

# A Study of Domestic Violence Legislation in Lusaka-Zambia

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## Abstract

Domestic Violence (DV) against children is a huge concern in Zambia today. It is a violation of rights while negative effects are well established. One way to ensure children are protected is through legislation as it punishes offenders, and protects victims. We assessed the extent to which legislation has achieved the above goals in Lusaka District using qualitative and quantitative methods. Open ended interviews and document analysis were used for data collection. The results showed that; legislation presently does not adequately protect child victims, is not versatile as a deterrent measure; law and policy do not complement and not enough to guarantee protection. Implications include; less confidence in the justice system, increased under reporting and a message sent to perpetrators that DV is acceptable while poverty increases among families because violence makes it harder for them to get out.

**Key words,** Domestic Violence. Legislation. Protect. Children. Victims

## 1. Introduction

In Zambia, about 35% of cases reported to the police involve children exposed to DV. Statistics show escalating numbers; 31%-2009; 31%-2010; 32%-2011; 30%-2013 and 32% in 2014. Crime statistics from 2003 to 2013 indicate 25% various forms of child abuse reported in Lusaka district; hence being the highest in terms of DV (National Crime Statistics). Lusaka district, surrounded by a number of shanty townships, is located in the heart of the capital, Lusaka. It is densely populated with over 2.5 million people but has limited social amenities. Majority men and youth are unemployed, unable to support their families and have resorted to illicit drugs and alcohol. Townships have high poverty rates, orphaned and out of school child headed households without proper family systems and unable to traditionally provide family needs due to HIV/AIDS which has compounded prevalence of DV among children (Central Statistics Office, 2012). Actual DV against children is even more serious because statistical information is unreliable. It is clear then that DV against children is a serious scourge and the future of the nation is at stake. DV threatens national social security, ruins the moral fibre of society, upsets children's lives and creates permanent constraints in the victims' abilities. Children are the building blocks of any nation and their survival, development and protection cannot be over emphasized. Legislation has been recognized as the link between protecting children from DV through enacting DV related laws and prevention against the vice. Zambia has different laws meant to protect children from violence, yet legislation has not delivered on the expected goals; protection of victims and punishment of offenders. Serious questions remain therefore, about legislation and the entire criminal justice system's response to DV.

Clearly, deeper analysis of legislation and other factors that contribute to the problem is required as a review of the laws shows serious limitations. Legislation and policy do not seem to reinforce the message that DV is a crime. There is no specific legal definition of DV of which is important to clarify what characterizes DV. There are neither regulations nor standards that address DV. DV statutes are not explicit and so not protecting children victims. Legislation has not addressed special needs of children victims. Furthermore, existing laws were enacted prior to the country's independence while DV may be considered a "modern crime" since it was not viewed as an offence in the past. Zambian statutes therefore, reinforce the view of children being "silent" or "invisible" victims and currently, legislation has been found to neither guarantee protection nor ensure perpetrators are quickly brought to justice according to the law.

We hypothesized that current legislation does not adequately address DV on children. In regard to the above, the article provides contextual understanding of the weakness of legislation. DV, in this paper, is considered from two angles; physical violence and other forms of child abuse as co-occurrence exists between DV and exposure to child abuse (Moffitt and Capsi, 2003). The objective is to assess whether legislation addresses protection of children against child abuse. Both civil and criminal legislation are assessed as they are paramount in fighting against DV. The primary goal is to examine whether legislation causes a shift or prevent perpetration of DV. The paper further investigates whether the law has or does not have deterrent effect on offenders; if it regulates and enables more people to report DV, and finally, if other factors other than the law influence legislation's capacity to protect children.

## 2. Method

### 2.1 Research Design

Survey design using qualitative methods, web search for relevant data, open ended unstructured interview and document analysis were used to conduct the study.

### 2.2 Population

51 participants purposively selected, took part in the study; 36 from government departments and civil society organizations and 15 police stations.

### 2.3 Sample and sampling technique

The study was divided into three parts. Firstly, a systematic web search guided by key words “domestic violence”; “protection”; “children”; and “legislation” was drawn from database AMED, Psycho INFO, Science direct, Google Scholar, Google and United Nations publications. A further bibliography search to select relevant findings published in English with qualitative methods having good representative samples and from developing than developed countries (same category as Zambia) was conducted.

