
**THE ADEQUACY OF THE MALAWI POLICE SERVICE'S (MPS) TRAINING ON
DOMESTIC VIOLENCE (DV)**

BY

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Abstract

The poor performance of the Malawi Police Service (MPS) and high prevalence of domestic violence (DV) cases in Malawi raises many questions as to whether police officers receive enough training on gender-based violence including DV. This study therefore aimed at measuring the sufficiency of the training. The study used six variables from the United Nations Training Curriculum on Effective Police Response to Violence against Women including DV as a standard for measuring the training. The variables include: the International Norms and Standards, Factors Underlying Violence against Women, Preventive Approaches, the Role of the Police in Responding to Violence against Women, Procedural Law and Inter-Agency Collaboration. The assumption is that if a police officer becomes proficient in all six variables, he/she will be able to effectively respond to violence against women including DV. The study found that police officers receive DV training from different NGOs and CSOs, which is in line with the United Nations Standard. Each organization has their own curriculum focusing on their own specific area of interest. The MPS facilitates such training when they receive funding from other NGOs, e.g., UNICEF. However, the delivery of the training in this study is described as sporadic and fragmented because of its irregular and fragmented delivery. As a result, the training targets only a few branches within the police, e.g., the VSU (Victim Support Unit), CID and Prosecution. The training also only targets a few officers in these selected branches. For instance, it is mostly the VSU officers who attend the training followed by those in the CID and this undermines the effectiveness of the training. The implementation of the training is also compromised by the transferring of trained officers to irrelevant branches where they cannot utilize the skills they have learned. DV is a form of discrimination and a violation of human rights in terms of article 1 of CEDAW and the CEDAW General Recommendation No.19. Providing officers in the MPS with DV training can only help improve the performance of its critical mandate as an agent of the state not only to maintain law and order but also to protect the human rights of all citizens of Malawi as required by international human rights law. Among other things, the study recommends that the MPS should take full responsibility in providing DV training to its officers. Officers from VSU should be transferred to relevant branches and the Malawi Police Headquarters should revise funding allocations to regional training schools so that training can be conducted at regional level in order to reach many officers at once.

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Declaration

I declare that this research paper, “**Adequacy of the Malawi Police Service Training on Domestic Violence**” is my own work and has never been submitted at any other high learning institution for the award or certificates or any other form of assessment.

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

Enock D. Malivili

Dedication

This piece of work is dedicated to my daughter, Esperanza Malivili (1 year and 10 months), for my not being there when you needed me most.

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List of abbreviations and acronyms

CAT	Convention against Torture
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CID	Criminal Investigation Department
CPEC	Criminal Procedure & Evidence Code (Cap. 8:01)
CRC	Convention on the Rights of Children
CRPD	Convention on the Rights of People with Disabilities
CSO	Civil service organization
DEVAW	Declaration on the Elimination of Violence Against Women
DV	Domestic Violence
FGD	Focus group discussion
GBV	Gender based violence
GR	General Recommendation
MPS	Malawi Police Service
NGO	Non-governmental organization
NORAD	Norwegian Agency of Development
NSO	National Statistical Office
PDVA	Prevention of Domestic Violence Act, No.5 of 2006
SASA	Start, Awareness, Support and Action
SADC	Southern African Development Community
SADC Protocol	SADC Protocol on Gender and Development
SDG	Sustainable Development Goal
UN	United Nations
UDHR	Universal Declaration on Human Rights
UNICEF	United Nations Children's Fund
VSU	Victim Support Unit
WHO	World Health Organisation
YONECO	Youth Net and Counselling

List of Regional and International Human Rights Instruments

Convention against Torture (CAT)

Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)

General Recommendation No.19 (GR No.19)

General Recommendation No.35 (GR No.35)

Convention on the Rights of Children (CRC)

Convention on the Rights of People with Disabilities (CRPD)

Declaration on the Elimination of Violence Against Women (DEVAW)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
(Maputo/Women's Protocol)

Southern African Development Community (SADC) Protocol on Gender and Development

Universal Declaration on Human Rights (UDHR)

List of local legislation

Constitution of Malawi (1994; 3rd revised edition, 2019)

Malawi Police Act, No.12 of 2010

Prevention of Domestic Violence, Act No.5 of 2006 (PDVA)

Gender Equality Act No.3 of 2013

Criminal Procedure and Evidence Code (Cap. 8:01) (CPEC)

List of cases

A.T. v Hungary (CEDAW Committee Communication No. 2/2003)

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CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Knowing the importance of giving Police officers Training on Domestic Violence (DV)

Just imagine the following scenario:

MT, a prison officer, is worried about her friend CC. One day when CC visited MT at her house, she revealed to her that for the past seven years her husband had been physically and sexually abusing her. MT was very concerned with CC's situation and she advised her to report the matter to the Police. CC made no report to the police as advised and continued staying with her abusive husband.

One day early in the morning, CC called MT and explained to her that the previous night her husband had beaten her severely. He drove her out of the house together with their children and forced them to sleep outside the house until morning. He also took CC's cell phone which she obtained from her work place. In addition, he threatened to kill her if she tried to enter the house. Before he left for work he changed the lock on their bedroom door, locked it and took the keys. After telling me about all this, MT asked me, as a police officer, how she should advise CC. I advised her to tell CC to report her case to the Police Station. MT did so and escorted CC to the Police.

When they arrived at the Police Station, a female police officer received them. CC explained her story and the police officer decided to phone CC's asking him to come to the police station. During the call, she informed him that CC had reported him to the police for beating her and wanted them to take action against him. The police officer did not record CC's statement and did not took no steps to arrest CC's husband. The police were quite happy to wait for him to come to the police station in his own time which happened in the evening, several hours after CC had reported the case in the morning.

The following day CC's husband called CC and told her that even though she had reported the matter to the police, they could not arrest him. He also said that the police officer to whom CC had reported the matter had told him everything and to punish CC he only went to the police station late in the evening.

When MT explained all this to me, I concluded that the police officer failed to carry out her duty in a professional manner. I realised that she needed training on how the police should respond to domestic violence (DV) cases, what procedures they should follow when handling DV cases and how to respect and respond to the rights, needs and interests of women survivors of DV.

1.2 Introduction

The above scenario indicates possible gaps in the training police officers in Malawi receive on domestic violence (DV). Violence against women is a global issue. It is estimated that about 35% of all women around the world have experienced either physical violence and/or sexual intimate partner violence or non-partner violence in their life both in the public and private sphere. In its 2018 Report, the United Nations Office on Drugs and Crime indicates that about 87,000 women and girls were killed in 2017; 137 of them were killed by their intimate partners or relatives and 58 percent were victims of domestic or family violence (UN Office on Drugs and Crime, 2018).

In Malawi, the Malawi Demographic and Health Survey (2015-16) indicates that 42% of ever married women have experienced DV. According to the report, the most common type of violence of DV is emotional violence, physical violence and sexual violence. Some women who have experienced DV report experiencing physical injuries and some of them sustain serious injuries. The report also indicates that less than half of the women who have experienced any physical or sexual violence have sought help from the police and about half have never sought help and never told anyone about the violence (National Statistical Office (NSO), 2017).

Feminists exposed DV in the early 1970s. During this time, private beatings of women in their homes and other oppression of women by men became an issue of public concern (Pastoor, 1984). Since the emergence of feminist movements, numerous attempts have been made to tackle this kind of the oppression of women and provide them with measures to enhance their safety. Feminists have created groups, shelters, individual representation in court proceedings, law clinics and crisis hotlines. Activists have also gained influence within the criminal justice system to improve its response to women victims of violence and they have obtained many needed changes in the law at international, regional to national level (Pastoor, 1984).

As part of the criminal justice system, it is very important for police officers to be properly trained to ensure that they respond effectively to DV cases. Training is to provide police officers with knowledge they can use to adequately respond to victims' needs and ensure their safety (Mcdaniel, 2017). Eigenberg et al. (2012) note that DV interventions may create safety threats for police officers. They suggest improving police officer training on DV for their own safety. Once

police officers obtain appropriate training, they should be able to protect their personal safety as well as that of victims and provide them with proper help.

This research uses the six variables from United Nations' training curriculum on effective police responses to violence against women to evaluate the adequacy of Malawi police officers' training on DV.

1.3 Problem Statement

In 2001, the Malawi Police Service (MPS) introduced the community-policing branch. There are three desks within the community-policing branch namely: Crime Prevention desk, Child Protection desk and the Victim Support Unit (VSU) desk. The VSU became a critical component of the community policing initiative. VSUs were established with an aim of protecting, promoting and upholding the rights of the victims/survivors of various forms of criminal and civil activities, especially of those vulnerable women and children (Malawi Police Service,2010). Thus, the VSU in the Police Service was to act as a special unit to address cases of gender-based violence (GBV) which includes DV.

All police officers at the VSUs are supposed to be trained adequately in order to be able to effectively respond to DV cases as well as be able to meet the needs of women and children victims of GBV. To be adequate such training should begin with initial recruit training. However, the MPS does not provide recruits with gender training during their initial training. As a result, new officers are attached to VSUs without any GBV/DV training. Most police officers do receive training after some years at the VSU and that training is provided by non-governmental organizations (NGOs) and civil society organizations (CSOs). Sometimes the Police provide the training but only after receiving funding from other organizations, e.g., UNICEF. Thus, it seems that police officers training on DV is not a priority within the MPS. The NGOs that provide DV training to police officers only come to train the officers when they see a gap within the police's training. As a result, each organization comes to train police officers focusing on their own area of interest. Despite the provision of training by NGOs and CSOs, many women like CC (in the above scenario) complain about not being satisfied with the assistance they receive from the police.

Sustainable Development Goal (SDG) No.5 is to ensure gender equality and No.2 to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking, sexual and other types of violations.¹ This target can be achieved through well-trained law enforcement officers, e.g., the Police. However, Malawi as a state is failing to provide proper training to police officers to help eliminate such gender inequalities. Malawi is a signatory of the SADC Protocol on Gender and Development (SADC Protocol) in which Article 24 (a) stipulates that State parties shall introduce, promote and provide gender education and training to service providers involved in gender based violence including the police, the judiciary, health workers and social workers.

1.4 Objectives

The following are the objectives of the study:

- To investigate whether the Malawi Police Service, NGOs and CSOs provide adequate training on DV to police officers in line with the international standards (United Nations Curriculum).
- To assess the content of the DV training offered by NGOs and CSOs to police officers, and how police officers are implementing skills acquired from such training.

1.5 Aim of the study

The aim of the research is to investigate challenges that affect the Malawi Police officers' training on DV delivery and how these challenges affect their effective response to DV cases.

¹ Sustainable Development Goals (SDGs) are a collection of 17 global goals adopted by all United Nations member states in 2015 calling everyone around the globe to take action in ending poverty, protect the planet and ensure that all people enjoy peace and prosperity. The SDGs are intended to be achieved by the year 2030 and are part of the United Nations (UN) Resolution 70/1: Agenda 2030.

1.6 Research Assumptions and Questions

To achieve objectives of this research, the research assumptions and questions laid out in Table 1 guided the research process.

Table 1: Showing the research assumptions and questions

Main Research Assumption	Main Research Question
The Malawi Police Service and NGOs provide adequate training to police officers on DV.	To what extent do the MPS and NGOs provide DV training to police officers?
Research Sub-Assumptions	Research Sub-Questions
1. Police officers are taught gender related laws and the provisions of international treaties that speak against DV.	1. Are police officers taught gender related laws and international treaties that speak against DV?
2. The training teaches police officers causes of DV and how they affect women's and children's lives.	2. Does the training teach police officers causes of DV and how they affect women's and children's lives?
3. Police officers learn traditional techniques that prevent DV and its escalation.	3. Do police officers learn traditional techniques that prevent DV and its escalation?
4. The training teaches police officers their duties and obligations when responding to DV.	4. Does the training teach police officers their duties and obligations when responding to DV?
5. Police officers are taught the legal procedures to be followed in prosecution of DV offenders and protection of victims prior to and during the trial process.	5. Are police officers taught the legal procedures to follow when prosecuting DV offenders and protection of victims prior to and during the trial process?
6. Police officers are trained to work hand in hand with other stakeholders in addressing issues of DV.	6. Are police officers trained to work hand in hand with other stakeholders when addressing issues of DV?

1.7 Demarcation of the Study

The research was carried out in all the four regions/cities of Malawi namely: Southern region (Blantyre city), Eastern region (Zomba city), Central region (Lilongwe city) and Northern region (Mzuzu city). Interviews were conducted in the urban and peri-urban areas of each city. The research was conducted in all these regions because various NGOs and CSOs facilitate training at a regional level and there are some police stations in these regions, which are doing well in combating DV. For instance, Lilongwe Police station's VSU is a model VSU equipped with counseling rooms, prosecutors' rooms, interview rooms and hostels for survivors of violence. It is also self-sustained as it operates a restaurant and a tuck-shop through the seed money received at the time of its establishment. So conducting the research in all these regions helped me to find out how stations are managing and what training officers are receiving.

This study also targeted the decision makers at MPS Headquarters in Lilongwe especially those working at the Department of Service Training and police trainers/instructors at Zomba Police College, the Police Training School in Limbe as well as the Department of Security Studies at Mzuzu University. The research also targeted women and young girls who have encountered family violence in their lives. Police officers, especially those working in the VSU, CID and Prosecution Departments were interviewed. Information was sourced from NGOs who work hand in hand with the police in combating DV by providing DV training to police officers.

CHAPTER TWO

2.0 LITERATURE, LAW AND POLICY REVIEW

2.1 Introduction

The purpose of this chapter is explain DV in its various forms and describe the police mandate and state obligations in eradicating DV. The national, international laws and policies regarding DV will also be discussed in the chapter. Finally, the chapter will discuss other literature regarding police officers' training on DV.

2.2 Domestic Violence (DV)

The occurrence of DV is one of the top health concerns in Malawi as indicated by the 2015-16 Malawi Demographic Health Survey. Understanding the meaning of DV can probably assist people in the community as well as law enforcement officers to take more action that is effective against the many various forms of abuse by which DV is experienced. In some scenarios, the perpetrators may not realize that they are inflicting DV on someone else. Survivors may not take action against perpetrators if they do not know that the behavior they are experiencing is DV. It is also important to note that friends and loved ones of DV survivors are in a better position to help if they understand what DV looks like. Therefore, it is very important that the public should understand the definition of DV and the different forms that it takes.

To understand the meaning of DV, one needs to understand the domestic relationship. The Malawi Prevention of Domestic Violence Act, No.5 of 2006 (PDVA) defines a domestic relationship as the relationship between persons who are family members and share a household residence or are dependent on each other socially or financially. The PDVA further explains that this relationship includes: the victim and the perpetrator who are husband and wife, a person who has a child in common with the perpetrator and that person is being subjected or is likely to be subjected to DV by the perpetrator, where one is a parent and the other party is his or her child or dependent, and the victim and the assailant are or have been in a visiting relationship for a period exceeding twelve months.²

² Section 2(e) of the Prevention of Domestic Violence, Act No.5 of 2006 (PDVA).

According to the Act, DV means any criminal offence arising out of physical, sexual, emotional or psychological, social, economic or financial abuse committed by a person against another person within the domestic relationship.

The definition of DV recognizes the victim/survivor as any person regardless of their socio-economic background, education level, race, age, sexual orientation, religion or gender (Thomson, 2019). Initially, DV was referred to as wife abuse. However, the term was abandoned when the definition of DV was changed to show that wives are not the only ones who can fall victims of DV. The definition now recognizes that victims of DV can be spouses, sexual/dating/intimate partners, family members, children and cohabitants (Thomson, 2019).

2.3 Forms of DV

When I was conducting this research, I realized that police officers as well as the public including women usually think of DV in terms of physical assault that result in visible injuries to the survivor. However, this is only one type of DV. There are several types/forms of DV, each of which has its own devastating consequences. The Arizona Coalition to End Sexual and Domestic Violence reveals that lethality involved with physical violence may place the survivor at a high risk, however the long term destruction of the personhood that accompanies the other forms of abuse is significant and cannot be minimized (Arizona Coalition, 2020).

This paper, however, will focus on the most common types of DV in Malawi; these are also the most reported types of DV in the five police stations where I conducted the research.

