

## **DOMESTIC VIOLENCE ACT: OPPORTUNITIES AND CHALLENGES FOR WOMEN IN RURAL AREAS: THE CASE OF WARD 3, MWENEZI DISTRICT, ZIMBABWE**

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### **ABSTRACT**

The major fulcrum of this study was on examining the impact of the Domestic Violence Act in reducing violence perpetrated against women. More specifically, the study sought to establish factors that constrain the full implementation of the Act. It further explored strategies employed by survivors of violence to alleviate their suffering. The study used qualitative methodology with unstructured interviews, key informant interviews and focus group discussions as the data gathering techniques. Purposive sampling was selected as it enabled the researcher to use his knowledge of the area of study. The study was grounded in Giddens' structuration theory which contends that structures and actors constitute each other. The research explored and established that domestic violence was still very high in rural areas despite the enactment of the Domestic Violence Act. Several factors amongst them lack of awareness of the Act, women dependency on their husbands, societal attitudes and beliefs, the dual legal system and weak enforcement mechanism were identified as impeding the effective implementation of the Act. Despite the challenges faced vis-a-vis the implementation of the Act, women devised strategies that included forging networks to provide emotional support, using love potions and resorting to newly emerging Pentecostal churches to ameliorate their suffering. The research concluded that the Act has had a negligible impact as women continue to bear the brunt of domestic violence. Notwithstanding the endeavours to empower women through reducing the various forms of abuse, gender equality remains contentious, elusive and vehemently opposed and resisted by men, the major beneficiaries of the status quo.

**Keywords: Domestic violence, gender, constraining, patriarchy**

## **INTRODUCTION AND BACKGROUND TO THE STUDY**

Domestic violence against women has been acknowledged to be widespread and ubiquitous in the Sub-Saharan region, Zimbabwe included. The proliferation of civil society organisations advocating for the empowerment of the marginalised groups in society has brought the status of women to the core of policymakers across the continent. The annual mobilisation of women throughout the world around the theme of 16 days of Activism against Gender Based Violence from 25 November to 10 December represents a tremendous endeavour to increase awareness of violence against women in all its spheres.

As Pickup et al (2001) observed, domestic violence, to which women are subjected predominantly by men jeopardises their freedom to participate in the social, political and economic realm of life thereby marginalising them from the processes and events that shape their destiny as human beings. The Oxfam Gender Policy (1993), also posited that violence against women constitutes an infringement of basic rights, undermines women's self-determination and their ability to lead successful lives. Violence against women, it was further noted not only terrorises individual women and destroys their lives but also damages the social fabric so critical for human beings to realise their potential.

The growing awareness of the significance of domestic violence culminated in the United Nations World Conference on Human Rights (UNWCHR) in Vienna in 1993 placing violence against women at the epicentre of the human rights discourse. In December the same year, the UN General Assembly's adoption of the declaration on the elimination of violence against women added impetus to the gains made at Vienna. In a similar vein, the adoption of the Declaration on the Elimination of Violence against women by the UN General Assembly affirmed that States must exercise due diligence to investigate and prosecute acts of violence against women.

Meanwhile, Zimbabwe has ratified the major international conventions and instruments alluded above and made them part of the laws of the land. It further instituted fundamental policies and legal provisions which in theory offer women a protection of their rights in society. Among some of the legal instruments include, the Legal Age of Majority Act of 1982, Maintenance Amendment Act of 1997, and recently and most significantly, the Domestic Violence Act of 2006 to mention but a few. It was against this background that this

paper sought to put into perspective the role played by the Domestic Violence Act to nip domestic violence in the bud. More specifically, it was within the jurisdiction of this paper to examine the factors that constrain or impinge the application and implementation of the Law. The paper further sought to assess the coping mechanisms employed by women to alleviate their suffering.

