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**Domestic violence in Zambia: in bed with a killer**  
**Police responses to domestic violence**

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Paul C. Achiume

Submitted in partial fulfilment of the Masters in Women's Law, SEARCWL, University of Zimbabwe

2006

**Declaration**

I declare that this is my original work and has not been presented for any study programme in any university or college or for any thesis. The ideas and views except where expressly indicated are strictly my own and I take full responsibility for them.

Signed.....Date.....

*DEDICATION*

*Mum and Comfort – I dedicate this work as a token  
of my appreciation for all you have done for me.*

## **Acknowledgements**

I wish to thank NORAD for the support and sponsorship that culminated in this dissertation. I also wish to thank my supervisor, Professor Julie Stewart, who is also the Director of the Southern and Eastern African Regional Centre for Women's Law (SEARCWL). Not forgetting the staff at the centre, that is the Deputy Director Dr Amy Tsanga, the administrative staff, Rudo Bonzo, Sesedzai Munyaradzi, Blessing Makunike and Johnson Chingozhoro.

Thank you for making me feel at home.

In the same vein I would like to thank my employers, the Zambia Police, for allowing me to pursue the programme which has benefited me and will benefit them. I wish to also thank my flatmates Mr Matakala and Mr Nyirenda for putting up with me. Mr Nyirenda shared information and provided encouragement when the chips were down.

I wish to thank my family for enduring my long absence. I wish to thank all my relatives for their unflinching support. I really want to thank my mother and my sister, Comfort, for their loving kindness and support. I also remember my brothers Emmanuel, Jason and Michael who provided support. Thank you for looking after me and mine.

Last but not least to the Lord God almighty Jehovah Jireh and his son our Lord Jesus for preserving my life and ensuring that I finish the programme.

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## Introduction

The issue of violence against women in the home has become a topical one. Organizations like Women in Law and Development (WILD), Women and Law in Southern Africa Trust, Zambia (WLSA), the Young Women's Christian Association (YWCA) and the National Women's Lobby Group (NWLG) have been behind campaigns to improve the status of women and put an end to violence in the home and outside.

Violence in the home, referred to as domestic violence, is one of the biggest problems women face.

The trouble is that apart from making families sad it can bring about the tragic death of a spouse at the hands of the other. Commonly, it is the man who kills the woman. Domestic violence is a social problem with social causes.

In a bid to sensitize more people on this malady the country observes sixteen days of

activism against gender based violence every year from 15–31 November. Although domestic violence is widespread, not all victims report its occurrence. The Zambia Police are the official responders to complaints of domestic violence.

The mandate of the police is to, inter alia, protect life and property, maintain law and order and detect and prevent crime<sup>1</sup>. This includes crimes of domestic violence. Domestic violence is a crime whose prevalence has caught the attention of the government.

The Zambian government is a signatory to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Zambia is also a signatory to the Declaration of the Elimination of all forms of Violence Against Women (DEVAW). Not to leave anything to chance, the government also ensured that the Zambia Police undergo a reform programme.

This saw the creation of another unit in the Zambia police service known as the victim support unit<sup>2</sup> whose function was to counsel victims of crime. The Zambian government has also undertaken to implement the requirements of DEVAW in its gender policy as will be seen later in the literature review.

Despite this streamlining, the service of the police has been questioned by members of the public, especially in the area of domestic violence. It is also in this area that my point of departure begins.

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<sup>1</sup> Article 104 a)-c) Constitution of Zambia

<sup>2</sup> Zambia Police Amendment Act 14 of 1999

## **The point of departure**

### **Personal interest**

The inspiration for this research project came from my work as a police officer and as an officer commanding a district. I have always wanted to carry out research on police officers and I saw this as an opportunity to do what I had always wanted to do. I thought of the subject of domestic violence as my test issue. I chose domestic violence as I was curious to know how police officers dealt with it.

### **Desire to find ways to change police attitudes**

Police officers are a product of the community and social milieu they have grown up in. As human beings they may be prejudiced and stereotypical in their decisions especially in areas such as domestic violence where there is no clear policy and no law.

The police officers' job gives them a lot of room to use their discretion. This discretion can be affected by socialization. This research offers me a chance to find out how this affects the area of domestic violence.

### **Evaluation of police training and response as far as domestic violence is concerned**

Having worked in the training department, this research provided me with an opportune time to evaluate police training and response as far as domestic violence was concerned. As already talked about above, the Zambia police had undergone some streamlining in the name of reforms. With these reforms came the introduction of the victim support unit whose mandate was to counsel victims of crime as well as perpetrators of crime.<sup>3</sup>

### **Topical issue**

Over the years domestic violence has become a topical issue and gained so much prominence in the media and among non-governmental organizations. Of prime interest has been the large number of women affected by domestic violence. Another factor that has come up is the rising number of femicides as a result of domestic violence. In 1996 263 women were killed in Zambia by male partners or male members of their families (UNIFEM, 2001).

## **Background to the problem**

The police in Zambia have received criticism from various fora for not responding generally to complaints from members of the public. Women and Law in Southern Africa, Zambia (WLSA), in their research findings on the 'Responses of the justice delivery system in Zambia', said that the police found excuses for not proceeding with a domestic violence report (WLSA Zambia, 2001:92). According to WLSA, the police used excuses, such as that the complainant did not want to cooperate with the police in investigating the complaint. At other times, it was the complainant who was not serious in their report. The research endeavours to find out from the police where the problem lies.

## **The reporting procedure**

To make a domestic violence report a complainant must normally enter the police station or police post at what is known as the enquiries office to see the front desk constable where a report is lodged. There, upon the report being given, the front desk constable or front desk sergeant decides the next course of action after assessing the seriousness of the report.

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<sup>3</sup> Amendment Act 14 of 1999



If the report is serious that is if the complainant is injured or there is a possibility of more violence, a medical report is issued and the complainant, usually a woman, is advised to go to the nearest hospital to be seen by the doctor and have the medical report signed. When the medical report is signed and brought back to the front desk, the docket is completed by the front desk officers who forward it to the Criminal Investigations Department who give the docket a crime number.

At this point the front desk staff should have picked up the suspect. If the suspect has not been picked up, the criminal investigations staff will do so and finish off the docket. Once this has been done, the docket will be sent to prosecutions in preparation for court.

On the other hand, if there were no physical injuries or threats of escalation of violence and if it is during the day, the complainant is referred to the victim support unit where a docket is opened or, if it is not a police case, civil remedies are explained. The main agents of reconciliation are the front desk staff and the victim support unit.

### **Statement of the problem**

The prevalence of domestic violence has escalated in the last few years. This has warranted calls for a law on domestic violence (UNIFEM, 2001). Domestic violence is a serious problem affecting mostly women. The police are mandated to mitigate this unfortunate misdeed but it appears that they take a different stance to it.

This research aims at finding out why the police are not giving victims of domestic violence the necessary treatment. The research was undertaken in Kitwe and Ndola districts of the Copperbelt provinces of Zambia.

### **Aims and objectives**

The overall aim of this research is to find out why police officers do not respond effectively to complaints of domestic violence.

The main objectives of the research are to find out:

1. What laws police officers use to prosecute perpetrators of domestic violence;
2. Whether police officers are trained to handle domestic violence cases;
3. If police officers are able to define domestic violence;
4. If police officers are able to identify the effects of domestic violence;
5. If police officers are able to counsel a victim of domestic violence;
6. If police officers are affected by the local customs and traditions regarding domestic violence in their decisions;
7. Where police officers get their instructions on how to handle domestic violence in the absence of a law and policy on domestic violence;
8. Whether domestic violence reports and the effects on the complainants traumatize police officers;
9. If there are any policies that guide police officers in handling domestic violence cases.

### **Introduction to sample areas**

The sample areas I chose are Kitwe and Ndola districts of the Copperbelt province in Zambia, the country where the research was carried out. My personal interest in the sample areas stems from the fact that most of my policing life has been spent in these districts. Kitwe district was the place where I did my orientation into police practical work. Kitwe district is the second biggest city after Lusaka which is the capital city of Zambia.

It is a rapidly growing city situated in the middle of the Copperbelt. It is connected to all the Copperbelt towns. As at the last census in 2000, the population of Kitwe stood at 376,124. The police stations visited are Kitwe district headquarters, Kitwe central police Station and Garnerton police station.

Ndola is the third largest city after Kitwe. It used to be known as the distributive centre of the Copperbelt until in the mid 1990s it experienced an industrial decline with three quarters of its industries closing down. Now it is a shadow of its former self. Its population stood at 374,757 as at the last census. The stations to be visited for the research are Ndola district police headquarters, Ndola central police station and Sakania police station.

## **Assumptions**

The following were the assumptions that guided and stimulated my research, as informed by the aims and objectives:

1. Police officers do not act on domestic violence cases because there is no law directly referring to it as a crime.
2. Police officers do not act on domestic violence directly because they treat such complaints as assault.
3. Most cultures in Zambia treat domestic violence as a private family issue so most police officers look at it that way.
4. Police counsellors of domestic violence work only in the day time.
5. Few police officers know how to counsel a victim of domestic violence.
6. Police officers are reluctant to open a docket for domestic violence because they believe that it will soon be withdrawn.

## **Research questions**

The research questions were as follows:

1. Do police officers fail to act on domestic violence cases because there is no law directly referring to it as a crime?
2. Do police officers treat complaints of domestic violence as assault?
3. Is the negative action towards domestic violence by police officers due to it being treated as a private family issue by most Zambian cultures?
4. Are police officers able to counsel victims of domestic violence?
5. Are there any police counsellors available 24 hours a day?
6. Are police officers reluctant to open dockets for domestic violence because they believe they will be withdrawn soon?

## **Conclusion**

From the introduction it can be seen how the research was mooted. While domestic violence is a social problem it is also well known that the police are the best institution to tackle it. It has become necessary to find out why the police have taken a different stance on this unfortunate misdeed. Women are also citizens of the country and therefore are entitled to the protection of the law just like the men.

### Literature and law review

#### Cultural influences

Domestic violence has been a thorn in the flesh for the police. There has always been the perception that marriage is sacred and the two people in it must solve whatever problems that arise in it. If the two fail then their relatives should intervene. This has been a problem for the police because, as alluded earlier, police officers are the product of the communities they grew up in.

This also affects their judgment when they handle certain cases, which require them to use their discretion when arriving at a decision. Atsenuwa (1995) also expressed this when she was discussing wife battery in Nigeria. In to her study, she observed that the scope of wife battery in Nigeria had been difficult to identify and record. This she attributed to 'low official reporting which itself is as a result of the fact of the social acceptability of the conduct (wife battery) which makes it condemnable' (Atsenuwa, 1995:50).

Atsenuwa also bemoaned the action of law enforcement agents who 'generally regard physical battery of a woman by the husband as something culturally acceptable and have an unwritten policy of non interference in domestic matters.' She further observes no matter how 'horrendous the type of behaviour, law enforcement activities do not seem to match public demand for justice' (Atsenuwa, 1995:51).

The complaint on the impact of culture is not only a Nigerian problem. Chanda, in research carried out by WLSA Zambia found out that police officers, especially in rural sites were more reluctant to intervene in gender violence when it is in the private sphere. He also said that police responses to gender violence were inadequate. He notes that if police were to improve they will need to change their attitudes (Bhuku-Chuulu: 2001: 96-97).

