
**AN INVESTIGATION INTO THE KILLINGS OF WOMEN AND GIRLS AS A RESULT
OF DOMESTIC VIOLENCE (DV FEMICIDE): A CASE OF ENTUMBANE SUBURB,
BULAWAYO, ZIMBABWE**

BY

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**A Dissertation submitted in partial fulfilment of the requirements for a Masters Degree in
Women's Socio-Legal Studies, Southern and Eastern African Regional Centre for
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Abstract

This research, conducted by a policeman, shows that the failure to contain the crime of domestic violence (DV) femicide (the murder of women and girls in domestic relationships), despite the passing of the Domestic Violence Act (Chapter 5.16) (DVA) in 2006, is fundamentally linked to the failure of Zimbabwe's deeply patriarchal society to understand, respond to and combat this gender motivated crime socially, culturally and, most importantly, institutionally within the criminal justice system. The institutional understanding of this crime is limited because there is insufficient data about it as well as an under-recording of victims and the circumstances leading to it. This empirical study was conducted in Entumbane, Bulawayo, Zimbabwe. The women's law, human rights-based and grounded theory methodologies were used to show the lived experiences of women in cases leading to DV femicide. It draws on the shared experiences and insights of many individuals, most notably, key informants from the criminal justice system, law enforcement, the health sector, the clergy, councillors, legal experts, relatives and neighbours of victims of DV femicide, perpetrators of the crime and survivors of attempted DV femicide. The research revealed that due to women's culture of silence, mistrust of the criminal justice system, their financial dependence on their spouses who commit DV femicide, the different legal provisions regarding domestic and gender based violence, the lack of appropriate competence of officers in addressing such issues and the absence of reactive and intervention procedures intertwine to cause violence against and murder of women. Furthermore, owing to these intertwining subjugations that they encounter, women face challenges receiving help to access legislation intended for their benefit. Gathering precise statistics on DV femicide is challenging due to the inadequately coordinated system of documenting and monitoring domestic violence and gender based violence cases when they are first reported to the police and the courts. This research recommends that the crime of DV femicide be treated separately from 'common' murder and that its researchers collect and examine data on all key aspects of past DV femicides (especially key data on the character and history of the relationship between perpetrators and victims from sources like the police, mortuaries, courts and medical examiners) in order to see whether it is possible, based on such an understanding, to predict and hopefully protect future possible victims of the crime given that this crime is often committed as the final blow to a relationship between people who are close and have suffered a history of escalating levels of violence. The study exposes the urgent need for rigorous grounded gender-sensitive research to guide the creation and execution of effective interventions, policies, and prevention strategies.

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Declaration

I, TENDAI TAKARUZA, affirm that the information offered in this research is original. It has not been submitted to any other University. Where the work of other individuals has been used, acknowledgements have been issued. It is against this background that I affirm this work as originally mine, and it is hereby submitted in partial fulfilment of the requirements for the award of the Masters Degree in Women’s Socio-Legal Studies, at SEARCWL, University of Zimbabwe.

Candidate’s signature: _____

Date: _____

I, JULIE STEWART, being the supervisor, have read this research and corrected it for partial fulfilment of the requirements of the Masters Degree in Women’s Socio-Legal Studies, at SEARCWL, University of Zimbabwe.

Supervisor’s signature: _____

Date: _____

Dedication

To Ndakaitei (my wife) and my sons, Tinotenda Anotida (17), Anotipa Akatendeka (9) and Anokudzwaisho Mukudzei (5) for missing me, whilst away hunting for this academic treasure.

WHILST FIGHTING DV FEMICIDE, THE WORLD WAS HIT HARD BY THE NOVEL CORONAVIRUS (COVID-19) AND NO WORDS COULD DESCRIBE HUMANKIND SUFFERING THAN DEDICATING THIS PIECE TO ALL IN THE TRENCHES FIGHTING THIS PANDEMIC.

DEPARTED VICTIMS OF DV FEMICIDE AND COVID-19 YOU DESERVED ANOTHER CHANCE!!!!

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Finally, all my fellow residents at Basil Fletcher, for being so supportive and giving me the courage to reach this important milestone in my career.

List of Abbreviations and acronyms

CDO	Community Development Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPP	Chief Provincial Prosecutor
DV	Domestic violence
DVA	Domestic Violence Act (Chapter 5:16)
GBV	Gender based violence
ICCPR	International Covenant on Civil and Political Rights
MWACSMED	Minister of Women's Affairs, Community, Small and Medium Enterprises Development
NGO	Non-governmental organization
SADC	Southern African Development Community
SDG	Sustainable Development Goal
SEARCWL	Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe
UDHR	Universal Declaration of Human Rights
UNODC	United Nations Office on Drugs and Crime
VFU	Victim Friendly Unit
VSU	Victim Support Unit
WLSA	Women and Law in Southern Africa
ZWLA	Zimbabwe Women Lawyers Association
ZIMASSET	Zimbabwe Agenda for Sustainable Socio-Economic Transformation

List of international human rights instruments

African Charter on Human and Peoples' Rights and Human Rights

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Beijing Declaration and Platform for Action of the Fourth World Conference on the Declaration on the Elimination of Violence against Women

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence

Declaration on the Elimination of Violence against Women (DEVAW)

International Covenant on Civil and Political Rights

SADC Protocol on Gender and Development

Solemn Declaration on Gender Equality in Africa

Universal Declaration of Human Rights

United Nations General Assembly - 2013A/RES/68/19127 and 2015 A/RES/70/176

List of national legislation

Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (the Constitution)

Domestic Violence Act (Chapter 5:16) (DVA)

List of national policies

National Gender Policy

List of cases

United Kingdom of Great Britain

R v Ahluwalia (1992) 4 AER 889

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CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

The concluding observation of the Committee of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on Zimbabwe's sixth report (2020) states that despite the existence of the nation's Domestic Violence Act (Chapter 5:16) (DVA), it is concerned about:

- '(a) The persistence of high levels of gender-based violence against women and girls happening in all parts of Zimbabwe in both the public and private spheres;
- (b) The underreporting of cases of gender-based violence against women, in precise domestic violence, due to a culture of silence and impunity, notwithstanding a recent increase in the number of cases reported to the police;
- (d) The lack of data, disaggregated by age and relationship between victim and perpetrator, on the number of investigations and prosecutions in cases of gender-based violence against women and on the sentences imposed on perpetrators.'

Recalling its General Recommendation No. 35 (2017) on gender-based violence against women as updated by General Recommendation No. 19, the CEDAW Committee made the following recommendations (in paragraph 28):

- (a) Allocate sufficient human, technical and financial resources and create monitoring and assessment mechanisms for the implementation of the National Programme on Gender-based Violence Prevention and Response with the principles of inclusion and accessibility for all women;
- (b) Address, through awareness-raising campaigns on the criminal nature of all forms of gender-based violence and its grave impact on women's enjoyment of their rights, the stigma discouraging women and girls who are victims of such violence from reporting it;
- (d) Systematically collect data, disaggregated by age, type of violence and relationship between victim and perpetrator, on the number of complaints, investigations, prosecutions, convictions and the sentences imposed on perpetrators of gender-based violence

against women, as well as on redress provided to victims, including financial compensation.

1.2 Background to the Research

Abuse against womenkind encompasses an extensive range of acts from verbal aggravation and other types of emotional cruelty, to everyday physical or sexual mistreatment. At the far end of the spectrum is domestic violence (DV) femicide¹ which is the murder of women and girls. While our knowledge of DV femicide is limited, we know that a substantial portion of DV femicides are women in violent relationships, and are perpetrated by current or former husbands and partners (Vetten, L. 1996). In some reports, the surviving children of women killed by their husbands suffer long-lasting effects since they lose one parent to the murder and the other parent to prison. Since there are no available statistics for Zimbabwe's DV femicide cases, it is difficult to investigate victims of DV femicide disaggregated by sex, circumstances, motives and causes. However, while DV femicide may often be committed within the domestic sphere, the relationship between victims and perpetrators is not recorded for all killings.

1.3 Statement of the Problem

While the family is often ideally likened to a sanctuary or domicile where we can seek and find love, safety, security, and shelter, our families may also be a place of danger which harbours and breeds the most extreme types of violence. Domestic violence is all too obvious and takes many forms. The most severe form of DV is DV femicide. The understanding of this crime is limited because there is insufficient data about it as well as an under-recording of victims and the circumstances leading to it. My research recommends that the crime of DV femicide be treated separately from "common" murder. Its researchers need to collect and examine data on all key aspects of past DV femicides (especially key data on the character and history of the relationship between perpetrators and victims from sources like the police, mortuaries, courts and medical examiners) in order to see whether it is possible, based on such an understanding, to predict and hopefully protect future possible victims of the crime given that this crime is often committed as the final blow to a relationship between people who are close and have suffered a history of escalating levels of violence. It is hoped that this research will show that DV is serious and that

¹ In this paper, domestic violence femicide will be shortened to "DV femicide".

unless concerted measures are taken to protect its victims and curb its increase, it can easily escalate into murder.

1.4 Aim of Study

The goal of this study is to tackle DV femicide at its inception, ensuring that due consideration is given to the risk factors and processes that foster a pro-violent attitude and the abuse of women and girls. It is expected the research will add greatly to addressing the problems relating to DV femicide in Zimbabwe.

1.5 Objective of the Study

In pursuing the goal of this research, the study aims to scrutinize:

1. Whether there have been murders of women and girls in Entumbane, Bulawayo who have been victims of DV femicide.
2. Whether key information about these crimes is available from sources like the police, mortuaries, courts and medical examiners.
3. Whether there is wide understating and non-disaggregation of DV femicide cases in Entumbane, Bulawayo.
4. Whether the murders of women and girls have been premeditated or random and spontaneous.
5. Whether there are widespread advocacy and prevention efforts against the killing of women and girls in DV femicides in Entumbane, Bulawayo.
6. Whether there is a special law on killing to cater for women and girls murdered in the course of domestic violence in Zimbabwe.

1.6 Research Assumptions and Questions

The objectives led to the study assumptions and research questions. The study assumptions and questions assisted in the study design procedure as they helped in finding pertinent literature, determining the method of research and selection of interviewees, to achieve the study aims.

1.6.1 Research Assumptions

- (1) There have been murders of women and girls in Entumbane, Bulawayo who have been victims of DV femicide.
- (2) Key information about these crimes is available from sources like police, mortuaries, courts and medical examiners.
- (3) There is wide understating and non-disaggregation of DV femicide cases in Entumbane, Bulawayo.
- (4)(a) The murders of women and girls have been premeditated.
- (4)(b) The murders of women and girls have been random and spontaneous.
- (5) There are widespread advocacy and prevention efforts against the killing of women and girls in Entumbane, Bulawayo.
- (6) There is a special law on killing to cater to women and girls murdered in the course of domestic violence in Zimbabwe.

1.6.2 Research Questions

- (1) Is it the case that there have been murders of women and girls in Entumbane, Bulawayo who have been victims of DV femicide?
- (2) Is key information available from sources like police, mortuaries, courts and medical examiners?
- (3) Is there wide understating and non-disaggregation of DV femicide cases in Entumbane, Bulawayo?
- (4)(a) Have the murders of women and girls been premeditated? And, if so, why?
- (4)(b) Have the murders of the women and girls been random and spontaneous? And, if so, why?
- (5) Are there widespread advocacy and prevention efforts against the killing of women and girls in DV femicide in Entumbane, Bulawayo?
- (6) Is there a special law on DV femicide to cater for women and girls murdered in the course of domestic violence in Zimbabwe?

1.7 Justification of the study

It is an educational prerequisite as a postgraduate student of the Masters Degree in Women's Socio-Legal Studies, SEARCWL² to undertake a piece of research of this nature. I understand the important role of the police and the criminal justice system in upholding law and order and investigating and bringing to book criminals who commit serious crimes such as DV femicide. Over the years, I have been concerned about the increasing numbers of cases of DV femicide and the need to properly understand and record them in an attempt help reduce their incidence.

² Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe.

CHAPTER TWO

2.0 LITERATURE REVIEW AND THE LAW

2.1 Background of domestic violence (DV) femicide

Endeavouring to fight DV femicide is not new, but combating it has been a low international priority. Due to the lack of strong governmental policies on DV femicide, women's advocacy groups and non-governmental, non-profit organizations (NGOs) have operated for years in diverse nations to denounce extreme violence against women. Until recently, most of them targeted the prevention of domestic violence, but with increasing awareness raised by the United Nations Office on Drugs and Crime (UNODC), as well as other significant establishments, some NGOs are now concentrating on the total eradication of DV femicide. Little data is available about the death of women as a consequence of DV femicide. The global data on abuse and health estimates that, universally, between 40% and 70% of women homicide victims are murdered by a lover or husband (Vetten, 1996). However, there is no such data available from emerging states (e.g., Zimbabwe). This means that these states still suffer from the under-reporting of the crime, lack of interventions to prevent them and cases of miscarriages of justice.

Research similar to mine was done in South Africa in the Gauteng Province by Vetten (1996). The results of that study have been applied mainly to activism drives. Whilst there is available information on violence against women, DV femicide, which is the most extreme form of abuse, has received little attention in Zimbabwe. Scholars and activists suggest that the reasons for this are due to procedural differences in the gathering, classification and explanation of information relevant to DV femicide cases. Other challenges include discrepancies between methodologies applied in diverse settings to gather data on DV femicide. It comes as no surprise that so little is understood about DV femicide in view of the fact that for years the international community has considered violence against women as little more than a community health and human rights issue. Most research on DV femicide has been largely conducted by well-funded sources but significant data about it is yet to be universally collected and analysed.³

³ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC), 'The Global Study on Homicide', Vienna, UNODC publication, 2011. And Sales No. 14.IV.1, 2013. UNODC/CCPCJ/EG.8/2014/CRP.3, Criminalization of gender-related killing of women and girls (2014). Available at

2.2 Domestic violence in general

Zimbabwe is party to a range of treaties, conventions and declarations that touch on issues related to DV and gender-based violence (GBV). Although compliance is not mandatory, they provide procedures for states to follow. In terms of section 326 of Zimbabwe's Constitution,⁴ customary international law is part of Zimbabwean law. Therefore, countries are obliged to stop, react to and penalize offences connected to violence in the family. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) generated a global meaning of discrimination and General Recommendation No.19 established that violence against women leads to violations of their human fundamental rights. In its concluding observations on Zimbabwe's sixth periodic report on GBV against women (paragraph 27), the CEDAW Committee welcomed the actions taken by Zimbabwe to fight gender-based violence against women, such as the formation of the Anti-Domestic Violence Council and three one-stop centres for victims of violence⁵ and a coordinated response towards sexual abuse and violence as will be discussed in Chapter 4.

2.3 The Legal Background

Section 2 of the Constitution of Zimbabwe establishes that it is the supreme law of the land. Section 48 provides for the inherent right to life which is breached in the case of DV femicide which is a special category of murder. Section 25 upholds the dignity of family and provides that the state and all its organs must safeguard and nurture it and do everything within the confines of its available resources to prevent domestic violence. Sections 47 and 239 of the Criminal Law Codification Reform Act (Chapter 9:23) (Criminal Codification Act) deal with the crime of murder and issues of mitigation which Zimbabwe's male dominated judiciary has historically applied more leniently against male culprits where their victims have been female. The law is a clear reflection of the society in which we live; it is one in which its culture ingrains women's subservience to men at every level, from home to boardroom to the highest corridors of power. The courtroom is no exception, as Harvard psychiatrist Judith Herman acutely observes:

https://www.unodc.org/documents/justice-and-prison-reform/IEGM_GRK_BKK/UNODC.CCPCJ.EG.8.2014.CRP.3.pdf.

⁴ Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (the Constitution).

⁵ In accordance with the National Programme on Gender-based Violence Prevention and Response 2016-2020.

