DOMESTIC VIOLENCE IN MOZAMBIQUE: CULTURAL AND LEGAL PROBLEMS AFFECTING WOMEN. A CASE STUDY OF BELELUANE DISTRICT OF MATOLA PROVINCE OF MOZAMBIQUE

Abstract

The crime of domestic violence (DV) against poor illiterate women is increasing in Mozambique. Despite positive steps to protect the human rights of its women citizens (in terms of various HR instruments), its Parliament has still not passed its Prevention of Domestic Violence Bill into law. This dissertation, therefore, seeks to explain the reasons (1) for the urgent need to pass the Bill into law and (2) why the crime is likely to continue even after that protection is put into place (one of them being that the cultural practice is universally tolerated in the country’s heavily patriarchal society). The research is conducted using an intelligent combination of several gender-focused methodologies (including the Women’s Law and Grounded Theory Approaches) which are invoked to collect and interpret a wide range of material and relevant data, in particular, the ‘lived realities’ of some of Mozambique’s unfortunate victims of DV.

BY

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A Dissertation submitted in partial fulfilment of the requirements for a Masters Degree in Women’s Law, Southern and Eastern African Regional Centre for Women’s Law, Faculty of Law,

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Dedication

To my loving husband, daughters Ekiran and Ornella
Memoriam

In Memory of my loved mother

I am still missing her

Till we meet again, Mummy
Acknowledgements

First and foremost I wish to extend my sincere gratitude to NORAD for sponsoring me in this worthy course.

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Lastly, I extend my thanks and appreciation to all those who contributed to this study. A wide range of people assisted me in the completion of this study. While it is not possible acknowledge them all, each has my heartfelt gratitude.
Abbreviations And Acronyms

HR          HUMAN RIGHT
NGO         NON-GOVERNAMENTAL ORGANIZATION
FRELIMO     MOVIMENT OF LIBERATION OF MOZAMBIQUE
DV          DOMESTIC VIOLENCE
PDVB        PREVENTION OF DOMESTIC VIOLENCE BILL
UNO         ORGANIZATION UNITED NATION
SADC        SOUTHERN AFRICA DEVELOPMENT COMMUNITY
CEDAW       CONVENTION OF ALL FORMS OF DESCIMINATION AGAINST WOMEN
UDHR        UNIVERSAL DECRARATION OF HUMAN RIGHTS
ICPR        INTERNATIONAL CONVECTION AND POLITICAL RIGHTS
AMMCJ       MOZAMBCAN ASSOCIATION FOR WOMEN IN THE JURIDICAL CAREER
AMME        ASSOCIATION FOR WOMEN AND EDUCATION
SCMCH       SERVICE IN MAPUTO CENTRAL HOSPITAL
CEA         CENTRE FOR AFRICAN STUDIES
OMW         ORGANIZATION MOZAMBCAN WOMEN
MICAS       MINISTRY OF SOCIAL ACTION COODINATION
MULEIDE     WOMEN LAW AND DEVELOPMENT ASSOCIATION
PRM         POLICE OF REPUBLIQUE OF MOZAMBIQUE
UN          UNITED NATION
International instruments

Human Rights instruments handbook
Convention on the Elimination of All Forms of Discrimination against Women
Beijing Platform
Act of the republic of Zimbabwe on Domestic violence
Act of the republic of South Africa on Domestic violence
Beijing Platform – Fourth World Conference on Women Platform for Action

National Laws and Policies

Constitution of Mozambique 2004
Family law of 2004
Penal code of 1957
Applicable laws for resolution of conflict (WLSA Mozambique) 2005
Applicable laws for right to food (WLSA Mozambique) 2007
Applicable laws for resolution conflict on Domestic Violence (WLSA Mozambique) 2005.
Draft of the Prevention of Domestic Violence Bill (PDVB) (Mozambique)
# TABLE OF CONTENTS

Dedication........................................................................................................................... 2  
Memoriam........................................................................................................................... 3  
Acknowledgements............................................................................................................. 4  
Abbreviations And Acronyms ............................................................................................ 5  
International instruments .................................................................................................... 6  
National Laws and Policies................................................................................................. 6  

## TABLE OF CONTENTS
................................................................................................................................. 7  

### Chapter 1: Introduction ................................................................................................. 9  
1.1 Background to the research......................................................................................... 9  
1.2 Justification of the study............................................................................................ 10  
1.3 Statement of the problem........................................................................................... 10  
1.4 Objectives of the research......................................................................................... 12  
1.5 Assumptions............................................................................................................. 12  
1.6 Research Questions................................................................................................. 13  
1.7 Structure Of The Dissertation ............................................................................... 13  
1.8 Summary................................................................................................................... 14  

### Chapter 2: Law and Literature Review ....................................................................... 15  
2.0 Introduction............................................................................................................. 15  
2.1 Domestic Violence................................................................................................. 15  
2.2 Legal and Policy Framework relating Domestic Violence .................................. 23  
2.3 Mozambican Constitution....................................................................................... 24  
2.4 The Penal Code.................................................................................................... 25  
2.5 International Human Rights................................................................................... 25  
2.6 The Universal Declaration of Human rights (UDHR) (1948).............................. 26  
2.7 International Covenant on Civil and Political Rights (ICCPR).......................... 26  
2.8 Declaration of Elimination of Violence Against Women (DEVAW)................. 27  
2.9 International Human Right Instruments............................................................... 27  
2.10 National Laws relating Domestic Violence......................................................... 28  
2.11 Gaps between National Laws and Human Rights Instruments......................... 29  
2.12 Contestations on the content of the draft Bill ..................................................... 31  
2.13 Summary............................................................................................................. 32  

### Chapter 3: Research Methodology and Data Collection ............................................. 34  
3.0 Introduction........................................................................................................... 34  
3.1 Feminism Theories approach: Liberal Feminism............................................... 34  
3.2 Actors and Structures............................................................................................ 35  
3.3 Legal pluralism approach...................................................................................... 35  
3.4 Women’s Law Approach/Grounded Theory....................................................... 36  
3.5 Methods of Data Collection................................................................................. 38  
3.6 In-depth interviews............................................................................................... 38
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.7</td>
<td>Group discussion</td>
<td>39</td>
</tr>
<tr>
<td>3.8</td>
<td>Records</td>
<td>40</td>
</tr>
<tr>
<td>3.9</td>
<td>Secondary sources of data</td>
<td>41</td>
</tr>
<tr>
<td>3.10</td>
<td>Summary of the chapter</td>
<td>42</td>
</tr>
</tbody>
</table>

**Chapter 4: Data Presentation and Analysis**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.0</td>
<td>Introduction</td>
<td>43</td>
</tr>
<tr>
<td>4.1</td>
<td>The Role played by Cultural Practices in Domestic Violence in Beleluane</td>
<td>43</td>
</tr>
<tr>
<td>4.2</td>
<td>Women’s Ignorance of their Rights</td>
<td>45</td>
</tr>
<tr>
<td>4.3</td>
<td>Lack of domestic violence legislation in Mozambique</td>
<td>51</td>
</tr>
<tr>
<td>4.4</td>
<td>Laws and mechanisms</td>
<td>55</td>
</tr>
<tr>
<td>4.5</td>
<td>Socio-economic Factors</td>
<td>59</td>
</tr>
<tr>
<td>4.6</td>
<td>Active involvement of community</td>
<td>62</td>
</tr>
<tr>
<td>4.7</td>
<td>Coordination among the Key Players</td>
<td>63</td>
</tr>
<tr>
<td>4.8</td>
<td>Summary</td>
<td>65</td>
</tr>
</tbody>
</table>

**Chapter 5: Conclusions and Recommendations**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.0</td>
<td>Introduction</td>
<td>66</td>
</tr>
<tr>
<td>5.1</td>
<td>Conclusions</td>
<td>67</td>
</tr>
<tr>
<td>5.2</td>
<td>Recommendations on laws relating to Domestic Violence</td>
<td>67</td>
</tr>
<tr>
<td>5.3</td>
<td>Summary</td>
<td>69</td>
</tr>
</tbody>
</table>

**Bibliography**

**Appendix 1: Interview Guide for Victims of Domestic Violence**

**Appendix 2: Interview Guide for Police Officers**

**Appendix 3: Interview Guide for Nurses**

**Appendix 4: Interview Guide for the Chief**

**Appendix 5: Interview Guide for Priests**

**Appendix 6: Interview Guide for the Ministry of Gender**

**Appendix 7: Interview Guide for NGOs**
Chapter 1: Introduction

This chapter gives details of the background to the study, statement of the problem, objectives of the study, research questions and justification of the study. It also provides a section on how the research is structured in terms of what each chapter is expected to cover.

1.1 Background to the research

Beleluane, a small district in the Matola Province of Mozambique, has a population of over 978 people.

Development in the district began soon after the birth of Mozal factory which specializes in the manufacture of aluminum. Since its inception, the factory has played a crucial role in providing employment to the local people. In addition, the establishment of the factory has facilitated the provision of infrastructure such as roads, schools, old people's homes and clinics.

It is a pity that despite the provision of such educational facilities, the majority of the people in the area are still illiterate. Due to high levels of poverty in the area, most women settled in Beleluane as commercial sex workers. While the rate of domestic violence (DV) is very high, it has been noted that the women appear not to be aware of their rights against harassment by their husbands.

From my observation, little research has been carried out regarding issues to do with domestic violence in the Matola district and in Mozambique as a whole. My present study seeks to fill this gap in knowledge by focusing on cases of domestic violence in the district.
1.2 Justification of the study

This research is significant for a number of reasons. I had established through statistics from newspaper reports that cases of domestic violence were becoming so prevalent that they warranted the attention of government, society and other relevant stakeholders. I, therefore, developed an interest in understanding the following issues:

- Why government does not prioritize issues concerning women.
- Why literate women do not report cases on domestic violence (DV).
- Why women who report cases on domestic violence suffer stigmatization at all levels (social and families).
- How culture and practices play an important role on issues of domestic violence.
- How economic dependence contributes to an increase in domestic violence.
- How domestic violence is still dealt with by other legislation which is insufficiently equipped to do so.
- How the Domestic Violence Bill (DVB) is necessary to reduce cases on domestic violence.

1.3 Statement of the problem

Mozambique’s commitment to addressing equality between men and women emanates from the Constitution\(^1\), which demands gender equality for all Mozambican citizens. This commitment has been demonstrated through the country’s ratification of CEDAW\(^2\) and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in African (The Women’s Protocol to the African Charter).

\(^1\) Man end women a equal under the constitution of Mozambique (Constitution of 2004)  
\(^2\) Mozambique ratified the Convention against all forms of discrimination against women
The Portuguese established common law, which had little regard for local customs. Such laws are still in place more than 33 years since Mozambique attained its independence. This probably explains why the majority of Mozambicans regulate their lives independently of the common law, observing customary practices instead. Both legal systems, that is, common law and customary law contain provisions that prejudice women. A new Family law\(^3\) passed in 2004 makes great strides in reconciling the two sets of laws and introducing legislation that will protect women from discrimination.

