

# Africawoman

FOR AND ABOUT WOMEN IN AFRICA • ISSUE 7 • NOVEMBER 2002

**COMMENT**

## Why we say 'No' to violence

This special edition of Africawoman is dedicated to the international campaign against violence targeting women. It is our own small contribution to the 16 Days of Activism Against Gender Violence, held between November 25 and December 10. This year marks the eleventh anniversary of the campaign started at the Centre for Women's Global Leadership Institute.

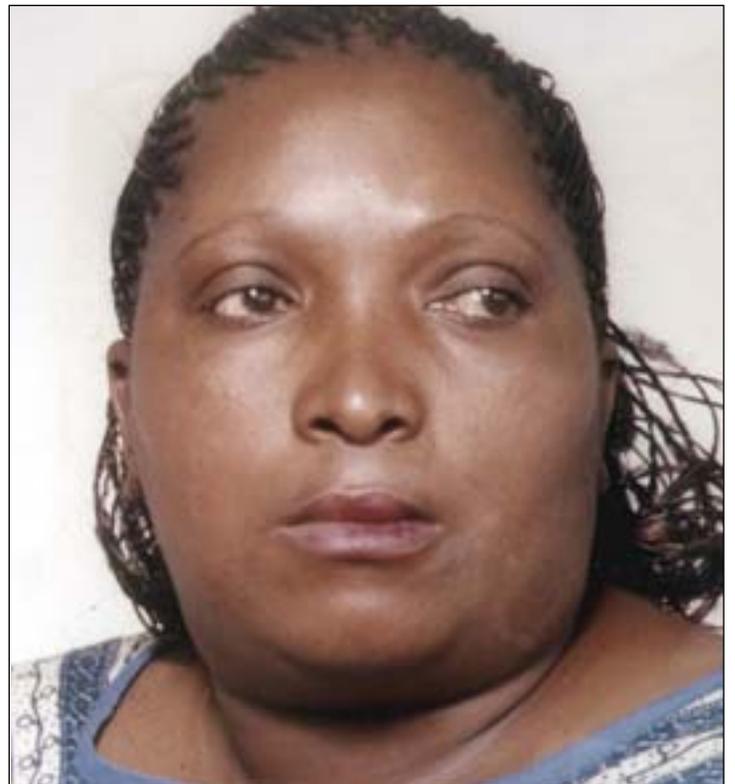
Since 1991, some 1,000 organisations in over 90 countries have used the 16 days to organise activities such as processions, candlelight vigils, tribunals where survivors give personal testimonies and panels of respected leaders respond to the issues raised, and other awareness activities. Media organisations have weighed in, too, using their resources to highlight some of the key issues in this pervasive problem.

November 25 was declared the International Day Against Violence at the first Feminist conference for Latin America and the Caribbean held in Bogota, Colombia, in July 1981. In 1999, the United Nations officially recognised November 25 as the International Day for the Elimination of Violence Against women. December 10 celebrates the adoption, in 1948, of the Universal Declaration of Human Rights.

*"In order to remain in a relationship, a woman finds ways to explain away the incidents of mistreatment, whether emotional or physical. At times, she feels she may have contributed to her abuse"*



Sheila Mahere, director of the Musadsa Project: "A woman usually wants her relationship to work and is willing to hang on, waiting and hoping that things will improve."



Sibongile Tutani was shot by her Nigerian husband. "he has now deserted me after a he obtained a residence permit and does not want to see me near our business premises."

**ZIMBABWE**

# Violence stalks the land – and women pay price

By Ropafadzo Mapimhidze

**WHEN** Learnmore Jongwe and Rutendo Muusha said "till death do us part" at a colourful wedding in August last year, little did their guests and families know just how soon this would be. They would both be dead barely a year later.

The saga began when Muusha, so beautiful and happy on her wedding day, was stabbed eight times on July 19 by her husband, who was the spokesperson for Zimbabwe's opposition Movement for Democracy, over allegations of infidelity on both sides. He died in custody about three months later.

The killing revived debate over why it has taken Zimbabwe so long to come up with a domestic violence law, especially since family violence has been on the rise in the past few years. At least one in four women in Zimbabwe experiences physical, sexual, psychological or eco-

nomie violence at some point in her life. Many do not live to tell their stories.

The violent death of Muusha at her New Sunridge home sent shock waves throughout the nation only because of the high profile of the personalities involved. In October, Nigerian Jude Uso shot dead his wife, Sibongile Tutani, after arguments over their union, which was best described as a marriage of convenience. "He has now deserted me after he obtained a residence permit and he does not want to see me near our business premises, though my parents provided the capital to kick start the operations," said Tutani, daughter of a prominent businessman, just a week before she died. Her husband later shot himself through the chin and died instantly.

Some surveys suggest that as many as 95 per cent of Zimbabwean women have been at the receiving end of domestic violence. Most of them suffer in silence.

Speaking in parliament recently, President Robert Mugabe declared that the government would introduce laws to protect would-be victims and survivors of domestic violence. Zimbabwe is signatory to the Convention on the Elimination of All Forms of Discrimination Against Women, the Fifth Southern Africa Development Corporation Gender Declaration of 1998 and other regional instruments on women's rights.

Musasa Project Director Sheila Mahere says there has been an upsurge in domestic violence after the Muusha killing. In 2001, the organisation recorded a sharp rise in the number of women seeking shelter and counselling — from 40 to 165. In June and July this year, there were a record 208 and 231 cases including 21 and 19 old cases respectively. 55 counselling sessions were also conducted over the telephone.

Mahere points out that it is very difficult for

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## Violence stalks the land

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women to leave abusive husbands. "It takes a lot of courage and determination for a woman to decide to knock on our door seeking shelter or counselling. A woman usually wants her relationship to work and is willing to hang on, waiting and hoping that things will improve."

The concept of a shelter for battered women is relatively new in Zimbabwe and most women do not understand how it might help those living in abusive conditions. Zimbabweans consider it improper for a woman to leave the matrimonial home and live with strangers, preferring instead that the woman should seek help within the extended family.

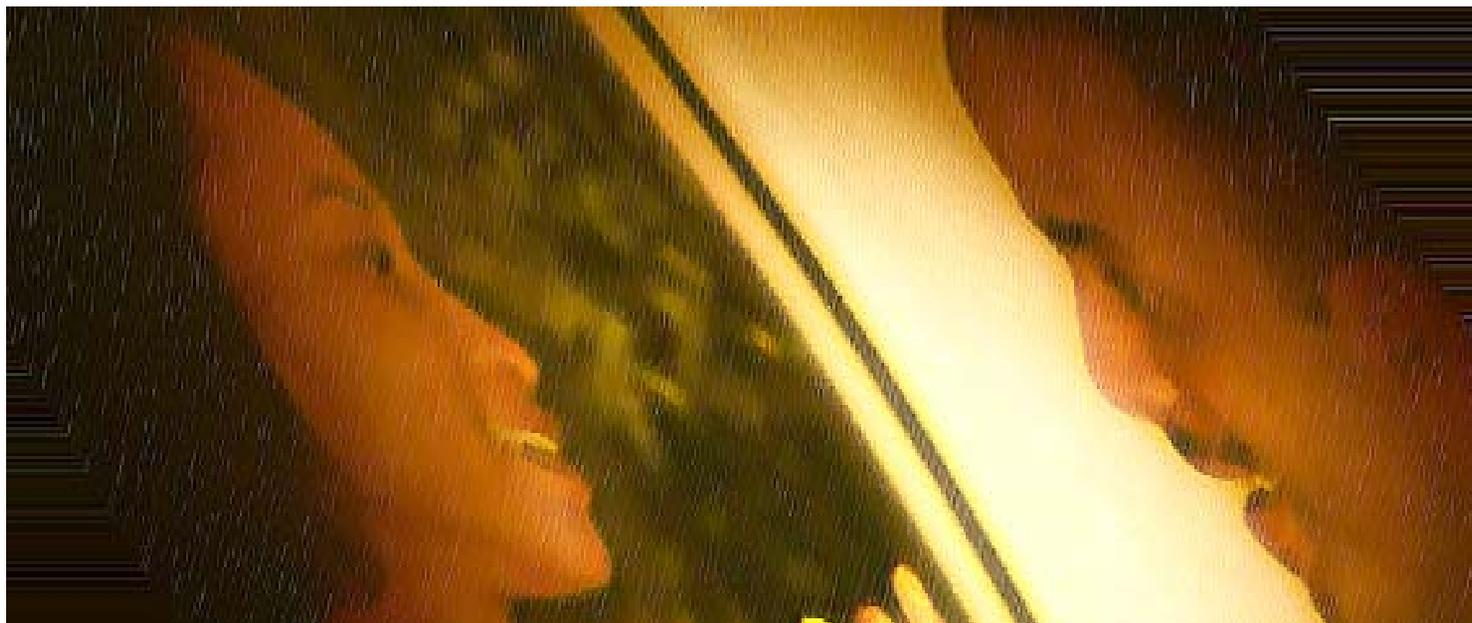
But harsh economic conditions, the breakdown of the extended family and urbanisation means that relatives often live hundred of kilometres apart.

The Zimbabwe Women Lawyers Association is also concerned about the number of women seeking legal assistance over domestic violence. According to Lydia Zigomo Nyatsanza, an average 90 new cases of violence are recorded every month, with 80 percent of the cases including sexual abuse of children, marital rape and physical abuse. "Physical abuse is common in homes where the woman is not employed," she says.

Most battered women tend to withdraw even where they have taken the initiative to report to police. Even though research indicates that men who beat their girlfriends are likely to get worse upon marriage, there are many women who go ahead in the belief that they will be able to change the behaviour of violent partners.

Women stay in abusive relationships for various reasons — all of them good, as far as the victim is concerned. Says the Musasa Project report for 2001: "In order to remain in a relationship, a woman finds ways to explain away the incidents of mistreatment, whether emotional or physical. At times, she feels she may have contributed to her abuse."

