



Division for the Advancement of Women



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*"Violence against women: Good practices in  
combating and eliminating violence against women"*

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**Good Practices In Combating Violence Against Women In SADC Countries**

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# Good Practices In Combating Violence Against Women In SADC Countries.<sup>1[1]</sup>

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## Introduction

This paper discusses practices by NGOs when working with the state as well as when working with women survivors of VAW. NGOs have been chosen primarily because as institutions, they have specifically and formally taken on the issue of VAW. While acknowledging that there are other institutions like the churches, communities, families and academics that sometimes deal with VAW, it is argued that the response of these other institutions is, however, more on an individual, case by case basis with little systematic documentation of the incidences and responses at institutional as well as individual levels. Further, it is possible to discern the individual and uncoordinated responses of the various institutions and actors through some of work of the NGOs, who have also sought to study the responses of these other actors to VAW.

The paper will focus on practice of NGOs in two respects, calls for formal recognition of VAW at state level through law reform or better implementation of existing laws and message targeting and differentiation aimed at the public in general as well as women and men separately. The local understanding of what constitutes VAW has largely shaped the practices of the organisations, which have, to a great extent adopted the definition of VAW in DEVAW, which identifies VAW as encompassing physical and sexual violence as well as economic, psychological and emotional abuse. It must however be highlighted that, much as there is acknowledgement of the wide definition of VAW, organisations appear to specifically focus on the first two forms of violence. The other three are implicitly dealt with in the course of addressing physical or sexual violence or separately as marital problems especially economic abuse, which is addressed as a maintenance issue. Denial of maintenance is not, strictly speaking addressed as one of abuse of the woman but as a consequence of marriage or other form of legal relationship therefore an obligation of a spouse to maintain the other. It is difficult to identify

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separate actions specifically targeting psychological and emotional abuse as VAW at institutional level, though at individual level there are clear examples with people seeking professional psychological help. To a large extent therefore, the paper focuses on practices in relation to physical and sexual violence. At state level, a few of the SADC countries have specific legislation dealing with VAW. As yet no SADC country has a law that specifically recognises VAW as a *sui generis* offence or where there is, the definition of VAW is somewhat narrower, confined to physical or sexual assault<sup>3[3][1]</sup>.

### **Formal Recognition Of VAW As A Good Practice**

While interaction of NGOs with women showed a high prevalence of VAW, addressing the issue proved difficult in the absence of formal recognition of VAW as a violation of the women's person as well as their rights. Customary and religious practice that accepts the chastisement and submission of a woman, as well as glorify female perseverance and silence in the face of VAW were barriers to such recognition. The organisations therefore adopted a two-pronged approach in addressing VAW, namely, educating communities on the forms of violence and the wrongfulness of VAW while advocating for the use of the law as a coercive tool against perpetrators in order to protect women. Significant shifts are being noticed in relation to customary attitudes as well as interpretation and application of the law, due to strategies adopted by NGOs

#### *Working With The State Institutions*

NGOs in SADC have embraced law as important tools and law enforcement agencies such as the police and justice institutions as strategic partners in addressing VAW, despite the accepted shortcomings of the substantive laws and procedures in place<sup>4[4][2]</sup>. The women and law or women in law model of measuring local provisions against international instruments then calling for municipal conformity with international norms has significantly shaped practice in relation to

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<sup>3[3][1]</sup> The South African Act does not criminalise domestic violence. It only criminalises the breach of the protection order issued in terms of the Act. P Parenzee et al *Monitoring the implementation of the Domestic Violence Report* Institute of Criminology, University of Cape Town 2001p11

<sup>4[4][2]</sup> Legal pluralism inadequate definition of some crimes against women and selective implementation of the law are some of the inadequacies of the legal centralist approach to dealing with VAW and other problems that women face that have been identified by multiple research conducted.

dealing with VAW, especially where the state is concerned. At the same time, it is acknowledged that extra legal processes are equally critical to prevent and ultimately eradicate VAW<sup>5[5][3]</sup>. The organisations strategy has shifted from mere calls for law reform to calls for better implementation of the existing laws by the police and the justice departments. In the process, NGOs have altered their relationship with the state institutions from outsiders in the process of ensuring VAW using state mechanisms to partnerships with police.

