

FOR A WORLD FREE OF VIOLENCE AGAINST WOMEN IN GHANA

July 2002



FOR A WORLD FREE OF VIOLENCE AGAINST WOMEN IN GHANA

WiLDAF – GHANA

Women in Law and Development in Africa
P. O. Box LG 488
Legon

Sub offices: WiLDAF Takoradi LAP: P. O. Box 431, Takoradi

WiLDAF Ho, LAP: P.O. Box MA310, Ho

ACKNOWLEDGEMENTS.

This document was developed as part of the project: “Sensitisation and Capacity Building of judicial and extrajudicial Stakeholders for sustainable implementation of Women’s Rights in West Africa”.

The WiLDAF /FeDDAF’s Sub Regional Office for West Africa is, especially, indebted to the European Commission for its financial support which enables WiLDAF to make available to its members in West Africa, a valuable tool of sensitisation for non legal practitioners who participate in the implementation of women’s rights.

WiLDAF also expresses its warm gratitude to all the people who, in one way or the other, contributed to the publishing of this document.

The material in this document has been largely drawn from the Gender Studies and Human Rights Documentation Centre’s “Training manual on Violence against Women” for which the writer acknowledges.

Written by

DORCAS COKER-APPIAH

Cover.

Conceptualised by: WiLDAF/FeDDAF WASRO

Drawn by: Aldus Informatique, Lomé, Togo.

Printed by

(Name of the printer)

This document was prepared with the financial support of the European Community. The views hereby presented here are those of WiLDAF /FeDDAF and in no way reflects the official view of the European Community



FOREWORD

This module on violence perpetrated against women, " For a World Free of Violence Against Women in Ghana" is prepared by WILDaf/GHANA within the scope of the «Sensitisation and Capacity Building of judicial and extra judicial stakeholders for the effective implementation of women's rights in West Africa» project. The project aims at contributing to the improvement of women's rights effectiveness in 7 West African countries namely: Benin, Burkina Faso, Ghana, Mali, Nigeria, Senegal and Togo.

This module is designed for magistrates and lawyers, police officers and medical doctors. It is complemented with respect to the latter with the «Aide-memoire for practitioners receiving alleged victims of violence». One may wonder why build the capacities of magistrates, lawyers, police officers and medical doctors in terms of violence when they already deal with the effects of violence on a daily basis, in the performance of their respective duties?

This is of course no pretension on the part of a network of NGOs/Associations such as WILDaf/FEDDAF operating in the field of the defence, protection and promotion of women's rights.

We are simply providing these stakeholders with assistance with respect to information and skills with the view to assisting them to more efficiently combat this phenomenon.

This module is a necessary tool to better understand the specificity of violence perpetrated against women, the short, medium, and long-term dramatic consequences for the victim and for society. It also aims at assembling and analysing the existing legal solutions at the national and international levels with respect to the fight against violence. Finally, it explores the concrete strategies capable of being used by magistrates, lawyers and police officers. The challenge is to use to the maximum, all the legal possibilities, to know how to sometimes make up for the lapses and surmount the possible legal obstacles in order to offer the maximum protection to victims of violence.

We hope that it will be very useful to the users and will enable them to contribute more efficiently to the reduction of this scourge which is destroying human resources, swallowing financial and material resources that the society needs for a sustainable development.

Kafui ADJAMAGBO-JOHNSON
Sub-Regional Coordinator of WILDaf/FEDDAF
For West Africa



Table of contents

| | |
|---|----|
| Introduction | 1 |
| Section 1: Defining violence..... | 2 |
| United Nations Definition..... | 2 |
| Defining violence: National research in Ghana | 3 |
| Physical violence | 4 |
| Psychological violence..... | 5 |
| Socio-economic violence | 6 |
| Traditional practices defined as violence..... | 6 |
| Sexual violence | 7 |
| Section 2: Causes of Violence | 8 |
| Section 3: Impacts or consequences of violence..... | 10 |
| Section 4: Responding to violence..... | 16 |
| Part 1: Laws Dealing with violence | 16 |
| Part 2: Dealing with victims of violence..... | 17 |
| a. How do you respond to a woman who comes to you? | 17 |
| b. What help does an abused woman want? | 18 |
| c. What you can do to help an abused woman..... | 18 |
| d. Why some women stay in abusive relationship | 20 |
| e. Strategies for dealing with victims of violence..... | 20 |
| Appendix 1: Profile of Women in Law and Development in Africa (WiLDAF) Ghana | 22 |

FOR A WORLD FREE OF VIOLENCE AGAINST WOMEN IN GHANA

Introduction:

Violence against women is a world- wide phenomenon that is a key factor in women's oppression. It is as old as human beings have been in existence and has been condoned by society in various ways. In fact the term "rule of thumb" is taken from an eighteenth century English law which allowed a man to chastise his wife with a stick not thicker than his thumb. Among some ethnic groups in Ghana and other parts of Africa, as part of the marriage ceremonies, a man is given a symbolic stick to indicate that he is allowed to discipline his wife when she misbehaves. Women in such cases are considered minors and in the same position as children who need to be disciplined.