“The legal system is planned to defend men from the superior power of the state but not to protect women or children from the superior power of men.”

2.4 The Institutional Background

Various organs of the state are required by the Domestic Violence Act (Chapter 5:16) and other related pieces of legislation to respond to and intervene against acts of DV. Therefore, when conducting this research in Bulawayo, the following people and organizations were involved in it including, the Police, Judiciary, National Prosecuting Authority, Ministry of Women’s Affairs, Community, Small and Medium Enterprises Development (MWACSMED), prosecutors, a psychiatrist, a councillor, community agencies and NGOs. Consultations with these officials indicated they were conversant with their responsibilities under the Act but lacked a designated format to record details of DV femicide cases which would be ideal to create better documentation and thus better knowledge of the characteristics of the offence.

CHAPTER THREE

3.0 METHODOLOGICAL BACKGROUND

3.1 Introduction

This section discusses the methodology and the data collection methods used in the research journey, the emerging issues and the limitations of the study, among others things.

3.2 Research Methodology

Methodology refers to the interpretive focus of the thinking behind the study of an issue. A research methodology influences the research methods or tools a researcher chooses to use to collect the data for their research (Goldblatt, 2011). The research methodology refers to the type of thinking patterns used by the researcher in the journey or path between posing the question which lies behind the research problem (contained in the statement of the research problem) and its answer (contained in the research conclusion). The methodology explains the phases or stages of this journey and the rationality behind it (Coomans, Grunfeld, & Kamminga, 2009). In this research a variety of complementary methodologies were used in order to extract the most meaning from the different types of data (in the form of e.g., statistics, interviews, groups discussions, literature, legal instruments) collected from various sources including the courts, police stations and hospitals.

3.3 Methodological Approaches

The following methodological approaches were used in this research: Case study approach, Criminological approach, Feminist approach, Women's law, grounded theory, human rights, sex and gender analysis and legal pluralism. As a result the research journey was very thought-provoking. The grounded approach which underpinned and directed the research raised some unforeseeable questions and the time it took to consider them and how they influenced the research journey made the three month period allowed for the collection of data pass very quickly and generated several ideas for future research.

3.3.1 Case Study Approach

I adopted a case study approach to this research because it was most appropriate to the research topic. “A case study is an experiential analysis that examines a present occurrence within its real-life background when limitations between occurrence and setting are not obvious” (Yin, 1984). Some of the research came from my observations of the activities of the police and criminal justice system and key informant interviews which were done as part of an exploration, evaluation and documentation of their work. The research also relied on records, books, documents, newspapers, magazines, articles and journals to understand the nature and extent of the problem under discussion.

3.3.2 Criminological Methodology

The criminological methodology or approach to an understanding of the gender-related aspects surrounding the murder of women and girls, or DV femicide, has been practised for the past two decades and is applied in the disciplines of medicine, law and community health. When it relates to women, it is sometimes referred to as spouse killing. The United Nations Special Rapporteur on Violence against Women has said that DV femicide:

‘is inseparably connected to violence against women, and is simply a reflection or expression at the private or micro (individual) level of tensions and collisions between interacting male and female sex-stereotypes which are taking place at the higher public or macro (social, between groups of men and women) level of society’s political, economic and social structures’ (Nkiwane, V. 2011).

The absence of a uniform international definition of DV femicide has meant that international statistics of the crime cannot be gathered. The definition each country gives of the crime has an effect on the type of statistics it collects about it.

3.3.3 Feminist approach

My use of the feminist approach allowed me to focus on the link between DV femicide and the dynamics of the power relationship of patriarchy which men exert over women whom they dominate. Patriarchy explains that power is unevenly distributed between women and men in society and that men repeatedly use violence as a weapon to keep women subordinated to them. I am concerned that the progressive provisions of Zimbabwe’s Constitution afford girls and

women victims who are exposed to DV femicide less protection than those which it affords to the culprits who finally face justice for their crimes. For example, on the one hand, the Constitution does not provide victims of DV the right to mandatory help or representation in court; instead, their interests as complainants are not being well protected by state prosecutors. On the other hand, section 70 of the Constitution affords an accused several protective rights and if they are accused of a serious crime, including murder, they are given free access to a defence lawyer, known as *pro deo* counsel. This imbalance requires serious attention and with a feminist approach, this can be achieved. In recognition of these inequalities, I throw out a challenge for us to rethink theory and policy so that they acknowledge, reflect and respond to differences between, for example, the patriarchal and feminist approaches to the perception, understanding and treatment of DV femicide.

As a lobbyist, I continue to be concerned that the poor civil justice responses to DV femicide undermine attempts to have domestic violence taken seriously in the criminal justice system. There is a need for strengthening of the National Strategy to attain more just and equitable responses by the criminal justice system, which emphasizes the seriousness of the offence, and to strengthen the authority of the law in its effective and important role of influencing community attitudes and supporting social change. Concerning Zimbabwe's sixth report (2020), the CEDAW Committee notes (in paragraph 11) that the Constitution discusses the principle of non-discrimination and gender equality and that it covers a comprehensive Bill of Rights including women's rights. However, the Committee notes with concern the absence of a specific gender-equality law that would incorporate the principle of equality of women and men and defines and prohibits all forms of discrimination against women, including direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with article 1 of the Convention. Consequently, in paragraph 12, the Committee recommends that Zimbabwe, in line with articles 1 and 2 of the Convention adopt, without delay, a law on gender equality, covering all prohibited grounds of discrimination which encompasses direct and indirect discrimination in both the public and private spheres as well as intersecting forms of discrimination against women.

3.3.4 The Women's Law Methodology

I also invoked the 'Women's Law Method or Approach' which is a cross-disciplinary approach to determining the quality of women's relationship to and interaction with the law in its widest sense in the context of their lived realities. Dahl (1987) explains that:

“the approach of women's law is inter-disciplinary and pluralist and demands a somewhat open usage of existing information anywhere it can be located.”

A comprehensive and in-depth inquiry into women's 'lived actualities' helped me to understand the differential impact of relevant statutes on the lives of females when compared with males. This directed me to assess how several Acts⁶ were implemented (by, e.g., the recording of data, reactions to and interventions) by police officers at Entumbane and other criminal justice officials in Bulawayo. A key point of departure with the women's law approach is that through studying women's lived truths and creating situation-specific reactions, the situation of women in law and society can be enriched. Women's law also stresses inspecting places that have not customarily existed under the legislative purview from a sex viewpoint (Dahl, 1987). Concrete statistics were gathered in the study concentrating on women's lived actualities and realities as a preliminary stage for the investigation of the situation of women in relation to legislation and culture (Bentzon et al., 1998). I paid attention to abused victims, offenders, relatives and the police and courts within the locality of Entumbane and Bulawayo as they connected their considerations on DV femicide shortcomings, interventions and responses to these reports.

As a women's law scholar I am mostly concerned with telling, understanding, and clarifying the situation of women in law and society and examining the gender insinuations of court judgments and legislative provisions. Such an undertaking helps individuals to understand the impact sex has on the use of criminal legislation by representatives of the criminal justice structure. This allowed me as a student to understand the gendered assumptions behind both legal thinking and actions taken under the Criminal Code. The analysis reveals the gendered nature and imbalances that lie behind both Constitutional and legislative law. I then studied the circumstances leading to the deaths of women who died at the hands of their abusive spouses and those who did not. In the

⁶ The Constitution, the Domestic Violence Act, the Criminal Law Codification Reform Act (Chapter 9:23) (Criminal Codification Act) and the Criminal Procedure and Evidence Act.

latter case I studied their experience with the criminal justice system. I attended the Victim Friendly Unit (VFU) in Entumbane and other places and interviewed 4 key female victims of abuse or attempted DV femicide. This allowed me to understand their lived realities and conditions, thus giving me vital insight into circumstances of DV which escalate to a point at which they eventually and tragically culminate in DV femicide. Furthermore, the application of this approach led me to determine that when the judiciary deals with men who murder their spouses they think that her behaviour could also have added to the killer's fatal attack against her. In other words, judges blame wives for contributing to their husband's murder of them. Consequently, the blameworthiness of the murderer is reduced and the victim posthumously shares the responsibility for their demise. This is explored in detail in chapter four of this study.

3.3.5 The Grounded Theory Approach

The Grounded Theory methodology may be compared to the behavior of a 'dung beetle' which makes a ball of animal dung in which it lays its eggs and as it rolls the ball along the ground it grows in size as it picks pieces of debris which adhere to it. The dung beetle method as a grounded investigation procedure assisted me to gather data, sift it and examine it by seeing the effects of the results and then decide what next to gather to meet women's needs and proceed with the gathering and inquiry cycle (Bentzonet et al., 1998). Using my suppositions, the grounded theory methodology helped me to discover, investigate and gain an understanding of the lived realities of women on the ground. By way of example, two of my assumptions were:

(3) There is wide understating and non-disaggregation of DV femicide cases in Entumbane, Bulawayo;

and

(4a) The murders of women and girls have been premeditated.

My checks of records showed that there was no proper system to capture data about these killings. It also came to light that women who are killed will have endured abusive marriages for a long time and this killing is a response to so-called 'provocation' within a relationship in which power and control play key roles. Men have successfully used the defence of provocation claiming that they acted 'in the passion of the moment.' Using this methodology, I saw the need

to have the partial defence of provocation amended so that provocation or loss of control can never be used as a justification for violence in marriages which have effectively allowed husbands to get away with murder. The use of the grounded theory approach also led me to interview participants whom I did not originally plan to interview. When I went for discussions with a VFU at the Entumbane police station, she advised me:

“Your research needs engagement with the Member of Parliament or Councillor of Entumbane as she is a stakeholder in matters affecting abused women and would take a leading role in the lobbying of government for viable intervention strategies and possible reforms.”

The methodology assisted my inquiries of individuals as to their overall awareness of policies and laws related to DV femicide reports and in what way the criminal justice system responds to this. The 11 case studies presented a chance to link wider academic insights of the subject to relevant statistics. When interacting with the respondents, I applied a grounded case study approach which proved extremely well suited to the task of unearthing the lived realities of women which is fundamental to applying the women’s law approach (Bentzonet al., 1998). I used fieldwork widely in my research into women’s economic and social civil rights within this framework. I drafted my assumptions based on empirical data and my experience as a law enforcement official (Tsanga, A.S. and Stewart, J.E. eds., 2011).

3.3.6 The Human Rights Method

This methodology was useful in all stages of the study. Zimbabwe has ratified numerous global agreements which advocate for parity between women and men and non-discrimination of women.⁷ CEDAW obliges that countries should denounce discrimination against women in all its forms and practices and take suitable action to eradicate all forms of bias against women, and draft and pass suitable laws and take action which will transform the community and remove from it any dangerous traditional and cultural norms (Goonesekere, 2000). Sections 48, 56, 68, 69, 219 and 162 of the Constitution focus an individual’s right to life and the right to be treated fairly and without discrimination by other citizens, the state and its legal system including the judiciary and law enforcement agencies, including the police. Also, Article 4 of Declaration on

⁷ CEDAW, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa and the SADC Protocol on Gender and Development.

the Elimination of Violence Against Women (DEVAW) encourages nations to take action to eradicate violence against women and it also urges them to:

“4(f) advance comprehensively, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimisation of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions.”

The state's responsibility is to enforce legislation in accordance with the letter and spirit in which it is drafted in order for it to achieve its objective. This research revealed that in their treatment of DV and DV femicide cases, the courts negate the operation of provisions protecting women against discrimination in the name of upholding traditional gender stereotypes and traditional beliefs. It is on this basis that the courts assume that wives express love for their violent husbands by staying married to them and tolerating their abuse, as opposed to allowing themselves to be provoked by and reacting against it. I used human rights instruments and the Constitution as standards by which to evaluate the legality of relevant legislative provisions and court judgments in order to determine whether legal reform was necessary.

3.3.7 Gender and Sex Inquiry

Gender equality as a civil right and a subject worthy of study in its own right emerged out of the Beijing Platform for Action in 1995. I used a gender and sex analysis to help understand more deeply the interaction between men and women within and outside the functions of the justice delivery system, in its widest meaning, to determine how the system and the wider community treat women who are violently abused by their partners. I looked at the functions of accessing and invoking relevant legislation, the drafting of judgments, and the justice enforcement and delivery system's reactions to abused women and its interventions invoked to assist them. The analysis was valuable in that it uncovered the traditional and social attitudes which approve of male domination over and even abuse of women to the point of even condoning DV femicide. It also showed how the role of gender promotes women's dependence on men and their supremacy over women. It helped to explain why women who would reasonably be expected to leave their violent husbands do not do so (La Fontaine, 1960). This is because, as Tibatemwa-Ekririkubinza

(1999) explains, violent wide social support for male dominance over women conditions them to believe that this violence is an expression of their partners' love for them. In response, they remain in the relationship living under a spirit of fear, knowing that remaining subservient and obedient to their every wish is their only hope of staying alive. One elderly woman I interviewed explained:

“A woman who has had *lobola* (bridewealth) paid for her is anticipated to be exceptionally obedient to her spouse, as in principle he has purchased her from her parents.”.

This explains why it is never considered appropriate for a wife to walk away from her marriage, no matter how poorly her husband treats her because everyone is conditioned to accept that men are entitled to dominate and control women. This is why, when matters become so intolerable for an abused woman that she feels driven to finally disobey or leave her husband, she is criticized by members of her community including those who work in the criminal enforcement and justice delivery systems. Therefore the application of this methodology helped me to understand why women who are not usually the initiators of violence eventually end up being killed by their violent male partners. Their reaction, no matter how passive, is considered by their abusive husbands as such an outrageous act of unacceptable defiance of and threat to their continuing authority that discipline in the form of violent punishment is the only way to correct such women in order to bring them back into the relationship which always demands uncritical, slavish obedience.

3.3.8 Legal Pluralism

Legal pluralism which exists in many African states, including Zimbabwe (Allott,1980), denotes a condition in which influences in the form of practices such as culture, customs and religion (apart from the formal law, e.g, the Constitution and legislation) control the choices people make in their daily lives (Matie, 2010). One elderly woman interviewed stated:

“Long ago young ladies about to wed were taught by aunties that girls are anticipated not to beat their husband. They were taught endurance, as marriage

involves two families coming together and *kukhitshwaizinkomo*,⁸ so for a woman to leave *umuendo*⁹ is total failure and embarrassment to the whole clan. You stay for your kids even when the husband no longer gives a damn for you.”

I also discovered that pastors also reinforce the opinion that a woman should always obey and submit to her husband and never oppose him, no matter how abusive he behaves. She must never leave him or the home as the Bible orders her to be an obedient woman. Sadly, men often overlook, however, that this same Bible does not permit husbands to kill their wives. In His Word God commands husbands to love and protect their wives just as dearly as they should love and protect their own bodies. This is because God created Eve (Adam’s wife) as a help mate for Adam and formed her from one of his very own ribs which protects his own heart. This methodology permitted me to scrutinize the relationship between religion, culture and customs and how they impacted the lived realities of abused women and the choices they make. As a result I concluded that the society in which women live does not take it lightly when wives walk away from their marriages no matter how violent their husbands become because of deep-rooted religious and cultural norms which demand that women should always remain subservient to their husbands.

3.3.9 Effect of actors on structures

One of my assumptions was that there was little or no disaggregated data and understating of statistics and data recorded by the police and other relevant departments which makes it difficult to promote effective interventions to combat DV femicide. This rationale for the gathering and use of properly recorded statistics and data emanates from the requirements set out for the police and other government authorities to follow in accordance with the DVA. I investigated how actors or duty bearers like the officers and other justice representatives impact on their structures or organisations. I resolved that the dearth of operational reaction and intervention and proper data recording due to the non-availability of an online coordinated and standardised data recording system and bureaucratic inefficiency were key reasons why there was no data available on violent DV and DV femicide and therefore why, ultimately, interventions against them were weak or absent. This methodology influenced my choice of key interviewees for my study.

