



# “TREATED LIKE FURNITURE”

**GENDER-BASED VIOLENCE AND COVID-19 RESPONSE IN SOUTHERN AFRICA**

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**Cover photo:** Students protest against gender-based violence (GBV) at parliament on June 24, 2020 in Cape Town, South Africa.

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# 1. ACKNOWLEDGEMENT

The sensitivities and sensibilities required to conduct research on gender-based violence within the constraints of states of emergency and lockdowns made collaboration with women's rights organisations imperative. This briefing is therefore the result of collaboration with women's rights organisations in the countries under consideration. For making this briefing possible, Amnesty International wishes to acknowledge the organisations listed in the table below:

<b>MADAGASCAR</b>	
C-for-C	C-for-C <i>Capacity-building for Communities</i>
CECJ	Centre d'Ecoute et Conseils Juridique <i>Listening and Legal Advice Centre</i>
FPFE	Fédération pour la promotion féminine et enfantine <i>Federation for the Advancement of Women and Children</i>
Gender Links	Gender Links
<b>MOZAMBIQUE</b>	
AMCJ	Associação das Mulheres de Carreira Jurídica <i>Association of Women in Legal Careers</i>
AMODEFA	Associação Moçambicana para o Desenvolvimento da Família <i>Mozambican Association for Family Development</i>
AMPDHZ	Associação de Mulheres para Promoção dos Direitos Humanos na Zambézia <i>Women's Association for the Promotion of Human Rights in Zambézia</i>
AMUDZA	Associação das Mulheres Domésticas da Zambézia <i>Association of Domestic Women of Zambezia</i>
ASCHA	Associação Sociocultural Horizonte Azul <i>Horizonte Azul Sociocultural Association</i>
Fórum Mulher	Fórum Mulher <i>Women's Forum</i>
OAF	Organização Arquitetura sem Fronteiras <i>Architecture Without Borders Organisation</i>
ORERA	Associação de Raparigas em Acção <i>Girls in Action Association</i>
PJM	Parlamento Juvenil de Moçambique <i>Youth Parliament of Mozambique</i>
WLSA	Women and Law in Southern Africa Research and Education Trust
<b>SOUTH AFRICA</b>	
CFWM	Cape Flats Women's Movement

CGE	Commission for Gender Equality
GHC	Grace Help Centre
<b>ZAMBIA</b>	
NGOCC	Non-Governmental Organisations Coordinating Council
Women for Change	Women for Change
YWA	Young Women in Action
YWCA	Young women Christian Association
ZAM	Zambia Alliance for Women
<b>ZIMBABWE</b>	
LRF	Legal Resources Foundation
SYS	Shamwari Yemwanasikana
SGDZT	Space for Marginalised Groups in Diversity Zimbabwe Trust
ZWLA	Zimbabwe Women Lawyers Association

# 2. METHODOLOGY

In March 2020, Amnesty International began to conduct media monitoring for government responses to manage COVID-19 in Southern Africa. The pandemic exposed several structural issues, among them the stark absence of effective measures to deal with gender-based violence. From March to July 2020, Amnesty International received reports of growing incidents of gender-based violence during COVID-19 restrictions from partner organisations and women human rights defenders (WHRDs) from across the region.

Between May and July 2020, Amnesty International researchers conducted interviews with 26 WHRDs and representatives of women's rights organisations that provided services to women and girls who are victims and survivors of gender-based violence during COVID-19 restrictions in the countries covered in this briefing, namely Madagascar, Mozambique, South Africa, Zambia and Zimbabwe. Accessibility, cultural and linguistic considerations informed the selection of the countries.

Except in rare cases, it was impossible to directly reach victims and survivors of gender-based violence given the sensitivity of the issue. Fear, isolation, distrust and dependence made victims reluctant to speak out. In some cases, women committed to provide testimonies but withdrew along the way. Therefore, Amnesty International relied on WHRDs and civil society activists who work with victims/survivors of gender-based violence for an indirect entry into their everyday life experiences. Structural constraints – including fear, isolation, distrust, dependence and sociocultural attitudes, beliefs and practices – deter women and girls at risk from telling their stories, thwarting attempts to collect and curate reliable knowledge on gender-based violence.

This knowledge gap is methodologically problematic, part of a deeper problem to be critiqued – the patriarchal discursive practices that silence women and girls, isolating them from sympathetic members of the public and condemning them to the perpetual pain of misogyny. This briefing is therefore significant because it endeavours to fill the enormous gap of information on gender-based violence in the region. Although LGBTI people are often also subjected to gender-based violence, this briefing focuses only on gender-based violence against women and girls during COVID-19 states of emergency/disaster and lockdowns.

Our analysis of state interventions intends to show the ways in which government institutions particularly let women and girls down during the pandemic. The briefing underscores the contours of state failure on obligations to tackle gender-based violence and provide support and access to justice for survivors in the context of COVID-19

# 3. INTRODUCTION

As in many other contexts, in Southern Africa, gender inequality permeates the economic, social and cultural fabric, resulting in low recognition of, and limited opportunities for, women and girls. Poverty and underlying stereotyped gender roles, discriminatory cultural and social norms, attitudes and practices are mutually reinforcing, forming a vicious cycle of perpetual infringement on the rights of women and girls. The emergence of COVID-19 exposed the structural discrimination and inequalities faced by women and girls and their marginal position in society, which underpins the gender-based violence and other human rights violations to which they are subjected. The impact of state responses also had adverse gendered human rights consequences disproportionately affecting women and girls.

The manner in which Southern Africa Development Community (SADC) member states responded to COVID-19 meant that gender considerations were barely factored in. This was not the first time such omissions occurred, as historical gender studies on health policies during epidemics show: “[A]cross the board, gender issues were ignored”.<sup>1</sup> According to the United Nations Population Fund, “in previous public health emergencies, women and girls experience particular and disproportionate impacts, including increased financial inequality, increased risk of gender-based violence and maternal mortality and morbidity, which result from pre-existing gender inequality and structural discrimination”.<sup>2</sup>

The initial governmental responses to COVID-19 in the first two weeks of March consisted of social distancing and hygiene advisories which included handwashing and sanitising. The advisories from individual countries encouraged school and office closure for those who could work from home, and avoidance of social gatherings of more than 100 people.<sup>3</sup> As the virus continued to spread making apocalyptic headlines, SADC member states declared states of emergency/disaster from the third week of March, with varying degrees of lockdowns to contain the spread of the virus.

Alarming rises in domestic violence were reported as lockdowns circumscribed and immobilised people. The result was that many women and girls lived in fear, and for others, there were fatal

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<sup>1</sup> Julia Smith, health policy researcher at Simon Fraser University, cited by Alisha Haridasani Gupta in *New York Times*, 12 March 2020, Why Women May Face a Greater Risk of Catching Coronavirus, <https://www.nytimes.com/2020/03/12/us/women-coronavirus-greater-risk.html>.

<sup>2</sup> United Nations Population Fund, 'New Ebola outbreak hits women and girls hardest in the Democratic Republic of the Congo', September 2018, [www.unfpa.org/news/new-ebola-outbreak-hits-women-and-girls-hardest-democratic-republic-congo](http://www.unfpa.org/news/new-ebola-outbreak-hits-women-and-girls-hardest-democratic-republic-congo).

<sup>3</sup> *Lusaka Times*, Zambia to shut down all schools this Friday as coronavirus outbreak looms, 27 March 2020, <https://www.lusakatimes.com/2020/03/17/zambia-to-shut-down-all-schools-this-friday-as-coronavirus-outbreak-loom/>; *The Herald*, Coronavirus: School closures stir debate, 20 March 2020, <https://www.herald.co.zw/coronavirus-school-closures-stir-debate>.

consequences. Many homes became dangerous enclaves of cruelty. In the first week of the lockdown, the South African Police Service (SAPS) reported receiving over 2,300 calls for help related to gender-based violence.<sup>4</sup> In Mozambique, UNICEF and local NGOs were bracing for a surge in domestic violence during the state of emergency.<sup>5</sup> In Namibia, Windhoek City Police reported an increase in calls to report gender-based violence in the first week of April.<sup>6</sup> In Zimbabwe, local NGOs observed a spike in domestic violence in the first week of the lockdown.<sup>7</sup> As this happened, the UN Secretary General, António Guterres, sounded the alarm: “Lockdowns can trap women with abusive partners... as the economic and social pressures and fear have grown, we have seen a horrifying surge in domestic violence”.<sup>8</sup> On 27 March 2020, the Special Rapporteur on Violence Against Women issued a statement warning governments about the impending harmful effects of the restrictive measures on women and children: “It is very likely that rates of widespread domestic violence will increase, as already suggested by initial police and hotline reports. For too many women and children, home can be a place of fear and abuse. That situation worsens considerably in cases of isolation such as the lockdowns imposed during the COVID-19 pandemic”.<sup>9</sup> In April, the SADC Secretariat issued a statement expressing concern with the shocking increases in gender-based violence in member states, although it did little by way of intervention.<sup>10</sup>



### Declarations of COVID-19 States of Emergency in Southern Africa<sup>11</sup>

In South Africa, President Cyril Ramaphosa declared a state of disaster on 15 March 2020; in Namibia, President Hage Geingob declared a state of emergency on 17 March 2020; in Zimbabwe, President Emmerson Mnangagwa declared a state of disaster on 17 March 2020; in Eswatini, Prime Minister Ambrose Dlamini declared a state of emergency on 18 March 2020; in Malawi, [former] President Arthur Mutharika declared a state of emergency on 20 March 2020; in Madagascar, President Andry Rajoelina declared a state of health emergency on 21 March 2020; in Angola, President João Lourenço declared a state of emergency on 23 March 2020; in Mozambique President Filipe Nyusi declared a state of emergency on 30 March 2020; in Botswana, President Masisi declared a state of emergency on 31 March 2020.

Under states of emergency/disaster, vehicles could only carry passengers between 20% to 60%

<sup>4</sup> Africa check, South African police record 2,300 gender-based violence complaints in first week of lockdown – not 87,000, 09 April 2020 <https://africacheck.org/fact-checks/spotchecks/south-african-police-record-2300-gender-based-violence-complaints-first-week>.

<sup>5</sup> UNICEF, In Mozambique, providers prepare for spike in gender-based violence as COVID-19 spreads, 14 April 2020, <https://www.unicef.org/mozambique/en/stories/mozambique-providers-prepare-spike-gender-based-violence-COVID-19-spreads>.

<sup>6</sup> One Africa TV, GBV cases increase during the COVID 19 lockdown, City Police, 1 April 2020, <https://www.youtube.com/watch?v=7yOttg7WAIA>.

<sup>7</sup> RFI, 'It is going to escalate': Zimbabwe on lockdown records spike in gender violence, 14 April 2020, <http://www.rfi.fr/en/international/20200414-it-is-going-to-escalate-locked-down-zimbabwe-records-spike-in-gender-violence>.

<sup>8</sup> VOA, UN Chief: Coronavirus Pressures Leading to Global Surge in Domestic Violence, 05 April 2020, <https://www.voanews.com/science-health/coronavirus-outbreak/un-chief-coronavirus-pressures-leading-global-surge-domestic>.

<sup>9</sup> UN Special Rapporteur on Violence Against Women, 27 March 2020, States must combat domestic violence in the context of COVID-19 lockdowns – UN rights expert, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25749&LangID=E>.

<sup>10</sup> SADC Secretariat, Statement by the SADC Executive Secretary, H.E. Dr Stergomona Lawrence Tax on COVID-19 and Gender Based Violence and Domestic Violence, April 2020, [https://www.sadc.int/files/8115/8755/0975/Statement\\_by\\_SADC\\_Executive\\_Secretary\\_on\\_COVID-19\\_and\\_Gender-Based\\_Violence-ENGLISH.pdf](https://www.sadc.int/files/8115/8755/0975/Statement_by_SADC_Executive_Secretary_on_COVID-19_and_Gender-Based_Violence-ENGLISH.pdf).

<sup>11</sup> Amnesty International, ARISA. SAHRDN and SALC, 22 May 2020, Open Letter to the Southern African Development Community (SADC), <https://www.amnesty.org/download/Documents/AFR0323922020ENGLISH.pdf>.

of their capacity.<sup>12</sup> Cross border travel – by air, sea and land – was banned except for essential goods.<sup>13</sup> In Zimbabwe, anyone found to have peddled false news would be punished with up to 20 years in prison.<sup>14</sup> In Madagascar, anyone found to have committed “opinion offence”<sup>15</sup> would face imprisonment.<sup>16</sup> In Mozambique, the media could only report official government information, or else risk prosecution and punishment.<sup>17</sup> In Angola, several incidents of police abuse of force have been reported since security forces were deployed to the streets to ensure public compliance with the national response against COVID-19, decreed by President João Lourenço on 27 March.<sup>18</sup>

This report analyses states failures of their obligation to protect women and girls from gender-based violence and to provide support and access to justice to victims and survivors in the context of COVID-19 in Southern Africa.