Secondly, we conducted open ended unstructured interviews with nine civil society organizations (CSO’s) and government departments dealing with child protection. Involved were 36 participants, four from each of the nine following organizations; Victim Support Unit (VSU) and Child Protection Unit (CPU) of Zambia Police Force, Young Women Christian Association (YWCA), United Nations International Children’s Emergency Fund (UNICEF), Ministry of Community Development, Mother and Child Health (MCDMCH), Ministry of Justice (MOJ), Ministry of Gender and Child Development (MGCD), The Judiciary and Zambia Law Development (ZLD). Sampling included both CSO’s and government departments to provide representation of the general population. Work experience of participants strengthened the study design eliminating false positive/negative results.

Table 1: Participant’s demographics (N=36)

Variable	Distribution		
Sex	M=56%	F=44%	
Level of education	Dip=33%	B.A=44%	M.A=22%
Organization	CSO=33%	Govt.=67%	
Participant’s age	25-54years (M=37)		
Work experience	2-30years (M=10)		

Note: Dip-Diploma. B.A-Bachelor’s degree. M.A-Master of Arts. CSO-Civil Society Organization. Govt.-Government departments

The following open ended questions seen as critical indicators to the topic formulated on the basis of literature review were asked:-

- ❖ Is DV legislation in Zambia adequate enough to protect children from DV?
- ❖ Cite specific Zambian laws meant to protect children from DV.
- ❖ Are there gaps in Zambian laws and policy so far as protecting children is concerned?
- ❖ Does Zambia need new laws to adequately protect children from DV?
- ❖ Cite best practices that can enhance children’s protection from DV.

Lastly, we conducted a document analysis of 17, 569 case files of DV on children from 15 major police stations in Lusaka district out of a total of 60, 075 (M=4,291) all DV cases. All police stations were included to obtain a clear understanding of the phenomena under review. We began analysis of case files at the police stations then proceeded to the prosecutions department for the number of cases reported from each station and the outcome at court. We recruited, trained and assessed Record’s and Registry personnel as research assistants in order for them to appreciate nature and purpose of inquiry. The study covered cases from June 2011 to June 2013 and was conducted from July 2013 to January 2014. Data was analyzed by systematic coding of emerging themes a major step in qualitative analysis (Burnafold, Fisher and Hobson, 2001).

### 2.4 Analytic process

Data obtained was analyzed and interpreted both qualitatively and quantitatively. Qualitative data included information obtained from the questionnaire while quantitative was done on the analysis of documents. We also coded and developed themes in the analytic process of qualitative data, a major stage of qualitative analysis (Burnafold et al; 2001).

## 3. Results

Countries faced with similar challenges on DV have put in place several measures to protect children. Malaysia has enacted specific DV (1994) and Child Acts (2001). The two complement each other and deal with specifics of DV against children; they stop persons from committing violence or inciting others, prescribe specific duties of public officials and provide for social services such as shelter to victims (Jonit, 2006). This is because legislation must recognize the link between child protection and needed services to assist victims (Henderson, Pearson and Siliciano, 1994). Thus, the law must provide services both in the short and long term contributing to

the well being of the victim (Kohl, Edleson, English and Barth, 2005).

The Philippines prioritizes applications of protection orders over other proceedings, while Malaysia attaches power of arrest to protection orders and in Indonesia, the perpetrator has to declare compliance with the protection instruction (Dugan, 2003). In India, DV proceedings are heard within sixty (60) days, from commencement (Amy, Bethany, Michelle and Kellie, 2005). The Malaysian law has gone further and mandated court registry to maintain records of filed complaints and annual reports on DV and relief measures granted. Furthermore, Malaysia and Thailand monitor and evaluate DV (Dugan, 2003). Systematic evaluation allows for assessment of the law and policy i.e., whether intended effects are met, thus creates room for improvement (Guterman, 2004).

Legislation is largely unplanned consisting of a primary ad hoc committee responding to crises therefore not advancing the minor's best interest (Daggett and Huefner, 2001). Dutta and Dutta (2007) found most DV statutes to be of a civil character and not broad enough to provide recourse to victims, lacking comprehensiveness while an average citizen is unlikely to be aware of the protection offered.

DV victims face many hurdles regarding the law; Kohl, Edleson, English and Barth (2005) highlight possible trends; belated and costly delivery of justice, over burdening and under funding of the judiciary, legal battles becoming harder than envisaged, good and expensive lawyers needed to argue case well and society's apathy.