In their research report, Parenzee *et al.* (2001) asserted that the most important ingredient to ending domestic violence was a change of attitude. They observed that people who had unprogressive attitudes were enforcing a very good piece of legislation. According to their findings, such persons could become hostile and be filled with resentment towards complainants (Parenzee,2001). They noted such attitudes as when a man beats his wife, it is believed that 'she asked for it' and that some of the police had been known to harbour the attitude that a man has the right to discipline his wife from time to time. They concluded that some of the officers had unresolved issues about domestic violence. There was even evidence of high levels of domestic violence within the South African Police Service. They recommended that police persons be given further training on domestic violence so that they understand the dynamics of it.

#### Departmental policy

Another issue that has been found to affect the response of the police was the issue of departmental policy. Atsenuwa (1995) found that the Nigerian police seemed to have a policy of non-interference in domestic and spousal matters.

In most cases the decision by a police officer to act at a scene of domestic violence is determined by that police officer's assessment of the situation. Dobash and Dobash (1979:207) found in their research that a police officer's decision to arrest is not determined by the nature of the crime but on the police officer's assessment of the circumstances of the situation.

In making an assessment of the situation a police officer will look at:

- The severity of the violence;
- The nature of the evidence;
- Social processes preceding the violence;
- The behaviour and attitudes of the attacker and the victim.

They also found out that the Association of Chief Police Officers of England Wales and Northern Ireland specified the following criteria for a police officer attending to a domestic violence scene: (1) seriousness of the assault (2) availability of witnesses (3) character of the alleged assailant (4) age and any other information about the complainant (5) previous domestic violence history (6) the wishes of the complainant (7) the police officer must also assess if the domestic position of the complainant will become worse if prosecution is started against their wishes.

Dobash and Dobash (1979) also observed that police officers are more likely to make an arrest when the husband has used violence against his wife. 'In other violent situations, officers typically arrest the attacker regardless of the characteristics of the victim and offender or the circumstances surrounding the crime.'

Field surveys of police and court depositions in Washington DC in 1967 showed that 75 per cent of assault cases involving strangers or unrelated people resulted in arrest and court adjudication, in contrast to only 16 per cent of assault cases involving family members. Assaults against spouses were treated as misdemeanors (Dobash and Dobash, 1979). They also found that the police are more likely to arrest individuals involved in non-violent acts outside the home than they are to arrest husbands for violent offences committed inside the home. According to them, the source of this pattern of differential treatment was the common law:

'...which at one time allowed men to beat their wives, and a series of judicial decisions made in the latter half of the nineteenth century and the first quarter of the twentieth century.'

The common law principle of covertures which views husband and wife as a single entity, made it very difficult for a woman to take her husband to court for any offence committed against her since the court viewed such an action as illegal and impossible – an individual cannot offend against himself. Departmental practices have been seen to affect which distress calls police will attend to.

Domestic problems are ranked lowest in priority in comparison to other problems. When asked why, police officers always blame shortage of staff and resources. According to Dobash and Dobash (1979):

'Telephone operators at police stations are instructed to treat family trouble as basically a civil matter. They must only act when there is a danger of a weapon being used and a threat of excessive violence.'

## **Training issues**

In Britain and the United States, a considerable proportion of all requests for assistance received by the police concern problems occurring in the family (Dobash and Dobash, 1979: 207–208):

‘The police spend more time and resources on family conflicts and a considerable proportion of these cases involve assaults on women.’

They observe that Michigan law requires police officers to receive 240 hours of training but only 3-5 hours are devoted to training officers on how to handle problems in the family. For officers who spend a considerable time on family conflicts, the training offered is evidently inadequate.

Police officers’ training emphasizes that at a scene of a family complaint they should if possible avoid taking any action. They are told that a man who directly or indirectly attacks his wife is not committing a crime unless he exceeds department limits. According to Dobash and Dobash (1979) ‘These limits could be severity of injuries or the use of a weapon.’

A memorandum from the London Metropolitan Police Department submitted to the parliamentary committee on marital violence explained the policy of non-intervention in domestic disputes. It is a general principle of police practice not to intervene in a situation which exists between husband and wife, in the course of which the wife has suffered some personal attack but any assault upon a wife by her husband which amounts to physical injury of a serious nature is a criminal offence which it is the duty of the police to follow up and prosecute.

The training manual issued by the international association of police chiefs proposes various responses to domestic disputes, all oriented toward avoiding arrests. They feel that most disputes are personal matters and, as such, require no direct police action. When inside the home, the officer’s duty is to preserve the peace. Police officers are instructed to use the power of arrest as a last resort. No officer should create a police problem where there was only a family problem.

The police in the United Kingdom and the police in the United States have justified their policies on the premise that: women will not pursue a charge of assault against the husband, women have civil remedies available to them through the courts, seeing a lawyer and associations. However, most women are too poor to access these services.

O’Reilly *et al.* (1984:90) says that police response and behaviour towards complainants is dependent on the training they receive. He further postulated that police behaviour towards victims of crime is ‘governed by attitudes, myths and training which does not allow them to sympathize with the victim’. He admits that attitude training is the most difficult. He says that a police officer’s job is difficult because of the things they have to do, like pulling out mutilated bodies from under train wrecks. He observed that they are reminded not to take the job home with them. I infer that officers are told to ‘shrug off’ the sordid occurrences as ‘run of the mill’. This then extends to other violent cases such as domestic violence.

## **Trauma**

In their work as police officers one aspect is that they can be so traumatized by their experiences on the job that they do not respond to victims of domestic violence. Parenzee (2001) in her research on monitoring the implementation of the Domestic Violence Bill in South Africa found that officers felt helpless when they found that they could not assist victims of domestic violence.

In the words of one officer: ‘Sometimes it feels like a no-win situation, no matter what you do, no one is going to get satisfied.’ Another police officer had this to say: ‘Simply bearing witness to the horrors of domestic violence invokes emotional trauma.’ Most of the sense of helplessness comes from the police’s inability to assist victims in the wake of shortages of transport and lack of resources.

This, they observed, caused police officers to have little investment in doing their jobs properly, bringing a tendency to blame others when things go wrong whether this ‘other’ is the complainant or someone from another sector. They proposed training police persons in how to handle domestic violence cases and also traumatic situations.

### **Shortage of staff and lack of resources**

Chanda in his research found that the police lacked many of the resources necessary to make a good investigation (Bhuku-Chuulu,<sup>2001: 95</sup>). They seemed to have a perennial shortage of transport which made it difficult for them to visit crime scenes and victims of crime. Chanda’s observation correlates with the United Kingdom responses.

A severe shortage of staff also contributed to the police’s problems in reacting to complaints of gender violence. This correlates with the findings of Dobash and Dobash (1979) and Parenzee (2001) who observed that the police in the United Kingdom, United States and South Africa lacked the basic resources necessary for good investigation.

### **Case law on domestic violence**

Despite the high number of women killed in incidents of domestic violence, the men who kill their wives seem to succeed in getting low sentences which do not act as a deterrent. Other issues that contribute to these sentences are their defence arguments like provocation and self-defence. Provocation refers to a situation called ‘the heat of passion’ where a person in a special relationship with someone is suddenly agitated by words uttered, actions or an event and loses control of their mind, fatally wounding someone.

Men easily access the defence of provocation, as evidenced by the case of *Banda v the people*<sup>4</sup>. The appellant had killed his girlfriend after he caught her in a sexual act with another man. The court of appeal for Zambia held that finding a girlfriend in the act of adultery was sufficient provocation to reduce a conviction of murder to one of manslaughter.

### **Law review**

#### **Constitutional provisions**

The constitution in article 11 states that:

‘It is recognized and declared that every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed, sex or marital status, but subject to the limitations contained in this part, to each and all of the following, namely: a) life, liberty, security of the person and the protection of the law; b) freedom of conscience, expression, assembly, movement and association.’

Inferring from the above it is understood the women are also entitled to equal protection of the law. This then means that the police must protect women in the same way they protect men and guarantee them the same fundamental freedoms.

#### **Remedies available to women**

Chapter 87 of the *Zambian Penal Code of the Laws of Zambia* has provisions which women use as the only available remedies. Some of these remedies are under assault. Section 247 of chapter 87 provides for common assault, which reads: <sup>5</sup>

‘Any person who unlawfully assaults another is guilty of a misdemeanor and, if the assault is not committed in circumstances for which a greater punishment is provided in this code, is liable to imprisonment for one year.’

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<sup>4</sup> *Banda v the people* (1973) CA No117, *Zambia Law Journal* Volume 6, 1974, page 129

<sup>5</sup> Chapter 87 of the *Laws of Zambia* section 247

Usually when a spouse attacks a woman and there are no injuries or only superficial wounds, the spouse is arrested for common assault. Section 248 provides for assault occasioning actual bodily harm and reads: <sup>6</sup>

‘...any person who commits actual bodily harm is guilty of a misdemeanor and is liable to imprisonment for five years.’

Women who are injured a bit more seriously by their spouses may have them arrested for the offence of assault occasioning actual bodily harm. Section 233 of the Penal Code allows for the offence of failure to supply necessities. It reads as follows:<sup>7</sup>

‘Any person who, being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is likely to be permanently injured, is guilty of a felony and is liable to imprisonment for three years.’

Women who are not physically beaten but just denied money for food and upkeep may access this section of the Penal Code as a remedy.

## **International conventions**

Zambia as a country has ratified the Convention on Violence Against Women. Zambia is also a signatory of the Declaration on the Elimination of Violence Against Women. The Zambian government has yet to domesticate the conventions in the national constitution. Be that as it may, the government has an obligation to implement these conventions.

In its gender policy, the Zambian government has promised to implement the contents of article 4 (a-e) which in part state:<sup>8</sup>

‘States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligation with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

- (c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetuated by the state or by private persons;
- (d) Develop penal, civil, labour and administrative sanctions in domestic regulation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms.’

There is a promise that the national gender policy will be translated into the strategic plan of action (in other words, the national plan of action). Up to now this has not been done and we are still waiting for it.

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<sup>6</sup> Chapter 87 of the Laws of Zambia section 248

<sup>7</sup> Chapter 87 of the Laws of Zambia section 233

<sup>8</sup> Declaration on the Elimination of Violence Against Women article 4

However the following is the proposed<sup>9</sup> legal framework:

‘In order to implement the above policy measures Government will;

1. Review and harmonize laws and practices with international, regional and sub-regional conventions and instruments dealing with gender;
2. Review and amend laws that hinder women’s access to and control over factors of production like land credit technology and information;
3. Strengthen, enforce and where necessary enact and/or amend laws and procedures to make all forms of gender violence such as rape, spouse battery, and child abuse punishable with stiffer penalties;
4. Simplify, popularize translate into local languages, transcribe into Braille and disseminate laws relating to the rights of women, men, and children.

### **Conclusion**

This chapter reviewed available literature on domestic violence from the worldwide perspective. There has not being much work on domestic violence done in Zambia. The available literature has shown that domestic violence is a common problem the world over. Even though it is a world problem we cannot wait for other countries to solve it for us. There is need to also add our experiences of the vice.

The literature review informed us that the areas that have resulted in the most problems for the police in trying to cope with domestic violence are cultural influences, departmental policy, training, trauma and the shortage of staff and resources. We have looked at case law on domestic violence and the law on domestic violence which is not yet in place in Zambia.