2.3.1 Emotional or psychological Abuse

This is the most common type of DV in Malawi. The PDVA defines emotional or psychological abuse as a pattern of behavior of any kind, the purpose of which is to undermine the emotional or mental well-being of a person. According to the PDVA emotional or psychological abuse includes the following: persistent intimidation by the use of abusive or threatening language, persistent following of a person from place to place; depriving a person of the use of his or her property; the watching or besetting of the place where a person resides, works, carries on business or happens to be; interfering with or damaging the property of a person; the forced confinement of

a person; persistent telephoning of a person at his or her place of residence or work; and making unwelcome and repeated or intimidatory contact with a child, dependent or elderly relative of a person.³

Estimations indicate that about 30% of women and girl in Malawi from the age of 15 to 49 have experienced emotional or psychological abuse in their domestic space (National Statistical Office, 2017). This type of violence is rarely reported to the police because most of the people perceive emotional or psychological violence as normal in life. Victims only report incidents to the police when the perpetrator interferes with or damages their property.

2.3.2 Physical Abuse

This is the second type of violence that mostly occurs in domestic relationships in Malawi. The PDVA defines physical abuse as any act or omission which causes or intends to cause physical injury or reasonable apprehension of physical injury.⁴ Lindsey et al. (1993) recognized the following as acts of physical violence: Hitting, kicking, biting, slapping, shaking, pushing, pulling, punching, choking, beating, scratching, pinching, pulling hair, stabbing, shooting, drowning, burning, hitting with an object, threatening with a weapon, or threatening to physically assault.

Physical abuse also includes preventing victims access to physical needs including interruption of sleep or meals, denying victims help if sick or injured, locking victims in or out of a house, abusing, injuring or threatening to injure others (e.g., children), the abuser hitting or kicking, walls, doors or other inanimate objects during an argument, throwing things in anger as well as destruction of property. It is estimated that 29% of women and children experience physical abuse in their families and 11% of the victims suffer serious injuries (National Statistical Office (NSO) , 2017).

³ Section 2(I) of the PDVA.

⁴ Section 2(r) of the PDVA.

2.3.3 Sexual Abuse

Sexual abuse is another form of DV that is common in Malawi. Sexual abuse means using sex in an abusive manner or forcing sex on another person (Lindsey et al, 1993). If a person consented to sex in the past, this does not indicate current consent. According to Lindsey, sexual abuse may be both verbal and physical. The PDVA defines sexual violence as sexual contact of any kind that is made by force or threat and the commission of, or an attempt to commit, any of the offences under Chapter XV of the Penal Code (Cap. 8:01).⁵

Sexual abuse may include, but is not limited to, the using of force, coercion, or manipulation or not bearing in mind the desire of the victim to have sex. These acts may include making the victim have sex with others, have sexual experiences without his/her will or forced prostitution; manipulating people who are unable to make a sound decision about involvement in sexual activity as a result of being asleep, intoxicated, drugged, disabled, too young, too old or dependent upon or afraid of the perpetrator; laughing or making fun of another person's sexuality or body, making offensive statements, insulting or name-calling in relation to the victim's sexual preferences or behavior; making contact with the victim in any non-consensual way, including unwanted penetration or any part of the victim's body; having affairs with other people and using that information to taunt the victim as well as withholding sex from the victim as a control mechanism (WHO, 2003).

The Malawi Demographic Health Survey indicates that 19% of women and girls experienced sexual violence in their domestic relationships. However, most sexual abuse cases occur in the domestic space which victims are afraid to report because the arrest of the perpetrators (who are usually the breadwinners on whom the victims are dependent) means loss of their financial security; and other victims do not report as they are afraid of dishonoring their families.

2.3.4 Economic Abuse

Economic abuse is another form of violence that mostly occurs in domestic relationships in Malawi. Economic abuse in the PDVA is defined as the denying of a person the liberty to undertake any lawful income generating activity or access economic resources, and includes

⁵ Section 2(v).

refusal to provide basic household necessities, withholding that person's income or salary and denying that person the opportunity to seek employment.⁶ Financial abuse is simply a way of controlling the victim through manipulation of economic resources.

According to Lindsey et. al. (1993), economic abuse includes the following: controlling the family income and either preventing the victim from accessing money or strictly limiting their access to family funds. This includes keeping money in secret or having hidden accounts, not allowing the victim to have any say on how the funds of the family are spent, making victims surrender all their salary to the perpetrator or making the victim lose their job by making them late for work or preventing them from taking a job; spending money for necessities (food, rent, utilities) on non-important items (drugs, alcohol, hobbies). In Malawi, economic violence affects many women who do not work and children.

2.4 DV data in Malawi

From the year 2000, there has been a large increase in gender-based violence (GBV) cases including DV in Malawi. The 2004 Malawi Demographic and Health Survey revealed that in Malawian traditional culture, wife battering is perceived as normal. In Malawi, DV happens in all socio-economic and cultural backgrounds. DV has been treated as a private matter until the government and other stakeholders responded to the international and regional instruments on women's rights and started their implementation which focuses on conducting awareness campaigns on the dangers of DV (National Statistical Office (NSO), 2004).

During the 12-year period between 2004 and 2016, the percentage of women who have experienced DV from the age of 15 has significantly increased from 34% in 2004 and 2010 to 42% in 2015-2016. Overall data for the period shows that husbands are the main perpetrators of the violence, however, the percentages differ slightly in that in 2004, 77% of current or previous husbands were the perpetrators, in 2010 the figure was 78% and by 2015-16 it was 72% (NSO 2004, 2010 and 2015-16).

⁶ Section 2(g) of the PDVA.

Other perpetrators of DV include siblings and other relatives (25%) followed by mother/father or stepmother and by other relatives (12% each). The drop in the numbers of men being the perpetrators of DV is because of the government's commitment to the implementation of the international and regional women's rights instruments. However, the violence has significantly increased since 2004. One of the police officers at Limbe Police station explained that this was due to the increased reporting of DV cases as a result of increased sensitization campaigns on DV conducted by VSUs in their areas of jurisdiction which is one way of implementing the local laws and international women's rights treaties which combat DV. As a result, women are more informed about DV and feel more comfortable about disclosing their DV experiences because they know where to go with their cases and receive the needed assistance. Recently there has been an increase in news reports about DV. This indicates that people are now prepared to break their silence about DV.

2.5 The Police mandate in ending DV

Section 153(1) of the Constitution of Malawi establishes the Malawi Police Service and gives the organization powers to protect the public safety and the rights of persons in Malawi. These rights include women's rights as provided in section 24 of the Constitution. The Malawi Police Act outlines the general functions of the police service in section 4(1)(a), (b) and (d). The police has a mandate to investigate and detect crimes, apprehend and prosecute offenders as well as protect fundamental freedoms and rights of people and ensure that no one is above the law.

As stipulated in the Constitution of Malawi and the Malawi Police Act, the role of the police in dealing with cases of DV is crucial. Police officers are the frontline service providers when it comes to addressing DV. Most of the time victims do not receive the police response they require and there are still some issues concerning whether survivors of DV receive justice or not. Despite these criticisms, the police remain one of the key frontline service that survivors can use to stop and prevent incidents of violence and abuse (Health Talk, 2019). If there is evidence, police officers are supposed to arrest the perpetrators regardless of the wishes of the survivor. All offences are supposed to be reported to the police and it is dependent on the police whether or not to take action in each particular case. However, some of the victims of DV may be reluctant to cooperate with the police for various reasons including lack of alternative accommodation, fear,

or desire to continue the relationship and a belief that criminal proceedings will prevent that from happening. To combat DV, the Malawi Police Service introduced the Victim Support Unit (VSU) which was given the mandate to handle DV cases.

2.6 State obligations in eradicating DV

Malawi as a sovereign state has its own Constitution that obliges the state to eradicate violence against women including DV. Malawi is also a signatory to a number of international and regional human rights instruments which obliges the state to protect women's rights.

2.6.1 The Constitution of Malawi

Section 13 of the Constitution provides the principles of national policy. It stipulates that the state shall actively promote the welfare and the development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving certain goals which include (a) gender equality. According to the Constitution, gender equality can be obtained through: (i) the full participation of women in all spheres of Malawian society based on equal opportunities with men; (ii) the implementation of the principles of non-discrimination and such other measures as may be required.

This section promotes the application of the principle of gender equality through non-discrimination and application of policies that address DV (Nyirenda, 2014). The section may not be encouraged by the survivor of DV; however, the courts are encouraged to consider the principles of national policy when interpreting the Constitution. The gender specific nature of DV classifies DV as a violation of the human right to dignity rather than a simple domestic criminal justice concern (Columbia Law School, 2010).

Section 19(1) of the Constitution states that human dignity is inviolable and that the state has an obligation to ensure that the dignity of its citizens are respected and protected as provided by the Constitution. The treatment of women who face personal suffering and humiliation amounts to a violation of their human dignity. It is interesting to note that the men who desire to be protected from degrading treatment in public are often the very same ones who perpetrate it against their so-called nearest and dearest women with whom they are domestically involved (Nyirenda, 2014).

According to section 19(3) of the Constitution no person shall be subject to torture of any kind or cruel inhumane or degrading treatment or punishment. In this regard, DV as torture occurs in the private sphere where it is wielded by the perpetrator as a powerful tool of a victim's oppression. DV should be understood and treated as a form of torture as its effects are devastating to its victims (Columbia Law School, 2010).

Section 22(1) says that the family is the natural and fundamental group unit of society and is entitled to protection from society and the State. Despite this Constitutional provision, women are still being subjected to exploitation by their male partners within the family. It is high time for the state to take DV more seriously than it has in the past and now make every effort to give its full protection to its women by eradicating DV. This is reinforced by section 22(2) which stipulates that each member of the family shall enjoy full and equal respect and shall be protected by law against all forms of neglect, cruelty or exploitation. The existence of DV in the family prevents the victim from the right to enjoy a full and equal family life.

Section 24 provides for women's rights and outlines that women are entitled to equal protection under the law and prohibits discrimination based on gender; women are also entitled to acquire property, to the equal distribution of property during the dissolution of marriage and to acquire and retain custody, guardianship and care of their children.

Lastly, section 41(3) of the Constitution provides that women are entitled to the right to have access to an effective remedy. This applies to both the police and the courts. The right to an effective remedy involves access to available solutions and due diligence in the protection of victims of DV by non-state actors as stated in the case of *A.T. v Hungary* (CEDAW Committee Communication No. 2/2003).

2.6.1.1 Malawi's Prevention of Domestic Violence Act (PDVA)

The Prevention of Domestic Violence Act (PDVA) was introduced in Malawi in 2006 after the state recognized the high prevalence of DV and in the worst of cases, husbands had killed their wives or chopped off their hands. The legislation was welcomed by some, especially women's movements in Malawi as being a landmark piece of legislation aimed at protecting the lives

women in the family (Nyirenda, 2014). However, there were others who rejected it as being full of western ideas which had no place in the Malawian context.

The purpose of the PDVA is to ensure the commitment of the state to eliminate Gender Based Violence occurring within domestic relationships and to provide legal remedies and other social services to those affected by DV.⁷ The Act also provides for and outlines the powers of the police in responding to DV cases.⁸ Since the police are very important in the implementation of the Act, its members greatly need gender sensitive training in order to meet the needs of women survivors of DV.

2.6.2 Regional Human rights instruments

The following regional human rights instruments impose obligations on member states to address DV.

2.6.2.1 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol)

Article 2 (1)(c) of the Maputo Protocol urges state parties to combat all forms of discrimination against women through appropriate legislative, institutional and other measures. The article further stipulates that state parties shall integrate a gender perspective in their policy decisions, development plans programs and activities and in all spheres of life. State parties are urged to commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 4 provides for the right to life and security of persons. In addition, article 25 provides remedies, and it stipulates that State Parties shall provide for appropriate remedies to any woman whose rights or freedoms under the Protocol have been violated. The Maputo Protocol requires

⁷ Section 3 of the of the PDVA.

⁸ Section 34 of the PDVA.

states not only to prohibit violence (including DV) against women, but also to punish perpetrators and provide effective remedies to the survivors of violence and other violations. In this regard, it is difficult for the state's duty to prevent and protect women of violence to be fulfilled without the state's authority like the police to positively respond to women's complaints; hence the police needs to receive gender training in order to effectively respond to women victims' complaints.

Article 12 provides the right to education and 12(e) obliges state parties to integrate gender sensitization and human rights education at all levels of education curricula including teacher training. Even though this article does not include police officers, they can and should be included since police officers, especially those in the VSU, conduct important public awareness campaigns which involves their teaching the community about their rights, including their right to report to the police violations they witness in their community.

2.6.2.2 SADC Protocol for on Gender and Development

The SADC Protocol on Gender and Development is an exceptional sub-regional instrument that brings together African and global goals on gender equality and supports these through targets and timeframes.

Article 24 of the Protocol provides for training or gender service providers. Article 24(a) gives a mandate to state parties to introduce, promote and provide gender education and training to service providers involved in gender based violence including the police, the judiciary, health and social workers. Article 24(b) provides that state parties should provide community sensitization programs regarding available service and resources for survivors of gender based violence. The Malawi police, as a state agent in the implementation of this article, provides awareness campaigns in their areas of jurisdiction but the process is affected by a lack of resources within the police service. Lastly, article 24(c) requires state parties to provide training for all service providers to enable them to offer service to people with special needs.

2.6.3 International Human Rights Instruments

2.6.3.1 The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) provides a point of departure as far as DV is concerned. This was the first international instrument to address issues of women's rights specifically violence against women. Article 1 of the Convention defines 'discrimination' in a broad manner as discrimination against women 'shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.' As provided in the definition, DV is a form of discrimination against women considering that it affects women's enjoyment of their rights.

General Recommendation (GR) No.19 also classified gender-based violence as a form of discrimination against women. Paragraph 6 of the GR says that the definition of discrimination in CEDAW includes gender-based violence, which is abuse targeted against a woman, just because she is a woman. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty (CEDAW GR No. 19).

Expanding on GR No.19, paragraph 38 of GR No.35 urges state parties to provide mandatory, recurrent and effective capacity-building, education and training for the judiciary, lawyers and law enforcement officers (including forensic medical personnel), legislators, health-care professionals (including those in the area of sexual and reproductive health and in the sexually transmitted diseases and HIV prevention and treatment services), all education, social and welfare personnel (including those working with women in institutions such as residential care homes, asylum centers and prisons) to equip them to adequately prevent and address gender-based violence against women. GR No.19 also refers to gender-sensitive training of judicial and law enforcement officers and other public officials as being very essential for the effective implementation of the Convention.

2.7 Conclusion

This chapter has discussed the literature that informed the study. The review explained the meaning of DV and some of the common forms of DV in Malawi. The chapter has also discussed the police mandate to combat and eradicate DV in terms of the state's obligation to do so under the Constitution of Malawi and relevant regional and international legal instruments. The next chapter will discuss some of the research methodologies that were used when conducting the research. It will also describe the theoretical framework that informed the study and some of the methods employed in the study.

CHAPTER THREE

3.0 THEORETICAL AND METHODOLOGICAL FRAMEWORK

3.1 Introduction

This chapter contains a discussion of some of the theories and methodologies used when carrying out this study. It will also discuss why these theories and methodologies were chosen and how they influenced the validity of the data collected.

3.2 Theoretical Framework

The research used a number of theories that helped me conduct the research and understand and analyze the collected data during the research. There was an ongoing interaction between the theories used and the data collected during the research.

3.2.1 Liberal Feminism

There are two schools of thought among the liberal feminists. The schools include classical liberal feminism and welfare liberal feminism. Classical liberal feminism informed my study. Liberal feminism concentrates on issues such as equality in the workplace, education and politics. It also focuses on how private life obstructs or supports public equality (Jagger, 1983). This means that if a person is a perpetrator of family violence, which is a form of discrimination, it is hypocritical of them to support equality in the public arena.

Liberal feminism supports marriage as an equal partnership in which men become increasingly involved in caring for their children. Support for abortion and other reproductive rights have to do with increasing control over one's life and autonomy. Eradicating DV and sexual harassment remove obstacles on an equal level with women (Lewis, 2019).

Liberal feminist theory focuses on women's capability to uphold their equality through their own actions and choices. Its emphasis is on making the legal and political rights of women equal to that of men. They argue that society embraces the false belief that women are by nature less intellectually and physically capable than men: thus, it tends to discriminate against women in the academy, the forum and the workplace. Liberal feminists believe that female subordination is

rooted in the set of customary and legal constraints that block women's access to and success in the so-called public world (Tong, 1989). This theory informed my study because previous studies have shown that women victims of DV are assisted well by the police when women police officers handle their cases. However, because of the false view that women are less intellectually and physically capable than men, the police recruits less women than men to the VSU which in turn means that it has fewer women to assist DV survivors than it should. The studies also showed that most of these few women in the VSU did not receive any DV training. This a significant factor contributing to the struggle of women DV survivors to access justice.