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<sup>12</sup> ReliefWeb, 27 March 2020, Malawi COVID-19: Situation Update, <https://reliefweb.int/sites/reliefweb.int/files/resources/Malawi-COVID-19-Situation-Update-27.03.20.pdf>; Diggers, 14 March 2020, Government moves to restrict public gatherings in bid to prevent COVID-19, <https://diggers.news/local/2020/03/14/government-moves-to-restrict-public-gatherings-in-bid-to-prevent-COVID-19>.

<sup>13</sup> In Madagascar, on 16 March the government announced the closing of its borders to European countries, and to all countries from 20 March.

<sup>14</sup> *Sunday News*, 12 April 2020, 20 years in jail for fake COVID-19 news, <https://www.sundaynews.co.zw/20-yrs-in-jail-for-fake-COVID-19-news>.

<sup>15</sup> Any opinion about COVID-19 issues to the public, usually via the media, deemed by the authorities to be erroneous.

<sup>16</sup> As per article 91 of the Penal Code which provides prison terms for anyone aiming at compromising public security or creating serious political trouble, or for inciting to hatred against the government

<sup>17</sup> República de Moçambique, *Decreto Presidencial No 11/2020 de 30 março, que Decreta o Estado de Emergencial*, art. 27.

<sup>18</sup> Amnesty International, 15 April 2020, Angola: Activists Prevented from Distributing COVID-19 Essentials, <https://www.amnesty.org/download/Documents/AFR1221462020ENGLISH.pdf>.

# 4. INTERNATIONAL HUMAN RIGHTS STANDARDS

Gender-based violence against women is “violence which is directed against a woman because she is a woman or that affects women disproportionately”.<sup>19</sup> Violence against women has been recognised as a form of gender discrimination, which results from the historically unequal power relations between women and men,<sup>20</sup> and “seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men”.<sup>21</sup> The Committee on the Elimination of Discrimination against Women (CEDAW Committee) considers gender-based violence against women as one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated.<sup>22</sup> According to the Committee, the term *gender-based violence* also strengthens the understanding of this violence as a social – rather than an individual – problem, requiring comprehensive and systemic responses beyond addressing simply individual cases.<sup>23</sup>

Gender-based violence may be domestic, physical, sexual, psychological, emotional, socio-economic and other harmful practices,<sup>24</sup> and can result in serious long-term effects for victims/survivors ranging from “permanent disability or death to a variety of physical, psycho-social and health-related problems that often destroy the survivor’s self-worth and quality of life, and expose her or him to further abuse”.<sup>25</sup>

In its first article, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) specifically defines violence against women and girls as “all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.”<sup>26</sup>

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<sup>19</sup> CEDAW Committee, General Recommendation 19 (1992), para. 1

<sup>20</sup> See the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa, preamble

<sup>21</sup> CEDAW Committee, General Recommendation 19 (1992), para 1.

<sup>22</sup> CEDAW Committee, General Recommendation 35 on gender-based violence against women, updating general recommendation No. 19 (2017), UN Doc. CEDAW/C/GC/35, para 10.

<sup>23</sup> CEDAW Committee, General Recommendation 35 on gender-based violence against women, updating general recommendation No. 19 (2017), UN Doc. CEDAW/C/GC/35, para 10.

<sup>24</sup> UNHCR, Handbook for the Protection of Internally Displaced Persons, p. 194-5, <https://www.unhcr.org/4794b3512.pdf>.

<sup>25</sup> *Ibid.*, p. 196.

<sup>26</sup> Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, art.1 (j).

# WOMEN'S AND GIRLS' RIGHTS

Gender-based violence deprives victims/survivors, most often women and girls, of their inalienable rights of which states have international obligations to respect, protect, promote and fulfill without prejudice or discrimination.<sup>27</sup> Further, the universal and authoritative definition of human rights has laid to rest any doubts whether human rights are inherently and inalienably women's and girls' rights – that is, “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status... [and these] include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more”. Without exception, “everyone is entitled to these rights, without discrimination”.<sup>28</sup> Therefore, gender-based violence violates the human rights of victims/survivors.

The Vienna Declaration and Programme of Action of 1993 recognises violence against women and girls as a human rights violation, which states have the obligation to address: “The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights”.<sup>29</sup> The declaration asserts “the importance of working towards the elimination of violence against women in public and private life”,<sup>30</sup> and “recognises the importance of the enjoyment by women of the highest standard of physical and mental health throughout their life span”.<sup>31</sup> The Declaration on the Elimination of Violence against Women, also of 1993, recognises violence against women and girls as a violation of fundamental rights and freedoms and calls on states and the international community to eradicate it.<sup>32</sup>

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) urges states to take all appropriate measures to “eliminate discrimination against women by any person, organisation or enterprise” and “modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”.<sup>33</sup> The obligation to eliminate gender-based discrimination and violence against women is of an immediate nature and delays cannot be justified on any grounds, including on economic, cultural or religious grounds.<sup>34</sup> States are responsible for preventing and prosecuting gender-based violence by state actors,<sup>35</sup> and have a “due diligence” obligation “to take all appropriate measures to prevent as well as to investigate, prosecute, punish and provide reparation for acts or omissions by non-state actors which result in gender-based violence against women”.<sup>36</sup> Furthermore, the United Nations Special Rapporteur on Violence Against Women argued that the obligation of states to prevent and respond to acts of violence against women with due diligence has become part of customary international law.<sup>37</sup> The Special Rapporteur noted that “the State is obliged to act with due diligence to prevent,

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<sup>27</sup> In 1992 the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clarified that GBV constitutes discrimination within the scope of CEDAW.

<sup>28</sup> UN, Human Rights, <https://www.un.org/en/sections/issues-depth/human-rights/#:~:text=Human%20rights%20are%20rights%20inherent,and%20education%2C%20and%20many%20more.>

<sup>29</sup> Vienna Declaration, art. 18. The Vienna Declaration and Programme of Action was adopted by the World Conference on Human Rights in Vienna on 25 June 1993. General recommendation No. 19: Violence against women by the

Committee on the Elimination of Discrimination against Women: [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3731\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf).

<sup>30</sup> Vienna Declaration, art. 38.

<sup>31</sup> Vienna Declaration, art. 41.

<sup>32</sup> Declaration on the Elimination of Violence against Women, proclaimed by General Assembly resolution 48/104 of 20 December 1993, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>.

<sup>33</sup> CEDAW, art 2 (e) and (f).

<sup>34</sup> CEDAW Committee, General Recommendation 35 on gender-based violence against women, updating general recommendation No. 19 (2017), UN. Doc. CEDAW/C/CG/35, para 21.

<sup>35</sup> CEDAW Committee, General Recommendation 35, paras 21 and 22.

<sup>36</sup> CEDAW Committee, General Recommendation 19, para 9; See also General Recommendation 35, para 24(b).

<sup>37</sup> Report of the Special Rapporteur on violence against women (Yakin Ertürk), “Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women – The Due Diligence Standards as a Tool for The Elimination of Violence Against Women”, UN Doc. E/CN.4/2006/61.

investigate, punish and provide remedies for acts of violence regardless of whether these are committed by private or state actors”.<sup>38</sup>

## **DISCRIMINATION BASED ON GENDER AND SEX**

The CEDAW defines discrimination against women and girls as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

In General Recommendation 19 of 1992, the CEDAW Committee declares gender-based violence as discrimination against women and girls since it affects them disproportionately. While the right to be free from all forms of violence is enshrined in the International Bill of Human Rights, CEDAW and the Maputo Protocol bestow special protection to the rights of women and girls. In CEDAW and the Maputo Protocol, gender-based violence features prominently among the discriminatory practices from which women and girls must be protected. The Maputo Protocol outlaws gender-based violence “against women including unwanted or forced sex whether the violence takes place in private or public”, prohibits “all forms of exploitation, cruel, inhuman or degrading punishment and treatment” against women and girls, and declares that every woman is “entitled to respect for her life and the integrity and security of her person”.<sup>39</sup>

## **DUTY OF DUE DILIGENCE**

The CEDAW Committee, through General Recommendation 35, elaborates and updates General Recommendation 19, adding to state obligations the duty of due diligence to ensure the respect, protection, promotion and fulfilment of women’s and girls’ human rights. Under the due diligence obligation, states have “a duty to take positive action to prevent and protect women from violence, punish perpetrators of violent acts and compensate victims of violence”.

The principle of due diligence is crucial as it provides the missing link between human rights obligations and acts of private persons”.<sup>40</sup> In other words, states cannot wash their hands of gender-based violence because it occurs in private spheres. On the contrary, the duty of due diligence empowers and obliges states parties to intervene to defend and protect women and girls from gender-based violence and prevent it from happening.

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<sup>38</sup> Report of the Special Rapporteur on violence against women (Yakin Ertürk), “Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women – The Due Diligence Standards as a Tool for The Elimination of Violence Against Women”, UN Doc. E/CN.4/2006/61, para 19.

<sup>39</sup> Art. 4.

<sup>40</sup> CEDAW General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en).

# 5. GENDER-BASED VIOLENCE INCREASED DURING COVID-19 RESTRICTIONS

Throughout the region, states responded to COVID-19 with policies resulting in aggravation of gender-based violence, which has already been a significant concern in most member states. The states of emergency/disaster not only isolated women and girls at home with their abusive male partners, but also made them more exposed to gender-based violence in public spaces. Consequently, cases of gender-based violence spiked throughout the region as COVID-19 restrictive measures were tightened and prolonged. Various civil society organisations sounded the alarm about the fast-rising rates of gender-based violence.<sup>41</sup> Police services reported unusually high numbers of calls to report domestic violence in which women and girls were overwhelmingly represented among the victims. These women and girls had been subjected to violence by people known to them – members of their own families. Due to intimate ties between perpetrators and victims and survivors, accurate data on the prevalence of gender-based violence is difficult to ascertain as many victims and survivors fear reporting. While indications reflect an increase in reports during COVID-19, this may still reflect underreporting, especially in rural and marginalised contexts, as some women and girls may have struggled to find a safe space to call, have access to telephones and not knowing who to call.

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<sup>41</sup> In Mozambique the NGOs Forum Mulher, Associação Sócio-Cultural Horizonte Azul (ASCHA), Fórum da Sociedade Civil para os Direitos da Criança (ROSC), Associação Mulher e Lei na África Austral (WLSA) and Associação Mulher Moçambicana de Carreira Jurídica (AMMCJ) launched a joint campaign in June 2020 against the increasing sexual violence against girls and women in the country. <http://forumulher.org.mz/lancada-campanha-contra-violencia-sexual>. Madagascar, C-for-C, Fédération pour la promotion féminine et Enfantine (FPFE) and Gender Links. In South Africa, Grace Help Centre (GHC), Cape Flats Women’s Movement (CFWM), and Commission for Gender Equality (CGE). In Zambia, Young women Christian Association (YWCA), Women for Change, Non-Governmental Organisations Coordinating Council (NGOCC), Zambia Alliance for Women (ZAM), and Young Women in Action (YWA). In Zimbabwe, Shamwari Yemwana Sikana (SYS), Legal Resources Foundation (LRF), Zimbabwe Women Lawyers Association (ZWLA), Space for Marginalised Groups in Diversity Zimbabwe Trust (Space), and Court Officials.

## 5.1 SOUTH AFRICA

The arrival of COVID-19 in early March in South Africa exposed a mixture of pre-existing political, economic and social structural problems such as high rates of poverty, unemployment, crime and violence against women and girls. Intersecting with other structural inequalities, including on the grounds of gender, race, class and sexuality, and deeply entrenched patriarchal and discriminatory attitudes have also been crucial.<sup>42</sup> Since president Cyril Ramaphosa announced the nationwide lockdown on 23 March,<sup>43</sup> which took effect on 26 March to control the spread of the virus, violence against women increased sharply across the country.<sup>44</sup> By mid-June, 21 women and children had been killed by intimate partners in the country.<sup>45</sup>

On 3 April, Police Minister Bheki Cele announced that the police had recorded over 2,300 gender-based violence cases only nine days into the lockdown.<sup>46</sup> According to the Minister, this was extremely and unusually high volume of calls. In June, labour unions added their voice to the outcry about the number of gender-based violence related calls.<sup>47</sup> This coincided with the launch of South Africa's first Gender-based Violence and Femicide National Strategic Plan (GBVF-NSP) in April, which had been underway since April 2019.<sup>48</sup>

One emblematic case was the brutal murder of 28-year-old Tshhegofatso Pule, who went missing on 4 June and was found four days later, 8 June, stabbed and hanged on a tree in Johannesburg while she was eight months pregnant. In his address to the nation on 17 June, President Cyril Ramaphosa referred to gender-based violence as

**Another pandemic that is raging in our country – the killing of women and children by the men of our country... As a man, as a husband and as a father, I am appalled at what is no less than a war being waged against the women and children of our country.<sup>49</sup>**

Rina Van der Berg, the director of Grace Help Centre, a shelter for women survivors of gender-based violence in the mining town of Rustenburg, North West Province, said the shelter has seen

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<sup>42</sup> SaferSpaces South Africa, Gender-based violence in South Africa, (n.d), <https://www.saferspaces.org.za/understand/entry/gender-based-violence-in-south-africa>.