### *Using The Law As A Tool*

The law and the police play a significant and recognisable source of coercive authority<sup>6[6]</sup>. Under colonial rule, police and the Native Commissioners were the visible forms of control, while the law was the invisible source of authority, in administrative systems that were faced with stiff resistance to settler rule. Colonial administrative structures placed the police as initial points of contact between citizens and the state particularly in urban areas. In rural areas, Native commissioners, working with traditional leaders, were the points of contact between the state and the citizenry. Though the role of Native Commissioners receded and other administrative structures have since been developed in the post-colonial era, the position and perception of the police has hardly changed<sup>7[7]</sup>. Outside the family, the Police are therefore usually the survivors of violence's first point of contact with the state in their search for redress or protection<sup>8[8]</sup>. Unfortunately, women's experience at police stations showed that, in the case of VAW, unlike in other instances, the police were not protectors and enforcers of law but co-conspirators because of their inaction or by citing absence of the law to deal with the issue.

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<sup>5[5][3]</sup> A Armstrong" Women as victims: A study of Rape in Swaziland" in A Armstrong & W Ncube *Women and Law in Southern Africa* Zimbabwe Publishing House 1987 255

<sup>6[6]</sup> Cognisance is taken of the various theories on the role of the law and the state. In particular, C Mackinnon's observation in "Feminism, Marxism Method and State: toward Feminist Jurisprudence," *Journal of Women in Culture and Society* pp 642 that feminist theory of the state oscillates between liberal theory and theft theory, both of which treat law as the mind of the society. The liberal theory treats the state as a neutral arbiter while the left treats the state as an instrument of dominance and the law as a legitimising ideology.

<sup>7[7][4]</sup> In an effort to divest themselves of the perception as forces of coercion, a number of police institutions have sought to transform themselves from "police forces" to "Police services" or the people's police e.g. in Zambia, South Africa

<sup>8[8]</sup> WLSA Zambia *Gender Violence: the invisible struggle Responses of the Justice Delivery System in Zambia 2001 pp 103*

## Strategies adopted

Acknowledging the authoritative position of the police and potential impact of the use of law but faced with the negative experience that women faced at the hands of the police, NGOs sought to address the source of negative attitudes of the police as well as the excuses of lack of legal basis on which to act against perpetrators of VAW. In workshops, letters and papers lobbying parliament, they addressed issues of constitutional responsibility of the Police to citizens in the light of expectations of women in relation to VAW. At regional and local level, the NGOs have systematically and repeatedly undertaken an assessment of existing laws that protect women, in a bid to dispel the view that the police cannot act because the law does not allow interference in “domestic” matters. Notable amongst these efforts are the works of WLSA<sup>9[9]</sup> and WiLDAF<sup>10[10]</sup>, both regional bodies working on women’s rights. WLSA commissioned country researches into experiences of women with the law and part of that research covered an analysis of laws that have a bearing on women’s safety from violence within the home<sup>11[11]</sup>. WiLDAF has focussed on violence against women and inheritance and has commissioned research on Femicide and the implementation of the SADC addendum Prevention and Eradication of Violence Against Women. At national level, local NGOs have assessed the prevalence of violence against women, laws that apply to VAW and they have brought these laws to the attention of the responsible authorities. Notable amongst the organisations are the White Ribbon Campaign in Namibia, Musasa Project in Zimbabwe and Women’s voices in Malawi amongst others.

The organisations have used the findings of their research to inform their engagement with state officials, highlighting the extent of the problem and shortcomings in the state’s response. The information has been used as a basis for workshops with the police, preparation of modules for training of cadet police officers and prosecutors on the national laws on VAW as well as

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<sup>9[9]</sup> Women and Law in Southern Africa is an action oriented research organisation operating seven SADC countries. At country level, the organisation has a core group of a minimum of six research associates diverse professions. Every three years themed research on women is coordinated at regional level and conducted at country level with financial assistance mainly from DANIDA.