The fight for women’s rights continues in Mozambique. Its women are now advocating for additional protective legislation and legislation concerning domestic violence is at the forefront of their agenda.

Currently, there is no law that makes domestic violence a crime in Mozambique. Most of the time, women do not know which laws exist in place to protect them from domestic violence. There are, however, two legislative provisions, Article 326 (the qualified offenses provision) and Article 357 (the simple voluntary offenses provision)\(^4\) of the Penal Code which may be used to charge offenders of domestic violence. Such laws, however, do not sufficiently address the problem of domestic violence. The situation is compounded by cultural values, which discourage women from taking legal action against their husbands.

Efforts by the country’s newly established women’s coalition in establishing domestic violence as grounds for divorce have not received sufficient support from government and society. From my observation, little research has so far been carried out focusing on cultural and legal problems that affect the rights of women in Mozambique. It is against this background that the present study is set in Beleluane, a district that experiences very high levels of domestic violence.

\(^3\) This family law was approved in 2004
\(^4\) The Penal Code of 1957 came into force before domestic violence became recognised as a unique gender-related crime.
1.4 Objectives of the research

The study was conducted with the following objectives in mind:

• To investigate how cultural practices contribute to domestic violence (DV) in Beleluane District of Matola province.
• To investigate the level of legal awareness among the women in Beleluane District of Matola of their right to protection from domestic violence.
• To analyze the impact of the lack of specific legislation and mechanisms to address the problem of domestic violence.
• To propose recommendations that will facilitate law reform by stakeholders on domestic violence for the protection of women.
• To analyze how the impact of socio-economic and cultural demands imposed on women is likely to affect the extent to which the provisions of the proposed Prevention of Domestic Violence Bill (PDVB) would protect women from domestic violence.

1.5 Assumptions

In carrying out this study, I was guided by the following assumptions:

• Some cultural practices are major factors contributing to domestic violence (DV) of women in Beleluane district of Matola.
• Women in Beleluane District of Matola suffer from domestic violence due to ignorance of their rights.
• There is an increase in incidences of domestic violence in Beleluane District of Matola due to the lack of domestic violence legislation in Mozambique.
• Domestic violence in Beleluane district of Matola continues to be a problem affecting women due to the lack of laws and machinery to tackle the problem.
• The socio-economic and cultural demands imposed on women are likely to affect the extent to which the proposed Prevention of Domestic Violence Bill will be able to protect them.
1.6 Research Questions

To verify the above assumptions, the following research questions were formulated:

- Are some cultural practices major factors contributing to domestic violence against women in Beleluane district of Matola?
- Do women in Beleluane District of Matola suffer from domestic violence due to an ignorance of their rights?
- Is there an increase of incidences of domestic violence in Beleluane District of Matola due to the lack of domestic violence legislation in Mozambique?
- Does domestic violence in Beleluane district of Matola continue to be a problem affecting women due to the lack of machinery and laws to tackle the problem?
- Will the demands imposed on women affect the extent to which the proposed prevention of Domestic Violence Bill is likely to them?
- Will the socio-economic and cultural demands imposed on women affect the extent to which the proposed prevention of Domestic Violence Bill is likely to protect them?

1.7 Structure Of The Dissertation

This dissertation contains six chapters and is structured as follows. In Chapter 1, I discuss the background to the research, justify the study and state the problem, the research objectives, the assumptions and the research questions. In Chapter 2, I review the relevant law and literature. Chapter 3 outlines the research methodology I employ and how I present and analyse the data. Chapter 4 presents and analyses the data derived from the findings of the study. Finally, Chapter 5 focuses on the conclusions and recommendations arising from the findings of the study.
1.8 Summary

This chapter has provided the background to study, the statement of the problem, justification of the study, research objectives, assumptions and research questions. I have also given an outline of the whole dissertation regarding what each chapter is supposed to cover.
Chapter 2: Law and Literature Review

2.0 Introduction

This chapter reviews the law and literature related to studies on domestic violence. It is crucial to make reference to literature related to the main focus of the present study. In the literature review, I discuss previous research and surveys that have focused on issues to do with domestic violence in Mozambique. The findings from these researches and surveys are then linked to the current study that seeks to unearth legal and cultural problems affecting the rights of women in Mozambique with special reference to Beleluane district.

2.1 Domestic Violence

According to the United Nations (UN) Declaration on the Elimination of Domestic Violence Against Women, ‘violence against women’ refers to any act of gender based violence that results in or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life\(^5\). In other words, it includes physical, sexual and psychological violence occurring in the family and in the general community, including battering, sexual abuse of female children, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women.

The UN also notes that the social roles of men and women are essential in understanding and combating violence against women. Within the family, women have an ambivalent role. They are subject to a male authority yet wielding real power in the sense that they are responsible for the biological production of their families and society as a whole. By

\(^5\) Definition of domestic violence, article 1 of CEDAW, human rights instruments handbook
carrying out the present study, I intended to establish the fate of women who experience domestic violence in their relationships in Beleluane district.

Domestic violence has its foundation in culture and tradition. First, women are taught from an early age that they must submit to men. Sons and daughters adopt the social roles and behavior of their parents, with the results that violence against women is often intergenerational. Religious edicts or customs prescribe and legitimate male violence against women. In other words, religious edicts or traditional customs advocate for male domination and women are expected to be submissive to their husbands. Violence is frequently used as a means of conflict resolution within the family and a means to silence women. Finally, African legal systems support the exercise of male power within the family. Consequently, domestic violence is endemic and broadly viewed as a legitimate practice. According to the UN most countries in Africa do not have specific laws to address abuses within the family, and the police rarely respond positively to complaints of domestic violence.

Statistics from newspapers, Noticias, for example, indicated that domestic violence against women, particularly spousal rape and beatings, was widespread. Reports from the Mozambique Republic Police (MRP) revealed that within a single year there were 5042 cases of domestic violence. They attribute such figures to cultural practices, which discourage women from taking legal action against their husbands. It is the intention of this study to find out why women in Beleluane district do not usually report cases of domestic violence.

A survey on violence against women was conducted by the government in conjunction with the UN and several NGOs in June 2005. The survey targeted women in the capital Maputo and those in the provinces of Sofala, Manica, Zambezia, and Nampula. The report revealed that 54% of women who responded admitted suffering an act of physical or sexual violence by men at some point in their lives, 37% in the last five years and

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6 Under the African culture and tradition women have been taught to be submissive to men. A ‘good woman’ knows only how to take care of her husband and children. She does not question her husband.
7 Noticias is Mozambique’s national newspaper.
8 The survey was conducted for 15 days in August 2007
21% in the past year. The results seem to suggest that cases of domestic violence are rampant in both rural and urban areas.

Another survey was carried out in 2005 by Project Hope. It involved 255 women participants in the Zambezia Province of Mozambique. The report revealed that 61% of women identified more than one justification for a husband to hit his wife. Many of those surveyed agreed that a man was justified in hitting his wife if she goes out without telling him (48%), if she neglects the children (47%), if she argues with her husband (36%) if she refuses sex (30%), and if she burns the food (24%)\(^9\).

*Manuela*, a national network of women living with HIV/AIDS, reported that many women were expelled from their houses and/or abandoned by their husbands and relatives because they were HIV positive. They also reported that some women who were widowed by HIV/AIDS were accused of being witches who purposefully killed their husbands to acquire their belongings, and for this reason these women were deprived of all of their belongings\(^10\).

The two surveys and the *Manuela* report referred to above demonstrate that male domestic violence against women was widespread. It would therefore be interesting to find out whether it is also the case in the Belelauane district. The present study also seeks to find whether female victims of domestic violence are aware of laws that empower and protect them from all forms male domestic violence. The study in Belelauane district was carried out on women who were predominantly illiterate, unlike the surveys referred to above, which involved both literate and illiterate participants.

The Family Law, which took effect in 2004, raises the age of marriage to 18 years for both sexes, eliminates a husband’s de facto status as head of the family and legalizes civil, religious, and common law unions. While the law does not recognize new cases of polygamy, it grants women already in polygamous marriages full marital and inheritance rights. The law more precisely defines women's legal rights with regard to property, child


\(^10\) *Others Voices* No 14, Maputo, February, 2006
custody, and other issues. However, over a year after the law went into effect, the majority of women remained uninformed about it. In the research I carried out in Beleluane district, I sought to establish whether women were aware of this piece of legislation that sought to safeguard their rights against male domestic violence.

In general, it is difficult to establish facts and figures to reported incidents of domestic violence. Despite the absence of credible statistics, domestic violence seems to affect women in all strata of society, as demonstrated by the studies, reports and surveys referred to above. While society is increasingly speaking out against violence against women, there is inadequate implementation and observation of international conventions that protect women’s rights.

Local customs and traditions demand extreme discretion from family members concerning their private affairs. Women who experience domestic violence fear making public complaints about it because of the fear of being stigmatized and victimized by the rest of the family for doing so. Indeed those who do complain inevitably suffer such stigmatisation (within and beyond the family) for violating the cultural rules of decency by publicly disgracing their husbands and family. In the past two years Mozambique has come a long way in trying to protect women from domestic violence by drafting the Prevention against Domestic Violence Bill. However, the implementation of the new law on domestic violence is still needed to cover the entire problem of domestic violence which includes, for example, physical, psychological, and verbal violence. This new law also has to comply with international HR instruments which protect women’s rights.

Surveys and reports on domestic violence show that because of socialization factors women continue to be submissive to the men in their homes and the various forms of violence against women are interrelated. Violence remains widespread in Mozambique because the country has failed to adequately implement international instruments promoting women human rights and more generally have not developed a systematic and effective national legal framework to solve women’s problems. These failures may be attributed not only to the institutionalized violence described above, but also in great part
the divide between state and cultural systems in African communities. Most of the time, the traditions and culture legitimize the norms condoning or promoting violations of women human rights, which in many cases are not consistent with the national laws on the ground. Mozambique has effective laws\textsuperscript{11} which could be used to tackle domestic violence, but the government has failed to increase women’s awareness of their rights or to provide sufficient affordable means of enforcing them.

Although the country boasts of endorsing equal rights for women and men, statistics in newspapers and surveys show that the majority of women in Mozambique are not safe in their own homes. Statistically 1.34\% of women reported being assaulted in 2004 and nearly 10,000 cases of domestic violence were recorded. Statistically, this proves that although Mozambique has reduced poverty levels dramatically, women are yet to benefit from such progress. Less poverty should mean less domestic violence. Because women remain economically dependent on their husbands, however, they remain vulnerable to domestic violence and reliant on their husbands for making even the most basic decisions about their own lives and rights\textsuperscript{12}.

Although official statistics are not kept, health officials, women groups, and other sources confirmed that domestic violence against women particularly spousal rape and beatings were widespread. Many women believed that their spouses had the right to beat them and cultural pressure discouraged women from taking legal action against abusive spouses. There is no law defining domestic violence as a crime. However, laws prohibiting marital rape, battery, and assault can be used to prosecute perpetrators of domestic violence. In 2002, an NGO registered 893 cases of domestic violence and 16 of these cases were prosecuted. It is the aim of this research to find out whether women in Beleluane are aware of the legal instruments that protect them and whether they use them to protect themselves against domestic violence.