<sup>43</sup> The Presidency of the Republic of South Africa. 2020. "Statement by President Cyril Ramaphosa on escalation of measures to combat the COVID-19 epidemic, Union Buildings, Tshwane", <http://www.thepresidency.gov.za/speeches/statement-president-cyril-ramaphosa-escalation-measures-combat-COVID-19-epidemic%2C-union> Accessed 14-06-2020

<sup>44</sup> PowerFM, 03 April 2020, COVID-19 Lockdown: Police Receive 87 000 Gender-Based Violence Calls, <https://www.power987.co.za/news/COVID-19-lockdown-police-receive-87-000-gender-based-violence-calls>.

<sup>45</sup> The Presidency of South Africa, "Address by President Cyril Ramaphosa on South Africa's response to the coronavirus pandemic, Union Buildings, Tshwane", 17 June 2020, <http://www.thepresidency.gov.za/speeches/address-president-cyril-ramaphosa-south-africa%E2%80%99s-response-coronavirus-pandemic%2C-union-buildings%2C-tshwane-4>; News24.com, "Laws not enough to curb gender-based violence, buy-in needed from men – Justice Minister", <https://www.news24.com/news24/southafrica/news/laws-not-enough-to-curb-gender-based-violence-buy-in-needed-from-men-justice-minister-20200619..>

<sup>46</sup> Africa Check, "South African police record 2,300 gender-based violence complaints in first week of lockdown – not 87,000" 9 April 2020, <https://africacheck.org/fact-checks/spotchecks/south-african-police-record-2300-gender-based-violence-complaints-first-week>

<sup>47</sup> IOL, Rise in gender-based violence during COVID-19 lockdown 'abhorrent', 13 June 2020, <http://www.iol.co.za/news/politics/rise-in-gender-based-violence-during-COVID-19-lockdown-abhorrent-union-49346110>.

<sup>48</sup> Government of South Africa, Ministry of Justice, 2020, National Strategic Plan on Gender-Based Violence and Femicide, <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf>.

<sup>49</sup> The Presidency of South Africa, "Address by President Cyril Ramaphosa on South Africa's response to the coronavirus pandemic, Union Buildings, Tshwane", 17 June 2020, <http://www.thepresidency.gov.za/speeches/address-president-cyril-ramaphosa-south-africa%E2%80%99s-response-coronavirus-pandemic%2C-union-buildings%2C-tshwane-4>.

a huge increase of gender-based violence since lockdown.<sup>50</sup> Before the lockdown, on average the shelter would have 12 women with one or two children. Since the lockdown, the shelter has fully reached its capacity of 30 people, turning away women and children fleeing the violence and abuse by their partners. Van der Berg estimated that if the shelter had greater capacity, over 100 women would be accommodated during the lockdown.

According to Van der Berg who has been providing support services to women survivors of violence for 25 years, the most common forms of violence are rape and beating, aggravated by economically induced frustrations and blocked access to cigarettes and alcohol during the COVID-19 lockdown. She also observed that the abuse has increased since the lifting of the two-month long ban on liquor to prevent the spread of COVID-19.

Lola\* (real name withheld to protect her identity), a resident at the shelter, indicated that she suffered abuse long before the lockdown, but it worsened during the lockdown due to financial problems.<sup>51</sup> Lola woke up one early morning in June to do some household chores. Her partner who was still in bed complained and asked her why she had woken up so early.

**I thought he was playing with me until he slapped me so hard, I fell to the ground, then he grabbed a broom and hit me.<sup>52</sup>**

Lola went to a social worker who counselled the couple which helped improve the situation at home. However, the peace was short-lived. The physical abuse soon started again. The partner beat her twice before she decided to leave and seek refuge at the shelter:

**He slapped me, and I fell to the ground, he dragged me outside and slapped me again and that's when I screamed for help. He let go of my hand when the neighbours came out and I ran to the neighbours. He told me I could run but he would beat me when I returned. I went to the shelter and left my children behind.<sup>53</sup>**

Similarly, Lizia\* (real name withheld to protect her identity), another survivor at the shelter, experienced abuse long before the lockdown, and nearly died.<sup>54</sup> Lizia and her partner lived together for two years in Rustenburg until she could no longer endure the abuse. Whenever her partner came home drunk, he subjected her to abuse and violence, beating her for no reason, mostly targeting her face with his fists. Convinced he could kill her, she fled to the shelter in April. Lizia had a 6-week-old baby when she fled to the shelter. In her own words:

**After he hit me, I told him it was enough and that I could not stand his mistreatment anymore. He told me, 'You can only leave when you are dead'. He said my family would find me dead. I felt miserable and depressed. I had suicidal thoughts. I waited for him to leave the house, then I took my baby and left for good.<sup>55</sup>**

In the Western Cape, the Cape Flats Women's Movement (CFWM) documented a spike in gender-based violence at the beginning of the lockdown, registering the most dramatic surge in the third week of the lockdown.<sup>56</sup> CFWM recorded cases of women trapped at home with partners using drugs who forced them to sell household furniture to buy drugs. According to Caroline Peters, CFWM's director, six days into the lockdown, a woman stood silently crying in queue outside her [Caroline's] office waiting for food parcels to be distributed.

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<sup>50</sup> Amnesty International interview, June 2020.

<sup>51</sup> Amnesty International interview, June 2020.

<sup>52</sup> Amnesty International interview, June 2020.

<sup>53</sup> Amnesty International interview, June 2020.

<sup>54</sup> Amnesty International interview, June 2020.

<sup>55</sup> Amnesty International interview, June 2020.

<sup>56</sup> Amnesty International interview, June 2020.

**I called her aside and immediately she told me about the abuse, that her drug-addicted husband had sent her out to sell stuff so that he could have money to buy drugs. At that exact moment I realised the intersection between gender-based violence and drugs.<sup>57</sup>**

According to Peters, as the lockdown continued, she became overwhelmed with calls for help by women who faced gender-based violence from partners using drugs to the point that it became impossible to accommodate everyone. Before the lockdown, she received ten cases weekly on average; whereas, following the lockdown, she received 21 cases weekly on average. To handle the cases, she set up a WhatsApp group in which victims used code words when they were at risk of an attack. In this manner, women could ask for help unbeknownst to the abuser. This enabled Peters to place women in shelters and secure protection orders. She expressed concern that women remained trapped with abusive partners due to fear and financial dependency.

Peters expressed concern with limited government funding for shelters. This issue was also a major concern for the other WHRDs interviewed in this research. Lack of funding has been a major pre- and post-pandemic problem for shelters seeking to take in women survivors of gender-based violence. Not only were there not enough shelters but the existing ones had limited capacity to house women and children at risk of gender-based violence during COVID-19.

## **5.2 MOZAMBIQUE**

On 1 April 2020, the government announced the implementation of the state of emergency with a raft of restrictive measures to contain the spread of COVID-19. Similarly, in Mozambique, COVID-19 restrictions precipitated an economic crisis, particularly for households living hand to mouth in the informal economy. In these circumstances, in order to eat, family members have to work daily – for example, selling or transporting a variety of goods on the streets and markets in order to buy food. The household income varies between MZN 50.00 to MZN 150.00 (about US\$ 0.70 to US\$ 2.00) per day.

In particular, for women whose livelihoods rely on the informal sector such as, for example, domestic workers, their entire daily profit is used for immediate expenses, and if they fail to make a profit in a day, they are unable to provide basic needs for their family. According to the Women and Law in Southern Africa Research and Education Trust (WLSA), an organisation dedicated to research on women's rights, domestic workers receive very low wages.<sup>58</sup> In the urban centres, domestic workers monthly remuneration varies between MZN 1,000.00 and MZN 10,000.00 on rare cases (about US\$ 14.00 to US\$ 140.00). However, as people could no longer leave their homes to work, their sources of income became inaccessible and their living conditions became increasingly precarious.<sup>59</sup>

Among other things, the reduction in household incomes intensified frustration, tension and stress in families as women and men exerted pressure on each other to generate revenue. An informal trader attested to the situation:

**I feel that the fact of having lost part of my income has affected my relationship. My husband is more nervous; he attacks me and yells at me for no reason.<sup>60</sup>**

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<sup>57</sup> Amnesty International interview with Caroline Peters, June 2020.

<sup>58</sup> Amnesty International interview, May 2020.

<sup>59</sup> Amnesty International interview, May 2020.

<sup>60</sup> Amnesty International with Fórum Mulher, June 2020.

Other factors contributing to the increase of gender-based violence rates during the COVID-19 restrictive measures included the reduction of public transportation and the closure of schools. Maria Amélia, the programs official at AMODEFA,<sup>61</sup> singled out movement restrictions as having significant psychological impact. She indicated that spouses were forced to spend full days together which brought their differences into sharper contrast. Nzira de Deus, the Executive Director of Forum Mulher,<sup>62</sup> remarked that civil society had received unusually greater numbers of domestic violence cases since the start of the state of emergency. Nzira also noted an increase in the number of gender-based violence reports on television and radio. The case that grabbed the national attention was the one in which the husband killed his wife and himself.<sup>63</sup> It was the femicide of Tânia Neves by Júlio Matsinhe on 6 June in Matola district, Maputo province, southern Mozambique.

The human rights activists also indicated that the reduction of public transport capacity had left women exposed to gender-based violence. As Nzira de Deus explained:

**Young women leave work around 5pm and when they return to their homes, especially now that public transport has reduced passenger capacity, it takes a long time to get on a bus. As a result, these women end up staying in the streets waiting for public transportation, a situation that exposes them to avoidable dangers. Many neighbourhoods do not have public lighting, and this is a factor that increases the vulnerability of women to sexual violence.<sup>64</sup>**

The interviewees told us that there was an escalation of gender-based violence as a result of the reduction of public transportation. For example, the case of robbery, torture, rape and murder of a Maputo Central Hospital employee who arrived in her neighborhood late at night due to the scarcity of public transport on 31 May 2020.<sup>65</sup> The activists also referred to this case with concern as emblematic of the risks and hazards to which women were exposed during the state of emergency. As Rosa Bambamba, administrative and finance secretary of SINED,<sup>66</sup> said:

**We saw the news that a health worker was killed after being raped while on the way back to her home. She waited too long for transport, and ended up arriving very late near her home, when she was sexually assaulted, robbed and killed.<sup>67</sup>**

According to WLSA's research coordinator, Conceição Osório, one of the main challenges faced by women with no economic options, particularly domestic workers and essential workers who still had to continue to work during COVID-19 restrictions, was the decrease in public transport to and from work. The state of emergency reduced public transit bus capacity to one third, without increasing the number of buses. Conceição said:

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<sup>61</sup> AMODEFA focuses on family planning, sexual and reproductive health issues including emergency obstetrics care, antenatal and post-natal care, and services dedicated to the prevention, treatment and management of HIV and AIDS.

<sup>62</sup> Forum Mulher is an organisation that promotes economic and socio-cultural transformations, from a feminist perspective, strengthening the actions and political influence of its members and Mozambican civil society, in collaboration with national and international social movements.

<sup>63</sup> Amândio Borges, Agente da PRM mata esposa e suicida-se em Maputo, 7 June 2020, <http://opais.sapo.mz/agente-da-prm-mata-esposa-e-suicidase-em-maputo>.

<sup>64</sup> Amnesty International interviews, June 2020.

<sup>65</sup> Club of Mozambique, Mozambique: Women raped and murdered in Manica and Maputo provinces, 1 June 2020, <https://clubofmozambique.com/news/mozambique-women-raped-and-murdered-in-manica-and-maputo-provinces-161819>.

<sup>66</sup> SINED is the national trade union for domestic workers. The organisation defends the rights of domestic workers throughout Mozambique.

<sup>67</sup> Amnesty International interviews, June 2020.

To go to work, now women are forced to go to the queues of public transport very early, around 4am, but when the bus arrives, the men who have just arrived push the women aside and get ahead. Many women domestic workers ended up arriving late at work, and because of that, they were fired.<sup>68</sup>

Similarly, Rosa Bambamba explained:

They leave home around 4am to go to work, leave work around 7pm and arrive home around 10pm. It is very dangerous to come home late as it exposes these women to street violence. SINED has already received three complaints from women domestic workers who suffered assault and theft of their property while on the way back to their home in Maputo. We have also received information from several cases reported on social networks about attacks suffered by women when they return home late.<sup>69</sup>

### 5.3 ZIMBABWE

In Zimbabwe, gender-based violence was already widespread long before COVID-19, with one in three women aged 15-49 having experienced physical violence, and one in five women having experienced sexual violence since the age of 15, usually by their intimate partner, according to Zimbabwe National Statistics (ZimStats).<sup>70</sup> In 2017, ZimStats stated that “at least 22 women are raped daily in Zimbabwe, translating to almost one woman being sexually abused every hour”.<sup>71</sup> ZimStats data showed an increase of 81% in rape cases between 2010 and 2016. In absolute numbers, from 2010 to 2016, rape cases rapidly increased from 4,450 to 8,069.<sup>72</sup> Clearly, gender-based violence is a pre-existing problem; however, as the statistics below show, the COVID-19 response severely aggravated the exposure to gender-based violence of women and girls.