There is no consensus on the definition of violence against women. However, for the purpose of this study, Heise's definition suffice, at its most basic, violence against women includes any act of force or coercion that gravely jeopardizes the life, body, psychological integrity or freedom of women in service or perpetuating male power and control. Included here would be rape, battery, sexual harassment, genital mutilation and property grabbing (Heise, 1990). The Domestic Violence Act similarly conceptualised domestic violence as any unlawful act, omission or behaviour which results in death or indirect infliction of physical, sexual or mental injury to the complainant by a respondent ((Domestic Violence Act, 2007). Prior to the promulgation of the Domestic Violence Act, there had not been any law in Zimbabwe that dealt explicitly and specifically with domestic violence in general and violence against women in particular (Osirim, 2003). A household survey on violence in Zimbabwe found that one in three women reported some form of violence within the household (Musasa Project, 1997).

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. Fahn cited in Pickup et al (2001) observed that judges in Haiti attribute wife-beating to women's 'disobedience' to their husbands. The perceptions of judges, undoubtedly culminate in judges' reluctance or failing to see such beatings as a violation of women's rights. Coomaraswamy (1995) weighed in asserting that women have not until recently been protected from domestic violence under both domestic and international human rights law. The public/private dichotomy that has been the backbone of most legal systems has created major challenges for the protection of women against domestic violence. The traditional view that the public and private spheres of life are distinct and divorced from each other is a major barrier for the law enforcement agents to intervene or act against violence that occurs within the household.

Violence perpetrated predominantly by men against women particularly in households is viewed as a normal part of gender relations. According to Zimmerman (1994), many women

opt to remain silent about violence perpetrated against them by men for 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 damaging their own and families' reputation. 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 any forms of violence perpetrated against them in order to save their marriage and keep their relationships or marriages intact. Furthermore, many cultural beliefs reflect widespread tolerance of violence against women as a normal aspect 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 carried out by Wood and Jewkes (1997), in Cape Town, South Africa revealed that sexual assault was a regular feature among pregnant teenagers' sexual relationships.

### **STATEMENT OF THE PROBLEM**

When the Domestic violence Act came into in 2007, it was regarded as the most progressive and panacea law for the empowerment of women in Zimbabwe. While the Zimbabwe government should take credit and applause for its commitment and endeavour to empower women through the Act, there is however need to evaluate the impact of such laws. Such an evaluation is critical as it will unravel whether the Act is an effective tool for the protection of women against domestic violence given that similar laws passed in other African countries failed to yield desired results as women continue to be subjected to various forms of abuse. Most significantly, literature on women empowerment and domestic violence tended to generalise and homogenise women regardless of class, age and geographical location. There has been very little research conducted in relation to the experiences of women in rural areas vis-a –vis these numerous acts passed to date. This paper attempts to fill this knowledge gap by examining the experiences of women in rural areas pertaining to the implementation of domestic violence act. This paper is useful and relevant in the sense that it will lay bare the differences inherent in women found in different geographical locations that have a bearing on their lives. It is further envisaged that this paper will no doubt enlighten policymakers to consider context specific conditions when crafting policies to meet the needs of people. The need to understand what women have experienced and continue to experience have given the research this deservedly impetus.

