chapter. One of the key conclusions made was that the implementation of the Domestic Violence Act was slowed down and stifled by survivors' lack of knowledge of the provisions of the Act, as well as obstacles encountered by both survivors of abuse and agencies which sought to stem the social ill. The chapter then presented a model that can be used to ensure the effective implementation of the Act and provided practical recommendations. The chapter closed by giving suggestions for further research.

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APPENDICES

APPENDIX A: CONSENT FORM

I, ……do hereby confirm that, I have read and understood the information provided on the study. I am aware that a tape recorder will be used to capture data during this study. I understand that participation in this study is voluntary and I reserve the right to withdraw from the study at any time. I understand that no payment will be received for participating in this study. I have a right to access the study results if I so wish. I hereby confirm that I fully understand the conditions of this study and what my rights and responsibilities as a participant will be. I am willing/ unwilling to participate in this study. Signature: …….. Date:……...

APPENDIX 1 INTERVIEW GUIDE/SCHEDULE FOR WOMEN RESIDING IN WARDS 3, 4 AND 13

Kindly be informed that the interview will be conducted in a non-censorious environment and the information that you will be sharing with me will be treated with utmost confidentiality. Feel free at any point in time to disengage from the interview should you experience any discomfort.

	Themes
Demographical details	Since we meeting probably for the first time, can you please tell me about yourself (age, marital status, level of education and qualifications.
Awareness of Domestic Violence Act	-What forms of abuse did you experience perpetrated by your partner? -What kind of physical abuse have you experienced? -Apart from physical abuse, what other forms of abuse did you experience? -Did you experience or did any other women in your ward experience emotional abuse? -Do you think certain forms of abuse should be excused under certain circumstances? -Where did you report cases of abuse as survivors of the crime? - Is there any law in the country that protects you from domestic violence? -What are the provisions of Domestic Violence Act? -Are there any social support services for survivors of abuse? -What kind of help did you get from police as a survivor of abuse? -What kind of help do you expect to get from police in the event of domestic

	violence?
Adequacy of Domestic Violence Act to curb domestic violence	-Did you experience or feel any positive change in your life after the enactment of the Act? -Do you think the law can prevent your partner from perpetrating violence? -Do you think the law against domestic violence is appropriate and adequate for domestic violence involving husbands and their wives? -What provisions of the law best addresses the issue of domestic violence? -are there any aspects of the provisions of the law that need improvement?
Constraints impeding the implementation of Domestic Violence Act	-Did you report all cases of domestic violence perpetrated by your husband? -Where and why did you decide to report certain types of abuse to a particular service provider? -What challenges did you encounter to report and when you are reporting cases of abuse to the authorities? -Did you get any support from police when you reported abuse perpetrated by your partner? -What challenges do you face as survivors of domestic violence as you try to protect yourself from the scourge of abuse? -As an African woman, do you think and feel it is culturally expected for women to endure violence? -What factors discouraged you and other victims of domestic violence from seeking help from law enforcement agents? -Did you get any support from courts following abuse perpetrated by your partner?

APPENDIX 2: INTERVIEW GUIDE/SCHEDULE FOR MINISTRY OF WOMEN AFFAIRS, GENDER AND COMMUNITY DEVELOPMENT OFFICIALS.

Kindly be advised that the interview will be conducted in an enabling environment and that the information you will be sharing with me will be treated with utmost confidentiality.

	Themes
Demographic details	Since we are meeting probably for the first time, can you please tell me about yourself, particularly the following, age, position in the Ministry, qualifications, work experience, marital status, district office,
Societal awareness and understanding of anti-domestic violence legislation	-Do women consider all forms of abuse as violations of their rights? -What is level of awareness and understanding of domestic abuse by women in rural areas regarding the Domestic Violence Act? -Are survivors of abuse aware of and have knowledge of where to report cases of abuse? -Do you think that women now have adequate awareness and knowledge of the provisions of Domestic Violence Act? -Do survivors have knowledge of social support services found in the district?
Adequacy of the Domestic Violence Act to curb domestic violence	-Is the Domestic Violence Act appropriate and adequate to deal with domestic violence? -Does the law provide effective remedy to the phenomenon of domestic violence? -Does the implementation of the Act impact on the levels of domestic violence in the rural communities? -Is the Domestic violence Act an appropriate mechanism to deal with the

	phenomenon of domestic violence?
Constraints impeding implementation of Domestic Violence Act	-What obstacles are faced by survivors to report and when reporting cases of abuse to the authorities? -Why do survivors of abuse stay in abusive relationships? -Do you always render support to survivors of abuse as required by the law? -As a ministry, what impediments do you encounter in your endeavor to reduce cases of domestic violence? -Does your ministry provide or facilitate access to support and other essential services required by survivors? -Does your ministry get adequate funding and support from government and other implementing agencies to fight domestic violence? -What impact does the lack of essential services have on the implementation of the Domestic Violence Act? -As a ministry, are you adequately trained and equipped to respond to the phenomenon of domestic violence?