Musasa Project,<sup>73</sup> an organisation that offers protection services for women who are victims of domestic violence, documented 764 cases of gender-based violence in the first 11 days of the national lockdown. This number increased by 18 to 782 in 13 days compared to an average of 500 per month before the lockdown.<sup>74</sup> On 16 July, the Women’s Coalition reported that by 13 June, the total number of recorded gender-based violence cases by Musasa Project was 2768. Organisations like Musasa Project reported concerns to the media that women were assaulted for asking for food.<sup>75</sup>

Musasa Project’s gender-based violence hotline recorded a total of 2,139 calls from the beginning of the lockdown on 30 March until 27 May, an overall increase of over 75% compared

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<sup>68</sup> Amnesty International interviews, June 2020.

<sup>69</sup> Amnesty International interviews, June 2020.

<sup>70</sup> Country Policy and Information Note Zimbabwe: Women fearing gender-based harm or violence, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/752589/Zimbabwe\\_-\\_Women\\_and\\_GBV\\_-\\_CPIN\\_-\\_v3.0e\\_\\_October\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752589/Zimbabwe_-_Women_and_GBV_-_CPIN_-_v3.0e__October_2018_.pdf); The Sunday News, One Rape per hour, 30 April 2017, <https://www.sundaynews.co.zw/one-rape-per-hour-zimstat/>

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Musasa Project is a Zimbabwean organisation that offers protection services for women who are victims of domestic violence.

<sup>74</sup> Ryan Truscott, 'It is going to escalate': Zimbabwe on lockdown records spike in gender violence, RFI, 14 April 2020, <http://www.rfi.fr/en/international/20200414-it-is-going-to-escalate-locked-down-zimbabwe-records-spike-in-gender-violence>. See also an extensive article in *The Standard*, Lockdown, immunity from law leaves women exposed to GBV, 31 May 2020, [https://www.thestandard.co.zw/2020/05/31/lockdown-immunity-law-leaves-women-exposed-gbv/?utm\\_source=SALO&utm\\_campaign=8da9b38c67-EMAIL\\_CAMPAIGN\\_2020\\_06\\_08\\_06\\_44\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_6d92a15a28-8da9b38c67-400308485](https://www.thestandard.co.zw/2020/05/31/lockdown-immunity-law-leaves-women-exposed-gbv/?utm_source=SALO&utm_campaign=8da9b38c67-EMAIL_CAMPAIGN_2020_06_08_06_44_COPY_01&utm_medium=email&utm_term=0_6d92a15a28-8da9b38c67-400308485)

<sup>75</sup> Ryan Truscott, 'It is going to escalate': Zimbabwe on lockdown records spike in gender violence, RFI, 14 April 2020, <http://www.rfi.fr/en/international/20200414-it-is-going-to-escalate-locked-down-zimbabwe-records-spike-in-gender-violence>.

to the pre-lockdown trends. In a report by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), about 94% of the cases were women, and the most dominant forms of violence were physical (38% of the cases) and psychological (38% of the cases), followed by economic (19%) and sexual (5%). About 90% of the cases were intimate partner violence cases.<sup>76</sup>

As in other countries, women and girls were trapped at home with abusive partners, raising concern about gender-based violence amid forbidden mobility, increased isolation, lack of information, unstable environments, and breakdown of support networks. These concerns range from the failure by government to recognise gender-based violence response as an essential and life-saving service, to difficulties in reporting crimes and accessing justice, to the physical and emotional health of women and girls.

In its 11 April Situation Report, the Women’s Coalition raised concerns with reports of women who were subjected to gender-based violence at home and in communities at large during the lockdown. It mentioned that homes were no longer places of safety for women and girls as they were more exposed to exploitation and gender-based violence, and that the confinement policy was exacerbating already existing intimate partner violence (the most common form of gender-based violence). The Coalition also expressed concern about the drastic reduction in police response to gender-based violence. On 17 June, the Coalition submitted these statistics to Parliament:

Institutions	Number of Cases
ZRP Victim Friendly Unit (VFU)	340
Musasa Project	953
Zimbabwe Women Lawyers Association	210
Padare	67
Family Support Trust	91
Adult Rape Clinic	56
GBV One Stop Centres	241

**Source:** Women’s Coalition, 17 June Situation Report

In a statement issued on 16 April 2020, the National Peace and Reconciliation Commission (NPRC)<sup>77</sup> bemoaned the worrying increase in cases of gender-based violence:

**The NPRC noted a marked increase in Gender Based Violence (GBV) and implores families to take advantage of this lockdown to build sound relationships, mend broken ones, appreciate one another and live in peaceful co-existence. The State is urged, as prescribed by the law, to take all reported cases of GBV seriously and protect all victims and survivors of GBV during this period.<sup>78</sup>**

Speaking to the media, Ekenia Chifamba, an official at Shamwari Yemwanasikana (SYS), an organisation that advocates for the rights of young girls, also lamented the rising number of gender-based violence cases:

**Since the lockdown began, we have addressed more than 12 cases of GBV. This is largely due to the home setups ... For most of the young girls, they are spending most of their times confined in spaces with people close to them...and perpetrators are usually those close to the victims. Also, most women who were**

<sup>76</sup> OCHA: Zimbabwe Cluster Status: Protection (Gender-based Violence) Last updated: 5 Jun 2020 <https://reports.unocha.org/en/country/zimbabwe/card/2XxB9GOV93/>

<sup>77</sup> The National Peace and Reconciliation Commission (NPRC) is one of the five Independent Commissions established in terms of Chapter 12 of the Constitution of Zimbabwe amendment (No 20) 2013. The primary objective of the NPRC is to promote national healing, peace and reconciliation.

<sup>78</sup> Commissions Watch 7-2020 - NPRC - Statement on COVID-19, Mid-Term Review, 16th April 2020, <http://www.veritaszim.net/node/4279>.

**previously abused by their husbands are now spending time with their abusive spouses in the same houses.<sup>79</sup>**

In July, Shamwari Yemwanasikana (SYS)<sup>80</sup> reported to Amnesty International a 20% increase in gender-based violence during lockdown, noting the emergence of a new trend of men reporting gender-based violence, although the overwhelming majority were women. Among the structural factors associated with gender-based violence, SYS highlighted the intensification of economic constraints, the overworking of women in households, inability to buy sanitary pads during menstrual cycles, and anxiety and uncertainty about the future. COVID-19, according to SYS,

**Exposed how fragmented we are as a nation and as organisations working in this sector because organisations were working in the same area and competing instead of complementing each other.<sup>81</sup>**

A magistrate outside of Harare, who preferred not to be named, reported that during the lockdown, the lack of funds and food drove family members to fight with each other, resulting in the court receiving higher numbers of maintenance cases, though she could not cite the numbers.<sup>82</sup> Similarly, Zimbabwe Women Lawyers Association (ZWLA)<sup>83</sup> reported that women had undue pressure to provide for their families (as men could not) and take care of children.<sup>84</sup> Geraldine Rubaya told Amnesty International that by 31 March, ZWLA had received 31 cases of gender-based violence within five days of the lockdown. By mid-August, ZWLA had handled 210 gender-based violence cases.<sup>85</sup> Complaints were mainly from women. In Geraldine's estimation, the real number was likely higher because women and girls faced severe restrictions and could not access services during the lockdown.<sup>86</sup>

Because of travel restrictions imposed in response to COVID-19, some men were locked down in other provinces with no income and unable to return to their families. The Legal Resources Foundation (LRF)<sup>87</sup> confirmed the link between economics and violence, giving an example of Joyce whom they had referred to a shelter. Joyce had called LRF after leaving her house. Her husband had physically assaulted her because of food-related arguments. Since there was insufficient food at home, Joyce had decided to reserve a little to feed the children. One evening, the husband returned home and wanted a meal, and when Joyce could not offer him any food, he physically assaulted her. Lucia Zanhi, the LRF director, said: "If people are fighting over a meal, then it is worth looking at the economic status".<sup>88</sup>

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<sup>79</sup> Lovejoy Mutongwiza, Gender based violence is a pandemic within a pandemic, *Africa at LSE*, 23 April 2020, <https://blogs.lse.ac.uk/africaatlse/2020/04/23/gender-based-violence-in-zimbabwe-a-pandemic-COVID19-virus/>

<sup>80</sup> Shamwari Yemwanasikana provides for and supports the empowerment and emancipation of the girl child in Zimbabwe.

<sup>81</sup> Amnesty International interviews, July 2020. The organisation noted that it faced challenges in reporting the cases to the police. After reporting a case, the response by the police was not efficient. In the first days of lockdown, however, coordination was lacking among organisations.

<sup>82</sup> Amnesty International interviews, July 2020.

<sup>83</sup> Zimbabwe Women Lawyers Association (ZWLA) is a non-profit organisation that seeks to provide legal aid and education to women and communities, lobby and advocate communities, institutions, government and policy makers to be sensitive to women and children's rights.

<sup>84</sup> Amnesty International interview with Geraldine KaRubaya, Strategic Litigation Officer, July 2020.

<sup>85</sup> Amnesty International interviews, July 2020.

<sup>86</sup> Amnesty International interviews, July 2020.

<sup>87</sup> Legal Resources Foundation (LRF) promotes access to justice and human rights in Zimbabwe through legal assistance, legal education and advocacy and strengthening the justice delivery system.

Chipiwa Mugabe, the Director of Space for Marginalised Groups in Diversity Zimbabwe (SGDZT),<sup>89</sup> also confirmed the pressure of economic constraints:

**Families are quarrelling over failure to provide. Prolonged confinement also caused partners in marital relationships to fight as they struggled to pay rent and rates. Tenants are failing to pay rent as payment must be done in American dollars and South African Rands, which many people do not have.<sup>90</sup>**

SGDZT received 170 cases of gender-based violence from the key populations they serve, predominantly LGBTI persons and sex-workers. According to SGDZT, the most common forms of gender-based violence recorded were physical and sexual violence within couples.

Lucia Zanhi indicated that gender-based violence was the most prevalent issue her organisation, LRF, dealt with monthly. Therefore, LRF expected such cases to increase exponentially during the lockdown. As expected, during the lockdown, most of the cases LRF attended to were physical assaults on women and girls.<sup>91</sup> When the courts opened on 11 May, they attended to 386 gender-based violence cases and 243 maintenance cases. Although the courts were not able to provide records of previous cases, a prosecutor noted that this was a sharp increase.<sup>92</sup> However, Lucia underscored that these numbers did not tell the full story of what women and girls went through during the lockdown:

**These numbers say a lot but do not tell the true story about what women were subjected to during the lockdown. Whilst there were increased incidences of reporting, one person could report the case of GBV more than once, whereas for others it was the first time.<sup>93</sup>**

Maria\* (real name withheld to protect her identity), a gender-based violence survivor, said her husband brought his mistress to their matrimonial home during the lockdown. Once there, he expelled Maria to the countryside. It was peculiar that Maria repeatedly said, “I was not beaten; I was only pushed”, which seemed to trivialise the assault and the emotional and economic violence she suffered. In a culture that tolerates violence against women and girls and expects female sacrifice, this is not surprising. Her husband hurled hateful words at her and confiscated her vehicle before expelling her to the countryside, yet she appeared apologetic about his conduct. Maria appeared to be unaware of various forms of gender-based violence as they have been normalised in society.

## 5.4 MADAGASCAR

The situation in Madagascar is not different to the rest of the region. According to a 2012-2013 study conducted by the National Statistics Institute, no category of women have remained unaffected by GBV.<sup>94</sup> According to this study, three out of ten women aged 15-49 reported having suffered at least one type of violence (psychological, sexual, economic and physical), with sexual violence experienced by 14% of girls aged 15-19.<sup>95</sup> Reporting rates are very low, with some studies suggesting that only 5% of female victims of rape report it to the police.<sup>96</sup>

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<sup>89</sup> Space for Marginalized Groups in Diversity Zimbabwe (SGDZT) empowers and enables marginalized groups to participate in decisions that affect their lives.

<sup>90</sup> Amnesty International interviews, July 2020.

<sup>91</sup> Amnesty International interviews, July 2020.

<sup>92</sup> Amnesty International interview with anonymous prosecutor, July 2020.

<sup>93</sup> Amnesty International interviews, July 2020.