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<sup>9</sup> Legal framework Zambian national gender policy



### **Methodologies**

#### **Women's law approach**

This refers to the lens which is used to look at how women are discriminated against and why they are lagging behind their male counterparts. It is the umbrella or basket and a sieve used to sift or winnow any information received to reveal the lived realities of women. It uses grounded theory as its base. Grounded theory refers to the method of getting information from women based on their lived realities or their day-to-day experiences with whatever phenomenon being investigated.

I used my experience as the mother of my research to look at the responses of the Zambia police force to reports of domestic violence. This involved looking at what laws are used to ameliorate the complaints of women who have been violently abused by their spouses.

The best people to interview in my research were police officers of the rank of inspector and below. However the main targets were the constables, being the 'foot persons' of the system.

Constables usually receive any reports made by victims of domestic violence. In accordance with the tenets of grounded theory I wanted to get their 'lived realities' at the enquiries office with complainants of domestic violence and understand their reactions.

Though grounded theory was used I cannot be sure whether the officers' responses were genuine or not. This is because the officers I was interviewing were mostly junior to me therefore it cannot be ruled out that the answers they gave me may have been meant to please me. Grounded theory entails letting the respondents tell the story of their experiences (Bentzon *et al.*, 1998:25).

My conditioning as a police officer interfered with my research as my instincts led me to interrogate respondents intensely instead of interviewing them in a more relaxed manner. This was probably due to my lack of experience as a researcher. Additionally my presence as a senior officer may have overwhelmed some of the junior officers.

This problem was overcome when I changed from the rigid use of the questionnaire to a system of asking the respondent tell their story so that I could listen. The questionnaire became a guide.

A contributing factor could have been that the interviews were taking place at their workplace and so this had a major scare effect on some of them, given my status. I later changed my method by interviewing the respondents at more informal venues instead of at the police station. The respondents were also encouraged to tell their stories. Despite the above-mentioned difficulties there were some officers who seemed to handle the whole interview quite well.

## **Gender and sex analysis**

The gender and sex analysis refers to the analysis of how people in the area share tasks. It also refers to how men and women experience the phenomenon being researched either as men or women. It seeks to find out how the situation came to be the way it is. Gender refers to socially-ascribed roles while sex refers to biologically-ascribed roles.

Among my respondents were three policewomen who were victims of domestic violence. A gender and sex analysis was used to in looking at their stories of how they lived in violent relationships and what roles were played by people who tried to mediate in their situation.

The same method was used to analyze how the system would respond if it were a male who had reported abuse but during the research there was no domestic violence report from any male. It helped me understand in a more practical way how society was gendered.

## **Actors and structures**

This refers to the institutions and the people in them. It is about how women use these institutions and the people running them to get their variant of justice or whatever they would like to get as an end product. It is a methodology that is used for designing and analyzing. Examples of actors and structures would be chiefs and their courts or police officers and police stations or the cells.

### *Police officers as actors and structures*

In my research the police played various roles as actors in the area of research and their institution was the relevant structure influencing these roles. This will be dealt with later in the findings. I did not experience any problems in accessing the police, as it was straightforward.

## **Semi-autonomous social fields**

Semi-autonomous social fields refer to the influences that modify or change women's initial desire for either justice or action. These influences come from people who have certain relationships with the women, for example, in-laws, friends, relatives and work mates. In this research these are work mates of the husband, neighbours and family friends too.

These people tend to put women under pressure to take certain forms of action. A typical example would be a woman who reports her abusive husband to the police. Her husband's relatives get to know about the report and pressure her to withdraw the charge. Overwhelmed by this pressure from her in-laws she goes to withdraw the charge.

### *Police officers as semi-autonomous social fields*

During the research it was interesting to note and see how police officers changed their role from being law enforcement officers to functioning like a semi-autonomous social field. This happened whenever the wife of a police officer of any rank reported a case of abuse at the hands of her husband. The officers would try to persuade the woman to withdraw the case or they would try to reconcile the two warring factions. The women were told that if their husbands go to jail it would not look good for their service record and they would lose their breadwinner. They were also told that their husbands would lose their employment. This phenomenon appeared more predominantly when I interviewed one respondent who was a female police person married to a fellow police person.

### *Relatives as semi-autonomous social fields*

This phenomenon was common in the research and was not only restricted to relatives but extended to friends of the family. This phenomenon came to the fore when two respondents who are women police officers were interviewed. They were interviewed separately but there was one similarity; they were both married to soldiers. They explained how the soldiers would try to reconcile them rather than allow them to take their spouses to court for divorce or have them arrested for spouse battery. This happened because the soldiers did not want their friends arrested nor did they want the marriage to end.

This tendency to reconcile rather than allow legal redress was common among women officers interviewed. This did not disturb me as it gave me some insight as to why abused women do not leave an abusive relationship even when they are empowered to do so.

### **Legal pluralism**

This refers to the situation where received law operates at the same time as customary law. This indeed has made difficult to bring about *de jure* and *de facto* equality between men and women. This duality of laws has brought about clawback clauses in the international constitution.

### *Police officers as agents of legal pluralism*

Police officers, as mentioned, are products of their own communities and as such are not immune to the communities' belief systems and values. While it is expected of the police to abide by the received law as Griffiths (1986:31) put it:

‘... the law is and should be of the state, uniform for all persons, exclusive of all other law, and administered by a single set of institutions.’

During my research I found police officers saying that domestic violence cases should be handled by the family first, then by the police and finally by the courts. This showed the influence of cultural norms. Other police officers were controlled by cultural concepts of marriage whereby, for example, divorce should not be encouraged; a marriage should always be preserved. This methodology did not give me any problems and gave further insights into how legal pluralism is in some ways making police work more difficult.

### **Human rights approach**

This is an analytical approach used to see how women have been discriminated against in the area of human rights. Human rights, described as ‘the rights due to a person because they are human’, also provide a benchmark to assess if progress has been made. Using this approach, respondents' lived realities were analyzed to find out whether they were experiencing the phenomenon under investigation because they were deprived of their rights.

The respondents told me their experiences with domestic violence at the front desk or in their ordinary work as police officers. The way they treated complaints of domestic violence was analyzed in terms of the international conventions, especially the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence Against Women.

## **Methods**

### **In-depth interviews**

There were 36 respondents altogether. Twenty of them were the rank of inspector and below. Six of them were interviewed in a group discussion, while the rest were interviewed as individuals. All the respondents were police officers of various ranks starting from senior assistant commissioner to constable.

### *Sampling*

With the exception of the officers above the rank of inspector and the two female police officers who had a common history of abusive relationships, the rest were sampled randomly. The officer in charge of a station was asked to look for five officers who worked at the enquiries office at the station in question. They would be asked to select at least three female officers and two male officers. They were not given any particular features to look for in selecting the officers.

The biggest problem that I encountered in finding the officers to interview was that in certain stations I could not get the right number of either sex of officers. Generally the Zambia police employs relatively few female police persons and these few are concentrated in urban centres. This explains why I had more female police persons in the central stations than in the rural stations. For example, at Sakania police station in Ndola, there was only one woman police officer who at the time of the interview was on maternity leave and had to be called from home for the interview. At Garnerton police station there were only two police officers below the rank of inspector and these were two women. The rural stations like Garnerton provided more female police officers because the most senior police officers believe that the women officers should not work at night. Therefore most male police officers work in the back shifts.

The central stations were able to provide the required officers, albeit with great difficulty. Two of the three abused respondents were carefully selected because of the commonality of their experiences.

The other reason was to see how the police system treats one of its own when they have made a domestic violence reports. Is the treatment any different from the others in the community? The third respondent was discovered quite accidentally during the interview when she confessed to being a victim of domestic violence.

### **Permission for the research**

The permission to carry out the research was obtained from the police high command using a letter written by the director of SEARCWL. When the permission was given by the Inspector General a message was sent to the Copperbelt informing the divisional command that permission had been granted for me to carry out a research on 'Police responses to domestic violence'.

I had the Copperbelt commanding officer endorse on a photocopy of the SEARCWL letter stating that permission had been granted to do my research in the areas mentioned. All the commanding officers cooperated with me and whenever I requested an interview, it was granted.

It could be argued that I had it easy in getting permission because I belonged to the organization. It could also be argued that I had it easy because most of the senior officers knew me and, having worked on the Copperbelt for a long time, I knew where to get the information I needed for my research.

Tsanga (2004:38) explained the advantages of carrying out research in an organization that you are a part of when she said:

'My in-house position also gave me the legitimacy to collect all forms of data in the process of implementing the scheme. This was a distinct advantage as organizations are somewhat skeptical of outsiders prying too deeply in their business and therefore authorization to collect data maybe be limited

to certain types of information. This in-house position also provided an understanding of the processes that led to the formulation of policies especially those affecting the programme.’

I entirely agree with Dr Tsanga’s view because I also received privileged information that a researcher outside the organization would not have been given.

A consistent problem was making appointments with police officers to interview them on neutral ground (in a non-work environment) was quite problematic. There was the problem of shifts and arranging the interview to coincide with their off time.

Shortage of staff has been a persistent problem for the Zambia police. This problem causes a good number of officers to work awkward shifts as well as to be given a lot of assignments<sup>10</sup>. As a result of this, when such officers manage to go off duty, they usually have a backlog of personal commitments to follow up.

This was commonly experienced with two of the three abused respondents who had either wifely duties or mothering roles to fulfil. They also had other complications of going to church and fulfilling other social roles. However, to overcome this hurdle I had to take the risk of asking them to give me their side of the story on a day convenient to them at my residence as long as they told me that they were coming.

### **Researcher bias**

Researcher bias refers to the research reflecting the preconceptions of the researcher rather than the facts of the phenomenon being researched (Shipman, 1988: 164–165). This causes researchers to pick only information that ensures they get the results they want.

As already mentioned is that, as part of the organization I was researching where most of the officers I was interviewing were junior to me, how could I be sure that the officers gave me truthful information? As a member of the organization I was researching, how could I overcome researcher bias and maintain my objectivity?

Some police officers actually showed nervousness when being interviewed. Other police officers, were afraid and uneasy. But I can say with confidence that for most other officers it was like a chance, a rare privilege, to speak out about some of the frustrations they were facing in handling domestic violence cases.

Some seemed to ease up when I explained to them the confidentiality clause and the aspect that readers of the research report would not know who they were since their names would not be mentioned. During the interview, one male respondent confessed that he beat his wife and knew that it was wrong. If he was not sincere I do not think that he would have confided that information to me.

Most of the responses from the respondents where similar. If the officers where trying to please me with their answers I believe their responses would have a lot of differences.

I overcame researcher bias by first convincing myself of the need to produce a responsible piece of work that would not show that I wanted to expose the police as a bad organization or pretend that all was well (a public relations exercise). I also overcame bias by focusing on the professional instead of the emotional. As Tsanga (2004: 49) says, ‘having a theoretical framework to guide the process of interpretation and representation is desirable for the researcher’.

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<sup>10</sup> Normally shifts would be 00.00hrs-08.00hrs shift 1 08.00hrs-16.00hrs shift 2 and 16.00hrs-00.00hrs shift 3 while abnormal shifts start at 05.00hrs-19.00hrs and 19.00hrs to 05.00hrs

### **The research instrument**

The research instrument used initially on almost all respondents was the structured questionnaire administered by means of an interview. This method was later abandoned because it did not enable respondents tell their story (lived realities) and thus was against grounded theory.