Violence not only affects the woman but the children, the family and the community as a whole. A woman who has been subjected severe violence is unable to undertake economic activities thereby depriving the family of much needed resources and society her contribution to national development.

In the following pages, we shall attempt to address some of the factors underlying violence, the different forms of violence, consequences or impacts of violence and what can be done as front line practitioners to deal with victims of violence.

SECTION 1

Defining Violence

Over the years, women's rights activists have advocated to bring the issue of violence against women from the private into the public realm. In 1993, at the United Nations Conference on Human Rights held in Vienna, Austria, women's rights activists successfully advocated for the recognition of women's rights as human rights. The conference also came out with a declaration that violence against women is a violation of human rights. Later, the UN general Assembly adopted a declaration which has been accepted worldwide as the official definition of violence against women.

United Nations Definition:

The official Definition of violence against women comes from the Declaration on the Elimination of Violence against Women adopted by the General Assembly of the United Nations in 1993.

“The term violence against women means any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or private life”.

Other details in the Declaration stipulate that violence encompasses but is not limited to:

-Physical, sexual, psychological violence occurring in the family, including battering, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

-Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.

-Physical, sexual and psychological violence perpetrated or condoned by the state wherever it occurs.

(Articles 1 and 2 of the UN Declaration on Violence against Women, 1993)

Important Ingredients of the UN definition of Violence

-First, the definition is a gendered definition of violence, which is crucial to showing that the victims could not just as easily have been men. The risk factor for women is their being female.

-Second, the definition identifies physical, sexual and psychological violence and traditional practices harmful to women, recognizing that there are ranges of violence that can be perpetrated by the state.

-Third, the UN definition recognized that violence is not a neutral thing; it causes harm and or suffering

-Fourth, it recognizes the distinction between the private and public spheres. This is apparent for instance, when personnel from some state agencies refer reported cases of violence, which they consider to be a private matter back to the family.

-Fifth, this definition is also situated squarely within the discourse on human rights. It is particularly important to locate the definition of violence against women within the wider international and national policy agenda indicating that violence is not separated from other policy issues such as governance, citizenship, development, health, education, crime or social care.

In 1998, the Gender Studies and Human Rights documentation Centre carried out a national research on violence against women. During the research, some people thought it was a waste of time as domestic violence was not a problem and that it was a problem only in the developed countries.

Defining Violence: National Research in Ghana

Respondents described a range of behaviours in the discussions of definitions and types of violence. Generally, the behaviours fall into two broad, but related categories. In the first instance, an act is considered to be violent when the perpetrator uses force and/or coercion. [*‘violence is a forceful way of getting something from someone’*] Such acts are perceived to be associated with the absence of consent, brutality, aggression, acts aimed at humiliating or denigrating the person, inhumane treatment and pain

and harm or injury inflicted upon the body. [*‘violence is living with someone and being forced to do things you don’t understand and things that hurt’*] The second category is comprised of acts that do not **directly** resort to the use of force but constitute behaviour that is controlling and dominating. While controlling and dominating behaviour may also be present when force is used, they are distinguished as separate in this categorization because the actions are rendered without the person directly resorting to force. [*‘placing impediments in the way of a person achieving his or her objectives’*] According to respondents, controlling and domineering behaviour generally centres around such themes as deprivation of opportunities and essential needs, discrimination, financial neglect, disrespect and acts that frustrate freedom of movement. [*‘long hours of work for maid servants and step-children, with no food or left over food and having to sleep on the verandah’*] Violent behaviour is generally perceived to reinforce one’s position of power and another’s powerlessness. [*‘being made to feel helpless’*] Acts of violence are further seen to be those actions that have a harmful physical [*‘intentional infliction of pain on an individual’*] or mental effect [*‘forced to do things that cause displeasure’*] on the victim.

Physical Violence

‘inflicting pain or causing harm to somebody with the help of a hand, knife, stick, belt or rope’

‘children need guidance to become responsible adults. Some parents over do it by putting children in ovens and covering them’

Physical violence was one of the most **frequently cited** and thus familiar type of violence for respondents. Definitions and examples of types of violence centred around a **range of actions** that are generally inflicted upon and/or of **consequence to the body**, resulting in **varying degrees of physical damage**. Five themes emerged in the perceptions of physical violence, representing this broad range of actions:

- i) cruel punishment and physical torture**
- ii) forced labour**
- iii) beatings**
- iv) assault with a weapon, and**
- v) death**

Psychological Violence

'if a man refuses to take good care of his wife and always insults her and refuses to talk to her, it hurts her more than if she has been beaten. Such behaviour upsets the women (sic) and leaves them thinking all day thus culminating in mental problems'

The above quotation from a focus group discussion during the research revealed a large **range of behaviours** identified as psychological violence, representing various elements of emotional abuse. Generally, all the behaviours described are either **directed at an emotional level** or they have an **emotional impact**, such as an '*inability to eat or sleep*'. Regardless of the intent or result of the behaviour, the abuse is **used to force someone's compliance or obedience, and/or to control them.**

- i) threatening behaviour
- ii) objectification
- iii) verbal abuse
- iv) infantilization of women

Most of the **threatening behaviour** described incorporates acts that serve to undermine a woman's or child's sense of safety and security. Such behaviour can **generate fear** and most often **uncertainty** in the victim. Threats, bullying and destruction of property were the most frequently cited behaviours perceived to represent this aspect of psychological violence.