\textsuperscript{11} Penal code article 326,357, the right for sustainability (food and shelter). 2053 of 22 of March 1952., The Family law 8/2004

Applicable laws
Mozambique constitution 2004,
In case of sexual abuse article 391, 392

\textsuperscript{12} www.google.co.zw/search? Q= domestic+violence +in Mozambique 8h=en8start=108sa=n
A group of women NGO’s lobbied members of the National Assembly during the year to criminalize domestic violence. In addition the government worked within Southern Africa Development Community (SADC) to increase female participation in the legislature. All NGOs actively opposing domestic violence worked to involve the police in education, enforcement, and identifying domestic violence as a criminal problem. Local NGOs reported that rape was a widespread and serious problem. Sexual harassment was regarded as prevalent in business, government, and education, although no formal data existed.

Despite Constitutional provisions guaranteeing the equality of men and women in all aspects of political, economic and social life, civil and commercial practices contradict one another as well as the Constitution. Under family and inheritance law, the husband or father is the head of the household, and both wives and daughters must have the written approval of a husband, father, or close male relation in order to start a business. Without such approval women cannot lease property, obtain a loan, or contract for goods and services. The legal domicile of the married women is her husband’s house, and she may work outside the home only with the express consent of her husband. While it appeared that these legal restrictions on women’s freedoms were not enforced, they left women open to extortion and other pressures.

When the Mozambican national Parliament opened for its last session for 2007 at the beginning of October recommendations from the Mozambican Women’s Forum about what could be included for discussion to draft a national Domestic Violence Act were noticeably absent from the agenda. It has been almost a year since the forum drew up its recommendations, which seems to be gathering dust somewhere on the parliamentary shelves, a sad reflection of the nation’s commitment to the ending gender violence.

Surveys and reports have postulated that though most of the countries in the Southern African Development Community (SADC) are still struggling to see specific laws on domestic violence put in place, Mozambique should not see this as an excuse not to implement such laws, but rather follow the leading example of countries such as
Mauritius, South Africa, Namibia and Seychelles, and seek to be at the forefront of this movement.

Since its first introduction to the national agenda in 2004, the Prevention of Domestic Violence Bill (PDVB) has seen little movement forward. While the front pages of the country’s vibrant newspapers and television screens show widespread cases of domestic violence, the victims receive little solace if they decide to seek justice through the law courts. At times, perpetrators walk away free after the justice system fails to make a case against them either because the case is not watertight or simply because of the absence of a specific law clause addressing the type of crime committed\textsuperscript{13}. Failure to prosecute perpetrators of DV serves only to increase the risk of women complainants being victimized by them. Naturally, it also discourages victims from seeking redress in the future. It is against this backdrop that the Mozambican Women’s Forum is vigorously campaigning for specific laws to address cases of domestic violence. Although there is no doubt women represent a high number of victims of domestic violence, it is important to know that specific DV legislation will serve to protect both women and men. In June last year, the national office against domestic violence reported that more men in 2006 than 2005 reported their spouses.

An analysis of the studies referred to in this chapter also shows that judges implicitly condone DV against wives because they accept the custom that men have disciplinary powers over their wives for whom they have paid bride price\textsuperscript{14}. It is difficult, therefore, for women to divorce their husbands even in cases of domestic violence.

Further analysis of the reports and surveys mentioned in this chapter also suggest that many women live in constant fear of attack by their husbands. What is worrying is that most perpetrators of such violence are never brought to book. Society does not readily accept that wife beating or other harassment is criminal when done by men. Consider

\textsuperscript{13} http://www.ncjrs.gov/pdffiles/ \textsuperscript{14} ‘Lobolo’ is a symbolic amount of money which a husband ‘pays’ to the family of woman he marries.
what happened to a woman named Anita when she spoke up about the abuse she was receiving from her well-respected husband “one of our acquaintances said one”

“How can you accuse such a fine man? Another said that I must have somehow been provoking him! Even after my husband was exposed, some of my friends began avoiding me. They felt that I should have put up with it because that’s the way men are”.

Anita’s experience shows that many find it difficult to grasp the grim reality of spousal abuse. What drives a man to be cruel to women they claim to love? How can victims of violence be helped\textsuperscript{15}. This research seeks to answer these questions.

Some experts say that women are more likely to be killed by their male partners than by all other causes of death combined. In an effort to stem the tide of spousal abuse, numerous studies have been conducted. What kind of man batters his wife? How does the batterer respond to treatment? One thing experts have learned is that not all batterers are alike. At one end of the scale is a man whose violence is sporadic. He does not use a weapon and has a history of abusing his mate. For him, a violent episode is out of character and seems to be motivated by external factors. At the other extreme is a man who has developed a chronic pattern of battering. His abuse is ongoing, and there is little, if any, sign of remorse. However, the fact that there are different kinds of batterers\textsuperscript{16} does not mean that some forms of battering are not serious. Indeed any type of physical abuse can cause injury even death, hence the fact that one man’s violence is less frequent or less intense than another does not make it right or excusable. There is simply no such thing as acceptable or legal battery. What factors, though, might cause a man to abuse physically the woman he vowed to cherish for the rest of his life?

Most batters were brought up in domestic war zones as babies and young children; they grew up in hostile surroundings where emotional and physical violence were normal. According to one expert, a male who is raised in such an environment can absorb his

\textsuperscript{15} Awake, monthly magazine, November 8, 2001 (“Maybe this time he’ll change”).

\textsuperscript{16} There are many kinds of beatings, including disciplinary beatings, light and heavy beatings and beatings for no apparent reason or rather for the sheer morbid pleasure derived from doing so.
father’s contempt for women very yearly in life. The boy learns that a man must always be in control of women and that the way to get that control is to scare, hurt and demean them. At the time, he learns that the one sure way to get his father’s approval is to behave just like his father.

The above factors may help to explain spousal abuse, but they do not excuse it or make it legal. This research investigates the wide range of factors that cause men to batter their wives and whether their victims are aware of the laws that protect them. It also answers the question whether or not women use these laws and, if not, why not.

2.2 Legal and Policy Framework relating Domestic Violence

There is no adequate law to deal with domestic violence in Mozambique. Since domestic violence in Mozambique is closely related to social-cultural problems it is difficult for the laws in place to combat it. It appears that the government is reluctant to put in place a specific law for protecting women from domestic violence. It currently relies on general laws to do so, using the mechanisms of the police and the law courts. These laws are general designed to deal with general crimes which affect all people in society. They are not ideal for protecting victims of domestic violence17.

In Mozambique various pieces of legislation (e.g., the Family Law Act 8/2004 and the Penal Code of 1957) are used to combat domestic violence although this was not the purpose for which such legislation was originally enacted.

2.3 Mozambican Constitution

The Mozambican Constitution provides that any laws which are contrary to it are null and void and that the Constitution shall take precedence.\(^\text{18}\)

Section three of chapter I provides for rights and obligations and fundamental freedoms. Article 36 of the Constitution provides that: *man and women are equal under the law and have the same rights in all spheres, such as political, economic, cultural and social life.*

Section I Article 4 provides that the state recognises that more than one system of law (e.g., customary law and practices, common law and legislation) or the pluralism of systems are being used to solve disputes that exist in Mozambican society although these laws must be in agreement with the Mozambican Constitution.

All these provisions are relevant to the issue of domestic violence against women. The Constitution guarantees that men and women are equal in all spheres and that no one or no customary practice (e.g. domestic violence) may discriminate against women because they are protected by the Constitution. Domestic violence does not only harms its women victims, it also violates or breaches their rights which are protected by the Constitution.

On one hand, the Mozambican Constitution recognizes the rights of everyone without distinction (Article 35)\(^\text{19}\): “*All citizens are equal under the Mozambican constitution; they have same rights and they have same obligations without any distinction of colour, race, and sex, place of birth, religion, tribe, social position, profession, and political choice.*”

On the other hand, unfortunately, the guarantees and protection provisions enshrined in these words have not been translated into action (i.e., legislation and enforcement) for the

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\(18\) In other words, all laws must in conformity with the Constitution of Mozambique, the supreme law of the land.

\(19\) Article 35 of Mozambican Constitution
benefit of women. Women continue to face problems of domestic violence because the current laws which are used to protect them, are not inadequate.

2.4 The Penal Code

The Mozambican Penal Code of 1957 is so outdated that modern crimes, such as domestic violence, cannot be effectively dealt with under it. Also, there is a general attitude among enforcement authorities that violence committed within the family is a private matter which neither the state nor its resources should be used to solve.

Although the formal and informal legal machinery (e.g., the police, the courts, village elders, Massungukate, and church authorities) exists to bring perpetrators of domestic violence to some form of public account, most women suffer in silence because these form of redress are not adequate to deal with DV.

The government has a programme in place throughout the country to protect victims of domestic violence. For example, in Maputo Province, there are 18 police stations, which deal which cases of domestic violence. The officers who attend to the victims have some knowledge of the law which protects women in the Penal Code. However, as stated earlier, this protection is not adequate to protect women in abusive partnerships. Indeed the Prevention against Domestic Violence Draft (PDVB) has been waiting for debate before Parliament since 2004. NGOs hope that this year, 2008, the Bill will be passed. This new Bill will define what domestic violence is in detail and it will help most women to begin to understand that they have the right and the means to protect themselves against domestic violence.

2.5 International Human Rights

Since DV is one of many universal problems faced by women, it is no surprise that the United Nations has produced several human rights instruments which specifically protect
the HRs of women. Once such instruments are adopted by state parties, they are required to make their domestic laws conform with them.
CEDAW is a powerful instrument for women as it provides and guarantees women rights in all areas. This instrument protects women’s human rights and can be used to advance the cause of women in countries where they have been ratified, for example, Mozambique. Mozambique has been a party to CEDAW by ratifying the Covenant. Therefore, it is under obligation to adhere to all the rights on the protection and promotion of women’s human rights. Unfortunately, Mozambique does not follow the human rights instruments in cases of domestic violence despite the fact that it ratified\textsuperscript{20} the Convention.

\section*{2.6 The Universal Declaration of Human rights (UDHR) (1948)}

The Universal Declaration of Human Rights, to which Mozambique as a member of the UN adheres, has several provisions which protect all persons, including women, from being abused or subjected to violence. Article 3 provides: “\textit{everyone has a right to life, liberty and security of person} \ldots \textit{no one shall be subjected to torture or to cruel, inhuman or degrading treatment.”}

\section*{2.7 International Covenant on Civil and Political Rights (ICCPR)}

Article 6 of this covenant provides that “\textit{every human being has the inherent right to life}” and article 7 also provides “\textit{no one shall be subject to torture or cruel, inhuman degrading treatment or punishment.”}

\textsuperscript{20} Mozambique ratified CEDAW in the year 2003
2.8 Declaration of Elimination of Violence Against Women (DEVAW)

This Declaration is firmly rooted in international HR instruments. The right of non-discrimination in DEVAW, is provided for specifically in Article 1 which defines discrimination against women as a distinction, exclusion or restriction made on the basis of sex.