A new method was adopted which enabled respondents to tell their story. Questions were asked depending on what issues the respondents raised. Each category of officers had special questions formulated for them. The questionnaire for officers below the rank of inspector was designed in the manner described and can be seen in annexure one. Due to the constraints of time, no pilot testing of the interview questions took place. Consequently there was no validity and reliability testing of the questionnaire.

The most prominent weakness of the questions was that most respondents had difficulty understanding the questions asked. In some instances, the questions needed to be rephrased for the respondents to understand. These were the pitfalls of not having pilot tested the questionnaire.

Most of the questions were designed either to answer a research question raised by the assumptions or answer some phenomenon raised from the literature review. Some questions were also designed to find out how well officers were conversant with the effects of certain phenomenon.

### **Interviews with individual police officers**

As has been described, the sampling was random and the assigning was done by their respective officers in charge. The difficulty of meeting the officers during their free time was explained earlier.

I would meet the officers at their police stations and their officer in charge would provide a quiet room, preferably one of the offices where interviews are conducted. At Ndola central police station I interviewed the officers in the lecture theatre but the necessary confidentiality was maintained.

Officers were interviewed one at a time, when I had finished with one I would send for the next. At Kitwe central and Garnerton police stations I was given rooms in which to interview officers. Though the rooms were vacant to ensure confidentiality they did not have the furnishings of an interviewing room. During these interviews I met eighteen respondents who were junior police officers.

The three respondents who had been abused were interviewed on separate days. Two were asked to choose their own time for the interview, taking into consideration their roles as wives and mothers.

One of them, a wife to a police officer, was interviewed at Kitwe central police station in the interview room which was provided. The other two were interviewed at my home when they were off duty and in plain clothes, not in uniform.

### **Key informant interviews**

Key informants were respondents who either received policy instructions from the police high command or interpreted it for the junior officers to understand and implement. For this research they were highly ranked officers above the rank of inspector. The idea behind interviewing them was to find out how the system should operate ideally. Most of these were interviewed in their offices. There were fourteen key informants. These will be enumerated under interviews with senior police officers.

### *Interviewing senior police officers*

The key informants were divided into various categories namely

- 1 Director of administration
- 2 Director of training
- 3 Commandants of training colleges (three)
- 4 Officers commanding Kitwe and Ndola (two)
- 5 Officers in charge stations (four)
- 6 District community services officers (two)
- 7 National coordinator of the victim support unit
- 8 Divisional community services officer.

Each group had a special questionnaire.

Interviewing senior police officers was also quite a challenge, especially those senior to me. All the senior officers I interviewed were accommodating and answered my questions freely and fairly. Though they answered my questions, I could see that they were clearly out of touch with the situation on the ground pertaining to domestic violence.

At the training schools I could not see the commanding officers because they were busy with activities concerning recruitment. In all three training schools I held group discussions with the training officers there.

The questions for officers commanding districts and officers in charge of stations are shown in annexure two. The questions were also aimed at answering the assumptions and research questions. The first question was meant to find out the prevalence of the vice in the area. The second question intended to find out about the handling of such reports. The third question dealt with the priority with which domestic violence reports are given. The fourth question discusses the availability or absence of legal provisions as per assumption one. Question five seeks to find out how reports are handled after working hours, looking at assumption four which says domestic violence counsellors work only in the day.

Question six seeks to find out what the beliefs of the respondent are on domestic violence to answer research question and assumption three which questioned whether police officer operate according to cultural norms. Question seven is in line with assumption three and research question three on police officers and cultural norms. Question eight seeks to find out what skills the police officers have in counselling victims of domestic violence. It tries to elicit an answer to assumption and research question five on the ability of the police to counsel a victim of domestic violence.

Question eight seeks the reasons why police officers refuse to open dockets for domestic violence. This tries to answer research assumption and six which says that police officers refuse to open dockets for domestic violence because they think they will soon be withdrawn. Question ten questions what action is taken against police officers who are involved in domestic violence. Question eleven questions the objectivity of police officers who are involved in domestic violence.

Question twelve aims to find out if police officers are traumatized by what they see and hear when they are handling domestic violence cases. Question thirteen draws on suggestions from the respondent on how domestic violence can be handled in the future with maximum satisfaction to those who report it.

As with the officers commanding and officers in charge, the interviews mainly took place in their offices, except for the victim support coordinator and the Copperbelt division head of community services. These two interviews were conducted after normal working hours.

Interviews were held at his home for the head community services while for the national coordinator they were held at the senior police mess. During the interviews the officers were not wearing uniforms (in plain clothes).

The format for interviewing also changed. Instead of following the questionnaire judiciously, I decided to use it as a guide. I would first ask a question from the questionnaire and follow it up with questions outside the questionnaire to probe deeper into the phenomenon. The other reason was to allow the respondents to tell their story. Though these two respondents were junior officers compared to me, they were confident and answered the questions they were asked with frankness and sincerity. They gave me maximum cooperation. The two separate interviews each took approximately one hour.

All the questions were designed to find out police force policy on certain issues concerning domestic violence. Scheduling an interview with the respondent concerned was difficult due to the fact that he was usually in meetings and it was during the recruitment of police officers.

After exercising a lot of patience using a lot of persuasion, he agreed to meet me on a Saturday at around 10am. I was granted the interview which took place in his office. It did not last very long (30 minutes) as its main thrust was on the issue of police policy. I did not have any problems with the interview. The officer though was senior to me but he engendered a free and non-intimidatory atmosphere.

### **Group discussions with training officers**

The questions intended for training school commanding officers are in annexure five but the interviews did not materialize because most of the commanding officers tended to delegate the interviews to their training officers with the view that, at the training department, more accurate information may be obtained that way. Thus at the training schools, group interviews were held.

In section A, general questions about the training school were asked. These were aimed at getting more information about the training. An important feature of these questions is that all depended on the answer to the first question which may have signified the end of the interview (negative, meaning the answer is no training offered).

This was the state of affairs largely because out of three police training schools, namely, Lilayi, Paramilitary and School of Public Order Maintenance, only the School of Public Order Maintenance had a semblance of training in domestic violence in their curricula while Paramilitary had nothing and Lilayi had a variant of counselling which did not include domestic violence; or if they did, it was scant.

Section B intended to find out about the content of the domestic violence training. All interviewing at the training schools was done using group interviews. This was largely due to the reason given above. These group interviews at all the training schools lasted an average of two hours.

The same questions were asked of the deputy director of training at police service headquarters. I faced the same problem of fixing an appointment to interview him as a key informant. After three missed appointments (not my fault) I managed to trap him. I suggested that he delegate me to his deputy since he was busy with various meetings. This he did and I met his deputy who proceeded to give me an interview. The interview was very fruitful and gave me a lot of insights into the system and how it viewed domestic violence.

All the interviews were conducted in English. This happened because all my respondents had a minimum education of grade nine (form two) so there was no need for a translator.

### **Observations**

Observations were carried out at all the stations and units. The aim of the observations was to look at the environment where complaints are received and at the behaviour of police officers as they do their work. The aim was also to see the situation the police officers were working in and appreciate the difficulties that they were facing.



The type of observation I carried out was passive observation. I chose passive observation because it would have been difficult for me to carry out participant observation in the stations concerned because I was well known. It would have aroused suspicion if I were to be seen among the complainants.

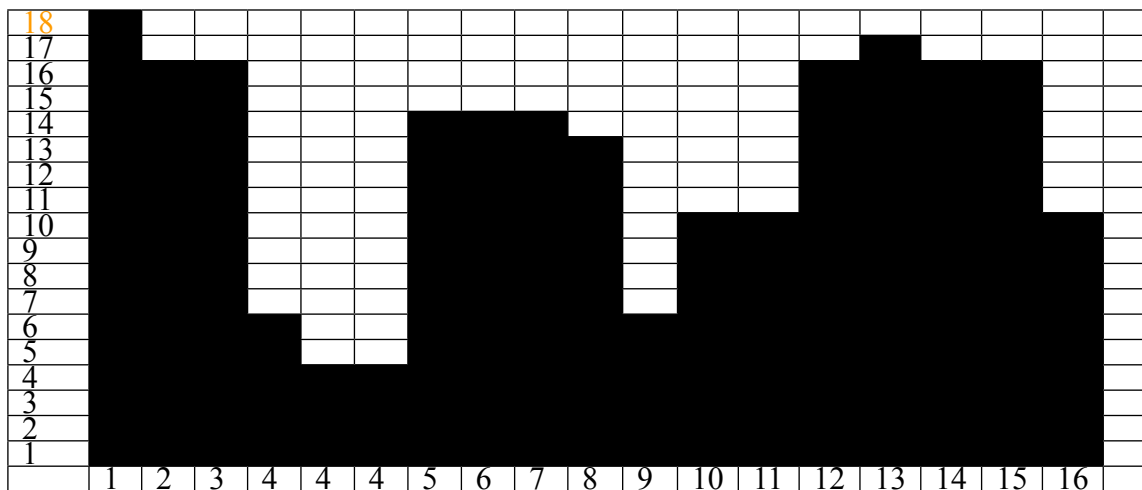
Passive observation is when the observer is watching and recording events taking place in the community they are researching but not taking part in whatever they are doing (Bentzon, 1998:195).

On the other hand, entering the station area during my interview lowered other police officers defences because some thought I had come only to see the officer in charge for some other business. Others thought (those that had heard about the research) that it would be confined elsewhere. With this scenario in mind I carried out my non-participant observation. The observation strategy was simply walking into the enquiries office to look around and take mental notes before asking for the officer in charge. I must also state that having worked in most of the offices before gave me an advantage because I was already familiar with these government offices and the daily activities in them.

## Findings

### Results of the research

#### Graph of responses to questions



#### Questions

Fig 1

The above figure shows the number of responses to the questions on the questionnaire for officers below the rank of inspector. The vertical values represent the number of respondents who answered the questions while the horizontal values represent the question number that was answered. Afterwards, the research responses were collated and analyzed.

Fourteen out of twenty respondents said that domestic violence was prevalent while two said that they had not received a report of domestic violence since they joined the force. The other two said that domestic violence reports were very rare.

Possible explanations for the officers who had never received a domestic violence report could be attributed to the departments they work in, for instance, firearms or administration or lost and found property. They were new officers and had not had the chance to work in other departments of the police. As it will be appreciated later in the discussion chapter, officers learn about domestic violence at the front desk (the enquiries) from senior members of the police.

Eighteen respondents said that domestic violence cases were reported the normal way other reports were made. The other two said sometimes they start from the victim support unit. This shows that there is no special

treatment for domestic violence cases. Domestic violence cases are treated the same way as other cases. The officers were asked how they treated domestic violence cases. Six said they would assess the complaint, five said they would counsel the victim, one said he would proceed to charge whoever was accused with assault. The rest said they would refer the complainants to the victim support unit. The varied responses to this question show a lack of a policy to codify the reactions to domestic violence reports. If there were a policy there would be one course of action for officers.

Virtually all the officers answered that they charge the accused with assault. Out of twenty officers at least fourteen said assault while four mentioned assault and other charges including failing to provide necessities, using insulting language, conduct likely to cause a breach of the peace and malicious damage to property. While the other two did not know since they had never handled a report of domestic violence before.