<sup>10[10]</sup> A regional network of NGOs working on women and law with country offices

<sup>11[11]</sup> Under the research WLSA has published the following on violence and access to *justice No safe place Incest and defilement in Botswana* WLSA Botswana 2002, *Gender Violence the invisible struggle: responses of the justice delivery system in Zambia* WLSA Zambia 2001, *Joy or Despair, Women and gender generated reproductive crimes of violence* WLSA Zimbabwe 2001, *In the shadow of the law: women and Justice delivery in Zimbabwe* WLSA Zimbabwe 2000 and *Struggling over scarce resources: Women and maintenance in Southern Africa* WLSA 1992

lobbying parliament, with the objective of changing attitudes as well as equipping the police with legal knowledge to act in the case of VAW.

### **Indicators of success**

The process of research as well the dissemination of the findings of the research have contributed significantly to raising awareness in relation to women's concerns on the question of violence perpetrated against them. At local level, attitudes to women clients who suffer from violence have reportedly improved. Police stations have appointed counselling officers who are dedicated to dealing with VAW.<sup>12[12]</sup> Other benefits have been a general increase in awareness on the existing laws that can be used to empower the police or challenge their inaction, identifying gaps in the laws, forging relationships between the NGOs and in particular the police.

At regional level, the efforts by NGOs culminated in the adoption in 1998, by SADC heads of state, of an addendum to the SADC Declaration on Gender-the Prevention and Eradication of violence against women. The regional forum plays an influential role in ensuring state compliance with regional instruments and adoption of a declaration addressing VAW is an important step<sup>13[13]</sup>. The Addendum identifies VAW as an impediment to sustainable development in SADC countries. It also recognises VAW as a violation of women's human rights that reflects the unequal relationships between men and women and which results in domination of women by men. Such concessions, at head of state level, give the struggle against VAW huge momentum that should translate into positive government action. These concessions are also important in that they translate the struggle against VAW from a women's struggle to state struggle, creating a basis for inclusion of VAW as a specific budget item under state programmes<sup>14[14]</sup>. The Addendum seeks to concretise state action against VAW through providing for clear steps that need to be taken by various state departments to tackle VAW<sup>15[15]</sup>. Budgetary allocations are an example of such concrete steps, which would ensure sustainability of programmes on VAW, which are almost exclusively funded by aid agencies. WILDAF and its

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<sup>12[12][8]</sup> In Zimbabwe there are Community liaison officers at every station, in Zambia there is a Community services department under which falls a Victim Support Unit. In South Africa National Instructions (7/1999) highlight police duties when dealing with survivors and penalise non compliance by officers.

<sup>13[13][9]</sup> Recent events in Zimbabwe, where the country was at pains to demonstrate compliance with SADC guidelines on Elections, highlight the significance of the bloc in relation to local matters.

<sup>14[14]</sup> Article 24 SADC addendum requires states to allocate the necessary resources to ensure implementation and sustainability of programmes aimed at addressing VAW.

<sup>15[15]</sup> Articles 8 to 15 provide for legal, social, economic cultural and political steps to be taken, while 16 to 23 provide for alterations to service provision and integrated approaches

partners are currently monitoring the implementation of the declaration at country level. Research undertaken between 2003 and 2004 showed that SADC member countries have taken some steps towards implementation.<sup>16[16]</sup> At its workshop held with partners in October 2004, WiLDAF resolved to research into the extent of allocation of resources to dealing with violence against women.