<sup>94</sup> Rapport de la République de Madagascar dans le cadre du vingt cinquième anniversaire de la quatrième conférence mondiale sur les femmes et de l'adoption de la déclaration et du programme d'action de Beijing en 2015, 2019, [https://www.uneca.org/sites/default/files/uploaded-documents/Beijing25/madagascar-beijing25\\_report.pdf](https://www.uneca.org/sites/default/files/uploaded-documents/Beijing25/madagascar-beijing25_report.pdf)

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

Frequently, victims avoid approaching the police in order to maintain patriarchal order and harmony within their families and villages.<sup>97</sup> According to the most recent population survey conducted in 2018, one in four women has been a victim of physical violence perpetrated by a current or former partner.<sup>98</sup> The survey also showed that violence against women is socially justified when women defy expected gender roles.<sup>99</sup>

The interviewees maintain that with lockdown measures the reporting rates went further down, but anecdotal evidence suggests that the incidence of violence remained high.<sup>100</sup> Following measures taken by the government to restrict movement due to COVID-19, C-For-C, an organisation whose name stands for capacity-building for communities, working to build the capacity of vulnerable people in Madagascar, compared statistics from April 2019 with those from April 2020 to assess whether domestic violence had increased, and the result was alarming. In one specific area, Andohatapenaka I, in 2019, less than one in three women surveyed were domestically abused, against eight in ten women a year later. According to C-For-C, the rise in poverty is a major factor for this increase in the number of gender-based violence cases during the lockdown period.<sup>101</sup>

On 13 December 2019, Madagascar's Parliament adopted *Law 009/2019* to combat gender-based violence.<sup>102</sup> The law imposes five years of imprisonment for the most serious offences, including "any act of sexual penetration, whatever its nature, committed on the partner or person engaged in a union, by force, coercion or threat",<sup>103</sup> and imprisonment and heavy fines for all other forms of psychological, physical and sexual violence in private and public spheres.<sup>104</sup> Despite the new law, the lockdown has had a severe impact on gender-based violence. As the head of a women's rights organisation FPFE<sup>105</sup> explained:

**Women/girls have become poorer, more dependent, more exposed to gender-based violence. The forced isolation of family members within their homes, the stress caused by confinement, the various shortages due to the difficulties related to the health crisis as well as the fear of being infected with the disease, and various socio-economic problems in the household, cause the explosion of cases of domestic violence. In general, our reports show that domestic violence increases during confinement, but there is also an exceptional decrease in violence in one of our centres, located in a touristic town. According to the head of the counselling centre, the fact that establishments have closed, such as bars, cabarets, etc. has reduced one of the factors increasing violence: the consumption of alcohol.<sup>106</sup>**

On 2 July 2019 authorities launched a free helpline for victims of gender-based violence. The helpline has received more calls than ever during lockdown: the number of victims calling has increased fivefold, going from 50 victims calling the free help line from 25 to 30 April 2020, to 234 victims calling from 1 to 7 June 2020.<sup>107</sup> According to local media reports, in June more than 700

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<sup>97</sup> Madagascar: face aux violences, les femmes appelées à briser le silence

<https://fr.africanews.com/2020/04/11/madagascar-face-aux-violences-les-femmes-appelées-a-briser-le-silence/>

<sup>98</sup> MICS (2018): Violence domestique, <https://www.unicef.org/madagascar/documents/mics-6-2018-violence-domestique>

<sup>99</sup> MICS (2018): Violence domestique, <https://www.unicef.org/madagascar/documents/mics-6-2018-violence-domestique>

<sup>100</sup> Amnesty International interviews, July 2020.

<sup>101</sup> Amnesty International interviews, July 2020.

<sup>102</sup> Law 2019-008 on combatting gender-based violence, available at <https://www.assemblee-nationale.mg/wp-content/uploads/2019/12/Loi-n%C2%B0-2019-008-VBG.pdf>

<sup>103</sup> Article 6, Law 2019-008

<sup>104</sup> Henintsoa Laingo, Madagascar: un pas de plus contre la violence basée sur le genre, 15 January 2020, <https://www.afrik.com/madagascar-un-pas-de-plus-contre-la-violence-basee-sur-le-genre>

<sup>105</sup> Fédération pour la Promotion féminine et enfantine (FPFE) [Federation for the Promotion of Women and Children] – this organisation defends and promotes the rights of women and children in Madagascar.

<sup>106</sup> Amnesty International interviews, July 2020.

<sup>107</sup> COVID-19 et Violence Basée sur le Genre (VBG): Les femmes malgaches brisent le silence, UNFPA website, 20 June 2020, <https://madagascar.unfpa.org/fr/news/COVID-19-et-violence-bas%C3%A9e-sur-le-genre-vbg-les-femmes-malgaches-brisent-le-silence>

calls overall were made to the free helpline.<sup>108</sup> The General director of FPFE, Rova Rabetaliana, told the media that the number of calls received has not stopped increasing throughout the lockdown.<sup>109</sup> Importantly, the police reported that the biggest cause of the violence was linked to economic constraints within household and that tensions exacerbated during lockdown, an observation which corroborates the account of Sariaka Nantenaina from C-for-C.<sup>110</sup> According to the Ministry of Population, there have been approximately 1,440 complaints filed for gender-based violence, with most cases registered during COVID-19 restrictions.<sup>111</sup> While past efforts to tackle gender-based violence through television programmes, other public awareness-raising programmes, and free helplines have shown positive results, local activists regret that victim-support was not considered an essential service during the state of emergency, as victims of gender-based violence could no longer receive visits from social workers and specialised staff. The head of the FPFE told Amnesty International that the centres run by her organisation offer both counselling and legal support, and since the lockdown started, they have been unable to carry out their normal activities:

**The state of health emergency has reduced our ability to take care of victims within the counselling centres. The measures restricting our movements due to COVID-19 have forced us to communication only by phone, with the aim of providing remote support to victims, and it has become a burden for the centres' staff members (who have to pay to make calls) and the victims who sometimes do not even have phones. In some regions, the staff members have been able to welcome victims and provide them with counselling, while respecting the physical distancing rules. But in others, the staff members have had to close the centre, and could only communicate with the victims by phone.**<sup>112</sup>

## 5.5 ZAMBIA

A 2018 Demographic and Health Survey (DHS) in Zambia highlighted that more than one-third (36%) of women aged 15-49 have experienced physical violence at least once since the age of 15, and 18% experienced physical violence within the 12 months prior to the survey. Forty-seven percent of ever-married women have experienced physical, sexual or emotional violence by their current or most recent partner.<sup>113</sup>

Among the countries analysed, Zambia is the odd outlier reporting a decrease in reported cases during the pandemic restrictions compared to the same period in 2019, according to information from Zambia Police Service.<sup>114</sup> Although the organisations interviewed relied on data provided by the Victim Support Unit (VSU) of the Zambia Police Service (ZPS), data from the Young Women's Christian Association (YWCA) showed a different picture.<sup>115</sup>

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<sup>108</sup> Pandémie – Le nombre des appels sur les violences monte en flèche, L'Express de Madagascar, 03 July 2020, <https://www.msn.com/fr-xl/afrique-centre-et-est/madagascar-actualite/pand%C3%A9mie-%E2%80%93-le-nombre-des-appels-sur-les-violences-monte-en-fl%C3%A8che/ar-BB16hsAw?li=AAE8jiv>

<sup>109</sup> Pandémie – Le nombre des appels sur les violences monte en flèche, L'Express de Madagascar, 3 July 2020, <https://www.msn.com/fr-xl/afrique-centre-et-est/madagascar-actualite/pand%C3%A9mie-%E2%80%93-le-nombre-des-appels-sur-les-violences-monte-en-fl%C3%A8che/ar-BB16hsAw?li=AAE8jiv>

<sup>110</sup> Mamisoa Antonia, Madagascar : Violence basée sur le genre - Vingt plaintes des victimes au mois d'avril, 6 May 2020, <https://fr.allafrica.com/stories/202005060652.html>

<sup>111</sup> Pandémie – Le nombre des appels sur les violences monte en flèche, L'Express de Madagascar, 03 July 2020, <https://www.msn.com/fr-xl/afrique-centre-et-est/madagascar-actualite/pand%C3%A9mie-%E2%80%93-le-nombre-des-appels-sur-les-violences-monte-en-fl%C3%A8che/ar-BB16hsAw?li=AAE8jiv>

<sup>112</sup> Amnesty International written interview with the head of FPFE, July 2020

<sup>113</sup> Zambia Statistics Agency, Demographic and Health Survey, 2018, <https://dhsprogram.com/pubs/pdf/FR361/FR361.pdf>

<sup>114</sup> Zambia Police Service Victim Support Unit, July 2020, <http://www.zambiapolice.gov.zm/index.php/112-news/369-1st-qa-ter-gbv-2929>

<sup>115</sup> Amnesty International interviews.

According to information obtained from VSU, there was a decrease of 10% in reported cases in the first quarter of 2020 as compared to the same period in 2019.<sup>116</sup> In an interview,<sup>117</sup> members of the VSU confirmed that there had been a decrease in reported cases in the First Quarter of 2019 (5,584 cases) to 5,040 cases in the First Quarter of 2020, noting that they were still in the process of compiling second quarter cases. At the same time, however, Zambia Alliance for Women (ZAW) mentioned that official reports registered an average of 50 reported cases a day during this period compared to a daily average of 60 cases in the same period in 2019 and 75 cases in the third quarter of 2019.

However, the YWCA which collects its own data at its 15 service centres nationally, observed an upward trend in reported cases of gender-based violence. The organisation recorded a 13% increase in cases with over 2,700 cases for the first quarter of 2019 and over 3,100 for the first quarter of 2020, most of which came after containment measures were announced.<sup>118</sup> YWCA highlighted the fact that, while the Zambia Police Service reported a reduction in gender-based violence cases overall, it recorded an increase in sexual violence cases<sup>119</sup> during the first quarter of 2020.<sup>120</sup>

Four of the interviewed organisations had not documented gender-based violence related injuries or fatalities during the lockdown; however, they expressed concern about intimate partner violence.<sup>121</sup> Zambia Alliance for Women noted that two women and one man had been killed by their spouses during the lockdown – among them, a 36-year-old woman in Maamba district was stabbed to death by her 37-year old husband on 20 April 2020; a 47-year-old man in Lusaka province was murdered by his wife after a marital dispute on 27 April 2020; and a woman in Nchelenge district was killed by her husband on 3 February 2020.

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<sup>116</sup> <http://www.zambiapolice.gov.zm/index.php/112-news/369-1st-qaater-gbv-2929>

<sup>117</sup> Amnesty International spoke to members of the Victim Support Unit who confirmed the decrease in reported cases, however they required clearance from the Inspector General of Police to take any interviews. Amnesty International wrote to the Inspector General of Police requesting interviews with members of the Victim Support Unit. There was no response from his office by the time of publication, despite following up with members of his office.

<sup>118</sup> Amnesty International interviews, July 2020

<sup>119</sup> Zambia Police Service Victim Support Unit <http://www.zambiapolice.gov.zm/index.php/112-news/369-1st-qaater-gbv-2929>

<sup>120</sup> Amnesty International interviews, July 2020.

<sup>121</sup> Amnesty International interviews with Women for Change on 9 July 2020; with Non-Governmental Organisations Coordinating Council (NGOCC) on 30 June 2020; with Zambia Alliance for Women (ZAM) on 8 July 2020; and with Young Women in Action (YWA) on 9 July 2020.

# 6. THE IMPACT OF CLOSURE OF SERVICES ON WOMEN AND GIRLS

Throughout the region, assistance to women and girls subjected to gender-based violence was not treated as an essential service during the states of emergency/disaster. Women and girls and service providers faced severe restrictions of movement. Of the five countries considered in this report, Mozambique, South Africa and Zimbabwe stand out as the ones where support services to women and girls subjected to gender-based violence were not taken into consideration in the design and implementation of measures to control the spread of the virus. As police forces were deployed to enforce the restrictive measures, women and girls at risk of gender-based violence became even more isolated.

## 6.1 SOUTH AFRICA

Miranda Jordan of Women and Men Against Child Abuse (WMACA)<sup>122</sup> did not mince her words in her description of the gender-based violence situation in South Africa: “Femicide is a rampant disease that is festering in our society”.<sup>123</sup> Yet, barriers to the pursuit of justice for victims and survivors of gender-based violence are longstanding and include lack of faith in the criminal justice system and secondary trauma which victims and survivors often suffered at the hands of the police and health services.<sup>124</sup> Furthermore, the stigma around sexual violence and the privatisation<sup>125</sup> of domestic violence as a family matter were cited as contributing factors. A low

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<sup>122</sup> Women and Men Against Child Abuse (WMACA) is a non-profit organisation that defends the rights of the child to end the abuse and gender violence against children in South Africa.

<sup>123</sup> Vincent Cruywagen, Gender-based violence in South Africa an ongoing and visible epidemic, *Daily Maverick*, 14 June 2020, <https://www.dailymaverick.co.za/article/2020-06-14-gender-based-violence-in-south-africa-an-ongoing-and-visible-epidemic/#gsc.tab=0>.

<sup>124</sup> Patience Mpani and Nondumiso Nsibande, “Understanding Gender Policy and Gender-Based Violence in South Africa: A Literature Review”, Soul City: Soul City: Institute for Health & Development Communication, 2015, <https://www.soulcity.org.za/campaigns/gbv/resources/understanding-gender-policy-and-gender-based-violence-in-south-africa-a-literature-review>.