DEVAW recognizes domestic violence as “a manifestation of the historically unequal power relationship between men and women and it condemns the violence as one of the crucial social mechanisms by which women are forced into subordinate positions compared with man. The declaration includes explicit direction to member countries not to invoke any customs, tradition or religious consideration to avoid their obligation with respect to its elimination”21.

The Declaration also provides for specific steps a member state should take to combat domestic violence22. These steps include: investigating and punishing acts of domestic violence, developing comprehensive legal, political, administrative and cultural programs to prevent violence domestic violence, providing law enforcement mechanisms and promoting research and collecting statistics relating to the prevalence of domestic violence cases.

2.9 International Human Right Instruments

Domestic violence is a violation of Human Rights under Article 1 of the Universal Declaration of Human Rights:

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

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22 Mozambique ratified DEVAW in June 1993.
Article 2 of the Protocol to the African Charter on Human and People Rights on the Rights of women in Africa states:

“States parties shall combat all forms of discrimination against women through appropriate legislative institutional and other measures.”

Article 4 in the same instrument provides that:

“The rights to life integrity and security of the person.”

- Article 1 of CEDAW asserts:

“for the purposes of this convention the term Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment of exercise by women, irrespective of their marital status, on basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social cultural, civil or any other field”.

Article 4 in the same instrument provides:

“The rights to life integrity and security of the person”

Although all these human rights instruments provide a framework within which Mozambique should take steps to protect women from DV, the fact is that Mozambique’s progress in this respect has been slow.

2.10 National Laws relating Domestic Violence

In Mozambique there are many general laws to protect women from the domestic violence; nevertheless the women do not know the majority of these laws. There is a need to educate women about what laws may be used to protect them against DV.
Although DV is a prevalent social problem it is difficult to tackle because in terms of traditional and cultural practices, it is not regarded as an offence. This accounts for the reluctance of the State to pass specific legislation on the topic. Currently, only general laws which apply to the general public are used to combat DV\textsuperscript{23}.

These general laws do not adequately recognize or cover all the different forms that DV may take. They mainly cover cases of physical aggression, whereas DV may take other forms, such as sexual, mental, emotional, psychological, economic and social violence and/or abuse.

\subsection{2.11 Gaps between National Laws and Human Rights Instruments}

Domestic violence is a violation of Human Rights under Article 1 of the Universal Declaration of Human Rights. Article 35 of the 2004 Constitution sets out formal equality in rights and duties for women and men and in June 1993, Mozambique ratified CEDAW. However, the principle of gender equality introduced in the 1975 Constitution and upheld by its 2004 successor, is contradicted in the application of discriminatory formal laws inherited from the Portuguese and diverse customary norms, applied according to local rules and practices. \textit{Shariah} law, for Mozambique’s Muslim community, as well as other religious codes, renders the picture even more complex\textsuperscript{24}.

The law, which the Mozambican government uses now, is general and does not cover all cases of domestic violence including, verbal, physiological sexual, emotional harassment and abuse. The courts use Article 365 of the Penal Code (which applies to corporal

\textsuperscript{23} WLSA Mozambique (2000), The Justice Delivery System and Illusion of the Transparency, Maputo: WLSA.

\textsuperscript{24} Awake, Magazine, help women who victim of Domestic Violence, 2006
offences) to prosecute cases of domestic violence. However, this section does not cover domestic violence in a comprehensive manner. A Magistrate, Mr Marcelino, states that:

“There is a gap in the law, therefore, the law is not able to satisfactory cover all the cases of domestic violence, I believe that if a Bill that protected women against domestic violence was to be legislated it would be difficult to achieve an equilibrium in between men and women due to the values that are transmitted to both men and women.”

Mrs. Estrela, Deputy Director, Ministry of Gender, also confirmed this gap in the law arising from the fact that the State is using outdated colonial legislation from 1957 to deal with a crime that has only recently been recognized.

NGOs do not respond adequately to the problems of women because they are still relatively young and weak in that capacity. There are now some 60 national NGOs, mostly working in the social sector and mainly based in Maputo. Only a few Mozambican NGOs have membership and influence across the country, with the capacity to lobby government in issues relating to domestic violence. Recently, an umbrella for national NGOs was established, called the Foundation for Community Development, the advent of which might strengthen the presence of local NGOs.

Most national NGO activities are run on an ad hoc basis. This is probably due to donor funding constraints. It would be far better for NGOs to work with communities in order to identify their needs and then attempt to meet them. Their current failure to do so may also relate to the weak links of NGOs with local communities given their relatively short history, and lack of experience in participatory development work. Awareness and understanding of gender issues is variable. One NGO official I interviewed was hostile to the concept of gender. While another felt that socio-cultural constraints on women’s activities must be respected25.

2.12 Contestations on the content of the draft Bill

According to the new draft Prevention of Domestic Violence Bill (PDVB), domestic violence is:

“Physical, sexual, emotional or psychological, social, economic or financial abuse, committed by a person against a spouse, child, any other person who is a member of the household, dependent, parent or child of that household”

The draft Bill defines what constitutes the physical, sexual, emotional social economic and financial violence in the following ways:

- Physical abuse, consisting of any act or threatened act of physical violence.

- Sexual abuse, consisting of conduct those abuses, humiliates, degrades or violates the sexual integrity of the complainants.

- Emotional, verbal and psychological abuse, consisting of a pattern of degrading or humiliating conduct which may consist of repeated insults, ridicule, name calling; repeated threats to cause emotional pain; the repeated exhibition of obsessive possessiveness or jealousy which constitutes a serious invasion of the privacy, liberty, integrity or security of the complainant.

- Economic abuse may consist of the unreasonable withholding of economic or financial resources from a complainant who is legally entitled to or which the complainant requires of necessity, including the withholding of necessities or refusal to pay mortgage or rent in the context of shared residence.

- Intimidation, by uttering or conveying a threat or causing the complainant to receive a threat which induces fear.

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26 Definition on domestic violence in concordance with Mozambique draft on Domestic Violence
- Harassment consists of a pattern of conduct that induces fear of harm to the complainant, including repeatedly.

- Damaging of property, consisting of the wilful destruction of property belonging to a complainant or in which the complainant has a vested interest.

- Entry into the residence of the complainant without consent where the parties do not share the same residence or other controlling abusive behavior towards a complainant.

One of the significant breakthroughs of this Bill is that it clearly raises DV from a ‘private’ to a ‘public’ crime (its rightful place) in the minds of the community, as a result of which women may be emboldened to report it. It also protects persons in danger. For example, if any person in a household is in imminent danger, it allows forcible entry to the dwelling in order to protect the complainant or any other person from imminent physical harm. Once the order is made, the complainant becomes a tenant of the household, while the abuser ceases to be a tenant.

In this specific draft of the PDVB marital rape is considered a crime. This is one of the progressive steps made by Mozambican women. The construct of women as sexual property is most clearly pronounced in the marital relationship (Banda, 2005). Men believe that part of their reason for paying a bride price or lobolo is to secure their entitlement to the enjoyment of exclusive sexual access to the partner they marry. Not surprisingly, abuse of this ‘right’ may lead to marital rape.

### 2.13 Summary

This chapter has reviewed literature on domestic violence in Mozambique in general and this has been linked to the focus of the present study. Generally, most of the studies and surveys referred to seem to suggest that women in Mozambique do not usually report cases of domestic violence. It also appears that cultural values and lack of appropriate
legislation on domestic violence partly explain why most women are reluctant to report cases of domestic violence. The next chapter focuses on methodology of data gathering.
Chapter 3: Research Methodology and Data Collection

3.0 Introduction

In this chapter the research methodology used is presented in detail under the following themes: Feminism Theories approach: Liberal Feminism, Actors and Structures, Legal pluralism approach, Women Law’s Approach/Grounded Theory.

3.1 Feminism Theories approach: Liberal Feminism

Liberal Feminism was employed from the perspective whereby women’s subordination is rooted in a set of customary and legal constrains that bar women from freeing themselves from domestic violence. In the cultural context, a woman has many restrictions, more than her male counterpart and equality between the two sexes is absent.

The approach was used to investigate gender neutrality in the provision of the specific laws on Domestic Violence in Beleluane. The approach investigated government’s provisions of additional specific laws that protect women from abusive relationships.

Human beings are not abstract individuals, but people who have lived different histories, who have different social relations with each other, and who have different capacities and different needs. The new Bill on Domestic Violence has to be clear about the rights of both sexes and in which way they will address education of men and women on domestic violence education. The approach asserts that men need more education in domestic violence than women.
3.2 **Actors and Structures**

This approach investigates the possibility of strategic human action directed towards maintaining, changing structures or finding ways to exploit opportunities within social, administrative or legal structures. In this case the key players involved in the process of drafting the proposed Domestic Bill had to be identified.

This approach was unavoidable in the study considering the fact that laws are written by people within certain institutions. Such institutions include the judiciary and the state.

3.3 **Legal pluralism approach**

The legal pluralism approach was used because of the plural system of laws existing in Mozambique. Through this approach, I was able to investigate the informal dispute resolutions and mediation practices that exist.

Legal pluralism is born out of the recognition that the law has a number of sources as well as recognizing that other normative, which has been used, on the ground. In Beleluane both women and men are affected by the problems of pluralism of norms because of multiplicity of cultural values that have a bearing on solving issues of domestic violence.

The explanation of plural systems arises due to the fact that in many modern post colonial Africans states, Mozambique included, the general law is made up of the imported colonial common law and statutory instruments that operate side by side and interactively with the customary laws of different ethnic groups (Benton, 1998).

During my fieldwork, I discovered that most women used both formal state law and customary laws in solving their domestic violence problems. I also found out that women would use the court for prosecution of their husbands and at the same time, they would request the courts to withdraw the cases so that they solve the problem at domestic level.
It was also discovered that in some cases the courts themselves encourage the parties involved to try to solve the problems through agreements made at domestic level or to seek the arbitration of religious or community leaders before going to the courts. All these structures and actors involved show that there is a commitment to solve the problems before they can be referred to the police and courts which are the highest level issues can be referred to.

I used the Legal pluralism system approach in this study to examine how the plural legal systems affect the women in their efforts to use the criminal justice system in Mozambique to protect themselves against violence from their husbands. This approach was adopted because I felt it would help me expose the contradictions that exist between the general and customary laws.

This approach was very useful in that it helped me obtain a clear picture of factors that affect women by studying their lived realities. It also enabled me to expose the choices that they make, decisions and directions that are forced upon them in the course of trying to seek solutions to their problems.

### 3.4 Women’s Law Approach/Grounded Theory

I also applied the grounded theory in this study. Grounded theory is a process in which data, theory, lived realities of women and perceptions, about norms are constantly engaged with each other to help the researcher decide which data to collect and how to interpret it. In employing the grounded theory in this research the aim was to engage empirical knowledge about what laws women are aware of in rural and urban areas. I also wanted to understand the problems that women who are in relationships with domestic violence face on a daily basis and also to find out if they use the law to protect themselves from domestic violence. Through this method, it was also possible to know what views

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27 Massungukate (which means ‘renovate the marriage’) is the name given to elders who are called in to solve DV problems.
people who helped victims, for example, the Ministry of Gender, NGOs, health institutions, Chiefs, churches, men and finally women.