3.2.2 Existentialist Feminist Theory

Simone De Beauvoir argued that women are oppressed because man has declared himself 'the Self' and Women 'the Other' (De Beauvoir, 1949). Since this has been long established, women in most societies have accepted this perception that, compared to men who are essential to society, they (i.e., women) are inessential. Concurring with De Beauvoir, Barnett (1989) observes that man is the measure against which all else is judged.

This set of ideas was very useful to this study because it uncovered this classification/hierarchy of men and women that has been created in which women are treated like second class citizens which is part of the root cause of violence against women at the hands of their intimate partners in domestic relationships. As indicated in the previous chapter, Malawian culture accepts wife battering as a way of disciplining women when they are considered to be disrespectful. This attitude affects the response of Malawi police officers to DV cases since they have been socialized in the same culture.

The theory also helped me to think critically about the police's response to women's issues like DV and explains why victims have good cause to question the professionalism of the police. It is the inequality that is caused by this hierarchy that is the reason behind the problem of physical abuse of women, a behavior that is now widely accepted to be highly discriminative (Millet, 1970). This behavior needs to be appropriately addressed and this can only be effectively done if law enforcement officers like the police and other service providers are provided with enough

training. Both men and women are supposed to be enjoying the various rights accorded to them on an equal basis as provide in the preamble of the Universal Declaration of Human Rights.⁹

3.2.3 Radical Feminism Theory

The radical feminist's emphasis is on patriarchy as the root of inequality between men and women, or to be specific, the social domination of women by men.¹⁰ They view patriarchy as dividing societal rights, privileges and power primarily along the lines of sex resulting in privileged men oppressing women. Thus, radical feminists focus on cultural change that undermines patriarchy and associated hierarchical structures (Tong, 1989). Since men are the ones who are in power controlling through male principles, society is also structured in that way. The radicals argue that it is very difficult to eradicate patriarchy because its roots are so deeply fixed into our surroundings and in most men's consciousness. In additional the radicals say that patriarchal control is particularly evident in culture, religion and the control of women's sexuality (Bentzon, et al., 1998). They argue that gender and gender inequality cannot be resisted since they are not natural but are constructed socially.

To eradicate women's oppression, the radicals suggest that women should be put in power in existing institutions in order to re-create society based on female principles including collectivity, lack of hierarchy and consensus decision making. According to them, gender inequalities may be cured by consciousness raising efforts and creating alternative institutions. The purpose of consciousness raising is to educate and persuade women to reject patriarchal myths about themselves that they have internalized and replace them with a sense of self-worth and power particularly regarding their own sexuality and which they can develop in accordance with female principles which are innate to women. In this way they can reject the male principles that have been imposed on them.

As explained above, the radical feminism strand is very useful to this study as its tenets inform my third assumption which is that police officers learn traditional techniques that prevent DV and

⁹ The Universal Declaration of Human Rights (UDHR) adopted in 1948.

¹⁰ Patriarchy is a social system in which men dominate, hold power, control and make all the rules and women stay home and take care of the children.

its escalation. Police officers have opted for a radical approach to the prevention of DV/GBV in different communities.

3.3 Methodological Approaches

A number of methodologies were used when carrying out this study. The research used these methodologies considering the nature of the topic and the type of respondents the study targeted for interview. For instance, since I wanted to hear views from the people who are responsible for providing the police officers with DV training, I used the actors and structures approach. The women's law approach was chosen since the area of study focused on women who are assisted the police when they report cases of DV. The following are some of the methodologies which guided the study.

3.3.1 The Women's Law Approach

In trying to understand what women survivors of DV's experience when trying to access justice at police stations, I needed to develop an appropriate research framework. One of the most useful I found was the women's law approach which is a female centered legal discipline that takes women's actual lived realities, experiences and life situations based on sexuality, birth care and domestic work as a point of departure for analyzing the position of women in society and in the law (Bentzon et al., 1998). This approach helped me to realize the importance of the actual people who are affected by some of the police officers' lack of training on GBV/DV. The women's law approach also enabled me to ask women's questions in conducting the research particularly in examining the adequacy of the police's training on DV. The women's questions enabled me to uncover some of the challenges that women face in trying to access justice in the Malawi's criminal justice system.

This methodology was chosen specifically because of its interactive process in which theory, data and lived realities about perceptions and norms are continuously engaged with each other (Bentzon et al., 1998). This assisted me to decide the type of data to collect and how to interpret it. When conducting this study a number of women men were interviewed. Apart from asking questions the police officers about the training they received in order to measure its adequacy, I also focused on enquiring from women about their experience at the police VSU and how the

police officers assisted them. Without the women's law approach, such important experiential data would not have been collected.

3.3.2 The Dung Beetle Approach

I also utilized the dung beetle approach when conducting this research. This is a grounded research process in which the researcher collects data, sifts and analyzes it, considers the implications of the findings, determines what to collect next to meet his needs and continues the collection and analysis cycle (Bentzon et al., 1998). During every day of the research I made time to analyze the data that I had collected. The dung beetle approach was very useful because it helped me to identify some of the gaps in the data collected and enabled me to collect relevant data the next day. The approach also assisted and directed me to interview other people and organizations who were not initially included in my list of respondents.

For instance, since my research was evaluating the effectiveness of police training on DV, I did not include the magistrates on the list of my respondents because I thought I would only need to interview police officers, NGO representatives and women. However, when I first went to the police they told me that DV survivors were withdrawing most of their complainants against their assailants. The police said they could not authorize this since all DV cases which were criminal in nature had to be referred by them to the courts which had the sole authority to authorize such withdrawals. Therefore, I had to confirm this information with a magistrate who became one of my respondents.

This approach also helped me to engage with the local practices and procedures when dealing with cases of DV. My fourth assumption was that police officers are taught the legal procedures that are to be followed in the prosecution of offenders and the protection of victims. From this assumption, I wanted to see if the police are taught the procedures on how to take DV cases to court and how to prosecute them. However, when I investigated the matter with the police and the courts I concluded that the police do not follow the procedures they learn, as a result of which most DV cases end at the police station and do not reach the courts.

3.3.3 Actors and Structures Approach

When women experience DV, they encounter different actors in different structures both formal and informal. Survivors of DV encounter VSU police officers as actors and the police VSU as the structure (Supply, 2018). In addition, there are other people, which the victims of DV meet in the social strata within their community when they experience DV. For instance, the chiefs and their courts represent the informal actors and structures.

Bentzon, et al. (1998) say that the actors and structures approach assumes that social and legal change takes place through the interaction between human beings as individuals or groups and not through the seemingly abstract medium of the law. They indicate that by focusing on women and their relationships with men, other women and the community at large (not forgetting institutions) norms, expectations social and economic forces which influence problem solving and dispute resolution are uncovered.

This approach helped me to understand that actors such as the police in the criminal justice system are influenced not only by the law when assisting survivors of DV but also other forces, e.g., practices, family issues, customs, and how they affect victims at the end.

The approach also involves following up on issues with the people who make decisions at various levels. It also required me to interview all the actors within the relevant structures concerned with the handling of DV cases, e.g., the police, the court, human rights organizations, etc. This helped me to compare how victims of DV are treated by different branches within the police and other structures outside the police and conclude if the training they received is adequate or not. Without adopting this approach, I would have omitted other important actors.

3.3.4 The Human Rights Approach

To contest the social injustices related to access to justice by women victims of DV I used the human rights approach. This approach involves interrogating human rights aspects that are being affected by the police's lack of training on DV. DV is a form of discrimination as stated by CEDAW GR No.35 which expands CEDAW GR No.19 (UN, 2017). Physical violence damages women's enjoyment of human rights and fundamental freedoms under human rights conventions.

Because women are not properly assisted as a result of police officers' lack of training, women's rights continue to be violated by perpetrators who are supposed to be arrested. DV affects a number of women's rights including the right to life, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, the right to equal protection before the law as well as the right to equality in the family as provided by the Constitution of Malawi. The human rights approach was used to assess whether, through its practices, Malawi is fulfilling its international obligations under various binding and persuasive treaties and conventions in accordance with CEDAW GR No.19 updated by GR No.35 (paragraphs 23 and 38; CEDAW GR No. 35, 2017).

3.4 Data Collection Methods

The type of the research defines the type of data collection methods used as well as tools to be utilized. This study used the qualitative research approach that allowed me to have access to women's experiences, views, feelings or attitudes regarding DV and the response of the police (Brink, 2006). Men's views were also obtained in order to keep the research balanced.

A number of methods were used when collecting the data for this research. These methods were linked with the methodologies discussed above. My professional background as a police officer helped me to easily penetrate into the police system and get the information I needed regarding how the police system operates. Other respondents especially police officers agreed to be interviewed because I am a police officer. Also, as a police officer, I was already aware of the functions of the different branches of the police and the role they play in handling DV cases. Sometimes during the research process respondents I interviewed mentioned and recommended that I interview certain other respondents which I subsequently did. Table 2 gives details of the key respondents involved in the research.

Table 2: Showing details of key respondents

CATEGORY	MALE	FEMALE	TOTAL
Victims of DV	5	17	22
Police Officers	9	25	34
NGOs/CSOs	3	4	7
Ministry of Gender	2		2
Law Commission	1		1
Magistrates	2	1	3
TOTAL	22	47	69

The Malawi Police Service’s Training Department was selected because it directs all the training institutions within the police service, monitors the training of recruits and schedules in-service training. Instructors in the VSU were also selected because they are the first targets when it comes to gender/DV training. Other branches represented in the study were the Criminal Investigations Department, the Prosecution Department and some officers who serve members of the public at the police reception desk.

3.4.1 Individual in-depth interviews

This method involved going out to interview individuals whom I had chosen to collect data. This method was used mostly with victims of DV. To meet survivors of DV who were assisted by the police I would visit the police station, especially its VSU branch, and wait for members of the

public to attend the police to report their matters. Therefore, I met women DV survivors soon after they came out the VSU office. Sometimes I went to court to meet survivors who had originally reported their case to the police and were now receiving assistance from the court which was now hearing their matter. This method ensured the privacy of the survivors as some of their cases were sensitive. Since this method made the survivors feel comfortable, I was able to collect more information from them because they felt free to talk about their personal matters in private.

Individual interviews were also used when meeting with important people, for instance, magistrates and high ranking police officers because it would have been difficult to have a focus group discussion with them considering the great respect society accords them.

3.4.2 Focus group discussions (FGDs)

A focus group discussion (FGD) is defined as a qualitative research and data collection technique in which a selected group of people discuss a selected topic or issue in-depth. The facilitators are usually professionals or external moderators (Eeuwijk & Angehrn, 2017). This method of collecting data helps to solicit the attitudes and perceptions, experiences and knowledge and practices of the participants shared in the course of interaction with different people. The method is based on the supposition that a group processes activated during an FGD help to identify and clarify shared knowledge among groups and communities, which would otherwise be difficult to obtain with a series of individual interviews (Eeuwijk & Angehrn, 2017).

In this research, focus group discussions were used especially with VSU police officers. I had two FGDs with police officers at Lilongwe police station, one with officers at Limbe Police station, one at Mzuzu police station and one at Zomba police station. I also had a FGD with community women who were receiving SASA training on DV from a police officer in Dowa, Central Malawi (Figure 1).

Figure 1: Photograph taken after a focus group discussion with respondents in Dowa



This method allowed me to take into consideration and use data contributed by a participant(s) who was/were not interviewed. The method also brought in diversity and it allowed me to capture different perceptions of the topic. The only challenge I encountered was that joining participants had little understanding of the research objectives hence they would sometimes raise irrelevant issues. Participants were randomly sampled but the majority of them were women.

3.4.3 Observation

During the research, I also used observation to collect data. This method worked because I am a police officer. For example, I found that when I arrived at a police station and introduced myself to the officers they would take me into the section where and during which women DV survivors were being interviewed or counseled. As a result, I discovered that there are many disruptions by police officers from other departments while women DV survivors are being attended to and that such behaviour violates the victim's right to privacy and confidentiality as provided by the VSU Guidelines. I then realized that either the police officers lacked training, or if they had been trained, they had forgotten some of the key principles of respect and confidentiality towards women DV survivors.

3.4.4 Desk Research/Written Sources

This method involved extensive reading of written sources both published and unpublished. I read books, human rights instruments, and research reports from the police and other non-governmental organizations which support the police with gender training. This method helped me to understand what other scholars have covered relating to police officers' training on DV. The method also helped me to understand the position of the law and to identify gaps in such literature that informed my point of departure.

3.5 Sampling Methods

The research was qualitative in nature. According to Kothari (2004) and Kumar (2012), the most common aspect of qualitative research is that it is designed to gain in-depth knowledge about the issue being researched. To achieve the objectives of this research I used a number of sampling techniques in order to select different participants in this research:

3.5.1 Purposive Sampling

Purposive sampling is a strategy in which particular settings persons or events are selected deliberately in order to provide important information that cannot be obtained from other choices (Maxwell, 1996). I used this technique to select the staff at Malawi Police Service's Training Department as they provided me with information regarding the police service and the provision of training on DV during basic recruit training and in-service training. Police officers at the VSU were also purposively sampled because they are a special unit which handles DV cases hence they are the main targets of the training. Trainers in police training schools and college were also sampled purposively because they are responsible for delivering training to all police recruits as well as in-service officers.

3.5.2 Convenient and Random Sampling

Convenience sampling is selecting participants because they are often readily and easily available (Ackoff, 1953). Women who have ever experienced family violence were selected using this sampling technique because they provided me with information regarding their DV experience and how they were assisted by the police. This sampling technique helped to overcome many limitations associated with research. For example, I found it easy to locate victims of DV at police

stations or court where their DV cases being handled. I also selected the friends and families of women DV survivors as part of this sample as it was easier than having to target unknown individuals.

Simple random sampling was also used since it ensured that the selection of such individuals within the population had an equal probability of inclusion. This sampling technique was used specifically for selecting respondents for the focus group discussions.

3.6 Data Collection Tool

Interview guides for different respondents at all levels were developed and used accordingly (Appendix 2). The guide consisted of the questions that helped to yield as much important information as possible about the study. The guide was also developed focusing on the aims and objective of the study. It consisted of open-ended questions which I was familiar with to make the interview feel more like a casual conversation and less like an interrogation. This allowed participants to feel and respond comfortably.

3.7 Research Ethical Consideration

Conducting research on DV has its own special challenges considering the shock and humiliation that is/was experienced by women DV victims. The Police is a unique state institution which does not release information about the training their officers receive. The Collins dictionary defines ethical as conduct being in accordance with the principles of correctness especially among those of a given profession or group (Collins Dictionary, 1979). Principles of respect, beneficence, non-malevolence and justice are essential principles underlying the protection of human subjects in research (Thomas, 1992 and Polit & Beck, 2006). These ethical research principles were adhered to throughout the research process in order to protect its participants, especially women at all levels.

To ensure that this research is in line with the ethical requirements of the research, the following procedures were followed:

Firstly, respondents were informed about the research and explained to them that their participation was on a voluntary basis and they were free to withdraw at any point during the course of the interview. This allowed participants to make informed decisions on whether to participate or not. Participants' confidentiality was maintained at all levels, by clarifying to them that the research is for academic purposes and that only my supervisor and I would have access to the information. The participants were notified that the data collected would be destroyed after the dissertation had been completed and approved.

This process instilled assurance and secured frankness on the part of the participants to freely contribute knowing that the information they would give would not be used to harm them. Anonymity was maintained by using pseudonyms for participants as a technique to protect their identity. All the participants were invited to participate and asked to sign a consent form or give their verbal consent (Creswell, 2014; Kumar, 2012; Kothari, 2004). Lastly, any information that was not related to this research was not recorded.

3.8 Data Analysis

When conducting qualitative research, data analysis is a continuing part of the process. The researcher continuously reviews, compares, conceptualizes and classifies emerging patterns from the data (Glaser, 1967; Creswell, 2014; Marshall & Rossman, 1999). Engaging in endless comparative analysis helped me to regularly review collected data and verify the selected themes with my supervisor. This helped me to draw meaningful explanations about the research topic based on the data collected.

3.9 Limitation of the study

Like all research, this piece of research faced a number of limitations some of which I tried to overcome. Since the research concerned the police and DV, my key respondents were members of the MPS. Sometimes I was unable to meet with some of my key respondent police officers in Lilongwe and Zomba because they were summoned to attend to on-going post-election demonstrations. NGOs offices were not also not open on the days scheduled for demonstrations because they were violent and shops and officers were being looted and vandalized. Such problems delayed the research. To deal with this problem, I simply planned to meet my key

respondents on days when no demonstrations were planned. The other problem during the research was that other people were not in the office but also they were reluctant to meet them. Instead of having face-to-face interviews with them, they requested me to send them the interview guides so that they could answer my questions in writing. Sometimes, however, they not answer all the questions. This reduced the quality of the data.