## **THEOERETICAL FRAMEWORK**

This study is premised on Giddens's (1984) Structuration Theory which recognises the existence of the duality of the structure and action. At the heart of Giddens' theory is the analysis that structure and action or agency constitutes each other since neither the structure nor action or agency exists independently. A Structure, put simply, is a regular pattern of behaviour in society. In other words, structures are the grooves of accustomed, habitual activity into which peoples' lives fit. In this study, structures can be taken to mean the family, place of residence, level of education, poverty, traditional culture and belief systems that take hold of peoples' lives and without realising it, individuals become subjected to their power. From this point of view, one can see that individuals cannot completely control either their own lives or the structures in which they are embedded. Thus the implementation of the Domestic Violence Act is hampered by societal structures such as the family, traditional practices and expectations that make it difficult for women to report abuses committed against them to the law enforcements agents. Legal instruments, in this case, the Domestic Violence Act enacted to empower women and reduce cases of violence against women will not bear any fruits because wife battering is part of tradition and custom. The implementation of the Domestic Violence Act in rural areas is also problematic since the ways in which public awareness on violence against women can be raised is limited. Some of the strategies like, popular theatre and drama, large-scale advertising on billboards and in the media are that can be used to challenge ideas and entrenched belief systems to change the representation of women and violence. The rural setting in this case is a structure that constrains the implementation of the Act to reduce cases of violence against women. It can also be argued that structures are enormously influential as they are fixed and inflexible because they are bolstered by moral beliefs, material interests and sanctions. Since the interplay of structures and agents is at the fulcrum of Giddens' Theory , it becomes clear that although structures influence human behaviour, conversely, the reverse is also true, because in some cases, social actors, in this case battered women circumvent social structures alluded above and control their lives. An abused woman, irrespective of societal structures can employ an array of coping mechanisms to improve her situation.

## **RESEACH METHODOLOGY**

The study employed a qualitative research design since it is exploratory in nature thereby allowing an understanding of women's lived realities in their social, cultural and economic context. Qualitative methodology best captures women's views and experiences on domestic violence and Domestic Violence Act since it provides a contextualised description of women behaviour that helps in understanding how and why they respond to the Act and the continued abuse they are subjected to. It was chosen because it sheds light on the factors that impinge the implementation of the statutory instrument because it encourages the battered women to explain their situation and the reasoning that goes into their decision making as well as their strategising. According to Bless and Higson (2000), qualitative research methodology involves detailed verbal descriptions, cases, settings and systems obtained by interacting with, interviewing and observing social phenomenon. Data generated by a qualitative methodology is rich in description, in this case, on the impact of the Domestic Violence Act in empowering women in rural setting as well as eliciting factors that foster and impede the implementation of the Act. Unstructured interviews, key informant interviews and focus group discussions (FGDs) were the key data collection instruments employed in this study

### **Unstructured interviews**

They were employed as the main data gathering tool as they enabled the gaining of in-depth assessment on the factors that impinge or constrain the full implementation of the domestic violence act. Thirty women were interviewed to enable the researcher to get as much information as possible. The tool was most suitable as it ensured a 100 % rate thereby allowing the researcher to capture a lot of meaning and depth to both the spoken word and bodily expression which was quite useful in revealing hidden convictions given that in the majority of cases the victims found issues of domestic violence not to easy to say out.

### **KEY-INFORMANT INTERVIEWS**

These were carried out with individuals tasked with the implementation of the Act like officials in the ministry of women affairs, gender and community development, Law enforcement agents, village head and the chief responsible for area. Key informant interviews

were employed to complement unstructured interviews to elicit from the respondents factors that impede the implementation of the Act

### **FOCUS GROUP DISCUSSIONS**

Five Focus Group Discussions each comprising of six women was constituted to examine coping mechanisms employed by women exposed to domestic violence. This data collection method was quite useful because information generated through an interactive process of collective reflection which a Focus Group Discussion provides is vivid and inclusive. Focus Group Discussions were also employed to corroborate the narratives elicited both by unstructured and Key-informant interviews.

### **SAMPLING**

Purposive sampling was used to select the respondents since the researcher was very familiar with area under study. The units were thus chosen according to the researcher's own knowledge and opinion about the most convenient and appropriate respondents.