Abusers often use threats as a technique to control their victims and force them into staying. Women may also fear living on their own, scared at the prospect of looking after themselves and their children. They may cite wanting their children to have a good relationship with their father or feel guilty about "breaking up" the family. "Society stigmatises single women," says Mahere. "Women resort to just getting a man, even when that man does nothing positive in her life. We should not hide behind society and should make decisions on our own lives independently."



### COMMENTARY

## Why we cannot waste a minute more

By Florence Machio, Kenya

**P**icture this scene: Residents of Ravalli County in Canada are wearing white ribbons to show that they are doing something about domestic violence. They are also honouring women of courage who move out of abusive relationships. This year's courageous woman is Karen Cahn. Tearfully accepting her award, she says the courage to end domestic violence comes not only from victims, but also from community members.

Sheriff Perry Johnson, co-chairperson of the Ravalli County Coalition against Domestic and Sexual Violence, says the community has a responsibility to show that it does not condone violence against women and children.

In Africa, communities are also rising up against domestic violence and doing something about it. They may not have moved mountains but they have started with molehills, clearly in agreement with this year's United Nations theme on domestic violence: Not a minute more!

The World Health Organisation report on domestic violence, released last month, includes a series of recommendations to prevent violence. Living up to international treaties and laws is one way of doing this.

Israel has just completed its first ever survey on domestic violence and found that women did not know some of their basic human rights. Of the women sampled in the survey, 13.5 percent justified violence against women if they had merely insulted or cursed their male partners, and almost 15 percent thought they "deserved it" when the wife "wanted her own way".

Almost six percent of the men told their women nothing about their family's finances, and 4.5 percent of them tried to prevent them from having contact with their families.

In Kenya, a study is being conducted to gauge the

extent of domestic violence and review women's human rights.

Anthony Mugo of the Federation of Women Lawyers-Kenya says the organization has laid out strategies for a study that will involve men and women monitoring patterns of domestic violence in different parts of the country.

Sponsored by the British Council, the study begins this month and runs for six months. "It will involve monitoring widow inheritance, the right to choose and the right to bodily integrity," says Mugo.

The survey will also monitor outpatients at the Kenyatta National Hospital — Kenya's largest referral hospital. "We want to find out how many patients who visit the hospital, especially women, do so because their rights have been violated."

Mugo explains that the survey will help demonstrate the link between violence and health and the impact on the economy and use the same results to lobby for a change in the laws that touch on violence on women.

Studies in the United States, Zimbabwe and Nicaragua indicate that women who have been physically or sexually abused use health services more than women with no history of violence, thus increasing health care costs.

Last month's WHO report cites lack of gender sensitive health research and reliable data on violence and its consequences as one of the key obstacles to preventing domestic violence.

Moreover, little progress can be made in addressing violence against women if there is not enough understanding of the root causes.

Kenyans hope the survey will help promote women's human rights and, by extension, bring to an end domestic violence. Only then will it be possible to honour more Karen Cahns — this time in Africa. We cannot waste a minute more!

*If talking about domestic violence is considered taboo in many communities, marital rape is the best kept secret — one often condoned by the law. Sheila Kulubya reports from Uganda*

# Marriages straight out of hell

**M**arriages are supposedly made in heaven. But the devil had his fingerprints all over the union between Bernard Looki and Eva Mugala of Pallisa district, Uganda. Neighbours reported that the couple, who had three pre-teen children, occasionally fought. She wanted to return to her parent's home after he started seeing another woman.

No one will ever know exactly what happened on March 6, 2002, but Mugala, then seven months pregnant, died while the couple was having sex. Looki was arrested on suspicion that he had raped his wife after a post-mortem examination report showed that she had died of internal bleeding in the abdomen. But he was released when he claimed that she had fallen off the bed and struck her head on a stool while the couple was in the throes of passion.

The case provoked a great deal of public interest and Minister for Ethics and Integrity Miria Matembe ordered fresh investigations.

Local non-governmental organisations estimate that thousands of women are raped by their husbands every year. But many people, especially in the rural areas, consider marital rape a foreign idea. "If the woman is my wife, I can sleep with her whenever it pleases me," says Hamadi Mukasa, who lives in Masaka, 120 km south east of Kampala.

Many women are reluctant to speak of rape at the hands of their husbands for fear of social stigma. Those who do find neither sympathy nor justice. According to Ugandan law, a spouse is entitled to sex regardless of their partner's consent. "If you are married, it can't be rape because you are fulfilling your marital obligations," says Amos Ngolobi, deputy director of public prosecutions. "Marital rape is a concept for people in Western countries."

Victims of marital rape can only press charges for assault or causing grievous bodily harm, which carry short jail terms. A police officer says that even if there was a law on marital rape in the statutes, it would be difficult to collect evidence and cases would boil down to the word of one spouse against the other.

The Mugala case was extreme, of course, and her death denied the world the chance to hear both sides of the story. As a result, the Pallisa state attorney dropped charges against Looki on the grounds that he had neither the motive nor malice and "was merely exercising his marital rights".

Police remain doubtful of Looki's story. "The man said he was sorry for his wife's death. He said he did not intend to but she died while he was exercising his sexual rights," says Philip Adonga, the officer in charge of criminal investigations in the district. "He said his wife normally denied him sex but he struggled with her that night."

According to an Amnesty International report on domestic violence released in 2002, cultural indifference as well as legal loopholes discourage women in neighbouring Kenya from reporting marital rape. Police records show an increase in the number of reported rapes, from 515 in 1990 to 1,675 in 2000.

Many police officers do not respond to cases of marital rape, however, because — as in Uganda — Kenyan law as-



**"If you are married, it can't be rape because you are fulfilling your marital obligations," says Amos Ngolobi, Uganda's deputy director of public prosecutions. "Marital rape is a concept for people in Western countries"**

sumes consent to have been given by the act of marriage. Instead of being charged with rape, men are usually charged with assaulting their wives.

The Coalition of Women Against Violence, a Kenyan non-governmental organisation, recently reported a case in which a man charged with assault was fined approximately \$20 after being found guilty of sexually assaulting his wife with the broken leg of a stool. He threatened to kill her in reprisal.

The reality, however, is that there are not many women who would press charges against their husbands, particularly if they were the sole breadwinners in the family. They do not also have the financial resources to meet legal costs. "The nature of the legal costs involved also discourage many women from seeking help," says Eva Mulema, a lawyer with the Federation of Uganda Women Lawyers, one of the few organisations that assist women seeking legal redress.

**O**n October 15, Phoebe Kansime, a mother of four, was sitting forlornly at the Family and Protection Unit of the Uganda Police Force. Kansime's right eye was swollen and there was caked blood on her cheeks. She said her husband had repeatedly raped and beaten her the previous day when he returned home drunk. She had bigger worries on her mind, however. "The police want to press charges against my husband, but if he goes to jail, how will I look after the children?" she asked.

Like Kansime, many women suffer the pain and humiliation in silence for fear of breaking their marriages. Oth-

ers fear being stigmatised by a society in which it is taboo to discuss domestic violence.

Statistics published in 1997 by the World Health Organisation revealed that, according to 40 studies conducted in 24 countries on four continents, between 20 percent and 50 percent of women interviewed reported that they suffered physical abuse from their male partners. Among women aged 15 to 44, gender violence accounts for more death and disability than cancer, malaria, traffic injuries or war put together.

Studies in India, Bangladesh, Fiji, the United States of America, Papua New Guinea and Peru show that women who are victims of domestic violence are 12 times more likely to attempt suicide.

The campaign against marital rape is not a lost cause, though. So far, 26 countries have laws to prosecute marital rape. Canada and Australia passed such laws in the 1990s. Namibia, Mexico, Ecuador and Honduras enacted similar laws recently. Sweden has had a marital rape law since the 1970s, but it has been rarely enforced.

Studies are going on in Poland, Bulgaria and Britain.

**E**arlier this year, Kenya's parliament passed the Family Protection Bill, which provides for stiffer penalties for domestic-related assaults and battery. In Uganda, the Domestic Relations Bill, which has been on the shelf for the past 36 years, might finally come to pass mid-next year, if the government can get its act together.

Minister for Justice and Constitutional Affairs Janat Mukwaya says the bill has been delayed by lack of resources to implement it once it is passed. "The bill has a lot of financial implications," she says. "But once we get the funds and also gather consensus on some clauses in the bill, I will bring it to parliament."

According to the draft bill, sex within marriage must be consensual. The National Association of Women Judges and the Uganda Law Commission have also drafted legislation on domestic violence, which is being prepared for presentation to the government.

Married women can at last say no to sex on demand. "It is so critical to save these women's lives, not just physically but emotionally and psycho-socially, or we cannot save our countries," says Deborah Serwada, program coordinator at Hope After Rape, an NGO that has offered counselling and therapy to thousands of abused women in Uganda.

Not surprisingly, many men are unhappy about the draft law, calling it an infringement of their rights. "I don't need a law to tell me how to lead my private life," says Kassim Mutungo, 43, a mechanic in Kampala. Ronald Ogwal, a 31-year-old construction worker, says: "Its ridiculous. Why should a law stop me from having sex with my wife when I paid 20 cows for her?"

Getting the bill through the male dominated parliament is unlikely to be smooth sailing. But should it become law, Uganda will be among the first countries in Africa to pass laws to protect women in marriage.

Society will at last recognise that women like Eva Mugala have the right to control their own bodies and that they do not lose these rights when they marry. Only then will we be able to say confidently that marriages are made in heaven.

## EDITORIAL

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## Time to invest in ending violence against women

One of the challenges we faced when we set out to produce this special edition was how to handle the question of violence against women without getting swamped by our emotions.

Not that there's a problem with getting emotional about the most pervasive and destructive forms of abuse that women face for the simple reason that they are women. It is just that the whole question of abuse has been dealt with at the emotional level for an unbearably long time and left purely in the hands of women.

In the end, we found that we could not avoid describing pretty graphically some of the violations of women's human rights. And we also found that we couldn't run away from our emotions. Indeed, it is only by getting emotional over this painful subject that we will all be able to get involved and, hopefully, find the solutions to the crisis that cuts across class, age, education and all international borders.