Objectification describes the various examples cited that indicated psychological violence is the effect of behaviours that **dehumanize** women and children, such as, a **general lack of recognition** of women and children as people with individual desires and needs. They are behaviours that indicate that women and children are **less valued**. In essence, behaviours that **objectify**, alter a woman or child's sense of value and worth so that they believe and act as though they are **rightless**. As with most other forms of emotional abuse, being the recipients of such behaviour can **cause anxiety, stress, uncertainty and doubt**. The most prominent types of behaviours to surface from the examples cited by respondents were **disrespect and discrimination** or favouritism.

Verbal abuse has numerous components to it according to respondents, **shouting, curses, superstitious labels (i.e. witch), teasing and/or false accusations**. The words of one adolescent capture the intent of many of

these acts, *'using provocative words with the intent of causing misunderstanding'*. Generally, verbal assaults have a **demoralizing** or humiliating tone and zoom in on one's *'weaknesses'*

Infantalization of women is experienced as violence on two levels; on one level are **the emotional consequences of having others determine** both their roles and responsibilities and which of their behaviours constitutes disobedience. At another level are **the emotional consequences of not being able to live up to the roles and responsibilities consigned** to women by society. Having others make decisions for them, supervise and monitor them and treat them in a manner similar to children **erodes their sense of worth, their visibility and tackles their confidence**. Women begin to believe they are incapable of performing certain tasks, of supporting themselves and/or of making decisions.

Socio-Economic Violence

Socio-economic violence is most often described as **deprivation** and encompasses a tension between **essential needs and available resources**. Resources might generally be **unavailable or limited as a result of the economic situation** in the country resulting in high unemployment, deepening levels of poverty and hunger. But the most common experience for women and children was a situation in which men or male heads of households **withheld resources or neglected their responsibilities to provide essential materials**, such as money for food, school fees, clothing or other household materials, regardless of the economic situation. This was most **often done to punish the woman** or to reinforce their head of household status. The **results of this** were most often described as **extreme economic dislocation** that robbed women of choice.

Traditional Practises Defined as Violence

Numerous traditional practises considered harmful to women and children were identified because they **caused or could cause physical damage** or mutilation, such as female genital mutilation, tribal markings and food taboo's for women. [*'women not being allowed to eat chicken, mangoes or eggs when pregnant, or not allowed to eat proper foods for one or two days after giving birth. They prevent her from eating properly by claiming a child will turn into a thief if she eats well'*]. More often traditional practises, or elements of traditional practises were **experienced as a form of psychological violence** because they were experienced by women as **degrading, humiliating and invasive with the perceived effect**

of under- valuing them. Most of the participants were describing **elements of rites that reinforced other's power over them** or strong cultural attitudes that indicated an inferior status of the woman or child.

Sexual Violence

A broad range of behaviours were identified as sexual violence including rape, gang rape, forced sex, defilement, sexual harassment, fondling young girls, prostitution, forced homosexuality and female genital mutilation. Sexual violence is thus understood in **fairly broad terms**, encompassing the whole **notion of consent**.

Some of the issues that arose were:

1. No easy starting point for defining violence in Ghana
2. There is an absence of a culture that clearly states that violence against women and children is wrong and unacceptable. (It is therefore seen as normal, as part of the culture)
3. Violence is often veiled under such terms as chastisement, discipline or correction, which are viewed as both parental and spousal rights.
4. Difficulty and ambivalence in drawing the line between chastisement and abuse.
5. It is generally accepted that women and children can be beaten as a way of training and bringing them up.
6. For some, there is no such thing as violence against women and children.
7. It is acceptable to correct, discipline or chastise women and children so long as the chastisement was seen as being proportionate to the act of disobedience.
8. Chastisement is seen as inappropriate when it was seen as being disproportionate to the act of violence.¹

¹ Taken from Gender Studies & Human Rights Documentation Centre's Training Manual on Gender Violence (not yet published)

SECTION 2

CAUSES OF VIOLENCE

Violence against women is influenced by social attitudes and values which see men as naturally superior to women and make it a man's right to have power over and responsibility to control women's behaviour. What is considered acceptable behaviour is determined by the man and society and failure by the woman to comply with the socially acceptable behaviour leads to violence.

The power exercised by men in an intimate relationship is influenced by the social institution of patriarchy which makes men the dominant sex. Power works hand in hand with control, often viewed as a mechanism or means through which power is restrained, regulated, directed or maintained. Control relies upon various means, such as the threats or the actual use of force and coercion, which can be direct or indirect, to achieve its end. Men use a variety of techniques to control female partners and/or children including, physical force, refusing to provide household money, threatening to take on another wife and with-holding school fees to name a few.