⁸ *Kukhitshwaizinkomo* - meaning cattle paid as *lobola*.

⁹ *Umuendo* – meaning marriage.

3.4 Victims and perpetrators of DV femicide

This study would not have been complete without obtaining an understanding of DV femicide from the point of view of those who had killed their spouses. I did this by meeting with four such perpetrators when I carried out follow-up visits with police officers who were investigating these cases at various stations. Three of them were awaiting trial and the last one had served his sentence. He had been charged with murder but it was reduced to culpable homicide in 2003. The evidence revealed that although women are now aware of protective legal measures that they can take to defend themselves against their abusive husbands, they fail to do so as a result of their being influenced by cultural and religious norms and beliefs. I also noticed that the emotional history of the relationship between husband and wife played an important role in this issue.

3.5 Material and methods

In accordance with all applicable ethical principles, I observed all applicable protocols to safeguard the privacy of those who participated in the study and I treated all the collected data and information for the study with the respect and discretion it deserved.

3.6 Data Collection Procedures and Analysis

Information was gathered from numerous sources including court files, a judge, magistrates, prosecutors, police officers, defence/state lawyers and representatives of the Zimbabwe Women Lawyers Association (ZWLA), a councillor and a psychiatrist. Both primary and secondary approaches to gathering information were applied. The kind of procedures applied was determined by the kind of respondents I had. The majority of my respondents were key officials with hectic job programs, so they were interviewed at times suitable to them. The method of gathering data for this study was mostly done through discussions with key respondents. Drafting and following a discussion guide ensured that the discussion did not wander off the topic and it ensured that questions about all the main problems were asked. At the same time, it also allowed the interviewees a chance to think about and offer their opinions about issues related to the topic since the questions did not limit them to a yes or no response. The interviews were semi-structured. I asked the interviewee a question and listened carefully to the answer and if it was not understood I would explain the question and wait for the answer. Questions were asked in the

same way as they would be in a conversation and the respondents were allowed to expand their answers, bring in other relevant issues and ask questions themselves.

Other data collection methods included focus group discussions, personal observations, and perusing written records. The qualitative procedures used in this study comprised the collecting of data grounded principally on attitudes, opinions, perceptions, conduct and meanings. Due to the intricacy of the undertaking, many approaches were applied and these were some of the issues considered:

In-depth interviews (structured, semi-structured, and open) were conducted with the families and neighbours victims' families and neighbours in the immediate vicinity of where they resided. All reports of DV femicide in Entumbane, Bulawayo for the period 2003 to 2019 were studied based on records from the police, the courts and the mortuary.

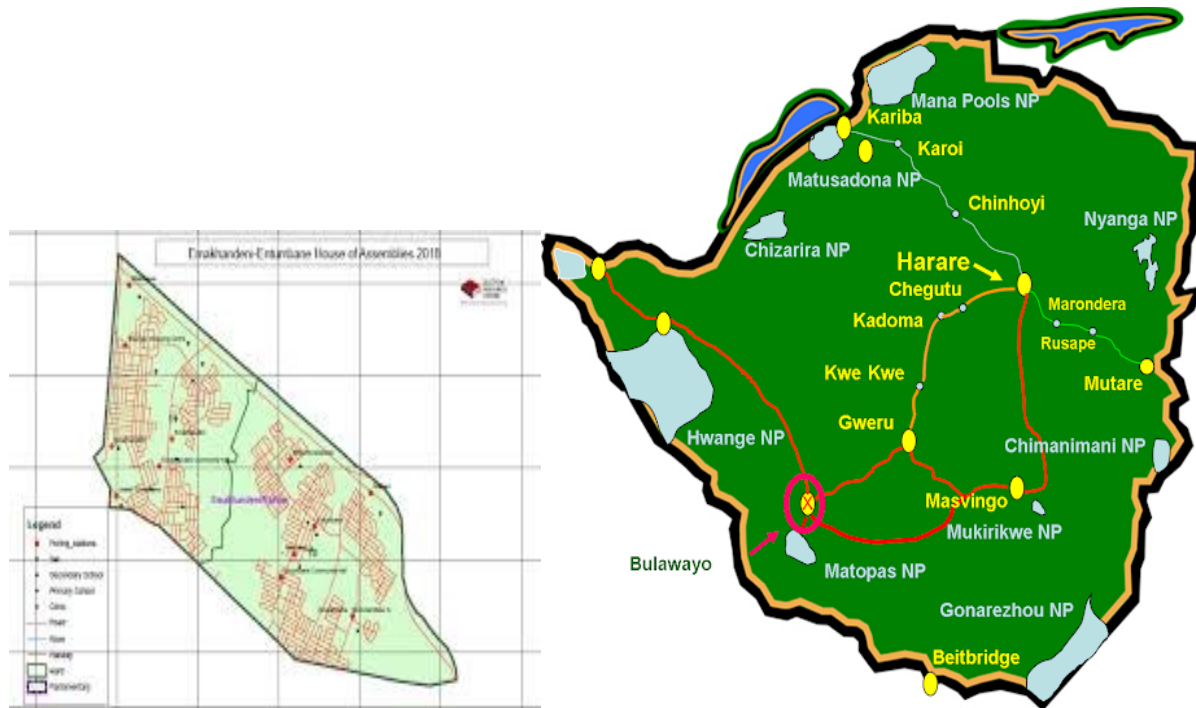
I did not include reports of women's natural deaths or suicides. Data on injuries and victims' bodies, incorporated in the written reports of the pathologist, was gathered at the Mpilo Police Post. All facts gathered were classified to find useful data. I examined the causes of and reasons given for of the DV femicide cases. I also examined the judicial and media responses to these cases. When studying the judicial response, I examined what the accused was charged with and the criteria and practices applied during the police investigations as well as the judicial proceedings¹⁰ of the accused. I investigated the effectiveness with which the legal apparatus examines, pursues, and prosecutes cases of DV femicide. In choosing my respondents, I created and applied certain criteria as part of purposeful selection (Merriam, 2009). First, I intended to cover every relevant office of the criminal justice system. I nominated participants randomly, making sure that they had at least 2 years' experience. Phone calls or face-to-face discussions with investigating members/senior officers or assessments of police documents were carried out to collect data about perpetrators and victims. I selected particular police officers, prosecutors and judges. However, the institutions chose which of their representatives I could interview.

¹⁰ In other words, I studied the charges the state made against the accused based on the police investigations; the nature of the prosecution proceedings against the accused; details of the sentence imposed by the court if the accused was convicted and details, if any, of the accused/appellant's appeal.

3.7 Overview of research sites

The research was conducted in Entumbane, Bulawayo Metropolitan and Provincial area (Figure 1). Information from Entumbane police station and the criminal justice system department in Bulawayo was used to triangulate the research data.

Figure 1: A map of the research site of Entumbane, Bulawayo, Zimbabwe



3.8 DATA COLLECTION METHODS

3.8.1 Research Sample

The sample involved in this study included 11 cases of DV femicide. 120 respondents were interviewed, comprising 70 female and 50 male respondents (Figure 2) and Table 1 describes the positions held by the key respondents.

Figure 2: A pie chart depicting the number of male and female respondents

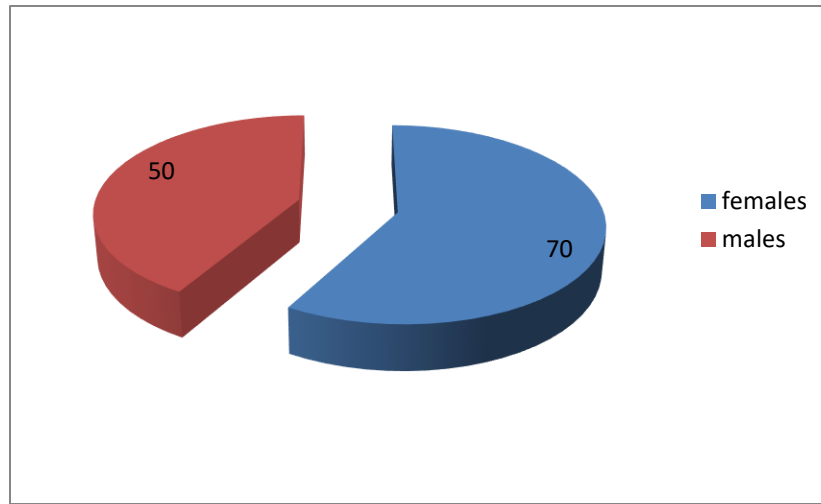


Table 1: Showing details of the respondents, including key informants

RESPONDENTS/INTERVIEWEES	NUMBER
Key informants	
Judge	1
Magistrates	5
Lawyers	12
Pathologist	1
Prosecutors	16
Psychiatrist	1
Perpetrators of DV femicide	4
Police	24
Clergymen	2
Councillor	1
Mortician	2
Survivors of attempted DV femicide	4
Individual Interviewees: Community/Suburban Members	45
TOTAL	120

I selected my study sample as indicated below.

- (1) Perpetrators who killed their spouses. These were the main participants in the research, and they were questioned concerning what it was about their lived realities that drove them to the point of murdering their beloved spouses (Table 2 as read with Appendix 1 which gives brief details of the 11 cases studied). I studied the partial defence of provocation under Zimbabwean criminal law which is most often used by husbands to explain their reasons for killing their wives ‘in the heat of the moment’. My view is that this defence allows men to escape convictions for murder too easily and actually encourages other men to indulge in this unacceptable criminal behavior.
- (2) Attempted DV femicide victims. Victims or survivors of attempted DV femicide gave me insights into the kind of abuse at the hands of their abusers which could result in a final fatal attack (Table 3).
- (3) A judge, magistrates, lawyers, state prosecutors and police officers. These actors were interviewed to assess whether they properly understood the unique circumstances surrounding DV femicide cases and their victims and the importance of relevant statistics and data relating to these cases. These findings of this study also caused me to consider whether there is a need to amend the partial defence of provocation as it seems to allow perpetrators to escape the legal punishment they deserve. In response they made me consider whether it was time for a separate law to deal with these cases.
- (4) A psychiatrist stationed at Mlondolozhi was interviewed to establish what pushes an abuser to murder his spouse and how the Mental Health Act is used in such cases.
- (5) A Councillor and Gender Ward Coordinator were interviewed to analyse if their work is being assisted by sections 15 and 16 of the Domestic Violence Act.

- (6) Elderly women and clergymen were involved in the study to find out what is expected of women who are married to violent husbands from the point of view of their female elders and pastors and what they think of such killings.

3.8.2 Interviews

Before commencing the interviews, I created a rapport with the respondents and clarified the aim of the research. The interview comprised several questions about the respondents themselves as well as six main questions and assumptions as well as the six questions connected to the objective of the research. Nobody declined to answer any questions. Audio recordings were made and some photographs were taken of some participants. The information obtained from the discussions was analysed to check for ordinary and unusual responses.

3.8.3 Key Informants and respondents

I contact new respondents as a result of information I received from interviewees I questioned. For example, the prosecutor at Tredgold connected me to two Chief Law Officers of the National Prosecuting Authority. At Entumbane the Victim friendly officer connected me to the Councilor for ward 10 and the MWACSME community coordinator for the Entumbane area who also took me to Clergymen. The VFU Officer linked me with investigating police officers and the perpetrators of DV femicide whom they were investigating. I managed to engage with the Community Relations and Liaison Officer who organised campaigns at markets and trading areas of business residents. I arranged three focus discussion groups with these residents and I noticed the following. Both the women and men felt free to speak their minds and this led to the asking of key questions. The questions were whether cases of DV femicide were being taken seriously and whether any serious action was being taken to protect women against it. Also another significant question was whether there as any weekly, monthly or yearly data concerning details of the crime. To get a feeling for what goes on in the lives and minds of perpetrators/victims of murder, it was relevant to get as many relevant facts from the men themselves and different individuals within the justice institution.

Discussions with other individuals outside the criminal justice process, like the psychiatrist, pastors and a councillor were key because they provided independent views of how things operate.

I explored the chain of events after a report of DV femicide is made. After the officers have completed their inquiries into a homicide report, the docket is sent to the Prosecutor General's office. It is the state lawyers who decide whether to (1) pursue the charge and proceed to prosecute the perpetrator in court on a charge of murder based on what is considered sufficient evidence to convict the perpetrator, or (2) refer the docket back to the police for further investigations in order to secure further evidence to support a murder conviction (i.e., option 1, above) or (3) withdraw the charge and refuse to prosecute on the grounds of lack of evidence. I intended to establish from these officials in the Prosecutor General's office how they decided which of these three options they choose to follow. I wanted to find out how they prosecute such cases in court and what weight or importance, if any, they give to the perpetrator's history of abuse against the deceased.

I proceeded with the research using an open mind and this encouraged the respondents to speak freely and even suggest reforms or improvements to the way things were being done. This is a distinct advantage of the grounded approach. It allows participants who have an interest in a research topic to focus their minds on it, discuss it, think about it seriously and come up with possible solutions to the research problem. Based on the replies I received from my respondents, I asked even more questions and this stimulated me as I thought even more about the research topic and I started thinking about ideas which I had not originally considered. This is yet another advantage of the grounded approach to research in that even the researcher can be inspired as a result of engaging in the research process to come up with research solutions. Sometimes after an interviewee had spoken I would revert to a previous point or remark that was made. I also discovered that it was valuable to ask respondents of a specific group related questions as this created a chance to establish whether the opinions of one person, for instance, a prosecutor, were similar to those of other associates.

The study included interviewing agents within the criminal justice system whose opinions and conduct impact the final judgment of the court. So, apart from interviewing the perpetrators of DV femicide, I also interviewed people including a psychiatrist, an expert who is qualified to give an expert opinion in court as to nature of an alleged criminal's conduct.

In most of the cases, it was quite easy to secure interviews because, being a police officer, I was familiar with some of the individuals I intended to interview. It was very advantageous for me to be an insider investigating my place of work and related spheres of work, like the judiciary. Police officers are my workmates and prosecutors are colleagues at work and we chat around the courts and at work-related meetings. It was therefore quite easy for me to arrange to interview them. Arranging interviews with key personnel involved making a telephone call, paying a visit to the Judicial Service Commission or writing a letter to the National Prosecuting Authority.

What I learnt while studying for this Masters Degree at SEARCWL led me to study my own work place, the police force, with a fresh mind and through a new lens. Now I started to understand that as the police we sometimes adopt a rather rigid approach to situations. For instance, I began to doubt police thinking about DV femicide which is often to the effect that men are justified in killing their wives because they are provoked into killing them because, for example, they have been or are suspected of being unfaithful or for some other reason. I also learnt from female police officers how differently they, as women, think about DV and DV femicide cases and how differently they treat the people involved. These women officers are of the view that it is the law which is wrong and is out of step with the rights and wrongs or realities of domestic life and the wrongs of domestic violence, not the other way round.

3.8.4 Individual interviews in trading/residential areas

In order to appreciate how officers and the criminal justice system should create effective interventions and responses to DV femicide within the context of women victims' lived realities, I made trips to residences and market areas in Entumbane suburbs which fall under the jurisdiction of the Entumbane police and its courts, being Western Commonage and Tredgold Court. I did this to broaden my study and hear perceptions, beliefs, attitudes and expectations of the community whilst triangulating the facts gathered from some of the respondents. It had been

established that abuse affected everyone of any status and could require a response from police officers but it seemed that women in abusive relationships were not informing the police and were choosing instead to suffer and die in silence as a result of the abuse they had already suffered. As stated by the councillor I interviewed, women do make reports of domestic violence to the police, but only a few. As a result the police are ignorant of women who die as a result of DV. This is because the police do not take DV seriously. In response to the initial poor treatment they receive from the police, women stop complaining to the police about DV. When the DV gets worse they still do not expect help from the police so they fail to report the matter to the police and end up suffering and dying in silence. As a result I found that that interventions and strategies to curb DV were still lacking. These interviews yielded results as individual views made contributions about the kinds of interventions that can be put into operation to curb DV and prevent DV femicide.

