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Social Studies

*Erasmus*

# **Domestic Violence Against Women During Covid-19**

## **A Case Study of Rural Gwembe Zambia**

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***Brennan Wamututa***

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Members of the Examining Committee:

Supervisor's Name: Dr. Daphina Misiedjan

Reader's Name: Jeff Handmaker

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***Inquiries:***

International Institute of Social Studies  
P.O. Box 29776  
2502 LT The Hague  
The Netherlands

t: +31 70 426 0460  
e: [info@iss.nl](mailto:info@iss.nl)  
w: [www.iss.nl](http://www.iss.nl)  
fb: <http://www.facebook.com/iss.nl>  
twitter: [@issnl](https://twitter.com/issnl)

***Location:***

Kortenaerkade 12  
2518 AX The Hague  
The Netherlands

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## List of Acronyms

|          |   |
|----------|---|
| CAT      | Convention Against Torture and other Cruel, In-human or Degrading Treatment |
| CEDAW    | Convention on the Elimination of Discrimination Against Women               |
| Covid-19 | Corona Virus disease 2019   |
| CS       | Council Secretary   |
| CSO      | Central Statistical Office  |
| DCDO     | District Community Development Officer                                      |
| DDH      | District Director of Health   |
| DSWO     | District Social Welfare Officer   |
| DV       | Domestic Violence   |
| ECZ      | Electoral Commission of Zambia  |
| GBV      | Gender Based Violence   |
| GRZ      | Government of the Republic of Zambia  |
| HRBA     | Human Rights Based Approach   |
| ICESCR   | International Covenant on Economic, Social and Cultural Rights              |
| ISS      | Institute of Social Studies   |
| MCDSS    | Ministry of Community Development and Social Services                       |
| MP       | Member of Parliament  |
| SDGs     | Sustainable Development Goals   |
| UDHR     | Universal Declaration of Human Rights                                       |
| UN       | United Nations  |
| UNDP     | United Nations Development Programme  |
| UNFPA    | United Nations Population Fund  |
| UNGA     | United Nations General Assembly   |
| UNICEF   | United Nations International Children's Emergency Fund                      |
| USAID    | United States Agency for International Development                          |
| VSU      | Victim Support Unit   |
| WHO      | World Health Organization   |
| ZP       | Zambia Police   |

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## **Abstract**

Socio-economic factors contribute to DV against women. The outbreak of Covid-19 brought with its structural changes in the way of life for humans globally. The quarantine and lockdown of countries due to Covid-19 brought with its economic challenges, social distancing, closure of schools, businesses, loss of employment and other socialization challenges. The pandemic exposed the deep rootedness of the already existing societal inequalities especially against the weak in society (women, girls, and children). With the patriarchal and institutionalized societal structures that favor male dominance over women, the pandemic had pinned women to various forms of Domestic Violence (DV) that produced harsh living conditions for women. Women found themselves in lockdowns with men who could have been abusing them and the lockdown could have opened new avenues for exacerbation of DV. The study examined the perceptions about the consequences associated with Covid-19 measures on the prevalence of domestic violence from a human rights perspective. It calls for more legal consciousness and empowerment of women as a mechanism for DV eradication, and establishment of robust helping seeking mechanisms during such moments especially for rural set-ups. While legal statutes and policies have been passed to curb domestic violence, enforcement still remains a huge challenge and hence, there is need for collaboration and concerted effort by different agencies to ensure that women enjoy their human rights and freedoms from in-human treatments, discrimination and inequality which will foster legal equality.

## **Relevance to Development Studies**

In the advent of international legal ideas, domestic violence still affects both men and women, it remains one of the many detrimental human development/human rights impediments that continue to erode the empowerment and attainment of equality (SDG's no. 5 anchored on gender equality attainment for women and girls) especially among the marginalized women in many countries in the developing world. In the height of the Corona Virus 2019 (Covid-19) pandemic, the situation could even be worsened. Hence this paper strived to save three different purposes. First it functions as a call for further research to add on to the body of knowledge that addresses the current limitations/limited available research within conversations in the academia over domestic violence during pandemics. Secondly, it illuminates the significant relationship existing between Covid-19 (pandemics) and Domestic violence as a human Rights infringement issue especially taking cognizance of patriarchal societies; not only is it a Bridger in the realm of current knowledge/information, rather underscores the fact that findings in such circumstances/phenomenon of "Covid-19" lockdown may help address domestic violence in a more broader perspective. Lastly it strives to provide a production of knowledge base that hinges at the core epic center of Pandemic (Covid-19), Domestic Violence and Human rights from the non-metropolitan (Rural setup) perspectives based on Human Rights Based theoretical framework (legal framework of Human rights) and uses concepts such as human rights, DV, Legal consciousness as a means for legal empowerment/equality in understanding women, violence and pandemics (Covid-19) in rural set up are utilized. The framework strives to account for factors from a rights approach that are associated with the area of study based on existing knowledge on both pandemics and violence against women especially in the context of rural areas.

## **Keywords**

Domestic violence; Human rights; Gender; Covid-19.



## Chapter 1: Introduction

Domestic Violence (DV) abrogates the fundamental freedoms of humans such as freedom from torture, inhuman treatment, inequality and discrimination, hence, considered as a human rights violation that has existed for many years, which Cronin (2013) research revealed as a “*tip of the iceberg*”. DV which refers to various intentional aggressive acts against an intimate partner (married, cohabiting etc.) undermines the self-worth and dignity of a person (Dutton 2006: 3). Even if men and women can be DV victims, studies point to the fact that women are mostly are more excessively affected, as it is argued that during scenarios like pandemics/disasters they are often more abused (Campbell 2020 ; Peterman et al 2020 ; Davies and Bennett 2016 ; International Red Cross Society 2015:16) which abrogates against women’s rights preserved in the international bill of rights of International Covenant on Civil and Political Rights (ICCPR), Universal Declaration on Human Rights (UDHR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) embedded on protection/freedoms from in-human treatment, torture, and discrimination found in Articles 2 and 3 (UN 2014: 4). The scenario in Zambia is no different as DV is a continuous phenomenon faced by many women at the hands of their spouses/partners, though the country is premised on progressive laws enshrined and tabulated in various remedies of redress articulated in institutions such as Zambia Police (ZP), Judicial courts of Law and policies/Acts like the 2011 Anti-Gender based Act, Constitutional bill of rights that is anchored on and champions for equality, security/protection, non-discrimination, right to freely live and life that builds the inherent worth dignity of all persons (Advocates Sans Frontières 2017 ; Chibesa 2017 ; GRZ 2016).

These tabulations or expressions are galvanized further by regional and international statutes like the 1979 Covenant on the Elimination of all forms of Discrimination Against Women (CEDAW) and African Charter on Human and Peoples Rights (African Charter). Though these remedies/laws are in place DV is still prevalent in Zambia, and UN (2010) posited that Zambia is among countries with high rates of DV, which the Zambian Government acknowledged in its 2010 CEDAW report. This is also evidenced by the Zambia Police Service first quarter report of 2020 that showed that country wide 5, 040 cases of domestic gender based violence where recorded, prior to the lockdown in which 2, 167 cases where physical violence related (zambiapolice.gov.zm).

Scholars contend that DV is legitimated and compounded by patriarchal, gendered and traditional beliefs, ideologies and hegemonic structures of power that are discriminatory and privilege men’s influential abusive attitudes towards women (Haj-Yahia 2003 ; Yick 2007 ; Babur 2007 ; World Bank 2014:3). The patriarchal norms remain predominant in many societies, whose masculinity way of social life organization tend to work against women (DeKeseredy 2015:181). Though DV can take place in both cosmopolitan (urban areas) and rural areas (Eastman et al. 2007:700-1), conversely, it is stressed that more often rural women tend to be victims of DV with more physical harm than their counter parts in urban areas (Pruitt 2008: 350-52 ; Eastman et al. 2007) which subjugates rural women due to less legal consciousness (a concept adopted in this paper to mean people being aware/understanding of legal ideas and their utilization in everyday life (Merry 1999: 5 ; Cowan 2004: 924 ; Hertogh 2009:222) of human rights. As such societies are embedded on adherence strictly to the socio-cultural traditional norms and structures (Pruitt 2008), which Rosch (2014) referred to as unequal gendered relations of power and other identities such as class and/or age between men and women. Furthermore, the outbreak of the Corona Virus 2019 pandemic could have further exacerbated the prevalence of DV cases. The UN (2020a: 1) claimed that “*the 12 months before the lockdown, 243 million women and girls of the age range of 15-49 years worldwide had experienced physical and sexual violence*”, however, with this pandemic and its associated combating measures, could contribute to worsening attributed circumstances that cause DV.

The question of the relationship between pandemics/disasters like Covid-19 and domestic violence has been tackled by scholars (Davies and Bennett 2016 ; Peterman et al 2020 ; Onyango 2019) who posited that such times produce various factors such as economic insecurity, stress due to poverty/care burdens, social distancing, quarantines, reduced access to health services and the lack of escape route to flee violent partners, which create thriving environment that increases and sparks various forms of violence especially against women as abusers are quarantined or locked-down at home and women are cut off from supportive services. The UN Secretary General observed that, the worldwide lockdown due to the Covid-19 has translated into “*horrifying surge*” GBV (DV) against women (UN, 2020), including partners usage of the physical social distancing strategic measures as means of further isolating affected women from resources (Peterman et al, 2020).

Therefore, the focus of the study was on perceptions of key informants on how the pre-existing circumstances that cause DV prevalence against women are worsened by Covid-19 in rural Gwembe of Zambia, utilizing a human rights lens, since it is argued that women are disproportionately affected than men when faced with disasters as they endure various forms of human rights abuses and inequality (World Bank 2014: 3 ; Campbell 2020 ; Peterman et al 2020) which necessitated the focus of the study on women.

## 1.1 Background

Globally, 35 per cent of women experience DV, while nearly two-third of killings/murders of women are apportioned/attributed to be caused by their partners yearly and DV is also attributed to loss in total health years of women (WHO 2013). DV is interlinked with gender inequality which undermines women’s agency and negotiating capabilities (Jewkes 2003). National, regional, and global level dedication to eradicating DV is evident in national and international legal statutes like the UN CEDAW and economic empowerment strategies (Jamison et al 2014). DV is mainly caused by receptive societal norms embedded on inequitable gendered norms displayed through justification of wife battering, denial of access to resources, education, and leadership positions (Mukanangana et al. 2014).

However, as the COVID-19 pandemic continues, measures (quarantine, social distancing, lockdown, self-isolation, loss of freedom of movement), where taken to mitigate the pandemic impact, which resulted in household financial shocks, loss of job/employment, school and business closure which tend to put more care and support stress on many households. These measures have multiple impacts on women’s wellbeing (legal/human rights, mental, sexual, and physical health) (Orrù et al. 2020). During such magnitude forms of disaster/crisis either natural (such Ebola, hurricanes) and/or environmental (climate change, ocean spillage of oil) are mainly linked with high levels of domestic violence (Galea et al 2020 ; Davies and Bennett 2016 ; Peterman et al 2020 ; Onyango 2019 ; International Red cross 2015) due to less access to help seeking services (police, social support network ) making report a huge challenge, and reduced income, threat/loss of employment, control or restrictions of the use of the internet, phones, social media, limited resources (Bradbury-Jones and Isham 2020 ; Campbell 2020).

A leaf can be learnt from the Ebola experiences in West Africa, which experienced similar prevention measures implemented by governments during the Covid-19. For instance, countries that experienced the 2013 to 2015 Ebola pandemic such as Liberia with 22.9 % cases prevalence rates of DV (Onyango 2019: 124). The mitigation responses to Ebola are strikingly similar to Covid-19 in that, public schools, health infrastructure during Ebola came to a grinding halt/closure (Onyango 2019:126). In a desperate attempt to control the virus, governments employed many of the current social distancing strategies including

school closures, curfews, and quarantines. As Ebola spread throughout West Africa, heavily burdened with relief, strategic plans did not pay attention to women and girl's issues specially to do with DV until when the pandemic was controlled.

Just as else, women in developing countries also suffer from violence which this paper defines as any form of Gender Based Violence (GBV) (WHO, 2013:2). GBV shall mean any use of power to impose gendered norms (Rosch 2014), which includes but not limited to wife physical battering, rape, harassment that is sexually induced and psychological violence (Coll et al. 2020).

This research shall focus on how the pre-existing attributed causes of DV against women in Gwembe have been generally worsened by the Covid-19 epidemic. DV and Covid-19 can be observed as intertwined due to their trends in that, they both know not any boundaries, and DV is exacerbated by various variables like pandemics, poverty, stress, and other structural socio-cultural issues. Therefore, Covid-19 brought about disruption of the normal way of life (decreased access to socio-economic activities and social distancing) resulting in increased stress and other facets that trigger prevalence increase (Peterman et al. 2020; WHO 2020).