### **PRESENTATION OF FINDINGS**

Information obtained from the respondents generally showed that the Act has not been fully implemented for women in the rural areas to enjoy the benefits that the Act can deliver. The ministry of Women affairs, gender and community development mandated to spearhead the empowerment of women in general and the Act in particular does not have complete autonomy and decision making authority to effectively execute its duties. The ministry lacks sufficient institutional and resource capacity to implement effective enforcement mechanism. Apart from historical and political reasons for the persistence of domestic violence particularly in the rural communities of Zimbabwe, there are more fundamental constraining factors that impede progress towards the alleviation of domestic violence. The constraining factors are presented below

### **FACTORS CONSTRAINING THE IMPLEMENTATION OF DOMESTIC VIOLENCE ACT**

#### **Lack of awareness of the law**

Lack of knowledge of the law and its provisions was cited by the majority of women interviewed as the major impediment to the full realisation of the 'fruits' of the Act. A gender

officer stationed at Neshuro district offices about 25 km from where this research was conducted revealed that women are often not aware of the human rights instruments and laws that guarantee their protection. She attributed lack of awareness of the Domestic Violence Act to the unavailability of public education, advocacy and campaigning to challenge the representation or misrepresentation of women and violence. Popular theatre and drama, large-scale advertising on billboards, in government offices and television are some of the ways in which public awareness on violence against can be raised. A police officer based at Matibi mission agreed with the sentiments expressed by the gender officer and further highlighted that domestic violence perpetuated on women is further compounded by the absence of channels to disseminate information and raise awareness of the illegality and unacceptability of domestic violence and challenge ideas and beliefs that perpetuate this heinous behaviour. Unlike in urban areas, one informant pointed out that the situation in rural areas is dire because there are no women organisations such as Musasa Project and Women Action Group (WAG) whose major objective is to promote the basic rights of women in Zimbabwe by providing education and information.

Another great challenge in implementing the Domestic Violence Act in the rural areas is the severe dearth of skills and expertise in the areas of law enforcement mechanism. It was observed that people tasked to assist with the implementation of the Act such as ward co-ordinators have only secondary or elementary background and no practical experience in issues that directly concerns women. The majority of these ward co-ordinators can only read and write. A police officer interviewed also observed that the implementation of the Act is further hampered by ward co-ordinators who see their roles as representatives of the central government and the ruling party. Carrying-out government and party programmes takes precedence over community concerns and needs. In one of the focus group discussions conducted, all the women participants agreed that the majority of ward co-ordinators see themselves as party activists understandably given that they are employed in the first place primarily because they are either members or sympathisers of the ruling party. Such an awfully inadequate personal capacity coupled with lack of awareness of the domestic violence act does not augur well for the effective implementation of the act.

### **Women dependency on husbands**

The socially constructed dependency of women on their men counterparts was identified by the majority of the respondents as another major hindrance to the successful implementation

of the Act. Lack of ownership of vital assets such as land, cattle and shelter; so critical to human livelihoods for rural dwellers particularly women make women more susceptible to violence and limited options to remedy the situation. Most women residing in the rural areas were found to be too economically dependent on their husbands such that even when violated they would find it difficult to report to the relevant authorities fearing that they would lose everything including basic necessities of life such shelter since it belongs to husband. High costs of legal action including exorbitant fees charged by Lawyers are unreasonable for the few women brave enough to take the bull by its own horns. Women in this study also revealed that it costs them about \$3 to get to the nearest police station to report their cases and they saw this as time consuming and costly because that amount can be used to buy food for their children. A survivor of domestic violence narrated the ordeal she experienced after she was advised by her young sister working in town as a maid to report her case to police. When the husband heard through the grapevine that his wife had reported him to the police, she was denied food and instantly made homeless since she was chased from the house at ‘the dead of the night’ during winter time. The fact that the Act does not provide material support to the victims when the male perpetrator is the breadwinner exposes the inadequacies of law and its inapplicability to women residing in the rural areas. The absence of safe houses to shelter victims of domestic violence particularly in rural areas make it almost impossible for women to articulate or report cases of abuse to the authorities. The gender officer noted that the government has only built one safe house in the city of Gweru, in Midlands province. A police officer with many years of experience dealing with domestic violence indicated that whilst the protection order is a legally binding document, its relevance in certain contexts such as rural areas is doubtful.