<sup>125</sup> In this context, “privatisation” refers to downloading and outsourcing state obligation to protect the rights of women and girls to families, churches and marriage counsellors.

conviction rate was underscored as a contributor to a culture of impunity for the perpetrators and as a reporting deterrent for many survivors.<sup>126</sup>

Police Minister, Bheki Cele, was criticised sharply for remarks interpreted as an attempt to absolve the police from their duty to protect women and children. On 27 July 2020, speaking during an interview on Power FM, Cele said:

Society needs to rise on this one [GBV]. I can assure you most women that die, don't die on the first attempt, they die on the second or third attempt. Even [Tshegofatso] Pule died on the second attempt. So somebody somewhere must ring the bell, a brother, a sister, a friend to say something bad is coming.<sup>127</sup>

On the following day, 28 July, Minister Cele reiterated his remarks on eNCA, a local television station:

The statistics tell me that in the previous year, 30,000 women were raped in the home and places where they are supposed to be safe. Tell me, what must the police do if you are raped by your own husband or boyfriend, an uncle? The core issue is a societal problem.<sup>128</sup>

The Minister laid the blame of gender-based violence at the feet of family and friends. "Where are friends and family?" he said, implying that friends and family, and not the police, held the primary responsibility of protecting victims and survivors of gender-based violence. However, police have an obligation to investigate and bring cases to court for prosecution. Victims that spoke to Amnesty International blamed the police for secondary victimisation and dismissing their cases. Cele spoke after over 20 women had been brutally killed during lockdown between May and June. His reaction is symptomatic of systematic and institutional conditions within which violence against women and girls is not taken seriously in the country.

This also explains the fact that the government was slow to recognise the needs of women and girls exposed to gender-based violence as key priorities requiring essential services. This came to public attention when Altecia Kortje and her daughter Raynecia of Western Cape were murdered by their husband and father respectively on 19 June after the police failed to secure them a protection order a week earlier. According to reports, Kortje had allegedly sought a protection order from the Bellville magistrate's court one week before her death because she feared for her life.<sup>129</sup> The court had turned the mother and daughter away telling them to come back after COVID-19 restrictions had been lifted.<sup>130</sup> A protection order is aimed at preventing the reoccurrence of domestic violence or sexual harassment by stating what conduct the alleged offender must refrain from doing. It is sought by a victim of domestic violence from the magistrate's court through the police. As long as the alleged perpetrator complies with the protection order, the complainant will be safe. If the respondent contravenes any stipulation of the protection order, they may be arrested. Once a protection order is granted, it is enforceable throughout the country. However, some victims still endure abuse at the hands of their abusive partners even in instances where there is a protection order. Deputy justice minister John Jeffery later announced that the matter had been referred to the office of the public protector to probe what actually transpired when Kortje was allegedly turned away from Bellville magistrate's court.

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<sup>126</sup> Ibid.

<sup>127</sup> Power FM, Cele: Women don't die from GBV on first attempt, 27 July 2020, <https://www.power987.co.za/news/cele-women-dont-die-from-gbv-on-first-attempt>.

<sup>128</sup> eNCA, In conversation with Bheki Cele, 28 July, <https://www.enca.com/news/watch-in-conversation-with-bheki-cele>.

<sup>129</sup> <https://www.timeslive.co.za/news/south-africa/2020-06-22-a-suspect--a-call-for-help-inside-the-murders-of-altecia--raynecia-kortje/>

<sup>130</sup> News24, Public Protector to investigate if murdered Cape mom was turned away when seeking restraining order, 19 June 2020, <https://www.news24.com/news24/southafrica/news/public-protector-to-investigate-if-murdered-cape-mom-was-turned-away-when-seeking-restraining-order-20200619>

In June 2020, a man was charged with premeditated murder for the killing of a Soweto woman who was found hanging from a tree while she was eight months pregnant, after she had gone missing.<sup>131</sup> Her family had initially expressed frustration with the criminal justice system after the suspected perpetrator did not to appear in court physically due to COVID-19 related risks.<sup>132</sup>

Gender-based violence survivors are blaming authorities for the prevalence of impunity amid the rise in cases. One Cape Town woman said that: “The system is failing victims which is why most people who have been through this don’t speak out; they are too scared”.<sup>133</sup> Human rights defenders attributed these institutional failures to poorly trained police force and justice system officials on gender-based violence.<sup>134</sup>

## 6.2 MOZAMBIQUE

In Mozambique, one of the prevalent forms of gender-based violence has been child marriage, wherein socioeconomic conditions shape parents’ attitudes and practices. Civil society activists interviewed for this briefing noted that isolation during the state of emergency, notably school closures, increased the risks of forced marriages and early pregnancy for girls. It is worth noting that the function of schools is not limited to learning – schools are also sanctuaries for girls who are under family pressure to marry. With the closure of schools, child and early marriages continue to happen. The girls also face the risk of early pregnancy as access to counselling and contraceptives in hospitals is limited and reduced compared to the period before the state of emergency.<sup>135</sup> Nzira de Deus of Fórum Mulher remarked that:

**We regularly hear about cases of gender-based violence, particularly through local media. Despite the lack of data, we know that sexual violence and abuse against minors increased significantly during this period. Many people do not want to report it or don't know how to report.**<sup>136</sup>

Elvira Domingos at ORERA<sup>137</sup> also expressed concern:

**We fear that girls are being forced to get married in this period of quarantine. Child marriage is a major challenge in the province of Niassa. Three in five underage girls are forced to get married. When we carried out awareness campaigns against gender-based violence in schools, we talked to the girls and mediated with their families.**<sup>138</sup>

The women human rights defenders (WHRDs) interviewed in this study highlighted the customary exclusion of women from decision-making spaces and processes, which is itself a detrimental sociocultural practice. The discrimination and exclusion of women from the design and implementation of the measures to control the spread of COVID-19 resulted in women and

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<sup>131</sup> Tankiso Makhetha, Tshegofatso Pule’s family left frustrated by court delay, *Sowetan*, 9 July 2020, <https://www.sowetanlive.co.za/news/south-africa/2020-07-09-tshegofatso-pules-family-left-frustrated-by-court-delay>.

<sup>132</sup> Tankiso Makhetha, Tshegofatso Pule’s family left frustrated by court delay, *Sowetan*, 9 July 2020, <https://www.sowetanlive.co.za/news/south-africa/2020-07-09-tshegofatso-pules-family-left-frustrated-by-court-delay>. According to the National Prosecution Authority (25 September 2020), the accused would have appeared through video link due to the national lockdown. This explains why the media reported that he never appeared in court.

<sup>133</sup> Athandile Siyo, “GBV activists protest for killing of women, kids and LGBTI+ community to stop”, *IOL*, 1 July 2020, <https://www.iol.co.za/capetimes/news/gbv-activists-protest-for-killing-of-women-kids-and-lgbti-community-to-stop-50218480>.

<sup>134</sup> Amnesty International interviews, June 2020.

<sup>135</sup> Amnesty International interviews, June 2020.

<sup>136</sup> Amnesty International interviews, June 2020.

<sup>137</sup> Associação de Raparigas em Acção (ORERA) [Girls in Action Association]

<sup>138</sup> Amnesty International interviews, June 2020.

girls' needs and rights not being factored in these policies. Since men monopolised the design and implementation of the measures to contain the spread of the virus, the views and needs of women and girls were excluded, resulting in lack of consideration for the possible adverse impact of the restrictive measures on the health, safety and well-being of women and girls.

The WHRDs highlighted that state responses to COVID-19 lacked provisions to ensure the safety, health and wellbeing of women and girls. All COVID-19 documents on the websites of the Ministry of Health; Ministry of Gender, Children and Social Welfare; Ministry of the Interior and the Office of the President lacked provisions to guarantee women's safety, health and wellbeing. At the end of the COVID-19 state of emergency, the President presented a report to the public on the state of COVID-19. The report made no reference to measures put in place during the state of emergency to protect the safety, health and wellbeing of women and girls. The report also makes no reference on the adverse impact of the COVID-19 state of emergency on women and girls despite this being a major issue.

### 6.3 ZIMBABWE

In Zimbabwe, the pandemic disrupted most services to women and girls in need, including victims of gender-based violence. Women activists and human rights defenders were unanimous in their affirmation that referral support services and access to other services had been disrupted. They pointed out that access to support services for survivors of gender-based violence had been constrained due to restrictions on mobility and reduced availability of public transport. The Women's Coalition noted that the few operating buses from Zimbabwe United Passenger Company (ZUPCO)<sup>139</sup> stopped only at designated stations, resulting in people walking longer distances to reach services, while the commuter omnibuses, usually more affordable and with a wider geographical reach, remain suspended in line with the social distancing regulations.

The activists also pointed out that shelters for gender-based violence survivors and other services were not designated as essential services. Mobility restrictions impact the survivors' access to shelters – the essential services permit was required to travel to the city to report cases to the police; without this permit, many victims were confined at home. The government has not instituted any hotline to respond to gender-based violence. There is a hotline ran by the Legal Resources Foundation, a private organisation, but its effectiveness was hampered during lockdown because it belonged to mobile phone company Econet Wireless. As a result, those with Econet mobile lines could phone for free whilst those on other networks encountered charges. The activists remarked that the country lacked an official state-owned and managed hotline. The lockdown resulted in de-prioritisation of the provision of services by the government.

Restrictions on mobility left women unable to access sexual and reproductive health services such as emergency contraception, pre-exposure prophylaxis (PrEP)<sup>140</sup> and post-exposure prophylaxis (PEP),<sup>141</sup> which tended to exacerbate health risks such as unwanted pregnancies and childbirth complications.<sup>142</sup> Some victims of rape were unable to access clinical management of rape services.<sup>143</sup> The Centre for Sexual Health and HIV AIDS Research (CeSHHAR) is a major

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<sup>139</sup> Government owned public transporter, the only one allowed to ferry passengers.

<sup>140</sup> Pre-exposure prophylaxis (PrEP) is an HIV prevention method in which people who do not have HIV take HIV medicine daily to reduce their risk of getting HIV if they are exposed to the virus. See <https://www.hiv.gov/hiv-basics/hiv-prevention/using-hiv-medication-to-reduce-risk/post-exposure-prophylaxis>.

<sup>141</sup> Post-exposure prophylaxis (PEP) is a short course of HIV medicines taken very soon after a possible exposure to HIV to prevent the virus from taking hold in your body. See <https://www.hiv.gov/hiv-basics/hiv-prevention/using-hiv-medication-to-reduce-risk/post-exposure-prophylaxis>.

<sup>142</sup> Amnesty International interviews, July 2020.

<sup>143</sup> Amnesty International interviews, July 2020.

provider of free basic health services to many Zimbabweans; however, during the lockdown, CeSHHR was closed and victims of gender-based violence were left unattended.

In the first weeks of the lockdown, even non-governmental service providers faced severe restrictions. In the first 21 days, SGDZT could not work having been classified as a non-essential service provider. SGDZT relied on the internet to offer services, yet most of the beneficiaries lacked internet access. Women in need could not physically access shelters and other service providers who could help.<sup>144</sup>

The WHRDs informed Amnesty International that the courts and referral services for women in need were closed. Geraldine at ZWLA mused that under the lockdown, *“You can only get the know-how, but you can’t get the service”*.<sup>145</sup> Unable to visit the police station to report their case, many survivors resorted to the civil route through the courts. However, due to restrictions, they could not come to court to get a protection order. ZWLA drafts legal pleadings for litigants to take to the courts; however, since these are long documents, they could not be drafted – not even online because many victims lack internet access. Civil protection orders were not classified as urgent, so women were not able to get protection through the civil route. Regrettably, the police were reluctant to detain people during the lockdown because they also feared that those detained might spread COVID-19.<sup>146</sup>

To a greater or lesser extent, the channels of information dissemination, notably social media, excluded women as many of them lack smart phones. However, all non-governmental service providers were left with no choice but to disseminate information through social media. Deployed on the Econet Wireless line, the gender-based violence hotline was free to Econet Wireless users but expensive for non-Econet users.<sup>147</sup>

## 6.4 MADAGASCAR

In Madagascar, the challenges were similar to those in the rest of the region. Restrictive measures undercut community and civil society organisations’ ability to provide services and support to women and girls in need. The government did not recognise, designate or treat community and civil society organisations’ efforts as essential services. For example, the Centre d’Ecoute et Conseils Juridique (eCECJ)<sup>148</sup> faced barriers in providing support services to women and girls in need because COVID-19 restrictive measures forced them to communicate by telephone.<sup>149</sup> At the same time, however, the attempts to provide remote support to victims were futile due to high expenses related to telephonic communications for both staff and victims. The problem is compounded further by the fact that some victims do not even have phones.

**In some localities, CECJ staff continue to welcome victims and provide counselling, while respecting the barrier measures against COVID19. In other places, CECJ staff had to close the centres and only communicate by phone to give advice and support to the victims.**<sup>150</sup>

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<sup>144</sup> Amnesty International interviews, July 2020.

<sup>145</sup> Amnesty International interviews, July 2020.

<sup>146</sup> Amnesty International interviews, July 2020.

<sup>147</sup> Amnesty International interviews, July 2020.

<sup>148</sup> Centre d’Ecoute et Conseils Juridique (CECJ) [Listening and Legal Advice Centre] provides psychosocial, medical and legal support for victims and survivors of gender-based violence in Madagascar.

<sup>149</sup> Amnesty International interviews, July 2020.

<sup>150</sup> Amnesty International interviews, June 2020.