The customary marriage rites where the man presents tokens to the woman's family has been interpreted to mean that the man has bought the woman and therefore she is his property to be dealt with in any way he likes. Women as property raises the issues of:

- A man being the owner
- As an owner the man has the right discipline his wife – this lends itself to sanctioning violence against women under the guise of chastisement, correction, training
- As property women are not seen as equal to men – she is inferior and he superior
- As property women do not have the same rights as other citizens, in other words she is not a full citizen
- Women seen as being less than full citizens do not have the rights to participate in decision-making.
- Seen as property, women are not seen as capable of making inputs.
- Women as property is a notion promoted by tradition, religion, family.

Social structures such as the legal system, the community, including family and friends, educational system, mass media, religion and culture have contributed in many ways to the violent behaviour of men against women. For example, the legal system has often considered violence by men against women as a private domestic matter and therefore is reluctant to press charges, despite the fact that if this same behaviour occurred between strangers on the street, it would be treated as criminal act.

Family members and friends contribute to violence in a number of ways. They make excuses for the man's behaviour. They may refuse to believe the woman. They may pressure the woman to stay to preserve the family unit. Sometimes they blame the woman for the violence committed against her.

The education system also reflects, teaches and therefore perpetuates social attitudes and values about women. Traditionally, women have been steered towards jobs and careers that are inferior in status and remuneration. Family life education has often supported a traditional, rigid patriarchal family structure that sees the father as the head of the household and every one subservient to him.

Religion and culture further reinforce social attitudes and values about women as objects and minors and therefore subject to man's control and discipline. Religion is a particularly powerful tool for social conditioning. The word of God, through any religious doctrine, is presented as and seen to be the truth, unchanging and natural. For example, when a pastor tells the congregation that women were created from the rib of man, therefore they cannot be equal to men and this is God ordained.

Culture is often presented as unchanging. Change is presented as the source of chaos, when in reality culture is dynamic and constantly influenced by our changing world and the dominant world-view of the day. The culture argument is often used when women take up issues of equity and equality.

The mass media also perpetuates stereotypes by representing males as superior, unemotional, powerful, controlled and aloof and representing females as seductive, passive and weak. The stereotypes are harmful as they affect attitudes and expectations of others.

SECTION 3

IMPACTS OR CONSEQUENCES OF VIOLENCE

The different forms of violence have different consequences or impacts on the victim. Below is a table of the consequences. Whilst it is easy to identify the consequences of physical, sexual or economic abuse, it is very difficult to identify those of psychological abuse. Indeed, oftentimes, the impact of physical or sexual abuse has psychological manifestations. Psychological abuse often has long lasting impact, which may need professional care.

| PHYSICAL | PSYCHOLOGICAL | SEXUAL | ECONOMIC | OTHER |
|--|---|---|---|---------|
| Bruises Broken bones Fractures Swollen face Rashes Broken teeth Open wounds STDs/HIV/AIDS Pregnancy Pain Death | Fear, anger, depression, guilty feelings, aggressive behaviour, withdrawal, mood swings, inability to learn, low self esteem, ambivalence, insomnia, internalized blame, Helplessness, hope, isolation, anxiety | Shock, frigidity, promiscuity, inability to build an intimate relationship with anyone, | Loss of income, poverty, neglect to maintain, financial dependence on men | divorce |

The Psychological Experience of the Victim

Fear: Fear is the most predominant feeling that surfaces when working with an assault victim. It rules her actions and colours her every waking moment. It even intrudes and plays havoc with her sleep patterns, causing insomnia and recurrent nightmares. This sleep disruption may lead to dependence on addictive sleeping pills. Her partner may have threatened her with bodily harm or death if she attempts to break the silence or worse, if she considers leaving him. Many women would want to reach out to someone for help but fear the man's threats to harm anyone who intervenes. Many would rather contain the violence in their own home than possibly jeopardize anyone else's safety, which is a tribute to their bravery. Although some people

might consider this trait of self-sacrifice as martyrdom or masochism, it really reflects their concern for others' safety.

Traditional female role conditioning prepares women well for this position of sacrifice. They get the message very early on that they must always put others ahead of themselves in order to fulfill their role of nurturer and caretaker. The role of interveners is to assist them to be as caring, concerned and protective of themselves as they often are for others. Many are immobilized by their terror. It is often the underlying reason why they remain where they are. To deal with the ever-present fear, many deny the horror of the violence and threats and minimize their need for safety.

Low self-esteem: The end result of repeated abuse and victimization is a battered self-esteem. The woman's self confidence, her sense of worthiness and belief in her abilities have all been changed. Most humiliating for her is that she has been beaten by the person she chose to be her husband, the person who was supposed to love, honour and cherish her. She often describes this as her severest blow – the ultimate betrayal.

The more severe the abuse is and the longer it has gone on, the poorer self-image she will have. She begins to believe the names he calls her – stupid, incompetent, ugly and so on.

In the past, she may have threatened to leave or actually fled for a brief time, resolving never to return unless her partner changes. Once on her own, her fears and the cold reality of her single life overwhelm her. Her options are limited and she feels forced to return to an unchanged situation. Her inability to sustain her resolutions of a life without her husband results in more self-blame and lowered self-esteem. She feels beaten once again, and knows her defeat spells victory for her husband.