### **Social attitudes, beliefs and perceptions**

Societal attitudes, beliefs and perceptions were identified by informants as both facilitating and at the same time impeding the implementation of the Act. Participants in the majority of focus group discussions felt that the enactment of the Act was retrogressive in the sense that it challenges African norms and values. An elderly community leader was so unequivocal, arguing that the Act should not only be ignored but challenged because it trivialises African manhood. In an interview conducted with a female teacher at local school, it was quite evident that many community attitudes and beliefs prevalent reflect the widespread tolerance of violence against women as a normal aspect of gender relations. Information emanating

from both unstructured interviews and focus group discussions was loud and clear that the community condones violence. This was demonstrated by respondents' lack of enthusiasm and even at times its refusal to talk about it and let alone condemn it. One survivor of domestic violence testified that neighbours only intervened when she was being attacked by her partner after realising that her life was in danger. Community's refusal to intervene in domestic affairs when called upon to render assistance undermines the Act in reducing violence against women. Lack of assistance usually arises from the sense that the quarrelling parties can solve their domestic problem amicably without any external assistance. The researcher also found that there was lack of consensus in the community regarding violence perpetrated against women. Some respondents felt that any violence is wrong irrespective of what might have happened, while others were of the view that violence between intimate partners within the home is the fault of the wife rather the husband. Women are usually blamed for violence because of their lack of respect and failure to take care of the husband's relatives. The majority of the respondents interviewed believed that physical violence against women in the domestic context is justified

The shame resulting from being 'violated' coupled with a general respect for the traditional African family values often lead women themselves to turn a blind eye to violence perpetuated on them. The Chief, under whose jurisdiction the area falls confirmed in an interview with the researcher that although the piece of legislation appears sound and quite useful, it cannot be widely enforceable because it runs counter to community norms. The Chief further indicated that cases of violence against women increased tremendously with the introduction of the Act. Many men are now resorting to abusing their wives just to prove a point. The belief that wife beating is a sign of love was quite strong in this community. The traditional African culture has been used as a justification for abusing women as women themselves have been nurtured and internalised the belief that a man who does not beat his wife when she makes a mistake does not love her. This kind of thinking makes it acceptable for women to be abused by their partners.

### **The dual legal system**

The dual legal system that obtains in the rural areas whereby customary and general laws operate side by side was identified as a major factor constraining the effective implementation of the Act. The hybrid of the legal system where customary law operates alongside civil laws put women in a disadvantaged position. The gender officer observed that

while the civil law is used for crimes committed in the public sphere, in many cases however customary law remains strong for matters relating to the private sphere. The traditional Chief conceded that even though the customary law plays second fiddle to the civil law in eyes of the state, he quickly pointed out that for many women particularly those residing in the rural areas; the customary law is more readily available and accessible. The customary law has a negative influence on domestic violence as it tends to perpetuate and entrench unequal gender relations which breed violence against women. The realities of domestic violence under customary law are not recognised, jeopardising the opportunities of women to seek legal recourse in traditional courts. To compound the situation, the customary law places men as heads of the households and breadwinners resulting in women being economically dependent on their husbands or partners.

### **Weak enforcement mechanism**

Since legal instruments cannot act on their own and need people to put life into them, this makes the role of police central to the successful implementation of the Domestic Violence Act. Several informants reported that police officers are reluctant to assist women who report cases of domestic violence. A Police officer indicated that cases involving domestic violence cannot be successfully prosecuted. One challenge cited by the police officer was that women who made charges of domestic violence often subsequently withdrew their cases. Since police performance is judged on the basis of cases that are laid and then prosecuted, the police details become reluctant to invest time and energy in issues involving domestic violence because of fear that women would withdraw charges, leaving them with an unprosecuted case. This meant that the police officers' hands are tied when it comes to the implementation of domestic violence at the local level in rural areas. Another police officer also said that lack of resources militate against their endeavours to reduce the prevalence of violence. Only a miniscule portion of the resources is allocated specifically for cases involving domestic violence. Women survivors stated that police officers are the weakest link in so far as the enforcement of the law is concerned. They cited police corruption as a cancer that is seriously compromising the work of police officers. Police officers are only eager to investigate cases after having been given something. Since most women in rural areas are poor, they can't afford to give these offers bribes demanded before dockets can be opened. One woman reported a case where her partner who had battered her bribed the police and the case was closed.