Eighteen respondents said that domestic violence cases would be dealt with the normal way any report is handled. The two who had never handled a domestic violence case before could not say. All of them said that they looked at the situation first. This may be interpreted to mean a domestic violence report only becomes top priority when it is life threatening or when a weapon has been used.

Eleven out of twenty respondents said that they looked at it as a police matter. Three said it was a family civil matter, another three said it was a civil family matter as well as a police and court matter. The rest said it was a civil matter. This shows that some attitudes have not changed towards domestic violence.

The fact that over half acknowledge it as a civil matter shows that there is hope for the future in that out of every three officers, two officers look at domestic violence as an outright crime. Unfortunately it also shows that when women make domestic violence reports, there is a one out of two chance that their report will not be taken seriously.

Out of twenty respondents, seven said of their peers that they believed that it was a police matter, while two said their peers saw it as a traditional matter, the rest said that they felt that their peers needed training. This could be seen as a self-confession by respondents on the assessment of their peers' ability to handle domestic violence reports and what they feel about domestic violence. They are talking about the people they work with every day so they can be taken seriously on this one. This question brings to the fore the idea that there is need for attitude change in the police force.

Out of twenty respondents, ten (most of them female) said that domestic violence was prevalent in the police force. Five respondents said that there were no incidents of domestic violence among police officers, three said that it was rare while two said that they were not sure. This could be seen from two angles. In one way it could be said that most men's perception of domestic violence is that of 'much ado about nothing' and so the tendency is to minimize anything that concerns women in this situation. Another view could be that it is a display of typical patriarchal behaviour of trivializing women's issues.

Ten out of twenty respondents said that the two could not possibly handle domestic violence cases properly because they would be biased and may give wrong advice. Five out of twenty saw no problem with that, while the last five were not sure.

The responses show that most police officers in the stations where the research took place are aware of the effects of domestic violence on an individual, whether the abused or the abuser. Out of twenty respondents interviewed, fifteen reported feeling traumatized after dealing with such reports. Five reported feeling nothing. That response made me realize that the five who reported feeling nothing had probably developed a coping mechanism or stoicism which hardens the heart and mind so that a person does not feel sympathy or empathy towards the victim. It is also a kind of traumatization.

Nineteen out of twenty respondents said that they have never attended any counselling course. Only one said that she had attended a course and this was a counselling seminar. She said she organized it on her own.

One outstanding feature was that when respondents were asked where they learnt to handle domestic violence cases, most of them stated that they were taught by the shift officer, by their peers or at the front desk, on the job. None of them mentioned going for a course in domestic violence.

Sixteen out of twenty respondents have no confidence in their peers' counseling skills. Two respondents said the counselling skills were adequate while two said they were trying. The responses show that there is need for more capacity building as far as domestic violence is concerned. It also shows the need for counselling training for the police officers at the stations where the research was done.

Eighteen out of twenty respondents seemed to know and appreciate the consequences of prolonged domestic violence. Two said that they did not know. The answers from the respondents to this question give us some hope for the future. The awareness that domestic violence has bad consequences for a family means a base for future capacity building has been laid. It also means that there must be another dynamic for poor or non responses to domestic violence reports by the police officers where the research was conducted.

This question was more or less asking for police officers' opinion on how the handling of domestic violence reports can be improved. Two out of twenty respondents said that the law needed review so that clear action can be specified. Eighteen respondents said that there was need to introduce training for officers in domestic violence and counselling. One respondent said there was need to provide more transport so that domestic violence reporters could also benefit. Another respondent said that there was need for a change of attitude if reports of domestic violence are to be handled properly. He further suggested that the best way to change attitudes was through training in domestic violence counselling.

Finally, two respondents suggested the provision of adequate modern facilities and infrastructure.

Most women officers suggested that there be stiffer punishment for the spouse who brings problems into the home. Some officers advocated for corporal punishment, arguing that it worked. The people to whom it had been administered had changed and stopped being violent to their partners.

Two of the three previously abused respondents recommended that there should be liaison between departments, especially where officers from different departments are married. This liaison would assist in times where the marriage has problems such as domestic violence. One of the abused respondents, a female police officer, who was married to a soldier said:

‘During our marriage I suffered a lot of abuse from my husband. His superiors knew about it but they did nothing about it. After we divorced, the Company Sergeant Major married off his niece to my former husband. He knew about our problems and my employers knew too but they did not come to my rescue. In future, I suggest liaison between departments to solve such problems. I felt discriminated against because I was married from outside the army.’

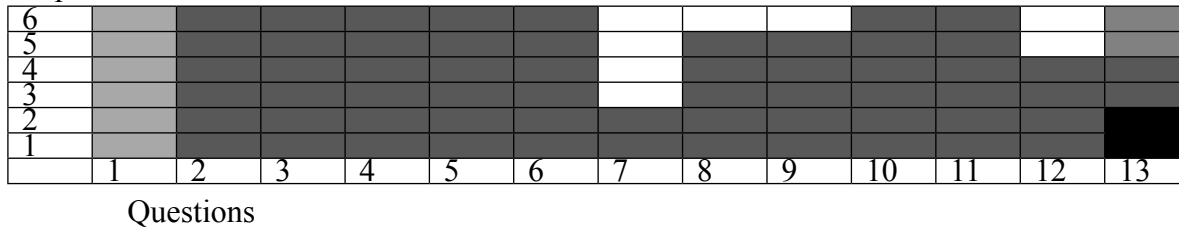
Another abused female respondent was also once married to a soldier and said that she was ill treated by her husband. She also said that her husband's superiors were aware that he was mistreating her but made no serious effort to intervene in the matter. Sometimes they would pass by her home during camp inspections without finding out how things were. She said that during the time of her problems, her employers were aware and even denied her accommodation on the basis that she was married. She said:

‘I wish there was liaison between the departments so that when there is a marital problem, departments will be able to solve them. My husband used to bring other women into the matrimonial home but nothing was done to him except talking to him, so he never changed. There should be stiff punishment for those who bring problems into marriage. Even the victim support unit were not fair to me. They would gossip about my problems such that even outsiders knew about my plight. Most officers with marital problems opt not to go to the victim support unit because there is no confidentiality.’

Among the senior police officers interviewed were officers above the rank of inspector, officers in charge and officers commanding. Their responses are enumerated below.

**Graph of responses**

Responses



**Fig 2**

Figure 2 is a table of responses to the questions asked of officers above the rank of inspector. Here, once again, the vertical values represent the number of responses while the horizontal values represent the question numbers. The figure is to be read with annexure two.

All of the respondents said that domestic violence was prevalent mostly at month ends and weekends. The respondents said that domestic violence cases are handled the same way all other reports are and the same priority is given to all reports. A domestic violence report only gains priority when it is life threatening.

Out of the six respondents, four said that there was no direct law for domestic violence as such but they use other laws to try and cover up the void. All the respondents said that the reports are handled normally like all other reports. They explained that victim support could not work at night since there was a shortage of staff. The respondents unanimously agreed that domestic violence was bad and that it was a police case.

All the officers responded that they had no confidence in their counselling skills. Most respondents also had a low opinion of their junior officers’ counselling skills. However they said that some of their junior staff were quite good at handling domestic violence cases.

The respondents were sure that their officers would never refuse to open a docket for domestic violence. They said that victims are counselled and their abusers are arrested and that the due process of the law takes precedence and even members of the service who are perpetrators of domestic violence are arrested and taken to court like any other person. The respondents agreed that perpetrators and victims of domestic violence would not handle complaints of domestic violence properly. Four respondents observed that officers are traumatized while two observed no effect. One female respondent went on to say:

‘Some police officers are affected by the reports of domestic violence they receive because they find that they cannot help the victim so they feel helpless.’

The next question was aimed at eliciting what respondents saw as the way forward in improving the handling of domestic violence complaints. The suggestions from the respondents were varied. One respondent suggested the removal of any semi-autonomous social fields influencing the cases. Three respondents mentioned the law, saying that it was not clear on what constitutes an offence in a domestic dispute. They said the law needed to be specific.

One female respondent said the law was alright but it was the interference from relatives that was spoiling everything. Another suggestion she made was that something should be done for women who were unable to pay for medical fees. All the respondents said that there was need for further training of police officers in order to change their attitudes towards domestic violence. Another major suggestion was the provision of transport so that reports are acted upon quickly, especially at night.

The group discussions with the training officers at the various training schools also yielded some results. While it was found that no serious counselling courses were being conducted and the curricula did not include domestic violence training, there were some interesting responses.

At the School of Public Order Maintenance this training started in the year 2004 when it was introduced as one of the courses in human rights and was taught under victim support. At Paramilitary it was discovered that the training command there was thinking of introducing a course in counselling. At Lilayi police college there is a counselling course but it concentrates specifically on victims of rape and defilement.

In the training schools with some form of counselling training, all the recruits were required to attend. Composition of candidates depended on the number of recruits that year. The criterion for selection was that the candidates were either police recruits or police officers. The course is funded from police central funds. The demand for the course had not been assessed but it apparently could be high. The course at School of Public Order Maintenance is given five training hours and respondents lamented at such short training time being allocated for the course. They felt that it should have been at least ten or fifteen hours, looking at the prevalence of domestic violence.

The respondents said that they use the Penal Code as there is no law for domestic violence. They complained that the laws were inadequate and did not offer enough remedies. Furthermore, there are no special manuals to help them. They also mentioned problems like lack of transport, withdrawals of complaints by women and lack of a domestic violence law.

Some respondents said basic counselling is taught as part of the overall training course. While others said that there was no special training for that since it was not their domain but it was rather the responsibility of other institutions to do it, for example, the Young Women's Christian Association. One group of respondents said that since counselling for domestic violence victims was a new course, they had not assessed it.

The director of training at service headquarters was going to be asked similar questions, however the interview never took place because he was busy. He delegated everything to his deputy who granted me an interview. The deputy director of training acknowledged that there has not been any training in dealing with domestic violence. He said the little training that had been offered was done by non-governmental organizations. He acknowledged that there was no current policy and said that the service was in the process of formulating a new training policy. He said that the new policy would be drawn up according to the national gender policy and the decision to put in place a new training policy had been taken at the commanders' conference.

The director of administration was interviewed in his office. His response was that there was no policy on domestic violence. He also said that the force is in the process of formulating one. Since there was no force policy on domestic violence it was not necessary to ask the other two questions. The director said the perpetrators would normally be treated like all offenders arrested and taken to court, while the victims would be counselled as usual. He said that the police, as role models in society, should not allow domestic violence in the police community.

The national coordinator of the victim support unit was a key informant and the interview yielded the following result. The respondent said that there was need to train more officers in psycho-social counselling. This would enable them sit down and reason with the perpetrators of violence. He pointed out the need for perpetrators of domestic violence to be counselled as well. He also talked about the need for the general public to have confidence in the police's ability to handle domestic violence cases. He said each domestic violence case had to be judged on its merit. Arresting the assailant and taking him to court may not solve the problem, the respondent observed. This may lead to divorce. What is needed is sensitization and gender training. He sees the redefining of police training as part of the way forward. He emphasized the advisory role of the police. He also said that the lack of a policy on domestic violence was not doing the police any good. He further observed that there was poor allocation of resources.

