

"Zarina"

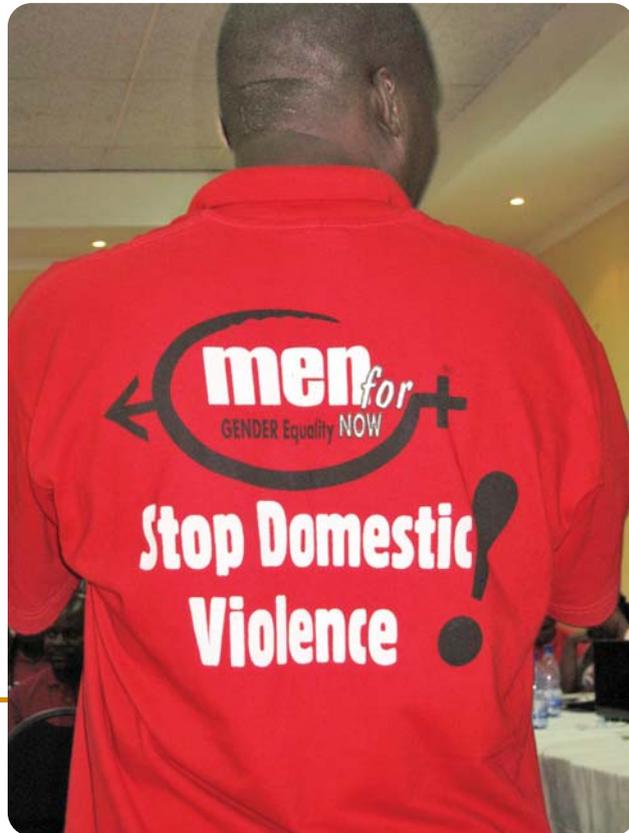
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CHAPTER 5

Gender Based Violence

Articles 20-25



Men for gender equality saying no to domestic violence.
Photo: Colleen Lowe Morna

KEY POINTS

- Both women and men gave a score of 56% for the government's efforts to address gender based violence (GBV).
- There is key legislation in place to combat GBV, including domestic violence and sexual harassment.
- The GBV response is at all levels in society; men are also becoming involved.
- The National Response to Combat GBV strategy (2008-2013) provides the framework for an integrated approach to ending GBV.
- The main challenges are lack of resources with few trained personnel to deal with GBV.
- There is a lack of shelters for survivors.
- An Anti-trafficking Bill is in the making to address human trafficking.

Table 5.1: CSC scores on gender based violence

	SGDI	CSC
Scores	N/A	56%
Ranks	N/A	9

Reliable and comprehensive quantitative data GBV is difficult to obtain. Police statistics are highly contested because of the under reporting of GBV and inadequate data collection tools. For this reason, there is no SADC Gender and Development Index (SGDI) score for GBV.

The only measure in this sector is citizen perceptions, as measured through the Citizen Score Card (CSC).

Table 5.1 shows that on average citizens scored 56% in terms of government's performance in addressing GBV in line with the SADC Gender Protocol targets based on the CSC. Both women and men gave authorities the same mark, 56%. The citizens acknowledge the advances in addressing GBV in Malawi, but at the same time showing awareness that there is still a long way to go before the current high levels of GBV are halved.

Extent of gender-based violence



The Protocol aims to reduce the current levels of gender-based violence by half by 2015.

Malawi has adopted an integrated approach to reduce GBV involving many stakeholders at all levels of society.

The main challenge is lack of data on all forms of GBV. Table 5.2 shows that there were 19,000 rapes reported to the police, but data on the cases that were withdrawn or the number of convictions is lacking. Like in many other countries, most cases of rape were probably not reported.

Table 5.2: Gender violence statistics

No of reported rape cases during 2011	19,000 (police statistics only)
No of rape cases that get withdrawn	
% rape cases withdrawn	
Number of convictions	
% conviction rate	

Source: Year Malawi Police Service Headquarters (Statistics department) 2011.

Response and support



The SADC Protocol provides that by 2015 state parties shall: Enact and enforce legislation prohibiting all forms of gender-based violence; ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault; review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence; enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society; enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.