This approach enabled me to know about the reality of women in relationships with domestic violence, for example, economic, legal, cultural and social environments which mediate the situation of domestic violence.

The grounded theory also helped to change the area of investigation when it was apparent that the focus of the problem was accessing a target group. They had to be grounded on identifying specific problems that women experienced. They also had to be grounded on exploring the actual problems that women face in getting help in solving their problems.

This research also adopted the women’s law approach in which the researcher analyzes the law by using their real lived realities. It gives the researcher awareness about women’s rights on domestic violence. The researcher will then suggest how women who are still in abusive relationships can use these instruments to protect themselves using, e.g., the CEDAW provisions.

With this method, it was possible to investigate what role is played by cultural practices, religious beliefs and social values in domestic violence cases. It is also possible to investigate whether these aspects contradict or complement the laws that protect women.

On the ground, this approach was relevant because through it, I got quick answers about specific problems which women who are in relationships with domestic violence face, and it was also possible to find solutions for it. This method helped during the comparison on socialization of women in urban and rural areas and also to analyze whether conducive conditions in which to claim their rights.

The women’s law approach helped me analyze the female situations, for example, the socio economic-cultural demands imposed on women and how they affect them.
3.5 *Methods of Data Collection*

The approach I used for collecting data from the field was multifaceted. Given that the study projected on a sensitive but prevalent social problem, I was of the opinion that no single method was most appropriate. I, therefore, had to use different methods to have a wider scope of data triangulation purposes. The following were some of the methods used to get information from different sources.

- In-depth interviews
- Group discussions
- Records
- Secondary sources of data

3.6 *In-depth interviews*

I interviewed 13 victims of domestic violence to elicit first hand information from the victims themselves, 7 Magistrates who had presided over cases relating to domestic violence, 1 Judge, 2 police officers who had attended to victims of domestic violence, 5 officials from 5 different NGOs that deal with women who are victims of domestic violence, 2 nurses from two different clinics, one chief, and a Ministry of Gender assistant who deals with women’s issues.

The method was appropriate in helping to probe underlying issues and to seek immediate clarification on unclear issues. To generate sufficient information, I made sure that the each interview lasted between 15 and 30 minutes. The interviews were conducted in November 2007. I felt that the time would be ideal as I hoped to have gathered enough information for analysis. I designed the interview schedules well in advance to allow me to think about what the interviews would cover. It also enabled me to think of the difficulties that I was likely to encounter, for example, in terms of question wording or sensitive issues and to device some mechanism of handling them.
Seventh interview guides were designed, (see appendix) one for the women victims of domestic violence and the others for people who deal with women were in abusive relationships in Beleluane.

Before the interviews, I made appointments with the selected respondents. I requested respondents to specify the conditions under which they wished to be interviewed. I gave them the options of either being tape-recorded or that I would simply jot down notes of the statements made by the interviewees. All participants opted for the latter. I had no choice but to take down notes as requested the participants.

The major problem was finding suitable time and venues for the interviews. This was, however, overcome as all participants agreed to do the interviews during convenient times. In accordance with the requirements of any research, I explained the purpose of the study and how the results from the interviews were to be used. I gave the participants the assurance that their identities would not be disclosed to anyone.

I interviewed women in the community in Beleluane. I used open-ended questions during my interviews; but the interviews were not only confined in one question I had different guiding research questions. This depended on how one responded to a particular question. This approach allowed the interviewees to contribute as broadly as possible to the issues being approached, and I was monitoring the dialogue to ensure that the main issues were being covered. I focused on problems which women face in case of domestic violence and how they resolve their problems in that community. I discovered, using in this method, was economic factors contribute significantly to the increase of domestic violence.

3.7 Group discussion

This method of data collection was conducted with two groups of women survivors of domestic violence in the community, one consisting of young women (18-45 years) and
another consisting of old women (45+), two groups of church women of two different denominations (Catholic Church and Jehovah’s Witness). I chose these groups because they were directly involved in dealing with cases of domestic violence through counseling and other interventions. I also conducted interviews with women who are still in the abusive relationships. Some are economically independent while others are not. Most of the women in the group were illiterate. With the interviews, I wanted to know if the women know about the laws on domestic violence and at the same time what remedies existed on the ground to help women to solve their problems on domestic violence.

The strength of this method is that women could take part in discussions without being identified as victims themselves. I asked the questions directly and got direct answers. I would also seek clarification on unclear explanations or views and get feedback instantly. I picked women from different racial groups.

a) The unemployed young women who were economically dependent.

b) Employed young professionals who are able to fend for themselves and have on the surface no reason to endure and continue a relationship where there is abuse.

The research group was further demarcated within the Community of Beleluane.

This method enabled me to get a general knowledge from the groups on the causes of domestic violence and which laws are used to deal with the situation.

### 3.8 Records

I perused both court and police records to enable me get an idea of the number of cases that go through the formal legal system in search of a solution and also to find out if any cases that went through that system were pursued to completion by the victims.
Both the records from the court and police were poorly kept or maintained as there was no clear demarcation on the files at both registries that could make me identify the files quickly as to what it is related to, and the relationship of parties involved. The cases of domestic violence documented at Beleluane police station were all heaped to together. I had to personally comb through the files to find out each case’s relevance to my research.

The weakness of this method was that the information in the police or court files was always incomplete. For instance, one would not be able to tell whether the victim was satisfied with the deliberations of the court or not since it was not recorded. The only way of knowing this was by interviewing the victim.

Further, the lack of detailed data in the police and court records was a major problem because it trivialized domestic violence. The authorities seemed to believe that DV was not prevalent or serious, thus retarding measures to intervene and protect vulnerable victims or taking no measures at all. I had to make estimates of statistics based on the insufficient data available.

### 3.9 Secondary sources of data

I made use of documentary evidence such books, law reports, workshop reports, newspapers and magazines. I used this methodology before conducting the research in order to lay a basis for the research and after field work in order to supplement data derived from other sources. Because domestic violence is a global problem affecting many people worldwide I considered both international and local texts on the problem. The local texts were mainly considered for purposes of triangulating the information that already existed in those books with the findings from the fieldwork.

The method was useful in helping me to identify the gaps which existed in the already written literature and what was being practised on the ground which would enable me look for ways of filling those gaps.
3.10 Summary of the chapter

This chapter has outlined the methodology that was used in the collection of data. It has also looked at the theoretical framework determining the selection of the methods of data collection used. The next chapter looks at data presentation and analysis.
Chapter 4: Data Presentation and Analysis

4.0 Introduction

This chapter presents and analyses the findings of the study. In the presentation I take note of the assumptions outlined in Chapter 1. I assumed that cultural practices contribute to domestic violence; women in Beleluane district are ignorant of their rights; the increase in domestic violence is attributed to a lack of legislation against the practice and that the socio-economic and cultural demands imposed on women are likely to affect the degree to which the proposed prevention of Domestic Violence Bill would protect them.

4.1 The Role played by Cultural Practices in Domestic Violence in Beleluane

By cultural practices in this research, I refer to customs and beliefs, way of life and social organization of particular Beleluane.

The findings of the study revealed that culture promotes men’s abuse of their wives. When asked to give reasons why most men beat their spouses, the 13 women who were interviewed agreed that cultural values were the major contributor. In other words the education that is transmitted to men from generation to generation creates the impression that a man is superior to his wife and, therefore, the wife has to be submissive. Responding to the question on what they thought about wife battering, all the women were against the practice but were quick to point out that there was nothing much they could do about it because of cultural practices that permitted domestic violence.

Based on the answers provided by the women interviewed, it becomes apparent that the proposed Domestic Violence Bill in Mozambique should be passed. It is important to take into account that cultural factors are still pertinent on the minds of the Mozambicans.
and that it will take a long time to educate the people to appreciate that domestic violence is a vice.

The magistrates interviewed confirmed that in most cases they have presided over, most of the husbands rarely denied the allegations of domestic violence leveled against them by their wives. This further reinforces the notion that the husband should have total control over his wife and that he cannot be made answerable for domestic violence.

One of the women victims had this to say:

*The main factor causing domestic violence is infidelity and lack of agreement between us. The lack of agreement between us is due to the fact that my husband believes that I should not question his infidelity. If I do question he accuses me of lack of respect towards him and at times he physically abuses me. Even if I keep quiet and stop questioning he still accuses me of having stopped loving him and he consequently gets a lover.*

Regarding the issue of where to seek legal advice, this particular woman was the only one who showed some knowledge of the existence of some legislation protecting women against abuse by their husbands. She cited the Department of Attendance for Women as an example an institution where women can seek legal advice. The rest of the women were of the opinion that the resolution in such matters was best at the family level. They cited lobolo as one of the major impediments to providing solutions to cases of domestic violence.

The women are kept prisoners of their marriages since the parents of the women are not able to pay back the money, which they received as the lobolo (bride price) from the husband. I later established from the women that it is a normal procedure for men to pay lobolo in south of Mozambique. In this area, if by any chance the woman feels unhappy in the marriage because she is a victim of domestic violence, the man requests the lobolo

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28 South of Mozambique (Maputo, Gaza, Inhambane) their have a strong tradition of lobolo most of the time when the wife die before paying the husband is been required to pay a lobolo that women who is death. Some time this ceremony is been done before bearer the body.
be paid back to him. In the majority of cases the in-laws concerned are unable to pay it back.

Some women in Beleluane felt that cases of domestic violence were rising because both men and women were of the view that it was an act of love to beat one’s spouse. Also, the women thought that domestic violence continues to exist because the Mozambican laws protecting women against domestic violence are not sufficient to defend them against the abuses of men.

I established from the participants that when problems can neither be solved through family agreement nor the nucleus (Massungukate, i.e., the traditional elders) the parties involved seek advice from the church.

4.2 Women’s Ignorance of their Rights

I was interested in finding out whether the women of Beleluane district were aware of their rights regarding legislation dealing with domestic violence.

More than 90% of the women interviewed were ignorant of their rights regarding domestic violence. I gathered that this was worsened by the absence of clearly defined laws meant to address the plight of women in general. The Beleluane community also seems not to be aware of the laws protecting women against domestic violence. A great number of women think that domestic violence is restricted to physical violence. They fail to realize that DV comes in many forms such as sexual violation by their husbands, verbal abuse, neglect and others. That explains why cases of domestic violence are on the increase.

I also established that in Beleluane community there are some women who occupy key positions in fields such as teaching, the police force, nursing and agriculture. These women also appear to be aware of the laws concerning domestic violence.
Article 365 of the Penal Code which was originally intended for common law assault prosecutions is also used to prosecute offenders of domestic violence. The definition of assault, however, does not include all the possible offenses that may constitute DV and sentences for assault convictions are generally very lenient. For instance, Article 3 of the Family Law Act states that abandoning the marriage is a crime but in Beleluane it is not uncommon to find cases of men who abandon their families and are never brought to account before the courts. The situation is worsened by the fact that there is widespread ignorance of the laws on domestic violence.