3.8.5 Desk view Sources

I accessed my key secondary information from the SEARCWL library, the Entumbane police and all the courts. The internet provided a rich source of general information on DV femicide including online High Court judgments. Legal Aid Directorate, ZWLA and MWACSME also provided key records which helped my desk research. This case study utilised a desk research approach which focuses mainly on documents and published work. Desk research uses books, documents, newspapers, and journals to appreciate the effect and degree of the problem under debate. Primary sources of data such as court files were useful to obtain facts about what actually happened in court at the trials of men who had killed their partners. Some files involved women who had killed their spouses and they were perused in order to make comparisons. The benefits of being a police officer and therefore an insider as well as a scholar were also apparent in this area. Gaining access to the files of men who had murdered their spouses meant tracing them through the Crime Occurrence Book and the Court Occurrence Book and the registry workers were always ready to locate and retrieve them for me whenever I needed them. Usually they need at least two days' notice to recover files. Another benefit of being an insider was that individuals could trust me with their records. At the courts and police, for instance, I managed to continue searching for files at the clerk's workplace when the assistant went for lunch and I

managed to obtain assistance to search for the cases all the way back to 2003 at Entumbane police station.

I found that newspaper reports of murders are also a key source of data. They may be helpful in not only shedding some light on the background and history of the domestic (often marital) relationship between perpetrators and their victims but they also reveal social perceptions and attitudes towards the crime. Sensational media reporting about incidents, however, may distort the truth and perpetuate myths about DV femicide. In Zimbabwe, I noticed that cases of DV femicide were reported as isolated incidents with no common pattern between them and not within a sex and gender context which I had learnt revealed much truth about the power dynamics behind the crime. The language used in such reports and the facts presented frequently concealed the cruelty involved, blamed the deceased victims for provoking the accused to attack them and therefore caused their own deaths. They perpetuated the incorrect impression that such murders were isolated affairs. More facts were issued about the perpetrators (possibly to win public sympathy), than about the women they abused and killed. Males were repeatedly portrayed as understandably incapable of controlling their tempers and brutality because it was the fault of women who provoked them. Such reports also downplayed the cruelty of the violent attacks suffered by women victims, by failing to give complete, transparent, or precise details about them.

3.8.6 Focus Group Discussions

There were three (6) focus group discussions done during the field study with some police officers at the Entumbane police station; prosecutors in the Chief Prosecutor's office; police officers and a mortician at Mpilo Police Post and with three community elderly women whom I linked up with via the Councillor. Apart from being a suitable way of targeting the community such as the Councillor and the elderly gatekeepers, focus group discussions gave me the chance to extract and gather information about the public's standards, opinions and activities surrounding the problem of DV femicide (Tsanga,2003:44). Discussions were held at flea markets and the court where women and men came to report their cases. One woman at the market was very direct when she said:

“Reporting is useless at some point because at police stations *bayakutshelaukuthihambauyebuyalayoidodayakhoand ecourt (emuthethwandaba) wathikusasalizakhalaidodaisihambileejeleabantwanalizabanikaniilizweliomilekan gaka. Laboamadodabacabangaukuhlukuluzaabafazikupela worse bengadliwaebettingimaliyotshwalaingasekoidlini.*”

(Meaning: “... They tell you to go and bring the husband. Even at court they say, soon you will cry foul after your husband has been jailed and you will be left with nothing to maintain the kids, as life is very hard. These men just contemplate abusing their spouses [and it is] worse if they lose money whilst betting, knowing they no longer have some [money to spend on] for beer drink.”

This technique proved to be an effective means of gathering statistics as applicants in the focus group discussions did not exceed five participants which meant they all vigorously contributed to the discussions.

3.8.7 In-depth Interviews

At the beginning of the interviews, I told the perpetrators that the purpose of the research was not to judge them but only to scrutinise the situations in which they committed their offences. Giving these men the right to speak and let their voices be heard was a very important aspect of this research although it was, of course, a possible and accepted risk that they opposed and misrepresented the voices of the victims they had silenced. During the process of these discussions, each perpetrator was offered the chance to give his insight into the DV femicide he had committed. The discussions shed light on the additional aspect of what was going on inside each man at the time of the crime, including, their motives, intentions, emotions, etc. This was very important since in-depth discussions gave respondents the chance to explain their views of what their marriages to their deceased wives were like. Also, I interviewed officers, a senior Judge of the High Court, a psychiatrist, magistrates, defence lawyers and prosecutors and all their views on DV femicide were important as they impact on the important roles they play within the criminal justice system in recording information concerning such cases and the interventions they make in them.

3.9 Triangulating Study Procedures

Even though most of the information I gathered from each source was very valuable in its own right, I still needed to verify it through the process of triangulation in order to prove its reliability as far as possible for the research. Triangulation of study approaches seemed relevant in studying actual lived backgrounds is needed due to different reasons that may explain human character. The notion was to discover whether, after introducing additional variables, the facts still led to an irresistible implication or conclusion or to a fresh explanation of the issue under inquiry (Tsanga,2003:45).

3.10 Emerging Issues

The use of the grounded approach method involving the scrupulous examination of data during the process of gathering data for this research revealed to me that, contrary to expectations, the police were failing in their duty to collect sufficient details in DV femicide cases. I also noticed that challenges in the collection and recording of details of DV femicide details lie in the fact that there are differences between how these tasks are carried out by different actors and structures who deal with and are supposed to work closely with each other when they deal with these cases. Partisan opinions and other problems were viewed as developing subjects (Katsande, 2006).

3.11 Limitations of the Research

The study approaches and methodologies that I used to conduct this research proved to be of great value although I did encounter some challenges. Initially, obtaining permission to conduct the research was a great problem but it was solved. The inability to access the non-governmental organizations, like the Musasa Project, which deal directly with matters of shelter, protection orders and assistance to victims and Mlondolozhi Prison and Khami where most of the criminals are kept did not in any manner seriously disturb this research, as, with the assistance of a VFU police officer I located victims of abuse whilst the three perpetrators who were awaiting trial were located with the help of the investigating officers. Nevertheless, the data collected continued being valid as possible inaccuracies were reduced through constant triangulation.

3.12 Problems encountered

Even though there were several advantages in researching my organisation and sister departments, processes were not simple. There were many challenges faced in this study. The initial challenge was that before some individuals could be interviewed it was essential to secure permission from the authorities. Receiving permission was not always simple. I finally obtained the permission and was advised that applications for protection orders in terms of the DVA and applicants are heard on Thursdays and it was a Monday. I only then asked for the register for the cases booked for Thursday and had to revisit on Thursday to see the victims/applicants and witness the process they had to go through to make their applications.

Another problem I had was that being a police officer and working with the law I found that many of my respondents in the police and the law found themselves unable to offer explanations for how some cases could have been handled even where they felt that the deceased women were undeserving of the excessively brutal violence which had caused their deaths or where the courts had themselves treated women survivors of DV in an apparently unsatisfactory manner. For example, when I asked why Judges normally hand down divergent sentences in similar murder cases. In one case an accused receives a life sentence and in another similar case, the accused receives a twenty year sentence. They simply said that Judges have the discretion to make an independent decision after they have considered submissions from the state and the defence. In other words, all they could do was to repeat what judges ought to do by law; they could not explain possible reasons for the reality that their judgments are inconsistent.

Some concurred and some did not about my concern about the defence of provocation which perpetrators seemed to be allowed to abuse to escape justice and that it should be done away with. I wanted statistics of how men had passed through the courts and the problem also experienced at Bulawayo High Court. The court record management book does not specify if an offender is a female or male, which is a matter of guess work. This could have led to the failure to trace relevant files as men can share the same name as women. Court records were also not properly organised.

3.13 Assessment of Study Procedure

The approaches I used in this research captured the pertinent information I needed. For example, the grounded theory approach was effective in obtaining much relevant information concerning women's lived realities. The approaches I used in this research operated well for me, as they gave me guidance on how to ask for facts from my applicants particularly from the four victims of violence whose real-lived experiences were examined (Table 3). For example, I found out many details as to what they reported concerning the abuse they suffered, why they continued staying with their violent spouses and their opinions of the justice delivery process. All the methodologies used indicated that while leniency is shown towards male perpetrators of DV, women sufferers of DV are treated with much less sensitivity than they deserve based on their sex and traditional gender roles which demand that women remain constantly submissive to their husbands no matter how violently they behave towards them.

3.14 Conclusion

Despite the challenges faced at the outset of this study and sometimes during the study itself, the research evolved into a very remarkable and eye-opening study. The perpetrators and abused victims whom I imagined would not be prepared to discuss what they had experienced gave comprehensive and I believe honest accounts of what happened to them. The research revealed that there is an important need to take a balanced approach when looking at these issues from both male and female perspectives. As a result it is hoped that this should lead to appropriate ways of engaging with men, the likely perpetrators of DV, in order to come up with the most suitable ways to help curb abuse and violence against women and ultimately DV femicide.

CHAPTER FOUR

4.0 VIOLENCE- IMMEDIATE CIRCUMSTANCES

4.1 Introduction

This chapter draws on in-depth interviews and the themes that surfaced from the discussions with four perpetrators of DV femicide, surviving victims of attempted DV femicide, members of the police force, prosecutors, magistrates, a judge, a psychiatrist, pastors, friends, family and other respondents.

4.2 Historic roots

Usually, crimes of passion were and are still handled by legal systems more leniently than other violent crimes. The mercy with which offences of passion are treated is entrenched in Roman Law from which Zimbabwe's common Roman Dutch law is derived. For example, Roman Emperor, Augustus Caesar enforced the moral code *Lex Julia de adulteris coercendis* to crimes involving infidelity which allowed fathers to slay their unmarried, unclean daughters and husbands to murder their adulterous spouses.

Under Judaism, Christianity and Islam unfaithful women are harshly dealt with and, in some instances, may be killed. Death by stoning is permitted by the Jews (in the Torah also known as the Old Testament) and Muslims (in the Koran). Jesus, the Messiah, however, although Himself crucified following a gross miscarriage of justice, forgave his murderers and refused to authorise or condone the stoning of anyone according to His New Way (The New Testament). I believe that He came to give us eternal life which saves us from the spirit of death, the wages of sin. Men seeking vengeance against their wives who have cheated on them or who believe they have cheated on them find or twist their teachings to support their viewpoint. I investigated this when I interviewed Pastor Dube Miller of the Entumbane Seventh Day Adventist Church who had this to say:

“Domestic violence murder does not follow any Biblical verses, neither does the Bible direct men to kill their wives or partners but [this] just occurs as a result of spirits that possess an individual and lead him to kill because these spirits disapprove marriage. It is not easy to understand it, especially if you are not a

Christian. He stated that it required a lot of prayers and deliverances to ensure such spirits are overpowered.”

4.2.1 Zimbabwe

Provocation is a partial defence for the crime of murdering a spouse in a moment of anger and loss of self-control. This means that where an accused can prove the defence of provocation, the charge of murder will be reduced to culpable homicide. Murder minus intent is called culpable homicide. Culpable homicide is also a very grave crime but carries a lighter sentence than murder. When relying on the defence of provocation in DV femicide cases, an accused husband seeks to persuade the court to agree that some illegal or unacceptable act on the part of his deceased wife contributed to his violent fatal attack against her. For example, he claims that he was angered and justifiedly offended by, e.g., her unfaithful conduct and that this contributed to his reactive attack against her. Consequently, the blameworthiness of the murderer is reduced and the victim is posthumously blamed in part for her own death. In my interview with a Senior learned Judge he made the following point:

“You should strike a balance in your research and check and investigate the role women play in causing these murders.”

Although he did not justify a husband’s taking the life of a wife against whom he has taken offence, he said:

“Women provoked the husbands either through infidelity, mobile WhatsApp messages and other sorts of issues.”

Gross provocation was evident he said in Chapeyama’s case (Table 2, Case No.10 as with a brief summary of the case in Appendix 1) when his wife told him that he was infertile. That created a heated argument, because Chapeyama then demanded to know who was the father of their child (i.e., if he was allegedly infertile as she had claimed) and he ended up shooting her. The trial case number was HCB 93/18 (High Court Bulawayo). The offence was committed in aggravating circumstances as it involved the murder of three people during the same episode. The murder was pre-meditated and a lethal weapon, an AK 47 assault rifle, was used. Chapeyama was convicted and sentenced to life imprisonment. Surely, out of respect and dignity for women and

the sanctity of marriage, we need to change this and aim to reach a place in the law where we treat cases like this much more seriously and in such a way that neither partner can ever use the infidelity or alleged infidelity of the other as a justification for violently attacking or killing them. Unless we make this change, the courts will, by continuing to pass such light sentences against such culprits, continue to allow them apparently to get away with murder.

Zimbabwean men tend to demonstrate their authority over their women less verbally than physically and our society condones their resorting to physical violence to discipline their spouses or assert their authority over them. Interviews exploring the life history of the four perpetrators who killed their spouses studied in this research revealed a mesh of inter-related situations and experiences which had attributed to their ability to kill their partner (Mathews et al., 2011). The perpetrators were men who could be described as ‘violent’ before they murdered their wives as they had exhibited violent conduct in their past. Women in Entumbane are socialised to think of men as objects of love, esteem, wealth but also as a menace. They expect these men to rule over them and justify their actions of control and chastisement as signs of love. The prevailing social environment and cultural context in Entumbane breeds a climate of fear of men which widely accepts and condones their viciousness towards women (Mathews et al., 2011). It openly tolerates men’s dangerous (socially unacceptable) and even deadly violence against women.

So despite the right of Zimbabwe’s women to enjoy Protection Orders in terms of the DV Act passed in 2006, many Zimbabwean men have in the past and still manage ‘to get away with murder’ as a result of extremely powerful negative social and cultural forces that control the lives of both Zimbabwean men and women. This was made shockingly evident in 2012 following the brutal murder of a married woman by her boyfriend, a policeman from Cowdray Park. After he was eventually put on trial six years later, he escaped and became an open fugitive from justice by remaining in the police’s employment!

4.3 What made them feel like a man?

All four perpetrators saw themselves as ‘hardworking’ men who were ‘good’ workers and providers for their family which they regarded as an important achievement. One perpetrator had

no formal occupation but still considered himself as a ‘good’ breadwinner based on his earnings from illegal money and gold dealings. He explained:

“Vending fruits did not bring in much of a salary but when I engaged in gold panning (*Isikorokoza*) I began realising more cash.”

4.4 Having the right spouse: A woman you can admire

The women killed by these perpetrators were all regarded as significant intimate spouses in their lives. They were women to whom these perpetrators had deeply devoted themselves and they valued them a great deal. The perpetrators reported that, at least early in their relationship, their spouses had made them feel ‘like men’, by bowing to them and admiring them. As one explained:

“She made me feel like a man, initially she is submissive, secondly she will not do something conflicting to my better decision, and thirdly she compliments me.”

All these perpetrators had an ideal or ‘perfect’ woman whom they had sought as a wife and who would be ‘respectable’, normally ‘innocent’ and ‘pure’. Although these four perpetrators did not openly talk about the sexual appeal of women they referred to it as one of the features they sought. One perpetrator clarified what he looked for in a woman as follows:

“In my wife, it was her behaviour I would look at, the obedience they had and the way they talk, how they did things; they should not be man crazy, they should know their place. Like I said before, I do not like a woman with a bad character because I was groomed like that, I saw this. Now, something I saw ... say a woman goes out at the same time with two men, this is bad.”