The woman who voluntarily returns to her husband because he has promised to change can at least feel some measure of control over her life. She is able to return with greater integrity. She has clearly demonstrated to her partner that she is only prepared to be with him if he proves he has changed his abusive behaviour.

Internalization of oppression: When any group believes it is inferior and deserves to be treated badly, this makes it easier for the bad treatment to continue. Such beliefs are sometimes called “internalization of oppression.”

Messages about inferiority of the female comes from many sources like family and friends, children's story books, school books, advertisements and movies. A first experience of victimization becomes complicated when the victim internalizes her oppression.

The abused woman may already see herself as inferior and when she is first assaulted this may act to confirm her suspicion that "something is wrong with me." The woman who has little support in challenging the traditional female role is most vulnerable to remaining in an abusive relationship. The greater her internalization of her oppression, the longer it will take to overcome her victimization.

Internalized Blame: An assaulted woman believes the myths about violence in the home. She often believes she is to blame and might have provoked the violence. She thinks she caused the beating because she might have done something wrong. Her partner asks her repeatedly "why do you make me hit you? If you just do what you're told, this would never happen." She tries to become more perfect, not realizing that the violence has little to do with her behaviour or personality.

Victim thinking is built into the female role. She grows up believing it is her responsibility to make the marriage work, and therefore when something goes wrong she thinks it is her fault. She gets a lot of support for this from her family, friends, professionals and the community. She spends much of her time and everyday planning her life and conversations so she does not upset her husband. This existence is often described as "walking on egg shells." Her feelings of guilt for his violence take him off the hook and perpetuate his use of violence with little or no repercussions.

Ambivalence: The violent partner is not violent all the time. There may be long periods when she feels he is the loving husband. This is the crux of her ambivalence. She wants the violence to end and not her marriage. She hopes he will change. She wants to believe his promises. She thinks she loves him. Her definition of love may be different from ours, but it is hers we must pay attention to.

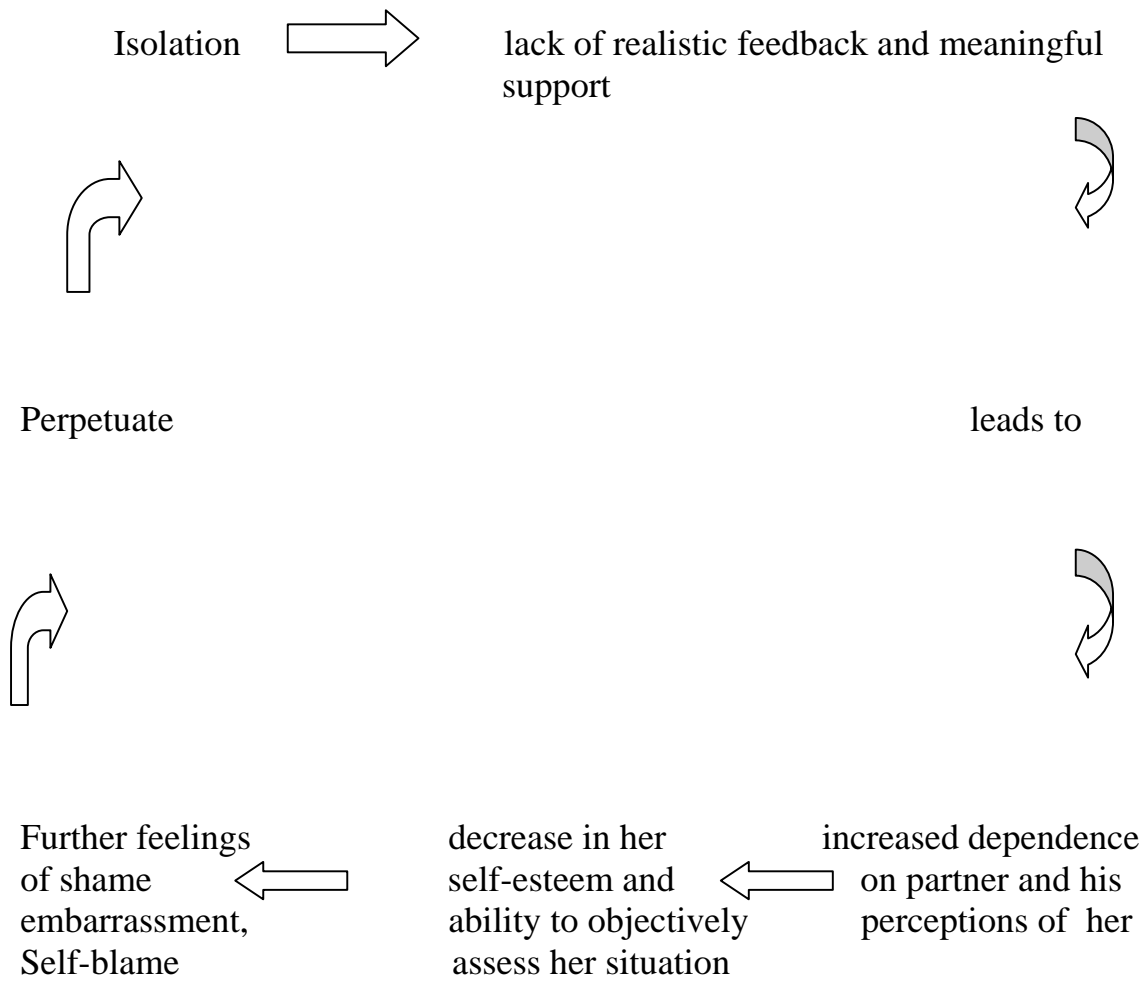
She is also terrified of the prospect of being on her own. Separation from her spouse may bring radical changes in her lifestyle. If she has been a housewife, she may have to look for a job. For a middle or upper class

woman, the drop in standard of living may be dramatic. She may face the harshest adjustments in the event of a separation.