One of the police officers interviewed mentioned that 25% of the assaulted women that go to the police station to complain have a slight idea of the laws that protect women against domestic violence and aggression. On the other hand, most of the women are naive about the laws protecting women against domestic violence and aggression. Such women never report to the police that their husbands are abusing them. This then explains why there is a need for legislation that sufficiently addresses issues to do with domestic violence.

During my study I witnessed, on the 28th of December, the case of a woman who came to the Beleluane Police Station, complaining that she had been a victim of physical abuse by her husband. She mentioned that she and her two months old child were thrown out of the house after a quarrel with her husband. When asked by the officer-in-charge whether she intended to file a complaint against her husband, she replied:

*Listen Officer, it’s not my intention to file a complaint against my husband. It would never be. I simply want my husband to bring to an end the physical aggression that he has been perpetrating against me. I want to go back home since I have got two other children who are minors.*

The woman’s case referred to above serves to demonstrate that women in Mozambique and those in Beleluane in particular never want to incriminate their husbands even when the situation demands that they should do so. In such cases where the victims of physical
aggressions refuse to file complaints, the officials in general go to the victims’ house to attempt to persuade the victims’ husbands to end their abuse of their wives.

The police officer and the victim went to the husbands’ house to attempt to strike an agreement to help the woman. The husband later affirmed that he regretted the manner in which he had behaved and that the violence was caused by stress due to poverty. He further stated that he had no fixed job and depended on the part-time construction jobs which were not very easy to find on a daily basis.

I felt that if Mozambique had suitable laws to protect women against domestic violence and if the women were educated about the laws that would discourage men from continuing to abuse their wives and the number of DV cases would decrease.

I also established through my interviews with the women that, in some cases, the women do not file complaints not because they are not educated on the laws that protect the women against domestic violence, but because they merely fear stigmatization from the community for doing so. There are also cases in which some women, who file complaints against their husbands, withdraw them a couple of days later due to pressure from the community.

The NGO officials interviewed said that they use seminars and advertising campaigns to educate women on the laws that protect them against domestic violence. However, such campaigns are not sufficient because they are regional and they are not performed regularly and in every part of the country.

According to one of the police officers interviewed, domestic violence is not a crime. She went on to say that 75% of the women are not aware of the laws that protect them against domestic violence. If they seek help either at the NGOs or at the law courts, they only do so in order to try and make the men stop their aggression.
A priest from the Catholic Church intimated to me that in cases of persistent domestic violence the church appeals to biblical laws, since divorce is not permitted in the church. The church makes an effort to solve the problems in an amicable manner; however, the church repudiates cases of physical abuses. There is need for the publicity of certain laws concerning domestic violence so that people are aware of the different reasons why DV is perpetrated.

I discovered that Health Centers are not guided by any procedures in cases of domestic violence. According to of the health officials, there are no clearly defined procedures such as psychological counseling of the victims of domestic violence, for instance. In other words, nurses manning these health centers do not offer special procedures for the victims of domestic violence. However, the victims are recommended to file complaints in police stations depending on the injuries. Normally, only serious cases of domestic violence are filed as complaints at police stations. Most victims, however, do not attach importance to it, return home and pretend nothing happened and get back to their ‘normal’ lives.

After being assisted, women victims of domestic violence are given a summary of their injuries, diagnosis information, etc in a hard copy form. If victims wish to file a complaint with the police, however, the Health Centers are not guided by any specific procedures to be taken in cases of domestic violence.

According to the health official, a significant number of the patients treated weekly are victims of domestic violence. In fact, the average number of patients of domestic violence the health center takes for treatment monthly is 30.

What is worrying is that in various instances officials at the health centre do not bother to find why the injuries were caused. However, if the injury is serious, they advise the victims to report to the police.
Legal Literacy as a tool for women’s empowerment – like empowerment legal literacy is one of those terms whose apparent transparency of meaning comes under attack in direct proportion to the acceptance it gains. Shuller gives a good account of the process involved in learning and practicing legal literacy.

First the connection between legal literacy and literacy seems simple and obvious, legal literacy it is to law what literacy is to the alphabet and that means being able to read what the laws is itself saying. While such interpretation seems reasonable at first glance it is simplistic. Firstly it assumes a static view of culture and of law. Secondly it locates both the root of the problem and the remedy within the individual and by placing emphasis on the individual skill it does not address structural obstacles to participation. In literacy, this approach is often tied to an ideological perspective that seeks to incorporate the poor or underprivileged into the logic of the dominant cultural tradition.

The legal literacy perspective assumes that laws are capable of providing women protection and redress and sees the problem only in terms of women’s lack of knowledge. The belief is based on the assumption that when women know the law, their rights and obligations they will be more functional citizens. This perspective actually supports the status quo, while apparently celebrating the egalitarian achievement of the law. It is like conventional literacy which reaches out to incorporate a disadvantage group woman of into an ethnic that fosters traditional values, particularly respect for the state, authority, the family and stratified social roles. Since its overt goal is to improve the situation of a disadvantaged group in order to help them to achieve greater citizen participation, literacy programs may incorrectly appear quite benevolent.

According to the legal literacy approach mere knowledge of the law is sufficient to assure enjoyment of one’s rights. This, however, is not the case. Enjoyment of one’s rights is not automatic process which follows upon knowing one’s rights. In most societies laws

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29 Schuler Margaret, Sakuntala Kadigamar Rajasinghan, legal literacy: A tool for women’s Empowerment
30 Shuller M. S. Kadigamar, What is legal literacy in legal literacy a tool for women empowerment
31 Giroux, 1989
and their application discriminate against women, especially poor women, who are also usually hindered by other (e.g., psychological and political) constraints. Social structures do not encourage or sometimes even permit women to act independently in their own interests. Patriarchal, economic, and cultural biases and practices keep women isolated within a system and support is needed for them to make a claim or complaint. Where women have managed to gain access or recourse to the legal system, the insensitivity of judiciary becomes another major obstacle.

The legal literacy approach that gives women knowledge about laws, rights and obligations or how the legal system in a certain context, rests on shaky pedagogical and ideological grounds. A danger inherent in legal literacy is that it can end up supporting the status quo.

Another major problem with law is that vast majority of women are outside of the formal legal system especially rural women and urban poor women. Taking into a consideration global demographics it is probably safe to conclude that most women on the face of the earth do not think of themselves as having rights, much less having any relationship with the official legal system. They see themselves as existing outside the legal system partly because they do not know what it offers them but partly because it does not offer them very much. When a woman has been beaten by her husband and all she wants is for the beating to stop, but all the law offers her is divorce, she will not see the law as a protector of her rights as a citizen. The law will fail in her eyes and when she and others who have the same story share it with others those messages of failure penetrate deeply.32

The truth is that most women deliberately avoid the official legal system not only because its laws and procedures are complicated, expensive and incomprehensible, but also because they are inadequate and informal remedies seem to work better than the formal legal ones. However since law is one instrument of legitimacy and social order, staying out of the official system must also mean that one is excluded from enjoying its benefits.

32 Shuller M. S. Kadigamar, What is legal literacy in legal literacy a tool for women empowerment
In order to understand legal literacy as a process of self and social empowerment, it useful to examine for a moment the meaning and dynamics of empowerment. The term empowerment is another of those appealing but slippery terms that lend themselves to multiple and sometimes contradictory meaning. The literature of the empowerment of women, if any can be said to exist, does not confine itself to a single discipline or paradigm. Empowerment draws on individual psychology anthropology, political science and economics for theoretical grounding. Empowerment is a collective process although it acknowledges individual acts of resistance. Women empowerment is a process in which women engage in challenging social power. It is a process in which women increase their ability to shape their own lives and environment and necessarily increases their self-awareness, status, and efficiency in social interaction.

Legal literacy is a process which develops a person’s critical and analytical capacities, actions and skills in relation to accessing the law. But the legal literacy that is needed is not just about disseminating information, it is about developing capacities in women that allow them to use the laws and rights as a tool for political and social change within the family and the brother culture and society. In the context of what we are calling a cultural politics of rights, legal literacy is a process which empowers women by promoting their ability to participate fully in assessing and reshaping the cultural and legal frameworks that determine how status rights and gender are defined in law and practices. Legal literacy does this through educational processes that develop the knowledge and skill women need to participate politically in transforming the conditions of their lives. The kind of knowledge and skill needed must cover a range of areas: Beginning with critical consciousness about gender roles and status, and legal rights and the lack of them, to the ability to make choices about what can be changed and how to change it.

4.3 Lack of domestic violence legislation in Mozambique

An NGO official commented that if there was an existing law that protected women against domestic violence there would be fewer cases of DV. She attributed some violence to mental disorders on the part of the men involved. In that regard she advocated
for the construction of psychiatric centers where such men could be treated. She also said that in cases such as these where there are special circumstances (i.e., where the DV offender is himself the victim of a mental illness) domestic violence should not be treated as a criminal case.

The NGO official said that if DV laws and actual cases were published, there would be fewer cases of DV. The official said that in the absence of specific DV legislation, Articles 326 and 357 of the Penal Code are used to prosecute DV cases.

A female Ministry of Gender assistant pointed out that she does not believe that domestic violence can be easily eradicated in Beleluane because she said that DV is prevalent even in developed countries where there are clear laws on domestic violence. She, however, said that specific laws on domestic violence would help in reducing domestic violence cases over time although she strongly believed that the law is not the only answer to domestic violence cases. She cited Article Number 3 of the Family Law, which states that abandoning the marriage, is a crime but men that are not with their families are obliged to sustain their families. She said this was a perfect example of how the law is not able to deal with all situations of domestic violence. In Mozambique, most the courts have to make use of other legislation to cover the absence of the specific laws on domestic violence.

Nine (9) of the thirteen (13) women interviewed indicated that they believe that domestic violence is not a crime. One could say that 77% of women are not aware of the laws that protect them against domestic violence. If they seek aid either at the NGOs or from courts they do it in order to stop their husbands from abusing them; not to obtain a criminal sanction against them. In the courts of law DV cases are not properly understood or investigated as DV cases because they are treated as common law assault cases in terms of the Penal Code.

The Ministry of Gender official interviewed said that if DV is to constitute a crime, it needs to be classified as a public crime and must cover all situations such as physical,
sexual, emotional, economic, verbal, psychological, intimidation harassment, stalking and damage to property, where each and every person has grounds for complaining so that people will be afraid of committing this crime.