These perpetrators looked for wives who respected and admired them (the perpetrators) as much as they (the perpetrators) did themselves (i.e., their wives loved their husbands as much as their husbands loved themselves), thus the possession of a ‘perfect’ wife was critical to their often fragile self-worth. For example, one perpetrator (Mkorokoza, a gold panner) with a poor upbringing could not bring himself to trust his beloved wife whom he alleged was ‘out of his class’, as her family was ‘rich’. They sought not only a certain ‘type’ of wife (i.e., in the special attention she showed him) but she had to have certain features such as a ‘beauty’ which made her

stand out from other women. They wanted a pretty wife but they knew that this would attract other men. Mkorokoza noted this when he said:

“She was too beautiful and everybody envies her.”

A lot of Entumbane women I interviewed say they are now scared of marrying men in Bulawayo because of the violence. Some say they are afraid of ending affairs with these men when the marriage breaks up. One forty year old woman said:

“I feel *kana ndoda kutoramba murume wacho kutokwira ndege chaiyo kuenda kuDubai* or somewhere else, *ndomutumira* text message *ndiriko kuti* marriage *yapera ... Zvekurambavarume zvave kutyisa izvi.*”

(Meaning: “... If I think of divorcing my husband I will just board an aeroplane to Dubai or somewhere else then I will text message him whilst there saying the marriage has ended ... Divorcing a husband is now scary.”)

Other women say they now feel safer dating men from other cultures because of their fear of violence. A 26-year-old woman who is studying nursing, admitted:

“I would hate to become the statistic of another Bulawayo woman knifed to death by a man.”

4.5 Analysis of data and violence cases

From an examination of selected reported cases and scrutiny of court records and court verdicts (Table 2 as read with Appendix 1), it emerged that tackling domestic abuse effectively is very important. It is a complex and sensitive issue. Mushanga (1978) very aptly observes:

“In general...violent killing concerning persons who are married tends to be the culmination of a chain of incidents over some time rather than a sudden eruption of violence, as is obvious among associates during a drinking session.”

Table 2: Showing violence that led to DV femicide in the 11 cases studied (Appdx. 1)

Serial No	Violence Type (Physical, Verbal, Sexual)	Disclosed to third parties (e.g., friends, neighbours, work mates, etc.)	Made contact with police, court or outreach service, community support system	History of Violence	VICTIMS	PERPETRATORS & Case Reference (C.R.) No.
01	Physical	Neighbours and tenants	N/A	YES	Wife (name not supplied)	Michael Sibanda Entumbane C.R. 04/02
02	Physical	N/A	N/A	N/A	Blessed Ndlovu	Stewart Chikowi Entumbane C.R. 168/03/05
03	Physical	Informant George	YES	YES	Juliet Shamapondo	Shadreck Zulu Entumbane C.R. 108/011/05
04	Physical/ Sexual	N/A	N/A	YES	Selina Ndlovu	Nkosi Ndlovu and Nonhlanhla Entumbane C.R. 126/04/03
05	Sexual	N/A	N/A	YES	Ntombizodwa Dube	Adonis Moyo Entumbane C.R. 76/06/16
06	Physical	Witnesses	YES	YES	Wife (name not supplied)	Ricardo Sherdon Donnington
07	Sexual	N/A	N/A	N/A	Kethiwe Zimba	Goodson Zondo Nkulumane C.R. 73/02/18
08	Physical	Father/ Relatives	N/A	YES	Sisasekosi Sibanda	Enock Sibanda Jamela Nkulumane C.R. 212/05/19
09	Physical	Thandekile Moyo (Mother) and a Neighbour	N/A	N/A	Moderate Ngwenya	Mike Nyoni Pumula C.R. 41/11/19
10	Physical/ Verbal	Deceased Mother/ Father	N/A	YES	Wife (name not supplied)	Carlos Tinashe Chapeyama Magwegwe C.. HCB 93/18
11	Physical	Senzeni & Leonard Nyathi/ Febby Msipha		YES	Dumazile Dube	B.M. Ndebele (deceased) Luveve C.R. 73/01/13

Since 2007 after the Domestic Violence Act came into force the Zimbabwean government has attempted to fight domestic violence. The strategies have been aimed at sensitising women to the reasons to report the violence they suffer in their relationships and at creating conditions that will permit them to leave their abusers. Despite such interventions, it can be seen that DV femicide continues occurring. The root of the problem appears to be that most women do not report abuse. The failure of victims to report abuse which precedes their murder is indicative of the social silence surrounding the problem. This is because there is often no social intervention to address the behaviour of the perpetrators when the violence begins as it occurs behind closed doors and is swept under the carpet. This remains an important matter of public concern.

4.6 If the problem is that women do not report abuse, the main question to ask is why don't they?

According to my findings, the reasons why women become and stay victims of DV are numerous. The majority of women are not aware of the risk they run by remaining in increasingly abusive relationships. Some live with their perpetrators because they still depend on them, because they feel unable to stay alone, or because they believe they are doing what is right for their children. Others choose to separate from their spouses, but they refuse to press formal complaints because they think that the menace will be over by the time the separation comes into effect. Some women cannot leave their families because they are under tight control and live in fear of reprisals. In other circumstances, they do not attempt to report abuse because their perpetrators are lawyers, policemen or soldiers. However, outcomes may be the same when victims decide to report abuse and pursue justice.

Victims' incapacity to seek justice is an intricate social occurrence that emanates from the existence, and often a mixture, of disparities at the legal, institutional, structural, socio-economic and cultural levels. Such hurdles may affect access at all levels of the justice chain. Conversely, those women who know of the danger may endure their marriage driven by fright, by inadequate resources and social sustenance, or by the cynicism of the protection system. In all the DV femicide cases identified above, it appears there was a lack of proper intervention even though relatives, neighbours and landlords were aware of these abuses. Since all the people listed above are cited by the DVA to be entitled to make a report on behalf of the victim, it seems no one in

all these cases managed to do so. Individuals other than the police must acquire training so that they can be sensitive to the needs of vulnerable women who are victims of DV and be able to offer them suitable helpful information.

4.6.1 Social Attitudes

Research on domestic violence in rural Zimbabwe by two lecturers at Great Zimbabwe University in Masvingo indicates that:

“violence committed mainly by men against women mostly in homes is regarded as a normal part of gender relations” (Chuma and Chazovachii, 2012: 3).

US Human Rights Practices for 2013 records that 48 percent of Zimbabwean women think that a partner “is warranted [entitled] to beat his wife” (US 27 Feb. 2014, 40). According to other sources, female victims of domestic violence are usually castigated by their relatives if they report DV to the authorities (Womankind, 2011). In a 2015 paper on domestic violence suffered by Christian women in Zimbabwe, the study focuses on gender matters and states that when domestic violence reports are made public, there is often a stigmatisation “of both the perpetrator and the victim” (Chireshe: 2015, 267). Chireshe describes that this is expressly the case in religious families:

“Given that families of religious people are presumed to be harmless places free from domestic violence, cases of abuse in such households would weaken this perception, hence the quietness on the problem.”

She adds:

“Married women are viewed as more upright than single or divorced women and divorce is often seen as a disappointment on the side of the wife, leading in her stigmatisation.”

A woman who claimed anonymity in Entumbane feared pursuing her report because she dreaded divorcing her husband and risking the likelihood of having children with unlike surnames (in the case of her remarrying). She admitted:

“I belong to a Christian setting, so to sire kids with unlike family name is disgraceful... so I have faith that one day he will reform his character... I still have confidence because he still puts on his marriage ring, introduces me to his relatives, and associates; even photos of the marriage ceremony are in the store...”

Statistics published by the MWACSMED and Gender Links study show that of the women surveyed who suffered domestic violence, 2.6 percent got medical assistance and 2.4 percent reported their cases to the police (Zimbabwe and Gender Links, 2013: 49). Sources indicate that entrenched cultural beliefs propagate cases of domestic violence in Zimbabwe (Chireshe, 2015: 263-266). Further, women’s access to justice in domestic violence instances is usually thwarted by gender disparities in cultural, social and religious opinions (Chireshe, 2015: 264). According to Chireshe:

“A large number of respondents interviewed for the aim of the study showed that religious motives discouraged them from reporting the abuse to the authorities.”

The main religious cause was that “only God had the authority to finish the violence by changing the perpetrator” (Chireshe: 2015, 263). The same survey indicated that religious leaders in the community frequently directed women to pray for the violence to end or to “bear the misery as it tempts devotion,” as opposed to calling the police. Dee (2012) points out that the *‘if I can’t have you, no-one can’* concept of affection is egoistic, foolish and deadly; but women are confused and believe it to be proof or a sign of affection as opposed to be the threat of imminent violence that it actually is. Chwaane (2005) says that individuals misunderstand the meaning of uniqueness and the sense of what a good relationship must be. One of my key findings was that there was a very serious challenge to a correct understanding of love. I tried to understand if this problem was common among women and girls in my area of study by interviewing women. It appeared that their sentiments concurred with mine and I thought some were not mature enough to know the difference between selfless true love and selfish lust. They got deceived and lured into intimate relationships with these men by mistaking the latter (lust) for the former (love) and only realised the truth of the matter after they had been trapped into marriage by which time they felt it was too late to escape.

Kupololo (2012) claims that both parties to marriages can be capable of playing the same game: While men seduce women to control them for their pleasure; women resort to charm and cunning in pursuit of their wealth and security. Marriages based on such insincere selfish motives is a recipe for ultimate disaster and Kaumba (2013) predicts as much: Eventually the little trust partners have in each other breaks down, hurt feelings of pride turn to anger which all too often leads to DV and, with the lack of interventions to protect the physically weaker women, violence culminates in DV femicide. Other factors affecting modern marriages and intimate relationships were mentioned by Mr Justice Makonese who explained:

“Rejection of men by women are some of the causes of femicide. Infidelity and love triangles and boyfriend phenomenon have created two worlds which are different where people are living in pretence. Traditional customs of marriage are no longer being followed. Marriages are now being solemnised without the intervention of parents or guardians. It is no longer a taboo to have two people marry without the blessings of parents or relatives and this normally creates discord in the marriage as little value is attached because it was a two-people arrangement. When problems arise it will be hard to engage relatives for counselling or assistance which normally leads to such disastrous decisions of killing each other. Too much urbanisation has led to these intimate partner murders as the social fabric that used to strengthen the marriage bond has disintegrated “the issue of marriage within people of the same neighbourhood is no longer there leading to marriage within people of various cultures” translated as “*kusaroorana vematongo*”. This challenge has watered down the strength of traditional marriage.”

Some issues identified by the learned Judge included the cruelty of men as well as economic pressures and other societal ills all of which have contributed to the problems of intimate partner violence and murder. Due to technological advancements, the use of Whatsapp and Facebook messages whose powerful far-reaching immediate effects are irreparable also inflame emotions in unstable unions. Based on my experiential data, in the highly patriarchal society of Zimbabwe, wife-beating is considered acceptable based on the deeply erroneous belief that a loving man shows his affection for his wife by beating her and that if he does not beat her, then he does not love her. Violence propagated against women by men to a large degree results from cultural norms. Cultural philosophers see the link between traditional practices and violence against women as being deeply interwoven, arguing that wife-beating is usual and socially accepted (Bowman, 2003). Furthermore, Bowman (2003:4) perceives:

“... the unequal distribution of authority within African relationships, the effect of polygamy, the influence of the extended family over a married couple, and the widespread institution of bride price as underlying the extensive abuse of women.”

It is significant that violence, like any other social phenomenon, must, if it is to be properly understood, be investigated within its social and cultural background. That is why studies of female killings in western developed cultures are less likely to have much significance in the understanding of female killings which take place against the African background (Tibatemwa-Ekirikubinza, 1999:17). Bohannan, (1960) acknowledges that:

“... murder [and violence in general] ... is universal, deep-rooted in the social context where they happen ... and must, like all other relationships, occur and therefore be investigated and understood in terms of culture.”

“As such, murder [and violence in general] is not only a social relationship but is also ‘a human relationship which occurs within a specific social and cultural setting’ (Avison, 1974).

Mahfooz (1989) concurs in the following remarks:

“Cultural background and cultural surroundings are too essential to be overlooked in studying the homicidal or any other violent assaultive conduct. The cultural framework forms all human character including criminal behaviour...The social practices involved in the growth of criminal behaviour are mechanisms of the same social practices that create law-abiding residents.”

Domestic violence is very predominant, yet, for cultural reasons, women do not speak about it.

Watts et al., quoting Maboreke, says:

“Everybody discerns it happen. Everybody knows that there is a great deal of it. But nobody knows its magnitude.”

The effect of domestic violence against women is so huge that a survey done by the United Nations established that 99 percent of victims of gender-based violence were women. Despite these results, women continue in these violent marriages. Watts et al. mention that *lobola* (bride price or bride wealth) as one of the factors that may prevent a woman from leaving an abusive

marriage, as customarily the woman's family has to repay the *lobola* if she leaves. Apart from *lobola*, women are also socialised to regard marriage as an important and necessary achievement and they are therefore expected by everyone to endure whatever lies in store for them once they have entered the relationship. The significant power of these cultural limitations which militate against a woman divorcing was accurately expressed by a gender officer whom I interviewed as follows:

“Majority of the women do not file a case to the police for fear of the hubby's families. The hubby is the breadwinner. Women rely on their spouse for money. So [they] hesitate to report the provider” (Minister of Women Affairs, Community, Small and Medium Enterprises Development, official, Bulawayo).

K Ahluwalia poignantly observes:

“My culture is like my blood coursing through every vein of my body”

Radford also states that some women stay in violent marriages for emotional motives. She quotes O. Donovan who says:

“Women's accounts expose emotional bonds to the perpetrator which perpetuates the challenges of separation.”

The cycle of abuse makes it more problematic for women to walk out. The third stage of the cycle is where the man is apologetic and assures never to abuse again. This phase gives the woman a false hope that the man will reform and she stays in the marriage. K Ahluwalia, in her letter, explained the cycle of abuse. She wrote:

“It must be stated that while a man can beat, slap or threaten his woman, there are “good days”. These days incline to wear away the effects of the beating. They incline to make the woman forget the sufferings and look to the good, first because there is nothing else to do; second because there is nowhere and no one to turn to, and third because the defeat is in the beating and expect that it will not occur again.”

In the international human rights arena, the United Nations, in Article 2 of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), urges all *state parties to take appropriate measures, including legislation, to do away with customs and practices that constitute discrimination against women.*

Article 4 of the Declaration on the Elimination of Violence Against Women (DEVAW) encourages states to take measures to eliminate violence against women and encourage states to:

“4(f) develop comprehensively, preventive approaches and all those measures of legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimisation of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions.”

This study brings out stories of marriages that were characterised by a great deal of violence. These findings reveal the prevalence of domestic violence in Entumbane and its surrounding area. Looking at the human rights framework, DV has been recognized as a human rights issue. Article I of the Universal Declaration of Human Rights (UDHR) states:

“All human beings are born free and equal in dignity and rights. They are endowed with reason and consequence and should act towards one another in a spirit of brotherhood.”

DV against women is a violation of the above provision. No abused individual can be said to be equal in dignity and rights to their abuser. Men commit domestic violence as a means of ensuring that women stay in a subservient position to them. Article 4 of the Declaration on the Elimination of Violence Against Women (DEVAW) provides that:

“state parties should condemn violence against women and should not invoke any customs, tradition, or religious considerations to avoid their obligations to its elimination. The state should pursue by all appropriate means and without delay a policy of eliminating violence against women.”

Domestic violence is treated as a form of discrimination that seriously prevents women from being able to enjoy rights and freedoms on a basis of equality with men. Article 2 of CEDAW urges state parties to condemn discrimination against women in all its forms. Domestic violence contravenes international human rights. An author, Rhoda Copelan, equates domestic violence to torture, when she comments as follows:

“The abuse of women by their male partners is among the most common and dangerous forms of gender-based violence. Its victims exceed those of the most brutal dictatorship.”