These are real barriers to change, not just for assaulted women, but for most women in our society. Very few women in unhappy marriages – violent or not – have the financial independence to leave their marriages without concerns for supporting themselves and their children. Women who work outside the home still earn on the average only 60 % of what a man earns.

Helplessness: The assaulted woman is often in a state of “learned helplessness.” This means her attempts to control, escape or avoid the violence have been unsuccessful. It brings out a sense of helplessness that leads her to believe that nothing she does will change her situation. Assaulted women often describe an experience of a lack of control of the situation that eventually leads to a chronic state of helplessness, hopelessness and utter despair. The longer the woman is exposed to the abuse, the longer it will take her to overcome the effects of the helplessness. Even though she may have initiated contact with you, it is important to understand that she may think you will be as helpless as she is to change the situation. She sees her partner as all-powerful. You may have to convince her that you can help her change her situation. Until now, nothing has worked.

Isolation: The fears of the assaulted woman for the safety of her loved ones e.g. children keep her quiet. She stays away from a lot of people she knows or can help her because of her shame and embarrassment over the beatings. The few friends or acquaintances in her life are unlikely to know about the reign of terror in home. Even if she attempts to reach out, her partner often sabotages her efforts by controlling her activities and limiting any contacts outside the marriage. He may deliberately alienate her family and friends by rude and obnoxious behaviour. She is unlikely to have any positive connections to rewarding work, childcare, educational or recreational activities. Her social isolation limits her opportunities for realistic feedback that might modify her perceptions of her situation. Her loneliness then serves to increase her dependence on the very person who promotes the isolation. This is a cycle (this could be on transparency).



Minimizing the abuse: Most abused women; especially in their contact with a professional tend to minimize the extent and severity of the abuse. The underlying thinking of the minimization include her fear that talking about it may make her situation worse; her lack of accurate information about what abuse is and who is a victim to it; her need to believe that “it’s not so bad,” as a means of coping with her life until she is ready to deal with the reality and take protective action; her shame and embarrassment about the abuse and her belief that she is responsible for the abuse.

Hope: The assault victim hopes her husband will change and become the husband of her dreams. It is important to convey respect for her dreams of a happy marriage and a good life. She is not unusual. We all have our dreams.

Too often we blame the victim by focusing on questions such as “why does she stay?” again implying there is something wrong with her. We need to view her in a more positive light. It is more helpful to think of her as a courageous woman who survives despite the many obstacles placed in her way. In other words, we should be asking, “where does she find the strength to leave a violent relationship in the face of such odds?”

Mood Swings: Victims of violence can become very unstable emotionally with mood swings that are not situation based. This may make them difficult to understand. One minute the person is laughing, the next minute they are moody. This may injure their relationship depriving them of the needed support.

Anger: This is not often directed at the source of the violence but may be displayed on others. Sometimes it may be directed at the perpetrator and could result in counter violence or even murder. Years after the actual violence the victim may still have a lot of pent up anger and may lash out at others at little provocation. The desire for revenge may be so great that it may cloud the victim’s entire life.

SECTION 5

RESPONDING TO VIOLENCE

PART 1: LAWS DEALING WITH VIOLENCE:

In Ghana, while some forms of violence are considered offences under the Criminal Code, other forms are not catered for. For example, physical violence is considered as a criminal offence of assault and or battery under Section 84 of the Criminal Code. Sexual offences, such as rape, defilement, incest and indecent assault are found under sections 97, 101, 105 and 103 respectively. Conviction for rape, incest and defilement attract a maximum punishment of 25 years imprisonment whilst indecent assault has a maximum sentence of three years imprisonment. Harmful traditional practices such as female genital mutilation and cruel customary practices relating to widowhood rites are found under Sections 69A and 88A of the Criminal Code.

Psychological and economic violence, on the other hand, are not recognised as offences even though the studies found that both are present in most abusive relationships and have more long lasting negative impact on the victim.

The criminal procedures as well as the low success in prosecuting cases of violence are also some of the reasons why victims are reluctant to use the judicial process. The adversarial nature of criminal justice system requires the presence of both the accused and the victim in Court. This leads to the situation where the victim feels intimidated by the accused and or his counsel, or is made to relive the painful and often humiliating experience, especially in rape cases during examination and cross examination.

Currently, the Attorney-General's Office has come out with a draft bill on Domestic Violence which is being discussed by a number of stakeholders. It is hoped that the law, when it finally comes into force will address some of the procedural matters to ensure that the law will be respected and will respond to the needs of victims of violence.