In these pages, you will find a common strand running through all the stories. It is about the general lack of laws and policies to do with domestic violence. Even when they do exist, women conditioned over the generations to accept violence as their lot in life will not make much use of them.

The conspiracy of silence that surrounds the abuse of women extends not only to social structures that encourage them to put family before their personal safety but also through the justice-dispensing system, which is often so hostile that women prefer to nurse their misery in private.

Reviewing the information coming out of the countries that we currently operate in, we were also able to detect a glimmer of

hope, however. In all four nations, there have been recent attempts to put in place laws to protect women within the family and in their own homes.

Besides, the last decade or so has seen a rise in the number of non-governmental groups working to help women bear the worst effects of abusive relationships — by offering them counselling, financial assistance and even shelter. They have undertaken research and documented evidence useful in the campaign to get society to say “no” to violence against women.

But even the best-intentioned efforts of the small women's organisations doing this vital work can only ever be a drop in the ocean. Given the complexity of the problem, it is only governments that will ever have the resources and muscle to deal effectively with violence against women.

It is one thing to have laws and quite another, of course, for them to become common practice. Through social services managed by government agents, for example, it is possible to provide refuge and protection for women fleeing abusive relationships. If

abusers know that the police and courts will view their actions with the seriousness they deserve and throw them into jail, the bullies will be stopped in their tracks.

But most important of all is the need for counselling for both victims and perpetrators. Even where abusers have faced the wrath of the law, they often come out of the experience none the wiser. Indeed, many of them go ahead and repeat the offence. The need for counselling for those who have suffered violence cannot be gainsaid.

Let us all invest in making the home a safe place for the world's women and their children.

**Most important of all is the need for counselling for both victims and perpetrators. Even where abusers have faced the wrath of the law, they often come out of the experience none the wiser**

## KENYA

## From a private matter to a public solution

*“When does the home break? Is it when people are separated or when couples stop respecting each other?”*

By Lilian Juma, Kenya

**KENYAN** victims of domestic violence may soon be able to tap into State funds for their basic needs, medical care and counselling and legal services as they await a permanent solution to their problems. Though the fund will be replenished by parliament every year, it is expected that other donors will contribute to it.

These are just some of the provisions of the Domestic Violence (Family Protection) Bill 2001 that sailed through parliament and now awaits assent from the president to become law.

It is hoped that the new law will be enacted as soon as the ninth parliament begins business early next year.

According to Judy Thongori of the Federation of Women Lawyers-Kenya, counseling is crucial in helping victims of violence make decisions that they can comfortably live with.

“If a woman cannot empower herself because she is scared of her husband, how will she develop?” says Thongori, whose organisation played a key role in getting the bill to parliament. “Women also cannot negotiate safe sex with their spouses if they are scared of them.”

According to the proposed new law, the fund's budget will be presented to the Treasury every year, just like any other government expenditure. A special Committee known as the Family Protection Advisory Committee, comprising permanent secretaries in various ministries, will consider and approve requests for financial assistance.

The new law takes the responsibility of reporting violence from the victim only and also makes it possible for other parties to seek protection orders for those living in violent relationships.

This is a major breakthrough for relatives, activists and even police officers who have had little power to intervene, without the authority of the victim, even where they were fully aware of the violence because domestic violence has often been treated as a private matter.

“No person who gives any such information in good faith shall incur any liability for defamation or otherwise, in respect of giving such

information,” says the bill.

Those who suffer injury, damage to property or financial loss as a result of domestic violence will also seek compensation. “We believe the new law will bring change, and unlike in the past where cases of domestic violence were treated as a private issue, we now expect chiefs and the police who receive such cases to treat them with the seriousness they deserve,” Thongori says.

The lawyer acknowledges that courts have treated domestic violence cases with increasing sensitivity in the past five years. With the new law, victims of violence will no longer feel they have to put up with abuse because they have nowhere to go. The new law ensures that women seeking protection orders do not suffer the double jeopardy of being evicted from their matrimonial home and losing custody of their children.

When a protection order is made, the accused will be brought to court within 24 hours of his arrest. And while the case is going on in court, action is taken by the authorities to evict the respondent from the matrimonial home to ensure that he/she does not do further harm.

If convicted, perpetrators of violence face a one-year jail term and a Sh100,000 (about US\$1,250) fine. Domestic violence cases have been treated as assault.

Women have also found it difficult to get medical records to sustain a conviction. The new law also proposes the establishment of women's desk in police stations to promote privacy and sympathetic handling of violence cases.

The new development is largely seen as a major milestone in addressing domestic violence, whose impact spreads beyond the personal to the political and economic arenas. Habitual abusers can expect to pay for their sins, but they will also receive counseling and psychological therapy will heal the strained relationships in the family.

Nevertheless, critics have suggested that the law will break up more families instead of fostering peace in the home, to which Thongori responds: “When does the home break? Is it when people are separated or when couples stop respecting each other?”



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## ZIMBABWE

# Teaching children to reclaim their bodies

By Ruth Gabi

**AS** the role-play unfolds, the horror of sexual abuse is captured graphically on the faces of the children. Immediately after, they burst into songs "reclaiming" their bodies. "Our bodies are precious, don't touch," goes one song. As they sing, the children touch their bodies to reinforce the message that no one else should touch them.

The drama is part of a healing process being encouraged by a non-governmental organisation working with girls who have been socialised into believing that their "sexuality" belongs to men.

Says Mirika Manyati, learning adviser with Plan International: "The best means of dealing with abuse is to prevent it by empowering the children to say 'no' and to recognise these threats before they happen."

There were 3,605 cases of sexual offences against children by December 2000, according to Zimbabwean police.

The attacks on children are rising as poverty-stricken parents marry off their young daughters in exchange for food. Child sexual abuse has also been fuelled by traditional medicine men, who prescribe sex with young children as a cure for HIV/Aids.

It is also considered a lucky charm, known as *divisi* in Shona, by those who want to improve their fortunes.

According to the 2002 Children's Consortium publication *We Have Something to Say*, a survey of 548 secondary school students found that 30 percent had been sexually abused. Half were boys.

An earlier study at the Family Support Trust (Harare Hospital) revealed that an average 70 children a month reported being sexually abused, largely by blood relatives and people they knew.

Says 14-year-old Ruva: "I wish the government would arrest these men who rape other people, including the man who raped me. I also wish the government would



**Varaidzo, a high school student: Says children of abusive parents "may resort to taking drugs and drinking."**

put up boxes in various places so that those children who are afraid of being killed by the rapists if they report can write a letter and put it in the box."

Bottled up anger can also have devastating consequences for children. Four teenaged boys, angered by the continuous battering of their mother over the years, poured boiling water over their father as he slept.

Lying in his hospital bed, the man asked his relatives to bring him his walking stick. As his wife bent to tuck him into bed, he pulled out the weapon from under his pil-

low and struck her on the head. She collapsed and was hospitalised for a month in the same hospital.

Children of violent parents face the risk of continuing the vicious cycle as they turn into adults. "Some may resort to taking drugs and drinking," says Varaidzo, a high school student in Harare.

"Others, depending on how much they value themselves, may reject violence and want to have nothing to do with it. They resolve to work hard in their studies and excel in order to have a completely opposite lifestyle to that of their parents."

## Justice is a dream too far

**EVEN** where there are laws against domestic violence, women may still have problems getting justice, says lawyer Eva Luswata.

"A judge once advised my client not to drag her husband through the court process because they were married and had children," she recalls. "My client insisted and eventually won, but here was a respectable judge advising a woman not to seek justice, though he ruled in her favour at the end of the trial."

Anne Bugingo, 33, had been accused of attempting to murder her husband by trying to cut off his testicles. She was given bail terms barring her from returning to the marital home to see her children because the man was likely to get angry and start another fight.

Bugingo's crime was trying to fight off her abusive husband, who was strangling her. In a desperate attempt to prise his fingers from her throat, she grabbed his scrotum, forcing him to release her.

She reported it to police, but he was not arrested: she was charged with causing grievous harm. The case did not go far, but Bugingo was hounded by policemen threatening to reopen the file.

After a protracted legal battle, which led to the arrest of one policeman, Bugingo's husband has been charged with attempted murder. "I have now been allowed access to my children," she says with a smile, "I will not rest until justice has been done. But it has been a long, hard struggle."

Anne Mugisa, Uganda

## Should a good woman just shut up?

By Kwamboka Oyaró, Kenya

**T**he story is told of a woman who sought the help of a witchdoctor after frequent and severe beatings from her husband. She explained her desperation and pleaded for help. The man gave her a vial of medicine and advised her to take a sip and hold it in her mouth every time her husband spoke angrily.

After a week of this "therapy", she returned and showered the herbalist with praise for giving her medicine that worked. "For the first time since I got married, I have not been beaten for a whole week," she said, glowing with joy and pride.

The herbalist retorted: "That was not medicine but plain water. It means you provoke your husband to beat you, so from now on just keep quiet whenever he speaks!"

Just like the herbalist, many men and women believe that women who are battered call it upon themselves. They accuse the woman of raising her voice when

### POINT OF VIEW

she ought to know better – a man is always right.

Physically at a disadvantage, women often choose the tongue as their weapon against abusive husbands.

Before Kisii girls from western Kenya are married, their aunts advise them to tame their tongues as they can be weapons of destruction. They are told to know their position and keep quiet when a man is talking as a mark of honour and respect.

Women lawyers, who know their rights and will not hesitate to voice them, are rated inelligible for marriage and dismissed as bad company for the truly good woman. A man shakes at the thought of a wife who will question his activities and point to his weaknesses, we are told, for words may make him feel helpless when he wants to be in control and show authority and power.

In African culture, manliness is founded on control and power - and many men are

not averse to using violence to reinforce this.

In such circumstances, woe betide the woman who marries a man who earns less than she does or holds a more powerful position. She can expect psychological and emotional violence alongside regular beatings. Her mistake? Challenging the core of manhood, even unknowingly. She must tread carefully, because anything she says will be interpreted as yet more evidence that she does not respect her man.