Globally, regardless of class, colour, culture and creed, approximately one third of women are affected by or have experienced Domestic violence (DV) though it is mostly considered as a private (bedroom) issue (Mushabati 2014) which is a form of rights violation/abrogation that is discriminatory and contrary to women's and men's equal rights etiquettes enshrined in the international bill of rights are enjoyed by all. Hence, DV has been described as an act of human rights abrogation that perversely takes place with variations in many societies, more so in developing world, irrespective of culture, socio-economic, or religion. It is often deemed as silent epidemic or more a tip of the iceberg due to the affected not wanting to reveal their experiences (USAID 2010).

## 1.2 Statement of Research Problem

Worldwide every ninth second that passes a woman is beaten (Roberts and Roberts 2005:4), Domestic Violence happens between partners mainly in homes where women are supposed to feel safe. UNICEF (2000:1) said that DV is really a big problem that is similar to "*a violent tyrant terror regime*" which has repercussions on family and societal social relations. UNFPA (2020) claims that if the Covid-19 lockdown measures continue quarterly/every 3 months that elapses approximately 15million or a projection of 20% DV cases are most likely anticipated.

Taking cognizance that Zambia is also affected by Covid-19 and there are concerns with rise in DV cases due to the pandemic (lusakatimes 2020 ; Ngoma 2020), Covid-19 measures may be retrogressive/undoing the many strides the country has attained in eradicating DV. The exacerbation of DV during the pandemic is detrimental to the attainment of human rights, freedoms, security, non-discrimination for all especially women and undermines set targets under SDG goal number 5 and vision 2030 all aimed at eliminating violence against women. By virtual of being a signatory and member of various regional and international legal binding ideas Zambia is compelled to ensure safeguarding of women against DV with due diligence.

Therefore, this study is embedded on human rights law and focuses on establishing a clear understanding of how the dynamic facets of domestic violence have been influenced by the Covid-19 pandemic in Gwembe to contribute to the exacerbation of DV which is of paramount importance in social sciences as it adds knowledge on the existing grey areas in literature making this type of research inevitably relevant.

### 1.3 Relevance/Justification of the Study

In Zambia, I could not find studies that have specifically investigated how the Covid-19 has contributed to worsening factors that associated with DV prevalence against women, notably those in rural set up. Because in contexts with rigid defined gender roles (such as the patriarchal Tonga society of Gwembe), DV is likely to be more prevalent (Vyas and Watts 2009). Most of the studies on DV have focused on the causes, perpetrators, traditions and cultural issues and other factors. For example study conducted by Payton et al. (2019) on “*Women’s Perception of Intimate partner Violence in Zambia*”, Sarker (2010) on “*Domestic Violence against adults and Adolescent females in West Bengal*”, Chibesa’s study on “*The Effects of Gender Based Violence among Couples in Choma-Zambia*”, (Chibesa, 2017) and Crowell and Burgess (1996) on “*Understanding Violence against women*”. Hence, Davis and Bennett stated that little research is directed at gendered dimensions during disasters, for instance, the 2014-16 Ebola virus in West Africa and 2016 Zika virus saw low (about 1 percent) research papers published that focused on gendered dimensions during disasters (Davis and Bennett 2016).

The study area was selected based on Gwembe being a rigid patriarchal polygamist society, Gillet-Netting and Perry (2005) posited that the Tonga speaking people of Gwembe are commonly polygynous with many wives. Polygamy is a stress catalyst due to the associated care burdens of providing basic needs for more than one wife. Polygamy is a marriage condition commonly found in the African Sub-Sahara region (Zambia, in particular Gwembe Tonga’s) in which husbands take in multiple wives and hierarchy determine how social relations unfold between wives and the husband, which is heavily linked to increased domestic violence (Amo-Adjei and Tuoyire 2016). In addition, rural areas have a higher prevalence rate of DV against women than in urban areas because they have none or little awareness of violations against them and perceive it as morally justified (Ogbonna et al. 2014:870). This notion is supported by Merry (2006) who posited that the patriarch norms chain women to accept male dominance, and subsequent physical domestic violence which is perceived normal channel of control. Which, in the advent of Human rights against discrimination and abuse, this notion is a human rights violation.

Therefore, the findings of the research shall provide a clear understanding of the circumstances that trigger DV during pandemics like the Covid-19 especially in non-metropolitan districts. The study shall also break the existing share limited number of research on DV during pandemics like Covid-19 and provide key information to various stakeholders, human rights activists and developmental specialists/agents, in this area which is somehow overlooked during fashioning of rights based approach to DV and admonishes for concerted efforts in the use of the findings to foster community awareness that triggers conscientization. Finally, such a study is a very significant contribution to the realm of existing body of knowledge and a bridge gap caller for further research.

### 1.4 Aim/Objective of the Study

The aim was to employ Human Rights Based Approach (HRBA) as a tool of analysis in analysing perceptions of Key informants on how Covid-19 has contributed to worsening of the pre-existing circumstances that are attributed to DV prevalence against women and how they can be considered as a human rights violation in Rural Gwembe of Zambia, by engaging and examining various fundamental principles enshrined in the international bill of rights in the investigation. The study also strived to examine the pre-existing programs targeted at DV eradication in Gwembe as mechanisms for legal consciousness, empowerment/equality which induces women’s agency as rights holders from a rights-based approach lens.

## 1.5 Main Research Question

How have the pre-existing circumstances that are causing DV in rural Gwembe worsened during the Covid-19 pandemic and how can this be regarded as a human rights violation?

## 1.6 Sub-Questions

1. How has Covid-19 contributed to worsening of circumstances that are attributed to prevalence of DV in Rural Gwembe.
2. How can the prevailing circumstances be regarded as human rights abrogation against women in Rural Gwembe?
3. How has Domestic Violence been mitigated in rural Gwembe prior to Covid-19?

## 1.7 Structure of the Paper

The study starts by providing a purview of Domestic Violence, how it is re-enforced by asymmetrical structural powers of society and depicts who are the most disproportionately affected during disasters/pandemics. This Chapter on the other hand presented the background of the study, research problem and study justification. Further, I highlighted the relevance, study objectives, research questions and sub-questions. Then I proceed to discussing the case study qualitative methodological approach adopted in the study. The reason for this research design was arrived at looking at the phenomenon under investigation, to provide the study with broader relevant in-depth rich information. This method of research immensely helped in the in drawing up answers and conclusions to the study topic questions on the causes and effects of DV during Covid-19 pandemic period. The study utilized both primary data collection tools of semi-structured interviews and secondary data sources search through books, journals, and web engine browsers relevant to the study. Highlighted also are the limitations of the study and ethical considerations. Chapter 2, then proceeds to provide the review of literature relevant to the topic of study and also the theoretical framework is highlighted as analytical tool that help to link and explain the collected data in response to research question. This discusses DV from a legal framework anchored on rights-based perspective of international bill of rights (fundamental human rights), Zambia's legal framework on DV and the causes of DV. Then Chapter 3 consists of the data presentation and analysis in which various important concepts such as DV, consequences of Covid-19 measures on DV and mitigation approaches of DV prior to Covid-19 are presented using a rights lens to bring to the fore an understanding of the how Covid-19 has worsened the attributed factors that case DV in rural Gwembe. I also look at various pieces of government legislations and policies that strive to address DV. In the subsequent Chapter 4, I discuss the data in line with answering the research questions and examine/link various laws both national and international as a lens to understand the effects and causes of DV and its mitigation measures. Lastly the last Chapter of 5, is dedicated for the purview conclusion and recommendation of the study.

## 1.8 Methodology

This study used a case study model which is a method that closely measures in detail data to explain intricate phenomenon's and its relationships in society (Baxter and Jack 2008: 556). The study was a qualitative case study design, that utilized semi-structured interviews.

This was selected because it provided in-depth elaborative insights from the key informants on the study topic which is a new phenomenon, to which Bryman (2016: 61) said qualitative case studies method is ideal for more detailed examination/exploration of a phenomenon as respondents provides the study with rich lived experiences and information (Palinkas et al. 2015: 533-4). Interview questions comprised of both open and closed ended to which follow up questions were posed based on the shared information from the respondents. This method is supported by Kombo and Tromp (2006: 70) who stated that this method relies on interviews or the administering of questionnaires to the study sample of individuals in which further clarifications are sought.

The Secondary Data was obtained from published sources in line with the study topic such as books, Newspapers, journals, and websites search engines like “*Domestic Violence Against Women: Covid-19 impacts on DV*”.

### **1.8.1 Study Sample Size**

20 respondents were my target comprising: 2 community development officials, 2 Social Welfare Officers, 2 Police Officers, 1 District director of Health (DDH), 2 Ngo staff, 1 Court staff, 1 councillor, 1 council secretary, 1 Area member of parliament (MP) and 2 headmen, 5 women’s Club/associations chairperson and these were interviewed using a semi-structured interview guide via various online platforms.

### **1.8.2 Sampling procedure**

Due consent was obtained from ISS to use two research assistants. The study relied on research assistants who were used as facilitators in the process of conducting interviews after they were provided with the orientation of how to conduct the process online as the researcher could not travel to conduct the interviews due to the Covid-19. Skype, Whatsapp, Teams and other social media platforms were used. Iacono et al (2016) said these are effective means of qualitative researching tools that are affordable and connect different people from various locations on the globe which helps in research. The research used online internet and mobile phone calls. The online provided face to face interactions with the respondents which helped see the emotions of the respondents while I transcribed.

Due to the study objective, the study used a purposive sampling technique to identify the 20 key informants. This method was selected due to the few/limited resources (Patton 2002), and respondents knowledge on the study topic, who were willing and able to provide reflective lived experiences and opinions openly and were available to share such rich information (Bernard 2002). The study’s primary data sources relied on various key informants from different organizations to avoid biased results. The key informants were used due to their rich in-depth firsthand know how and clear information which is in line with literature on research using a qualitative means as advanced by Gilchrist and Williams (1999:74-5) that (i) they are an efficient means of rich information gathering during research, (ii) they are a sources of in-depth information not preview to the researcher and lastly (iii) they provide a clear insight and coherent understanding of the relevant cultural information. Hence, key informants provided thorough lived experiences on the topic under study hence my selection of them as primary data sources for this study.

### **1.8.3 Analysis of Qualitative Data**

Qualitative data analysis in any research field requires the summarization, describing and analyzation of the gathered data on the observed phenomenon to draw relationships and links (Schurink et al. 2013). This study therefore used the thematic data analysis technique

which helps researchers extract/identify links/relationships, discrepancies and common perceptions in the responses from the research subjects (Flick 2014 ; Schurink et al. 2013 ; Bryman 2016), which helps to transfer data into required relevant information (themes and codes), that adds on the body of knowledge which enlightens and provides wisdom (Chenail 2012). Therefore, the use of this technique provided me with a method to check the relationships of common themes from perceptions gathered from the respondents and compare them with the already existing literature. This is consistent with what Willig (2014:147) said that it is a process that is relevant to research as it helps identify common themes in the data that was gathered and helps provide meaning to the questions that the research was probing upon as it aids in the identification of the common relevant patterns in the responses from the respondents.

#### **1.8.4 Ethical Considerations**

Research ethical application is a fundamental aspect in scientific research. Various ethics have been coined to protect the rights of research subjects/respondents. Due to the sensitivity of the study topic under investigation, and the political climate in Zambia in which every key informant is scared to issue out their reflective views on issues affecting society for fear of being retired on national interest/losing their jobs. One of the ethics that I observed was that of confidentiality and anonymity of the respondents which was done by assuring and gaining trust/good will repour of the respondents that that information provided will be purely for academic purposes, no names will be mentioned and all the subjects identity will be withheld unless with permission to disclose, then the identity will be disclosed. This is in line with O'Leary (2017) who advised that researchers need to respect societal laws, maintain confidentiality, trust, anonymity, and gain consent of disclosure of identity from subjects (O' Leary 2017: 127-144). Further, voluntary participation was core to the study as respondents where not coerced to participate in the study.

Integrity of the study was key, as advised by O' Leary (2017: 118) and was attained by capturing of the truth with no bias lens during the study. This was attained by appreciating my own lens and accepting/appreciating the lens perspective of the respondents. This binary ensured that no biasness and error of analysis were made in the study.