3.10 Conclusion

The women's law approach or methodology was very useful in the collection of data for this research. By linking it with other methodologies and methods it helped to validate the collected data. In my discussion of these methodologies and methods, the chapter has shown in detail how data was collected using the research tools which guided me in asking the respondents relevant questions about police training on DV. The chapter also revealed some of the challenges that I encountered during the field research. I tried to find alternatives to overcome such problems until I finally obtained the information I wanted.

The next chapter will present the findings of the research as to whether the Malawi Police Training on DV is adequate or not.

CHAPTER FOUR

4.0 MALAWI POLICE OFFICERS' TRAINING ON DV AND ITS IMPLEMENTATION

4.1 Introduction

This chapter presents the findings of the interviews with police officers, representatives of organizations that provide training to police officers and women DV survivors.

4.2 International Norms and Standards

This variable includes police officers being trained on international human rights instruments that specifically address women's and children's rights. The variable also includes police officers having to learn about local gender related laws operating in the country.

Police officers should be aware and understand the rights of all people in society. The reason behind this requirement is that police officers should be able to understand, respect and protect the human rights of all persons they come into contact with or those who they place or are placed under their control in police custody or care. More importantly, police officers should be trained on the international instruments and local gender related laws that specifically address women's rights so that officers are able to recognize the rights of women and children when addressing cases of DV.

Related to this variable, my working assumption was that police officers are taught gender related laws and international treaties that speak against DV. This assumption was confirmed during the study. The majority of the participants in all the five police stations visited acknowledged that they learned about the international human rights as well as the Malawi gender related laws connected with DV. Most of the officers interviewed acknowledged that they had attended many training sessions on gender-based violence including DV but most of them had forgotten their training since they had attended so long ago. One police officer from Lilongwe Police Station said:

‘Since the establishment of the community-policing branch in 2001, many training has been conducted. I attended many training when I was attached to the Victim Support Unit desk and I cannot remember some of the training because it is a long time ago but I attended many training in the early years of the establishment of the VSU. I attended most of the training between 2006 and 2017. The last training I attended was in 2017’ (Voice of a police officer at the VSU).

They also explained that it is not only the police but also other different organizations who conduct such training and that this is one of the reasons why they forget such training.

4.2.1 Gender-Related Laws

During the interviews I wanted to find out whether the police officers are taught about the Malawi’s gender-related laws. All the officers responded in the affirmative. They received training from the police and other non-governmental organizations including the Irish rule of law, UNICEF and the Malawi Law Commission. The local gender-related laws that the police officers learn about include the Gender Equality Act, the PDVA, the Trafficking in Persons Act, the Child Care, Justice and Protection Act, the Decease Estates, Wills and Inheritance Act as well as the HIV Management Act. The police’s department of training confirmed that officers are trained on these gender related laws. However, according to the training department, organizations that come to train police officers on these laws first inform the police service’s training department. The police may add what they perceive to be relevant to the work of the police officers who are being trained.

The organization facilitating the training brings their own expert/s to train the police officers. When the police service facilitates a training course, its Training officer chooses law experts within the police. However, if the police service does not have any qualified persons in the area, the training officer hires experts from other organizations to train the police officers. According to one officer from the training department, the idea of hiring law experts from outside the police force is very helpful in making sure that police officers are updated about newly enacted laws. Although it is costly it is worth it as the police do not regularly provide such training itself. The police relies on charity from such organizations to train these officers or to fund the police to conduct such training.

4.2.2 International Human rights instruments

Police officers responded that during the GBV and DV training they learn about international human rights conventions that specifically address the women's rights. During the group discussions conducted at Lilongwe and Limbe police stations, some police officers initially denied having ever been taught about human rights instruments on women's rights. Later, however, during the discussions and debates between themselves they reminded each other that they had indeed received such teaching.

During the interviews, most of VSU police officers said that the international human rights instruments they learnt most about were CEDAW and the CRC. The training on the international human rights instruments is always facilitated or funded by UNICEF, United Nations Women and the Malawi Human Resources Centre. These organizations provide training to police officers to ensure that the VSUs provide the public with quality service through their officers who are trained to observe these international standards when carrying out their duties. Initially UNICEF was only interested with issues concerning children and worked hand in hand with the Child Protection Desk. It later started supporting the VSU with training in 2008 because it was realized that children were not safe in the hand of abusive parents:

‘As UNICEF we believe that for a child to be protected, the mother has to be protected first’ (Voice of UNICEF project Manager).

Investigators who attended the CID/GBV training responded that UNICEF funded the training they attended. The facilitators were from both the Police and UNICEF. They said that they learned about a number of international human rights instruments, e.g., the Declaration on the Elimination of Violence against Women, the International Covenant on Civil and Political Rights and Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the Convention on the Rights of the Child, the Convention on the Political Rights of Women, the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The UNICEF curriculum for training police officers was examined and it confirmed that police officers receive this training.

Such training is very important to police officers because policing based on respect for human/women's rights is the foundation on which the legitimacy and efficiency of the police is based. If police officers respect and uphold the rights and freedom of citizens, the public will trust and respect them enough to report crimes including DV.

4.3 Factors Contributing to DV

Factors contributing to DV include police officers' lack of knowledge concerning the possible causes of violence against women, including DV. Police officers should learn the causes of DV to enable them to recognize cases of DV when they are reported so that they can then treat them with the urgency they deserve. If police officers know these causes they will respond to reports of DV positively, realizing just how seriously DV affects the lives of women and children. In addition, knowing the causes of DV will also help police officers to prevent DV from occurring in their own homes.

The working assumption on this variable was that the training of police officers in DV teaches them about the causes of DV and how they affect women's and children's lives.

This study intended to find out if the police training on DV includes the discussion of some of the factors that underlie DV. The study also intended to find out some of the reasons why most of the women victims might be reluctant to cooperate with the police, especially reporting.

All participants agreed that the training they attended included discussion concerning some of the possible causes of DV. The training also explained how DV affects women's and children's lives. The officers also agreed that non-governmental organizations and civil society organizations are the ones that provide for the training on the factors that contribute to DV. One officer from Mzuzu Police Station said:

'I learned what DV is during the first training that I attended in 2007. During the training, I also learned the causes of DV. There has been many training from 2007 to 2019 but I did not attend because I was giving my friends chance to attend. You know these training come rarely.'

According to all the officers from the five police formations where the research was carried out, they received the training from different organizations. Some of the organizations include United Nations Women, Tithesenkhanza Project, UNICEF, Action Aid, Universal Concern Emmanuel International, etc. At the training, they learned that some of the causes of DV are illiteracy among women, laws that sideline women, the idea that a family is a private domain and therefore beyond the control of the State, religious laws, women's dependence on men, unemployment among women, social acceptance that violence is a way of resolving disagreements within marriage, beliefs that men are superior to women and that they should control the family and many more.

The officers also were taught to be able to identify most causes of DV in their working jurisdictions and identify strategies on how to prevent such causes. The police officers from all five police stations researched indicated that the most common causes of DV were as follows.

4.3.1 Pregnancy

Participants from the police especially the VSU said they receive many cases from pregnant women. According to the participants, some of the cases include men leaving the home without telling their wives where they were going; men chasing women from their home empty-handed; men beating women and threatening to kill them if they did not leave the home.

I confirmed the above information with that which I obtained from 10 women DV survivors at two police stations. The victims were young women between the ages of 17 to 25. Four of them were between 5 and 8 months pregnant. The remainder had babies aged between one week and six months. The stories of all these women were similar in nature. Most of them were facing physical violence and a lack of support from their husbands. Two of the pregnant women said their husbands left the home and remarried because they were pregnant:

‘When my husband knew that I was pregnant, he started coming home late. When I asked, he could beat me. Sometimes he could let me sleep outside. Now he left the house, he left me with two kids and I am pregnant as you can see, I cannot afford to take care of the kids and myself because am not employed. So I have come here so that the police should call him and at least assist me financially’
(Voice of a pregnant woman).

The other women who had reported their cases to the police said that they had wanted the police to help them discuss the matter with their husbands. The police summoned their husbands to the station by way of a letter or telephone call. The problem with this system is that sometimes the men refuse to come to the police station and this may lead to more violence against the women because their husbands think that their wives want them to be arrested.

‘I reported my case last week. My husband left me when I was 8 months pregnant. The police called him to come here at the station today in the morning but he is not coming. My problem is that the baby has now born and I need financial assistance to support the baby’ (Voice of a young woman with a 1-month-old baby).

4.3.2 Domestic tension during the harvest season

Because of the training that the police officers receive, they managed to identify another common factor that causes DV which is tension between couples during the harvest season. At four of the five police stations, participants said that most of DV cases occur during the harvest season and this is because men always sell the proceeds from the household harvested crops without the consent/knowledge of the women who do most of the field work. When the women challenge or simply ask the men about their conduct they are attacked.

In the Southern and Eastern Region of Malawi they follow the matrilineal system of marriage and this involves the husband leaving his village and going to stay with his wife in her village. In these households, the women chase their men away as the harvest season approaches. One police officer explained the reason for this:

‘Women are always chasing their husbands if they see that the harvesting time is close. When the husband come to report here, you will find that the issues that lead to the chasing of the husband is very small. However, the main reason is that women want to enjoy the harvest themselves. Women are using men’ (Voice of a police officer, Eastern Region Police Headquarters).

4.3.3 Expectations of roles in the Family

A family is defined as a unit of the society comprising of the husband, wife and children. Each member of the family has their allocated roles and responsibilities. In the family, everyone assumes these roles. Traditionally Malawi men are supposed to be the providers of their families

providers and men believe that a good provider is the one who supports his family financially. The man of the family is also its leader, teacher and protector. The woman of the family is supposed to be the wife, mother and manage and perform the household duties.

It is unfortunate that even now there are some men who do not want their wives to secure paid work outside the home. They always want their wives to be submissive to them. Their wives' failure to perform these expected responsibilities has become one of the major causes of DV as explained by the participants at five police stations. Many men in Malawi want to leave their wives at home in the morning and find them there in the evening. For instance, the case of Victim D is an extreme example:

D was a housewife who was married to a Principal Secretary of one of the Ministries in Lilongwe city. D was at first facing financial abuse by her husband and decided to go back to school. When she finished secondary school, she was selected to go to a local college in Lilongwe and her husband did not like this idea and told her to stop her education. When she insisted, her husband started abusing her physically by beating her. Later after sometime, he broke her legs. Although she went to the hospital, she only recovered 70% and became disabled.

The training helps the police to understand these situations and enables them to handle DV cases with care. According to the officers, they handle DV cases with sensitivity because they know DV prevents women from enjoying their rights as provided by the Constitution of Malawi and the various relevant international human rights instruments.

4.4 Preventive Approaches

In this context, preventive approaches include anything police officers are supposed to do to prevent the occurrence of DV. Instead of waiting for violence to occur, proactive techniques should be implemented by the police to reduce the likelihood of violent behaviour and promote positive behavior choices within their jurisdictions.

I was interested in finding out whether police officers are trained to identify traditional techniques that can help to reduce or prevent DV and its escalation. I also wanted to know what initiatives they have come up with to implement such techniques.

The working assumption concerning this variable was that police officers learn traditional techniques that prevent the occurrence of DV and its escalation. Police officers should be trained on how they can prevent the occurrence of DV. This will help to reduce the number of cases.

Participants from all the five police stations acknowledged that the training they attended taught them some of the techniques that police officers should be using to prevent DV and its escalation. All officers agreed that they were trained by non-governmental organizations, e.g., the *Tithesenkhanza* Project, the Malawi Girl Guides, Universal Concern and other organizations. According to them, the training taught police officers to conduct various campaigns in their jurisdictions including community mobilization and outreach programs. The police are taught to follow police policy that directs them always to respond to any alleged act of violence towards women and to make arrests where the evidence permits.

4.4.1 Awareness Campaigns

Other training on DV shows police officers how to conduct DV awareness campaigns and what to communicate to their audience. Police officers from all the five police stations said that they implement what they learn in their training by conducting such campaigns in their jurisdiction areas as part of their community policing duties (Figure 2).

An awareness campaign is defined as a continuous effort to educate individuals and increase public knowledge about an organization's cause or issue (Feldman, 2017). In this case, the police provide awareness campaigns about the establishment of the Victim Support Unit and how the structure assists victims of violence. According to the officers the campaigns also include educating the community about the prevalence of gender-based violence including DV and how violence affects the lives of women, girls and children. They also educate people about traffic offenses and encourage the community to report cases of violence and others to police. They also discourage communities from taking the law into their own hands and carrying out mob justice against offenders.

Figure 2: Photograph of police officers conducting an awareness campaign at Ntchewu



Within their jurisdictions, the police have established community forums with which they work hand in hand. A community forum is a group of volunteer community based members who assist the police to police their areas. The community police forums were established under section 120 of the Malawi Police Act, 2009. The section stipulates that the Officer-in-Charge of a police station, subject to the direction of the Inspector General of Police, may, in liaison with community leaders, establish a community police forum for the area of his police district. The forum so created shall be broadly representative of the local community. It further provides that a police forum may establish its own sub-forums (Malawi Police Service, n.d.).

These community forums perform a number of duties in their communities as provided in the Malawi Police Act¹¹ and they include collecting and reporting information on crime in the local area; organizing neighborhood watch groups at the local level; reporting on common crimes affecting the local community so that the police can re-direct their resources as required; encouraging ordinary citizens to report the suspicious behavior of individuals; ensuring regular visible police patrols in the area and ensuring that the local police communicates to the people of the local community on activities by the police on crime prevention in the area (Figure 3).

¹¹ Section 122 of the Malawi Police Act, No.12 of 2010.

Figure 3: Photograph of the members of the Community Forum at Mangochi



The police rely on these community forums to trace perpetrators of DV. The police train these forums before working with them. One of the functions of VSU officers is to provide victims with referral services. So when victims come to report cases to the police, they give them a referral letter calling on the alleged perpetrator to attend the police station. The survivors are advised to deliver the letter to the community forum chairperson who in turn delivers it to the alleged perpetrator. According to the police, this system prevents the victimization of survivors.

Therefore, the community forums are performing an important role in the prevention of DV. The awareness campaigns are also conducted in order to inform the community members about these existing community forums. Officers also said that DV cases are first reported to these forums. If the case is criminal in nature, they refer it to the police station.

4.4.2 Community Mobilization

During DV training, officers said they are trained how to conduct community mobilization. Community mobilization is a capacity building process in which community individuals, groups or organizations plan, carry out and assess activities on a participatory and sustained basis to prevent violence against women (National LGBT Portal, 2019). Mobilization increases the participatory decision-making process by bringing different stakeholders to the table. It brings to

the table people who may not normally be involved in the decision making process. Mobilization also fosters strong relationships between local government and community members.

Mobilization reinforces and improves the capability of communities to work together to attain goals that are important for that community. Community mobilization is a process that needs time and commitment from all parties involved. The key to successful mobilization efforts is making sure that communities are in the driver's seat during the process. Mobilization is not something that happens to a community; it is something that the community actively conducts. One of the primary goals of mobilization is to make sure mobilization efforts are community driven. This allows the community to solve its own problems through its own efforts, which is the key to having sustained outcomes within a community (National LGBT Portal, 2019).

The police in collaboration with other organizations (e.g., the *Tithesenkhanza* project, UN Women) conduct community mobilization programs which aim at shifting social norms towards proper GBV (including DV) response, behavioral change and the use of a survival centered approach towards GBV (including DV) in order to prevent DV and its escalation. During these community mobilization programs, the police and facilitators from other organizations use the SASA approach.

4.4.2.1 SASA approach

Sasa is a Swahili word, which means 'now'. It is also an acronym for: S – start, A – awareness, S – support and A – action. It is a community mobilization initiative which provides training for community leaders and formal sector duty bearers such as personnel from the courts, police, health sector and social welfare. SASA encourages communities to start taking action against violence in their communities including DV against women. At community level, SASA training involves training members of the informal sector specifically its duty bearers, e.g., faith leaders, chiefs, chief's spouses and members of women's forums. Initially the training only targeted the chiefs but the problem was that when a DV survivor sought the assistance of a chief she was often told to wait until he was available. Then the training was aimed at the wives of chiefs who are always at home and therefore available to help DV survivors. Choosing chiefs' spouses was a deliberate move because they are respected women in their communities as well as gatekeepers of

Malawian culture. During the training, these women are taught which harmful cultural practices contribute to DV. They are then told to convince their communities to reject and eradicate them. They are also told to take immediate action if they suspect any cases of DV. One police officer said:

‘We chose deliberately the chiefs spouses to help use eradicate harmful cultural practices because they are the gatekeepers of such cultures. In addition, in some communities, many girls are facing sexual violence perpetrated by their stepfathers but their mothers fail to report to police because they are afraid. However women share stories, and we want these chiefs’ spouses to be taking action if they hear such cases.’