### **Fear of stigma**

Neighbours and relatives, particularly in-laws have often discouraged and at times even tried to stop women from pressing charges against her husband fearing that this would attract unnecessary attention thereby tarnishing the image of the family. Families have been also known to reprimand and to socially isolate a woman for pressing charges. Fear of shame was identified as one of the greatest challenge that prevents women from lodging their complaints with the law enforcement agents. It also emerged during one of the interviews that most women did not want to report the abuse since they were ashamed of giving the impression that it was their fault. Many women therefore justify their injuries sustained during domestic violence by saying that she fell or bumped against the door.

### **COPING MECHANISMS EMPLOYED BY WOMEN FACING DOMESTIC VIOLENCE**

Women can devise several strategies to ameliorate their suffering. The majority of the respondents highlighted that initially they try to resolve the abuse on their own and if the abuse continues may turn to friends and neighbours for assistance. Women build on their relationships with other women in the communities to protect themselves from violence perpetuated within the private realm. The networks forged by these women provide emotional assistance. The social networks created are expected to build consciousness of violence against women. It was pointed out in one of the focus group discussions that they normally teach themselves through dialogue with each other to raise awareness of domestic violence in particular and other issues in general.

Women in violent relationships may also seek help from traditional healers whom they believe can be able to appease the violent spirit possessed by the aggressive husband through traditional medicine and customary rituals. Love potions were also cited as another strategy adopted by most women to reduce levels of violence. In the event that the informal sources of support have failed, battered women can still have another option. They may resort to formal structures such as religious institutions and law enforcement agents. The majority of women said that they would take their cases to the police officers after having exhausted the informal

justice system. It was important to note that quite a sizeable number survivors of domestic violence sought refuge in newly emerging Apostolic churches such *hambakuku*. These churches were thought to be very useful because battered women can seek protection from them without reprisals because the abusive partner feel the pastors of these churches posses powerful spirits that cannot be over powered by a normal being. It was pointed out that these pastors can also predict what will happen to the families of these followers through their prophecy. One woman confirmed that she was frequently abused by her partner before she turned to one of these Churches. She later used her close relationship to the pastor to influence the husband to repent and later became a staunch believer and the abuses that were a day occurrence ceased.

### **DISCUSSION OF FINDINGS**

The paper revealed that although the state has enacted a progressive legislation to combat domestic violence in the name of Domestic Violence Act, cases of abuse perpetrated against women continue to increase unabated particularly in the rural communities. This has been attributed largely to the failure to adequately implement and enforce the Act due to several constraining factors subject to discussion in this article. As this study revealed, women continue to be abused simply because they are women. As the findings of this study confirmed, women in rural areas are more bound by the yoke of patriarchy rendering the Act a mere academic exercise incapable of preventing abuse perpetrated on women. A general lack of awareness of the existence of the law meant that the Act is far from being utilised. The unavailability of communication tools such as radio and television in the rural set up meant that lack of knowledge of the law is a huge hindrance for the Act to have a desirous effect. Thus ignorance of the Law has negative repercussions on women's health and status in relation to issues of domestic violence. As a structure, ignorance is so constraining in the sense that it prevents women from using the law as a bulwark against domestic violence. Notwithstanding its attractiveness, the Act rather inadvertently operates to further marginalise and suppress women.