Consequently, the research involved research Assistants (two) in the gathering of data. Approval was attained from ISS and hence, the researcher ensured that the rights of the research assistants where respected (protection from harm and contraction of Covid-19) by ensuring that face masks where provided throughout the whole research process and an orientation training was done on how to conduct research. This is in accordance with what O' Leary (2017: 118-144) advised that during research all participants involved in the gathering of primary data need to be aware of what roles they shall play and, there rights must be protected at all time, which the research did.

#### **1.8.5 Delimitation and Limitations**

The prime limitation in this study was the distance. Interviews were done from Netherlands which was conducted through Skype, Teams, and other online messenger platform services all due to the travel restrictions because of the Covid-19. This then amounted to accessing field work assistants. The other limitation was reaching the respondents on the scheduled time slots as they would not be available for the interviews. The final limitation of the study was creation of a goodwill distant repour with the respondents given that the political atmosphere is not conducive for key informants to disclose information especially on sensitive issue like DV for fear of losing their jobs (e.g. retirement on national interest as one respondent put it to me) if information is meant for other purpose. This was accounted by

providing a verbal detailed explaining and sending of a consent form to assure them that the information was purely being used for academic purpose.



# **Chapter 2 DV during Covid-19 and a Human Rights Based Approach: A conceptual Framework.**

## **2.1 Introduction**

In this section, examined will be the appropriate literature which will be used to analyse the perception of Key informants on the circumstances attributed to worsening the factors associated with DV during Covid-19 in Rural Gwembe in Zambia. I firstly conceptualize DV and then highlight discussions based on the legal framework that is embedded on the Zambia's legal legislations and the international bill of rights, including also optional protocols to which Zambia is a signatory and party to also that must be upheld and respected as mechanisms that offer equal protection for women from DV. I try in this chapter to show the extent of the prevalence of DV from both Zambian context and international context. In this section of the paper various concepts such as DV, Legal equality, Human Rights, Legal consciousness, and due diligence are brought to the fore. As advanced earlier, legal consciousness shall refer to people being aware/understanding of legal ideas and their utilization in everyday life (Merry 1999: 5 ; Cowan 2004: 924 ; Hertogh 2009:222), while due diligence shall refer to mechanisms put in place to attain set obligations (Bonnitcha 2017: 900)

## **2.2 Conceptualization of Domestic Violence**

Domestic Violence is one concept that virtually has no legally agreed definition and varies depending on jurisdiction (Gulati and Kelly 2020). Therefore this paper adopts that Domestic Violence (DV) is a form of GBV which refers to various intentional aggressive acts against an intimate partner (married, cohabiting, unmarried, same sex) that undermines the self-worth, and dignity of the person to gain dominance and control by infusing fear through physical harm, sexual assault, emotional and verbal abuse (Dutton 2006). This kind of violence greatly hampers women's ability to freely enjoy their fundamental freedoms on an equal footing with men (UN/CEDAW 1992). DV targeted at women triggers traumas which have potential negative consequences on the general well-being of women, and the entire family (kids and other family) and though it is motivated by many factors for instance, socio-economical, cultural and psychological factors.

Dutton (2006: 3) stated that Domestic abuse can either be physical, emotional, economic, or social. Physical violence may be biting, hitting, kicking, which at times may require medical attention and/or punishment by an arrest and possible imprisonment. Hence, Krug termed this form of violence as interpersonal in which there is use of coerciveness or power against an intimate partner either married or not (Krug et al. 2002). Hence, UN (1993: 1) resolution No. 48/1004 situated that Violence that is targeted against women impairs women from enjoying their fundamental freedoms and rights which constitutes a rights abrogation.

## **2.3 Domestic Violence as a Social Phenomenon**

Pakeeza (2015) said that society framed man to have more authority and control than a woman over everything for instance, property, children, educational attainment, and a woman was required to be submissive in all situations. These socio-cultural norms are fundamentally influencers of the individual conducts, which Narasimhamurthy (2014) said that, the family, religion, tradition, kinship and marriages are the basic fundamental institutions that instil these moral norms and ideologies based on various roles that both men and women

ought to play in society with regard to their duties and subsequent responsibilities/rights. DV is a social phenomenon that takes place in many societies globally due to the hegemonic asymmetrical power relations that exist in society between men and women which is mainly relegated to the private space and accepted as a petty issue (Loseke 2005: 85), that society perceives not requiring punishment (Malarewicz-Jakubow 2011: 189).

Hence, patriarchal and traditional power ideological structures have more influence on male violence and makes it acceptable as a normal means of controlling women, further the cultural ideologies and beliefs based on the roles of women (undermine) and those of men (Privilege) are influencers that breed attitudes of violence against partners especially against women which are socially constructed (Yick 2007 ; Haj-Yahia 2003). Consequently, these cultural traditional ideologies deny the equality of women and pushes them to accept norms that infringe and undermine their inherent worth and human rights, for instance polygamy and the acceptance of promiscuity (Bowman 2003). Additionally, Armstrong (2002) said that quarrels and DV may erupt when a woman questions the extra marital affairs as this is seen as challenging the traditional norms/rights of the men which is a threat to culturally apportioned social position and results in violence. On the other hand, though culture fosters the vulnerability of women, it serves as well as a good mechanism and resource that creates avenues for healing through public and community shaming that can be harnessed to counter spouse abuse (Bowman 2003). Therefore, DV remains a social problem though accepted in some societies, it affects social relations as women who are abused tend to be withdrawn and forced to act as though with no agency and subjugates them various social ailments.

Hence, Galtung stated that, the root causes that perpetuate violence are anchored upon either direct (self), social structural and cultural norms. Structural means of violence is based on power relationships embedded in the social structures of society, that tend to favour those considered strong, powerful (men) and undermines those that are considered weaker vessels and powerless (women) in society, while cultural norms reinforces the perceived structural power relations through legitimization which breeds a vicious circle of inequality and DV mainly directed against women (Galtung 1996).

## **2.4 Domestic Violence as a Human Rights Issue under International Legal ideas**

UN recommendation No 19 of 1992, and the UDHR are premised on the notion of states obligation to protect individuals from rights abuses, discrimination, torture etc. and the 2005 UN summit which embodied commitments that are anchored on eradication of violence and inhuman treatments/persecutions (UN 2005), though with these commitments and recommendations DV is generally viewed as a widespread act that has been relegated to the private which still remains a challenge in the human rights discourse for states to actualize. Hence, the establishment of International legal statutes is to foster and ensure states act with due diligence in meeting its obligations of protection and freedom for all from violations /inhuman treatments. Not meeting these obligations results in rights violations especially for women as they are arguably the most affected with unequal treatment enshrined in the UDHR, the International Covenant on the Civil and Political Rights, the CESC, CEDAW and Convention against Torture and Other Inhuman or Degrading Treatment or Punishment (CAT).

UN has argued and posited that DV abrogates against rights, freedoms and personal safety of women and subsequently infringes on the right to life found in UDHR article 3. Though DV takes place in private (behind the walls/bedroom) the special rapporteur on torture and CAT in 2008 observed that indeed DV is a power control mechanism that constitutes torture (UN 2008) which is an oppressional control mechanism used to oppress

victims (women) by the perpetrators (men) in which the UN (2001: 1-2) resolution stressed to the fact that if DV is left unchecked is an impediment that can give considerable rise to different forms of rights violation such as ICCPR's Article 7 which obligates all states to ensure women are free from torture and other degrading discriminatory in-human treatments. DV abrogates against article 5 which stipulates and advocates against subjection to torture, inhuman, cruel maltreatment or degrading punishment or treatment. Further this form deprives women of the enjoyment of article 13 (freedom of movement) and 20 (freedom of association) as women who are abused tend to be withdrawn and avoid interactions due to shame and for fear of being seen to be physically abused. DV also violates article 7 which champions for equality and equal treatment/protection of all regardless of status, sex, class creed.

Hence the UN obligates states to ensure that duty bearers (those entrusted/tasked with the responsibility of enforcing the laws) for instance the police, community development/social workers and judiciary ensure that DV which affects the right to quality of life, family and the socio-economic and cultural rights of victims who are mainly women, are eradicated (UN 2005). I can then deduce that DV committed in a state that is a signatory/party to international bill of rights/conventions like Zambia, definitely abrogates the 1992 UN CEDAW committee general recommendation 19 and 1993 UNGA declaration to eradicate all forms of violence targeted against women (McQuigg 2016). Furthermore, Zambia is party and signatory to the regional treaties like the African Charter (Maputo protocol) on Human and people's rights of African women to which McQuigg (2016: 1011) contends that article 1 (b) recognises and advocates against violence directed at women who when continued to face DV, their human rights are infringed upon and needs redress through relevant institutions.

Though DV is a rights violation, Thomas and Beasley (1995: 1121-5) clarified why states obligation to its eradication remains a challenge when they argued that though international legal ideals have remained gender neutral on principle, imbedded on the various legal ideas that advocate for non-discrimination and equality based on sexual orientation, these statutes are precisely intertwined with the various local/domestic laws and societal structural embedment's that are overarching biased in nature. Hence addressing DV may not just require mere education, development and legal/criminal justice, economic support but may require a holistic structural approach that catalyzes and speeds up the ideas challenging human rights infringements which DV is a part (Thomas and Beasley 1995: 1143).

## **2.5 Perspective Positionality on DV**

The 1995 Women's conference in Beijing resolved that though DV is a form of social issue which is gendered, it deprives women's liberty/freedoms. Therefore, though DV as much as it is a social phenomenon, it really is more so a human rights issue due to the fact that it exposes one to dangers of reduced self-esteem, dignity and loss of life which shatters the morals of the affected and reduces them to sufferings (Malarewicz-Jakubow 2011: 184) which infringes on the fundamental liberties within the family and society and hinders the full participation of the affected women in life choices and deters their agency. This perspective is supported by the works of Rhonda Copelon as cited by Zarkov et al. (2001: 387-89) that violence no matter the form/nature (private or public) is the same as that performed by the state and therefore is equivalent to torture which abrogates the rights of individuals. Therefore, Rights restore the lost moral fibers in society and obligates adherence which acts as a social bond and healer on the affected as they come to view society as just and rewarding in one exercising their inherent worth and dignifies individuals due to the fact that rights champion for equal treatment regardless of social status and gender.

Hence, human rights acts as catalysts that break the held kinship perspective on inevitability of DV as a normal socially ascribed act, as it reshapes perspectives from socially normal ascribed to that of criminal prescribed needing punishment/doing away with making DV mitigation plausible.

## **2.6 Domestic Violence Legal and Policy Framework in Zambia**

DV against women is a gendered kind of discrimination that fosters inequality, which is an abrogation of women's rights (UN 2010: 14) as it erodes the dignity, agency, and self-worth of women. To this end, numerous legislations in the Zambian context have been developed to acknowledge DV as a rights violation. The Zambian Constitution for instance in its preamble is premised on upholding every individual's human rights and fundamental freedoms embedded on principle of equal treatment for all (women and men) as they determine and contribute in the social and economic spheres of Zambia (GRZ 2016). A further interrogation into the Constitution and Zambia's national Laws, Acts and Policies provides us with detailed insights over the Zambian government position on DV. The 2016 amended constitution explicitly provides and guarantees equal treatment, right to life, security, and liberty in article 11. Article 1 of the constitution is anchored on gender equity and equality of any individual regardless of sex or creed.

The Constitution further provides remedies for the DV cases through the courts of law enshrined in Part VIII and the Zambia Police in part XV. The Zambia Police is mandated among other functions according to the provisions of the constitution in section 193 Article 2a, to ensure the protection of life and 193 (2c) to ensure the security of every person in the state (GRZ 2016). The Anti-Gender Based Violence Act of 2011 which is a progress law aimed at ensuring the readdressing of traditional practices that are harmful and reinforce violence against women and creation of funds and safety-nets (shelters) for provision of support/help to victims of DV (GRZ 2011), this law has further been incorporated into the training curriculum of the Zambia Police Service (UN 2017: 8). Further, the 2014 Gender Policy which is a revised version of the 2000 Gender Policy tries to address the gendered power imbalances/relations which are viewed as the cause of inequalities between men and women and also addresses statutory laws and non-statutory (customary/traditional) laws which fall under the Local Court Act Chapter 29 which are viewed as elements that harness the continuation of inequality against women (GRZ/Ministry of Gender 2014 ; Ministry of Communication and Transport 2007).

Though such laws and legal statutes are in place, Zambian women continue to still face DV at the hands of their partners given that 51% of the population are women and that as of the 2013-2014 health demographic survey shows that 43% women aged between 15-49 had been physically violated and in every 12 months 37% of women experience physical violence from their partners, while Zambia police service reported slightly above 5000 cases of DV in quarter 1 of 2020 prior to Covid-19 measures. These statistical figures are gross and alarming from a human rights standpoint due to the mere fact that they are detrimental to attainment of CEDAW, SDG's No. 5 and vision 2030.