## 6.5 ZAMBIA

In Zambia, YWCA continued to provide counselling, shelter and information to victims. Between April and June, they were working with low staff capacity with shifts of six people per day as compared to 48 people working on a full-time basis and have not been able to measure their impact to date.<sup>151</sup>

The organisations highlighted that they had been faced with financial challenges that necessitated cuts back on their programme work. Women for Change noted that donors were withholding funds awaiting a revision of plans to respond to the COVID-19 context. However, they began to hold small community group sessions on gender sensitisation as a preventative effort across the country with an average reach of 25 to 30 people per group as compared to 50 before the COVID-19 pandemic, which reduced in frequency to monthly compared to weekly before the pandemic.<sup>152</sup> Zambia Alliance for Women mentioned that restrictions of movement have resulted in difficulties in following up on victims and providing counselling and specialist referral services. YWCA reduced their work on raising awareness due to fear of contracting COVID-19 by staff and volunteers.<sup>153</sup>

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<sup>151</sup> Amnesty International interviews, July 2020.

<sup>152</sup> Amnesty International interviews, July 2020.

<sup>153</sup> Amnesty International interviews, July 2020.

# 7. HARMFUL PRACTICES AND BARRIERS TO JUSTICE

**“Culture does not make people. People make culture. If it is true that the full humanity of women is not our culture, then we can and must make it our culture.”**

— Chimamanda Ngozi Adichie, *We Should All Be Feminists*

## 7.1 HARMFUL PRACTICES

Women and girls are discouraged from reporting abuse and violence by male partners to the authorities due to socially entrenched harmful gender stereotypes, beliefs, norms, attitudes, habits and practices wherein women and girls are positioned as bearers of the natural gift of long-suffering and the grace of silent absorption of pain. The interlocutors in the interviews underscored the role of cultural beliefs, norms and practices in driving gender-based violence against women and girls before and during COVID-19 restrictions. Cultural factors underpinned by gender stereotypes, they argued, were also influential in shaping the attitudes of public service providers, most notably the police, when women and girls approach state institutions to report violence against them and seek help. Women and girls are from childhood socialised to silent long-suffering – to be proper, obedient, submissive, and to bend to the will of men at home, in the community and society at large.

The activists emphasised harmful cultural beliefs as a major reason for the escalation of GBV. Felismina Mesa, the Executive Coordinator of the Association of Female Domestic Workers of Zambézia (AMUDZA), an organisation that works for women’s rights in Zambézia province, likened the cultural position of women to household furniture, to the effect that they struggle to be heard and respected:

**In this country, women are always treated as furniture at home. She has no voice, she has no decision power, the man makes every decision in the house.**<sup>154</sup>

Cultural practices and customs are still barriers to women's rights protection, illustrated by the popular saying in Mozambique: *Em briga de marido e mulher, ninguém mete colher*, which literally means, "Nobody puts a spoon in a fight between husband and wife".<sup>155</sup> Such traditional thinking legitimises physical and psychological violence against women. Stela Palé, project officer for youth empowerment at Parlamento Juvenil,<sup>156</sup> emphasised that there is a wide range of cultural myths yet to be deconstructed:

**We have women who believe that if your husband beats you, it is because he loves you. Girls are taught that husbands only beat their wives when they love them. This shows that we still have a long way to go for this deconstruction to be successful. We must teach these girls that he who loves doesn't hurt, that we must not get married to be beaten up. We still have that fight to win. There are women who genuinely believe that violence is an act of love. A day's conversation is not enough to convince them that this popular belief is not right.**<sup>157</sup>

Importantly, the women's rights activists stressed that sexist beliefs about "taming" and "domesticating" women, bending the will of women to the will of men, submission of wives to husbands are spread and reproduced through social institutions that are part of both men and women's everyday lives. Aggravating this situation are negative cultural perceptions of counselling which prevent women from seeking counselling services. In Mozambique, for instance, the view of psychologists as "doctors for crazy people" remains predominant. Seeking help from psychologists brings shame to the family.

Women human rights activists in Madagascar were unanimous that sociocultural practices reproduced an ideology of femininity as female submission, subservience, surrender, self-denial and dependence. Men's aggressive orientation toward women and girls and life more generally is culturally normalised – "boys will always be boys". The risks and hazards to which women and girls are exposed within this sociocultural context are just life as it is and has always been. Human rights generally are an alien concept especially in poor and marginalised communities – let alone the notions of women's rights and children's rights.<sup>158</sup> National experts maintain that villagers do not always consider women as valuable members of society.<sup>159</sup> Sariaka Nantenaina, the head of C-For-C, explained that domestic violence is not really considered as violence in Madagascar, which contributes to the ingrained culture of silence throughout the country's 22 regions.<sup>160</sup>

According to the CECJ representative, this sociocultural context explains the fact that gender-based violence against women and girls is overrepresented in cases of violence reported at CECJ. Consequently, gender-based violence enjoys the cover of the law of silence and taboos. As the Malagasy folklore counsels: *Tokenrano tsy ahahaka*, which means, "One must not divulge intimate relationships within the home". It is taboo to talk about anything related to sex, and therefore women do not dare report their partners as perpetrators, not even in the case of

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<sup>154</sup> Amnesty International interviews, June 2020.

<sup>155</sup> Amnesty International interviews, June 2020.

<sup>156</sup> Parlamento Juvenil [Youth Parliament] is an advocacy movement for youth rights and priorities in Mozambique.

<sup>157</sup> Amnesty International interviews, June 2020.

<sup>158</sup> Amnesty International interviews, July 2020.

<sup>159</sup> [https://www.challenges.fr/societe/madagascar-entre-violences-et-patriarcat-les-droits-des-femmes-pietines\\_705661](https://www.challenges.fr/societe/madagascar-entre-violences-et-patriarcat-les-droits-des-femmes-pietines_705661)

<sup>160</sup> [https://www.msn.com/fr-fr/actualite/monde/madagascar-les-violences-conjugales-en-hausse-pendant-le-confinement/ar-BB15h83i?ocid=spartanntp&fbclid=IwAR3UhOsyE6-jt\\_pMqYafI3zxCR2E1ecxnBjM0vk9IbUUj8jP4a1jb3pOj4k](https://www.msn.com/fr-fr/actualite/monde/madagascar-les-violences-conjugales-en-hausse-pendant-le-confinement/ar-BB15h83i?ocid=spartanntp&fbclid=IwAR3UhOsyE6-jt_pMqYafI3zxCR2E1ecxnBjM0vk9IbUUj8jP4a1jb3pOj4k).

physical violence. Financial dependence on partners reinforces the sociocultural seal of silence.<sup>161</sup>

Across the five countries covered, the WHRDs contended that the idea of female sacrifice is a hegemonic sociocultural reality. This idea finds expression in popular idioms such as the Tsonga saying – *vukati bzwa katinga* – “marriage is sacrificial”.<sup>162</sup> Literally, the idiom translates to “marriage is a frying pan”. However, this expression is exclusively applicable to women. Female sacrifice is understood as inherently natural in families, communities and society at large. Culture, family, community and societal norms all intersect to create a toxic mix for women and girls. The patriarchal social order predisposes social and public institutions against women and girls, rendering reporting abuse futile and resulting in female silent suffering. Under these conditions, it is an enormous undertaking for women to overthrow toxic relationships.

## 7.2 BARRIERS TO JUSTICE

### SOUTH AFRICA

Sociocultural and institutional practices constitute barriers for women and girl survivors seeking justice from competent authorities. These barriers came to a sharper focus during COVID-19. In South Africa, there has been public outrage about the institutional failures to administer justice on behalf of woman and girl victims and survivors of gender-based violence, even though the *Domestic Violence Act 118 of 1998* explicitly states that victims of domestic violence may lay criminal complaints against offenders.<sup>163</sup> There is a strong perception of police indifference to women’s reports on gender-based violence which fosters miscarriage of justice. One of the longstanding criticisms against the police and the justice system is the lack of seriousness in handling gender-based violence cases.

On 19 June, South Africa’s Minister of Justice and Constitutional Development, Ronald Lamola, admitted that there were weaknesses in the system that frequently failed victims of gender-based violence.<sup>164</sup> The minister said that legislative reforms were imperative to strengthen the laws to protect women against violence. The first wave of these reforms has begun, he said, through the sexual offenders’ prosecution, which limits secondary victimisation. The Criminal and Related Matters Amendment Bill tightens the granting of bail to perpetrators of gender-based violence and expands the offences for which minimum sentences must be imposed.<sup>165</sup> It also expands the scope of the National Register for Sex Offenders to include the particulars of all sex offenders. Until now, it has only applied to sex offenders convicted of sex crimes perpetrated against children or persons with mental disabilities. Lamola further stated that strengthening the *Domestic Violence Act*, recalibrating the *Sexual Offenders List*, and reforming the bail provision for sexual offences would begin to help many women. The proposed law is now awaiting the president’s signature.

According to Natasha\* (real name withheld for her security) of Eastern Cape province, who suffered multiple rapes and abuses,<sup>166</sup> violence against women has increased because “police don’t take gender-based violence victims seriously enough when they file cases”. Natasha, who eventually left her 7-year abusive relationship, was raped three times, in January 2018,

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<sup>161</sup> Amnesty International interviews, July 2020.

<sup>162</sup> The Tsongas, also known as Shangaans, are found in Mozambique, South Africa, eSwatini and Zimbabwe.

<sup>163</sup> Domestic Violence Act 116 of 1998, Section 2.

<sup>164</sup> *702 Podcasts*, Ronald Lamola wants the justice system to be stronger when dealing with GBV, 19 June 2020, <https://www.702.co.za/podcasts/176/the-best-of-breakfast-with-bongani-bingwa/330750/ronald-lamola-wants-the-justice-system-to-be-stronger-when-dealing-with-gbv>.

<sup>165</sup> <https://businessstech.co.za/news/government/431706/3-new-laws-planned-for-south-africa-ramaphosa/>

<sup>166</sup> Amnesty International interviews, June 2020.

November 2018, and May 2019. In all the cases she was denied justice. According to her, the police deliberately bungled her cases, and failed to follow-up even though the suspects were known to her and the community. She accused the police of failing to thoroughly investigate to strengthen her cases resulting in the cases not reaching the courts. While she reported the first and second cases, she did not report the third case in 2019 for lack of confidence in the police.

Natasha indicated that she knew of women who had suffered abuse during the confinement, and she regretted that the culture of misogyny in law enforcement deterred women from reporting the case:

**I am blaming the police because they are dismissing cases of rape and gender-based violence saying that there is not enough evidence to continue with the cases. For them [the police], gender-based violence and rape are like stealing from your neighbour where evidence is needed to show [prove the crime].<sup>167</sup>**

In response to President Cyril Ramaphosa's pledge to fight gender-based violence after the surge during the lockdown, Natasha who now coaches young women to protect themselves against gender-based violence commented with cynicism:

**Even if Ramaphosa is serious, the police are not serious about gender-based violence. If the mentality of the police doesn't change, nothing will change. They are failing.<sup>168</sup>**

## MOZAMBIQUE

In Mozambique, when a gender-based violence complaint is filed, the police open an investigation process. The police commander is responsible for analysing the records and sending them to the Public Prosecutor. However, like in South Africa, there are many factors that discourage women from filing complaints, including sociocultural norms, financial dependence on the perpetrator, and lack of confidence in the judiciary.

Civil society organisations noted the prevalence of discriminatory attitudes among police officers toward women who file complaints in police stations. AMODEFA has documented instances when police officers dismissed gender-based violence cases because they saw them as family matters and not criminal. As Stela Palé from AMODEFA stated:

**We have already worked in many cases of women who went to the police station and were turned down by agents saying that *this is not a crime, go home and solve this with your family*.<sup>169</sup>**

Another activist illustrated the off-putting and dismissive attitude among police officers:

**"But he just slapped you a little [*mas ele só deu-te uma chapada*]; he is your husband; will you denounce your husband? How will you deal with this?<sup>170</sup>**

A culture tolerating gender-based violence, said Conceição, WLSA's research coordinator, deters women from lodging complaints until the violence reaches extreme levels. For women, filing complaints is the absolute last option, when life itself is in jeopardy. Women and girls who dare to report abuse and violence risk social disgrace and rejection as punishment for failing to honour and care for their family and submit to men.

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<sup>167</sup> Amnesty International interviews, June 2020.

<sup>168</sup> Amnesty International interviews, June 2020.

<sup>169</sup> Amnesty International interviews, June 2020.

<sup>170</sup> Amnesty International interviews, June 2020.

As mentioned earlier, the economic dependence of women and girls leaves them at risk of gender-based violence. Men's economic threats function as a trap and as a weapon to discipline "ambitious", "disobedient" and "rebellious" women and girls. In this case, economic subjugation is an economic means of violence mobilised to render women and girls docile, submissive and captive in toxic and abusive relationships.

The inefficiencies and lack of confidence in the judicial system are barriers to women's access to justice, which enables impunity. For instance, in October 2015, Josina Machel, daughter of Samora Machel, Mozambique's first president, was assaulted and blinded in her right eye by her partner. In February 2017, the KaMpfumo Municipal District Court tried and found her partner guilty and sentenced him to three years in prison and imposed fines amounting to \$US 2.8 million. The decision was hailed as a powerful message to perpetrators of violence against women. However, in a dramatic turn of events which shocked the entire nation, on 12 June 2020, the Maputo City Appeals Court overturned the decision and set her partner free on the grounds that there were no witnesses.<sup>171</sup> Josina's case exemplifies the barriers women face as many of these assaults happen in private.