Table 5.3: GBV response and support

Provisions	What is in place?	What needs to be put in place?
Laws/ policies		
Legislation prohibiting all forms of GBV.	Prevention of Domestic Violence (PVDA)/Penal Code.	Parliament passed the Penal Code but with general public reservations. The Law Commission is about to finalise the review of the PDVA.
Ensuring that all perpetrators of GBV are brought to book.	Malawi has the PVDA, Penal Code and The Deceased Estates (Wills, Inheritance and Protection) Act.	Communities should report all GBV cases to the relevant authorities, and the law should be enforced.
Comprehensive testing, treatment and care of survivors of sexual offences - emergency contraception.	All health facilities provide such services, as well as some selected police stations. This is provided in the policy and not the law.	Health facilities and Police Victim Support Units (VSUs) should provide comprehensive testing, counselling and support services for survivors of GBV.
Access to Post-Exposure Prophylaxis for survivors of GBV.	Most health facilities have PEP for survivors of GBV and all health workers are aware that they should provide this service.	Rural health facilities and VSUs do not administer PEP. PEP should be administered at the community level too.
Prevention of sexually transmitted infections (STIs).	Condoms are widely used to prevent STIs. There is also awareness raising on STI prevention in general.	More public education is needed. There is a need to train more people in correctional services: Malawi Prison Service, Malawi Police Service and social workers. There is also need for increased psychosocial rehabilitation for perpetrators.
Social and psychological rehabilitation of perpetrators of GBV	Malawi lacks rehabilitation facilities and services.	
Review of criminal laws and procedures on sexual offences and GBV to eliminate gender bias and ensure that justice and fairness are accorded to the survivor.	Some reviews have taken place; Parliament has not yet approved most of the reviewed laws. The Penal Code has now been passed with the amendments in 2011, The 2006 PDV Act 2006 is under review.	Parliament should speed up the process of passing the laws that it has reviewed.
Human trafficking		
Specific legislation to prevent human trafficking.	A Human Trafficking Bill has been drafted but is yet to be passed by parliament. The Malawi Law Commission and NGOs have been lobbying to have the bill passed.	It is expected that the law will be passed soon.
Mechanisms to eradicate national, regional and international networks that facilitate human trafficking.	There are mechanisms in place, including project-based interventions by NGOs and government but they have been poorly coordinated.	Establishment of mechanisms to deal with human trafficking, ensure law enforcement and public awareness to curb escalation of human trafficking.
Harmonised data collection on trafficking.	There is no harmonised data collection.	Institutions need to collect data systematically on human trafficking.
Capacity building, awareness raising and sensitisation campaigns on trafficking.	Awareness raising is happening but on a minimal scale.	There is need for a comprehensive programme to educate communities on the dangers of human trafficking.
Sexual harassment		
Adopt laws, policies, programmes that define and prohibit sexual harassment.	The Constitution under Section 24 and Penal Code are clear on this, but prove offences in court. Few private sector organisations have policies to curb sexual harassment.	Need to enforce legislation and increase public awareness so that people understand that sexual harassment is a crime.
Gender balance in bodies adjudicating sexual harassment cases.	There are few female magistrates that can adjudicate such cases if they are reported.	More female magistrates are needed.
Support services		
Cases on GBV to be heard in a gender sensitive environment.	Many people are unaware of such procedures although they are in place.	Need for public education on the procedures so that people use them.
Special counselling services.	There are counselling services in VSUs and health facilities.	There is need to increase the number of VSUs and health facilities that have professional staff trained in GBV counselling.

Provisions	What is in place?	What needs to be put in place?
Dedicated and sensitive services provided by police units; health; social welfare.	Yes, they are provided by police and social welfare.	The government needs to increase staff as well as the resources because they are unable to cope with the demand.
Accessible information on services available to survivors of gender based violence.	Information is available, but some people do not know about the services.	There needs to be wide dissemination of information about the available services and an increase in the accessibility of the services, i.e. they need to be located closer to the communities. More paralegals need to be trained to help survivors of GBV.
Accessible, affordable and specialised legal services including legal aid to survivors of gender based violence.	Such services are accessible to some extent, but they are not affordable.	The government should increase the enrolment of law students at the University so that there are more lawyers to work at the Legal Aid Department.
Specialised facilities, including support mechanisms, for survivors of GBV.	There are a few specialised facilities at the national level.	More resources need to be provided to Police VSUs so that they can have such facilities, and at the same time more resources should be invested in establishing temporary shelter for survivors of GBV. More One Stop Centres should also be established.
Rehabilitation and reintegration facilities for survivors of GBV.	No	This is another area that needs resources.
Training of service providers		
Gender sensitisation training for all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials.	The Ministry of Gender, the Judiciary, Police and NGOs have received gender sensitisation training.	The training needs to be intensified so that all relevant officials are trained on gender issues.
Community sensitisation programmes for survivors of GBV.	Yes, sensitisation at community level has taken place with the involvement of traditional leaders and the communities, particularly on the impact of GBV and on reporting procedures.	There is a need to increase raise public awareness to reach all sectors of society, especially those in the rural areas.
Formal training programmes for service providers.	Some service providers are being sponsored for under graduate programmes in universities at in and outside Malawi. They receive training in case handling, psychosocial support and general social work as well as community policing. Workshop training has also been provided.	As more people become aware of the services, the demand has increased. There is a need to scale up training to meet this new demand.