Another NGO official interviewed said he does not believe domestic violence can be completely eradicated unless the nation is fully educated about all that it entails. He put forward his opinion as follows:

*I do not believe domestic violence can be completely eradicated if there is no equal education in both the rural and urban areas to deal with this social vice. It is necessary to mention that the work in rural areas shall be different from that in urban areas because of the cultural values that people have. An effort to educate people needs to be made to find out how cultural aspects can be dealt with because the laws only may not achieve the objectives to eradicate domestic violence and they should target men who are seen as the greater perpetrators of domestic violence. The education of women should not be different. There is need for the explanation of their rights and the procedures to solve their problems. The other target groups should be the police, the Attorney General and the judges that judge with no respect to the laws and explain the mechanisms that women should follow in cases of domestic violence. The men should be educated on the punishments of the cases concerning domestic violence and make them understand that domestic violence is not the solution for the problems there are different mechanisms to solve problems.*

This study shows that domestic violence is a significant public problem among women surveyed. Nearly 50 percent of women interviewed report an experience of domestic violence. About a quarter of the women had experienced domestic violence in the last year. My findings established that 75% of people whom I interviewed agreed that the prevalence of domestic violence is caused by lack of domestic violence legislation in Mozambique.
I did not find the difference in prevalence of violence report by women with different socio demographic characteristics confirming the occurrence of domestic violence across all societies.

Mozambique has sustained laws which have been used for solving the problem of domestic violence but despite this factor 60 percent of women interviewed in Beleluane preferred to solve their domestic violence problems through family agreements or through counseling with a group of elders in the village (Massungukate).

In the community of Beleluane 50 percent of women were still staying with their abusive partners even though they knew that they could go to the police station to solve their problem. The reason why these women stayed with their abusers was that they hoped that they would change, or had changed, or because of the children, or after being advised to do so by family members. They are economically dependent on their abusers and culturally or religiously constrained from taking any other course of action.

Consequent to domestic violence, about 60 percent of women from Beleluane who participated in my research suffered emotional and psychological trauma. Few suffered serious physical harm suggesting that intervention must address the emotional and psychological trauma for the new bill on DV to be sufficient for solving domestic violence problems.

My findings noted a high prevalence of domestic violence among the women interviewed in Beleluane. The main cause of increase of domestic violence is due to lack of domestic violence legislation in Mozambique. Other factors such as cultural practices and the ignorance of the legal rights worsen the problem. A large number of women interviewed in Beleluane did not know the meaning of domestic violence nor could they define it. There is a need for the community of Beleluane to participate in campaigns or educational programs to sensitize the public about laws on domestic violence.
Less than half of the victims of domestic violence did not report the violence suggesting that there is very little awareness of the legal route to solving domestic violence problems. There is a need to provide support within the social structure for the abused women. Women need not feel that they deserve to be violated or that help is not available thus discouraging them from reporting. Thus attempts to provide support such interventions as counseling, prosecution of the perpetrators or safe houses on their own may not be adequate. Rather there should be a concerted effort that aims at actively changing those factors such as societal beliefs about violence, values, laws and attitudes. These constitute the root of gender inequalities and power imbalances that fuel and sustain violence against women in the domestic and public sphere.

4.4 Laws and mechanisms

When I conducted my research, the Beleluane community had four mechanisms which help women to solve their problems concerning domestic violence. These are the courts, the police, the village elder committee (Massungukate) and church groups.

In order to solve some of the issues concerning domestic violence the women of Beleluane have created a nucleus counselling group. The counsel meetings usually take place every Thursday. Each case is taken on its own. In cases of problems arising between couples, the group starts by sending one of the women members to find out the motives for the fight. The women say that they are mostly caused by excess consumption of alcohol and infidelity.

The counselors are divided into groups of wise old women. In some cases they are not able to resolve the problems through counseling. The wives sometimes find solutions at the nearest police station. This occurs if they fail to agree at family level or when the counsel group fails to resolve the problem. If they go to the police to file a complaint, police officers first ask whether the parties have already tried to resolve the matter within the family and/or the counseling group. In the Beleluane police station there is a cabinet that is concerned with issues relating to women and children.
The village elders committee and the church try to solve the problems through agreement and counselling but if this step fails they hand the problems over to the police who often do not have to invoke the law against abusive husbands because their wives refuse to report them.

In cases of persistence of domestic violence, the church counsels the couple using Bible teachings, since divorce is not permitted by the church. The church makes an effort to solve the problems in an amicable manner. However, the church repudiates cases of argument and physical abuse. There is a need for the publicity of certain laws concerning domestic violence so that people are aware of the different ways domestic violence occurs. If matters deteriorate to a point at which the parties resort to litigation and the DV becomes extremely persistent and serious, they end up being expelled from the church.

On Thursdays the church in Beleluane holds meetings that cover some aspects concerning domestic violence. The couples are taught that although the husband is head of the household, he must respect his wife and wives must submit to their husbands. It is on this premise that the church protects women against domestic violence. The church and culture seem to disagree on the issue of husbands having to respect their wives. Whereas the church teaches that husbands should respect their wives; in terms of cultural practices wives are required to be totally submissive, whether their husbands respect them or not.

In the church women are encouraged to be more obedient and respect their husbands. Moreover, they educate the men not to create situations which leads them to abusing their wife. The church does not encourage the women to file at the police stations when they are abused though they are aware of the laws that protect them against domestic violence.

The official from the Ministry of Gender said in her ministry there are certain procedures to solve the problems of the Mozambican women.

1) Development Plan for Women that are an instrument to solve women problems.
2) Gender Policies and implementation strategies.

She also said there was a study in the Ministry cabinets that culminated with the formation of the OMW (Organization of Mozambican Women) that was the creation of juridical cabinets at the community level constituted by specialized people in the community to aid in the cases of domestic violence in the community. The juridical cabinets were created to solve the problems in an harmonious approach only. In cases of failure in the resolution the cases turn litigious.

She also said that there is a policy concerning gender, which, however, it does not have an instrument to regulate the issues relating to domestic violence. There are also some laws that are used as alternatives to solve cases of domestic violence such as the State Law and the Family Law, which are guided by the Gender policy.

I established during my research that there is a resistance internally on the assembly to approve any law that protects women against domestic violence or any other law that protects women meaning that there is no priority on the issues concerning women. For instance, the NGOs posses sufficient power to pressure to approve the laws that protect women against domestic violence.

I concluded from these findings that legal reform on domestic violence research is necessary to know what the problem women have and them how to protect them. Law reforms and the creation of new laws that protect women against domestic violence are to be put in place.

I established during my research that judges were not consistent when judging and made little effort to comprehend the causes of domestic violence. In most cases the magistrates do not analyze the people’s backgrounds, and fail to consider cultural weaknesses and overlook the basis of the problems. The judges did put themselves at the level of the people so that their approach would lead to realistic judgments.
In most cases women complain to the police on the issues of physical aggression perpetrated by the husbands. However, they refuse to file complaints because the women victims of the aggression think once they file the complaint against the husbands their behavior may deteriorate. At the police counseling cabinet, the women are educated that they have the same rights as their husbands in the family. The most frequent cases that the counseling cabinets encounter are abandonment of marriages by men due to economic problems.

One of the women that presented a case at the police station had refused to have sexual relations with her husband and he assaulted her physically because he thought that the wife should never refuse to have sex with her husband.

It was very difficult to obtain accurate estimates of the frequency of domestic violence in Beleluane because it is not treated as an important matter. Under reporting often occurs within the privacy of the home. Generally, in Beleluane the victims of domestic violence do not report the abuse fearing retaliation and shame, with some women considering physical abuse as a part of marriage life.

In cases where victims are determined to report to the police station, the police show insensitivity. However, at most stations nowadays there is a department special for attending to women’s cases. Some stations lack private reporting facilities, with victims often being asked to give personal details in the presence of other people. If a case of sexual abuse for instance goes to court, victims are faced with an inauspicious judicial system coupled with a hostile social environment.

While the Beleluane community believes that most victims contribute to the sexual assault, those adjudicating the cases in courts are socially schooled by the society. In the case where the perpetrator is known to the victim or is even a close relative, a successful prosecution is impeded by a society that customarily frowns upon members prosecuting other family members. As result, many victims of sexual offences withdraw their cases or
fail to report the offences due to immense pressure from friends and relatives to keep the matter private. In addiction, relatives or acquaintances that could give evidence often decline to cooperate with the prosecution. It is therefore nearly impossible to quantify the actual magnitude of sexual offences against women in Beleluane district especially from police reports.

Statistics from the Beleluane police indicate that the number of reported cases of domestic violence is on the increase. In the last six months of 2007 there were more cases, 50% than the same period in 2006.

In Beleluane district domestic violence is a serious threat to the physical and emotional health of women and, therefore, a significant public health problem worldwide. Available data from the police station of Beleluane indicates that domestic violence sometimes causes death although peoples do not report such cases. Not only is domestic violence, economic abuses and sexual abuse a serious danger to the physical and emotional well being of women, but also a predictor of psychiatric behavioral problems of the perpetrators.

### 4.5 Socio-economic Factors

In general women in Beleluane are economically depend on their husbands and believe that should they divorce their husbands they will not be able to survive without them because they will not have any income. Economic factors highly contribute to the increase in domestic violence. In cases divorce is remote option for most women. They would rather endure the abuse than face the prospect of lack of income and other basic needs for survival required sustaining themselves.

Poverty plays a great role for the permanence of domestic violence in the relationships. Men live their wives with no money for them to sustain the house and if they question this they are usually assaulted. In most cases women fear filing complaints to the police stations because they are afraid of losing the benefits of their marriages and worry about
what the society will say. Moreover, they believe that family and friends may discriminate and eventually they lose their status. Women fear the stigmatization of being labeled divorcees too.

In my research, I noted that the social factors also have to be taken into account because the society and the family repudiate women when they file complaints against their husbands at the police stations. Towards the end of my research, I started to notice a change in mentality. The people of Beleluane began to consider different values. For instance, educated women began face these situations in a different way. However, it does appear that the changes in the attitudes shall take long.

In Beleluane society the women make great effort to maintain their status and in most cases that influences their decision towards an abusive relationship. Women are frightened of abandoning their marriages because of domestic violence since they may lose their status in the society or even the shame that they may be exposed to if they abandon the marriages in Mozambique. The woman fear being pin labeled as divorced women. They also fear losing their status amongst the community and some do not divorces thinking perhaps the husband will change his violent behavior on his own.

The men in Beleluane said that the economic difficulties that they go through drive them to release the pressure on their partners. In most cases men release all their frustration on their partners and children without them understanding the reason for those negative emotions. The men at times complain that the women are not being submissive as stipulated by society. In some cases men are not prepared to face the challenge presented by educated women who perceive a relationship with a balance of rights in between husband and wife as being the ideal one.