In Harare, says Mavis Kahwemba of the Musasa Project, a woman working with an international organisation gave in to pressure from her husband to buy the family a nice car. She did so, but took out the logbook in the man's name as the lobola (dowry) culture dictates that everything in a household, including the woman, belongs to the man. She does not ride in the car and has to take public transport home as her husband flashes past with his mistress. This psychological violence is a weapon many men use to "tame" their wives.

Samuel Okutse, 52 and a self-confessed

wife beater, seeks to justify his actions:

"Violence, it appeared, was the only language she understood. She came home late and lied to me that she was at the neighbour's house. I felt frustrated. That is only human, isn't it? I said enough was enough and started beating her..."

Men don't just beat their wives, according to Okutse. Circumstances force them into it. A ruling by Italy's highest court seems to agree: It is not a crime to beat your wife occasionally, the court ruled.

Is it any wonder then that women as powerful and influential as Ugandan Vice-President Specioza Kazibwe should be slapped about by their husbands? "I beat her the first time in 1993 when she returned home at 3am without a satisfactory explanation and in 1995, when she insinuated that I had an improper relationship with one of our friends, Irene," Engineer Charles Kazibwe told the Sunday Monitor last March.

Well, that makes everything crystal clear. A good woman should shut up and let her man choose her friends for her!

## UGANDA

# Don't hold your breath

By Elizabeth Kameo

**CONSIDER** the facts coming out of a 2000 study on domestic violence in Uganda: Among the Bakiga, a tribe in western Uganda, wife battery is estimated to occur in 75 to 80 percent of the population. In southern Uganda, Teso, Busoga and Lango (parts of eastern and north-eastern Uganda), wife battering is estimated to occur in 75 percent of the community. Among the Acholi of northern Uganda, the figure is estimated to be 80 percent.

Though these statistics cited in a report by Law and Advocacy for Women-Uganda may appear to be extraordinarily high, they are a fact that many Ugandans would rather ignore. Equally shocking is the reality that this violence goes unpunished, as there are no laws to deal specifically with domestic violence.

The move towards a unified law on Domestic Relations and Violence against Women in Uganda began in the early 1990s. This was not the first move to get government to create a law against violence, however. About 30 years earlier, the

*Despite mounting pressure, new laws on prevention of violence are slow in coming*

Kalema Commission undertook to draft the same Bill only to hit a snag. In the 1990s, the Law Reform Commission undertook country-wide studies on the issues involved. NGOs such as the Uganda Women's Network, Uganda Media Women's Association, Akina Mama wa Afrika and many more made recommendations to the commission.

The Domestic Relations Bill is a one-stop regulatory framework for sorting out power relations in the family but the chances that it will ever be tabled in parliament are slim. It has been 12 years since it was drafted, but there are no signs that it is about to be translated into a law. While top ministry officials in the Ministry of Gender, Labour and Social Development put the blame on the never-ending restructuring

miseries, the fact that most legislators here are men cannot be dismissed as a moot point.

There are no laws that specifically protect women from battery, although there is a general law on assault, causing harm, murder and manslaughter. Law enforcement officials, reflecting general public opinion, continue to view wife beating as a husband's right and rarely intervene in cases of domestic violence. Though these provisions appear to offer sufficient protection for battered women, they do not in practice provide an effective remedy for women.

Eva Mulema, a member of the International Federation of Women Lawyers Uganda chapter says: "Although Uganda is viewed as exemplary for its leadership in recognis-

ing women's rights, economic factors and the lack of supporting infrastructure continue to prevent many women from lodging complaints against their abusers."

However, whenever public debate on domestic violence begins to build up, religious and cultural issues come into play and the debate is always derailed. Among the most controversial issues is the attempt to restrict the number of wives a man can marry to two. Predictably, Muslim men have raised serious objections to this since Islamic law allows them four wives.

In 1999, the Domestic Relations Bill was shelved again — with few prospects of coming up before parliament soon.

Women's organisations have, in the meantime, organised a strong lobby to ensure that the many pro-women provisions in the bill are passed.

Will their efforts yield any fruit this time? The tens of thousands of women who face violence across the land on a daily basis can only keep their fingers crossed in the hope that justice will be done.

## ZIMBABWE

## Can there be justice for these victims?

By Sifanele Ndlovu

**THE HEADLINES** say it all: *Jilted teenager murders ex-wife. Wife stabbed for talking to neighbour. Husband sets wife ablaze. MP kills wife.*

Can relatives of victims of domestic violence in southern Africa expect justice? A 1995 study by Women in Law and Development in Africa in five countries, including Zimbabwe, showed that though domestic violence was rampant, the likelihood that offenders would be convicted were slim.

Due to loopholes in the legal systems in the region, the group said, offenders were likely to get off lightly. Most men who had killed their wives in the course of domestic disputes were charged with lesser offences and judges had the discretion to lighten sentences.

In another case in that country, the judge suspended a three-year sentence because he felt the defendant had been provoked. He declared: "The provocation offered by your wife was such that any self-respecting person would lose control. The facts reveal that you did not use a lethal weapon; you only used your fists. I feel this case calls for maximum leniency."

In Botswana, a man who beat his wife to death got 18 months for manslaughter and was told to refrain from violence the next time he married "because he might not be so lucky the next time".

The study revealed that only one person in Botswana had been convicted of murder; only 36 percent were convicted in Zimbabwe. In Zambia, it was 39 percent. Sixty six percent of offenders in Botswana had their charges reduced to culpable homicide or manslaughter, compared to 41 percent in Zimbabwe and 31 percent in Zambia. The rest were acquitted or had charges withdrawn, while a small percentage died before the verdict.

South Africa set the pace for reform when it passed a Domestic Violence Act in the late 1990s while the other countries in the region are in various stages of trying to enact legislation.

In Zimbabwe, progress has been made in training police and judicial officers to have a "victim friendly" approach to cases of gender violence and a bill on domestic violence has been drafted which seeks to tighten loopholes and impose stiffer sentences for domestic violence. The bill has been on the shelf since it was mooted in 2000 and it is not clear when it might be passed.



## The cycle of violence: Myths and facts

**D**omestic violence is shrouded in myths that have made it difficult to confront the problem. Here's a sample:

**Abusers have a problem managing their anger:** There are those who argue that counseling will help overcome the problem. Nevertheless, abusers have no difficulty remaining cool and level-headed when they have to resolve problems with their bosses. It is only where they feel superior that they resort to violence.

**Domestic violence is a family matter and couples should be left to deal with it:** Rather than being a private affair, domestic violence is a social ill just like murder, child sacrifice and so on. More often than not, those caught up in the vicious cycle of violence are unable to resolve the

problem on their own.

**Some women ask for a beating:** Some communities believe that being beaten is proof of love. This belief defies the fact that no one in his or her right mind would ask to be maimed or scarred for life, not to mention risk being killed just to satisfy themselves that they are loved.

**Batterers or abusers are people with little or no education and are easily picked out in a crowd:** This is completely untrue. There are testimonies of people with doctorate degrees who batter their wives, husbands and children. Domestic violence occurs among people of high social standing as much as the poor.

**Women exaggerate their suffering:** The argument has been put forward that domestic violence is not such a big issue.

However, there is statistical evidence that one in four women live in abusive relationships and that half the population should expect abuse of one form or another within their lifetime.

**Alcohol and drugs cause violence:** Whereas these could catalyse the rate of abuse, sober people also do abuse their partners.

**There's nothing to stop an abused person leaving a relationship:** This is easier said than done. Many people who stay in abusive unions cite financial and emotional dependency, lack of self-esteem and fear for their lives should they be caught. Abusers go out of their way to ensure their partners do not leave as this undermines their power and control.

Rose Bukirwa, Uganda

## POINT OF VIEW

*Hide in the kitchen if your man beats you*

By Margaret Nankinga, Uganda

Everyone says you should leave if your husband bashes you. But you're leaving one set of problems to take on an even bigger set – being alone, no job, no money, no skills, nowhere to live, nowhere to go, kids to think of. It took me 20 years to leave my husband because of these things."

This is the dilemma of most violence victims in poor countries, as portrayed by a woman who participated in the Tasmanian Women's Health Research Project in 1992.

When Vice-President Specioza Kazibwe revealed that her husband had been battering her and cited this as the reason for the break-up of their marriage early this year, she was heavily criticised by both men and women.

Minister for Agriculture Kibirige Ssebunnya advised women to keep their family problems (including domestic violence) to themselves, but Minister for Ethics and Integrity Miria Matembe supported the vice-president, advising women to speak out against domestic violence. Many men accused Kazibwe of inciting women to abandon their marriages for "petty things like a few slaps here and there".

Sarah Nalumansi is typical of Ugandan women who find it difficult to speak of domestic violence – for the simple reason that they are entirely dependent on their husbands. She is 25 and has been married for two years. For a year now, he has been abusing and beating her. He has even brought his girlfriends to their home in her presence. Says Nalumansi: "He

In Ganda culture, women are traditionally encouraged to learn to live with domestic violence, says **Margaret Nankinga**

beats me and when he brings home his prostitutes, he orders me to sleep on the floor, while they (he and his girlfriend) take the only bed we have."

Although she acknowledges that the marriage is a sham, she cannot leave.

"Where can I go?" she asks. "I have a six-month-old baby and no job. My parents cannot support me either."

Many Ugandan girls marry at a very early age because their parents are too poor to support them. Such girls tend to stick to violent relationships because they are no longer welcome at home. This situation gives men total control over their wives.

Culture has also contributed significantly to domestic violence. In most of the 30-plus tribal groups in Uganda, a woman becomes the property of her husband once she marries.

In the northern and western regions, the bride's parents receive cattle as dowry. Should she abandon the marriage, her family has to give back the cattle. As cattle are considered a form of wealth, many parents would do anything not to return the dowry, even if it means sending their daughters back to abusive partners.

