



Exploring Factors that Contribute to the Withdrawal of Domestic Violence Cases -A Case Study of Jali Area in Zomba District.

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ABSTRACT

The purpose of the study was to explore the factors that contributes to the withdraw of domestic violence cases from the Justice system in Malawi. The main objective was to explore factors that contributes to the withdraw of domestic violence cases at Jali, Zomba District the specific objectives was to analyze forms and types of domestic violence experienced by victims at Jali-Zomba District, to assess the perceptions that the victims of domestic violence have toward service providers at Jali-Zomba District and to investigate the causes and factors that fuel the withdraw of domestic violence cases at Jali-Zomba District

. Using a purposive sampling technique, in depth interviews were conducted in Jali and analyzed using a thematic analysis which is followed in a qualitative research design. The study explored and established that victims of domestic abuse rely largely on families and churches in dealing with domestic violence cases and hardly use the law because of various factors such as victims are dependent on their partners for household financial support. Various recommendations were established and these include sensitization of traditional and religious leaders on Domestic violence and the various laws that protect victims and that stakeholders should conduct more workshops and awareness campaigns on domestic violence as well as on the Act itself.

KEYWORDS: Domestic violence, Intimate partner violence, African women Decade

INTRODUCTION

The term Domestic Violence is defined as to any form of physical, sexual, psychological (emotional), and economic abuse that occurs between former, current, or dating partners (Devries KM 2013). Research examining domestic violence and abuse (DVA) have expanded greatly over the past 40 years, yet it is commonly understood a high percentage of DVA cases reported to police are closed due to evidential difficulties where the victim instead of supporting prosecution, large proportion of them withdraw their support early on in their reported cases of DVA (ONS, 2021). Research shows 54.8% of all reported domestic violence cases were discontinued due to the reason that the victims withdrew their support (HMICFRS, 2021). Comparable patterns of withdrawing of domestic violence cases by victims have been consistently shown to contribute towards these unsuccessful prosecutions (Elkin, 2018) where research shows half of all victims never have the intention of pressing charges as the desired outcome is achieved at the point of reporting or the arrest stage (Boivin and Leclerc, 2016; McPhee et al., 2021). Criminal conviction of perpetrators of domestic violence cases remains low with some studies showing only 7.25% of all cases reported resulting in a criminal conviction (McPhee et al., 2021).

Given the high percentages of victims withdrawing the domestic violence cases from the criminal justice system at the point of reporting and/ arrest/prosecution, this study seeks to explore the factors that contribute to the withdraw of the domestic violence cases. Despite there being a low number of victims who reach the point of prosecution, it is important to understand what causes this decision to withdraw, having remained engaged for longer than most DVA victims. Additionally, whilst there has been some quantitative understanding garnered in terms of the frequency and the point at which withdraw occurs, the more nuanced qualitative understanding of motivations behind why victims choose to withdraw remains lacking. This paper addresses this gap by means of analyzing the narratives contained within a PRS which to the knowledge of the author have not been examined previously for this purpose.

The collection of data on domestic violence is challenging because women may not disclose issues of domestic violence as it is regarded as bringing shame to their families. The society discourages women from talking about their experiences of domestic violence to maintain respect from the community (Briere, 20015). In a household survey such as the 2008 MDHS, the collection of sensitive information such as violence in the house, required the establishment of a good understanding between the interviewer and the respondent.

LITERATURE REVIEW

Introduction

With the impact domestic violence has had on communities throughout the world, researchers have utilized more resources into examining the extent and impact domestic violence has on families. A literature review will be conducted on exploring the factors that contributes to the withdraw of domestic violence cases

Health Psychology Research defines domestic violence as the pattern of doing abusive behaviors involving the range of physical, sexual, and psychology to gain power and maintain the misuse of power and authority. In contrast, abuse could lead to injury, psychological harm, or even death (Rakovec, 2014). In addition, domestic violence includes between the husband and wife, girlfriend and boyfriend, gay or lesbian partners, parents and children, and siblings (Huss, cited in Rakovec, 2014). Therefore, domestic violence could happen to all relationships, whether heterosexual or same-sex. It frequently happens to an intimate partner in the household. Most abusers and perpetrators are men, and women are the victims. Thus, it is becoming a problem in public health terms because of the frequency and severity. Hence, domestic violence could happen in any relationship and to anyone, whether heterosexual or not, leading to a severe result (Rakovec, 2014).