Source: Interviews and reference group meetings.

Prevention



The Protocol provides for measures, including legislation to discourage traditional and cultural practices that exacerbate GBV and to mount public campaigns against these.

The Malawi Constitution, Section 24 (2), invalidates any customary practices that discriminate against women.

Public awareness

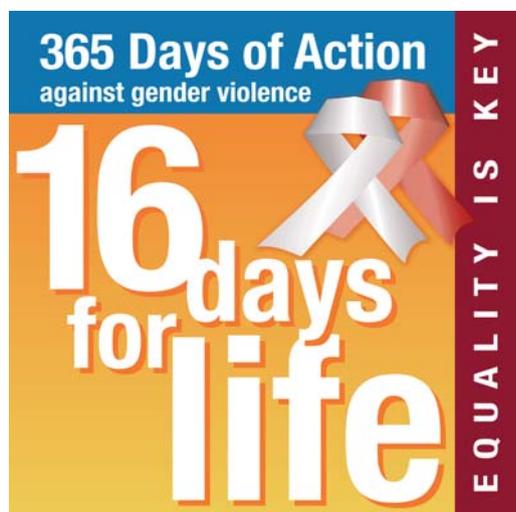
There is awareness of GBV at all levels of Malawian society though there are no statistics on the extent of awareness.

The Government supports a variety of GBV awareness programmes such as safe schools programmes; community mobilisation on HIV and AIDS (Advocacy for Social Justice) and Women's Forum.

The Government and civil society organisations have embraced the 16 Days campaign as an important avenue

for advocating for a violence-free society. The 16 days campaign has also resulted in many more survivors of GBV reporting incidences to the police. Although there has been no plan to extend the 16 Days of Activism campaign to a yearlong campaign under the banner of the 365 Days of Action regional campaign, the government and civil society organisations have implemented GBV programmes throughout the year.

Men have also become involved in the fight against GBV. Since 2003, the Men for Gender Equality Now (MEGEN) has been active in the country and have shared best practices with other partners in the region. Malawi also participates in the GBV Prevention Network, coordinated by Raising Voices of Uganda, which links up NGOs across the African region.



Malawi has recently incorporated its activities within the UN Women led UNiTE campaign to prevent and punish violence against women and girls.

Political will is key

The highest office of the land has demonstrated political will. Apart from the legislation put in place, the late President Bingu Wa Mutharika and incumbent President Joyce Banda have often spoken out against GBV. NGOs have come up with innovative approaches that involve men, traditional leaders and perpetrators.

To realise the SADC Gender Protocol vision of halving the level of GBV by 2015, the researcher reviewed four of the main parties' manifestos. They all have mainstreamed gender equality. Some gender activists claim they may be paying lip service to gender issues, but others see it as an opportunity for advocacy on gender violence.

Role of the media

The media has played an important role in GBV prevention. The media is more often than not part of the problem rather than being part of the solution in their coverage of gender violence. Yet the media has a huge potential role to play in changing attitudes, perceptions, and mind-sets about GBV.

The 2010 Gender and Media Progress Study (GMPS) states that GBV specific stories and stories that mention GBV constitute only 3% of total coverage in Malawi, slightly lower than the SADC regional average of 4%. This is despite the high levels of GBV in the country. Read this section in tandem with Chapter 9 on Media, information and communication.

Integrated approaches



The SADC Protocol on Gender and Development calls on states to adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender-based violence by 2015.

Malawi has adopted a National Response to Combat GBV strategy (2008-2013).

At the launch in 2008, Malawi declared the vision of "A society that is free from GBV" at a ceremony jointly organised by the Ministry of Gender, Children and Community Development (MoGCCD), NGOGCN, and the Network against Gender Based Violence (NAGBV). The NAGBV is made up of government workers, the police, state institutions, the Judiciary, District Assemblies,

and community action groups that do not fall under the category of civil society organisations (CSOs).

The Ministry of Gender, as the overall coordinator of gender activities at the national level, works with CSOs, state institutions, District Assemblies, and community action groups at the community level, as well as traditional leaders in the fight against GBV. The role of the ministry is to coordinate implementation at the policy level, while the MHRRC coordinates the activities

of the NAGBV at the implementation level and NGOGCN, through its Permanent Committee of GBV, which in turn coordinates the activities of other CSOs. This structure recognises the role of bilateral and multilateral donors and other development partners.