She equates official torture with domestic violence and concludes that the process and consequences are shockingly identical; the only difference is that domestic violence is private as opposed to officially inflicted. She proceeds to say that, like torture, domestic violence usually includes some method of frequently increasing physical brutality resulting in death. This view is beyond reproach: domestic violence and torture are the same. That being the case, domestic violence contravenes international human rights by being torture. Article 1 of the Universal Declaration of Human Rights and Article 3 of CEDAW provides that *no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment*. Domestic violence violates sections 48 and 53 of the Zimbabwean Constitution whose provisions, in line with international human rights law, prohibits killing, torture or inhuman or degrading punishment or treatment.

4.7 Assessing the magnitude of violence that may lead to DV femicide in Entumbane suburb

The foregoing findings give plausible reasons why domestic violence may escalate into DV femicide. I tabulated (Table 3) the details of the four women I interviewed whose husbands and intimate partner had so brutally beaten them that they were convicted of attempted DV. As can be seen, three of the four perpetrators are repeat offenders. Of the four cases, the perpetrators committed the violence more than three times and reports were made to Entumbane police station at various intervals.

Table 3: Showing an assessment of violence on 4 attempted DV femicide victims

VIOLENCE TYPE	VICTIMS	PERPETRATOR	HISTORY OF VIOLENCE	COUNTS
Physical	Abigail Mandeya (Wife)	Thembelani Mlalazi (Husband)	YES	ONE
Physical	Makanyara Mlala	Irvine Kanonge	NO	THREE TIMES
Physical	Similo Dube	Husband (name withheld)	YES	SEVERAL TIMES
Physical	Chelisile Mdali	Husband (name withheld)	YES	SEVERAL TIMES

According to the information from the research history of the culprits, the victims reported bouts of abuse and some victims were more likely to report their victimisation than others. Research indicates that women who have more experience with the criminal justice system, especially those with protection orders or who have experienced more severe abuse histories, are more likely to call the police. The case of Similo Dube shows this:

“I underwent too much abuse from my intimate partner. In 2016, my husband crushed my cranium. Specialists had to take out bone from the front of my skull and placed an implant to safeguard my brain. My partner persisted mistreating and beating me. I acquired a protection order against my intimate partner. My husband then struck me with the handle of a hoe. I proceeded to Entumbane police station. Nobody would assist me. My blood relatives insisted asking ‘Why did you let your hubby [be] apprehended?’”

The seriousness of injury may not increase the possibility of victims reporting, however, because of incapacity, the increased likelihood that a third party will call in these cases, or the fact that seriously injured victims are less likely to have protection orders. In the case of Chelisile Mdali, I quote:

“Our relationship was planned in such a manner that any pronouncement he made was what we were expected to do. We then attended for prayers in an apostolic sect, where my husband was offered a prophecy stating that I was in love with another man. I informed him no man had offered love proposals to me, but he took none of it and commenced hitting me from 1900hrs until 0600hrs. Our kids would yell and make efforts to refrain to him but he would chase them back to sleep. When I was three months pregnant, I returned to my family’s place. One Sunday he came and pleaded with me to go back with him and I admitted. As we proceeded home he stopped the car and removed out his dagger, piercing me in my belly; bowels came out. He abandoned me right there because he suspected I had passed away.”

When a victim reports domestic violence, there is a possibility that the violence is recurring. Officers should be taught how to help victims and urge them to acquire protection orders to guard against successive victimisation. The existence of prior protection orders provides evidence to support future prosecution. This research shows that activities of law enforcement, such as follow-up home visits after reports, can encourage victims to report abuse. When victims witness good police responses to earlier reports of abuse, their confidence in the police grows and they are more likely to report fresh cases of abuse. On the other hand, this research also shows that victims who reported initial victimisation and feel the criminal justice reaction was inadequate or endangered them are less likely to report later victimisations. However, even if the victim denied causing the arrest of her perpetrator, she is normally just as likely to report re-victimisations as those victims who admitted doing so. Information obtained at the Victim Friendly Officer supports this. Makanyara stated:

“I have endured domestic violence for more than nine years. My husband is very abusive. I made the first report against him year 2015 after he became aggressive and attacked me after securing a job and alleged I had become too pompous with the wage I was being paid. In that case, my husband caused a finger fracture and a report was made at Entumbane. Although my husband pleaded with me to withdraw the case and promised to reform, he never did.”

On this occasion the victim was adamant saying she was not going to drop the charge. Police should not be discouraged from apprehending abusers for fear of undermining the chances of victims reporting future cases of re-victimisation. As with any offence, not all cases of domestic violence are reported to the police, not all cases reported to the police are sent to prosecutors, and even fewer are tried. The research discovered that victims do not usually report the initial act of

DV but undergo multiple attacks before they contact authorities or apply for protective orders. In interviewing victims, officers should continuously ask about unreported initial acts of violence for proof of offences that may be charged. This is essential in order to create a precise and detailed criminal history of any abuse in order to assist in formulating suitable recommendations for treating a convicted perpetrator at the end of his trial. Prior abuse stories may assist in identifying the main or prominent attacker. The victim and the perpetrator interviews carried out managed to establish details which revealed prolonged abuse and discovered that patriarchal norms existed within the relationships. Thembelani Mlalazi openly said:

'Umuntu bemfazi kumele alalele, idoda ikhuluma, hachi ukhupikisa ngenkani ukhuzwa hikho kuyenza ukhuti umfazi atshaywe.'

(Meaning: 'A woman must be submissive and soft whilst paying attention when being instructed by the husband and not to argue and be stubborn as this causes her to be beaten.')

CHAPTER FIVE

5.0 OPPORTUNITIES FOR INTERVENTION AND TRACING THE HISTORY OF DV

5.1 Introduction

A demand to end all types of violence against women was made in the Declaration on the Elimination of Violence against Women (DEVAW) in 1993 and the Beijing Declaration and Platform for Action in 1995. Both instruments encourage that efforts to end violence against women must be complemented by reliable statistics on such violence. Inter-governmental organizations and the United Nations General Assembly have on many times restated the critical significance of collecting and improving statistics on violence against women as key components towards its abolition and have mandated work on this subject. There is a wide agreement among legislators, policymakers, and civil society regarding the need for reliable data on the occurrence of various types of violence against women and on the reasons, form and impact of such violence.

5.2 Absence of appropriate data on DV femicide – systems not co-ordinated

The value of data is a key issue in studying DV femicide. Available formal data tend to be isolated and rife with incongruities and discrepancies. The under-reporting of incidents and inadequate data were problems in all departments. The use of inexact categories for the sorting of murders results in the misidentification and under-reporting of DV femicide. The use of stereotypical, potentially injurious categories comprising “crime of passion” or “mistress” is another usual practice. Media reporting of killings of women mirrors prevalent stereotypes and detrimental prejudices, often sensationalising some information of the victims’ private lives. Compared to formal records, media versions incline to be less accurate about recording hard facts (e.g., names and ages) but offer background information that may aid in ascertaining incidents of DV femicide, comprising victim-perpetrator relationship, the background of abuse, etc. The media are an essential source of information, notwithstanding the possibility for re-victimisation as a result of the reporting.

Among the key methodological results is the lack of methodically gathered and documented statistics. This absence of data impedes any chance to examine the actual seriousness of the problem and comprehend its dynamics. At the core of this deficiency are the severe flaws intrinsic in the investigation of the killing of women, or certainly, the entire lack of studies in such incidents. The Senior Regional Magistrate based at the Tredgold Court (Mr Utahwashe) acknowledged that my research was eye-opening and ground-breaking as these cases received little or no attention from stakeholders as no statistics and no action was being taken to curb such incidents. He stated:

“Women as a section that is not well represented, their issues are not tackled and this research was a noble cause. This will bring out how the cases happen and not bracketing everything under the term ‘Murder’. It will make statistics and data available for advocacy, lobbying and prevention strategies.”

Another problem is the propensity of some women’s groups to categorise all killings of women as DV femicide. This brings serious, hidden risks for DV femicide research and for galvanising an urgent response around these killing, as they might easily be seen in the setting of generalised social violence, thus making invisible the specificity of violence against women and the need to confront it in a specific manner. The loss of data and the under-reporting noticed at the different institutions responsible for police, judicial, and medical procedures in reports of killed women do not permit the recognition of the key features of DV femicide. Key information desirable to classify these offences, such as the relationship between the killed women and their murderers, the conditions under which the offences happened and likely reasons, are not viewed as being pertinent by the institutions and the staff involved in the data capture process. Usually, the causes for these offences are reported as having to do with “passion,” or emotional problems linked to sex, unreasonable distrust, and unfaithfulness, among other causes. There is reason to define what forms of statistics and information are essential and required for the cessation of DV femicide. It has become visible that the crime statistics alone on the occurrence of DV femicide are not enough. Further facts must be gathered to comprehend the causes and context behind DV femicide and to find opportunities to act against and stop such killings. Therefore, it also has to be ascertained whether victims and perpetrators were already known to several departments and if there was a chance to act earlier and protect the victim. Moreover, it is essential to gather more

comparative information to ascertain where political departments and societies were fruitful in preventing DV femicide.

Significant problems arise with police data. The totality of police reports on killings differs greatly, even in areas with the most systematic, routine collection of statistics. In many locations, statistics are not disaggregated by sex. Due to limited-resource settings, Police data systems do not routinely capture victim-perpetrator information in homicide cases, making surveillance of trends in these areas impossible. Incomplete or missing dockets and postmortem reports and the incapacity or reluctance of police to probe such murders remain a problem in many areas (Scafran, 1990). Gathering data related to DV femicide is important since it can help victims by better equipping the police to classify risk causes or warning signs and make DV femicide more visible and also by increasing awareness of the crime among professionals, policymakers and community members (Scafran, 1990). All pertinent service providers and professionals should find ways to make data about DV femicide available and meaningful and should advance proactive reactions and reduce any bureaucracy that could hamper urgent responses to the crime.

Paragraph 5 of the recommendations on the sixth Zimbabwe report by the CEDAW Committee welcomes Zimbabwe's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the National Programme on Gender-based Violence Prevention and Response (2016-2020) and the Revised National Gender Policy (2013-2017). It is to be hoped that using guidelines of these frameworks will make vital socially and gender-sensitive data accessible in numerous languages and formats. My research stresses the key significance of disaggregating statistics accordingly, that is, concerning ethnicity, 'race', marital status and age. Handling these matters more sensitively and more competently will allow the police not only to gather more thorough statistics about cases about murders of women but also to ascertain features such as socio-cultural issues connected to religious and vulnerable groups and situational and threat issues that might have added certain significance to the reported case. Significantly, the use of qualitative, in-depth research used in this study:

“... has the prospective to brighten the multifaceted, intertwined systems between human lives, as well as structural power relations and forms of social change; this would allow policymakers and opinion-makers to widen the vision of the challenge to its socio-structural features” (Nkiwane, 2011).

Logically, this should also create a way for the creation of better legislative and social policies. While the victims of DV femicide cannot be heard, we are still capable of listening to the victims of attempted DV femicide which I managed to do in this research and study the effect of this crime on family, children, relatives and wider society. Research can also follow the variations in media portraits of DV femicide permitting policy recommendations. Application of the International Classification of Crime for Statistical Purposes (ICCS) allows departments to improve a standardised and viable system of capturing the gender-based dimension of all crimes and enables the recording of violence against women and girls. It can, therefore, improve the significance of composed statistics, permitting a more detailed, in-depth examination, as well as a comparable system of information gathering across all departments that handle DV femicide cases. There is a need for interconnectedness or an online data system.

5.3 Missed opportunities, using data to reconstruct how violence occurred

In all the cases identified by the researcher the major problems of the victims were insults or statements that angered the perpetrator and in three incidents the victim fought back resulting in their abuser getting even more violent. A substantial number of victims will not disclose their victimisation. It was not possible to gather first-hand information from family members about the quality of the relationship between the victim and the perpetrator. Interviews with the four perpetrators revealed motives behind the killings. The evidence gathered explains only part of the dynamics of the intimate partner violence that led to the DV femicide. The recording of information in departments use differing templates to capture deaths and DV femicide numbers or rates are available but many incidents lack complete information and data collection is discontinuous. Consequently, determination of the primary or predominant aggressor may not be self-evident although this research managed to reveal this from circumstances of the cases made to the police and some interviews conducted. Nonetheless, data on police action at Entumbane police station and the court did not show whether incidents resulted in dual arrests for intimate partner violence during the lifetime of the victim.

The murder by Adonis Moyo (case number 05 in Table 2 and Appendix 1) portrays a picture of victim who fought back. From the police records I quote the following:

“She openly stated that she had found a boyfriend to substitute the perpetrator which angered him and a fist fight started. It is believed the perpetrator took a spear which he used to keep under the bed and struck the victim twice on the chest resulting in her dying instantly. He proceeded to the police and handed himself. The police proceeded to the house and found the victim sleeping in a pool of blood whilst the spear was stuck on her chest. Their three children were sleeping in their room and did not hear the altercation.”

5.4 Perceptions of courts and DV femicide

This study revealed that even officials in the criminal justice system do not understand domestic violence. During my in-depth interviews and focus group discussions held with police officers, some magistrates, prosecutors, lawyers and a Senior Judge, all said that these women contributed in some way to their own deaths by provoking their assailants by behaving unfaithfully towards them, showing them disrespect, verbally insulting them or by fighting back instead of resigning themselves to the violence. Ptacek (1990) believes that since some officers of the criminal justice system do not truly appreciate the meaning of ‘domestic abuse’, they merely blame the victims (women) as confirmed by the findings of this study. In general, all experts value fast-track hearings because of their immediacy. According to lawyers, this practice enables the fast removal of the perpetrator from his home, his confinement to jail and security for the victim. However, police officers believe that this process does not permit for in-depth analysis of the facts. In addition, two lawyers grumbled about the problems that victims face when having to secure witnesses to testify on their behalf. Thus, court decisions are frequently founded on the most recent episode of violence, and the history of abuse is not taken into account.

“Some women come to court in such a state of shock that they cannot relate events precisely. In those cases, requests for a protection order may be rejected, because of a lack of consistency in the statement of the facts” (Woman lawyer).

Although respondents admitted that perpetrators violate protection orders, some officials (police officers and judges) say that some perpetrators respond to such orders through even worse retaliatory violence. Sometimes the women violate their own protection order. According to two

of the lawyers, the staff of the courts do not treat these victims seriously and the other lawyers have heard them saying such things as:

“We hear sayings like ‘here she is again’ or ‘how long will it last this time?’”
(Woman lawyer)

Lawyers also speak of the disappointment of victims who do not see their perpetrators being punished (some of whom have a record of repeated abuse). They also think that the police should stop victims from seeing their perpetrators when they are detained, even if the victims themselves request it. One magistrate explained that there is a certain kind of victim who files complaints to “issue a warning” to her husband. This is common in marriages where both parties threaten each other with verbal abuse and this may escalate to violence. When these women become aware of the consequences of their charges, they tend to retract them. However, the magistrate can choose to follow up these cases of his own accord and without consulting the parties and this can end in their both being punished under the law. A study of police reaction to domestic violence found that police officers, like the community at large, possess stereotypical opinions about victims (women) and family fights that weaken their effectiveness in handling the perpetrator and the victim (Ferraro, 1989).