In Ganda culture, a woman is allowed to walk out of a marriage only if the man is impotent, a thief or a wizard. Beatings and insults are not sufficient justification for divorce. Aunts wield a lot of influence over their brothers' daughters, especially when it comes to marriage. They take charge of all marriage proceedings and are supposed to prepare the girls for marriage, giving them advice on problems they are likely to encounter and sex education.

The common advice given by all aunts to brides to be goes: "If your husband beats you, go and hide in the kitchen behind the fireplace, or go to the bushes and collect firewood. When the man starts quarrelling, fill your mouth with water, which will stop you answering him. This is no longer your home; your husband's place is where you belong now. In case of any misunderstanding, go to your mother in-law and settle it from there."

Some of these aunts are victims of domestic violence themselves and usually advise their nieces to bear with the beatings, referring to themselves as examples of dutiful wives. Mothers reinforce the messages.

The West Virginia Coalition against Domestic Violence report says that domestic violence is a vi-

cious circle. The abuser and the abused usually come from domestically violent backgrounds and so take it as the norm in marriage. Indeed, some women in Central Uganda believe that if your husband does not beat you, it is a sure sign that he does not love you.

I met Edith Nansamba at a police station in Jinja in eastern Uganda where she had gone with her live-in boyfriend to settle a dispute. Despite beatings and all forms of abuse, she had refused to leave him on the grounds that she had nowhere to go with her two-month-old baby. Her grandmother, the only family she has, cannot support her, especially after she abandoned the tailoring course the grandmother had invested in heavily.

The boyfriend no longer wants her in his home and the case is pending, awaiting summons for her grandmother.

The results of a survey conducted by the University of Rhode Island shows that 35 percent of cohabiting couples had experienced physical assault in the previous 12 months, as quoted in the West Virginia report.

According to Edward Gondolf, a professor of sociology at Indiana University in Pennsylvania, live-in

couples are more likely to experience domestic violence because of the uncertainty of the relationship, and many suffer quietly. The do not leave because many are too proud to admit to having made a mistake living with a man without proper marriage procedures. But many who leave still face harassment and even murder by their former partners.

Women are also likely to persist in violent marriages for the sake of children. Men who are violent to their wives are usually violent to the children, too, so women fear leaving them behind while they are too poor to support them.

The Tasmanian project quotes one woman as having said: "My son has never forgiven me for leaving his father, even though he witnessed the violence for years. He thinks that I ruined his life because I broke up the family."

Some men beat women when they refuse their sexual advances. In many Ugandan cultures, a married woman is not supposed to deny her husband sex in any circumstances; so many women who get abused suffer silently, harbouring feelings that they are to blame. Indeed, some men cite sexual denial as an excuse for being violent, knowing that family tribunals (where most family misunderstandings are solved) will side with the man in such situations.

The officer in charge of children and family issues at Jinja police station in eastern Uganda, Betty Mbulante, says that she handles five family cases per hour and the majority of these involve domestic violence. "Many of these men give sex denial as the root cause of the family fights," she said.

**"If your husband beats you, go and hide in the kitchen behind the fireplace, or go to the bushes and collect firewood. When the man starts quarrelling, fill your mouth with water, which will stop you answering him"**

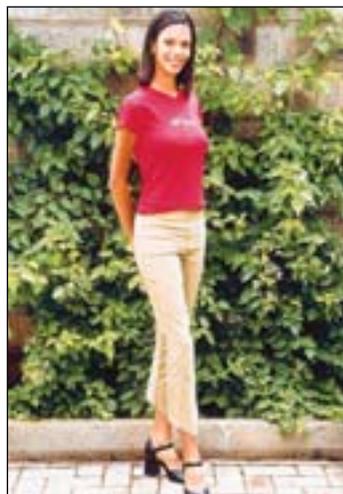
# Where hipsters are not welcome

By Susan Naa Sekyere

**POPULAR** Ghanaian musician Kofi Debrah is appalled that his latest hit, *Apuskeleke*, has become an anthem for those who want to harass women for allegedly dressing indecently. All he wanted to do, he says, was to advise young men against spending lavishly on women, urging them instead to save their money for a rainy day.

It is debatable, of course, whether all young men spend on their women. But the song has also taken on ominous tones and opened up a new frontier for assaulting women. *Apuskeleke* is no longer just another chauvinistic song but is now a rallying call for those who want to molest women for allegedly dressing provocatively.

So intense has the battle over women's fashion become that those



**MICHELLE NJERI steps out in style. In Accra, she would probably be bullied to tears.**

who dare venture into the major markets in Accra and Kumasi –

Makola and Asafo – in "form-fitting blouses" and "hipster trousers" are greeted with boos and catcalls.

They can expect to be called prostitutes and husband snatchers as market women join in the harassment, according to a recent news report.

Nancy Boahene, a second year student at the University of Ghana, Legon, describes the experience as "nothing but violence against young women".

Still traumatised by her ordeal at Makola market, she says the catcalls began as soon as she stepped out of her taxi. She did not know they were directed at her until two daring men came up to her and pulled at the sleeve of her blouse. She was so upset that she abandoned her shopping and fled back to campus in tears. Though her experience qualifies for an assault

charge, she does not want to press charges, preferring to put the humiliation behind her.

But whereas Debrah says that his message in *Apuskeleke* has been misconstrued, his manager, Opoku Coduah Brimpong, argues that it has turned out well for the country. "The way girls dress is very provocative and that could be the cause of the increase in rape cases," says Brimpong. "The way they behave is simply an subtle invitation to tango."

He is just one of many Ghanaians who blame women for many of the social ills in the country. Terrorising women into submitting to an unwritten dress code, they believe, will check what they describe as the rise in "indecentry".

But there has been no corresponding campaign against men urinating in public – in full view of

passers-by. Not too long ago, fashionable young men wore their trousers so low that their underwear and private parts were often exposed. There were no public protests over indecent exposure.

Questions are also being raised as to whether Ghanaians in general measure up when it comes to dressing for different occasions.

In a news report on TV3, presenter Eric Enchill tried to analyse whether government ministers and members of parliament are Ghanaian enough in their attire. The response was a predictable "No".

Vice-president Alhaji Aliu Mahama has launched a campaign aimed at ridding Ghana of corruption and other social problems that targets society in general. The question is why women should be singled out for discrimination and humiliation.

GHANA

# For the sake of the children

*Why women stay in abusive relationships*

By Golda Armah

**LAST** month, Joseph Tetteh Quaynor shot his wife of eight years, Svetlana, before killing himself. He was a successful businessman but had been in a financial crisis and this had led to mistrust between the couple. He had demanded that his wife, a banker, stop working. Despite her family's advice that she leaves, Svetlana refused to quit her job and her marriage.

In another case, Kwabena Omari killed his 35-year-old wife and also shot his sister-in-law. "I killed her to serve as a lesson to all unfaithful women," said the 57-year-old Omari. The marriage was said to have broken down long ago, but Jane Abena decided "to hang in there".

Why women stay in abusive relationships is a question that must be as old as time. Is it for fear of what society will say? Is it all about the illusion of "security" that so many women look for? Says Ama Bentiwa: "I would rather keep my troubles to myself. I know what my mother will say. She will tell me to stick to my husband for the children's sake. In fact, she will remind me that she endured the same ordeal because of us (her children)".

Bentiwa, a mother of four, has suffered both emotional and physical violence. Her husband makes no secret of his extra-marital affair. He constantly compares her with his former partner and verbally abuses her when she demands to know why he sometimes does not come home after work. But for her children, Bentiwa says, she would have left.

Many Ghanaian women have mixed feelings when it comes to choosing between leaving an abused marriage and staying for the children's

## POINT OF VIEW

sake. The price is high and many end up with mental health problems and high blood pressure, if they escape being murdered in their own homes.

Florence Nyanor, a secretary at the Ministry of Health, will not leave her marital home under any circumstances and would opt for counseling instead. "If you have to endure a little bit of beating here and there, so be it. Children need both parents to develop and I will never leave my husband even if he abuses me." What if he does not change after all the counseling? "Keep trying, don't give up," she responded. If she is beaten to death, she says, it will be just her fate.

Sophia Twum Barima, information officer with the World Health Organisation, is categorical: "I will definitely leave my husband if he abuses me, even if he takes good care of my children."

Barima believes that many women stay because they are over dependent on their partners. "The solution is economic empowerment for women. Women should be made to understand that violence in any form is a crime and should not be entertained."

Gloria Ofori Boadu of FIDA-Ghana has seen it all. "Women come to seek redress when they are abused and initially are determined to follow the issue to its logical conclusion. But when faced with the legalities, they immediately declare their intention to settle the case at home. Their only excuse is that there are children in the marriage. Some of the women cannot provide for the children without their husbands' support, but quite a

number are the breadwinners of their family."

Will the various UN conventions on the rights of women ever be put into practice? Not until premium value is placed on women as human beings with equal rights as men rather than mere property that can be disposed of at the whim of the men in their lives.

Research carried out in 1998 by the Gender Studies and Human Rights Documentation Centre indicates that when women report abuse to police, very little action is taken — reinforcing traditional attitudes that women must learn to live with violence.

In 65 percent of the cases, perpetrators were simply given a verbal warning; in 10 percent of the cases no action was taken at all and only in three percent of cases were any arrests made at all. The majority of women reporting violence were told to be patient with their husbands, to seek advice from family members or to withdraw their cases altogether.

There is no law on domestic violence yet, but women's rights organisations have been working on a draft bill since 2000. Chief State Attorney Estelle Appiah has reportedly redrafted it and it is expected to be tabled in parliament soon.

In the meantime, the Women and Juvenile Unit started two years ago continues to find itself under siege by women and children seeking help. On average, 35 women and children arrive daily, each of them seeking "complex assistance, empathy and care far beyond the realm of normal police work" according to a spokesperson.

It is not unusual for officers at the unit to bring food and clothes from their homes to give to women who turn up with nothing and are too frightened to return home.

GHANA

# Just a storm in a teacup?

By Golda Armah, Ghana

**FEMALE** Parliamentarians in Ghana are calling for a rather unusual way of dealing with people who defile children: They want them castrated.