The Zambian Government further went on to ratify some considerable regional and international treaties aimed at protecting the rights of women such as UDHR, ICCPR, the CESC, CEDAW etc, so as to ensure women enjoy the same privileges, freedoms and rights just as equal as men which have been domesticated (Gender Policy 2014:23), for instance The Zambian Government in its effort to domesticate the CEDAW adopted the 2015 Gender Equity and Equality No.22 targeted at curing all forms of discrimination against women (UN 2017: 8).

## 2.7 Human Rights Based Approach Framework

Domestic Violence is grounded on three elements as advanced by Dempsey (2006) namely: “Violence, Domesticity and Structural Inequality”. Sen (2004: 316) posited that the creator of all human be-stored certain rights on every individual that are inannihilable and propagated for expansion of human capabilities through rights to expand their freedoms (Sen 1994) as this enhances their agency as individuals. The Human rights approach framework is premised and anchored on the advancement and protection of inherent human rights for individuals regardless of sex, gender, class, and religion. This framework seeks to extensively analyse the inequalities that exist in society as they strive to develop and provide mechanisms to ameliorates discriminatory practices and prevalent unjust power distributions in the development process.

The 1948 UDHR propagates for the freedom, equal treatment and dignity of all human beings which is intrinsic to the concept of human rights. Stephen (2005: 24) advanced that human rights approach aims at countering the normative power relations predominant in society against the weak (women in the context of this study) with a view of promoting the inherent worth and dignity of individuals through the eradication of oppressive structural norms of society like DV. This approach puts the international legal ideals that protects human beings against abuse (e.g. rights against inhuman treatment/torture) at the epic centre. The approach’s main guiding principle is anchored on the international bill of rights and propagates for equality amongst men and women founded on mutual social justice and/or equity (Stephens 2005: 28).

DV acts as a deterrent and impends women’s ability to participate which is linked to freedom of expression/association and hence, the rights based approach takes cognizance of the interdependency and interlinks the social, cultural, economic, civil and political rights all enshrined in international bill of rights. Rights based approach, is hence, empowering as it calls on all state and non-state agents to respect and protect all individuals to act with agency as rights holders and without being coerced and is the obligation/duty of all (state and non-state) to warrant that all safe guarding mechanisms are set in place to ensure that no abrogation of any one’s rights by the other unfolds in society. This lens of approach is transformative empowering in nature to women as it acts as a shield against DV, in that human rights are mutually re-enforcing and interdependent which calls on equal participation of all in the development process.

Using a human rights based approach lens which is an empowerment mechanism for women to actualise their agency and equality, shall entail that analysis will be focused on the international legal ideals to inform and guide the perceptions on DV through the use of CEDAW and articles as frames of reference. Since attainment of equality and non-discrimination against women requires a lens of human rights anchoress. Rights are better situated to address and counter various historical, cultural, racial, and other societal norms that breed discrimination and DV. Hence, the rights based approach to human rights perspective on equality and social justice emphasizes the integral role of equality in the enjoyment of all human rights, and seeks to overcome fragmentation in the field law, society and policies (McQuigg 2016 ; Bharani 2013) .

The concept of rights is of paramount importance especially on the rural women of Gwembe due to the fact that though there has been cultural diffusion and urbanization in the Tonga society, patriarchal cultural practices way of life (man as dominant and woman as subject) are still very predominant. These ideologies codify abuse of women being perpetrated due to its deep rootedness in tradition anchored on power imbalances and inequality. Rights are better situated to address and counter various historical, cultural, racial, and other societal norms that breed discrimination. Hence, this study adopts as its conceptual

framework the human rights based approach lens embedded on liberties of human beings that champions for equality as a mechanism for claiming rights and enjoying them, and strives to overcome divisions in the arena of equality law, society and strategies/policies. The concept of rights is of paramount importance in that all acts of change in society either by state or non-state actors should be anchored on fundamental international human rights, especially on the rural women of Gwembe due to the fact that though there has been cultural diffusion and urbanization in the Tonga society, patriarchal cultural practices way of life (man as dominant and woman as subject) are still very predominant. These ideologies codify abuse of women being perpetrated due to its deep rootedness in tradition anchored on power imbalances and inequality and impact on individual, family, and community.

The experiences women go through are multifaceted between culture and other social structural categories, hence, this framework shall provide insights and link into perceived consequences of Covid-19 measures on DV. In order to bring about mitigation and possible eradication of DV, the concept of Legal Consciousness is paramount as it is premised on ensuring that law in the book and living law is made aware to the public as an empowerment mechanism to shield them from rights violations (Hertogh 2009 ; Merry 2006).

Though the study relies on HRBA, this approach is not short of pitfalls just as any other approach as advanced by Teranaka (2006:8) that the approach is mainly anchored on justiciable mechanisms and with a questionable origin that is based on eurocentrism which is perceived as expansion of foreign policy project by other means of Western power civilization of the South (non-western states) as it pays less attention to dynamic cultural relations, norms, values and ethics of other global societies (Mutua 2001).

## **2.8 Effects of DV on Women**

Babur (2007: 24) posited that, the act limits the options in the woman's life both private and public, as it destroys the health and constricts the scope of activities they can engage in and indirectly erodes the self-confidence, inherent-worth and self-esteem of the women. DV in a nutshell deters women's full engagement in the social and economic spheres which is their inherent human right. Kabeer (2014: 2) contended that DV hampers attainment of equality and the sustainable development goals that many nations aspire for by 2030 as it affects not only the couple but also the children and economy. The research undertaken by WHO (1997: 3) highlighted that the trickledown effect of DV was on children especially girls who witness DV in the home more likely makes them accept it as a normal way of life experience when they encounter in their marriages, while boys may resort/adopt similar violent behavior in adulthood as a husband. It is due to these harmful effects that resonate other inequality existing in society (Azhar et al. 2012: 1618).

### **2.8.1 DV Undermines Human Rights for Women**

Most women continue to face discrimination and oppressions in homes where they are supposed to feel the safest as they must endure the socially ascribed tenants of domestic violence which is legitimated by patriarchal structural functioning's. Women from time in memorial have been relegated to the subordinate position whose survival is dependent on the family that also pits her to aggression and oppression via violence, which may cause harm to the wellbeing of women (Human Rights Clinic 2010). The UDHR and the Magna Carta is anchored on the fundamental principle that "*all human beings are born free and equal in dignity and rights*". The international legal ideas champion for women freedom such as: Article 1 anchored on equality as a right, article 2 based on freedom from discrimination, article 4 on liberty from slavery and 5 liberty from torture plus degrading treatment (UDHR). As

postulated above, DV undermines and violets these virtues and legal ideas. DV violets the dignity, and worth of the women which human rights are meant to protect (McQuigg 2016).

The Zambian, Constitution is also embedded on the right to protection from inhuman treatment found in article 15, article 14 based on non-slavery treatment , article 23 anchored on non-discrimination and article 11 which stipulates the respect of the fundamental rights and freedoms of persons (GRZ 2016). Hence, domestic violence violets the inherent international laws and national laws. This violation obstructs women from the development process by subordinating them which infringes on their capabilities freedoms to which development is a steppingstone opener to real freedom (Sen 1993) even from domestic violence. Therefore, DV denies the right to equal treatment before the law, building of social relations and freedom of expression as victims remain in constant fear as their liberty, security and effective citizenship is compromised. Hence, the UDHR under article 2 is premised on the fact that all humans are rights entitle holders with no distinction<sup>1</sup>.

DV violets the Zambian Gender Equity and Equality Act No. 22 enacted in 2015, which explicitly states under section 16(1) that calls on all persons to respect and uphold the rights of both sex (male and females) and accord them with dignity and finally section 16(2) stipulates against subjection of any person to abusive, degrading and violent treatment. Therefore, DV infringes on these laws and retards many nations from attaining the SDG's no. 3 which is premised on equality and SDG 16 which is also aligned creating a just peaceful society that is inclusive regardless of orientation.

## 2.9 Summary

Chapter one highlighted study background, problem statement, research questions, conceptualization, study delimitation/limitation, and defined key terms. Chapter one is followed by Chapter two which is centred on the review of the literature upon which lays the analyse of the perceptions of Key informants on how Covid-19 could have worsened the circumstances that are attributed to DV prevalence in Rural Gwembe in Zambia.

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<sup>1</sup> The UDHR, Art. 1, posits, "*all humans are created free and equal in dignity and rights*" which were adopted by the UN members to which Zambia is party, Article 2 points to the fact that all have entitlement to claim these rights, embedded with freedoms without any distinctive sort and Art.7 is premised on equality before the law with no discrimination.

# Chapter 3 Consequences of Covid-19 Measures on Domestic Violence and rights violation

## 3.1 INTRODUCTION

This section presents and analyses research questions 1 “How has Covid-19 contributed to worsening of circumstances that are attributed to prevalence of DV in Rural Gwembe?” based on the data collected from the field with particular emphasis on the Covid-19 pandemic outbreak and its consequent lockdown measures. It tries to explicitly explore how currently Covid-19 has contributed to worsening the circumstances attributed to DV and how these circumstances can be regarded as human rights abrogation in the rural set of Gwembe. The examination is based on perceptions of key informants’ views which are further analysed with existing literature from various sources/articles and web search engines.

## 3.2 Background Characteristics of Respondents

A total of 20 respondents were captured in the case study and Table 3.2.1 highlights in summary their demographic and education level profile which included sex, age, level of education attained and marital status.

**Table 3.2.1** Distribution of participants' profile

| Age Group   | Frequency |   | Educational Attainment |           |         |            |
|-------------|-----------|---|------------------------|-----------|---------|------------|
|             | F         | M | Primary                | Secondary | College | University |
| 26-35       | 3         | 2 |                        |           | 2       | 3          |
| 36-45       | 5         | 1 |                        | 2         | 1       | 3          |
| 46-55       | 3         | 1 | 1                      | 1         | 1       | 1          |
| Above 55    | 3         | 2 | 2                      | 1         | 1       | 1          |
| Sub Total   | 14        | 6 | 3                      | 4         | 5       | 8          |
| Grand Total | 20        |   | 20                     |           |         |            |

Source: Author 2020

Generally, majority of the respondents were women, a representation of 14 while men were only 6. The age of the respondents was from 26 to 75 years, plus a majority of respondents aged between 36-45 (6), those of the age 26 to 35 and above 35 years had an equal share of representation of 5 and finally those in the age range category of 46-55 were only 4. With the regards to the education attainment of the key respondents, majority of them (a representation of 8) had attained university level education, while 5 had attained college level education, 4 had attained secondary education and 3 had only attained primary education.

**Table 3.2.2** Marital Status of Respondents

| Status   | Sex          |   | frequency |
|----------|--------------|---|-----------|
|          | F            | M |           |
| Single   | 0            | 1 | 1         |
| Married  | 9            | 4 | 13        |
| Divorced | 3            | 0 | 3         |
| Widowed  | 2            | 1 | 3         |
|          | <b>Total</b> |   | <b>20</b> |

Source: Author 2020



With respect to marital status of respondents, highlighted above table shows that majority of respondents were married with a distribution of 13 (5 women and 3 males where in polygamist marriages and 5 in monogamous marriages), while divorced and widowed had an equal share of 3 and only one respondent was single.

### 3.2 Overall Understanding of Domestic Violence and Covid-19

The interviews with the respondents initially sought to gain respondents knowledge about domestic violence and Covid-19 which were further probed on to gain more insight on the current phenomenon. All study subjects (100%) responded knowing what DV meant, for instance one of the respondents said:

It is violence that is mostly targeted at women which is perpetrated by men, as a sign of control and authority when there is a difference in points of view among the partners, which abrogates against the rights of women, which is a criminal punishable offence before police. On the other hand, it is an act that traditionally and culturally is expected to remain a closed indoor bedroom issue and is viewed as a taboo to disclosure to outsiders (Interview with Chairlady, 26/08/2020).

This perspective view shows that to some extent as Malarewicz-Jakubow (2011: 189) stated that DV is looked at as a social issue in some segments of society that should remain a private issue. On the other hand, it has also shown that indeed though DV is a social issue in Gwembe it is more of a crime and human rights issue which is perpetrated by partners/couples.

When the respondents were asked if the women in Gwembe district were aware of what domestic violence entailed, all respondents mentioned that majority of the women were aware. One respondent said:

Not all women in the district are aware, but Majority of the women are aware of what domestic violence is, which is locally known as “Kutudulula” which is the maltreatment of either husband or wife which involves battering/slapping and kicking commonly targeted at women as a means of control and fear infusion measure. However, traditional, and cultural practices remained a big hindrance for women to freely report/seek help as it was considered a taboo and failure of a woman to manage her home affairs (Interview with Headman, 21/08/2020).