The absence of women organisations in rural areas that did a sterling job in reducing the prevalence of domestic violence through awareness campaigns in urban areas meant that women in the rural communities were left behind. Women organisations are critical since they can offer a variety of support services, addressing women's physical and emotional needs including their needs for temporary and possibly long-term shelter. It was also quite

revealing that the law on its own cannot deliver the goods. These findings corroborates Gonzalez-Sanchezs' (1998) arguments who opined that lack of legal awareness of the law and fear of exacerbating the aggression by the abusers largely accounts for the dismal failure to arrest cases of domestic violence particularly in rural areas. It can be argued that the enactment of the law has seen an upward trend in cases of violence. In this regard, the Act has backfired as the husbands in response defied the law to maintain and perpetuate their hegemonic masculinity through further beatings of their partners. Violence is seen by the majority men in this case as an instrument to ensure continued control over resources and decision making at all levels of society. These findings are in tandem with observations made by Hecht (1999) in Senegal on female genital mutilation in that country. It was reported that in one village in the south, 120 girls were circumcised *en masse* in response to a legislation that has been enacted prohibiting female genital mutilation. In light of the above, one can deduce that laws can sometimes have a detrimental effect since they can compound an already bad situation. Instead of providing a window of opportunity for women to improve their status, the reverse obtains. As a result, laws enacted with good intentions may produce negative outcomes thereby further worsening the situation of intended beneficiaries. It is therefore prudent to note that whereas the Act could bring enormous benefits to the urban folk, the situation cannot be replicated in the countryside because of different circumstances mediated by different geographical locations. For the rural dwellers, the law becomes another conundrum with which women need to contend with to empower themselves.

Prevailing attitudes, perceptions and belief systems in the rural areas have been also noted as other militating factors in reducing cases of domestic violence. The widespread belief that women are known to be beaten or abused by their partners as a normal part of gender relations has limited the effectiveness of the Act. Such an attitude undermines the capacity of survivors of violence to report cases of domestic violence to the law enforcement agents. Instead such women subjugate themselves and remain 'holed up' and keep problems to themselves. While women perceive and feel that violence against them is both morally wrong and painful, they may not necessarily define it as a crime. Cultural beliefs and attitudes undermines women's resolve to report various forms of abuse to the authorities for fear that reporting may bring shame and damaging their own and families' reputation. More significantly, cultural beliefs reflect widespread tolerance of violence against women as a normal aspect of gender relations. Violence against women is perceived and understood as a vital part of social relationships in some cases. Cultural norms have developed overtime to

justify, sustain and perpetuate men's sexual coercion of women as well as other forms of violence towards women (Kelly, 1998.) The belief that violence is an indicator of love was found to be prevalent in the area of study. This observation is corroborated by Wood and Jewkes (1997) who discovered that sexual assault was a regular feature among pregnant teenagers' sexual relationships. It can thus be argued that community attitudes and beliefs more often impede the effective implementation of the Act. Traditional culture has been used to justify the abuse of women as women themselves are nurtured to believe that violence perpetrated on them is a sign of love and part of the game.

The dual legal system that prevails in most rural areas whereby customary and general laws co-exist is hindering the effective implementation of the Act. Women are more likely to seek help from the village chief because of his respected and widely accepted role in conflict resolution and peace building than goes to the police officers. The fact that the realities of domestic violence are not recognised under customary law highlights the complexities and weaknesses inherent in the Act. Ironically, women in rural areas would neither report cases of violence to the police nor to the Chief because they feel that a Chief would not necessarily offer them neutrality and support. On the hand, they are reluctant to go to the police since the later use general laws which are considered inappropriate in rural areas. Such a scenario highlights the constraints on women's ability to act and a lack of community responsibility to assist vulnerable members of the community. The public-private sphere that has been the backbone of most legal systems has also created major challenges for the protection of women against domestic violence. The traditional perception that the two spheres of life are distinct and divorced from each other is a major barrier for the law enforcement agents to intervene or act against violence that occurs within housed.