He also noted that domestic violence is not seen as a crime in the area. The reasons for reconciliation was above all to preserve the marriage. He also said the reason there were no victim support officers at night was because there was a shortage of staff.

The Copperbelt division community services officer also gave an interview as a key respondent. He said that when a domestic violence report is made to the police, the police do not rush the matter because they usually know the end result. He gave the statistic that out of every five domestic violence reports, only two go to court. This he attributed to interference from the relatives. He also observed that women mostly want the violent man punished so that the violence ends. This is because in most families women are dependant on their husbands who are the main breadwinners.

He confessed that one problem with counselling sessions is that they consume a lot of time. He estimated that one case might take up to two hours to counsel. However, one measure that had been put in place was to discourage withdrawals at the police station stage and let them take place at the courts. According to the respondent, the laws in place are adequate but there is need for better facilities and more training for officers. He even said it might be better to have a special unit to deal with domestic violence.

He also thought that it was not for the police to promote divorce; the police should only promote peace. He also said that possibly a fine or a light sentence could be put in place for domestic violence offenders. He also suggested an increase in police presence and police visitations in cases of known previous complaints of domestic violence.

He also suggested the increase of the provision of logistics. The victim support unit ought to have more confidentiality. He also explained that if more cases go to court then there would be greater awareness.

The community services officers interviewed said that domestic violence was escalating, especially at month ends. The respondent from Ndola said that the police did not handle domestic violence complaints adequately because victims expected the police to discipline perpetrators of domestic violence but, due to transport problems, it is difficult for police officers to assist victims. He further said that most complainants have no money to pay for medical fees.

Meanwhile the respondent from Kitwe said that the victim support unit dealt with all cases of domestic violence. He said the arrest of a husband as a breadwinner causes withdrawals. While the Ndola respondent said that they use assault as a preferred charge, the Kitwe respondent said that he prefers to punish the culprit by putting him in the cells because, according to him, it acts as deterrent because complainants do not come back to report. In addition to that punishment, other charges are preferred, like threatening violence, assault and unlawful wounding. The Ndola respondent said the laws were adequate but not enforced while the Kitwe respondent observed that there was a need to reform the law.

Both respondents said that more training is required to change attitudes and improve the officers' ability to handle domestic violence cases. The Kitwe respondent said that domestic violence complaints are handled like any other reports, while the Ndola respondent said that all reports are sent to the victim support unit. Both of them agreed that there was no policy that they knew of; they said that all cases are assessed to find out whether they are serious and whether they demand quick action.

## **Results of observations**

During the interviews, observations were being carried out at the same time, as mentioned earlier. The observations raised the following issues.

### **Ndola district community services**

Observation revealed that there is no proper counselling room for victims of domestic violence. At the time of the interview, the waiting benches were full of people, especially women, waiting to have their matters attended to. There were too few officers to handle the large number of people who needed assistance.

The equipment in the rooms also was not conducive to the counselling environment. Ideally a counselling environment should have couches and coffee tables instead of office tables and chairs. This equipment helps to create an enabling environment for interviewing a person and rapport. Office tables create a mental block and create an intimidating atmosphere. The large number of people waiting to be served means that those complainants with more serious complaints and those who had been referred from the previous night would have to wait their turn. No wonder there are withdrawals because women have a lot of pressing matters at home which require their attention instead of waiting the whole day at the police station.

### **Ndola central police station enquiries office**

The enquiries office has no booths to enable complainants make their report confidentially. Most people are touchy about their domestic affairs so that a breach of their privacy is bound to offend them, even to a point of making a withdrawal. Even from the African point of view, a domestic fight between a husband and a wife is not so widely publicized even though in some cultures it was believed that when a man beats his wife, it's because he loves her. When necessary the situation was reported to a few confidantes. To an abused woman the issue of confidentiality is very important.

By visual inspection it could clearly be seen that there was a shortage of staff and that the few available officers were overstretched and overwhelmed. If officers are overstretched and overwhelmed, an atmosphere conducive to frustration leading to temperamental behavior is created which is may be passed on to the complainants. For women this is a very fragile situation; it could mean the difference between reporting and enduring, between following up or withdrawing a case. It makes following up a case a time consuming exercise for women who are overwhelmed with a lot of chores.

### **Sakania police station**

The situation at Sakania police station was really bad. The enquiries office had office tables and benches. It could clearly be seen that the enquiries office was very small and there would be no space for proper counselling. It could also be seen that confidentiality would be compromised. Shortage of staff seemed to haunt the station because there was only one victim support officer at the station and she happened to be on maternity leave.

### **Kitwe district headquarters community services**

At the time of the interview, there were no people waiting on the bench outside the office. This was due to the community services staff not being there. The issue of staff tended to be crucial. It turned out that the victim support officer was ill and was not working that day. Later, when he was summoned, I entered his office. His office was rather small but it was conducive for counselling purposes. Unfortunately the furniture was not; he had old office furniture consisting of tables and chairs. As explained earlier the furniture in place may cause a mental block to confidentiality – a couch and coffee table make a counselling environment more effective.



**Kitwe central police station**

All the respondents based at Kitwe central police station were interviewed in the victim support room. This meant that all the people who wanted to use victim support facilities were taken elsewhere. The victim support room had no proper facilities required for counselling. The enquiries did not have booths that would engender confidentiality. The station had only one victim support officer.

**Garnerton police station**

This was the worst of all the stations I had visited in terms of infrastructure. For a start, there was no victim support officer. There was no counselling room available either. If anybody was going to be counselled it would be done outside under a tree. If it is raining then counseling is impossible. Outside under a tree compromises the principle of confidentiality and therefore tends to discourage potential complainants from seeking help. The station has no form of transport and this is exacerbated by the fact that it is in a remote area that cannot be accessed easily.

Generally speaking; from the whole observation it could also be seen that police statistics do not plainly show the prevalence of domestic violence. This is because it is reported as either assault or unlawful wounding. It is probable that it is under-reported. This is due to the fact that there is no law for domestic violence.

## Discussion

The common streak that has emerged from my research on the police responses to domestic violence raises multiple and cross-disciplinary issues, notions and perspectives as analyzed hereunder.

### a) Legislation

I came to the realization that there is a legal lacuna since there is no legal framework that deals directly with domestic violence. This means that domestic violence is perceived as a cultural practice that does not need regulation by the law. It also raises dilemmas for the victims because there is no specific legislation on domestic violence when they suffer from domestic violence and need to report it. This correlates well with assumption one which stated in part: 'Police officers do not act on domestic violence cases because there is no law directly referring to it as a crime'. The victims of domestic violence, who are mainly women, end up facing their tormentors in resolving their domestic violence problems at the family and clan level.

I also found that this lacuna in the law may have resulted in official under-reporting of the occurrence of domestic violence. This has the effect of giving officialdom the idea that its occurrence is low and is therefore not a pressing issue.

It was also discovered that police officers are charging domestic violence accused persons with assault in order to fill the void, as confirmed by the research. This ties in with assumption two which states that 'police officers do not act on domestic violence cases directly because they treat them as assault'.

### b) Culture

During the research I also came to the realization that most police officers are not affected by cultural beliefs on domestic violence when they are making decisions about domestic violence cases. This was an interesting discovery considering that culture imposes a strong controlling force on people. In the stations where I conducted the research most officers indicated that they look at domestic violence as an issue that should be handled by the police. They also said that domestic violence may lead to fatal consequences. Respondent 17, a female police person, said:

'I look at domestic violence as very serious and I think the law should be enacted to allow the police deal with the problem.'

Another police person respondent 30 a male police person said:

'Domestic violence can only be dealt with by the police The police have also an advisory role.'

This does not correlate with assumption number three which says that 'most cultures in Zambia treat domestic violence as a private marriage issue so most police officers look at it that way and refuse to act'. I found that not acting is due to another dynamic.

**c) Few trained counselors of Domestic violence**

Another realization was that there were few counsellors of domestic violence in the stations that were researched. This has huge implications for the victims of domestic violence who are mostly women. Counselling is important for healing the inner wounds of the victims and other persons who have been hurt. If this hurt is not addressed, the individual who has been hurt will seek other means of channelling their hurt which could be destructive. Counselling is a serious component of rehabilitating victims which needs people with the requisite skills and expertise to do a good job.

This finding corroborates with the views of the respondents which I have dealt elsewhere as an emerging issue. This also upholds assumption five which was that ‘few police officers know how to counsel a victim of domestic violence’.

**d) Domestic violence among police officers**

Being a police officer I worked from the premise that police officers are enlightened about human rights, including women’s rights. I was shocked to find that the police force is not insulated from the vice of domestic violence because lived realities demonstrated that a number of officers battered their spouses and some even used the butts of their rifles which is more traumatizing to the victims. Respondent 12, a female police officer and a victim of domestic violence, remarked:

‘ I am a victim of domestic violence. My husband is a fellow police officer but he beats me. We cannot debate or discuss issues, he resorts to blows or any object he comes across...’

The big question is where do such victims report their violations or suffering to because they are afraid to report their violations to fellow police officers. Most of these are men and do not view domestic violence as a crime but consider rather this as a matter in the private and therefore domestic realm. Respondent 19, a senior police officer, had this to say:

‘A lot of officers do beat their wives especially on pay day I usually treat them like any person arrest the offender and counsel the victim.’

The senior officer confirms that the vice is rampant and this confirms the findings of Parenzee *et al.* (2001). It has been dealt with elsewhere as an emerging theme.

**e) Lack of basic facilities**

This compounds the problem because women who are the victims have to walk long distances to report the violations and, to make matters worse, when they are at the police station they sometimes receive a hostile reception. The officers may even blame the victims for causing their own suffering by not being submissive to their spouses. Even where they have suffered serious injuries, there is no vehicle to take victims to hospital and no provision of basic first aid care to ease the pain.

**f) Shortage of staff**

In all sections of the police, shortage of staff was a common problem. During the observations it was found that most victim support officers were either alone or in twos. The explanation from respondent 30, a senior police officer, was that there was a critical shortage of staff. This upheld assumption 4 which was that ‘police counsellors of domestic violence only work in the daytime’.

**g) Encouraging reconciliation**

There is a tendency to try to reconcile domestic violence cases which was confirmed by most respondents and was presented in the name of counselling victims of domestic violence. Respondent 21, a senior police officer said:

‘When a domestic violence report is received, the parties concerned are invited to a discussion.’

Respondent 30, another senior police officer, said:

‘It is necessary to counsel and reconcile couples, because it is not the work of the police to promote or interfere with the private lives of the citizens.’

While it is understood that the police must execute their mandated role as peace maker, it must also be borne in mind that reconciliation mainly postpones the problem and in any event it rests within the purview of the individuals who have to learn to respect the rights of others. This poses a major challenge to the theoretical provisions of human rights instruments which protect women’s rights at an abstract level but, when it comes to the reality on the ground, customs and traditions take precedence. There is need to reconcile the provisions of international law and the practices. This calls for law reform as discussed in the recommendations.

**h) Summary punishment**

Women call for summary punishment of men engaged in domestic violence by calling for the incarceration of their spouses for a few days in the cells. In classic actors and structures style, women have found a way of negotiating with the law in such a way that they get justice as well as withdraw the case. The women seem to be happy with this method even though it raises some critical human rights issues.