The responses by the key informants shows that indeed knowledge about what domestic violence entails has been somewhat harnessed by the local community (women and men) members, though traditional or cultural norms still play a big factor in the perpetration of the act.

### 3.3 Covid-19 Mitigation Measures Instituted in The Area

When the respondents were asked on the general knowledge on the measures that have been instituted during Covid-19, they responded that:

There was a partial lockdown, in that movements and gatherings of more than 50 people were now restricted, schools have been closed, work environment has down sized, employees presence in the office and some businesses (bars) have closed as measures to curb the spread of the Covid-19 pandemic (Interview with DDH, on 4/09/2020).

Clearly, this revelation is in conformity with (GRZ 2020) special address by the Republican President Dr Edgar, C. Lungu on 25 March 2020, in which measures such as school and bars closure were closed. This is further supported by Campbell (2020: 3) that measures put in place to curb the proliferation of Covid-19 by many countries include but not limited to closure of institutions (business bars, schools) and self-quarantine which are causing stress and loss of employment.

### 3.3 Prevalence of DV during COVID-19

The findings by the survey that was conducted by Manusher Jonno Foundation in Bangladesh as highlighted by (Sifat, 2020) revealed that there was an increase in domestic violence against women which was attributed to the lockdown measures as a result of Covid-19. This assertion is further supported by Iliza (2020) who stressed that Rwanda's legal aid director and lawyer stated that DV toll due to Covid-19 measures has increased especially among teen mothers and those facing divorce prior to the lockdown measures. These assertions were found to be the sentiments held by all the respondents who said that:

It is a common fact that there is an increase in DV during the COVID-19 pandemic mainly due to the instituted measures aimed at curbing the spreading of Covid-19, in that these measures have added a toll of stress especially on the men who are now forced to spend more time at home than usual which has triggered some social and economic challenges that has made men unable to provide all the basic needs of the home which fuels DV in most homes (Interview with NGO staff, 06/09/2020).

**Table 3.3.1 Source of Knowledge on DV prevalence during Covid-19**

| VARIABLES                       | FREQUENCY | PER CENTAGES |
|---------------------------------|-----------|--------------|
| The media (radio/TV/Newspapers) | 2         | 10%          |
| Reports from the police         | 3         | 15%          |
| Word of mouth                   | 15        | 75%          |
| Other (specify)                 | 0         | 0            |
| TOTALS                          | 20        | 100          |

Source: Author 2020

The table highlights that majority of the respondents (75%) said the basis of their knowledge about DV during COVID-19 was through the word of mouth, followed by those who got their information through the police reports while only 10% received the information through the media. This shows that information in this rural area is mainly spread quickly through the word of the mouth.

**Table 3.3.2 Perception on DV exacerbation during COVID- 19?**

| VARIABLES | FREQUENCY | PEER CENTAGES |
|-----------|-----------|---------------|
| Yes       | 18        | 90%           |
| No        | 1         | 5%            |
| Not sure  | 1         | 5%            |
| TOTALS    | 20        | 100           |

Source: Author 2020

The table above depicts that most of the respondents agreed that there was an increase in DV during the COVID-19 pandemic. Only 5% said there was no increase while another 5% were not sure, 90% were certainly sure there was an increase in DV prevalence. From the study, it revealed that indeed the Covid-19 measures put in place, during this period have triggered and caused a rise the DV in many households.

The key informants' assertions are in line with the findings of the UN (2020d) report on Nigeria that revealed that states that instituted full lockdown measures experienced a

profound increase in DV cases from 60 in the month of March to 238 in the month of April an indication of 279 percent, while states with partial lockdown had a 53 percent increase in cases of DV. These assertions by the key informants were also echoed by Walubita, G. from the University of Zambia who said that abuses in the home as a result of the Covid-19 could be more committed by abusers as they are quarantined at home (Ngoma, 1 June 2020).

In view of the foregoing, one of the leading scholars Edwards (1989) once said “ *the home is safest spot for men, while by contrast the least safest spot for women*”, the situation can even be worsened by pandemics/disasters (Red cross international 2015). This revelation adduced in the study is in line with the survey that was conducted by Manusher Jonno Foundation in Bangladesh that showed that there was an increase in domestic violence against women which was attributed to the lockdown measures as a result of Covid-19 (Sifat 2020).

Despite the activism of sensitizations in the community with the local leadership, that has been highlighted above to bring about legal consciousness against DV, domestic violence is still highly prevalent even during Covid-19 period. This was confirmed by the high ratio of responses that perceived that the numbers of prevalence had risen. The study showed that majority of respondents had responded in the affirmative to the question on “whether they had perceived increases in numbers of DV during Covid-19 mitigation measures” and one respondent who agreed to be mentioned, the area member of parliament Mrs Malungo .A. Chisagano said:

There is no doubt that in most of the homes, violence could have escalated and in households where violence was no prevalent, it could have started due to the social and economic stress that the Covid-19 measures could have put on many households. Men and women are stuck in homes with no resources, this pressure of care and burden is further exacerbated by children being home away from school making parenting and admonishment triggering in misunderstandings and violence (Interview with MP, on 19/08/2020).

While officials from government line ministries said that:

Indeed Covid-19 measures have concentrated on the reduction and mitigation of infection, while neglecting the fact that these measures may have detrimental effects on women being abused as they are in self isolation with their potential abusers who are facing the harsh reality of having limited socio-economic activities which tend to trigger stress and likely resort to DV (Interview with DDH, on 4/09/2020).

These fears by the area Member of parliament and perspective views of government officials are supported by Ngoma (1.06.2020) of the Times of Zambia which carried a tabloid that there are fears of increased DV cases during the lockdown all attributed to the quarantine of men and women in homes which could agitate DV due to stress associated with the lockdown like non-socialization. This is further evidenced by the sector report provided by UN (2020c) that about 553 females and 468 males through online means of mobile phones sought psychosocial support on DV during the lockdown period in Gwembe, Sioma, Lunga and Shangombo which are all rural areas in Zambia. This view is in line with what the UN (2020e) stated that the measures of making people stay home has global consequences on the women who tend to be abused by their partners. The measures are leading to an increase in DV based on OHCHR information and reports from many countries. The Guardian (2020) also claimed that the lockdown measures being enforced globally has seen a rise in acts of DV against women and children in many countries. For instance, Wen Fei the founder of a charity campaigning to redress violence/abuse claimed that 90 per cent of DV are due to Covid-19 measures (The Guardian, 2020). This is supported by Taub (2020) who posited

that cases of DV prevalence cases are on the rise worldwide due to global measures to mitigate proliferation of the Covid-19 pandemic.

Given this standing control over the women, Campbell posited that, it is not strange that prevalence rates are high during the Covid-19 due to household isolation/lockdown, a situation in which abusers take advantage to isolate victims as a means of control and this pandemic is a prime environment that is furthering this form of GBV (Campbell 2020).

### **3.4 Reason(s) for the exacerbation of DV during the COVID-19 pandemic in Rural Gwembe**

Some of the reasons that the respondents said were attributed to be responsible for worsening the circumstances attributed to prevalence of DV was that the quarantine made men to spend more hours at home with their families, which was not usually the case before the lockdown; the stress of failure to provide by men during the lock down period because they could not go out to look for the necessities; hunger due to drought and people's movement were restricted during the lockdown; economic challenges and lack of socialisation coupled with some traditional/cultural practices/ideologies that demanded that women should be submissive to their husbands where viewed to be attributional causes to DV.

One respondent stated that:

The care burden has put men in more stress during the lockdown as they cannot move around and source for money to provide for the home which has just added to the already challenges being faced of hunger as a result of drought, these frustration end up making men resort to violence as a means of making women not ask them to provide for the home by instilling fear in them (Interview with MP, 19/08/2020).

This revelation is consistent with Sifat (2020) based on the research by Manusher Jonno Foundation (MJF) that showed that indeed Financial pressure during the Covid-19 has resulted in heightened rifts and violence in households as men are frustrated at the loss of jobs. This is the same view advanced by Campbell (2020: 3) stress because of loss of employment, closure of businesses and quarantine are contributors to DV prevalence during Covid-19.

This notion was further expanded by another respondent who said that:

Indeed the pandemic has put more care burden on men especially those in polygamist marriage as the pressure to provide for more than one home or wife and kids is enormous and results in men being violent and distancing to avoid being questioned/told to meet the needs of the home since women are dependent on them for home supplies (Interview with Chairlady, 26/08/2020).

The respondents further categorically alluded to the fact so many factors contributed to DV exacerbation in Gwembe District, they however, cited the following reasons to be some of the additional causes for DV during Covid-19.

Lack of socialization, has contributed due to the fact that men are locked down with partners whom they feel or look at to be the source of most of the problems they face ( Interview with MP, 19/08/2020).

Poverty, Closure of some businesses (bars) and hunger caused by concurrent droughts that were experienced are having a negative toll on the men to provide for the home. This pressure of care and family support makes men resort to DV to make women not question them of providing for the home. On the other hand, those in the very low poverty datum line

are more so anticipated to experience DV due to absence of resources (Food) (interview with DCDO, 02/09/2020).

Polygamy has put enormous burden on the men to provide for more than two wives which is the most leading cause of stress.

Lack of and Diminishing resources as men are not able to do business like travel to sell animals (cattle, goats and pigs) or charcoal which are some of the main sources of income makes them become frustrated and resort to violence with partners when they are asked to provide resources like food for consumption (Interview with MP, 19/08/2020).

Lack of education and economic independence among majority of the rural women was cited as one of the reasons women were battered (Interview with CS, 19/08/2020).

Poor and weak law enforcement in the district due to the already nonexistence of a police station and man power to cater the whole district ((Interview with MP, 19/08/2020 and Police, 22/08/2020) and low awareness/shinning (viewed as taboo) of helping seeking mechanisms by the rural women (DSWO on 02/09/202).

These findings are corroborated with what the Ministry of Community Development and Social Services (MCDSS) (2009) posited that poverty which is aggravated by high unemployment, economic dependency on men by women, traditional ideologies/norms that prescribe/impart and situation women to accept DV in homes and/or patriarchal ways of life are the reasons that contribute to DV exacerbation. Consequently, a study conducted in Zambia by Kusanthan et al. (2016: 5-6) reviewed that 43% of the respondents had experienced physical violence which was linked to “*Wealth status, places of residence and sexually transmitted diseases*”. The study showed that rural women experienced this form of GBV 1.9 times than their counter parts living in urban areas. This prevalence according to the authors is because of “*patriarchal culture, strict defined gendered norms, lack of integrating programs for victims and poverty*” which tends to make women remain susceptible to this form of GBV. While reporting of this form of GBV was hampered by the level of education “*women who accomplished secondary education where 1.3 times further expected to report this form of abuse than those who had not*” (Ibid, 2016: 6). These form of perspective made Terry (2014:470) to conclude and argue that, not only poor women face violence, however, poverty enhances the vulnerability of women to DV and reduced their agency and ability to change the status quo and acts as a re-enforcer of violence.

While, studies by Hossain (2019), World Bank (1993), show that the lack of economic resources (unemployment, landlessness) increases tensions in the affected households and underpins the vulnerability situational predicate of women’s violence and difficulty in defending/freeing themselves which may at times resort to desertion or even divorce. Therefore, many factors are associated with the exacerbation of DV during the Covid-19 period which are tied to mainly the socio-economic perspective of life which are consistent with WHO (2020) who argued that disruptions in sources/means of livelihood triggers stress that results in DV and this is supported by Kabeer (1998) as cited by Hossain (2019) who situated that poverty and economic absence of possessions are arguably linked to DV, which is mainly associated with powerlessness and no income for basic needs like food, which result in DV.

Furthermore, the patriarchal traditional cultural norms were highlighted by respondents to be behind most of the violence being experienced by women even during the Covid-19, one respondent said that:

The way of life training “boys as head” who are supposed to provide and their roles are out there working, while girls as “subordinates” who are supposed to depend on boys and their roles are inside the house/kitchen” contribute the predicament that women find themselves in. These norms make men even engage in extra marital affairs which women tend not to question and once they question is seen as lacking respect/subordination and ends up in DV (Interview with SWO, 05/09/2020).

While another respondent amplified on the view above and stated that:

The patriarch ideologies e.g. “Casanova-ship of a man does not destroy a marriage” this makes men have multiple/extra marital affairs/ partners and hides them from the wife and when the wife asks violence is used instead, these ideologies though they used to be good in old times as another partner introduced in the home reduces the farming and care burdens, this is not the case now as society has evolved and such ideologies enslave women for a long time and needs to be done away with (Interview with Chairlady, 26/08/2020).