Main Empirical literature Review

Watts and Zimmerman (2010) examined violence experienced by women from a global perspective by assessing the most common and severe form of violence against women is violence committed by their husband. They discussed the notion that domestic violence is often due to sex inequality and the unequal balance of power. This notion fits with the patriarchal explanation of domestic violence, explaining the violence as an imbalance of power among males and females in the home. Violence committed by partners is often times used to enforce a man's position in the home and to gain subordination from the woman. Common forms of domestic violence include physical, sexual, and emotionally abusive behaviors. When examining violence such as rape and sexual coercion, the authors found that most forced sex is perpetrated by someone the victim knows such as an intimate partner. The authors suggest that prevention and intervention are necessary in order to help women experiencing violence and that the healthcare sector needs to have involvement in the prevention of further violence against women.

After being abused women report the abusers to the Police, victim support unit to be specific, but when the Police want to take action the very same women come and withdraw the case. (Zoellner 2010), for example, found that emotional attachment to her partner was an important factor in determining a woman's persistence in proceeding with the case. In many jurisdictions, prosecutors routinely drop domestic violence cases because the victim requests it, refuses to testify, recants, or fails to appear in court. In these situations, prosecutors dispose of approximately fifty to eighty percent of cases by dropping the charges. In contrast, where no-drop policies have been instituted, early reports reveal case withdraw rates ranging from ten to thirty-four percent. The controversy surrounding no-drop policies, for the most part, revolves around both prosecutors' and victims' aversion to relinquishing control of the legal process.' Prosecutors fear that scarce prosecutorial resources will be stretched beyond limits and wasted in pursuit of unwinnable cases due to victim nonparticipation. Victims' advocates, on the other hand, fear that no-drop policies will further victimize battered women and undercut efforts at victim empowerment. Moreover, some critics contend that no-drop policies may cause unwanted "side effects," such as increasing risks of retaliation and discouraging victim reporting. Women who reported loving their partner or believing their partner was capable of change were less likely to follow through with the process.

Theoretical Review

The purpose of this review is to concretely examine the corpus of theory that has accumulated in regard to the research concept. The theoretical literature review will help to establish what theories already exist, the relationships between them, to what degree the existing theories have been investigated, and to develop new hypotheses to be tested. Often this form is used to help establish a lack of appropriate theories or reveal that current theories are inadequate for explaining new or emerging research problems. The unit of analysis can focus on a theoretical concept or a whole theory or framework.

Theoretical concepts underlying hypotheses about the factors that lead to the withdrawal of domestic violence cases are important as they inform professionals, Government as well as the society on how they should best respond to reduce or eliminate this social problem. Therefore, it is crucial that practice led initiatives are driven by theory that is supported by good quality empirical evidence (Dixona and Graham-Kevan 2011). This theoretical review aims to provide an outlook of methodologically sound research to understand how domestic violence is best conceptualized, and what the implications of this evidence-based theory hold for practice and policy. A wealth of evidence supporting the need to further explore and respond to the issue of partner violence from a gender inclusive perspective is demonstrated. Implications of the evidence for multidisciplinary work, prevention, assessment, treatment, and policy related to intimate partner violence are discussed. Below is a theory with a backing of empirical literature review that have been conducted concerning domestic violence.

RESEARCH METHODOLOGY

This chapter focuses on the research design and method. The researcher shall use both qualitative and quantitative approach. The chapter also concentrates on the research instruments to be used for data collection, population, sample and sampling techniques that will be used in the study, procedures for collecting data, analysis and interpretation of data and also the ethical considerations that will be considered in carrying out the research

Geographic information

Jali area is flat-like structure located in the remote areas of Zomba district. This community has common property resources such as forests which have been preserved for years with their indigenous knowledge to restrict any destruction of trees. These forests have served interests in bee farming as the community at one point in time had to practice bee farming. However, the practice never sustained due to lack of organizations working in the capacity building on bee farming. Jali community has sandy soil marking a large space of the community of which in most cases, maize has been less productive as compared to other forms of crops. However, the community members are used to growing of maize as the main staple food. The community members also grow other crops such cassava, sweet potato, groundnuts, peas, millet, and sorghum. Due to increased population size at household level, most villagers do not have enough land to farm as such, the community continue to rely on maize cultivation without focusing on other commercial crops like millet, sorghum, peas, and groundnuts.

Research Design

This was a qualitative based research, taking an exploratory-descriptive design. This design was preferred because of the need for comprehensive understanding of the subject of study, *exploring factors that contribute to the withdraw of domestic violence cases* which is relatively new here in Malawi. Exploratory research design seeks to find out how people get along in the setting under questions; what meanings they give to their actions and what issues concern them and in so doing, investigating social phenomena without explicit expectations (Braune & Clarke 2014). In exploratory-descriptive design, the researcher has to find out what was not known using the questions: What are the forms and types of domestic violence experienced by victims at Jali? What are the perceptions that victims of domestic violence have towards service providers at Jali? What are the causes of withdrawing the of domestic violence cases at Jali? What are the consequences of withdrawing domestic violence cases? These questions are the ones that were covered under the exploratory part of the design. After the answers were collected to the above questions, the researcher went on to show the verbal accounts of those given answers, thus illustrating the description part of the design. In this research, the researcher used Webers Verstehen way of how to understand the social phenomena like from the point of view of those people involved