Female police officers and other female facilitators from other organizations carry out SASA training. When conducting the training these women police officers remove their uniforms so that they blend in with members of their community who are encouraged not see them as police officers. The reason for this is to create a comfortable environment for the women in which they feel free to share their experiences in the community. As a result, the women reveal some of the harmful cultural practices that are secretly followed in their communities but are banned by the laws of Malawi, e.g., *fisi* (the puberty initiation practice of hyena). The police officers then teach these women how harmful these practices are and the women promise to convince the chiefs to stop practising them (Figure 4).

Figure 4: Photograph of SASA training in progress in Dowa



The training also targets women's forums. There are community based women's groups focused on the interests and concerns of women. These women are also respected members of their communities. These women are trained on how to assist women and girls who experience DV in their homes. These women sometimes escort DV survivors to the police and make follow up investigations of the cases until they are completed. Faith leaders are also targeted by such training. Police officers realized that DV in the communities is also caused by church beliefs. They train them the importance of making their sermons gender sensitive.

4.4.3 Outreach programs

All the participating officers said that the training they attended taught them how to conduct outreach campaigns as a way of preventing DV. Outreach campaigns involve police officers going to those places where many men and women, boys and girls may be found so that they can to them about violence against women including DV. They decided to come up with these programs because when the police called the people to their awareness campaign only the women and girls attended and most of the men and boys failed to respond.

Figure 5: Photograph of police officers and school girls in a school outreach programme



This program therefore involves going to schools (Figure 5), hospitals, bars (especially during football matches) and other public places where men gather. There, they teach men about the wrongfulness of DV and how it affect the lives of women and children. They are also encouraged

to report any DV violence they may face to the police. In the school outreach programs, police officers conduct sessions with young girls on violence against women including DV. They encourage them to report cases of sexual and DV to the police; they also teach them self-defence in case they are threatened by an assailant.

4.5 Roles of the Police in responding to DV

This variable includes police officers knowing what to do when they receive cases of DV and other cases of violence against women. Police officers are supposed to learn and understand their duty in responding to cases of violence against women including DV. Police officers are supposed to arrest perpetrators of DV where the evidence permits, assist women victims through the criminal justice system, protect survivors prior to and during the trial of the perpetrator, respond to cases without bias, as well as ensuring the privacy and confidentiality of the survivors.

The working assumption on this variable was that the training teaches police officers their duty when responding to DV.

At all the five police stations the participants responded by saying that they attended training in which the roles of police officers in responding to DV were covered. Police officers said the training taught them to provide good customer care to the victims, listen to the survivors' stories, make arrests if the evidence so required and gather evidence. Police officers also learned what is considered professional police conduct according to their guidelines when discharging their duty. Some of the elements that the training covered are summarized in the following sub-paragraphs.

4.5.1 Customer care

The police officers learned to handle victims with care based on the correct assumption that that victims of crime who approach the police are confident that the police will assist them. It is their duty to make sure that survivors of DV feel comfortable at the station in order to enable them to share their experience which will in turn enable the police to provide them with the best possible assistance. All the participants said that at the training they were told to greet survivors with respect, to talk to them in a pleasant manner, to ask them questions politely, and to pay attention

to the client when they are reporting to the officers. Police officers are also encouraged to protect the privacy and confidentiality of the survivors.

4.5.2 Police Conduct

Police officers at the training also learn to follow the code of conduct when handling different cases including DV cases. The purpose of teaching them the code of conduct is to make sure that police officers act in accordance with the principles of human rights, including respect for all people, acting at all times in accordance with the law and promoting the rights of all persons, including those who violate the law and vulnerable persons such as children, juveniles and women who experience violence.

Before 2009, police did not put much effort into training its officers to follow the code of conduct when handling cases regarding women who experienced DV. However, police included and created handbooks after a police officer at Limbe police station was arrested for raping a victim.¹²

4.5.3 Guidelines and policies

The police training on DV taught police officers police agency and guiding policies in responding to DV. Policies give direction and state an agency's belief in good practices. The policies guide police officers to do the following when they receive a DV complaint: separate the parties to ensure the safety of the victim and children; assist survivors to get medical attention; take notes when hearing a woman survivor's story and conduct interviews with the witnesses and the victim.

4.5.4 Investigations

The training that participants attended also taught them how to investigate DV cases accurately. The skills learned in the training help them to collect solid and sufficient evidence. Therefore they rely on investigation skills and techniques to gather information from each party involved.

¹² The victim was a girl who came to police with her mother to complain that her step-father had raped her earlier that day. When they reported the rape to the police, a male police officer assisted them. Later the officer told the girl's mother to go home and leave her at the station to receive medical attention. Then the police officer took the girl to a nearby lodge where he had sexual intercourse with her. The girl went back home and reported the matter to her mother who later lodged a complaint against the police officer as the result of which he was charged and imprisoned.

Police with funding from the UNICEF have introduced an eight weeks' in-service training course for special detectives to investigate cases of gender based violence (GBV) including DV. The main aim of the training is to create a safe environment for victims at the police station and this should be created primarily and ideally by the staff of the VSU. These detectives are attached to the VSUs so that when victims report DV cases, the VSU officer opens a file/docket and refers it to the GBV detective to investigate the case which is ultimately handed over a GBV prosecutor. This process will help to reduce the re-victimisation of women victims at the police station.

Some of the skills learned at the training include how to interview women and children victims, collect sexual violence/rape evidence, provide medical assistance/victim examination, document or record evidence (e.g., take notes, photographs), write reports and briefs for the court prosecutor and present evidence at trial. The police provide this training.

4.5.5 Protection of victims

Police office offices at the training are also taught the importance of protecting the victim from the assailant. This is so because women who are victims of DV often face ongoing threats, intimidation, violence, and so require protective measures from the criminal justice system to help enhance their personal safety and that of their children.

Police stations are supposed to have safe places for victims who face such threats and intimidation. During the research, I found that only Lilongwe police station has a safe shelter for victims. The shelter had beds, bedding, and a fully-equipped kitchen. UNICEF paid MK60,000 as seed money to help sustain the safe homes. Different stations started different businesses in order to maintain and improve these shelters. As time passed by these efforts failed, the money ran out and the shelters ceased to operate. Now the police depend on other stakeholders to offer protection to victims and witnesses of violence, e.g., YONECO. The only way police are able to provide any protection to victims of DV is by assisting them in applying for a Protection Order under the PDVA for which they need to pay MK15,000 (US\$20) and which most victims cannot afford. Therefore, the police fail to protect women survivors of DV because of a lack of resources.

4.6 Procedural Law

This variable involves police officers having knowledge of the model approaches and strategies for the prosecution of perpetrators of DV.

Police officers should know what to do next when victims report cases of DV to them. Police officers are supposed to arrest the perpetrators and take them through the criminal justice system. The more offenders are arrested by the police and successfully prosecuted by the courts, the more women DV survivors will trust the criminal justice system and report DV cases to the police.

The working assumption of this variable was that police officers are taught the legal procedures to be followed in the prosecution of offenders and the protection of victims.

The response of the participants was mixed. Some participants said they had learned legal procedures on how to deal with DV cases while other officers were not sure as it was so long since they had received their training. Only the co-ordinator at Zomba Police Station had attended any such training.

Participants who had responded that they had not attend any training on the procedural law were asked if they had learned about the Criminal Procedure and Evidence Code (Cap. 8:01) (CPEC) during their basic recruitment training. All of them acknowledged that they had. From this response, I was confident that every police officer knows what to do when a DV case is reported to them because the training is the same. The conclusion drawn from these responses is that at some point in time all the police officers were trained on the legal procedure to be followed when responding to cases including DV.

Participants who acknowledged that they learned procedural law during the in-service training on DV said the training included making arrests when the evidence so permits, referring cases to court as provided in the PDVA and making sure the perpetrators are prosecuted. At the training, police officers were also told to speed up cases of DV in order to reduce the unnecessary withdrawal of complaints by women DV survivors.

However, police officers said that the police do not arrest perpetrators most of the time. Instead, when the survivor reports about an abusive husband, they give her a referral letter calling the husband to the police station. Sometimes police officers fail to arrest perpetrators because of a lack of resources, e.g., vehicles for transport.

On the issue of referring cases to court, all the participants agreed that it is difficult to refer cases to court because when they arrest a husband, his wife (complainant) returns to the police after a few days to withdraw the case. If the police insist on proceeding with the case in court, such women become hostile witnesses and refuse to give evidence in court endangering the successful prosecution of the perpetrator/accused. As a result, when police officers arrest a perpetrator of DV, they open a file but do not register it in the criminal registry. They wait to see if the survivor is serious about proceed with the case. Police officer also said that they withdraw cases based on article 3 of the Convention on the Rights of Children (CRC).¹³ The article stipulates that all actions concerning a child shall take full account of his or her best interests. The State shall provide the child with adequate care when parents or others charged with parental responsibility fail to do so. So officers make sure that the action they are taking is in the best interest of the children of the victim and the perpetrator. However, the cases end up being withdrawn because the perpetrator is the breadwinner.

To overcome this problem, police officers were told to speed up the investigation of DV cases and refer them to court in order to avoid unnecessary withdrawals. The courts also confirmed that police officers do not refer these cases. It is the survivors who bring them to court themselves after failing to receive the required assistance from the police.

‘Police officers have found an advantage of the VSU; they have created their own court within the police where they judge DV cases. As a result they do not file cases to court. Women feel assisted for only few days and after sometime they bring the cases to court themselves’ (Voice of one of the magistrates).

The magistrates also complained about the withdrawal of cases by women survivors of DV. According to the magistrates, women withdraw their cases because their husband is the family’s

¹³ Malawi ratified the CRC on 2 January 1991.

breadwinner; which means that if they (their husbands) are arrested, they (their wives and children) will suffer. All the magistrates said that they allowed women to withdraw their cases against their husbands because if they insist on proceeding against them, their wives then simply choose not to give evidence against them in the court trial. The magistrates allow the withdrawal of such cases despite the provision of section 40 of the PDVA (which prohibits the withdrawing of such cases¹⁴). However, the magistrates said that in court proceedings, they follow the Penal Code and CPEC. They also said that DV are civil cases in which it is ‘the Complainant versus the Perpetrator’ and therefore the complainant has the right to withdraw the case. They also said that sections 247 to 249 of the CPEC provide the procedures for the withdrawing of cases.

4.7 Inter-Agency collaboration

This variable involves police officers having knowledge on the need to work with other organizations when addressing cases of DV in order to meet the needs of women and children survivors of violence including sharing information.

The working assumption was that police officers are trained to work hand in hand with other stakeholders in addressing issues of DV.

All the respondents acknowledged that they received training on how to work with other organizations when addressing cases of DV. The participants also responded that the training taught them to be able to identify such organizations in their working areas and share information with them regarding DV. Through the training, VSU police officers came across other organizations which they work with including the courts, social welfare, YONECO, Malawi Girl Guides, the Chinansi Foundation and others.

Apart from the courts, the other organizations assist the police in providing shelters for the survivors of DV because most of the police stations have no shelters. The organizations also provide training for the police and magistrates and during such training they share information.

¹⁴ Direct oral evidence recorded from the victim recorded by the police is permissible before the court if the complainant refuses to be sworn in as a witness or gives oral evidence contradictory to the one recorded by the police.

Even though the police work hand in hand with these organizations, officers said women are still not adequately assisted because there is no coordination between the stakeholders and the police. Some of these organizations are not available in times of need. At all the police stations, officers raised concerns about the social welfare department. They said the job that was supposed to be done by the social welfare come to police stations because social welfare officers are always not available in office.

To ensure coordination between the police and other stakeholders in addressing violence against women including DV, the government of Malawi established One Stop Centres. This is a multi-sectoral department found in the district hospitals of Malawi which assists survivors of gender-based violence including DV. Initially, the One Stop Center was designed to assist survivors of sexual violence only. However, it later started accommodating victims of physical DV. The package of essential services needed to address cases of violence against women is found at the One Stop Center. These include psychosocial support, legal assistance, health and police services. At the Center, well-trained police officers, health workers, counsellors and lawyers are found. They all help to reduce the re-victimization of a survivor which occurs when she has to narrate her ordeal more than once to the various service providers from which she seeks assistance. One serious challenge is that people from the rural areas are not able to access such Centres easily because they are only located in urban areas.

4.8 Conclusion

The chapter has indicated that police officers receive training on DV even though the training is done by different organizations depending on their area of interest. It also explained how the police officers are implementing the training they received. From all the training that the police are receiving on DV, the question might be, 'Do the police adequately assist women? If they do not, what might be the problem with the police?' The next chapter will look in detail at some of the challenges associated with the police's training on DV.

CHAPTER FIVE

5.0 THE PROBLEM WITH SPORADIC AND FRAGMENTED TRAINING

5.1 Introduction

As presented in the previous chapter, the Malawi police training on DV is not provided by only one organization. Instead, many organizations including the police take part in providing the training of its officers. This approach to training creates problems among the police officers. The purpose of this chapter is to identify and discuss some of the problems experienced by all the participants at the five police institutions in Limbe, Blantyre, Mzuzu, Lilongwe and Zomba.

5.2 The Problem of Sporadic Training

The word sporadic comes from Medieval Latin word *sporadicus* which is itself derived from the Greek word *sporadēn* meaning "here and there." It means something that occurs occasionally, singly or in irregular or random instances. Sporadic can also refer to the distribution of something across time that is not frequent enough to fill an area or period (Online Merriam Webster Dictionary).

Looking at the way the police training on DV is provided to police officers one can tell that it is done sporadically. Most of the training is provided by several different non-governmental organizations which adopt a reactive approach to police training. When they see a problem with how police officers are discharging their duties in DV cases and which they consider is worth addressing they do so. In other words, in the absence of such interventions it would seem that police officers would not have received any training at all. The training occurs occasionally and in some police stations many years pass without police officers attending any training about DV including about the new laws relating to DV. The participating police officers at all five of the police stations agreed on the need to receive regular training. This is so because most of the police officers at the victim support units were just attached to them without attending any training regarding gender-based violence including DV. Some of the problems caused by irregular training include those described in the following sub-paragraphs.

5.2.1 Long periods without training

Since its establishment of the VSU, the government has become a signatory to and ratified many international conventions which address women's rights. In the implementation of such treaties, the government has also enacted many new gender related laws.

The police as an agent of the state is at the forefront of enforcing such laws and should receive adequate training in order for them to do so. During the period 2001 to 2019, the Malawi government has enacted a number of new gender related statutes which are now in operation. The research found that many police officers in the police stations where the research was carried out work for a long time without receiving training. As a result, many of them are not even aware of these new laws. I came across police officers in the VSU who have never seen the PDVA, the Gender Equality Act or the Child Care, Justice and Protection Act. These are the very pieces of legislation that these VSU police officers are supposed to be familiar with and implement when addressing cases of DV.

In addition, since the training of VSU officers occurs so rarely, officers who have been attached to the VSU without having received any training perform their duties as best they can and rely on those officers, if any, who have been fortunate enough to have received some training at some stage of their careers. The danger is that if an untrained officer is discharging their duties incorrectly and there is no one with training to correct them, they will continue in error indefinitely. For instance, it was found that at Zomba Police station, only two officers attended some training on DV in 2011. The station has now 12 officers which means the 10 untrained officers depend on the knowledge of the two trained police officers. The coordinator also explained that this becomes a problem when these two officers are not available. Sometimes they are forced to return from leave in order to attend to a victim. In other words the lack of regular training affects police officers response to DV cases.

5.2.2 Confusion among officers

Many police officers expected that the much needed training should take more than five days. During the interviews, other participants seemed to be confused as they failed to differentiate between receiving training and attending meetings. Most of the participants said they had been

attending meetings and not receiving training. They said this because the training they attended only lasted a few hours. The UNICEF programs manager said they provide this kind of short training simply to provide some kind of a solution to problems which emerge during the course of officers performing their duties. He also said that training to address an issue does not necessarily need to take a long time. A lack of funding also meant that most training courses were short. When the organizations receive funding, it is allocated to a specific purpose and since only little or no funding is received it often turns out that only short training courses can be provided.