During the pandemic extra marital affairs will be unmasked via phone messages (Whatsapp/Messenger/Facebook/Snapchat/ emails) since husband and wife are locked indoors and may trigger more violence as women for instance will catch the men chatting on phones (messenger/WhatsApp) with other extra marital ladies/women which may result in violence on a daily basis. Additionally, fighting may even start on petty issues to divert from the real issues of infidelity (Interview with DCDO, 02/09/2020).

The endorsed rate of response on the causes of DV during the Covid-19 where also revealed in the study by Kernsmith (2005) on men and women undergoing counselling that acknowledged that indeed stress was the leading attribution cause of DV and this was not the case among the women. While a study that was conducted by Stuart et al (2006) showed that at least 36.5 per cent of the respondents attributed stress as the main cause of the DV in the home. An earlier research which was conducted in 1995 by Cascardi and Vivian revealed that stressors where financial, family and child care burdens, work stress (job tasks and job loss) and marital stress which were identified as the leading cause of DV among couples, in that 79 per cent of men attributed the DV to financial stress.

To amplify on the revelations on studies highlighted above, one of the respondents’ view are in consistent with the above scholars’ perception who said that:

I face this form of DV in my own home, especially during this period of the pandemic, my husband is always annoyed, and irritated over issues in the home and due to him being so strong than me, he does things (batters) out of stress and frustrations which leaves me wondering if his love for me is still in him. The pressure is amplified by not being able to socialize in bars and closure of his business (bar) has made the home not conducive on almost everyday basis as fights and misunderstandings/quarrels are daily happenings. I cannot report or seek help for fear of victimization and blame if my marriage ends up in divorce.

The findings are very much also reflective on the information emerging on Sexual and Gender-Based Violence (SGBV) in the African context, and that the projection estimations point to the fact that it is one of the prominent human rights, and developmental issue that the region is battling and faced with, in as much as it is worldwide. It is estimated that 48 percent a representation of women aged 15-19 have faced DV and that one out of five women do face sexual abuse (Central Statistical Office, 2009). While similar studies from Kenya, show

also that indeed DV is prime rights infringement more so among women aged between the range of 15-49 in that 39 per cent of them have been victims of DV at a tender age of 15 years, (Kenya National Bureau of Statistics (KNBS) and ICF Macro 2010). While the WHO (2013) report provides an estimated 36.6 per cent among African women in their lifetime have encountered DV that is of physical nature.

Though the Zambian Constitution, policies, and laws are anchored on non-discrimination, legal equality, and rule of law regardless of creed, sex and denomination, and international legal ideals such as UDHR, CEDAW and ESCR point to the same schooled principle of human inherent worth, equality, non-discrimination and freedom from in-human treatment, the study has shown that though law be prescribed in the book, the opposite may be the reality in its attainment. Covid-19 measures have surely put a toll on the exacerbation of DV which infringes on the rights/freedoms of women. Though Sarat (1990) as cited by Hertogh (2009) argued that law is everywhere and has reached its saturation in the daily lives of humans, the opposite may be the case in this study, as structural codified norms inhibit the realization of women's rights and legal equality for all as tenants that re-enforce abuse and DV are still prevalent in Gwembe. This positionality could be likened to what Hertogh (2009: 229) said that when a society/people is caught to be working against the law, it puts in every effort to reject/resist the law.

Hence, from the study, we can deduce just like other scholars that, in times of distress, pre-existing harmful social norms like gender inequalities, civil unrest, economic crunch, and disaster produces various factors that lead to an increase in DV against women, to which pandemics are no exception. The uncertainties and fears that are associated with pandemics like the COVID-19 (economic insecurity, stress due to poverty, social distancing and quarantines, reduced access to health services and the lack of escape goat to flee violate partners due to lockdown) either regional or global create a thriving conducive environment that increase and sparks various forms of DV especially against women as abusers are at home locked-down and women are cut off from supportive services (Peterman et al. 2020).

Given the standing control of men during lockdown, these findings are more or less reflected by Campbell who posited that, it is no strange that prevalence rates are high during the Covid-19 due to household isolation/lockdown a situation in which abusers take advantage to isolate victims as a means of control over and this pandemic is a prime environment that is furthering this DV (Campbell, 2020). This is supported by Peterman et al (2020) who said that indeed in times of distress, pre-existing harmful social norms like gender inequalities, civil unrest, economic crunch, and disaster produces various factors that lead to an DV exacerbation against women, to which pandemics are no exception.

Babur observed that in patriarch societies of Pakistan men are given the full control over all aspect (mobility, resources, production choices, and reproduction) of a woman and this tends to make them remain perpetual reliant on men irrespective of them facing abuse (Babur 2007).

The scholars' views above are further consistent with the field research findings that conceptual framing of women in patriarchal society as commodities or objects due to the overpriced dowery/lobola that men tend to pay to the bride's family is perceived to be a contributing factor to DV during the Covid-19 period. The respondents argued that these norms and traditional/cultural practices tend to relegate women and disfranchise them from enjoying their human worth, dignity, and equality as men. The notions of "I paid for your head" (dowery/lobola) according to one headman has then made women become commodities in which their fates mainly are determined by men and the women's parents therefore have little or no say as they fear their daughter will be chased out of the marriage and they will be required to pay back the dowery which they may not have as they are from poor households.

Hence, during such hard times like the lockdown measures, the prerogative over the fate of the women's bodies is in the hands and mercy of the men who can do anything or even resort to DV as they are faced with a lot of stress and frustrations and if a woman is perceived as a thorn in the flesh of the man, when they demand for their and children's welfare which the man may not provide may resort to violence knowing fully well that the wife is his own property.

The findings showed that indeed the gendered norms ways of life constructions that are anchored on patriarchal norms seem to give more favour, preference and dominance to males than female have an impending long term effect that triggers dependence and breeds to DV when the bread winner fails to meet the basic requirements in the home especially during Covid-19. The findings further showed that the socially constructed class as an intersectional structural embedment in society does not select who is affected by domestic violence, however, those in the very poor are more likely to face rampant/sustained violence due to quarrels over the non-availability of basic necessities like food in the home, and the male dominance will resort to beating to make the partner not ask for house provisions in fear of being battered.

Therefore, women from more poorer households are more vulnerable to experience domestic violence during pandemics such as the Covid-19. This perception was also observed by Kabeer (1998) as cited by Hossain (2019) who said that poverty and lack of economic resources are circularly linked to domestic violence, attributed to powerlessness and lack of resources (food) more so in rural areas household and failure by women to perform ascribed traditional gender roles result in domestic violence. The research reviewed that extramarital affairs and polygamy are mostly expected to cause DV against women especially during covid-19.



# Chapter 4: Rights Abrogation of DV against Women During Covid-19 and Mitigation Measures

## 4.1 Introduction

1. This section resonates from findings in the field from key informants as a response to question 2 “How can the prevailing circumstances be regarded as human rights abrogation against women in Rural Gwembe?” and 3 “How has Domestic Violence been mitigated in rural Gwembe prior to Covid-19? of research study and provides distinctive mechanisms that are prevailing in the guarantying and upholding of the various rights that women are entitled to. The discussion brings to the fore how DV abrogates the rights of women in rural Gwembe, mechanisms that are put in place to foster equality and ameliorate DV and highlights government and stakeholders responses to the current DV exacerbation due to the Covid-19 measures.

## 4.2 Rights Abrogation of DV during Covid-19 Against Women

The UDHR is embedded on 30 Articles of inalienable rights that all humans are entitled to enjoy and the United Nations calls on all member states that are party to the various statutes to ensure that due diligence is put in place to ensure that rights are upheld. DV abrogates entitlements of women as rights holders which exposes them to various maltreatment like slavery and/or torture, loss of life which violates against rights that women are guaranteed to enjoy. When the respondents were asked on their perception of DV as a human right abuse the undermentioned were the response.

**Table 4.2.1: Perception of DV as a Human Rights Violation**

| VARIABLES     | FREQUENCY | PEER CENTAGES |
|---------------|-----------|---------------|
| Yes           | 17        | 85%           |
| No            | 2         | 10%           |
| Not sure      | 1         | 5%            |
| <b>TOTALS</b> | <b>20</b> | <b>100</b>    |

Source: Student 2020

The highlighted table above depicts that majority of the respondents said that DV was a violation of the rights of persons followed by those who disagreed (10%) while the least were not sure. Respondents said that:

Though the Covid-19 measures were meant to slow down the spread of the disease, the measurements may have led to DV being magnified by various factors that are intrinsic and extrinsic which may lead to violation of women’s rights, such as lack of sufficient laws and enforcement to curb the violence in the home as women are unable to travel and seek help, while some women may lack sufficient information about appropriate help seeking agencies that can address there plights of DV during the lockdown measures (Interview with DCDO, 02/09/2020).

DV is prohibited under the gender based act, and other laws as it violates/threatens the peace and security of a person and is liable for an arrest leading to prosecution for the perpetrators under the laws of

Zambia and international Human rights laws “Covid-19 or no Covid-19 once we hear, “Timanga” (surely will enforce an arrest)” (Interview with Police, 22/08/2020)

DV is a maltreatment mainly against women which violates against both national laws and International Laws (human rights laws) which obligates Zambia to ensure it does everything possible to protect weaker members in society especially women for instance the rights to protect and freedom from mistreatment under UN/international law which Zambia signed and is party to (Interview with MP, 19/08/2020).

Conversely, disciplining one’s wife is traditionally normal as a means for controlling women who tend to be stubborn at times. It is culturally right to discipline ones wife when they error as the man has paid dowry for the head of a woman and hence is within his responsibility/right to ensure a woman remains submissive to him (Interview with Headman on 21/08/2020).

The findings are equally supported by the argument advanced that DV violets the dignity, and worth of the women to which human rights are meant to protect (McQuigg 2016). The Zambian Constitution which is also premised on inhuman maltreatment protection enshrined in Article 15, Article 14 is committed to non-slavery treatment , Article 23 anchored on non-discrimination and article 11 premised on respect of the fundamental rights and freedoms of persons (GRZ 2016). Hence, domestic violence is inherent in the international and national laws.

Further DV violets the Zambian Gender Equality Act No. 22 that was enacted in 2015, which explicitly states that under section 15(1) that no person shall be discriminated upon based on sex, while section 16(1) calls on all persons to respect and uphold the rights of both sex (male and females) and accord them with dignity and finally section 16(2) stipulates against subjection of any person to abusive, degrading and violent treatment.

The revelations correlate with GRZ (2008: 6) which posited that: globally violence that is targeted at women is both a developmental and fundamental rights phenomenon that knows no boundaries, culture, religion, ethnicity and age, in that estimates highlight that one in every three women worldwide experienced DV either by being battered, forced into sex and/or even ill-treated in their lifetime. DV implications, therefore tend to abrogate even the right to life as some cases DV may lead to death and if unchecked especially during epidemics may remain a hazardous human rights phenomenon that robs women from claiming their rights and deter women from engaging in the social and development spheres of their lives (GRZ 2008: 8)

Using the Human rights based approach lens of analysis, the research has shown that, though Zambia is a party to international legal ideals, DV is perceived to still be prevalent and the Covid-19 measures could even result in the perpetration of the violence to escalate. The principle behind the HRBA is to ensure that all measures put in place either through various interventions are tailored towards rights upholding of all individuals as claimed in the various international bill of rights statutes like the CEDAW which speaks against discrimination, inequality and torture. The research revealed that, during the Covid-19 cases of DV especially among the lower class (those with resource challenges like food) in society could be on the rise, and this amalgamates very well with the fears of the UN through its secretary general that the lockdown could be “*horrifying surge*” for gender based violence to manifest (UN 2020).

### 4.3 Legal Consciousness and Empowerment; a way out of DV for women

Thomas and Beasley (1995: 1123-4) stated that DV violence is a human rights issue that infringes on the rights of women that is blatantly dismissed by states and re-enforced by various domestic laws for instance like customary laws in Zambia and societal structures that are biased towards women. They argued that education, development, and legal/criminal justice may not surely be the mere solution and hence requires a holistic approach to change the status quo. To this end Merry (2006) calls on the translation of international legal ideals to be well situated with the local grassroot community and make them aware of various legal instruments that protect them as a mechanism to foster social justice and empowerment from injustice that is pervasive in society. Hence UN (2001:2) stressed the vitalness of women empowerment as a strategic mechanism for combating DV.