PART 2: DEALING WITH VICTIMS OF VIOLENCE

In the national study on violence carried out by the Gender Centre, one of the findings as to why women do not report incidences of violence was the attitude of the police in responding to them. Additionally, medical cost was one of the reasons why women did not follow up on cases reported. Professionals, whether judges, lawyers, police, medical or social workers are influenced by their environment and other societal influences in their responding to victims who seek their assistance. It is important therefore for professionals to know all about violence against women, understand why women stay in abusive relations and make sure that their response is not shaped by their own attitudes. Professionals are being called upon to be aware of their own attitudes, experiences and reactions to violence and being non-judgemental and objective when dealing with victims.

Doctors and other medical personnel who come into contact with victims of violence are especially being called upon to exercise sensitivity when examining such victims and to ensure that notes taken during the examination are clear and detailed enough to support prosecution.

Below are some of the things professionals need to be aware of in dealing with victims of violence. While some of the information is general in nature, others are more specific to particular groups.

a. How do you respond to a woman who comes to you?

- Make her feel welcome
- Deal with her injuries
- Establish trust and build confidence. Let her know that she can rely on you to keep her secrets safe
- Listen to her
- Put her at ease by talking generally, especially if you know her.
- Use good body language
- Empathise with her
- Do not be too emotionally involved so you will be able to give advice objectively
- Encourage her by interjecting words, a smile or a pat on the hand
- Do not argue with her or interrupt unnecessarily

- If you need to take notes, assure her of the importance of you taking notes so she does not get the impression that you are not listening to her.
- Don't be judgmental
- Be aware of your personal values and how they are going to impact on how you deal with cases.
- Once you enter into a professional relationship with a victim, you cannot be involved sexually. You can become close to the person because some closeness helps to heal her.

b. What help does an abused woman want?

- Apprehend perpetrator
- Get rid of signs of violence on self
- To be listened to
- Want to confide in someone
- To be believed
- Punish the perpetrator/change the perpetrator
- Perpetrator to feel sorry for what he has done
- To feel safe/want a safe place to go
- What support systems are available
- Want perpetrator to be helped
- Want to know about options and to have options
- Close relatives to support her
- To get on with her life

c. What you can do to help an abused woman

The objective of any intervention is to help the abused woman make her own decision. As a resource person working with victims therefore, your main duty is to put all the options before her and allow her to make her choice. Below is a list of things you should or should not do.

DO

- **Believe her:** Accept what the woman is telling you. Do not dismiss her remarks as those of a “hysterical woman”. Tell her you believe her. Affirmation of the woman is of primary importance. Identify the ways she has developed coping strategies, solved problems and exhibited courage and determination. Affirming her strengths, the efforts she has

taken and will take to end the abuse are very important. Believe her and give her credit for being in the best position to evaluate the risks of separation from the abuser. Reiterate, whenever possible that she is not responsible for the abuser's behaviour.

- **Listen and let her talk about her feelings:** Sensitive listening is very important. This may be the first time the abused woman has told her story. The usual experience of abused women is that no one listens to them or takes them seriously. Either as a professional or as a friend, the most effective help you can provide is an open ear. Do not tell an abused woman what she should or should not be thinking. This is all part of being non-judgemental.

- **Give clear messages:**
 - violence is never okay or justifiable
 - the safety of the woman and her children is always the most important issue
 - wife assault is a crime
 - she does not cause the abuse
 - she is not to blame for her partner's behaviour
 - she cannot change her partner's behaviour
 - apologies and promises will not end the violence
 - she is not alone
 - she is not crazy
 - abuse is not loss of control, it is a way of controlling another person

- Talk with her about what she can do to plan for her and her children's safety. Allow her to make her own decisions.
- Help her find the good things about herself and her children
- Know the key resources in the community and how to contact them
- Get her a copy of a community resource list
- Respect her confidentiality

An abused woman needs our support and encouragement in order to make choices that are right for her. However, there are some forms of advice that are not useful and even dangerous for her to hear.

Don't

- Don't tell her what to do, when to leave or when not to leave

- Don't tell her to go back to the situation and try a little harder
- Don't rescue her by trying to find quick solutions
- Don't suggest you try and talk to her husband and try to straighten things out
- Don't tell her she should stay for the sake of the children

d. Why do some women stay in abusive relationships?

Society makes it very difficult for women to leave men who abuse them. A woman may feel she has to stay for reasons such as:

- She fears for her life. Her partner threatens to hurt her or kill her if she tries to leave.
- She cannot afford to move out and support herself.
- She feels responsible for keeping the family together.
- Relatives and in-laws pressurize her to stay.
- He makes her feel guilty and tells her the abuse is her fault anyway.
- He takes away her confidence, so she doesn't think she can make it on her own.
- He promises to never beat her again and he begs her to believe him
- She is ignorant of her rights and option
- She loves her partner and hopes he will change
- She is isolated from family and friends and does not know who to turn to for support
- He threatens that she will not see the children again if she leaves him
- She is ashamed
- She is afraid of societal attitudes
- Because he showers gifts on her
- Because the legal system is expensive and lengthy
- Because she is made to believe it is normal

e. Strategies for dealing with victims of violence

i. The Police

A police officer is usually one of the very first contacts a victim makes outside the home when she decides to report. As already stated, the attitude of the receiving police officer will determine the victim's future actions. Therefore it is important for the police to have an attitudinal

change with regard to violence. In addition to some of the suggestions above, the Police need to be aware of the following as well:

- Where possible, victims of violence, especially victims who have been sexually abused should be received and interviewed in private, away from the general public. Avoid making the victims object of public scrutiny and curiosity.
- Gathering of evidence should be done with as little inconvenience and cost as possible to the victim.
- There is a need to revise the medical form so that medical doctors can give detailed information with regard to the injuries sustained by the victim to ensure good chances of successful prosecution.
- Where possible, victims should be accompanied to the hospital or other medical facility.
- Where required, victims should be assisted or directed to organizations that provide shelters and other services for survivors of gender violence.

ii. Judges and lawyers

The Court atmosphere is usually very intimidating for non-lawyers. The situation is even more so for a victim of violence who is confronted with the perpetrator and is made to relive the painful experience over and over again. Even though defence lawyers are expected to do all in their power to have their clients acquitted, they are not expected to use intimidating tactics on the victim when she is testifying.

Judges are expected to be impartial and ensure that both accused and complainants are given the protection of the law. Unfortunately, sometimes judges are influenced by their socialization and their actions are coloured by their own attitudes and perceptions of women and men.

APPENDIX

PROFILE OF WOMEN IN LAW AND DEVELOPMENT IN AFRICA (WiLDAF) GHANA

WiLDAF is a regional network based in Harare, Zimbabwe. WiLDAF is dedicated to promoting and strengthening action strategies that link law and development to empower women. Currently, WiLDAF has membership in 26 African countries, including Ghana. The specific objectives of WiLDAF include:

- ❖ to establish and facilitate communication among network members in the areas of legal education, law and policy reform and legal services and to further clarify and promote effective ways of using law as an organizing tool at the local, national and regional levels;
- ❖ to provide training and to advise local groups in designing and improving legal programmes and strategies and to co-ordinate the compilation of and exchange of studies and legal research;
- ❖ to establish and maintain a regional emergency response system to respond quickly to serious violations of women's rights.

WiLDAF focuses its activities on four priority issues;

- ❖ fostering rights awareness and action;
- ❖ advocating law and policy reform;
- ❖ access to and control over economic resources and
- ❖ confronting violence against women.

Membership of WiLDAF is open to individuals and organizations involved in women's rights activities. In Ghana, membership is made up of lawyers and women from other disciplines. Some of the organisation members are; FIDA Ghana, Association for Advancement of Women (ASAWA), Women's Research Group of the University of Ghana, Trades Union Congress (Women's Desk, Centre for the Development of People (CEDEP), Green Earth Organisation, United Women's Front (UNIWAF), Gender

Studies and Human Rights Documentation Centre (Gender Centre), Abantu for Development.

2.1 Activities of WiLDAF (Ghana)

Having identified ignorance as one of the factors that hinder the development of women, WiLDAF (Ghana) has focused its activities on a rights awareness programme in the country to address some of the issues.

In line with its objectives, WiLDAF (Ghana) has since September 1992 trained over three hundred women leaders of grassroots organisations on legal education and leadership skills, with a view to:

- ❖ Helping the women articulate their needs by identifying issues which could form the basis for future planning for rights awareness programmes or law reform and
- ❖ Equip the women leaders with the basic knowledge and skills to enable them train their members and their communities to be able to make use of the laws.

These training workshops have been carried out in all but one region of the country. In order to achieve the objectives of the training, participants are:

- ❖ informed about laws affecting women in particular such that they are enabled to disseminate information to others in their groups specifically relating to Intestate Succession, Marriage and Divorce Laws, Wills and Maintenance of children and violence against women. In addition they are informed about rights under the constitution with emphasis on participation in political processes at local, district, regional and national levels;
- ❖ exposed to leadership skills and enabled to practice and internalize skills necessary for working with and managing groups;
- ❖ Enabled through personal growth exercises to raise their self-esteem and develop enough assertiveness to enforce their legal and other human rights.

These trained women, who are referred to as Legal Literacy Volunteers (LLV's) are drawn from grassroots organizations, social groupings, church groups, workplace associations, governmental and non-governmental organizations. These women come from varied backgrounds such as teachers, nurses, community development workers, agricultural extension workers, social welfare officers, non-formal educators, market women etc. The common denominator among the participants is that they all have proven leadership ability in their various groups. Young women leaders are also targeted to take part in the training with a view to encouraging them to take up leadership roles in future.

As follow-up to the training of the volunteers, WiLDAF has set up a Legal Awareness programme in two regions, Western and Volta, to provide legal aid and counseling services to those who cannot afford the services of lawyers.

WiLDAF and its network members carry out various activities in the area of advocacy for women's rights. One of such activities is the commemoration of the 16 days campaign of activism on violence against women in Ghana from November 25 to December 10 each year. WiLDAF also provides capacity building for its network members.