5.2.3 Officers keep receiving the same training

Some officers said the training they sometimes receive is inadequate and repetitive because it does not correct their mistakes and they receive more or less the same training over and over again. They learn nothing new. As a result, when they do attend more of the same training they simply switch off. I found that the reason behind this problem is that there is no communication between the organizations that provides such training. What is happening is that different organizations are providing the same inadequate training to the same police officers sometimes in quick succession of each other. In some cases the organizations seek permission from Police Headquarters to train the officers but the department does not check the content of the training. In other cases, the organizations just go straight to the station and train police officers without the knowledge of the department of training at police headquarters.

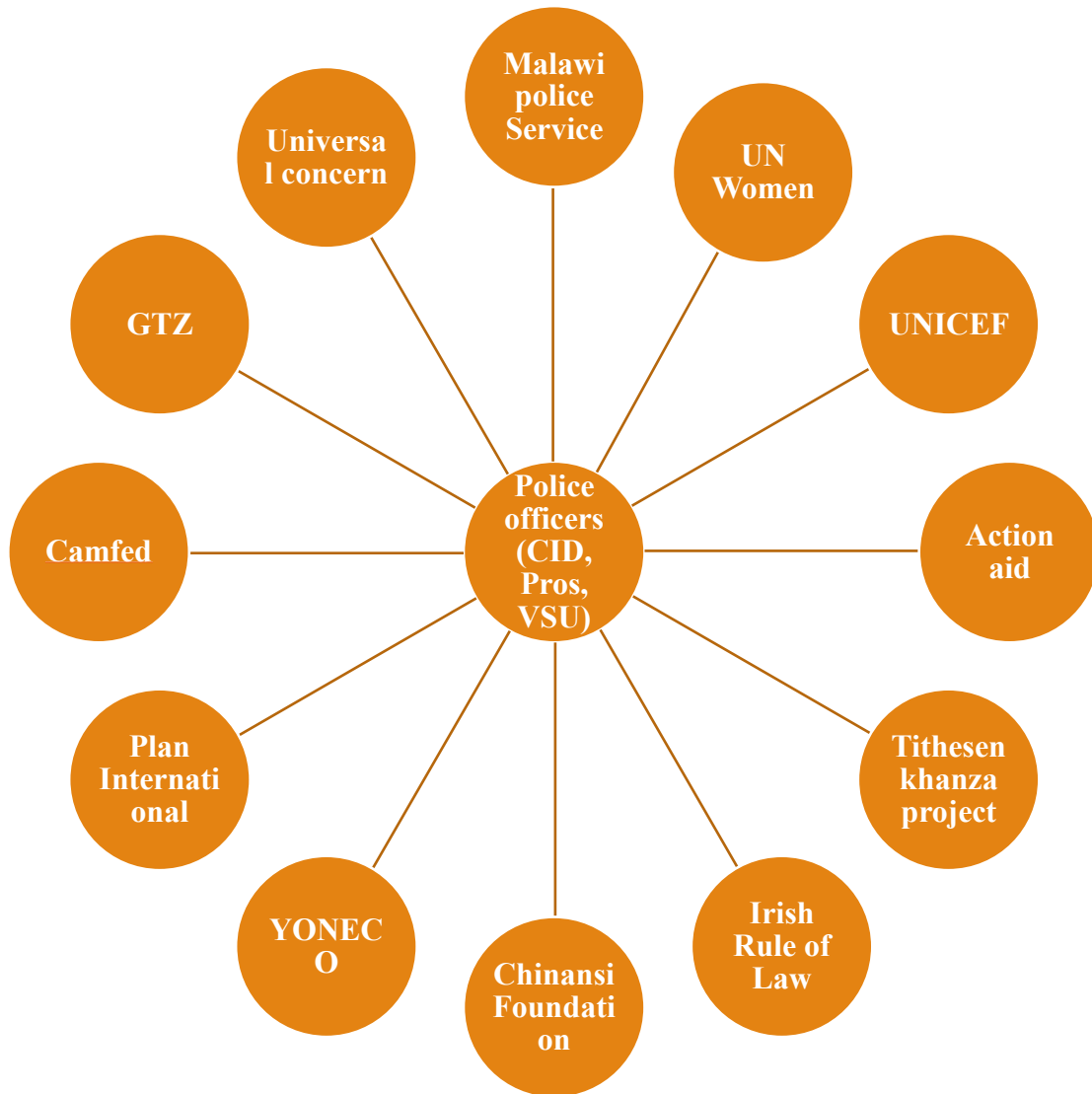
‘One day I was invited to a training where I found that the person who was facilitating the training was one of the people I trained on the same subject. This made me lose attention to whatever she was teaching because I have repeated the training several times, to the extent that I teach others’ (Voice of one Police officer in Lilongwe).

5.3 The problem of fragmented training

The word fragmented means something that exists in separate parts, pieces or factions or is divided (Webster’s Online Dictionary). The Malawi police officers’ training on DV is delivered in separate different parts. Different organizations come to train police officers on the area they perceive as being very important to police officers in the performance of their duties. For instance, the police only focuses on training police officers on the gender related laws and police conduct. UNICEF focuses on training police officers on international human rights instruments

e.g. CEDAW, CRC, CAT and others. The Chinansi Foundation and YONECO focus on teaching police officers on the need to provide shelters to women and children survivors of DV (Figure 6). In other words, the police training curriculum is not delivered as one single connected and cohesive whole; instead it is broken up into separate disconnected parts taught by separate disconnected organisations. Providing training in this fragmented manner creates problems for the police officers who find it difficult to implement any knowledge they may gain from such training.

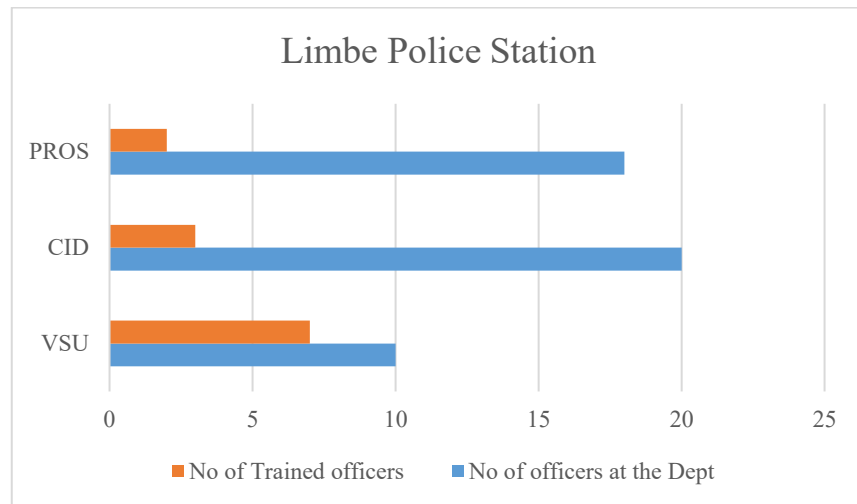
Figure 6: Diagram showing the organizations that provide training on DV to the MPS



5.3.1 The training targets only a few officers within the Police Service

This is one of the huge problems about the training that the police officers receive. Not all the police officers have a chance to attend training on DV. The training only targets a very few police officers from selected departments. When the organizations organize training for police officers on DV or gender based violence, first priority is given to officers from the Victim Support Unit (VSU). It should also be noted that it is not all officers are trained. The second department to be targeted is the Investigations and the third is Prosecution. These are the only departments that receive training on DV (Figure 7).

Figure 7: Bar chart showing a comparison between the number of trained and untrained officers at Limbe Police Station



Sometimes the training organizers specify which officers within specific departments they want to attend the training. For instance, they usually select the VSU coordinator at the VSU. The UNICEF programs manager confirmed and said that they usually deliberately choose the VSU coordinator so that they can train the other VSU in turn. Unfortunately, officers from other branches, e.g. the OB, do not receive any such training.

5.3.2 The training keeps targeting the same officers (inequality)

Another problem is that because the training is not being delivered to all officers, the same officers keep on attending the same training. Most of the organizations that provide the training to

police officers deliver it in phases which are connected to each other. Therefore, they cannot engage new officers once the training has started and a new phase of the training has begun because it would require them to start the training all over again for the new officers. This is why they choose to continue with the same officers.

When recruiting people to attend the training, the selection depends on how the organization wants their training to be delivered to the officers. Sometimes they choose officers from headquarters so that after teaching them, they train other officers at other police stations. Sometimes, they choose officers at the station level. These officers are supposed to then teach other officers at their station, at sub-stations as well as units and posts. One thing that I observed is that some officers in the police service are over trained but they are not being unutilized by the police to train others. Also, when choosing officers to be trained to train others, they just choose them randomly without knowing or assessing their ability to pass on their knowledge and teach others.

5.4 Other challenges associated with the training

There are other challenges that are associated with the Malawi Police Service's training on DV. These challenges also affect the effective implementation of the training. Some of these challenges are explained in the following sub-paragraphs.

5.4.1 Lack of adequate assistance from the facilitators

Since the training courses take place over a very short period of time, officers does not receive sufficient assistance from the facilitators in order to understand what they are learning. According to most of the officers the facilitators are teaching them too much material too quickly. One officer said that the trainers should realise that as adult learners are slow learners since they have not been in a reading and learning class environment for years.

All the participants who attended the training said that most of them did not finish the planned curriculum and were told to continue reading at home. One officer said that the training is not implemented because most police officers do not have a good reading mentality. And also, if they are given material to read at home, the officers do not usually do it because they are busy

spending their time working private duties in order to sustain their families financially. In addition, not being lawyers, police officers find it difficult to read and understand all the various laws which affect their work. They actually need an expert to help them and make these laws understandable to them in theory and in actual practice, i.e., how they should be applied in actual situations.

5.4.2 Unnecessary transfers of well-trained officers to irrelevant branches

As already explained earlier, the training is not provided on a regular basis and as a result many years pass by without officers receiving any training at all. However, when it comes to the transfer of officers, management does not consider the special skills in which officers have been trained. A well-trained officer in DV will find themselves transferred to a branch where they will not be able to use the skills they have learned; and they, in turn, are replaced with people who have no background on gender issues. This means that the VSU coordinator has to start training these new untrained officers.

One VSU coordinator said that some officers and their relatives in senior positions of police management are sometimes the ones who are causing this problem in that the VSU branch is perceived as being an easy posting where there is not much work to do because its officers do not work night shifts and do not do patrol duties. So some people prefer working at the VSU rather than at other branches whose general duties include night and patrol duties. As a result, people request their relatives in senior management to transfer them to the VSU. Sometimes this happens as the result of a normal transfer.

In 2017 UNICEF trained 728 victim support unit officers in Malawi and they were posted to all the police stations, sub-stations as well as units and posts. However, most of them are now no longer working in the VSU branch because they have since been transferred to other branches.

5.4.3 Regional Training Schools are not funded

Malawi has four regions, namely, the Northern, Central, Southern and Eastern regions. All these regions have their own regional training school to provide in-service training to police officers within their jurisdiction. However, for these training schools to provide such training, they need

financial support from Police Headquarters. Since these training schools are not receiving such funding they are not functioning. One regional Community Policing Coordinator said that had the regional training schools been funded, they would have been providing training to the untrained officers in the VSU branches. However, because of lack of funding, all they can do is wait to receive training from the NGOs and they have no idea when this might happen.

5.4.4 Lack of Support from station officers-in-charge

As explained already, the different organizations that provide training to police officers select a few officers from different police stations to attend their training courses. Their aim is to train these officers who upon their return to their stations will train their fellow officers. The research found evidence that those officers who attended the training lacked support from their officers in-charge. The procedure is that upon returning from a training course, the police officer notifies their officer in-charge by letter that they have completed and returned from their training. The officer in-charge has the duty of informing the Police Headquarters. Then the officer in-charge is supposed to give the officers permission to start teaching their colleagues. This can only occur during lectures which are supposed to be held by the officer in-charge every Saturday. However, months go by without the officers in-charge organizing or conducting any such lectures, which prevents the trained officers from teaching their colleagues what they have learned as envisioned by the training course. Sometimes such officers are told to wait for authority from Police Headquarters before they can start the teaching process.

5.5 Weaknesses or gaps in the current training curriculum

There is no specific curriculum that the police and the NGOs use to train police officers but the training they do provide reflects the United Nations training curriculum on effective police response to violence against women including DV. However, the training seems to have some weaknesses or gaps which need to be addressed in order to effectively meet the needs of women survivors of DV. The following are some of the gaps identified in the current training that police officers receive from the police and other non-governmental organizations.

Firstly, the training does not teach police officers about Protection Orders and their importance. Most of the participants at the Victim Support Unit explained the training they attended did not

cover the issue of Protective Orders. Most of them were not aware of how or where to obtain a Protective Order. If police officers are not aware of Protection Orders it follows that women victims intern will not be aware of them either. Nyirenda (2014) also found that most survivors of DV do not know about the Protection Orders. This amounts to a violation of section 37 of the Constitution of Malawi which guarantees that every person (including a woman survivor of DV) has the right to access information (e.g., about Protection Orders from police officers) as far as such information is required for the exercise of their rights (to receive protection from DV). Nyirenda (2014) also found that some women go to police stations and the courts just to seek advice when they encounter DV.

Secondly, the training discriminates against people with disabilities since it does not teach police officers some important skills needed by police officers in order to respond effectively to violence cases experienced by people with disabilities. For instance, the training does not teach police officers sign language so that they can communicate with survivors of DV who are deaf and only use sign language. During the research, I witnessed one case at Zomba Police Station's Victim Support Unit in which a deaf woman went to the police to report the violence she was experiencing at her home but there was a communication barrier between her and the police because no police officers were trained in sign language. The Malawi Human Rights Commission recognized that women with disabilities suffer more violence than men and boys with disabilities. However, they fail to be assisted by police officers because of their lack of specific skills that accommodate disabled people.

Thirdly, the training does not teach police officers to recognize the role of the courts in protecting survivors of DV. The research found that DV cases which are reported to the police, whether they be criminal or civil in nature, are generally concluded at the police station. They do not usually proceed to court. The police officers always say that their mandate is to reunite families so they do all they can to make sure that broken families are united. This approach by the police forces women to remain in abusive domestic relationships because the police do not direct them to seek help from the court.

Finally, the training does not teach police officers skills on how to intervene in DV disputes. As a police officer, I have seen police officers turn their backs on families who are fighting among each other and say that if they injure each other they can make a report to the police station.

5.6 Conclusion

This chapter has explained the problem of the sporadic and fragmented police training on DV that the police officers receive. The chapter has also revealed some of the challenges associated with the training that affect its implementation. Lastly, the chapter has revealed some of the gaps in the current training curriculum that is used to train police officers. The next chapter will talk about the Malawi Police Service's efforts to start providing police officers with gender sensitive training by the police training school.

CHAPTER SIX

6.0 POTENTIAL TRAINING AND CURRICULUM REFORM

6.1 Introduction

Since 2017, the Malawi Police Service in collaboration with non-governmental and civil society organizations has been reviewing the current Malawi Police basic recruits curriculum. The training does not include gender training and thus they are developing a new training curriculum that will include gender training. The focus will be on gender based violence including DV. This chapter will discuss the content of the possible training curriculum reform and the importance of bringing the whole service into the process and new approaches.

6.2 Gender Training in the Malawi Police Service (why)

Despite receiving its independence from Britain in 1964, the Malawi Police Service has continued to use the colonial training curriculum. The MPS has decided to review the current curriculum and is in the process of developing a new curriculum. It is hoped that the new curriculum will be ready to train recruits at the next police intake in 2020. Following this new development, the police service has also extended the training period from six months to one year in order to have enough time to accommodate all the needed aspects of the new curriculum. In this regard, the Malawi Police Service basic recruit training will not only train police officers on criminal matters but also on other issues including gender based violence.

Some of the reasons for police to come up with the new training curriculum are the following. The Malawi police service is now working hand in hand with a number of stakeholders when addressing cases of DV including sexual violence. These stakeholders include medical practitioners, counsellors and officers from the social welfare department. Most police officers are not trained to work with these stakeholders. One of the officers from the Malawi Police Service department of training said that the duties of police officers are now interlinked with those of other stakeholders which means that police officers need gender training to fulfill their duties and such training will enable them to work effectively with these stakeholders.

The police are also introducing the new curriculum because police have recognized the conflict that exists between the organizations who provide gender based violence training to police officers. Each organization has its own specific area of interest which leaves police officers in total confusion. As a result, the police have decided to harmonize all the different curricula and come up with a single curriculum.