**Table 4.3.1: Social, Economic Empowerment and Legal Consciousness way out of DV for Women.**

| VARIABLES | FREQUENCY | PEER CENTAGES |
|-----------|-----------|---------------|
| Yes       | 17        | 85%           |
| No        | 3         | 15%           |
| Not sure  | 0         | 0%            |
| TOTALS    | 20        | 100           |

Source: Author 2020

Women face triple burdens of care during pandemics (Care international 2020: 7), and lack of socio-economic resources has a strong correlational link to women experiencing DV as it makes them more vulnerable (2008: 6-9). Hence, scholars and governments have called for empowerment of women either through legal consciousness or economic empowerment as a strategic mechanism to curb DV (GRZ 2008; Hertogh 2009; Merry 2006; Thomas and Beasley 1995:1143). Hence, the above table shows that majority of respondents (85%) agreed that if women were socio-economically independent and legally empowered there would be less DV. When they were asked to state the reason why they felt so, the main reasons given were that:

There would be less financial dependence on the man which would reduce stress for providing basic needs for the home and subsequently reduce the misunderstandings between the man and the woman. They claimed that women and men being empowered with legal knowledge will deter them from engaging in DV as they may fully be aware of the laws that protect them and the helping seeking channels to go through to bring the abuse to an end (Interview with DCDO on 02/09/2020, MP on 19/08/2020, DWSO 05/09/2020, and Police 22/08/2020).

While those that felt that DV would not reduce (15%) even if women were socio-economically independent and legally empowered stated that DV may not be a result of financial problems but a result of weak law enforcement, traditional norms that seem to support male dominance (like Customary law) and someone's upbringing once these are modified then DV may reduce but not completely ending (Interview with Headmen on 21/08/2020, Police on 22/08/2020 and women Chairlady on 26/08/2020).

The biggest obstacle to women enjoying their rights/freedoms in the district is linked with poverty, low levels of education, low knowledge about laws that protect them against DV and other abuses, hence, if

women were empowered with legal knowledge on DV, prevalence may reduce or even end (interview with Police (VSU) on 22/08/202)

Though some of the findings resonate with Thomas and Beasley (1995) views to call for a holistic approach of empowerment to eradicate DV. Merry (2006: 6-10) on the other hand situates that indeed culture which is claimed by the respondents as a factor that makes empowerment a challenge is not static but “*porous and hybrid*” and legal empowerment is a juxtaposed that deconstructs held beliefs that are associated with kinship/culture/tradition through a pragmatic approach based on subjectivity that champions against DV anchored on rights (Merry 2006: 186-220) was also seemingly the held perspective of the respondents.

These findings are in-line with assertions made by Thomas and Beasley, which are supported by the study conducted by Fisher (2004) which showed that women from low income households experienced DV at higher rates as they faced discrimination and victimization seven times more than their counterparts from higher income households. This made Ogrodnik and Borzutzky (2011:64) to recommend that women should be provided with empowerment in education, decent paid work and health benefits may reduce the prevalence due to the fact that inequality in the levels of attainment of economic resources may be the resultant cause of violence. This is further supported by Deyessa et al (2010: 3-7) who said that education of a woman acted as an empowerment that tended to shield women against DV. As educated women can make their partners understand the effects of DV and its consequences making men less needing engaging in the act. While in rural areas women are subjected to more violence than their counterparts in the urban areas due to high illiteracy levels that makes women less conscious their rights entitlements protecting them against violence and which shifts their perception of violence as normal justifiable act by traditional-cultural ideologies (Ogbonna et al. 2014 ; Deyessa et al. 2010).

Though these claims above were also highlighted by the respondents, the study on the other also found that education could contribute to DV reduction but was not the means to an end as one highly educated respondent was in a DV marriage and not able to leave the marriage or report the act in fear of losing the marriage and also due to negative perceptions from the community due to social and cultural perspective view about DV.

#### **4.4 Pre-existing Programmes for curbing domestic violence in Gwembe**

Studies conducted in some countries globally have shown that interventions that can bring about reduction and eradication of DV have all pointed out to the direction of programs that are tailored towards efficient communication and behavioural change (Semahegan 2019: 2). Hence, the 1992 UN recommendation number 19 on combating DV against women called for states to ensure that they deliver educational and communication programs that are aimed at changing societal behaviours that re-enforce DV. It is against this background that national and international efforts to eradicate DV which infringes on the rights of women and critical to the attainment of vision 2030 and SDG's is reflective in the countries programs, policies, laws and enshrinements of international legal statutes into laws and programs, to which the researched revealed that:

#### **4.5 Perception on Pre-existing programs to Mitigate DV**

The UN general recommendation of 1992 no. 19 calls on all member states to put in measures that are aimed at education provision and sensitization against DV. Hence, Merry (2006: 186-220) admonished that indeed the way to bring about transformational

amelioration on perceived causes of DV to women was through a pragmatic approach tailored towards legal consciousness as a means of legal empowerment that champions against DV to which Freire (1970) referred to such as a means of conscientization leading to transformational change.

**Table 4.5.1: Perceptions on programs to combat DV in Gwembe.**

| VARIABLES     | FREQUENCY | PEER CENTAGES |
|---------------|-----------|---------------|
| Yes           | 15        | 75%           |
| No            | 3         | 15%           |
| Not sure      | 2         | 10%           |
| <b>TOTALS</b> | <b>20</b> | <b>100</b>    |

Source: Author 2020

The above table revealed that majority of the respondents said there were programs to curb DV in the area (75%) while 15% said they were not aware and only 10% were not sure. For instance, the Area Member of parliament, Council, Headmen and Officers from Community Development and Social Welfare said that:

Quarterly sensitization meetings were conducted in every chiefdom on the issues to do with DV, its effects, and repercussions from the law side and hence the need to curb/eradicate the inhuman act of torcher which abrogates against the Zambian and international laws and infringes on the affected to live with freedom and dignity. These sensitizations are tailored on behavioural change that calls on doing away with those norms and practices that re-enforce inequality and DV against women in the district (Interview with MP and CS, on 19/08/2020 and headmen on 21/08/2020).

The District Community Development Officer further added that various socio-economic programs aimed at the empowerment of women are being implemented such as the Strengthening Women's Livelihood (SWL) program which provides productive grants to women to foster their economic independence, While the Women In Development Program also provides funds and life supporting equipment's aimed at transforming the living conditions of women in clubs/groups (Interview with DCDO, on 02/09/2020).

While the DSWO alluded to the fact that indeed all community meetings that they conduct, on women, and child protection, they provide and champion for elimination of DV in homes as it affects the women and children's growth both physically and mentally and infringes/abrogates against victims inalienable rights and other laws of the land (Republic of Zambia), and that the affected (women and children) are provided with psychosocial support (Interview with DSWO conducted on 05/09/2020).

This form of perspective view is in line with what SIDA (2015: 14-15) said that addressing DV remains an economic developmental human rights phenomenon that fosters poverty reduction, actualization of justice, peace and good health for the affected victims especially women as it enables them to engage in the socio-economic shares of their lives as rights holders with agency. It is through such mechanisms that trigger transformational shifts in held hegemonic norms that are biased and re-enforce unequal relations.

The rights-based approach according to Hertogh (2009) champions for programs that fosters transformational change that encompasses the rights of individuals as a form of legal empowerment and has correlational effect on the reduction of various abuses of human rights. Hence, SIDA (2015) claimed that entrepreneurial empowerment through various means of income generation opportunities triggers reduction in DV in the long term as it shifts the structural power relations in society. These views all captivate what Merry (2006)

said that society is not static and Thomas and Beasley (1995: 1143) DV eradication requires diverse approaches, which as the research has revealed is not entirely sensitization as a form of legal consciousness mechanism but also entrepreneurial empowerment which triggers reduction on dependence and fosters equality.

## 4.6 Rights Entitlement programs on DV.

**Table 4.6.1: Adequacy of Programs on curbing DV**

| VARIABLES | FREQUENCY | PEER CENTAGES |
|-----------|-----------|---------------|
| Yes       | 2         | 20%           |
| No        | 18        | 80%           |
| Not sure  | 0         | 10%           |
| TOTALS    | 20        | 100           |

**Source: Author 2020**

The above table show that majority of the respondents said that although there were programmes to curb DV in the area, they were not sure whether the programs during such difficult times were aiding in mitigating the prevalence of DV in the district. This corresponds with the findings of the baseline study: “*Stamp out and preventing Gender Based violence (STOP GBV 2015)*” that showed the importance of the programme was to curb DV. However, the same study also issues to deal with sustainability where raised to have been of prime concern, as this is key not only in the attainment of set programme goals and/or objectives but also cardinal in the service provision and subsequent continuity in the long term such as the access to helping seeking, improvement of transport and other logistics (Simuels et al. 2015).

## 4.7 Summary of the Findings

From the study, it revealed that during Covid-19 the measures put in place are more likely to cause Domestic Violence prevalence in the households to rise. The findings showed that indeed the gendered norms ways of life constructions that are anchored on patriarchal norms seem to give more favor, preference and dominance to males than females, have an impending long term effect that triggers dependence and breeds to DV when the bread winner is more so stressed or fails to meet the basic requirements in the home especially during Covid-19.

The findings, further showed that the socially constructed class as an intersectional structural embedment in society does not select who is affected by domestic violence, however, those in the lower class (very poor) are more likely to face rampant/sustained violence due to quarrels over the non-availability of basic necessities like food in the home, and the male dominance will resort to beating to make the partner not ask for house provisions for fear of being violated against. Therefore, uneducated women and those from vulnerable poor homes are more vulnerable to experience DV during pandemics such as the Covid-19. While extramarital affairs and polygamy are more likely to cause DV against women especially during the covid-19.

Though the perceptions on the use of the phones and social medial did not come out strongly, some respondents felt that this could also trigger misunderstandings, jealousy, and trigger violence.

The research showed that Lack of education could be a contributing factor for DV against women during the Covid-19, however, one of the respondents who was a bachelors holder revealed that she had been encountering DV even during the pandemic and the issue

is a bedroom issue as she does not want to undergo divorce to which no one will be willing to marry her again as society will play the blame game on her for the failed marriage.

Using the Human rights based approach lens of analysis, the research has shown that, though Zambia is a party to international legal ideals, DV is perceived to still be prevalent and the Covid-19 measures could even result in the perpetration of the violence to escalate which may erode the many strides the country could have attained in the actualization of its obligations under international law and attempts to realize the SDG's and Vision 2030. The Principle behind the HRBA is to ensure the rights upholding of all individuals as claimed in the CEDAW which speaks against discrimination, inequality, and torture, which are also embedded in the country's constitution. However, the research revealed that, during the Covid-19 cases of DV are on the rise, and this amalgamates very well with the fears of the UN through its secretary general.

## Chapter 5: Conclusion

In this study, I strived to document rights based analysed answers how Covid-19 has contributed to the circumstances attributed to DV prevalence in rural Gwembe of Zambia. The study was a key informant case study, that was embedded on qualitative methods of research and key informants were purposively sampled. The first Chapter 1, I highlighted the background to the topic under study, design and then the formulated research questions such as what are the prevailing circumstances during the Covid-19 measures that are causing the exacerbation of DV in rural households of Gwembe, which the study later analysed using a Human rights approach lens. The study further in Chapter 2, conceptualized Domestic Violence, and highlighted how it is a human rights issue and depicted various national and international laws that protect against DV. It utilized concepts such as Domestic Violence, human rights, legal consciousness, and empowerment to link the questions with the findings.

The subsequent Chapter 3 and 4, presented and analysed the field collected data using a human rights-based lens. Chapter 3 responded to research question 1. Question 1 probed on "how has Covid-19 contributed to worsening of circumstances that are attributed to prevalence of DV in Rural Gwembe?". The study showed that indeed Covid-19 has contributed to worsening the circumstances that are attributed to cause DV. The study found that Covid-19 enhances stressors like care burden especially for those in polygamist marriages as the care burden is multiple than for those in monogamous marriages making DV exacerbation highly inevitable, while unemployment, quarantine, closure of business which all cause additional frustrations leading to DV among couples. While in Chapter 4, question 2 probed on "how can the prevailing circumstances be regarded as human rights abrogation against women in Rural Gwembe?". The study showed that DV infringes on both the national legislation and against the international bill of rights. The study showed that various human rights laws are violated such as but not limited to the right to life, freedom from any inhuman treatment and right non-distribution and equal protection embedded in international legal statutes to which Zambia is a signatory. I investigated also question 3 "how has Domestic Violence been mitigated in rural Gwembe prior to Covid-19? The study showed that indeed programs to eradicate are DV which are anchored on legal consciousness and entrepreneurial empowerment are currently in place to reduce the dependency of women on men which was identified as one of the stressors causing DV.