A heavy blow to survivors and those fighting against gender-based violence, this case illustrates quite clearly that even women of higher social status are not immune to the dominant patriarchal ideology of female sacrifice. Commenting on this case, one of the activists stressed this point:

**Josina is a symbolic figure... even with family and financial support, the judiciary found her aggressor innocent. Many cases never even get past the police station, only a few are brought before the court. This reveals the inefficiency of our legal system which reinforces and legitimises the banality of violence against women. The message to men is crystal clear: Your violence against women is acceptable.**<sup>172</sup>

In a letter published at *Carta de Moçambique*, Josina wrote on the significance of Rufino's acquittal for women and girl survivors of gender-based violence:

**When I screamed for the first time and told the health workers and the police what had just happened to me, I was alone, and I acted for the truth. I didn't know I was crying out on behalf of millions of other women... the courage of women in making public their experiences of gender-based violence requires breaking secrecy, shame and stigma, and depositing trust in the protection of the law and the legal system.**<sup>173</sup>

In her view, the criminal justice system was prejudiced against woman and girl victims and survivors of domestic violence:

**The criminal justice system often prejudices still further the victims and survivors of domestic violence. The justice system has now shown that it betrays the trust of the people, and encourages the perpetrators to go on beating, mutilating and killing us, with impunity.**<sup>174</sup>

In order to reduce the prison population and mitigate the risk of the spread of COVID-19, on 6 April 2020, the Mozambican Parliament approved the amnesty law (*Lei de Amnistia*, n.º 2/2020

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<sup>171</sup> Agência Lusa, Caso Josina Machel: Revogada condenação de ex-namorado por violência doméstica, *Deutsche Welle*, 25 June 2020, <https://www.dw.com/pt-002/caso-josina-machel-revogada-condena%C3%A7%C3%A3o-de-ex-namorado-por-viol%C3%Aancia-dom%C3%A9stica/a-53934274>. Club of Mozambique, Mozambique: Civil society organisations support Josina Machel, 7 July 2020, <https://clubofmozambique.com/news/mozambique-civil-society-organisations-support-josina-machel-164923>.

<sup>172</sup> Amnesty International interviews, June 2020.

<sup>173</sup> *AllAfrica.com*, Mozambique: The Justice System 'Betrays the Trust of the People' - Josina Machel, 30 June 2020, <https://allafrica.com/stories/202007010077.html>.

<sup>174</sup> *Ibid.*

*de 6 de Abril*). While the initiative may have been necessary, the activists point out that unqualified amnesty might have been another blow to the fight against gender-based violence. The law benefited around 5,300 detainees convicted or under pre-trial detention, some of whom may have been convicted of violence against women and girls. As the activist remarked:

**We, the civil society, are struggling to advance gender-based violence complaints and legal processes, and then the *Amnesty Law* sets in and, lacking specific guidance for sexual crimes, it might have forgiven accused and convicted gender-based violence offenders. That rapist who was released did not feel the weight of his actions on his skin, and he might make new victims. We lack a law enforcement component in our legal system. We have a good legal framework, but its implementation is poor. It is the Achilles heel that afflicts everyone who works on this issue.**<sup>175</sup>

## ZIMBABWE

In Zimbabwe, numerous cases of denial of justice to woman and girl victims and survivors of gender-based violence were recorded during the lockdown. Amnesty International spoke with Ella\* (real name withheld to protect her identity), a mother of 9- and 11-year-old girls, who was frustrated with the justice system. Ella caught her 18-year-old stepson red-handed in sexual intercourse with the two girls. According to the Zimbabwean criminal law, such an act is incest. She reported the matter to her husband's elder brother who took no action. On seeing his inaction, Ella took the matter to the nearest police station, even though it was difficult to travel during the lockdown.<sup>176</sup>

The case went to court, but by the time Amnesty International spoke with her, Ella regretted ever reporting the case as she felt the court was not taking the matter seriously. When she went to court, she heard babbling and understood nothing of all the proceedings, held in English without interpretation. In Ella's own words:

**I now regret ever reporting the case because now I am a laughingstock in the community. They say I will never get justice after letting out family secrets, on the other hand my husband is now evicting me from my homestead for reporting the matter to the police.**<sup>177</sup>

The hearing was scheduled for 4 August, though she had reported in March. When she spoke to Amnesty International, Ella was afraid of her husband and pleaded for protection. Ella had no funds to travel to court on 4 August. The first time she went to court she did not receive witness reimbursements.<sup>178</sup>

Amnesty also spoke to Bianca\* (real name withheld to protect her identity), a victim of ongoing gender-based violence since 2017. Bianca often reported the abuse to the police, however, there was no progress in getting the protection she needed. In a revolving door cycle, the police repeatedly arrested and released the abuser on bail, who returned home, and the abuse continued. As a result, the thought that reporting gender-based violence was futile began to set in. Always treated as the problem, her trust in the police was eroded.<sup>179</sup>

Bianca was referred to Amnesty International through social media. Her case was eventually heard in court and she was awarded a protection order in March before lockdown. However, the

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<sup>175</sup> Amnesty International interviews, June 2020.

<sup>176</sup> Amnesty International interviews, July 2020.

<sup>177</sup> Amnesty International interviews, July 2020.

<sup>178</sup> Witness reimbursements are provided allowances for state witnesses summoned by the Attorney-General's Office or State to give evidence in court.

<sup>179</sup> Amnesty International interviews, July 2020.

protection order was not typed or given to her as a hard copy, which resulted in perpetuating her abuse while the police claimed there was nothing they could do without the order in print form.

During the lockdown in March and April, her abuser beat her severely, causing her serious head and bladder injuries. In April, Harare Hospital denied her treatment claiming that, unlike COVID-19, gender-based violence injuries were not urgent. According to Bianca, her abuser resented her for not being financially dependent on him. When they separated, he had expected her to beg him for help, and when she did not, his ego was hurt, and made himself believe she received funds from other, more valiant, men.<sup>180</sup> With Amnesty International's assistance, she obtained a medical affidavit from another organisation in April, and the perpetrator was eventually arrested and sentenced to a 9-month prison term. Nonetheless, Bianca continued to live in fear convinced that, at the end of his prison term, he would return to abuse her.

Agata\* (real name withheld to protect her identity) who was forcibly married at the age of 15 in 2017 and has been subjected to abuse by her husband since then. When researchers spoke to her aunt (the legal guardian) in June 2020, Agata was 18 and pregnant. According to the aunt, the abuse took a turn for the worse during the lockdown. Triggered by drug use, her husband physically assaulted her until she collapsed. The aunt assumed her custody, reported the abuse to the police and applied for a protection order. On 1 July, the court held a hearing on the case, however, COVID-19 restrictions prevented Agata's aunt from entering the court. While Agata was in court, she remained at the gate where she was later told that the hearing had been postponed to the following day, 2 July, also the last day she had seen Agata.

According to Agata's aunt, on 2 July, a police officer came to their residence to collect Agata's clothes to deliver them to Agata. However, the police officer failed to produce the paperwork prompting the aunt to refuse to give away Agata's clothes. In an inquiry with the police, SGDZT learned that Agata had withdrawn the case and was living with one of her husbands' relatives who was also a high-ranking police officer. Agata's aunt suspected corruption and intimidation fearing for Agata's life.

In another case, the survivor who had suffered physical assault failed to attend court twice due to restrictions on travel and a warrant of arrest was issued against her. The court did not comprehend the obstacles she faced. In the first instance, the survivor who had authorisation/permit to attend trial was not allowed into town by soldiers on the roadblocks. In the second instance, she tried all she could, including using back routes, only to arrive in court late after the judgement had been handed down.<sup>181</sup>

ZWLA had a litany of examples of denial of justice to women victims of gender-based violence. In Highfields, a township 12km from Harare, a woman had loaned her husband some funds. In April, when she asked the husband to pay the debt, the husband poured hot porridge on her causing burns to her head, chest (breasts), and right arm. Her father called the police numerous times to report the case. In one call the police claimed not to have transport. In another call, the police told the father they (the police) could not travel in the same vehicle with the perpetrator due to COVID-19. Eventually, the father used his own vehicle to transport the police to arrest the perpetrator.<sup>182</sup>

ZWLA observed an escalation in the violation of protection orders during this period. In one case, a married woman from Norton, 40km from Harare, obtained a protection order before the lockdown, yet she continued to be physically assaulted by her husband during the lockdown. She

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<sup>180</sup> Amnesty International interviews, July 2020.

<sup>181</sup> Amnesty International interviews, July 2020.

<sup>182</sup> Amnesty International interviews, July 2020.

could not go to the police. When she eventually managed to go to the police to report the abuse, the police simply ignored the case, allowing the husband to continue to abuse her.<sup>183</sup>

In another case, a woman from Hatcliffe, a settlement 22km from the central business district of Harare, who had separated from her husband, saw her protection order violated. Her ex-husband would forcefully enter her home to physically assault her. When she reported the assault to the police, the police promised to apprehend the perpetrator – a promise never honoured. Eventually, the police informed her the abuser could not be found, telling her to call when the abuse occurred again. The violence continued even though she had a protection order. The police failed to enforce the order.<sup>184</sup>

As in other countries covered in this report, the threats of eviction tended to deter women from reporting gender-based violence.<sup>185</sup> When women were physically assaulted, some landlords defaulted to evicting them from the premises.<sup>186</sup> As result, many women became trapped, despite their wish to leave their abusers.

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<sup>183</sup> Amnesty International interviews, July 2020.

<sup>184</sup> Amnesty International interviews, July 2020.

<sup>185</sup> Amnesty International interviews, July 2020.

<sup>186</sup> Landlords in townships where people rent rooms and cottages preferred peaceful tenants. This meant that when violence erupted, tenants were given eviction notices, and during the lockdown it was difficult to get accommodation. Many women ended up enduring the abuse to avoid being evicted with their children.

# 8. RECOMMENDATIONS

Considering the findings of this report, Amnesty International proposes the following recommendations to SADC Member States:

- Ensure that woman and girl survivors continue to have access to police protection and justice as well as to shelters, helplines, and community-support services, including by designating these as essential services and ensuring they receive the necessary support and resources to continue operating during pandemics and other public emergencies;
- Take measures to include women and women’s civil society organisations in policy design, development and implementation during epidemics and other emergencies, in order to guarantee the integration of women’s knowledge, experience and needs in response plans;
- Ensure that prevention of, and protection from, gender-based and domestic violence is an integral part of national responses to pandemics and other emergencies, including by collection of disaggregated data to identify the prevalence of gender-based violence and which demographics of women and girls are more at risk of different types of gender-based violence;
- Ensure that economic recovery packages and mitigating measures address women’s and girls’ needs by guaranteeing equal access to remedies for loss of employment for women and girls in the informal economy, closing the gender pay gap in healthcare and social care sectors, and ensuring women and girls are able to maintain an adequate standard of living and access to healthcare;
- Provide capacity building in women’s human rights and gender sensitive and responsive service delivery to service providers, police forces, defense forces, social workers and justice system personnel;
- Ensure the police and justice system treat incidents of gender-based violence as a high priority and that protection measures such as protection orders are accessible through technology-based solutions such as SMS, phone and online tools and networks;
- Ensure that all relevant institutions, including law enforcement agencies, social services, the justice sector, specialist support services and all relevant ministries, are adequately involved and take proactive, coordinated steps to ensure continuous protection and support to women and girls at risk of gender-based and domestic violence;

- Designate and treat as key workers all community and civil society workers and volunteers who provide critical support services to women survivors, ensuring they are properly supported and resourced to operate technology-based solutions such as SMS, phone and online tools and networks to reach out to women at risk or experiencing gender-based and domestic violence;
- Ensure that women and children fleeing abuse are exempted from penalties for breaking curfews and restrictions on movement and are provided with adequate police protection and access to safe spaces, including through the use and enforcement of protection orders;
- Ensure that survivors of gender-based violence are able to access medical services including collection of forensic evidence which may be needed to bring legal case against perpetrators;
- States should communicate clearly through public education and campaigns that the increased pressures families and individuals face during this time does not justify violence and abuse, and ensure women have information about the support services available and how they can be accessed.

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# “TREATED LIKE FURNITURE”

## GENDER-BASED VIOLENCE AND COVID-19 RESPONSE IN SOUTHERN AFRICA

Southern African governments responded to the emergence of COVID-19 with states of emergency/disaster and lockdown measures of varying degrees which, to a greater or lesser extent, justifiably curtailed human rights, most notably the freedom of movement. These restrictive measures precipitated shocking rises in gender-based violence as they transformed homes into iron cages of male-driven abuse against women and girls. This briefing analyses the intersection of gender-based violence, pandemic responses, sociocultural practices and barriers to justice in Southern Africa. In so doing, the report makes visible the violent entanglement of government institutions and policy decisions with the patriarchal social order within which women and girls are trapped with little chance of escape. Ultimately, the briefing highlights government failure in Southern Africa to protect the human rights of women and girls during the pandemic.