APPENDIX 3: INTERVIEW GUIDE/SCHEDULE FOR POLICE AND CRIMINAL JUSTICE OFFICIALS

Kindly be advised that the interview will be conducted in a free environment and that the information that you be sharing with me will be treated with strict confidentiality. Feel free to disengage from the interview should you experience any discomfort.

	Themes
Demographic details	Since we are meeting probably for the first time in connection with this issue, can you please tell me about yourself, particularly the following; position held in the organization, qualifications, work experience, age, marital status, police station.
Awareness and knowledge of the anti-domestic violence legislation	-Are survivors of abuse conversant with all forms of abuse? -what is the level of awareness and understanding by survivors of abuse of the provisions of Domestic Violence Act? -Are survivors of abuse aware of support services found in the district? --Do you think survivors of abuse have awareness and knowledge of the provisions of the law? -What kind of help do women expect from you in the event of domestic abuse? -What is the perception of survivors regarding domestic violence as a private issue that should be handled by relatives only?
Adequacy of the provisions of the Act to protect survivors	-Do you think the law in its current state can protect women from domestic violence? -Does the Domestic Violence Act provide clear direction and instructions to police and other agencies fighting domestic violence? -What are the salient features of the Act that are critical to the reduction of domestic violence? -Are there any inherent gaps or weaknesses in the Act? -what sections of the Act need improvement?
	-What challenges are faced by women to report and when reporting cases of abuse to the authorities including your organisation? -Why do survivors of abuse stay in abusive relationships?

Constraints impeding implementation of the aw	-What obstacles does your organization face when responding to cases of domestic violence? -Why do you sometimes fail to adhere or comply with the provisions of Domestic Violence Act? -Do you have adequate resources to respond timeously, appropriately and effectively to the menace of domestic violence? -Are police officers adequately trained to deal with cases of domestic violence? -Do you have a victim friendly unit at your station?

APPENDIX 4 INTERVIEW GUIDE/SCHEDULE FOR TRADITIONAL LEADERS

	T**HEMES**
Demographic information	Since we are meeting probably for the first regarding the issue of domestic violence, can you please tell me about yourself, particularly the following; Area of jurisdiction, age, marital status and level of education
Societal knowledge and awareness of the Domestic Violence Act	-Do women consider all forms of abuse as violations of their rights? -Where do women report following an outbreak of domestic violence? -In the event of domestic violence in your area of jurisdiction, what laws do survivors in your community use to address this situation? -Are people in your community aware of and conversant with the provisions of Domestic Violence Act? -How often do you handle cases of domestic violence in your area of jurisdiction? What forms of abuse are brought to your courts by women and why?
Adequacy of the provisions of Domestic Violence Act	-Do you think the Domestic Violence Act is adequate enough to protect victims from domestic violence? -Is the Domestic Violence Act making a positive change in women's lives? -Is the Act more appropriate to resolve cases of domestic violence involving intimate partners? -which provisions of the Act have made a difference to the lives of survivors? -Which provisions of the law require some attention?
Constraints impeding the implementation of Domestic Violence Act	-Is Domestic violence justifiable in your culture under certain circumstances? -Under what circumstances is domestic violence excusable? -Did you undergo any form of training on handling domestic violence to enhance the implementation of the Act? -Why are victims of domestic violence sometimes reluctant to report their ordeal to law enforcement agents and other stakeholders? -Is there any problem if a victim of domestic violence reports his or her case to law enforcement agents before alerting the family, neighbours or local authorities? -As a member of anti-domestic violence council, what challenges do you encounter in your efforts to reduce incidences of domestic violence? -Do police officers always comply with the law?

APPENDIX 5: INTERVIEW GUIDE/SCHEDULE FOR MUSASA PROJECT STAFF

	Themes
	-What is the level of awareness and understanding of the law by survivors in the wards you are operating?

Awareness of Domestic Violence Act	-Which provisions of the law are people in wards, 3, 4 and 14 conversant with and which ones are they not and why? -Are women conversant with all forms of abuse perpetrated by their partners? -Aware women knowledgeable about social support services found in their areas?
Adequacy of the law in addressing cases of domestic violence	-Does the law provide an effective remedy to the phenomenon of domestic violence? -Is the Domestic Violence Act appropriate to deal with domestic violence involving intimate partners particularly in rural areas? -What are the strengths and weaknesses of the law in its current state?
Constraints in the implementation of the Domestic Violence Act	-What challenges are faced by women to report and when reporting cases of abuse? -Why do survivors stay with their abusers? -What constraints do you encounter when trying to give protection to victims of domestic violence? -Do you have adequate support structures to assist survivors of domestic violence? -Do you feel you have sufficient knowledge to respond effectively to cases of domestic violence? -Do you get support from government and other stakeholders in fighting the scourge of domestic violence? -Do you have adequate resources and funding to roll out programmes and strategies to nip domestic violence in the bud?