The number of defilement cases has almost doubled in the past two years and there are at least two cases daily in the print and electronic media. Some of the children have contracted HIV/Aids and other sexually transmitted infections.

Statistics collated by the Women and Juvenile Unit indicate that a total of 154 cases of defilement were reported in the capital, Accra, in 1999. This rose to 181 and 204 in 2000 and 2001 respectively. From January to June this year, 262 cases have been recorded in the city. Most of the victims were between 12 and 14 years of age, with a significant number as young as two.

Edith Hazel is leading the MPs' crusade and, even though there are only 18 women in a parliament of 200 members, they believe they will make a critical breakthrough. The women MPs argue that existing laws and punishment for defilement and other sexually related crimes are not stringent enough to deter perpetrators.

Many of those convicted and imprisoned for such crimes come back unreformed and commit the crimes again. The punishment for defilement in Ghana currently ranges between seven and 25 years. The women parliamentarians gave the example of Tanzania, where under the 1998 Sexual Offences Special Provisions Act, convictions for rape and defilement attract a sentence ranging from life imprisonment with or without corporal punishment or a minimum of 30 years imprisonment with corporal punishment.

MP Ekua Dansuwa argues that stiffer sentences will go a long way towards reducing the prevalence of sexually related crimes.

Okerchiri Kwabena Adusa, a male MP, is a force behind the campaign. He supports castration and describes defilement as unacceptable and unjustifiable. But most of his male colleagues argue that those who commit such crimes may be ill and need assistance rather than condemnation.

Says Johnson Aseidu Nketiah: "Many parents condone this crime, anyway, since they prefer to settle them out of court or merely accept monetary compensation."

There are those who argue that castration is extreme, but see the MPs' crusade as a bold attempt to address a critical problem and hope it will not just be a storm in the teacup.

KENYA

# The elderly suffer in silence

By Kwamboka Oyaro, Kenya

**IN** a quiet corner of the country, a man hacks his elderly mother to death after a quarrel over family land that has just been sold. The 28-year-old repeatedly beats his mother with a walking stick until she dies.

Elsewhere, a 62-year-old woman is admitted to hospital with injuries inflicted by a relative — again over a land dispute. The aggressor is not arrested for what police call "participating in a public fight".

This is one of the ugliest faces of

violence, and also one of the least acknowledged. Old age, once revered in this part of the world, is now seen by some as a liability. And many elderly people, especially women, are subjected to all manner of abuse.

Gaudentia Githinji, 76, breaks down in tears when asked how she is feeling. "I had thought having sons ensured a secure future for me until I died," she cries.

Soon after her husband died about 10 years ago, Githinji says, she saw a swift change in her three sons' attitude towards her. She can-

not forget the day her first daughter-in-law, the one she thought humble and loving, knocked at her door at dawn. When Githinji took time to reply, the younger woman said: "I thought you had died. You have been around for too long."

When she mentioned it to her son, he beat her for her trouble. She was rescued by good Samaritans and taken to a home for old people at Thogoto, near Nairobi. Not so lucky was the woman who had a leg and hand chopped off by her 30-year-old son because she was collecting firewood in his garden.

In South Africa, sexual violence against older women is on the increase, much of it incestuous. In a recent study on elder abuse in black townships on the Cape Flats in the Western Cape Province, the researchers found that incest-rape was the most common form of abuse of older people.

"Mothers [grandmothers] are being forced to sleep with their sons by force," the researchers re-

port in the publication *Elder abuse in black townships on the Cape Flats*.

The UN International Declaration of the Rights of the Elderly states: "Older persons should be able to live in dignity and security and be free of exploitation and physical and mental abuse."

Sibia Mokeira, 63, can only wish this were true. Her big brick house would no longer look like a tomb. All her children live and work in towns and they rarely visit or even call. She and her husband Josiah Ogari built a big brick house to accommodate their six sons and two daughters.

These days, he is rarely at home, as he spends time drinking with his old buddies. "Loneliness is killing me," says Mokeira.

She feels rejected by her sons and daughters. When she is sick, they say she is behaving like a child seeking attention. "So when I am unwell I don't bother them. They will eventually come when I die."

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**KENYA:** "It is not just enough to give medical care but to also empower the majority our clients to live meaningfully."

# Mending broken bones and spirits

By Ruth Omukhango

Tucked in a quiet building in one of Nairobi's more affluent suburbs, the Gender Violence Recovery Centre is kept busy nursing women with broken bones and battered spirits.

At least 70 women have been treated at the centre and the pressure is building up as more women learn about this charitable arm of the Nairobi Women's Hospital. Of these women, 31 had been raped, 31 had been physically assaulted and 13 involved domestic violence.

Judith Mwende, in her mid-twenties, is just one of the women who have sought help here. A counselor in her village referred her to the centre. Mwende came in a desperate woman, now she just wants to return home and rebuild her life. She has declined the offer of legal assistance from the Federation of Women Lawyers-Kenya, who have partnered with the centre to help women seeking justice.

With some reticence, she shows a stiff finger that is held together by metal fittings. It is lasting evidence of the assault that persuaded her to leave her husband.

Mwende's story is all too familiar. She met him about four years ago, when she was 22. She was working in a hairdressing salon at the time and she recalls being completely enchanted by the friendly neighbour who showered her with love and attention.

As soon as they married, however, he asked her to leave her job on the grounds that it provided



Judith Mwende at the Women's Hospital displays the wound that finally convinced her that she should leave her husband.

plenty of opportunity for her to meet other men. They argued over the matter every evening, and she eventually gave in. "If my job was going to ruin my marriage," Mwende reasoned, "I would have to quit."

Little did she know it at the time, but this was just the beginning of a slide into perpetual conflict. She fled to her parents' home

and he followed with promises that he would reform. The final assault came when he told her to pack and go. "When I protested, he hit me with the sole of his shoe. Then he grabbed my hand and put it in his mouth. I broke my finger as I tried to free myself."

According to Maureen Okola, project officer at the centre, the majority of women who seek help

here are poor. Only 30 percent of women in the city are employed, she says, compared with 75 percent of men.

In sexual assault cases, she says, "we require a patient to be in hospital premises before the lapse of 72 hours. This enables us to provide comprehensive care because it is possible to administer drugs and block pregnancy."

The women are also given anti-retroviral drugs in an attempt to ward off HIV infection and also get treated for other sexually transmitted diseases. Assaulted women can also expect the services of a psychiatrist, legal assistance and even shelter through the Women's Rights Awareness Programme, which provides refuge for six weeks as they undergo counseling.

"But we don't make decisions for our clients," Okola is quick to explain. "We let them decide what they want to do because it is their life."

Research done by Population Communication Africa indicates that 94 per cent of Kenyans have experienced one form or another of violence—mainly attributed to poverty and joblessness, the majority of the victims being women and children.

One of the challenges the centre faces is to meet the needs of these deprived women and children.

Says Okola: "It is not just enough to give medical care but to also empower the majority our clients to live meaningfully."

It has been suggested that one of the ways to do so is to give women loans and grants to help them start small enterprises that would enable them support themselves and their children.

Proponents of this point of view argue that it would offer women an opportunity to break away from abusive relationships. But there are those who respond that there is more to it than giving women money, especially in view of the fact that domestic violence cuts across all social strata.

## ZIMBABWE

# It's not about rights, it's all about power

By Ropafadzo Mapimhidze

**WOMEN'S** rights activists in Zimbabwe are challenging laws that bar them from taking up restraining orders on behalf of women in abusive relationships.

Though the country does not have any laws dealing directly with domestic violence, women seeking relief can get the Peace Order—but it is only issued to the complainant. "That is the bone of contention in our lobbying and advocacy," says Musasa Project Director Sheila Mahere.

"Anyone should be able to take up a case on behalf of a woman or child living in abusive conditions. Women in domestic violence situations have no will power and confidence and this problem should not be left completely with the com-

**"If a partner aims that boot at a pregnant woman, he can inflict a lot of pain, but this is not taken as causing grievous bodily harm. If a woman's head is struck against a wall, that brick wall is a weapon because the damage is extensive."**

plainant. As long as someone has an interest in that case, that person should be able to file a complaint with the police on behalf of the woman."

In Zimbabwean law, domestic violence is treated as assault with intent to cause grievous bodily harm. Although it attracts a stiff penalty, intent is difficult to prove in the absence of a conventional weapon.

Mahere explains: "Clenched fists and boots are proof enough to press a case but male magistrates do not view them as weapons. If a partner aims that boot at a pregnant woman, he can inflict a lot of pain, but this is not taken as causing grievous bodily harm. If a woman's head is struck against a wall, that brick wall is a weapon because the damage is extensive."

The government is preparing a bill on domestic violence that will compel the State to take to the stand and give evidence where necessary, as is the case with rape. But although Justice Minister Patrick Chinamasa and the ministry of youth, gender and employment creation have been supportive, progress has been hampered by an exodus of staff from the attorney general's office.

"The woman who was working on drafting the bill has left the AG's office and whoever takes over that process will have to be trained," says Mahere, a former prosecutor and magistrate. "There are only two drafters left in the department."

Though she remains optimistic that it is just a matter of time before there is a law in place, Mahere worries that women often do not have the power to exercise their rights in a relationship.

Says Mahere: "I know of lawyers and doctors whose salaries are taken away by their husbands. I also know of professional women who are barred from employment. We have taken empowerment to mean being educated. You can have 20 university degrees and remain disempowered for the rest of your life,

and yet there are lots illiterate but empowered women."

Musasa has taken up cases as varied as those involving foreigners with no family in Zimbabwe and has helped women facing eviction from homes they have bought.

In one case, Mahere adds, a personality would first leave money for a fine at a police station and then go home and beat his wife. The law eventually caught up with him and he was locked up, dressed in his designer suit, in a cell full of thugs from Friday to Monday, when he appeared in court.

Though the charges were withdrawn, the experience was enough to change his attitude. Should the proposed law on domestic violence ever be enacted, it will give police officers the clout to deal more effectively with habitual batterers.