### **Critical Success Factors**

In order to succeed in getting state buy-in into the campaign against VAW, it was necessary to create conditions for openness as well as the reception of the message that NGOs had to present. NGOs realised early on that a confrontational approach in which they would demand action by the state officials could be counter productive. For example, in 1995, Musasa Project ran a serialised television documentary that was highly critical of men and the state to which there was a public backlash that necessitated revision of content and approach without compromising the message that VAW against women is wrong. As a strategy therefore, NGOs positioned themselves as partners with the police services and not critics, in ensuring that women are given empathic reception at police stations. Recognising the police as a hierarchical and bureaucratic organisation, both the ministers and Police headquarters were engaged. Senior police officers then permitted (ordered) access to police stations. Officers in charge of stations were also invited to workshops and eventually modules for training of cadet police were written<sup>17[17]</sup>, resulting in institutional training on addressing of the issue of VAW as opposed training through workshops, which had proved unsustainable due to the high costs involved.

The creation of ministries responsible for women's affairs or gender units within state administration has also helped accelerate recognition of VAW as a cause for concern, demanding proactive state action. NGOs have worked closely with these departments as well as parliamentarians, lobbying for condemnation of VAW, enactment of laws and implementation of exiting ones.

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<sup>16[16][10]</sup> Findings of the research are presented in "Using a sub-regional instrument to combat violence against women and Children: A look at the SADC Addendum and strategies for making it a reality" WiLDAF 2004

<sup>17[17][11]</sup> Holding a certificate of attendance at Musasa Project's workshop on Violence against women works favourable for officers who seek transfer to court duties

The general background of increased civil society demands for state accountability cannot be underestimated in creating an enabling environment where those dealing with VAW have been able to access senior government officers.

### **Message Targeting as a good practice**

NGOs have complemented their work with state departments by raising awareness, at community level and individual level, of the wrongfulness of VAW as a violation of women, as a violation of the law as well as a restraint to the social and economic well being of families. The electronic and print media, advertising on billboards, buses and workshops have been utilised to target different messages at different sectors of the community, after a realisation that the one size fits all approach is not likely to achieve reduced and eventual cessation of violence against women. At community level, the sixteen days of activism against VAW have been consistently commemorated from 25 November to 10 December, to extensive media coverage. Linkages have been forged with different media channels to cover commemorative activities.

Initially workshops were undertaken with a women only audience, highlighting their rights to freedom from violence. The workshops also highlighted the procedure to take in the event of violation. It was noted that, while the workshops contributed to breaking cultural attitudes of acquiescing to violence through silence, the women as the people experiencing the negative impact of violence, fully appreciated the wrongfulness of the violence. What the women did not know was either how to avoid the violence or stop the violence without breaking the marriage, particularly in view of the act that the Police were insensitive and unwilling to pursue issues of VAW. It is then that NGOs addressed women's experiences at police stations.

With time it was noted that men as potential perpetrators needed to be targeted, with a different message. It was noted that conveying the message that violence would harm the victim was likely to be ineffective because inflicting harm might, in fact, be the intention of the perpetrator<sup>18[18]</sup>. For such a person therefore the message had to be that the law would be

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<sup>18[18]</sup> S. Mahere Director Musasa Project in interview on Strategies to combat violence



unsympathetic to a violator. Other messages sought to address the perception of violence as an indication of masculinity highlighting that “real men do not beat women.” Getting the adequate number of men to attend workshops, addressed by women, proved problematic. Men, unlike women were normally in formal employment so they were unable to attend workshops. It is then that creative partnerships with the print and electronic media were established, to ensure coverage of issues of VAW with a view to highlighting the consequences of violence on the perpetrator, especially where there is imprisonment. Women media practitioners held workshops with NGOs to train them on selling stories to newspapers or making women make the news. In addition, NGOs criticised lenient sentences through writing to Chief Magistrates, or commentary in the media, and in some instances there have been public demonstrations against particularly violent crimes.

#### **Some examples of messages targeted at men**

**“Wanted: who know that women are not for beating” and  
“men you can stop domestic violence and HIV**

#### **Indicators of Success**

Using the media as a barometer for community intolerance of VAW, increased coverage as news items has been taken as a positive step. There are a number of men’s organisations seeking to influence other men to desist from perpetrating violence. An increased number of women have approached the courts seeking peace orders against perpetrators and there have been arrests of men violating such peace orders.<sup>19[19]</sup>

#### **Critical Success Factor**

The message targeting is dependent on the medium of convergence as well as attitudes of the police and court officials. The media is constantly sensitised to the wrongfulness of violence against women. At present Gender Links, a South African based NGO focussing on gender equality in and through the media works closely with regional bodies and local NGOs to focus on the implementation of the SADC Addendum on VAW.