Roles and responsibilities

While there is a clear demarcation of roles and responsibilities, there is a lack of financial and human resources to implement all the programmes. The Ministry of Gender, Children and Community Development provide leadership for the action plan. All the line ministries have a GBV focal point, although they are not usually at managerial level. Most managers are responsive to GBV issues although others have been reportedly resistant to the programme.

Despite the progress, huge challenges remain. The main challenge is to scale up activities throughout the country. The government budget only supports service providers like the police and Judiciary, but not civil society organisations' activities.

The majority of service providers need financial resources as well as more technical expertise to address GBV more effectively. Malawi also needs temporary shelters for survivors of GBV as at present survivors have to rely only on services provided by the overstretched Malawi Police Victim Support Units.

Malawi has had only two temporary shelters since the introduction of GBV activities. However these centres closed due to a lack of resources. The only centre that is operational today is one for children who are rescued from streets in Lilongwe City.

Human trafficking

The government is in the middle of formulating an Anti-trafficking Bill. The authorities intensified border patrols through the Department of Immigration and Malawi Police Service.

The country is primarily a source country for men, women, and children subjected to forced labour and sex trafficking. Most Malawian trafficking victims are exploited within the country, though Malawian victims of sex and labour trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and parts of Europe.¹

The government maintained its efforts to ensure forced labour victims' access to protective services and it prosecuted and convicted labour trafficking offenders; however, adults in forced prostitution or forced labour and children exploited in domestic service and prostitution still did not receive adequate attention

and the government prosecuted no such offences during the reporting period.²



Men are taking an active role in campaigns against GBV.

Photo: Gender Links

Monitoring and evaluation

Monitoring and evaluation (M&E) is carried out at all levels. The national technical working group (TWG), which consists of stakeholders who are involved in the GBV response, have conducted M&E at project and macro level. The TWG reports to the Development Assistance Group on Gender (DAGG), which has members from government departments, the donor community, development partners and NGOs.

The National Response to Combat GBV (2008 to 2013) has clear strategies and goals. It replaced the 2002-06 action plan. This current action plan is in line with achieving the targets set out in the SADC Protocol on Gender and Development but the lack of human and financial resources could prevent the targets from being reached.

Formal reporting

Malawi is formalising all the work on GBV issues by first mapping out all the stakeholders throughout the country with programmes to address GBV. The government wants to avoid activities being duplicated and to improve resource allocation. Secondly, TWG is establishing district TWGs, which will in turn establish area-TWGs. The area TWGs will support the Community Action Groups that are already operating in most communities in the country.

In addition, all stakeholders in the GBV response will use a harmonised reporting form, which will be sent to the national data base centre in the Ministry of Gender, Children and Community Development.

¹ http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf
² http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf

Case study: Perpetrator turned educator against GBV

A couple previously living together for a long time in a violent relationship have now become role models in their community combatting domestic violence. The wife said her husband beat her almost every day whenever he was drunk. They tried marriage counselors and the wife left the home to live with her parents on numerous occasions. Each time she left, her husband would seek reconciliation and she would return to their home only to be beaten again. Then, one day the

Malawi Human Rights Resource Centre were working in the area building a Police Victim Support Unit and introducing a Psychosocial support training programme for perpetrators together with survivors of violence. The couple was one of a number of families who benefitted from the initiative and have become role models in their community. They have also been invited to share their experiences in other communities. They have named their last born child "Gender".

Budgetary allocations

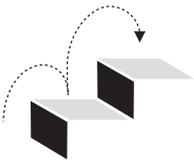
The Malawi government has not directly allocated resources for activities for GBV. The national budget is not gender responsive. The only budget allocation for the GBV response is the budget for the Ministry of Gender, Children and Community Development in the form of Other Recurrent Transactions (ORT).

In 2008, the NGOGCN conducted a comprehensive study, which revealed that the financing given to gender activities was minimal. These findings have also been supported by health and education organisations who have conducted sector-specific gender budgeting analysis.



Poster for prevention of GBV.

Photo: Trevor Davies



Next steps

- There is a need to step up sensitisation campaigns, especially on forms of GBV that are not so well understood, like sexual harassment and GBV against sexual minorities;
- Once parliament passes the bill on human trafficking, sensitisation campaigns need to be stepped up to inform communities about how to use it.
- There needs to be a concerted effort to increase political will and buy in from governments to allocate more resources for addressing GBV.
- Costing of National Action Plan is a first step to accessing budgets.
- Lobby government to collect comprehensive baseline data to measure extent, response, support and prevention of GBV based on the GBV Indicators project piloted in three other countries: Botswana, Mauritius and four provinces of South Africa.