## KENYA

*“Rarely does a woman come looking for help the first time violence happens. Often the abuse has been going on for a long, long time, like 10, 15, 17 years”*

# Silence is the biggest obstacle

By Betty Muriuki

**ELIZABETH** Kamene limped slowly into the offices of the Centre for Rehabilitation and Education of Abused Women in Nairobi. At 60, she looked tired and unhappy, as if she carried the weight of the entire world on her frail shoulders. Her left arm and left leg were bandaged. Fractures, she explained. She had slipped and fallen on a floor she had been cleaning.

But Anne Njogu, a lawyer and director of Crew, suspected that Kamene was lying. How else could she explain the nasty bump on her head, the swollen lip and the bruised face? Gradually, in the course of their conversation, Kamene let it slip that her husband had beaten her badly “this time”.

The attorney general told parliament this year that 51 per cent of Kenyan women were in abusive relationships. The violence often results in severe injury and even death sometimes. Last year, over 47 percent of all murder cases in Kenya were the result of domestic violence.

But despite the severity of the problem, most victims of domestic violence do not speak out or seek any help.

About 70 percent of women interviewed in a Johns Hopkins University survey, for instance, said they had never told anyone about their abuse before. Many were unaware that spousal abuse is a crime. Even where they are informed, legal action is rarely one of the options that they consider.

The Federation of Women Lawyers-Kenya charges women Sh500 (US\$6) to open a file, and “as a sign of commitment”, but offers legal advice and services free. Women who are unable to raise the money are attended to anyway. At Crew, women in employment are required to pay court fees.

“Everyone has a right to justice,” says Njogu. “A woman needs pro-

tection if, for any reason, she is not safe within her home, or if she is being evicted from her matrimonial home.”

But many of Africa’s women, the majority of whom live in the rural areas, are unaware that they have a right to legal redress in cases of domestic violence.

Many of those who might have been helped by the law therefore go unaided. But even those who are aware of their rights often fail to seek legal help.

“Silence is the biggest obstacle in the fight against domestic abuse,” says Martha Koome, Fida-Kenya chairperson.

Like the elderly Kamene, many victims do not speak up either because they do not know that there are places they can go, or because they consider it a family affair. Because of feelings of fear, isolation, shame and lack of support systems, it can be extremely difficult for a woman to find the resources she needs to help her leave a violent situation.

Says Mary Njeri, a lawyer with the Coalition on Violence Against Women: “Rarely does a woman come looking for help the first time it happens. Often the abuse has been going on for a long, long time, like 10, 15, 17 years.”

Even where they do get to court, most cases are withdrawn before they run their course. Only a small percentage is ever prosecuted. Last year, 8,313 women were attended to at Fida’s legal aid clinics, from which only 162 legal cases were filed. Most of the others preferred to settle out of court.

“It is often difficult for the woman to pursue the case to the end,” Njeri notes. “Most abused women do not wish to end the marriage, but only want the violence to stop.”

This is particularly true if the abuser is the breadwinner in the family, where sending him to jail would affect the economic well-being of the wife and children.

“It has a lot to do with the family,” continues Njeri. “That is the



**Members of the Coalition of Violence Against Women (Covaw) visit Betty Kavata in hospital. Kavata, 28, was beaten by her husband at their home on July 31, 1998. She died five months later, on Christmas Day, from infections caused by multiple internal injuries.**



**Police constable Felix Nthiwa Munyao is escorted out of Nairobi court on December 29, 1998, after he was sentenced to life imprisonment for the murder of his wife, Betty Kavata. The sentence was later reduced to 15 years by the Court of Appeal.**

gist of the Domestic Violence Bill. It is about viewing domestic crimes from a domestic point of view, rather strictly following the Penal Code.”

The bill recognises domestic violence in all its forms as “unacceptable behaviour” and seeks to reduce abuse in relationships. It also seeks to ensure effective legal protection and relief for victims.

The passing of the Bill recently will, hopefully, compel the government to take begin to take its role seriously in the prevention of domestic violence. Among other

things, the Bill proposes the establishment of a Domestic Violence (Family Protection) fund, which will provide financial assistance to victims. Such assistance includes money for basic necessities, medical treatment and counselling and legal services.

Says Koome: “Fida is not able to be everywhere. The government is supposed to ensure that we have machinery that works. The police and magistrates should be sensitised to deal with domestic abuse cases, and there should be a legal aid lawyer in every station as hap-

pens in other countries.”

The greatest challenge for organisations such as Fida, Covaw and Crew is to educate women on their rights and to create social support systems to ensure that victims of abuse can always find help when they need it. These include shelters, counselling services and sensitive staff in hospitals and police stations who will take time to listen to the victims and give them immediate help.

“Most victims do not speak out because they are not sure whether doing so will help them,” says Njogu. “Whenever a woman reports to the police she is told that it is a ‘family affair’, and they cannot interfere. When she goes to her mother, she is told that she should just go back to her home and try to bear it like a ‘good woman’. And when she speaks to a friend, the story is soon being told to everyone else.”

Njogu’s organisation holds workshops and open days in various parts of the country aimed at educating women on their rights. The training is usually for opinion shapers, especially in the slums and rural areas, who then pass the information on to other women and men.

Fida, too, has been training opinion leaders and equipping them with paralegal and intervention skills so that they are better able to help abused women in their communities. The organisation has also been working with the police to produce a training manual that is now being used at Kiganjo Police College and the Criminal Investigative Department’s training colleges. These initiatives will, hopefully, create a greater awareness among both men and women about what the law says about domestic violence, and thus help to reduce its incidence.

**GHANA:** "An attempt to leave an abusive relationship could end up in death for the woman"

# The pandemic no one speaks about

By Charity Binka

I can never forget the scene. It was about 7.30am on a bright day in 1996. Just a few metres from my office, the traffic was at a standstill. Then I saw her — a woman in her fifties, dressed in the traditional kaba and a long skirt. She was carrying a local basket covered with beautiful lace.

Just when I thought she was going to cross over to the opposite side of the road, she stopped and dropped the basket. Right in the middle of the road, she started singing at the top of her voice. When she started dancing and tried to remove her headgear, I knew she was totally out of her mind.

So many questions flooded my mind: What could have caused such a noble woman to go mad so suddenly? Was she married? Where were her children? Where was she from?

Chatting with a psychiatrist over the woman's strange behaviour, I came closer to understand-

ing the problem. His simple explanation was that it had to do with marital problems, most likely bottled up over the long years.

I recently stumbled on some interesting revelations about seemingly happy marriages in Ghana. Without much persuasion, a few women told me they were happy when their husbands were away from home.

## Domestic violence is a human rights issue, not a private affair

It started out as a friendly chat with a friend whose husband had been away for a while. Before I could even complete the sentence, she cut in: "Oh! Let him stay away for as long as it takes. I need my peace."

I decided to question a few more married women whose husbands had travelled out of the country. The reaction was similar. One snapped at me: "Oh these men, they are just trouble. Let him stay where he is." Of the five women I spoke to, none missed their

spouse. They would not go into details, though.

But a prominent woman shocked me when she confessed to me that her husband's death was a blessing in disguise.

She disclosed: "If my husband were to be alive today, I would never have become what I am. He was always breathing down on me, threatening and chasing me all over the place. I was scared. I became timid. But I was afraid to tell anybody."

"Today, I have become an asset to society. I did not wish my husband's death, but his departure was a blessing. Even the children can testify to this."

According to Samuel Ohene, a senior psychiatrist at Accra Psychiatric Hospital, over 80 percent of their women patients broke down due to marital problems. "If women can begin to talk about the violence being meted out to them by their partners, half of their problems will be solved," he added.

A study carried out by the Gender Studies and Human Rights

Documentation Centre in Accra revealed that one in every three women has experienced violence. Domestic violence tops the list. It does not matter whether the woman is educated or not.

## Let's speak out, let's talk, let's act, and let's fight domestic violence

Many women of substance, and even gender activists, are daily battered by their partners but they are suffering in silence because they want to maintain their social status.

Outside the home, they are successful career women, assertive and respected. Other women "hang in there" for so-called security. In some cases, an attempt to leave an abusive relationship could end up in the death of the woman.

Girls are not spared either. They continuously subjected to all forms of abuse in the home by people they trust and who are expected to protect them. These abused girls, some as young as

three, are usually warned by the criminal not to tell anybody.

It is not until they fall sick that they talk. In most cases, the offenders walk away free upon settlement of the case at home. Some of the culprits just simply disappear, sometimes while in police custody.

Violence against women deserves special attention particularly in the context of domestic violence.

Unfortunately, Ghana does not have a law on Domestic violence. Such cases are usually treated as assault. Women who gather the courage to report to police are usually advised to settle the matter at home. Domestic violence is a human rights issue, not a private affair.

As we go into another 16 Days of Activism Against Gender Violence, one can only hope that this solemn event will not be reduced to just another annual ritual. The time has come to put an end to domestic violence. Let's speak out, let's talk, let's act, and let's fight domestic violence.

## ZIMBABWE

# Husband is behind bars, now Sibindi can talk about ordeal

By Sibongile Ncube, Zimbabwe

**MONICA** Sibindi sighs with relief. For 11 years, the 39-year-old was beaten regularly by her husband. But, thanks to the Victim Friendly Courts, he is now behind bars and she can speak freely of her agony.

The Sibindi case is expected to inspire other women in abusive relationships to seek help. Despite efforts to nudge governments into developing policies and laws, domestic violence is overwhelmingly seen as a women's issue rather than a human rights issue that affects at least half the adult population.

Zimbabwe's Victim Friendly Courts, with pilot projects in Mbare and Mzilikazi police stations in Harare and Bulawayo respectively, are blazing the trail in a new strategy to spruce up the criminal justice system and educate police officers on how to handle domestic violence cases.

"There was a lot of intimidation by police," says a police officer who declined to be named. "A lot of abused people were not coming forward to report."

The courts hear nearly 3,000 cases every week. Most have to do with rape, indecent assault, sodomy and wife battering. Of the

cases reported, more than 80 percent are prosecuted.