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<sup>19[19]</sup> Forum Mulher reports increase in number of cases attended to by their organisation. The Ministry of Women and Welfare Coordination and the National Directorate of Women conduct surveys in 5 provinces in Mozambique on the rate of VAW.

Apart from the efforts by NGOS, the general prevailing environment on the need to end poverty through the pursuit of sustainable development as well as the increase in appreciation of respect of human rights of all people through the work of various actors has been critical. There is, however, a very slow shift from the condemnation of state violation of human rights to condemnation of rights by individuals especially in relation to the violation of women's human rights is a domestic context.

The effectiveness of message targeting is also largely dependent on the practice in the courts as well as by the police. Swift police action with strict legal interpretation by the Courts is critical in conveying societal intolerance. Consistent monitoring of state practice and feedback between state departments and NGOs is also critical so as to ensure that ground gained by previous work is not lost.

## **Conclusion**

While the paper has focussed on two practices in relation to physical violence, there are other activities that NGOs utilise to combat VAW, especially at local level. The above are the practices adopted in all SADC countries. Close partnership with the state, accompanied by media coverage and monitoring remains a critical to the effectiveness of the practices. A table below attempts to summarise the practices by NGOs in relation assault and sexual violence.

Violent Act	Institutions targeted and objective	Intervention	Method	Critical success factors
Assault Rape	<p><b>Police</b> –law enforcement</p> <p><b>Court</b> –Implementation of the law</p>	<ul style="list-style-type: none"> <li>▪ Education on laws and attending to reports of VAW</li> <li>▪ Stiffer sentences and stricter law enforcement</li> <li>▪ Law and legal process reform</li> </ul>	<ul style="list-style-type: none"> <li>▪ Workshops with all levels of police officers</li> <li>▪ Training modules for cadet officers</li> <li>▪ Lobbying parliament</li> <li>▪ Criticism of judgements in media</li> <li>▪ Public Demonstrations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Recognition of VAW as a criminal offence</li> <li>▪ Change in attitudes</li> <li>▪ Securing senior officials buy-in</li> <li>▪ Media coverage</li> </ul>
	<p><b>Women</b></p> <ul style="list-style-type: none"> <li>▪ Rights awareness</li> <li>▪ Legal process awareness</li> <li>▪ Empowerment &amp; assertiveness</li> <li>▪ Protection</li> </ul>	<ul style="list-style-type: none"> <li>▪ Education on the social and health implications of violence</li> <li>▪ Legal aid</li> <li>▪ Implementation of legal process</li> <li>▪ Shelter</li> </ul>	<ul style="list-style-type: none"> <li>▪ Workshops with select organised groups of women</li> <li>▪ Empowerment sessions with clients</li> <li>▪ Counselling</li> </ul>	<ul style="list-style-type: none"> <li>▪ Securing funds to hold workshops</li> <li>▪ Attendance of women</li> <li>▪ Media coverage</li> </ul>
	<p><b>With men non perpetrators</b></p>	<ul style="list-style-type: none"> <li>▪ Education on the social and health implications of violence</li> </ul>	<ul style="list-style-type: none"> <li>▪ Workshops with select organised groups</li> </ul>	<ul style="list-style-type: none"> <li>▪ Attendance of men at workshops</li> <li>▪ Media coverage</li> </ul>
	<p><b>Men perpetrators</b></p>	<ul style="list-style-type: none"> <li>▪ Implementation of legal process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Assistance to the survivor to initiate and implement legal process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strict police law enforcement</li> <li>▪ Strict interpretation of the law by the court</li> <li>▪ Media coverage</li> </ul>