In general, common stereotypical views of police officers include seeing women who allege they have been violated as non-credible and undeserving of police time (Belknap, 1995). Abel and Suh (1987) state that while 60% of the 300 assaulted women in their survey requested to have their husband apprehended, the police arrested the perpetrators only 28 % of the time. Victims’ wishes for arrests were overlooked in 75% of the reports studied by Buzawa et al. (1995). Saunders’ (1995) research into police officers’ inclination to apprehend domestic violence victims discovered that masculine norms and general attitudes about victims were not related to arrest choices; however, the probability that officers would select the arrest choice was related to their justification of domestic violence. American research on the subject has noted that in 80% of domestic murders the police were summoned to the home at least once before the crime, and in more than half the incidents, they had been called five times or more but unsuccessful in sufficiently solving the problems, seeing the cases as domestic matters until finally, a murder occurred (Holmes and Holmes, 1994). Anyangwe (2005) says the opinion that police failure to

handle domestic violence which eventually leads to spousal murder is as a consequence of the fact that police officers, as discovered by this research, regard domestic violence as a private matter in which the state prefers to get involved as little as possible. Crites (1987) proposes that there is a judicial pattern that shows an unwillingness to see spouse abuse as an offence and an inclination to side with the perpetrator in domestic abuse incidents. Further proof of this is evident when magistrates issue protection orders but refuse to remove men from their homes, even only temporarily. Schafran (1991) claims that:

“While it may seem simple for victims to get protection orders, violations of such orders by perpetrators are not punished seriously.”

At every stage, the judiciary has the chance to intervene on behalf of victims who live in pain and fear of the perpetrator (NCDBW, 1994). However, as verified by this research, very often victims get little assistance from the courts who blame them for making a difficult situation for themselves as they rely on the perpetrator. The SADC Report says that the “Victim Friendly System” [VFU facilities and services] comprises “police units, courts, counselling and health clinic services” (SADC 2015, 90). The Judicial Service Commission's report states that “the VFU Officer is answerable for ensuring that a victim or witness is sufficiently prepared for their first Court attendance” (Zimbabwe 2012, 35). According to Country Reports 2013, domestic violence convictions are rare (US 27 Feb. 2014). Womankind's 2011 Report shows that some officials of the court “continue unacquainted with the law on violence against women.” Womankind further indicates that “courts do not have the documents required for the victim to apply for protection orders when they are answerable for offering these to the victims.” Accordingly, Zorza (1997) notices the following glaring irony:

“The same prosecutors who have declined to go forward without the victim's co-operation when she is alive have no problem prosecuting her perpetrator without her assistance after the abuser has killed her.”

As a result of the effects of the cultural norms already mentioned, members of the criminal justice system do not appear to comprehend the theory of DV femicide. Some of the members of the criminal justice system interviewed in this research roundly condemn women who had continued living in these abusive marriages. In the face of such accusations and opinions, victims

such as these cannot fairly expect sympathy and justice from the criminal justice system as long as the provisions of section 239 of the Criminal Code which requires an accused person to react ‘in the heat of the moment’ or “loss of control”, are not amended. In the UK, provocation was an accepted defence for a crime of passion until 2010. The defence of provocation was replaced with that of “loss of control”, which is still taken as unacceptable by defenders of women’s rights. Many other world jurisdictions have removed the defence of provocation or restricted its application as the go-to defence for a charge of domestic violence, alleging provocation excuses violence and gives men an easy excuse for their conduct and convenient escape from recrimination. In recent years, there have been developments made by United Nations Women and different women’s and interest groups in different countries to force a review of their local laws and Zimbabwe must also take the same initiative. The mammoth problem of domestic violence and murder of women from crimes of passion should never be permitted to provide easy defences and excuses for the guilty. This section (section 239 of the Criminal Code) must immediately be corrected to exclude reactions which are done ‘in the heat of the moment’ and rather properly consider the very real issues of power dynamics and control or walk-away reactions, especially in relationships and marriages, because they promote reiteration. Doctor Nemache Mawere (psychiatrist) stationed at Mlondolozhi said:

“Most men in this country have found it problematic to adjust and settle in these marriages. But to murder someone because marriage has ended is very evil. Someone’s life will be ended brutally, her parents and the parents of the murderer will live in pain. The murderer will spend his remaining life in jail. There is no justification for all this because people should learn to walk away. Indeed, men’s control over women is at the heart of this sad story ... Very often women are murdered when they contest that control, by trying to separate from their spouses, or seeing someone else, or doing something that their partner doesn’t want them to do.”

One of the rudiments of the battered woman syndrome, or what I will call Stockholm syndrome, is that of “learned helplessness” after lengthy beatings these women become helpless, they are not able to leave or believe that anyone else can help them. The Chief Provincial Prosecutor (CPP) found it most worrying that instead of increasing refined skills of keeping a marriage with wives based on affection and respect, husbands were rather developing an ownership perception of wives which was fuelled by giving them gifts to ‘buy’ their love. The CPP appealed to men to

accept rejection, saying that murder was not the answer to soothing their wounded pride (Mouton, 2013). The saddest thing about violence against women is that some of the women, if not most of them, were killed. According to Shaanika and Shikongo (2014), strangling, stabbing, suffocating, hacking and gunning down were just some of the most grisly, horrible means husbands use to kill their wives and these are often overplayed by the media. One respondent (woman) whose younger sister was killed by her lover referred to a chilling phone text message he sent to her after the killing.

“Go and bury your person, she provoked me for too long, now I am going to jail, and he proceeded and handed himself to the police”.

Chimbos (1978) observes:

“Inter-spousal murder...is rarely an explosion in a blissful exercise marriage, but is rather an endpoint of an ongoing series of bitter quarrels between parties.”

Based on the findings of the study, I can safely submit that the dominance theory does well to explain that a husband who exercises power and control over his wife resorts to committing DV against her which leads him to kill¹¹ her whenever she tries to liberate herself or leave the marriage. Domestic violence against women is too complex and dynamic to enable laws to provide answers for all situations or problems that are likely to arise. Judicial options subsequently allow the application of what are often general legal instruments to the subtle nuances of individual cases. Where domestic violence is concerned, judicial preference may be used at various decision points in criminal cases. Judicial preference is conversely a two-edged sword. While the verdicts of Judges and Magistrates are shaped by the legal aspects of cases, they are also shaped by their beliefs and perceptions of domestic violence against women. As a result, judicial discretion can be - and often is - affected by stereotyping which may weaken victim safety and perpetrator liability. Notwithstanding the court arena, criminal or civil, the violence reported is equally serious. The main variances are the reactions courts can give. For this reason, judicial officers should ensure that victims are told that they may file criminal complaints in addition to petitioning courts for protection orders. Moreover, if judges and

¹¹ e.g., as in the murder of Dumazile Dube by B.M. Ndebele (case number 11 in Table 2 and Appendix 1).

magistrates are incapable or unwilling to impose existing laws, it confines the efforts of the intervention system, comprising of statutory agencies and non-governmental groups, to work successfully. Most importantly, due to their sole position in the justice system and their communities, judges and magistrates help direct the message to perpetrators, victims and the community as a whole, that courts take DV femicide seriously. While upholding their impartiality, judges can thus assist educational efforts within the courts and focus societal concerns on the safety of women.

5.5 Advocacy and prevention strategies need strengthening

Community advocacy clusters and women teams can play a key role. The public's consciousness about the unacceptability of DV femicide should be elevated through the mass media to transform perceptions of such violence and encourage women to report DV. To be precise, the awareness of police officers, legal aid providers and mass groups on available support services for victims and the current legal framework on domestic violence should also be raised. Victims should be urged to take out protection orders and retain them but should also be warned that the orders do not prevent all abusers and may be more effective when complemented by the criminal arrest of the perpetrator. During the research one woman gave voice to her feeling that the order showed the perpetrator that the "law was on her side." During random interviews with victims of DV at Tredgold and Western Commonage Civil Court who managed to obtain protection orders they stated that the orders enhanced their sense of complete security, especially if the perpetrator had a previous criminal record and were more likely to re-abuse. It may be that even though orders do not stop abuse, they lessen the severity of future abuse. Alternatively, although they may not affect the extent of re-abuse, protective orders make victims feel vindicated and empowered. Although not studied openly, it seems to be suggestively simple for law enforcement to supervise and enforce protective orders than to monitor and interrupt violence in general. This may describe why abusers are meaningfully more likely to be apprehended for protective order violations than other common domestic violence offences. Victims should be encouraged to take out protection orders and retain them but should also be advised that the orders do not deter all abusers and may be more effective when accompanied by criminal prosecution of the abuser. I also believe it is essential to enlist the help of their cultural

communities. Some campaigns should be targeted exclusively at women urging them to obtain protection before planning to leave their relationships.

It is important to assess what legal actions and procedures contribute to triggering killings. I also believe that harsher penalties should be coupled with educational and therapeutic measures. I examined good practices of community-based approaches to addressing domestic violence in the Entumbane suburb and the greater Bulawayo area. Such practices include those of Councillor Mutundwa who, in her work and as a compassionate resident in Entumbane Suburb, has dealt with more than 15 cases, offering counselling, signing affidavits and sourcing medical funds thereby complementing the provisions of the DVA. In developing countries, like Zimbabwe, the actions of such community leaders are appreciated as they try to respond to domestic violence by recognizing the complexity of the problem and meeting victims' needs. I also believe it is necessary to enlist the support of cultural communities effectively. In Entumbane, there are committees for residents that can be utilised to help combat the incidence of domestic violence. This was emphasised by Public Prosecutor Madzore at Western Commonage Court when he said:

“Prosecutors normally conduct interviews with perpetrators to establish the cause of the commission of the offence but do not go deeper to come up with a solution, as what they want to achieve is to secure a conviction. When accused admit charges this normally makes the prosecutor job easier and the State is not concerned in why the perpetrator committed the offence. Considering that in most cases the deceased is never represented, a conviction by the state looks like justice will have been met but this is not the only way to deal with these problems. A multi-sectoral approach may be favourable as it looks into the state of accused, the community, relatives and preventing future occurrence of the cases. That is what is lacking currently in our Zimbabwean system.”

5.6 Viable intervention strategy

On 25 November 2002, the International Day on the Elimination of Violence against Women was observed and the then United Nations (UN) Secretary-General, Kofi Annan, exhorted governments of all nations to increase their efforts to eliminate violence against women. He also stressed that a lot was yet to be done to make and maintain an environment where women can enjoy freedom from all forms of violence (Women's Aid International, 2002). However, not

much has been attained despite the rise in national, international and other programmatic efforts towards developing interventions to stop and react to this disastrous phenomenon. This has meant huge numbers of women have been left to defend themselves against this sadistic and inhumane violence on their own. Public education campaigns must be aimed at stopping domestic violence directly or indirectly. They may deal directly with domestic violence or with other problems relating to inequality and violations of other human rights. Several authorities have tried to devise harmonised community reactions, comprising of various criminal justice and social service interventions that react to domestic violence.

Prosecutors must become actively involved with victim support and service agencies to help victims as required. Also, prosecutors should inform victims that prosecution, along with civil protective orders, may improve victim security. The law enforcement and justice divisions are important players, as they can be organised to become more effective in defending victims of DV, putting an end to impunity, creating access to justice and reacting to the distinct needs and susceptibilities realised by women victims within the justice system. Concern for the victim's protection must lie at the heart of any intervention curbing domestic violence. No matter what move a prosecutor makes, it is vital to examine the effect of the intervention on the victim's security and make sure that the risk of further violence is not increased as a result of the measure. It is useless and indeed harmful for a prosecutor to secure a criminal conviction if it increases the victim's exposure to more harm. While prosecutors are not directly involved in issuing protection orders, they should, however, be aware the victim has demanded such an order. This is imperative where the violation of a protection order is a criminal matter. It is of specific significance that co-ordination is guaranteed between on-going criminal and civil law cases. It can be very confusing and distressing for the victim to receive un-coordinated and contradictory instructions from the criminal and civil courts.

Information should be shared between the criminal and civil authorities so that the protection of the victim is made paramount importance at all times. There is a need to advocate teamwork between services and plan suitable interventions. Officials interviewed also feel it essential to move toward women's autonomy both economically and in their ability to make choices. Besides, they feel it is essential to expand training in gender-based violence for the staff working

in safety services. Looking for and receiving the right kind of help when marriages experience difficulties can prevent DV femicide. Mahfooz (1989) emphasised this need:

“Safeguarding peace in the society must start with safeguarding peace at its lowest stage, in relationships between two individuals. If we cannot nurture cordial relationships at the level of two individuals, it may be problematic to extend cordial relationships to the greater society. Peace in the society must commence with peace in the home and a relationship. There should be healthier ways of viewing our differences or resolving our problems in a relationship than resulting in violence or femicide.”

5.7 Failure to intervene and why?

Opportunities for intervention and tracing the history of violence is provided for by the Domestic Violence Act but those responsible for putting the Act into full effective operation as intended by its drafters are failing to do so. Officers are often ill-equipped to recognise dangerous patterns of behaviour in domestic abuse perpetrators correctly, in particular where there is no overt physical violence but instead psychological terrorisation and control, which can also have fatal outcomes. However, even though the administrative and criminal justice systems have been in existence for some time, there has been little meaningful reaction to domestic violence by these departments. Only in the most serious of cases do they get involved.

Domestic violence is still seen by many as a private family problem and the reaction of the administrative and criminal justice system indicates this view, specifically by concentrating on reconciliation. The common police approach is to reunite and to evade apprehensions or detentions excluding the most serious reports. As a consequence, prosecutors deal only with the most serious domestic violence reports and are unwilling to pursue them because of the complications created by these reports and the fact that they will often have only slight success if they prosecute them. The judiciary shares the opinion that these reports do not easily fit the criminal courtroom scenario and are best handled through reconciliation. These outdated methods leave the victim, the children and the public defenceless from the shocking consequences of domestic violence.

Furthermore, an impediment to the reporting of domestic violence to local authorities might emanate from a fear of losing their respected status of being considered a good “cultural village”. The more reports of “social evils” filed, the more probable it is to lose this position and consequently to lose respect and good status in the eyes and opinion of the local authorities. This reflects a widely held belief that filing more domestic violence reports means that there is more domestic violence going on in a community and this is nothing to be proud of.

Further to those factors, there are some technical difficulties that the criminal justice sector faces when dealing with domestic violence cases. According to findings of the research, a big problem has been the way crime is understood and interpreted as in many cases the police will only react where there has been a physical or sexual assault and will be at a loss as to how to manage emotional and psychological trauma brought about by domestic violence. According to section 4 of the DVA, acts which do not constitute an offence under the Act and are therefore excluded from the scope of the DVA consist of (a) emotional, verbal and psychological abuse referred to in section 3(1)(c) and defined in section 3(2)(c)(i),(ii), (iii) and (iv) and (b) economic abuse referred to in section 3(1)(d) and defined in section 3(2)(d)(i) and (ii).

Further analysis of the Domestic Violence Act’s salient provisions in section 15 (Anti-domestic violence counselors, sub-sections (1)(a), (b) and (2)(a) - (f)) revealed to me that none of these is in existence in Entumbane, further exacerbating the situation of violence as victims and perpetrators cannot get assistance like counselling, advice and critical help. The other challenges that have also made interventions very difficult are the absence of an Anti-Domestic Violence Council as prescribed by section 16 of the DVA resulting in its functions listed in sub-section (9)(a) - (h) not being properly carried out in terms of this Act.

From the interview with the Councilor Ward 10 Entumbane, I enquired about “places of safety or shelters” but it appeared, according to her, that only the Musasa Project, a non-governmental organisation had such shelters. Recognising that domestic violence often goes undetected and unreported due to the private context in which it occurs, the law does not impose an obligation on those who discover such violence to report it to the nearest police station. An obstacle to an adequate police response can be the close relations between the officer and the perpetrator,

especially in small communities and suburbs like Entumbane. Another obstacle can be the lack of a comprehensive, coordinated and multi-faceted approach including the creation of a culture that does not tolerate violence against women in any form.