The concept of human rights helped in making meaning of the various perceptions attributed to DV by key informants and depicted various abuses under international law that women were facing during the Covid-19 measures and also how the various programs are tailored to address these societal rights abuses that are re-enforced by structural unequal

relations. Linking the legal framework, HRBA and concepts was a dynamic experience due to the complex nature and analytical skills in doing so required.

In a nut shell, the socio-economic factors and unequal relations that have existed in society for so long now have been unmasked by the Covid-19 that has devastatingly affected mankind for instance job losses, school closures, business closure and quarantines where the main associated causes of frustrations and stress that resulted in DV in many households. These factors are further compounded by the patriarchal, cultural, and traditional norms that subjugate women, which are the Bonafede associated factors to women's rights abrogation.

Though DV takes place in all social class and localities (Urban and rural), just as other research have shown in the past, this research has also shown that DV is more likely to be pronounced in households of the very poor due to lack of resources to meet the care burdens during pandemics like Covid-19 which trigger the exacerbation of domestic violence due to quarrels over basic needs not being met, care burdens causing frustrations and stress among men. These households of the very poor are characterised with high dependency ratio of women on men to provide for the home which when faced with pandemics, the use of power/control as a means of dominance and fear infusion mechanism is used by men and is re-enforced by patriarchal cultural norms. Hence, various patriarchal norms in some societies as has been alluded to provoke various forms of rights abrogation, which Peterman et al (2020), Davis and Bennet (2016) and SIDA (2015) said poverty, patriarchal, cultural and structural norms that are hegemonic to male dominance subjugate women to DV.

The UDHR Article 3 states that all have a right to security/protection which DV abrogates, as the paper has shown how these various rights are being abrogated through but not limited to in-human torture, discrimination, inequality etc. The rights-based approach counters these perspectives to ensure that women as rights holders play a role in their socio-economic and cultural way of life with agency as active rights holders and not mere spectators. However, though various policies and legislations (international bill of rights) are in place, women during covid-19 continue experiencing DV.

Therefore, the very cardinal/essential right that is be-stored upon every human being by their creator is denied/robbed away by acts of DV, whose exacerbation during Covid-19 measures is as a result of key binary socio-economic cultural aspects re-enforced by certain frames of society and hence, Merry (2006) calls for a pragmatic dialogical approach that is embedded on subjectivity in legal consciousness as a tool for legal equality and empowerment that transcends into changing/shifting the held societal norms (kinship/male hegemony) that subjugate women from enjoying their rights as right holders.

Government of Zambia and other cooperating partners are implementing developmental programs that are aimed at ensuring women act with agency as rights holders such as but not limited to sensitization which is a legal consciousness mechanism and legal empowerment, though the gains made all could be eroded due to the epidemic. The study has showed that enforcement is weak from the law enforcement agents (police), while developmental empowerment programs tailored towards reduction of dependency on men are being implemented like the SWL program under Ministry of Community Development and Social Services. More consolidated efforts and programming by duty bearers especially during pandemics like Covid-19 which disrupt means of income earnings need to be drawn/formulated as catalysts for DV eradication DV as their vital in uprooting the held societal norms which Merry (2006) said they are "*hybrid and Polus*".

Consequently, taking cognizance of the need for better understanding the dynamic facets of DV during pandemics, especially Covid-19, this papers calls on future studies to take on a longitudinal type of research that harnesses the perceptions of the actual women in both cosmopolitan and rural set up so as to draw a broader base of knowledge to enrich the academia, as this research only focused on key informants. Conducting such a longitudinal type



of research will also help draw recommendations and conclusions that can be broadly generalised and aid in curbing DV and enable the actualization of rights and freedoms for all embedded on the international bill of rights, which can also translate into the attainment of SDG no. 5 positioned to eradicate gender inequality that is viewed as contributing factor to DV.

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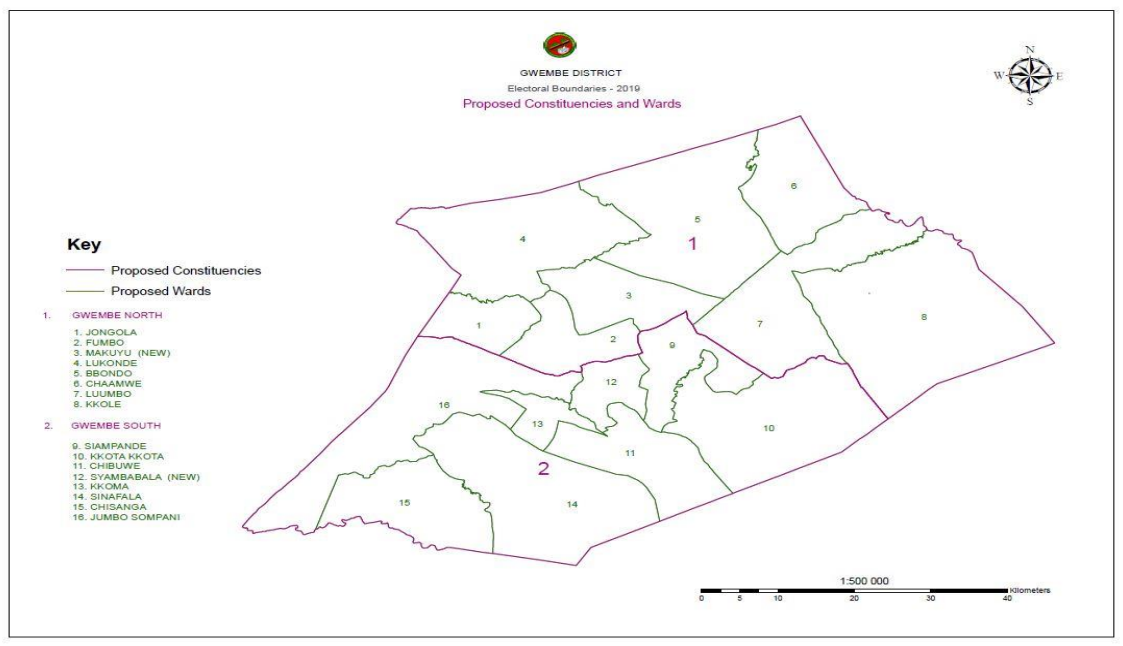
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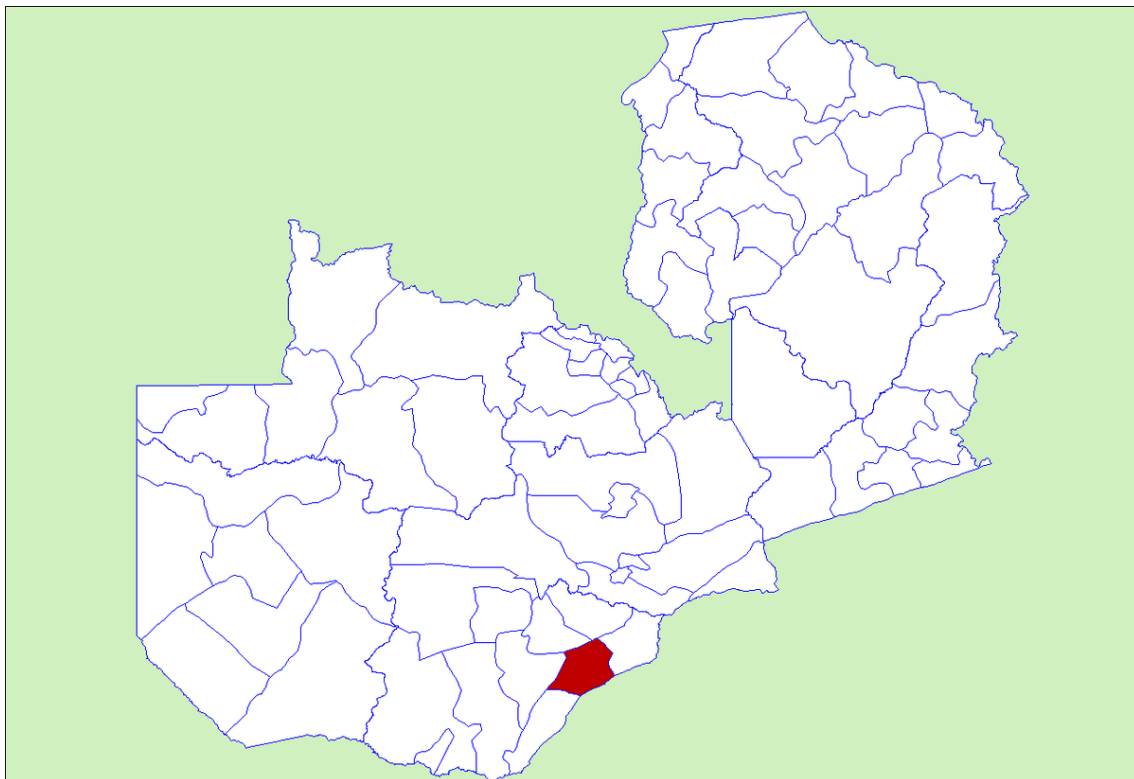


**Map 0.1**  
Map of Gwembe



Source ECZ: 2019

**Map 2.2**  
Map of Zambia Showing Location of Gwembe



Source: [https://www.google.com/url?sa=i&url=https%3A%2Fen.wikipedia.org%2Fwiki%2FGwembe\\_District&psig=AOvVaw0W4YMxpbGaRWaTzxxIXBh8&ust=1604974553539000&source=images&cd=vfe&ved=0CAI-QjRxqFwoTCKC9yKKy9OwCFQAAAAAdAAAAABAD](https://www.google.com/url?sa=i&url=https%3A%2Fen.wikipedia.org%2Fwiki%2FGwembe_District&psig=AOvVaw0W4YMxpbGaRWaTzxxIXBh8&ust=1604974553539000&source=images&cd=vfe&ved=0CAI-QjRxqFwoTCKC9yKKy9OwCFQAAAAAdAAAAABAD)

# Appendices

## Semi- Structured Interview Guide

To Whom It May Concern

Dear Sir/Madam,

**RE: A study on the perception of Key informants on Domestic Violence Against Women during Covid-19: A Case of Rural Gwembe in Zambia.**

I am Brennan Wamututa, a student at ISS pursuing my master's in development studies at ISS. I am kindly asking for your participation this academic captioned study. That is meant to explicitly explore/investigate:

1. How has Covid-19 contributed to worsening of circumstances that are attributed to prevalence of DV in Rural Gwembe.
2. How can the prevailing circumstances be regarded as human rights abrogation against women in Rural Gwembe?
3. How has Domestic Violence been mitigated in rural Gwembe prior to Covid-19?

You have been purposively selected to the study subject/participate due to your knowledge and experience over the study topic. Your involvement is purely on a voluntary basis. I will really be grateful for your insights and perspective view information which will enable me to successfully do this study research and fulfil the Master of Arts Degree requirement in Development studies at ISS.

### Instructions

Kindly tick [✓] appropriate responses. If need be additional paper may be utilized. The data collected shall be purely used for academic purpose and request for your honest responses and request careful consideration during responses. Confidentiality will be observed in this interview.

**Your cooperation is highly appreciated!!!**

### For official use only

Q1. Interview No: ..... Name of Respondent..... Sex [ ]F: [ ]M.  
Marital Status..... Place of interview: .....  
Date:...../...../2020.

1. What is your Age 18-25 [ ], 26-35 [ ], 36-45 [ ], 46-55 [ ], Above 55 [ ]
2. What is your occupation?.....
3. What position do you hold in the institution? -----  
-----
4. How many years have you worked in this position? -----  
-----
5. What do you understand by the term Domestic Violence?.....  
.....

6. Do the local community understand what DV is?.....
7. How has the Covid-19 contributed to domestic violence prevalence?.....
8. What in your view are the causes of domestic violence during Covid 19 in Rural Gwembe?.....
9. To what extent would you say domestic violence is prevalent during covid-19 in your area? Please elaborate?.....
10. In your opinion, what would you say are the factors that may be contributing to domestic violence during Covid 19? Please elaborate?.....
11. In your view and from your experience, what would you say are the consequences of domestic violence? Please elaborate?.....
12. Could explain what you think are some of the effects of domestic violence during Covid 19 in Rural Gwembe?.....
13. In your View is domestic Violence a Human rights violation? Please Elaborate?.....
14. What programs has been put in place before the Covid-19 to address DV?.....
15. To what extent do you think these programs if any are capable of curbing DV? Please elaborate?.....
16. What recommendations can you make to enhance DV mitigation strategies in your area?.....
17. Is there anything not already covered in this interview that you may like to share about domestic violence?.....

***THANK YOU VERY MUCH FOR YOUR CONTRIBUTION AND YOUR TIME!!!***