During the week ending October 14, 2002, according to Inspector Smile Dube of Bulawayo, the courts handled 431 cases to do with children and 1,526 brought by adults, mostly women. "People come here with all sorts of problems, the majority being juvenile rape cases," he told *AfricanWoman*.

Critics say, however, that while the courts came out of a noble idea, it is still necessary to fight the root cause of domestic violence with the focus being raising awareness within the family.

A 1999 report of the United Nations High Commissioner for Human Rights defines the family as the natural foundation unit of society and argues that it should play a major role in eradicating domestic violence.

Human rights guarantees are no longer restricted to the public sphere, the report says, but should also apply in private, including within the family. "Because of the nature of domestic violence, its prevalence, persistence and high incidence throughout the world, states must develop comprehensive strategies to combat domestic violence and provide remedies for victims," the report adds.

Childline, a non-governmental organisation that runs a toll-free line for those suffering abuse, receives more than 200 telephone calls and an average 30 letters a week — mainly from women and children. The cases are referred to police and other counselling centres, such as the Musasa Project.

The organisation has stepped up the campaign to churches and social clubs in the belief that people need to be educated on the responsibilities of parenthood.

While Zimbabwe had made significant progress in the campaign against domestic violence, there is still plenty of work to be done — in providing shelter, legal and psychological counselling, specialised assistance and rehabilitation.

While training police officers in issues to do with domestic violence is a major breakthrough, the skills should be extended to health workers and lawyers who assist with prosecution.

The quest for effective means to combat violence against women cannot be the sole responsibility of women's non-governmental organisations. The responsibility should be laid squarely where it belongs — with governments that have the means and outreach to deal with it across the board.

## FACTS ABOUT ABUSE

# You owe it to yourself to stay alive

By Charity Binka, Ghana

■ No one ever has the right to abuse you. If your abuser claims that you "provoked" him, he is just using this as an excuse.

■ Violence is not "discipline". A woman is an adult and does not need to be "chastised". The relationship between a husband and wife should be based on equality and mutual respect.

■ Don't keep the abuse secret. You need to talk about it so that you can heal.

■ Abuse is a crime that you can report to the police.

■ It is normal for victims of violence to experience shame, anger, fear, depression and other negative feelings.

■ Some men blame their behaviour on the influence of alcohol, drugs or possession by the devil. But these are not the true causes of violence; the abuser is responsible for his actions.

■ Rape can occur within a marriage. Just because a woman marries does not give her husband the right to de-

mand sex through violence.

■ Consider all your options in a situation of abuse. Don't cover up the abuser's actions. Talk to someone in your family, a trusted counsellor or police.

■ The longer you tolerate the abusive relationship, the more severe and frequent the violence is likely to be. Don't think the abuse will stop just because you don't leave or seek help.

■ Don't cover up abuse in your relationship for the sake of the children. Domestic violence has many negative effects on children, including fear, anxiety, low-self esteem, aggression, shyness and difficulties in school. Many children who watch their fathers abuse their mothers believe that women are inferior and that violence is okay in relationships.

■ Trust your instincts. If you feel afraid, then you are probably in a very dangerous situation, and your life may be threatened. Find a safe place to stay. (Courtesy of the Ark Foundation, Ghana)

## UGANDA

# 60 million killed simply because they're female

By Nabusayi Wamboka

**NEARLY** six out of every 10 pregnant women has suffered violence, according to a study done at Uganda's main referral hospital, Mulago. The four-month survey showed that 57.1 percent of the women had experienced domestic violence while pregnant. Of the 379 women interviewed, 70 had physical injuries, including a ruptured uterus.

According to Dan Kaye of Makerere University's medical school, most of the women were either adolescents or expecting their first child. Physical abuse accounted for seven percent of the cases followed by sexual abuse at 5.7 percent and psychological abuse at 37 percent. Women who had suffered all three accounted for 43.2 percent. Uganda was ranked second in a 2001 domestic violence report produced by UNICEF. Sexual assaults, including marital rape, rape and defilement were the most common forms of violence against women.

**"In today's world, to be born female is to be born high risk. Every girl grows up under the threat of violence"**

In an extraordinary case, however, Steven Angerai killed his wife Rosemary Amella over a bird he caught in the wild and hoped to have for dinner. Amella fed it to their children and served him fish instead. The mother of four, who was five months pregnant at the time, died after being kicked in the stomach and hit with a hammer in the head. Angerai fled to the safety of an



**WORTHY CAUSE:** Despite high profile awareness campaigns, most women continue to suffer in silence.

other village and was never pursued.

Domestic violence continues to negate the rights of women and girls in all countries. It undermines the lives of one out of every two women in some nations. Violence cuts across cultures, class, education, income, ethnicity and age in every country.

An estimated 60 million women are "missing" from population statistics globally; they are victims of their own families, killed deliberately or through neglect, simply because they are female. This can begin with sex-selection abortion and includes physical beatings and other more "visible" forms of violence like acid throwing and honour killings, forced malnutrition, lack of

access to medical care and school, forced prostitution and bonded labour. The report notes the relationship between domestic violence and the spread of HIV/Aids. It also highlights the link between domestic violence and the increasing availability of weapons.

Though women's rights activists in the medical profession have claimed that a substantial number of their patients suffer conditions related to violence, no one has done a study on the cost to individuals and the public health system.

**In the United States, a woman is physically abused by her intimate partner every nine seconds**

In the United States, where overall violent crime against women has been growing for the past two decades, researchers say that a woman is physically abused by her intimate partner every nine seconds. In India, more than 5,000 women are killed each year because their in-laws consider their dowries inadequate. About two million girls each year undergo genital mutilation. In 28 countries, mostly in Africa, the procedure is called female circumcision and is considered a rite of passage into adulthood.

"In today's world, to be born female is to be born high risk. Every girl grows up under the threat of violence," UNICEF Executive Director Carol Bellamy said in a statement. "Whether it's called domestic violence, spousal abuse, wife beating or battering, violence among intimates is one of the most destructive, costly and pervasive problems facing our society."

Despite efforts to estimate the level of widespread domestic violence in sub-Saharan Africa, it is generally accepted that cases of abuse are grossly under-reported.

Ugandan women endure violence in silence and conditions in the rural areas are far worse than in the cities. With few exceptions, the pattern is the same elsewhere in Africa. Women have few rights and neighbours are reluctant to get involved or seem to interfere with a husband's rights.

If women seek medical care after a beating, they are most likely to cite an innocuous cause for the injuries. The extent of violence is generally based on hearsay. There is little or no legal administrative support system and even police refrain from taking action on what traditional law regards as a "domestic matter".

Though women's rights groups in Uganda are actively pursuing reform and holding public workshops to lobby for revision of the Domestic Relations Act, they face two major difficulties: The silence surrounding the issue, which grows out of the "it's our culture" syndrome that simply accepts the so-called traditional notion that women are inferior; and the absence of concrete data, which makes it difficult to persuade legislators that there is need for reform and also to create public debate on how legitimate the "culture" argument is.

## I cry and ask why I punish an innocent child

By Mildred Barasa, Kenya

**I**t is past midnight and a girl is screaming in the neighbourhood. The terrified child pleads repeatedly: "Don't break my arm! You are hurting me!"

As usual, the disturbance is coming from the house of Rose Nanjala, a mother of two in her late 20s. Nafula, her househelp, is only 13 and hardly in a position to defend herself. She cannot run away as she is not paid directly for her labour, the money going straight to her parents in western Kenya.

Nanjala, a primary school teacher, routinely beats her househelp just before they retire for the night. Her distressed neighbours send an emissary to intervene. "When I come to think of it," Nanjala tells her, "I shed tears and ask myself why I punish that innocent child. It's not her mistake."

It turns out that Nanjala's husband stays out late drinking and does not provide for his family, though he expects a delicious meal when he deigns to show up. She is worried that he should spend so much time outside their home at a time when HIV/Aids infection is on the rise.

Nanjala is not alone in her suffering. During a meeting convened by Namibian Minister for Women Affairs and children's Welfare Ntumbo Ndaitwah, people linked the rise in drinking with domestic abuse.

The meeting at Ohaingu in the north took place against a background of family violence, including two cases in which women attacked their partners with machetes. Said the minister: "We cannot continue like this in independent Namibia. We thought that when we became independent we were going to live in peace and harmony. This is unacceptable."

When she is confronted with the error of her ways, Nanjala shows remorse that she should transfer her anger and frustration to a child left in her care.

Kenya's Domestic Violence bill describes violence as physical, sexual and psychological abuse that may include intimidation, harassment, damage of property and threats. The bill seeks to provide legal protection and relief for those caught up in domestic violence, but is unlikely to provide relief for workers such as Nafula, whose suffering is even more camouflaged than your traditional domestic violence case.

## The search for a son gets desperate

**LIFE** is tough these days for Deziranta Nambooze. The 25-year-old woman from Nabusugwe in Uganda's Mukono District has not only lost one of her children to her estranged husband but she is in immeasurable pain.

She believes pressure from her husband, Elias Nsubuga, and his constant nagging over a son forced her into sex before she recovered from a caesarean birth, leading to her wound bursting open. She has been unable to get proper medical care and the wound continues to fester.

"He always wanted a boy," says Nambooze. "He was happy when I had twins but he became bitter when the boy died and his attitude towards our daughter changed."

In a desperate attempt to get another son, she became pregnant one year later. She underwent a caesarean section and had a big, bubbly daughter. "He was devastated. He asked why I was giving birth to girls, who were of no use to him. He neglected me. I could not even get adequate treatment."

A month later, Nsubuga started demanding sex. Her pleas that she wasn't well enough fell on deaf ears. To save her marriage, she gave in. So did the wound.

Samuel Kagwa, a doctor at the Naguru Teenage Centre who performed an operation to save Nambooze's life eight months later, says she suffered a ruptured abdominal wall due to shoddy work by the doctors who did the caesarean. Forced sex only aggravated the situation.

Nsubuga's kin have now hounded Nambooze out of her home for telling her story. Her husband has moved to another village with the remaining twin and married again. He swears she will never see her daughter again. —Nabusayi L. Wamboka