**i) Traumatized police officers**

Though this was not a mandate of the research the trauma experienced by police officers came out clearly as respondents related how they felt after dealing with a domestic violence complainant. This trauma, if not dealt with, can cause officers to react in ways that may disadvantage the complainants. As a result of the trauma the officers experience when dealing with domestic violence cases, they may resort to chasing complainants away and mistreating them or their abusers.

**j) Peer training**

Police officers teach each other how to handle domestic violence at the enquiries office. It is amazing to see the innovation of police officers in the absence of a policy as they decide to fill in the void by looking for their own methods. This has serious implications for women. The police person coaching the others will transfer his beliefs. If he believes that domestic violence is a private family issue, then that attitude will be transferred onto the other officers. The net result will be that women with domestic violence complaints will be sent away.

On the other hand, if the mentor believes that domestic violence is a case to be dealt with by the police, then the women will benefit. Unfortunately it is a gamble caused by there being no specific law or policy.

Assumption 6 was that ‘police officers are reluctant to open a docket for domestic violence because they believe that it will soon be withdrawn’. This assumption has been affirmed as police officers do not readily open dockets for domestic violence, believing that it will be withdrawn. Credence for this comes from respondent 21:

‘As the police we do not rush to open a docket or rush to sort out the case because we know the result.’

Other respondents complained about withdrawals and how they interfered with the flow of justice. A look at the returns for the Copperbelt division community services shows that most of the cases are withdrawn before they reach the court. As seen from the table opposite.

In the box labelled 'gender violence', it can be seen that out of 21 cases reported, not one went to court. This has serious implications for women who are abused by their spouses. It means even women who genuinely want to take their spouses to court are effectively denied access to justice.

Zambia Police Service: Copperbelt division victim support unit  
Annual returns for the year ending 31 December 2005

OFFENCE	REPORTED	ARRESTED	TAKEN TO COURT	CONVICTED	ACQUITTED	PENDING	W/DRAWN	REFERRED TO CIVIL COURT	REFERRED FOR
Rape	52	37	36	20	08	16	0	0	0
Defilement	207	112	111	55	01	72	24	0	0
Indecent assault on females	26	23	14	07	02	06	06	0	0
Incest	03	03	03	01	0	0	0	0	0
Sodomy	01	01	0	0	0	01	0	0	0
Assault o.a.b.h.(spouse battery)	401	203	142	78	0	109	150	0	0
Theft (property grabbing )	54	28	17	07	0	20	17	0	0
Neglect to provide necessities to children	398	168	133	66	01	70	195	0	0
Concealment of birth	01	01	01	0	0	0	0	0	0
Child desertion	12	04	01	0	01	02	09	0	0
Abortion	06	04	04	01	0	01	01	0	0
Grievous bodily harm	01	01	0	0	0	0	01	0	0
Child neglect	19	0	0	0	0	12	07	0	0
Murder(involving couples)	05	03	03	02	0	02	0	0	0
Malicious damage to property	23	08	05	0	0	13	05	0	0
Threatening violence	09	0	0	0	0	08	01	0	0
Criminal trespass	04	0	0	0	0	04	0	0	0
Arson	01	0	0	0	0	01	0	0	0
Abduction	04	02	01	0	0	01	02	0	0
Gender/violence against women (general)	21	0	0	0	0	0	0	06	15
Using insulting language	15	11	11	11	0	0	0	0	04
Domestic disputes	377	0	0	0	0	0	0	159	218
TOTALS	1, 640	609	482	248	13	338	418	165	237

**Formula:** Total = cases taken to court + cases pending + cases withdrawn + cases referred to civil counselling  
**1, 640 = 482 + 338 + 418 + 165**

## Human rights elements and legal and constitutional issues

The above mentioned findings show that apart from making sure women live in perpetual fear of their spouses, they have been denied a chance to express their feelings and have the culprits punished.

The Zambian constitution (article 11) guarantees women equality with men and equal protection before the law. This means that the police must react in the same way towards men and women (Tsanga, 2004:38; Declaration on the Elimination of Violence Against Women articles 3 and 4. CEDAW article 2(d) says states are ‘to refrain from engaging in any act or practice of discrimination against women and ensure that public authorities and institutions shall act in conformity with this obligation.’

### Identifiable gaps

The gaps identified during the research were the following:

- Police officers teaching each other how to handle domestic violence at the enquiries office. While it is understood that practical work is learnt from hands-on work performance in the presence of a mentor, in this case there is too much room for subjective perceptions being transferred to other persons to the detriment of women. This reveals a recycling of tradition. Since no male has reported domestic violence from his spouse yet, it may also be inferred that women are being discriminated against. This clearly reveals a need for a law or policy on domestic violence.
- Shortage of staff at the enquiries desk and in the victim support unit. This gap is serious because it impacts negatively on women. Women have to wait a long time to receive justice. This also means inadequate counselling for women and a long time before their abuser is arrested. This denies women the right to justice as per CEDAW. It is also against the Zambian constitution, article 11, which promises equal access to the protection of the law.
- Lack of counselling facilities was a major problem in almost all the victim support offices and enquiries offices. Proper furniture in counselling is important to provide an enabling and conducive environment for counselling to be provided. Counselling provides an environment for a person to open up their inner person so that their wounds can be seen and proper treatment administered for inner healing. A lack of basic equipment creates a poor environment and a situation where counselling is incomplete. This in turn causes victims to be unsatisfied which makes them feel helpless and resigns them to their fate.
- Domestic violence among police officers is a sad malady when these men are law enforcers whose job is to protect people and uphold the law. The implications for women are terrible in this regard. Two types of women are affected: abused wives of police officers and general complainants who are not wives of police officers but come to report abuse to men who perpetrate the crime themselves. General complainants may encounter abusive police officers who may ridicule them and give them wrong advice. Wives of police officers may see the system that is supposed to protect them as an abusive system and so shy away. Abused police officers will be retraumatized by their complainants’ experiences and feel helpless or transfer their revenge on the spouses of the complainants and overdo punishments like detaining offenders for long periods.
- Summary punishment for offenders, in classic actors and structures, is an interesting ‘the empire fights back’ tradition women have found to get back at their men. Though this method has legal and human rights implications, it also calls for a review of the penal system to allow perpetrators of domestic violence to be punished in such a way that they do not lose their jobs. Many women are dependent on their men so when they ask for court action they risk losing the breadwinner. The best option found was the summary punishment method. A dysfunction of this method is that it may encourage the police to be cynical about opening dockets in future. This strengthens the case for a domestic violence law.
- Police statistics on domestic violence are not accurate. Since cases are recorded under different guises like assault or conduct likely to cause a breach of the peace. They may be mixed with non-domestic violence related cases giving a misleading impression.

## Conclusions

From the foregoing emerging themes it can be seen that, even though some police officers would like to do a good job of prosecuting domestic violence offenders, the system hinders them. In order to find a way out, since there is no law and policy on domestic violence to guide them, they innovate. A consequence of there being no law is the vicious cycle of withdrawals which have given police officers the impetus to look to reconciliations and counselling as the way out. While the officers are reconciling the parties, they are oblivious to the cause of withdrawals. Issues like shortages of staff at the front desk (enquiries) mean it takes some time for complainants to have their cases heard and acted on. It may even take time for the offender to be taken into custody. By this time the semi-autonomous social fields, usually relatives, will have taken effect and pressure mounts on the complainant to withdraw her complaint. The abuser is free to continue abusing her. The plight of the wives of the police officers is worse because they see the system which is supposed to protect them collude with their husbands to abuse and oppress them.

## Bringing hope

I chose the heading 'bringing hope' as another way of saying the 'way forward'. What I want to put across is that the situation is not hopeless, neither is it impossible; it is salvageable. It is possible to regain women's faith in the police as the custodians of law and order. To improve the situation for women as far as domestic violence is concerned, the plan of action should be as follows:

1. While a law is being awaited, a working definition for domestic violence based on DEVAW should be drawn up. As discussed in the literature review, in the national gender policy, government has defined domestic violence as in DEVAW, article 4(a-e). This definition will help the police service to come up with a policy on handling domestic violence. This policy will also help in updating and amending the police force instructions manual. This manual guides police officers on how to handle reports or complaints from members of the public. It also guides them on what action to take at scenes of disaster.
2. The new policies factored into the instructions will give it the impetus to incorporate domestic violence training into training policy. A new syllabus needs to be designed to retrain police officers already in the field. This syllabus should include the following: the basic definitions of sex and gender; basic counselling techniques including psychosocial counselling; the battered woman syndrome; symptoms of a violent relationship; training for officers on how to recognize and handle trauma in themselves and in others; and human rights, with special emphasis on children and women's rights. The latter should emphasize the conventions on women and children: CEDAW, DEVAW, the Women's Protocol, the Convention on the Rights of the Child and the African Charter on the Rights of the Child. This course can be taught in the various police training schools as a running course. It can also be presented as a series of seminars. The course should take approximately 20 training hours. I arrived at this length because respondent 35 observed that more time is spent on domestic violence cases than any other cases. If this is the case, officers should be well prepared to handle domestic violence cases.
3. A new syllabus needs to be designed to train police recruits. This syllabus should include the following: human rights with special emphasis on the conventions listed above; actions to be taken once inside the house where the domestic violence occurred; receiving and processing reports of domestic violence at the enquiries (front office) desk; an introduction to gender and sex studies, including sex and gender roles and how they affect society; the battered woman syndrome and how it affects the family; basic counselling techniques including psychosocial counselling; how to recognize and handle trauma in themselves and others. As above, the duration for the course should be 20 training hours for the same reasons as above.
4. In the fight against domestic violence in the police camps there is need for an exemplary stand by the police command. The head of the police, the Inspector General, has an important role to play in eradicating domestic violence among police officers. He should make an unequivocal statement denouncing domestic violence among police officers and in the camps. He needs to make a commitment

to eradicating the vice from the police, as respondent 29 observed, it is important for the police as law enforcers to ensure that their image is not tainted by domestic violence. The Inspector General should also ensure that a directive is given to those under him to deal decisively with every report of domestic violence received from wives of police officers. This would ensure that wives of police officers who felt excluded can get the help they need. It should be clear that the vice will not be tolerated.

5. The issue of facilities has been a long-standing one. Muyongo (2004: 28) mentioned in his report that the victim support offices were overcrowded and too small. It is essential to look at what can be done with a small budget. The tendency among most administrators is to wait for so-called capital funding in order to improve services and buy new equipment. Sometimes it is not just money required to change or acquire new equipment but innovation. While money is being awaited, simple technology could be used to create a counselling room. For instance, in remote areas a small grass thatch hut with mud walls that can take at least three people could be built. Instead of sofas, seats can be made of cement or whatever material the walls are made of and attached to the wall. The counselling room can then be decorated with inexpensive paint to give it a warm, homely look. Another strategy would be to network with other community organizations like the church and the Young Women's Christian Association (YWCA). These may be able to spare some space for counselling rooms as well as assist in furnishing them.
6. More staff are needed in the enquiries office and victim support units. A commitment is needed to properly staff the two departments that deal with domestic violence. Service command must commit to training and recruiting more officers for this purpose.
7. The provision of transport is another issue that the service command needs to address. In this regard, transport and fuel must be provided to enable the police to react appropriately to domestic violence reports.
8. A domestic violence law defining domestic violence according to DEVAW needs to be enacted. This law should include penalties similar to the law on bigamy but this time dealing with spouses who bring lovers into the home. It should provide penalties or remedies for psychological and emotional abuse. This was the main complaint of some respondents whose husbands had other women.