In a Papua New Guinea study, Toft (1985) witnessed that there was an unwillingness by men to have their issues with their partners externalised as men became more violent when their spouses reported their abusive conduct to the right authority. The men instead persisted in assaulting their women into submission. Furthermore, Tsanga's (2003) incomparable research carried out in Zimbabwe states that women usually showed little confidence in reporting to the police due to their tendency to consider all family matters even those involving violence to be private issues which should not leave the home because they are not for public disclosure or consumption. The law is viewed as not being a source of sufficient and adequate measures to defend victims of domestic violence, making it hard for the police to guarantee the safety of the victims. People do not believe the police can provide victims enough security from their abusers. After all, they are seen as underestimating the violence and disregarding some pleas for assistance because they do not believe there are enough grounds for intervention.

An empirical study undertaken in Zimbabwe by Dr. Tsanga showed that legal remedies, such as filing a criminal complaint or obtaining a judicial separation or protection order and divorce, were largely opposed as being unsuitable by both women and men, albeit for different reasons. For women, legal solutions were seen as too drastic and likely to hasten divorce. Men, on the other hand, preferred traditional procedures, emphasising reconciliation which they saw as more suitable than general law solutions (Tsanga, 2003:104). The research reveals strong cultural opinions of Zimbabwean respondents who believe that legal remedies are a waste of time resulting possibly in fewer victims doing their best to seek protection orders against abusive husbands. There is no question that there is a need to reinforce laws to defend women from abuse in their homes. The Zimbabwean culture is a patriarchal one which conveys to girls and women that there is nothing bad about being beaten up, verbally and emotionally abused by your sexual partner (SAFAIDS, 2009).

In some incidents, wife-beating is seen as a sign of love. Women are taught to endure and to suffer through abusive relationships. In Zimbabwe, 80% to 85% of the country's populace is said to belong to some sort of faith-based institution hence creating an opportunity for re-socialisation which may exist within churches or through traditional leaders (SAFAIDS, 2009). The church can, therefore, be a promoter for modifications in approaches and attitudes. However, the wedding promises at the altar say 'till death do us part' and¹² this has been understood to mean that if your husband beats you up, you must pray and remain in the marriage, yet the Bible is very clear about building peaceful, loving relationships. The tactics used by perpetrators may deceive their victims as they tend to be especially well-behaved during the reporting and legal process. They discuss with their spouses about their children, show repentance, and threaten to commit suicide, deceive women about their alcohol drinking, and so forth, but all that is just a trick to prevent women from testifying against them at the trial.

In some incidents, the mothers-in-law of victims also try to persuade them that their spouses have reformed. Discriminatory approaches, stereotypes and biases at the cultural level are also influential. These not only involve influence over the women themselves but maybe entrenched in the institutional, law enforcement or legal culture. Concerning women specifically, cultural and social expectations and values may prevent them from seeking justice. Moreover, women from certain social classes such as lower-income categories are less likely to find justice due to a lack of confidence in the justice system or fear of mistreatment and a dismissive attitude by police officers. This lack of confidence originates from an institutional culture that may not adequately consider the wishes of women victims or that may lead to discriminatory approaches, secondary victimisation or insufficient legal counsel.

5.8 Conclusions and Policy Implications

Noticeable advancement in both defending and saving the lives of female victims of DV femicide has not been achieved in recent years, despite the many programmes designed to eliminate violence against women and the number of pieces of legislation implemented. Many women still see themselves without help, not only in the face of abuse in their home but also because of the criminal justice system that fails to react properly or does not have the capability

¹² Also women still promise to obey their husband in some religions.

and knowledge to do so. The killing of women by their husbands is often the culmination of long-term violence and can be stopped. There is a gender power imbalance in the patriarchal structure of Zimbabwean society in which religious and cultural beliefs play a critical role in the perception that women are subordinate to men. From the findings, the judgments of some High Court Judges in DV femicide cases seem to reveal that they are more sympathetic towards the male perpetrators than the female victims of DV femicide. Paragraph 7 of the CEDAW Committee's concluding observations appreciates the recognition of Sustainable Development Goal (SDG) No.5 on gender equality and women's empowerment as a priority within the framework of the Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZIMASSET). It welcomed the international support for the SDGs and called for the realisation of both *de jure* (legal) and *de facto* (substantive) gender equality, by the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of SDG Goal No.5 and the mainstreaming of the principles of equality and non-discrimination throughout all 17 SDGs. It urged Zimbabwe to recognise women as the driving force of the sustainable development of the country and to adopt relevant policies and strategies to that effect.

Based on the cultural theory that cuts through this study, a man by his gender is anticipated to be violent. This means, upon being provoked, a man is expected to react 'in the heat of the moment', unlike a woman who is always expected to remain silently subservient to her partner. Without any political will to implement it, the enacted 'Domestic Violence Act of 2006' does not simply by its mere existence decrease domestic violence in the country which eventually leads to DV femicide. Although donor funding is welcome, reliance on interventions from advanced countries to reduce domestic violence in Zimbabwe is unsuitable due to different cultural and socio-economic settings.

Women need access to a comprehensive range of services provided by the police and justice system, health and social services, which need to be coordinated to be effective. Women also need access to precise procedures that help them to leave abusive marriages. Another key aspect to solving the problem is the inclusion of men in fighting against DV and the inculcating of cultural standards that move away from violent masculinity and gender stereotypes. Gender-

sensitive attitudes that are women-centred rather than seeing women as objects of protection and possession are more likely to build trust and confidence in criminal justice departments and raise the number of women reporting abuse and of abusers being brought to justice. There is a need to reinforce the gathering and examination of mortality data, disaggregate such data by sex and, in the case of murders, confirm documentation of the relationship between the victim and perpetrator. These data can be complemented by information from other sources (e.g., the police, mortuaries, courts and medical examiners). Where scant evidence is available on DV femicide, awareness-raising and advocacy could promote collaboration between the police, medical staff and other relevant stakeholders to gather and report on the victim-offender relationship and the reasons for such killings. Efforts should also be made to create and strengthen research procedures that advance the understanding of the social background of DV femicide.

CHAPTER SIX

6.0 RECOMMENDATIONS

6.1 Summary of Findings

As explained above, the problems of poor data collection and lack of interconnectedness, lack of appropriate response and intervention strategies to combat the crime of DV femicide can be ascribed to diverse institutions which include the Government, the police, judiciary, communities and persons. Every single actor in every relevant structure is required to perform diverse legal tasks in order to achieve an appropriate response and intervention in the struggle to rid our society of the scourge of DV femicide. This chapter discusses the important role of the various stakeholders in their duty to produce good data gathering and recording mechanisms as well as to create effective and efficient service responses for appropriate interventions within the criminal justice system.

6.2 Conclusion

This discussion has shown that laws relating to the gathering of data, responses and interventions are not being applied as they should. Although the DVA sets out the key processes and procedures which ought to be observed when the police and criminal justice respond to domestic violence reports this does not happen in reality. In addition meagre resources and the non-availability of an online database system and institutional culture has affected the operational efficiency of institutions leading to women being extremely affected due to their assumed traditional gender roles. The Entumbane police and government departments in Bulawayo all have a responsibility under both local law and international treaties to react and intervene in DV cases and come to the best and immediate aid of DV victims.

6.3 The way forward

A violence-free environment is achievable if various actors perform their duties. The following short term and long term recommendations suggest effective intervention strategies and responses by the police and the criminal justice system.

6.3.1 Short Term

1. Government agencies and NGOs to generate awareness-raising campaigns and participation in numerous aspects of the law (Appendix 2).
2. Early interventions aimed to educate the young on teenage relationship abuse by conducting campaigns designed for schools.

6.3.2 Long Term

- Form gender-sensitive and capacity-building studies for government agencies in the field of statistics gathering and classification to address inconsistencies.
- Establish in each case what was omitted, what was not done correctly, what was problematic, what is systematic, whether it is a problem with legislation, or a problem with maybe protection through qualitative analysis.
- Create a national case file data base or a basic recording template to achieve a better understanding of the reasons for the escalation of DV and the importance of interventions to prevent it.
- Streamline the whole system of criminal justice and introduce an integrated online database to strengthen capacity to record, store and handle information for criminal inquiry, legal prosecution and interventions according to SDG No.5.2 on violence against women and relevant international guidelines in crime prevention and criminal justice.
- Update and modify national law, advance public policies precisely targeted toward the prevention of DV femicide.
- Conduct multi-agency efforts introducing multi-directional approaches for domestic violence through gender-sensitive budgetary provision.

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**Appendix 1: Briefs Facts of DV Femicide Cases (Entumbane Police Station and Court)
(as read with Table 2)**

Case number 01

The perpetrator murdered his wife (name not supplied) after she had informed him that she had secured a job. It is believed the accused left home on 16/04/02 and returned on 17/04/02 and alleged he found the wife dead. He claimed the house had been broken into by unknown thieves and murdered his whilst he was away. There was overwhelming evidence from a witness who heard some altercation between the two before he proceeded to work and it is believed he assaulted her before going out and came back and pretended that the house had been broken into. The murder was proved through postmortem results and other tenants.

Case number 02

The accused and complainant (victim) were husband and wife. Accused person hit the deceased with a plank in the chest once after they had a misunderstanding and twice on the head. She sustained serious head injuries and passed away. The docket was closed on the grounds that the accused was not located INC C 04/09 as he fled and did not face trial.

Case number 03

The accused, the victim's husband, assaulted her with a rope and she did not go to the hospital. It is alleged the perpetrator used to abuse the victim physically and the informant George Nyeteti knew of the alleged abuse. The case came to light after the accused assaulted the now deceased and prevented her from seeking medical treatment and she thereafter died. A full investigation was carried out and accused was convicted of culpable homicide or "murder" death occurring later and sentenced to five years, three of which he served.

Case number 04

The two accused persons, Nkosi Ndlovu, and his new girlfriend, Nonhlanhla Khumalo, assaulted the victim (the deceased) Nkosi's wife, Selina Ndlovu, after she refused to vacate the residential room making room for Nonhlanhla. The two accused assaulted the victim until she passed out. They phoned the police and claimed that the victim had developed sudden running stomach problems and continuous vomiting leading to her death. Her body was taken to hospital and a

postmortem indicated that her death was a result of a skull fracture, head injury and assault. The two accused persons were arrested and taken to court where they secured bail and fled to Botswana.

Case number 05

It is alleged the perpetrator had suffered erectile dysfunction and was unable to have sexual intercourse with the victims (deceased). This was a medical condition that had been diagnosed and known to the couple for some time. It is alleged on the day in question an altercation ensued after the perpetrator had asked the victim about her illicit behaviour. She openly admitted that she had found a boyfriend to replace him which provoked and a fistfight started. It is believed the perpetrator took a spear which he used to keep under the bed and struck the victim with it twice in the chest resulting in her dying instantly. He proceeded to the police and surrendered to them.

Case number 06

When the case occurred it did not occur immediately to the police that the death of the deceased (the wife of the accused) had been the result of intimate partner violence. It was known in the community, Barhamgreen, that the two parties (who were of coloured descent) usually fought with each other after beer drinks. On the day in question the accused struck his wife with one blow and she collapsed. He rushed her to United Bulawayo Hospital and stated that she had suffered a drunken stupor and collapsed. The nurses at the hospital accepted his story but a post-mortem report established that she had blood clots in her head as the result of frequent assaults by the perpetrator. Her husband was charged with murder and investigations commenced. This case shows that perpetrators dare to lie and do lie after committing these intimate partner murders.

Case number 07

The accused (Goodson Zondo) hit the deceased victim Kethiwe Zimba with a plank on different parts of her body including her arm, leg and back. He said, "I struck her after we had a misunderstanding. The misunderstanding with Kethiwe came about on Saturday 3 February 2018. I came home at night at around 2300hrs. She was wearing a white pair of pants and white bra when she opened the door of the house to let me in. I asked her why she was not fully dressed and she said she had no husband. I then left to ask a neighbor, Billy Ngwenya, for some

condoms. When I entered the house I placed them on the sofa where Khethiwe was seated. I went to the toilet which is outside the house where I relieved myself. I came back and found Khethiwe had hidden the condoms. When I asked her, she asked me what I was afraid of because she was not infected. She suggested to me that we have unprotected sex. I had sexual intercourse with her once. At about 1900 hours on 11 February we had sex without protection. She then went to the kitchen to cook. After she had gone to the kitchen I saw some ARV tablets which fell off from her black handbag. This shocked me and I took the tablet and followed her to the kitchen and asked her about the tablets. She responded that I like things. I was infuriated and I picked up a plank of about one metre in length and assaulted her with it. We wrestled each other as she tried to snatch away the plank. I pushed her and she fell and hit on the floor with her head.”

Case number 08

The accused (Enock Jamela Sibanda) is a polygamist and was married to the deceased victim (Sisassenkosi Sibanda) and had one young child attending school (ECD) at Njube. It is alleged that on 22/05/19 along Solusi road, the accused slapped the victim in the face several times and assaulted her with a log on the head several times. She went and slept at her home in Njube suburb without seeking medical treatment. She was taken to Mpilo Hospital and admitted to the Intensive Care Unit where she passed away the next day. The perpetrator admitted to having assaulted the victim after they had a misunderstanding between husband and wife. In an interview and statement, the (whose?) father indicated that Sisassenkosi had been seen with a boyfriend in the suburbs of Njube and this angered the accused.

Case number 09

On the 11/11/19 and at house number 21039 Pumula South Bulawayo, the accused (Mike Nyoni) had a misunderstanding with the deceased victim (Moderate Ngwenya) who was his wife. He used an electric cord and wooden log to beat Moderate on the buttocks and thighs. The perpetrator later used an unknown object to strike the victim on the head. The victim sustained serious wounds to her head and swollen buttocks. She was taken to hospital where she later died on admission. The perpetrator was seen by his mother, Thandekile Moyo, and a neighbour assaulting the victim. The postmortem results indicated that death was caused by hemorrhagic shock, scalp wound hemorrhages and head injury (assault).

Case number 10

The accused (Carlos Tinashe Chapeyama) was stationed in Gweru as a soldier on night guard duties with an AK rifle and decided to knock off duty and travelled to Bulawayo and killed his wife (name not supplied) and her two siblings with the weapon while his daughter Tlowi survived the brutal attack. This means he might have contemplated this before and created an opportunity to sneak away with the rifle and the way he fired the rounds indicated he had a planned intention to take the life of his wife and two siblings in a gruesome way but to these who normally have a misunderstanding there and then and instantly kill maybe the result of an outburst anger and this is normally produced by uncontrolled anger. This clearly shows that the two acts can happen at once.

Case number 11

On 18 December 2012, Tiatilis Khumalo together with her young sister were asked to go and stay with their cousin sister (the deceased victim, Dumazile Dube) who had arrived from South Africa and was not feeling well as she had been assaulted by her husband (the deceased perpetrator, B.M. Ndebele) whilst in South Africa. According to Tiatilis, they were to ensure the safety of Dumazile as they suspected her the husband would pursue her and assault her again. On 3 January 2013 the B.M. Ndebele arrived from Tsholotsho his rural home and joined them at the house. They left to return to their mother's place as there was no electricity and as they left B.M. Ndebele accompanied them and instructed them not to come back as he required privacy with his wife. Upon arrival, their mother asked them why they had left their sister alone with her husband since she did not trust him with her. Tiatilis informed her that it was B.M. Ndebele's request for privacy with his wife that had made them leave and they intended to return after supper. On 4 January 2013 Tiatilis proceed back to Dumazile's place and when she opened the door she saw the body of B.M. Ndebele hanging from the roof truss and about a meter from him was Dumazile's body which was in a sitting position leaning against the bed supported by a rope tied from the roof truss. Both bodies appeared dead. Their daughter, Sharon (aged 4 years then), was sitting on the bed appearing ignorant of the whole tragedy. According to her observation, the rope used to hang the body of B.M. Ndebele was very tight, his tongue was hanging out of his mouth which was consistent with suicide by hanging. His body had no visible injuries. The rope tied to Dumazile's body and was attached to the roof truss was very loose and her body was in a

sitting position which was inconsistent with suicide by hanging. Also, the body of Dumazile had blood coming from her nose and mouth.