Study Population

A research population can be simply defined as a large assemblage of individuals or objects that is the main focus of a scientific query. Polit and Hungler (2010), refer to the population as a cumulative or totality of all the objects, subjects or members that conform to a set of specifications. This study drew its sample from a population of men and women in Jali area. According to the Malawi population and housing census report (2018), Jali has an approximate population of 124,454 of men, women and children. Out of this number men and boys are approximated to be 58,000, while women and girls are approximated at 66,454. The target population of the study consisted of 40 victims of domestic violence. Thus, it consisted of women directly affected by Domestic violence from within Jali.

Sample size

The sample was drawn from Jali area in Zomba District and consisted of 40 participants who were purposively selected from the Victim support unit registry and social workers' case registry. All participants were adult females, aged 18 and older, who reported to the victim support unit and social workers' office to be physically abused by their partners. The researcher selected names randomly and the participants who willingly took part in the study were added to the list until the sample size reached 40.

RESULTS AND DISCUSSIONS

Table 1.1 Age of Respondents

The first finding of this study contained the age of the respondents, all the respondents interviewed were above the age of 18, and this is the legal age at which an individual can marry in Malawi. As shown in the table below, the respondents it was further observed that the most affected age group as far as Domestic Violence is concerned are women of between the ages of 27 to 40, these are women who have stayed in marriage close to a decade and have children, this age group is also the most productive in the society, they are young. While on the other side, there are also young victims from 18 years and the older victims to 42 years.

AGE OF THE RESPONDENTS	
AGE	RESPONDENTS
18-22	4
23-26	6
27-30	8
31-34	10
35-38	3
39-42	5
	40

Table 1.2 Marital status of Respondents

The respondents were also asked if they were married at the time of data collection, as indicated in the table, the study found that 22 of the 40 respondents were married at the time of data collection. These people being the survivors of domestic violence and still married, it meant at some point there was reporting and later withdrawal of the incidences and be confident enough to stay married

Marital status	Respondents
Single	13
Married	20
Divorced	7
	40

Table 1.3 Education of Respondents

The participants in the study had different levels of education. Literature review of this study have indicated that some victims have faced domestic violence because lack of proper education.

The highest level of education attained by victims was tertiary represented by only one, with half of the participants attending primary school only. From this study it can be claimed therefore that many women are facing violence in the communities because of lack of proper education. The lack of education also means that these women cannot be able to finds jobs and end up being over dependent on their partners.

Education background	Respondents
Never attended	5
Primary school Level	8
JCE	10
MSCE	15
Tertiary	2
	40

Table 1.3 Economic status of Respondents

The respondents were further asked on their economic status to see if they are working or doing business in their communities. This was asked in the study to deduce if it has any impact in fueling domestic's violence cases as documented in the literature review. Eleven participants in the study were not formally employed but doing small businesses, and when asked to highlight on the size of the business regarding its contribution of their daily living, participants explained that as much as their businesses are not big, at least they help them put food on the table. Only 10 of the respondents had jobs in the nearby estates but the jobs are not big enough to provide them with all the necessities.

Occupation	Frequency
Employed	15
Not Employed	8
Self Employed	17
	40

MAJOR FINDINGS

The findings of this study indicate that, while physical abuse was a prevalent phenomenon across the different experiences of abuse, physical threats were also used by abusive men to pacify their spouses. Even though cases handled by some institutions within the area point out that physical abuse is the predominant one there are other forms of violence that are not being reported or are being underreported such as verbal and sexual abuse. Victims of domestic violence are opting for structures such as the family and religious institutions to seek assistance in case domestic violence disputes. The major causes alluded to were the dependency of women on men, socio-cultural factors, economic factors such as poverty, as well as alcohol abuse the study also found that the victims of domestic violence prefer that their cases should not go to Police or courts rather the family members or religious leaders should be resolving them which can be concluded that domestic violence cases are not regarded as police cases but family issues and people prefer to use the socially constructed structures which are the family and the church to resolve their family and marital affairs. The victims also don't

trust the justice system in Zomba as it is not effective in solving domestic violence cases as victims will wait for a long time for the cases to be solved, the justice system has rendered some cases unsolved and some victims have even withdrawn the cases from the institutions responsible.