Also while until now gender training has targeted community-policing officers, the new curriculum will target all police officers in the service.

At the training school, the new Gender Module will be taught for only 5 days because recruits have so much to learn during their training. The training will only cover issues that the recruits needs to learn. The Police is also developing another curriculum for in-service training so that all the emerging issues, e.g., the Trafficking of Persons, the Essential Service Package, and engendered issues will be included in the training. The in-service training will continue being conducted to bridge the gap between the new recruits and the serving police officers to ensure coordination between the officers.

6.3 The Nature of Current Police Training

The Police force is one of Malawi's law enforcement agents and it is obliged to protect public safety as well as guard against violations of individual human rights including women's rights. In doing so it has a major role to play in addressing cases of DV. Therefore, police officers need to be gender sensitive in order to meet the needs of women survivors of DV. The current Malawi Police Recruits' training curriculum can be described as gender blind because of its lack of gender recognition. According to Victoria (2011), training that is gender sensitive should be able to impart knowledge, skills and attitudes to trainees in order to enable them to respond and consider the specific needs of women, men, boys or girls bearing in mind their unique and special circumstances.

The current Malawi Police Service recruit curriculum covers a number of important subjects/courses as far as policing is concerned. The subjects covered include the Criminal Procedure and Evidence Code (CPEC), Police Procedure, Criminal Law, Community Policing,

Human Rights, Statutory Law (which covers different statutes such as the Malawi Police Act, the Fire Arms Act, etc.), Traffic Law, First Aid, Field Craft, Drill, and Tactics. This curriculum shows clearly that there is no gender module hence the Malawi Police Service training for recruits is gender neutral in nature.

Even though the curriculum includes a human rights module, it is no guarantee that police recruits will learn the module. This is so because trainers/instructors sometimes skip modules because of time constraints and most of the time the human rights module is affected in this way since the focus of the training is on teaching police officers skills to assist them in dealing with criminals. Therefore certain modules such as the Criminal and Statutory law modules are always covered. There is a clear link between criminal law and gender. This is because both male and female victims and offenders are treated within the criminal justice system. As shown in chapter two, most of the victims of DV are women, and most of the perpetrators are men. Therefore, gender training will help to prepare police officers with knowledge as well as attitudes to respond to the needs of the victims.

The bottom line of gender training is the capability and willingness to impart knowledge to police officers so that they should be able to identify and understand existing gender issues, gaps and inequalities. The training also helps officers to be sensitive in handling different situations and to meet the needs of men and women throughout the decision making process (UNIFEM, 2007). This involves searching for, bearing in mind and accommodating aspects of relationship between men and women in their cultural and social context (UNIFEM, 2007). It also involves an understanding of the societal perceptions of gender and sex roles and stereotypes attached to this context and the challenges that victims of DV face from the community in the decision to report DV.

The community-policing module briefly covers issues of gender-based violence including DV. However, only one page of the module is give to the topic of DV. Chipao (2014) discovered that the context in which DV is taught also revealed serious flaws. He said that the teaching of gender-based violence including DV depends on the officer facilitating the course; in some cases the trainer decides to skip this module and this may be due to a lack of knowledge about the topic.

There is evidence that during police training women recruits suffer sexual harassment and other abuses. The advent of the new gender module should help to address this problem and encourage both recruits to report such abuses and their seniors to discipline offenders without fear or favour. If this does not occur the danger is that if police officers are abused during their training they will, in turn, abuse victims and suspects of crime later when they carry out their duties. One of the officials from the service training department said that the police would try and use a transformative approach to preventing harassment and abuse at the PTS. As a result, the training department has considered improving its training of trainers so that they ‘teach what they preach,’ (i.e., lead by example) which is the objective of the curriculum and quite different from the older less sensitive approach.

6.4 The Proposed Malawi Police Service’s Gender curriculum

The Malawi Police service in collaboration with other stakeholders have developed a gender curriculum for police officers where issues of gender based violence including DV are covered. The curriculum has been designed to develop awareness of and capacity to deal with gender issues and to bring about personal and organizational change for gender equality. The curriculum will also be used as one of the key methods of supporting behavior and organizational change.

It is also a development intervention which aims at changing awareness, knowledge, skills and behavior in relation to gender. It is concerned with developing skills and capacity which can translate such awareness into very specific tools that can be used into practice. In the context of policing, it is therefore relevant and important that police officers are gender aware and sensitive in their daily duties. This will ensure that service delivery by the Malawi Police Service ensures the right to equality and non-discrimination between women and men.

The curriculum contains six modules (Appendix 1) and was validated in November 2019 which means that it could be put into operation any time soon. The following is the outline of the MPS gender-training curriculum.

Module one contains an Introduction to Gender: Gender, Gender Concepts and Definitions. The module requires police officers to learn and understand the definitions of and differences between

gender and sex; understand the social construction of gender and gender related concepts. This module will be delivered through group discussions, questions and answers as well as quiz.

The second module addresses the Legal and Policy Framework on gender equality in Malawi. In this module, officers will be able to learn some of the gender provisions in the Constitution of Malawi, Malawi's gender related laws and the gender policy of Malawi. The methods of delivery will be lectures, brainstorming and group discussions.

Module three includes gender and policing. This module addresses the relationship between gender and policing and the entry points for gender equality and policing. The module will be delivered through lectures and group discussions.

The fourth module contains sex and gender based violence. From this module, officers will be able to learn the definition of gender-based violence, causes of gender-based violence, and forms of gender-based violence as well as myths and stereotypes of gender-based violence. The delivery of this module will be delivered through discussions and group experiences.

Module five includes human rights and gender based violence. In this module, officers will be able to learn some of the international human rights instruments. Officers will also be able to understand gender based violence as a human rights issue. Human rights instruments that address women's rights have also been included. The mode of delivery will be lectures, discussions, question, and answers.

The sixth and last module contains strategies for combating gender-based violence. The module will be teaching police officers their role in combating gender based violence and some strategies and interventions to combat gender based violence. The mode of this module's delivery will be through physical exercises, role-playing and group discussions.

6.5 Deficits in the new proposed MPS gender curriculum

As indicated in chapter two, there is high prevalence of DV in Malawi and more cases are being reported to the police because of the establishment of the Victim Support Unit. Module four of the

new gender training curriculum for police officers includes sex and gender based violence in which DV is mentioned. The module explains the meaning of DV and also refers to other definitions of DV as presented in the Malawi's PDVA. The module, however, does not include any other aspects of DV that police officers need to know about in order to effectively respond to such cases. Therefore, the curriculum needs to include more aspects of DV.

The new curriculum has omitted the legal procedure that police officers are required to follow when they receive cases of gender-based violence including DV. Police officers are supposed to have knowledge about the process to be followed within the criminal justice system in order to meet the victim's needs. This process includes arresting the perpetrator, carrying out investigations, the mandatory prosecution of the perpetrator, putting measures in place to protect the victim while giving evidence relating to sexual abuse or rape of women, compelling the testimony of spouses and gathering evidence, if any, to negate defences such as provocation and intoxication. Officers are also supposed to be taught the role of the courts in protecting victims and witnesses of DV.

The fact that police officers routinely fail to refer DV cases to court for prosecution is strong proof that many of them lack knowledge of procedural law and this needs to be addressed in the coming curriculum.

The new curriculum is also too brief in its treatment of traditional mechanisms in the prevention of gender-based violence including DV. The curriculum only identifies mediation and negotiation with families and religious institutions as traditional ways of dealing with DV. The curriculum has emphasizes the use of the law in preventing DV. However, in Malawi, there are many different cultural practices that are in fact gender-based violence including DV and despite their being prohibited under Malawian law they are still practised by many communities. This shows that people in the communities respect their culture and religion more than the law. As a result, it is important that the police should learn how to approach and convince people that certain of their cultural practices are harmful and should be stopped.

Lastly, the research has identified that the new training curriculum does not contain training on inter-agency collaboration and support. This involves teaching officers the role of the police in relation to other stakeholders. Since the police has limited resources in terms of assisting victims, the officers need to have knowledge about where to find them within their local areas so that they can assist women. These resources include safe shelters.

6.6 The importance of bringing the whole service into the process and new approaches

The process that the Malawi police service has taken can be described as ‘gender sensitive police reform.’ United Nations Women defines gender sensitive police reform as an application of gender analysis to the police reform process in order to ensure that gender equality principles are systematically integrated into and at all levels of its planning implementation and evaluation (UN Women, 2012). Gender sensitive police reform also addresses how the construction of gender identities shapes perceptions and the police mandate.

The process is very important, as it contributes towards the building of a police institution that is non-discriminatory, refractive of the diversity of citizens and accountable to the population at large. The police service will be transformed and be able to fulfill its important mandate of upholding the rule of law (UN Women, 2012). A gender-sensitive police service should significantly improve the security of citizens and this is paramount for human development, human rights and peace. When the police are not responsive to the security needs of men and women, the threat of gender-based violence and DV is far greater.

The process is very important for all police officers to ensure that officers are aware that gender is not just about women but it is about men and women and different roles, characteristics and behavior expected or assumed of them by the society (Bastic, 2014). One female officer said that male investigators do not want to take part in investigating women related cases or interviewing women victims. The male officers perceive these cases as female. Instead, they tell female police officers to deal with such cases. Such comments indicated a great need for gender sensitive training within the police service. From a police perspective, gender plays a critical role in determining the types of crimes that women, girls, men and boys are likely to commit and fall

victim to. Therefore considering gender issues within both society and its police service is crucial to the task of effective policing.

Gender training also is very important to police officers in order to provide effective service to the public. In Malawi, women and men who are victims of DV, sexual violence and human trafficking find that the police are not sufficiently willing or able to investigate and prosecute such crimes. The large percentage of women and girls who continue to face DV is one indication of the massive gap that still exists between the need of DV survivors for the specialised gender sensitive services the police should provide them and the police's failure to do so. Gender sensitive training in the police service can help to improve the police service by focusing on these crimes and more generally on the different experiences of women and girls as victims of gender crimes (Bastic, 2014).

Gender sensitive training is also very important to police officers to ensure a balanced representation of male and female personnel which helps to prevent, detect and investigate crimes against women and men effectively. The training also helps to prevent and address sexual harassment and discrimination within the police service.

In addition, gender sensitive training helps police officers to prevent and address police misconduct against the public. It is very important for police officers to respond actively to gender related violence or discrimination perpetrated by police officers against arrested people, survivors of crime and other members of the community. Such abuses can be directed against women and girls.

In Malawi, there were allegations that Malawi Police officers raped 17 women and girls during the post-election demonstration. Human rights organizations conducted an enquiry to establish the truth of these allegations and found them to be true. Sadly the police has failed to take action against its own members. Apart from being criminals, the guilty officers subjected these women to such violence because they lacked gender sensitivity in carrying out their duties. If police management were well trained in gender issues, they would surely have taken action to

prosecute/discipline the alleged officers in the interests of justice, the victims, the public interest and its own important reputation.

There are also frequent reports of DV occurring in police officers' homes. The barriers that survivors face when reporting DV cases as well as the inadequacies in the police responses are obviously even greater when the assailants are the police officers themselves (Who will police the police?). The Malawi police service can and should implement effective measures to guard against such abuses and make sure that its own officers are treated in a manner that restores and builds public trust in the police.

6.7 Conclusion

The chapter has reflected on the new proposed gender-training curriculum for training Malawi police officers. The introduction of this curriculum is very important because police officers will be able to recognize gender issues when discharging their duties. However, the curriculum has some shortfalls which have also been explained in the chapter. The chapter has also discussed the nature of the Malawi police's training in relation to the new curriculum.

The next chapter will discuss the research's findings and present the study's conclusion and recommendations.

CHAPTER SEVEN

7.0 DISCUSSION, CONCLUSION AND RECOMMENDATIONS

7.1 Introduction

This chapter will focus on the meaning, importance and relevance of the study. It will explain and evaluate the findings and show their relationship to other literature. The chapter will also give an overall conclusion of the study and thereafter practical recommendations.

7.2 DV as a violation of human rights/women's rights

DV affects the lives of many women and girls. The Global Fund for Women (2020) defines women's rights as fundamental human rights that were preserved by the United Nations for all human beings on the planet some 70 years ago. These rights include the right to live free from violence, slavery and discrimination, the right to education, to own property, to vote and to earn fair and equal wage. International human rights law treats DV as discrimination and a violation of women's human rights (Columbia Law School, 2010) which also breaches section 20(1) of the Constitution of Malawi. The international human rights laws are binding on member states and their agents including law enforcement officers who are obliged to be aware of and apply these standards in their every day duties (United Nations, 2004).

The Malawi police service is one of Malawi's law enforcement agents which is tasked with protecting the public's human rights including women's rights. The research has found that the Malawi police service's officers receive international norms and standards training which includes international human rights law. The study also noted that police officers do not receive sufficient training in the understanding, interpretation and application of local and international human rights laws to enable them to protect the rights of women DV survivors with whom they deal on a daily basis as part of their duties.

The training also targets only a very few officers from only three branches in the police namely, the VSU, CID and the Prosecution Department. As a result, other police officers who do not receive such training continue to violate their rights, including most importantly officers in the

OB who are the first to make contact with DV survivors upon entering police stations. The research did find that more VSU than CID and Prosecution officers receive training.

In order to improve the MPS's observation of human rights, the United Nations has encouraged it to include human rights standards in the police service's standing orders in its different states, which, sadly, the MPS has not yet done. The UN also encouraged the MPS to provide human rights training to all police officers at their recruitment and periodically throughout their careers (United Nations, 2004).

The Malawi Police provides training in human rights to police officers but does not emphasize the protection of women's rights. In addition, most of the trainers tend to skip the human rights module during training courses because it is not perceived as being of great importance. This is fuelled by a lack of knowledge on the part of the trainers as to exactly how human rights are related to and connected with the objectives, functions and duties of the police. Therefore, it is important to improve the quality of the training of the trainers as far as human rights and women's rights are concerned.

The research also found that the police is in the processes of developing a new curriculum for police recruits which will include gender training. This will also help to train police officers in the understanding and application of international human rights instruments that address women's rights as well as Malawi's gender related laws.

7.3 Policing DV

DV is one of the most widespread forms of violence which police officers deal with every day. As a frontline social institution dealing with DV, the police perform the essential duties of not only assisting survivors of domestic abuse when they first report the abuse, but also of having to follow through and seek a remedy for the abuse its survivors have experienced (Corcoran et al., 2001). Therefore police officers should be well trained on their role in addressing DV. The police not only represent the state's policy towards DV, it acts as a vital link to both the prosecution process and the provision of services to the survivors of abuse in their communities (Retief & Green, 2015). This means that police officers are the gatekeepers to the criminal justice system.

The study noted that the Malawi police officers receive training about their role in responding to DV and this helps them to meet the needs of women victims. As a result of such training the Malawi Police Service officers are aware that they play a very important role in shaping the victims' initial experience of the criminal justice system. According to VSU officers, police officers are taught customer care so that victims feel welcome at the VSU and free to share their domestic abuse experience. This also enables police officers to collect enough good quality evidence to lead to the arrest and prosecution of their perpetrators. Police officers confirm that they are trained to be friendly to victims, responsive to them (which includes, affording them good victim reception, being expert listeners who are quick to discern and attend to the victims' needs when they are explaining their stories) as well as respond timely to the violence they have experienced. The 2017 client satisfaction survey measured the performance of police officers of these three elements in fifteen police stations which revealed that only 56.3% of the clients were satisfied with the services offered by the VSU (Palikena-Chipao, 2017). The following bar charts show the performance of the VSUs at the five police stations where this research was carried out (Figure 8: VSU's Timeliness; Figure 9: VSU's Responsiveness; Figure 10: VSU's Friendliness).