APPENDIX 6: FOCUS GROUP INTERVIEWS GUIDE/SCHEDULE FOR SURVIVORS OF DOMESTIC ABUSE

Kindly note that the Group Discussions will be conducted in non-disruptive environment and that the information you will be sharing with me will be treated with utmost confidentiality

	Themes
Demographic information	- We have met before during individual engagements but you can still kindly tell me about yourself.
Awareness and Knowledge of Domestic Violence Act	-What forms of abuse have you suffered as women residing in rural areas? -As women residing in rural areas, do you consider all forms of abuse as constituting violations of your rights? -Where do you report cases of domestic violence perpetrated by your partners? -What social support services are available in your ward? -As survivors of abuse, are you conversant with the provisions of the Act? -What kind of help do you expect to get when you report cases of abuse to police? -What are Protection Orders, how do they help?
Adequacy of the law	-Have your partners stopped abusing you following the enactment of the Act?
	-Is Domestic Violence Act making a positive change in women's lives in relation to domestic violence?
	-What provisions of the Act are making a huge contribution to guarantee security to rural women?
Constraints on the	-What factors prevent women from reporting cases of abuse to the authorities?

implementation of Domestic Violence Act	-As African women, do you feel or think it is culturally expected that females endure abuse? - What kind of support should women get from police and other agencies? -What are the reasons for non-response or late response to your call outs by police? -What are the perceptions and attitudes of police towards domestic violence?

Thank you for your participation in this study

APPENDIX 7: FOCUS GROUP DISCUSSION INTERVIEW GUIDE/SCHEDULE FOR TRADITIONAL LEADERS

Please be informed that this interview guide is conducted with confidentiality, and anonymity is upheld in a non-censorious environment and you will be informed of the results of this study.

	Themes
Demographic information of participants	-We have met before during individual interviews, but you can still tell me about your title and your area of jurisdiction.
Societal awareness of Domestic Violence Act	-What is level of awareness and knowledge of Domestic Violence Act by women in your area of jurisdiction? -Do women treat all forms of abuse as undermining their integrity? -What provisions of the law are women in your area of jurisdiction conversant with? -Are women knowledgeable about social support services available in their wards? Are women aware of the duties of police officers in relation to domestic violence?
Adequacy of the law to fight abuse	-Did the Act have any impact on the phenomenon of domestic violence? -What provisions of law have contributed to the reduction of domestic violence? -In your view, do you think the Act is a panacea for survivors of abuse?
Constraints impeding the implementation of the Act	-What makes women reluctant to disclose and report cases of abuse to the authorities? -Do women get the required support from police and other agencies fighting domestic violence? -Do you think police officers are knowledgeable about the Act, have positive attitude to help survivors of abuse? To what extent are the provisions of the Act adequate enough to curb domestic violence? -What factors undermine effective implementation of the Act?

Thank you very much for your participation in this study

APPENEX 8: FOCUS GROUP DISCUSSION INTERVIEWS GUIDE/SCHEDULE FOR POLICE, COMMUNITY DEVELOPMENT OFFICERS, WARD COORDINATORS AND REPRESENTATIVES FROM MUSASA PROJECT

Please be informed that this interview guide is conducted with confidentiality and in a non-censorious environment. You will be informed of the results of this study.

Demographic data	-Although we met before in connection with this matter(domestic violence), you can still kindly tell me about yourself since we are now meeting as a group not on individual basis
Societal awareness and Knowledge of the Act	-What is level of awareness and understanding of Domestic Violence Act by women in rural areas? -Which provisions of the law are women in rural areas conversant with? -Are women conversant with the duties of agencies fighting domestic violence?
Adequacy of the Domestic Violence Act	-Does the law provide a remedy to the problem of domestic violence? -Does the law cater for all the categories of people affected by domestic violence? -Does the law deal with all forms of abuse experienced by women? -To what extent do the provisions of the law making a positive change in victims' lives? -What are your views about the efficacy of the Act as an instrument to prevent and curb domestic violence?
Obstacles to implementation of Domestic Violence Act	-What constraints prevent survivors from disclosing and reporting cases of abuse to the authorities? -As key agencies in the implementation of Domestic Violence Act, what obstacles do you face in trying to curb domestic violence? -Did you receive training on handling domestic violence cases? -As critical players in the implementation of the Act, do you think you have been capacitated and have enough funding to achieve the desired outcomes?