Furthermore, the findings of the study showed that the majority of the victims withdrew DV cases against their husbands because of economic reasons as they did not want their children to stop school or to stay with hunger if the husband was taken to jail. This was confirmed through the review of case dockets where the withdraw statements of victims were recorded at Jali Police Station. Musika (2014) stated that women have a tendency to withdraw cases if the husband is the breadwinner in the family. Similarly, Nelson (2018) stated that victims of domestic violence are economically dependent on their husbands hence it is difficult for them to proceed with the case but rather withdrawal. The study provided evidence to support the claims that abused women resort to withdraw domestic violence cases if the husband is the breadwinner because they do not want to lose the income from their husbands if convicted. There were 16 out of 30 victims who indicated economic reasons for withdrawal of cases on the withdraw statements. The economic factors were that the victims withdrew cases because the husband is a breadwinner as they were unemployed and lacked personal income. The reasons were one or all of the following; that the victims did not want to be poor or the children to stay away from school or the family to stay with hunger, if the husband is taken to jail. There was also evidence that the majority of the victims who withdrew cases were unemployed which made them economically vulnerable if they stayed alone without the husband.

Chuulu and Chileshe (2001) stated that most victims of domestic violence are in a position of powerlessness and helplessness when compared with their abusers if they do not have a job which provides an income. A job provides an income for an individual and the family which can be used to make ends meet. Therefore, if a woman does not have a job which provides an income, such a woman would opt to withdraw the case against the husband who is the breadwinner

SUGGESTIONS AND RECOMMENDATIONS

Having critically analyzed and explored why victims of domestic based violence withdraw their cases from victim support unit and the root cause of domestic violence, the researcher here by make the following recommendations for further study thus:

a) Stakeholders should conduct more workshops and awareness campaigns on domestic violence.

The findings point out that there is a lack of awareness on the purpose and provisions of the laws that protect victims of domestic violence thus the need for various to conduct incessant workshops throughout within these locations so that both women and men can be on alert of the numerous laws that protect them from domestic violence. Thus it will also give a hand in encouraging victims of domestic abuse to seek legal help and bring the perpetrators to book. And Government should ensure that the institutions handling domestic violence are fully funded to solve the domestic violence cases in the quickest way possible so that the victims can be able to obtain justice when they bring the proceeds to the court

b) Sensitization of traditional and religious leaders on Domestic violence and the various laws that protect victims.

The findings of the study exposed that customary laws and religious laws are among of factors that contribute to the withdrawal of domestic violence cases and also restrain victims from seeking legal assistance as they prefer the former. Thus so as to combat the withdrawal of domestic violence cases there should be training and sensitization of both traditional and religious leaders on the Domestic Violence phenomena as well as the importance of seeking legal assistance. There is need to re-emphasize on the importance of various domestic violence laws such as the Domestic violence Act to traditional institutions and religious institutions. Religious groups being the respected institution in the society should encourage the victims of domestic violence to report the cases to the police. Since some of the victims have withdrawn the cases because of fear of the church leaders or what the church might say to them.

c) c. Empowering women survivors of domestic violence through projects which assist them in looking after their families

Findings of the study highlighted that woman survivors of domestic abuse opt to withdrawal the domestic violence cases from the police so as to seek legal recourse as the institutions available do not endow them with material support to the families affected by violence once the husband is apprehended to the police. For that reason there is need for women centred organizations to engage such women in these circumstances and provide them with capital for in-come generating projects. Families, cultures and the society should stop regarding women as inferior to the society as it is making some men to be abusive towards their wives. The society should empower women through education and business so that they can be responsible in their families. When this is done, women will be encouraged to do business freely while in marriages and also not tolerate.

- The Malawi Police through the Ministry of Gender should undertake extensive sensitization activities targeted at the younger generation for mindset change as this would serve as a preventive measure.

-The government at district level should ensure that there is establishment of accessible shelters for the victims of Domestic violence to ensure the safety of victims to avoid interference with investigations from the assailants.

-The Malawi Police command should ensure that there is continuous training of police officers under the Victim Support Unit on DV case management so that the new police officers should be up-to-date with the current laws and trends, while the already trained are refreshed through the new training packages.

CONCLUSION

The study identified four major factors that contribute to the withdrawal of wife battery cases namely; economic, cultural, social and institutional factors. The study revealed that most of the victims withdrew cases based on economic reasons such as unemployment and lack of personal income while many other victims withdrew wife battery cases because social and cultural reasons such as the love, forgiveness and family intervention. The study also established that the conduct of the police contributed to the withdrawal of DV cases such as failure to preserve evidence, ensure safety of the victim, language used and determination of law enforcement based on the degree of injury.

The study revealed that the current law is adequate to address DV cases. However, there is need to address the implementation mechanism in order to ensure that the families and victims of DV fully benefit from the law that is meant to benefit and protect them. Therefore, law enforcement would be the solution to address the problem of withdrawal of wife battery cases as this would deter perpetual and would-be offenders of such crimes. This action would eventually reduce the number of DV cases being committed.

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