Poverty as a social structure determines options women can use to resist and tackle violence perpetrated against them. Put simply, poverty limits the choices women can make around staying in violent relationships. Poverty constrains women's ability to make decisions and lack of control of resources puts a severe dent on women to challenge violence from a husband or partner. As Kandiyoti (1998) observed, women's economic dependency on men and the cultural value attributed to being a proper wife may lead women to decide that the troubles of contradicting these gender ideologies are worse than those of staying with a violent partner. Women can then endure years of violence without telling anyone since they are economically dependent on their husbands. Lack of ownership of vital assets such as land

and cattle acts a disincentive for women to take action against their aggressors. The most plausible option for women is to leave and find another place to live away from the abusive husband. This is however a challenge for women living in rural areas. A protection order, a provision contained in the Act then becomes a useless and irrelevant part of legislation because women living in rural areas cannot utilise it since they cannot temporarily be separated from their 'home' they share with the husbands. Lack of safe houses in rural areas that can facilitate protection orders meant that women have no option other than continue staying with an abusive husband. Women who depend solely on their husbands for survival may not accord high priority to issues of domestic violence. For them, violence is not the most pressing issue they are facing, but as one issue among others facing the community. More significantly, poverty in the majority of cases decreases poor women's access to those institutions that are supposed to protect them. One can further insinuate that women in rural areas have poor or lack of support networks and friends in whom they can confide when confronted by violence.

The intimidating nature of state institutions to the majority of women is another huge barrier for them to circumvent in order to get any remedies. The hostilities shown by law enforcement agents towards abused women have serious repercussions on the capacity of the Act to diminish violence against women. The propensity to trivialise women issues usually shown by police officers does not augur well for the enforcement of the Act. Police details are rather cold and indifferent when dealing with issues that are confined to women. Travelling to report cases of domestic violence was viewed as intimidating, costly and time consuming by women staying in the countryside. The three levels at which law operates identified by Schuler (1992) provides useful insights to understand the persistence of domestic violence despite endeavours made to eradicate it. She identified a substantive level, (the actual law itself), a structural level (the organisations and structures that enforce the law) and last but not least, the cultural level (the beliefs and attitudes held by the wider community). The levels mentioned above work in unison and are complimentary. As a result, the Act cannot deliver the goods on its own since it is by hampered cultural beliefs prevalent in rural areas. At structural level, it becomes clear that the institutions and organisations such as the enforcement agents expected to implement the Act are ravaged with serious resource constraints as well as lack of political will.

Despite the constraining factors mentioned above that impede the effectiveness of the Act to reduce cases of domestic, it is very essential to point out that the Act still presented a window of opportunity, although small for women residing in the rural areas. In this, women as actors devise their own strategies to circumvent the structures that assist their subjugation. Social networks forged by women build consciousness of violence against women and raise awareness of the existence of the Act. It is important to highlight that women are not passive beings with no initiative to better their living standards. Women thus employ a variety of mechanisms that include love potions, seeking assistance from traditional healers as well as asking for divine intervention through pastors of certain denomination churches to check men's virility.

## **CONCLUSION**

This paper provided an insight into factors that constrain the full implementation of the Domestic Violence Act to decrease the prevalence of violence perpetrated against women. As has been seen in this study, violence against women residing in the rural areas is widespread, pervading the whole community and systematically carried out. Violence against women particularly in rural areas is deeply rooted or entrenched such that it is difficult to eradicate it over a short period of time. The customary law, which is dominant in the countryside sanctions, reinforces practices and attitudes that condone women's subjugation. Put simply, the Act contains a sting in its tail as far as women issues are concerned particularly regarding domestic violence. Although the Act was celebrated by most women as a milestone in so far as women empowerment legislation is concerned, it is significant to note that domestic violence against women is worsened by gender imbalance which is expressed in power dynamics that systematically undermine and deny women's life choices and chances. Fear of social ostracism is a high price of challenging cultural norms and values that condone violence against women. This study also pointed out the limitations of the implementation of the Act. However despite the limitations and constraining factors that undermines the Act to protect women as well as giving them the opportunity for redress, the Act nevertheless is an essential blueprint of combating violence targeting women.

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