## **Evaluation and monitoring**

Monitoring refers to the act of observing a project (Kusek, 2004:12) or process while it is running to find out if it is going according to plan, while evaluation refers to the act of finding out if a finished process or project has met its objectives or targets. Having defined monitoring and evaluation I can now describe how it may be factored into the above recommendations.

1. Incorporating domestic violence training, that is both recruit and post-recruit training, into training school syllabuses should take two years. The objective should be to recognize and mitigate cases of domestic violence. The indicators will be a reduction in withdrawals of these cases.
2. Enacting of a domestic violence law will take two years. Advocacy for two years indicator will be enactment of the law.
3. Provision of counselling services, buying couches and other requirements over the next two years. Indicators will be the decrease in the number of domestic violence reports.
4. The provision of staff for the enquiries desk and the victim support units. This may take time to do owing to the number of stations in the country. The timeframe can be broken into yearly objectives over five years. Year one objective will be to staff all victim support units in police stations in the country. These are to be evaluated yearly. The indicator will be the number of staff according to the establishment of victim support units. Year two will look at victim support units at all police posts. The indicator will be the number of staff according to the establishment. Year three will look at the number of enquiries staff at police stations. Again the indicator will be staff numbers according to establishment. Year four will focus on the number of enquiries desk staff at police posts. The indicator will be the number of staff at



the enquiries desks of police posts as per establishment. Year five will be used to evaluate the operation of the victim support unit and the enquiries office. The indicator will be a reduction of the number of withdrawals of domestic violence cases and an increase in the number of cases going to court.

5. Provision of transport and logistics to victim support unit should take two years. Transport is to consist of motor vehicles and bicycles for summons servers. The indicators will be increased court cases and reduced withdrawals of domestic violence cases.
6. Declaration against domestic violence by the inspector General of the Zambia police on international women's day. Reduction in domestic violence reports concerning police officers and increased number of police officers taken to court for domestic violence.

## **Conclusion**

The above are attempts to provide possible remedies for domestic violence. What should be borne in mind is that domestic violence is a social issue with social causes. The solutions represented above may not eradicate the vice but are supposed to help mitigate the malady. The fact still remains that the 'buck stops' at the police who are the custodians of law and order. They must be seen to be enforcing the law within the police and outside the police according to the perceptions of members of the public. May I also end by saying the total eradication of domestic violence needs a multi-sectoral approach.

## Bibliography

- Atsenuwa A.V. (ed)(1995) *Women's rights as human rights*, Legal Research and Resource Development Centre, Lagos.
- Bentzon A.W., A. Hellum, J. Stewart, W. Ncube and T. Agersnap (1998) *Pursuing grounded theory in law: south-north experiences in developing women's Law*, Tano-Aschehoug and Mond Books, Oslo and Harare.
- Bhuku-Chuulu M., P.M. Chileshe, H. Ntalasha, A.W Chanda *et al.*(2001) *Gender violence: the invisible struggle: responses to the justice delivery system in Zambia*, WLSA Zambia, Lusaka.
- Dobash R.E. and R. Dobash (1979) *Violence against wives: a case against the patriarchy*, Free Press, New York.
- Griffiths J. (1986) 'What is legal pluralism', *Journal of Legal Pluralism* 24: 1-55.
- Kusek J. Z. (2004) *Ten steps to a results-based monitoring and evaluation system*, World Bank, New York.
- Muyongo P. (2004) 'The endangered girl child; evaluation of the reporting procedures and environment of defilement cases in the Zambia Police Service', Masters in Women's Law dissertation, SEARCWL, Harare.
- O'Reilly H. J. (1984) 'Crisis intervention with victims of forcible rape' in J. Hopkins (ed) *Police perspectives on rape and sexual assault*, Harper & Row, London.
- Parenzee P. (2001) *Monitoring the implementation of the Domestic Violence Act: first research report 2000-2001*, Institute of Criminology University of Cape Town, Rondebosch.
- Shipman M. (1988) *The limitations of social research*, 3rd edition, Longman, London and New York.
- Tsanga A. (2004) *Taking law to the people: Gender, law reform and community legal education in Zimbabwe*, Weaver Press and Women's Law Centre, University of Zimbabwe, Harare.
- UNIFEM (2001) *UNIFEM Annual report 2000-2001*, UN, Geneva.

## ANNEXURE ONE

### **Questions for Police officers of the rank of Inspector and below.**

STATION/FORMATION:.....

SECTION:.....

NAME OF RESPONDENT:.....

RANK OF RESPONDENT: .....

PLACE OF INTERVIEW: .....

DATE OF INTERVIEW: .....

#### **Introduction**

I am Achiume Paul Chintenda undertaking a study on the topic : “Domestic violence a killer on the loose”. You have been sampled for this interview on the above subject. The findings of the study are meant to help in providing important insights on the subject so that effective strategies could be devised to address the menace. All responses would be treated with the utmost confidentiality. I therefore urge you to cooperate with me during the interviews.

1. What do you understand by Domestic Violence?
2. How prevalent is it in your area of policing?
3. How are reports of Domestic Violence received during your shift.
4. What action do you take on receipt of a report of Domestic Violence?
5. What charges do you prefer on perpetrators of Domestic violence?
6. How are cases of Domestic Violence handled after normal working hours?
7. What priority do you give in terms of reaction to Domestic Violence cases as compared to other reports?
8. How do you regard Domestic Violence?
9. How do you think most police officers regard domestic violence?
10. What is the prevalence of Domestic violence among police officers?
11. What would you say about police officers who are either victims of Domestic violence or perpetrators of domestic violence handling Domestic Violence cases?
12. What negative effects do Domestic Violence cases have on police officers handling them?
13. What counseling training have you attended?
14. What is your view about counseling skills of police officers handling Domestic violence victims?
15. What effects does prolonged Domestic Violence have on the family?
16. How can the police force enhance its effectiveness in Domestic Violence cases?

ANNEXURE TWO

**Questions for Officers Commanding and Officers in Charge**

STATION/FORMATION:.....

SECTION:.....

NAME OF RESPONDENT:.....

RANK OF RESPONDENT: .....

PLACE OF INTERVIEW:.....

DATE OF INTERVIEW: .....

**Introduction**

I am Achiume Paul Chintenda undertaking a study on the topic : “Domestic violence a killer on the loose”. You have been sampled for this interview on the above subject. The findings of the study are meant to help in providing important insights on the subject so that effective strategies could be devised to address the menace. All responses would be treated with the utmost confidentiality. I therefore urge you to cooperate with me during the interviews.

1. How prevalent is domestic violence in your area?
2. How are domestic violence reports handled in your area?
3. What priority are domestic violence cases given over other reports?
4. What legal provisions are there for domestic violence cases?
5. How are domestic violence reports handled after working hours?
6. What do you think of domestic violence?
7. What is the predominant thought about domestic violence among your officers?
8. What skills do your officers possess in handling domestic violence reports?
9. What could be the reason for police officers refusal sometimes to open dockets for domestic violence?
10. How are police persons who are either victims or perpetrators of domestic violence handled?
11. What can you say about police persons who are either victims or perpetrators of domestic violence handling reports of domestic violence?
12. What negative effects does the handling of domestic violence reports have on police persons?
13. How can the handling of Domestic violence reports be improved?

## ANNEXURE THREE

### Questions for Head of Victim Support Unit and Community Services Coordinators

STATION/FORMATION:.....

SECTION:.....

NAME OF RESPONDENT:.....

RANK OF RESPONDENT: .....

PLACE OF INTERVIEW:.....

DATE OF INTERVIEW: .....

#### Introduction

I am Achiume Paul Chintenda undertaking a study on the topic: “Domestic violence a killer on the loose”. You have been sampled for this interview on the above subject. The findings of the study are meant to help in providing important insights on the subject so that effective strategies could be devised to address the menace. All responses would be treated with the utmost confidentiality. I therefore urge you to cooperate with me during the interviews.

1. What are your perceptions about the prevalence of domestic violence in your area?
2. Are you aware of complaints that police persons do not handle domestic violence reports adequately?
3. If yes what is the reason for this reluctance?
4. What legal remedies do police persons use to mitigate reports of domestic violence?
5. What is your perception of the adequacy of the existing laws in addressing domestic violence?
6. How would you gauge the professional skills of police persons under you in handling domestic violence cases and victims?
7. What administrative measure do you have in place to handle domestic violence complaints?
8. How has been the response of the police persons under your command in opening dockets for domestic violence complainants?
9. What is the policy of the police force with regard to the handling of domestic violence reports and complainants?
10. What priority is given to domestic violence reports over other reported crimes?

ANNEXURE FOUR

**Questions for Head of Administration**

STATION/FORMATION:.....

SECTION:.....

NAME OF RESPONDENT:.....

RANK OF RESPONDENT: .....

PLACE OF INTERVIEW:.....

DATE OF INTERVIEW: .....

**Introduction**

I am Achiume Paul Chintenda undertaking a study on the topic : “Domestic violence a killer on the loose”. You have been sampled for this interview on the above subject. The findings of the study are meant to help in providing important insights on the subject so that effective strategies could be devised to address the menace. All responses would be treated with the utmost confidentiality. I therefore urge you to cooperate with me during the interviews.

1. What is force policy on the handling of domestic violence reports?
2. What is the force policy on the priority of domestic violence reports over other crimes in terms of reaction?
3. What is police force policy on the amount of interference a police person can impose in a home where domestic violence has been reported?
4. What is police force policy on police persons who are found to be either perpetrators or victims of domestic violence?

ANNEXURE FIVE

**Questions for Training School Commandants and Head of Training**

STATION/FORMATION:.....

SECTION:.....

NAME OF RESPONDENT:.....

RANK OF RESPONDENT: .....

PLACE OF INTERVIEW:.....

DATE OF INTERVIEW: .....

**Introduction**

I am Achiume Paul Chintenda undertaking a study on the topic : “Domestic violence a killer on the loose”. You have been sampled for this interview on the above subject. The findings of the study are meant to help in providing important insights on the subject so that effective strategies could be devised to address the menace. All responses would be treated with the utmost confidentiality. I therefore urge you to cooperate with me during the interviews.

**SECTION A**

1. When did training in domestic violence start?
2. How many officers attend domestic violence training annually?
3. What is the composition of the trainees by sex?
4. What criteria do you use to pick officers for training?
5. How are the domestic violence training sessions funded?
6. What is the level of demand for domestic violence training from officers in the field?
7. What is the duration of the domestic violence training session at your school?
8. Who do you target for domestic violence training sessions?

**SECTION B**

The questions in this section will focus on the Domestic violence training undertaken by your school

1. What laws are taught to trainees during domestic violence training?
2. How adequate are the laws in addressing domestic violence in society
3. What training manuals do you use for officers undergoing training sessions in domestic violence?
4. What major problems do trained officers face in handling domestic violence cases in their respective stations?
5. What counseling courses are taught to officers undergoing domestic violence training?
6. What special training do you give to police officers to address the long effect of domestic violence on the family?
7. How do you assess the impact of domestic violence training on improving the handling of domestic violence cases by police officers in the field.