Figure 8: Bar chart showing the VSU's performance in timeliness at each police station

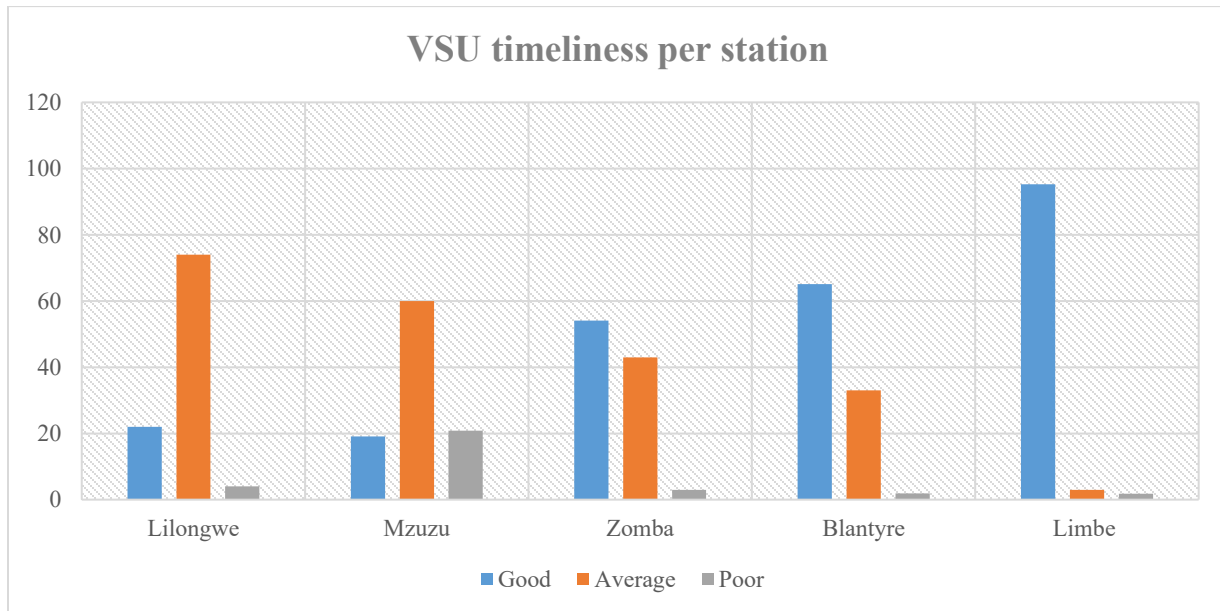


Figure 9: Bar showing the VSU’s performance in responsiveness at each police station

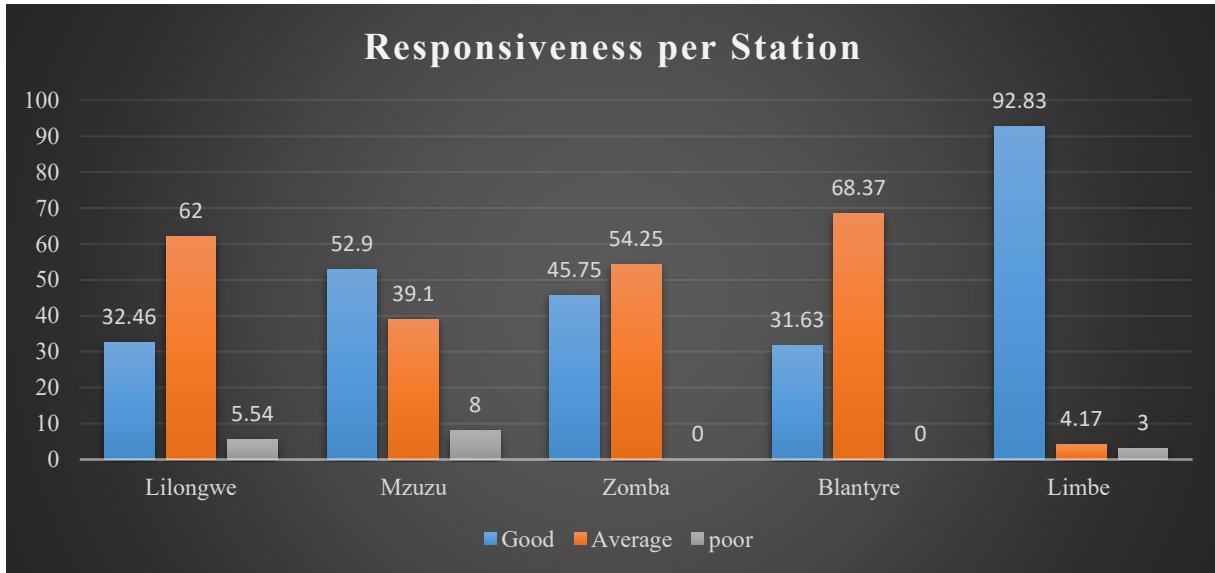
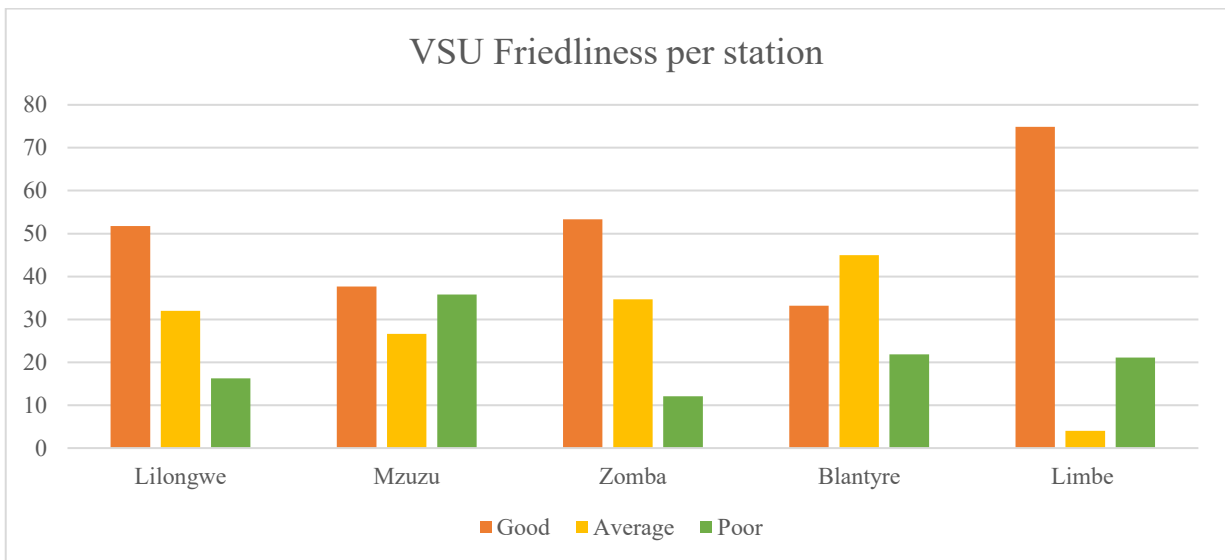


Figure 10: Bar chart showing the VSU’s performance in friendliness at each police station



The results depicted in Figures 8, 9 and 10 confirm that the police training on DV does not target all the police officers. If it did the performance of the 5 stations would have exceeded 56.3%. These results call for the police to start offering DV training to many more officers.

7.4 Training on preventing occurrence of DV

Gender training changes people's self-perception, way of relating to others, beliefs, problem setting and problem solving skills, competencies and knowledge. This change may influence the behavior of organizations and its people (EIGE, 2015). Gender training might aim at developing participants' self-awareness by engaging them in a transformative process; it might aim at improving participants' knowledge by providing new intellectual tools to find new approaches to solve problems; it might teach individuals how to use tools, e.g., gender impact assessments. This tool is highly contextual which means that its goals vary according to the target group, the type of organization by which it is organized or the policy sector where it is applied (EIGE, 2015).

Training is also a strong weapon in changing common beliefs that are constructed by stereotypes. In addition, training is successful in shaping institutional culture and practices that have proved to be unsuitable to new challenges. This research has shown that the Malawi police officers receive training on the traditional mechanisms that help to prevent DV occurring in the communities. One organization that provides training to police officers said the training is aimed at changing the culture and behavior of the police. In turn, police officers also train people in the communities to respond to DV. Officers also conduct awareness campaigns in order to avoid the recurrence of such cases. In the Zimbabwean case of *State v Tevedzayi* (1) HH 206-18, a woman was murdered by her husband in their home while the children were there. The children tried to inform the community when the offence was being committed but they failed to pay sufficient attention. If the police had conducted DV training and awareness within the community its members may have done more to rescue the victim having realized that DV can be deadly.

The training of the MPS is greatly undermined by the police's lack of funding and especially affects those officers stationed in rural areas; in addition, officers fail to reach individuals in their communities. In essence, such training and campaigns are conducted occasionally.

In relation to DV cases, the state is obliged to respect, protect, fulfil and promote human rights related to violence against women. The state has the responsibility to prevent, investigate and prosecute all forms of DV violence, protect women from such violence and hold perpetrators accountable (Columbia Law School, 2010). In a country like Malawi, these responsibilities are in

the hands of the police and the courts. However, the courts deal with cases of DV only after they have been referred to them by the police. Although the police receive training, it does not seem to be bearing fruit by translating into practice since police seldom refer even serious DV cases to court. Police officers are also reluctant to arrest perpetrators of DV since they claim that their mandate is to protect broken families. As confirmed by the three magistrates who were interviewed, this approach results in victims going from one police station to another pursuing justice against their perpetrators.

States are responsible under the international law for human rights violations and acts of violence against women not only from actions perpetrated by the state or any of its agents, but also from mistakes as a result negligence and failure to take positive measures to protect and promote rights. This means that States through its agents must refrain from committing human rights violations and prevent human rights violations by non-State actors. They must investigate allegations of violations, punish wrongdoers and provide effective remedies to victims. In this regard, States are obligated for the actions of non-State actors if they fail to act with due diligence to prevent, investigate or punish such acts and provide an effective remedy(United Nations, 2004).

7.5 Conclusion

The poor performance of the MPS's Victim Support Unit raised many questions about the effectiveness of the training being given to police officers. As a police officer, I was very aware that the police at the VSU receive training, that most of it comes from NGOs and CSOs. Sometimes the police facilitates training but this occurs after getting funding from other NGOs e.g. UNICEF. Therefore, I decided to come up with this study, which evaluated the adequacy of the Malawi police training on DV using the six variables from the United Nations training curriculum on effective police response to violence against women including DV.

Since most of the training is facilitated by NGOs, other studies concluded that the VSU performance is low because the training omits some important elements that should be taught by the police itself, e.g., investigation skills as well as police conduct. The six variables used to measure the training were: the international norms and standards, factors that underlie DV, the role of the police in responding to DV, preventive approaches, procedural law and inter-agency

collaboration. The focus was to see if the training that the police officers receive cover all these variables.

During the research the main guiding question was, ‘To what extent does the Malawi Police service, NGOs and CSOs provide DV training to police officers?’ This question was supported by other sub-questions that helped to come up with the data presented in this paper. The study found that the training that Malawi police officers receive from police, NGOs as well as CSOs is adequate because it covers all the six variables from the United Nations curriculum. The only problem is that there are some challenges which affect the implementation of the training.

Some of the problems include the fact that the training does not include all VSU officers. Untrained officers may be trained later (the date of which is uncertain) or by officers who return from their training but this does not always occur since returning officers have other duties to perform. In addition, transfers of trained and untrained officers to other posts also disrupts the training of all VSU police officers.

Therefore, to overcome such problems, training of all police officers should start at the police training school so that every police officer is competent to handle gender sensitive cases.

7.6 Recommendation

Having raised many of the concerns regarding police training on DV, the following are some of the suggestions to make the training effective.

1. The Malawi Police Service should take full responsibility for the training of its police officers on the local laws and the international human rights instruments relating to DV in order to close the existing gap. It has been revealed that many officers at the VSU and CID are not aware of some of the important laws which they are supposed to know and apply in the carrying out of their daily duties. The Malawi police has a number of qualified lawyers who can take on this responsibility. A team of lawyers can be formed and they can be tasked to visit police stations and teach the officers the new laws.

2. The training should reflect the reality of the Malawian context so that it can be successfully implemented. During the research, a number of officers were concerned that the training they attended is not useful because the Malawi police do not have enough resources. For instance, one officer said that she attended DV training in Botswana which taught about the use of technology when carrying out investigations and patrols. However, Malawi is far behind in terms of technology. Therefore, training for local police officers should focus on the traditional ways of carrying out such duties.
3. In order for the training to be successful, it should explain through theory and bring alive through practice the steps and legal procedures that must be followed in the processing of DV cases and be carried out in such a way that the rights, needs and interests of women survivors are protected. The Malawi police should adopt a mandatory arrest policy and treat DV as a serious crime that infringes women's rights. Police should also create a manual that is dedicated to showing officers how to deal with DV cases.
4. The Malawi Police officers training on DV should not harp too much on it being an officer's job to respond to DV. More so, use the training to allow officers to emotionally connect with family Violence. This will give officers desire to respond to DV.
5. There are only a few police officers who are trained on gender and DV issues, therefore, when transferring officer, police management should consider sending them to branches where they will be able to utilize their skills. This will help to maintain trained officers in VSU branches.
6. Police headquarters should revise funding allocation upward to the regional training schools so that they take on the responsibility of training officers in their own jurisdiction. This would be better than the present situation in which the police simply wait for training to come from NGOs.
7. Officers in-charge should actively facilitate and support police officers who have received DV training in teaching the other officers at the station. This can be achieved by

conducting regular in-house lectures and discussions during the course of which the trained officers will be given the chance to share what they have learned from their training.

8. The Police should consider including gender based violence/DV training in their refresher course curriculum. The advantage with this is that refresher courses are designed to reach a large number of police officers and the more officers who become gender sensitive in the performance of their duties, the better.

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**APPENDIX 1: CONTENTS OF THE PROPOSED MALAWI POLICE SERVICE’S
TRAINING ON GENDER**

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APPENDIX 2: RESEARCH TOOL: INTERVIEW GUIDES

INTERVIEW QUESTIONS FOR POLICE DEPARTMENT OF TRAINING/NGOs

Recruitment

1. Why did you decide to be facilitating training on domestic violence to police officers?
(Was there any gap you saw? What was the impact of that gap?)
2. How many times have you been facilitating the training?
3. What criteria do you use when choosing police officers who should attend the training?
(What about regular police officers?)
4. When choosing officers to attend the training what percentage of female police officers do you include? Why?
5. How long does the training take and why such days?

Training Content

6. What international instruments do you teach police officers for them to recognize women's rights?
7. Do you include local laws in the training curriculum? (If yes which laws? If no why?)
8. What approaches do you teach police officers to prevent further occurrence of domestic violence?
9. What are the roles of police officers when responding to domestic violence?
10. What procedures do you teach police officers to follow when addressing domestic violence cases?
11. Does the training teach police officers the importance of the police working hand in hand with other organizations when dealing with Domestic violence issues?
12. What challenges do you face as an organization when delivering the training?

Training delivery

13. Who are the facilitators of such training and why do you choose such persons?
14. How do you monitor if the training you provide to the police officers is effective (if it is in practice?)
15. What interval did you set between one training to another?
16. Has the gap been addressed by the training you facilitated?
17. What do you think is the other way of ending violence against women (e.g. Domestic Violence?)

18. Is there any guarantee/plans for the sustainability of such training?

INTERVIEW QUESTIONS FOR POLICE OFFICERS

(A) Training Recipient

1. How many times have you been attending domestic violence training?
2. Where did the training take place? (PTS or workshops?)
3. What was the duration of the training you attended?
4. Which organization facilitated the training?

(B) Training Content

5. What international instruments relating to women's rights did the training teach you?
6. What local gender related laws did the training teach you?
6. What approaches did you learn are necessary in preventing domestic violence cases?
7. What intervention and investigation skills did you learn from the training?
8. How does the training explain domestic violence and factors that contribute to its occurrence?
9. How does the training teach your roles in responding to domestic violence?
9. What aspects did the training teach you on the need to respect women's rights and their needs?
10. What procedures did the training teach you to follow when addressing Domestic Violence?
11. What does the training teach on the needs for police officers to work hand in hand with other organizations?
12. Which organizations do you work with?
13. What is the importance of community resources (e.g. Shelters)?
14. What challenges did you encounter during the training?

(C) Application of the skills learned

13. How do you receive victims of domestic violence?
14. How do you intervene and investigate domestic violence cases?
15. How do you assist women victims who need protection from the perpetrator?
16. In your perspective, what difference are the skills you learned making to the victims?
17. How did these skills change police behavior in the treatment of domestic violence cases and survivors?

INTERVIEW QUESTIONS FOR VICTIMS OF DOMESTIC VIOLENCE

(A) Types of Violence suffered

1. What form of violence did you encounter?
2. What was happening?
3. How long did it take you to report your violence experience to police? Why such period?

(B) Police Treatment

4. At the Police Station, where did you report?
5. How did the Police officers treat you when you presented your case? (From OB to Prosecution Branch)
6. What did the police do after you reported?
7. Do you think the police assisted you on the matter? Why?
8. If you were assisted by a female police officer, how helpful was she?
9. How did you find it reporting your domestic experience to a male police officer?