One of the men interviewed affirmed that he has followed a small number of cases concerning domestic violence. He said that there are critical stages of a life cycle of a marriage that contribute to the existence of domestic violence. One of the ingredients that promote domestic violence is the hardship in life. Unemployment cases whereby women
suffer the most since they have to bear all the family problems and take care of the children during the time the men leave the house to attempt to get some money from part time jobs for the home’s sustenance. When the men return the women ask home about any issue concerning the house they turn abusive because of frustration. He further stated:

_There is no life with any money that applies to any part of the world. For the population to acquire water they need to pay; there was no water pump that charged 50 cents metical for every 25 liters of water first, in our days there are some that charge 5 metical or even a more affordable one charging 3 metical for 25 liters there are no infrastructures in this area and the population are based on vulnerable poor old people that depends on agriculture for livelihood”._

Other men that were interviewed at the meeting stated that: the main cause for the practice of domestic violence to thrive is the lack of water. They further stated that:

_“There are no water pumps in the community forcing women to obtain water kilometers away from their living places at different peoples house which is not permitted before 9 o’clock in the evening; however, the guards of the houses sneak the water out after 9 in the evening because the owners of the houses are sleeping and the husbands believe that the women will be meeting with lovers and that ends in physical abuse since the water some times takes more than two hours to fetch.”_

In social and economic spheres of life in Beleluane, it was established in this research that discrimination against women was a result of, among others, cultural values and traditional practices and customs that place women in a subordinate position. At other levels, social values and norms influence planning practices, which to a greater extent infringe on the needs of women. Election procedures and appointment processes are such that they result in the sidelining of women to high positions. This prevents women from participating in decision-making processes and resultantly very few women are found in high decision making positions.
During my fieldwork, it emerged that in Beleluane economic factors paused great difficulties to battered women who wanted their husbands arrested and prosecuted. It occurred that the victim’s success or failure to report the violence largely depended on the pocket of the abuser or the abused financial status. A number of women were able to take action against their husband, or took action but withdrew the charges against them because their financial support depended on their husbands to a great extent. It proved more difficult for the battered wife who was wholly dependent on her husband financially to report her husband to the police or press charges against him effectively than it was for a woman who was economically independent because of the financial constraints involved.

An analysis of those socio-economic and cultural factors in Beleluane that stood in the way for women to use the law effectively, I found out that there was need for urgent empowering of the women. This would give them the ability to make their own decisions. The women perceived themselves as helpless or powerless because they socially and economically depended or their husband for support. This, therefore, calls for economic, social and psychological empowerment of women and creating awareness of their rights to enable them responds correctly to the problems they face.

I established from my research that women, who are economically independent and have awareness of their rights, will be in a position to support them and are able to take care of the family if their husbands are absent. I also noted that a woman’s economic independence may also minimize the unreasonable behavior from her husband. This was one way in which violence against women may be reduced in the society.

4.6 Active involvement of community

During my field work I noted that the community is involved in solving the cases on domestic violence. They create one group of village elders called massungukate. During the session they provide counseling to the couple and then advise the man to end the
physical aggression to the wife and they instruct both husband and wife to try to live in harmony.

I noted also in my findings that the NGOs are involved in putting pressure on government to approve the draft on domestic violence in this year, 2008.

4.7 **Coordination among the Key Players**

I noted in the findings that although the key players on cases of domestic violence worked together, they were not as active as I expected them to be. Such key players included Women Development Co-ordination - Women's Forum, Mozambique association for women in juridical career (AMMCJ), Mozambique association for women and Education (AMME), Service Centre in Maputo Hospital (KULAYA), Center for African Studies (CEA), Ministry of Social Action Co-Ordination (MICAS), and Women, Law and Development Association (MULEIDE).

Their main area of focus included co-coordinating activities and disseminating information, replacing the existing legislation, counseling and psychological services, civic education and the establishment of domestic violence support units. In some cases the Ministry of Gender complemented their efforts.

I also learnt from the findings that all parties agreed that domestic violence is a life-size problem, which affects all people, especially women. They were all in agreement that it is necessary to urgently approve the draft Bill that will protect women from domestic violence.

The Diagram below summarises how relevant stakeholders interact on issues to do with domestic violence:
Ministry of Gender
Community
NGO’s
Parliament
Women
Government
4.8 Summary

This chapter has presented and analyzed the findings of the research. Results of interviews carried out with various participants were outlined and then critically analyzed. It was established in the chapter that most women in Beleluane are not aware of the legal instruments that protect them against domestic violence from their partners. The few that were aware of the legal instruments were reluctant to use them for a number of reasons mentioned in this chapter. It was also established that there are no clear laws against domestic violence making it difficult for women to get justice from the courts. I also learnt that society made the situation worse for women by condoning some forms of abuse by men, which are viewed as normal cultural practice.
Chapter 5: Conclusions and Recommendations

5.0 Introduction

In this chapter, I conclude and suggest possible recommendations arising from the study. My study was based on establishing cultural and legal problems affecting women of Beleluane District in the Matola Province of Mozambique. My main objectives were:

- To investigate how cultural and legal practices contribute to domestic violence in Beleluane district
- To establish the level of legal awareness among the women of Beleluane district on their right to protection from domestic violence
- To analyze the impact of lack of legislation and machinery in addressing the problem of domestic violence and
- To critically examine how the impact of socio-economic and cultural demands imposed on women were likely to affect the passing of the proposed Prevention of Domestic Violence Bill

Before carrying out the study, I had my own assumptions regarding issues of domestic violence in Mozambique and in Beleluane district in particular. I assumed that cultural practices contributed significantly to cases of domestic violence in the district. I also held the assumption that those women in Beleluane district suffered from domestic violence due to ignorance of their rights. In addition, there was an increase in incidences of domestic violence in Beleluane district due to lack of domestic violence legislation in Mozambique and lastly but not least I assumed that cultural demands exerted on women were likely to affect the degree to which the proposed Prevention of Domestic Violence Bill would protect them.
5.1 Conclusions

Basing on the findings of the study, I arrived at the following conclusions.

Regarding the issue of legal and cultural practices I can conclude that these have a huge bearing on the current state of affairs in Beleluane district. Cultural practices give men authority and power over women to a point where they see them as their property. This state of affairs creates fertile ground for spousal abuse in its many forms. This is reinforced by the absence of properly defined laws on domestic violence.

Related to the issue of oppressive cultural practices is the issue of ignorance of legal instruments protecting women from abuse by their husbands. It was established that most women victims of domestic violence were unaware of some legal instruments for the protection of women against domestic violence that do exist in Mozambique.

The lack of an appropriate legal framework in Mozambique contributed to the rise in cases of domestic violence against women in Beleluane district. Relevant authorities, for instance, the government, NGOs, civic groups, the Church and society in general seem not to be playing an active role to address this situation.

I also concluded that the socio-economic and cultural demands exerted on women are likely to affect the extent to which the Prevention of Domestic Violence Bill Mozambique will be executed.

Therefore, all my assumptions on issues of domestic violence against women in Beleluane district of Matola Province of Mozambimbique appear to have been confirmed.

5.2 Recommendations on laws relating to Domestic Violence

In view of the findings and conclusions drawn in this study, I suggest the following recommendations:
• The government should encourage debates on domestic violence and educate both men and women on their rights.

• There is need to identify appropriate target groups such as community leaders or even the church to work with women in cases of domestic violence.

• The relevant authorities should take the issue of domestic violence more seriously than they are doing at present.

• The Ministry of Gender should work in conjunction with the victims in order to help reduce the cases of domestic violence.

• Support authorities, particularly police officers and the judiciary should be trained and sensitized in order to offer holistic support to survivors of domestic violence.

• There is need for the provision of legal norms in the constitution of Mozambique or other legislative instruments which promote the Principle of equality between women and men.

• There is an urgent need for intervention strategies that will empower women economically and involve men as equal partners.

• Efforts should be made to provide the necessary support to survivors of domestic violence such provisions include basic health service, legal and judicial support, counselling and vocational training.

• Health care providers need to be trained on how best to handle domestic violence cases.
- Judges and magistrates dealing with domestic violence cases need special training and constant updates.

- Above all, I recommend that further research be carried out in other districts in Mozambique focusing on cases of domestic violence.

5.3 Summary

In this final chapter, I have concluded and suggested recommendations derived from the findings of the study. I am, therefore, convinced that if the above recommendations are adopted by all interested parties, they will go a long way in addressing the ever-growing problem of domestic violence against women in Beleluane district and in Mozambique as a whole.
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Awake, Magazine, help women who victim of Domestic Violence
Appendix 1: Interview Guide for Victims of Domestic Violence

1. What do you know about domestic violence?
2. What is the reason of domestic violence?
3. How do you solve the problem of domestic violence?
4. What in your opinion would be the better remedy of domestic violence?
5. Do you think that the new bill will help women to solve their problems in domestic violence?
6. What other remedies have you used to protect yourself from domestic violence before you go to the police?
7. How do the police respond when you make battery reports on domestic violence?
8. Do you have some government guides in case of domestic violence happens?
9. Are you familiar with any law that protects women from domestic violence?
10. What do you think the Government should do to help women who are victims of domestic violence?
Appendix 2: Interview Guide for Police Officers

1. For how long have served in the women and child abuse section?
2. Have you ever handled any domestic violence cases involving couples?
3. How many reported cases of domestic violence do you receive per day?
4. What procedure do you follow when a woman has reported her husband for domestic violence?
5. Is there are any special desk for attending victims of domestic violence?
6. Do you think that domestic violence is a private issue?
7. What do the police do when the victim expresses an intention to withdraw complaints against the husband, and what happens in the event that the complaint is finally withdrawn?
8. Do you think that the laws currently in place in this country protect women?
9. Do you think that women who come to report their husbands have some awareness about laws, which protect them from domestic violence? If so, can you give examples of such laws?
10. In the course of your investigation of the problem, what reasons do men advance for abusing their wives?
11. What in your opinion could be the best way to reduce the domestic violence cases?
Appendix 3:  Interview Guide for Nurses

1. Have you ever treated women who have been battered by their husbands?
2. How many women do you treat per day and how serious are the injuries?
3. Do you have any procedure in cases of domestic violence?
4. Do you have any policy for domestic violence victims? If so, would you mind giving examples of such policies?
5. What in your opinion would be the remedy to reduce cases on domestic violence?
Appendix 4: Interview Guide for the Chief

1. How often do you handle cases of domestic violence?
2. What instruments do you have in place to deal with such cases?
3. In your opinion why do men abuse their wives?
4. Is domestic violence justifiable in your culture?
5. Do the women whose cases you handle express satisfaction with your judgement?
6. Is there anything wrong if a wife reports her violent husband before they solve the problem at domestic level or through a community elder (Massungukate)?
7. What advice do you give to women victims of domestic violence?
Appendix 5: Interview Guide for Priests

1. How do you handle cases of domestic violence in your church?
2. Are the cases referred you easily resolved at the level of the church?
3. Do you sometime advise victims to report their cases to the police?
4. In your opinion what remedy for domestic violence in the Beleluane community?
Appendix 6: Interview Guide for the Ministry of Gender

1. Which policy does the Ministry of Gender have in place to protect women who are victims of domestic violence?
2. What role has the Ministry played in the drafting of the new Bill on domestic violence?
3. Do you think that the new Bill will protect women from abusive husbands?
4. Why has the bill taken this long to be passed into law?
Appendix 7: Interview Guide for NGOs

1. Does your organization help women in cases of domestic violence?
2. What kind of assistance do you give such women?
3. Have you ever lobbied parliament to pass the Domestic Violence Bill into law?
4. What challenges have you faced in this lobbying?
5. How are you addressing those challenges?
6. Do you think the current laws in the country are appropriate for protecting abused women from domestic violence?