Researchers emphasize harmonization of statutes and importance of simultaneous reform among child protection mandated agencies and institutions while upholding inter agency co-ordination (Dugan, 2003). This is because service providers are vital in DV issues as they afford victims another avenue for seeking help (Dutta and Dutta, 2007). Gupta (2006) argues this is necessary as DV is a social issue and calls for multi-stakeholder partnership and a multi-dimensional approach.

The Association of South-East Asian Nations (ASEAN), a composition of various Asian nations, recognizes violence against children as a violation of human rights and fundamental freedoms. They have enacted statutes that provides for civil and criminal remedies that include; injunctive orders such as stop violence and non molestation; mandatory arrest of offenders or no drop prosecution policies (Thio, 2004). However, Weithorn (2001) argue that such policies may deter victims from seeking services from professionals as mandatory reporting has been found to breach the balance between legal and ethical legal duties of privacy and confidentiality of clients (Cater and Overlien, 2014).

ASEAN nations have also defined DV legally to reduce the scope for judicial discretion and guard against patriarchal biases in decision making (Dugan, 2003). Thus, to protect victims, legislation must be narrow to set forth clear philosophy of intervention (Weithorn, 2001). Mills et al (2000) posit that the law must have clear mandate regarding how to respond to DV and this is why the South African DV Act (1998) defines physical, sexual, economic, emotional and psychological abuse (United Nations, 2005). According to Barnett, Miller-Perrin and Perrin (2010) statutes must provide concrete guidance to workers through assessment instruments and tools that promote appropriate handling of DV cases.

Training of officials dealing with DV is of paramount importance. Without training, social norms regarding the acceptability of violence against children color execution of duties. Training therefore, provides officials' awareness of DV and calls for positive change in the way they interact with victims so that they react appropriately to complaints of violence (Machandia, 2005).

Historically and culturally, DV was not a problem requiring public attention; as corporal punishment was routine, recommended for promoting children's obedience and normal development (Machandia, 2005). Therefore, society expects and tolerates a certain level of violence against children while violence is justified (Vyas, 2006). According to Feder and Wilson (2005), DV was traditionally considered a private matter or a family secret while the prerogative of parents, guardians and other adults to discipline and train children within their charge were rarely questioned (Barnett, Miller-Perrin and Perrin, 2010). Thus, the mind set of accepting violence is not limited only to those who inflict violence but extends to those responsible for ensuring victims are protected (Gupta, 2006). Doyle and Timms (2014) argue that societies have social norms and standards regarding types of conduct considered abusive or neglectful to children. Successful intervention therefore, requires substantial training and knowledge about the dynamics of DV; however, such expertise has traditionally not been part of the CJS (Humphreys and Absler, 2011).

This is the reason why police attitude and response is critical to ensuring enforcement of the law (Gupta, 2006) however found inadequate and inappropriate in terms of investigations; delayed insufficient evidence and of a lackadaisical approach (Singh, 2004). This is largely due to the failure of the law to regulate DV issues and so perpetrators have frequently escaped the nemesis of the law (Bhagwart Singh vs. Delhi Commissioner of Police, 2001). Machandia (2005) suggests that the traditional slow response of the courts may deter victims from filing complaints while corruption threatens effectiveness of the law.

Furthermore, DV is a social issue and consist of various dynamics; Dutta and Dutta (2007) argue that the remedy therefore, should be civil rather than criminal. This is in contrast to the law whose main thrust is

punishment and only seeks to achieve traditional goals of the criminal justice; deterrence, retribution, incapacitation and rehabilitation (Feder and Wilson, 2005). For example, in the US, law makers have included DV that happens in the presence of children as a separate criminal offence while Georgia and Utah made compulsory exposure to violence that happens in the presence of children a form of criminal child abuse. However, it is important that type of parental conduct or omission or indicia of harm justify the action taken by the state and be a requirement in the statutes (Litz, Gary and Bryant, 2002).

Experts have however, argued that it may be difficult to align parental conduct or omission to particular standards in the law because the core components of forms of child abuse or neglect are psychological in nature (McGuigan and Pratt, 2001). Weithorn (2001) posit that most harm from children’s exposure to DV is psychological in nature and further elaborate that there are fewer explanations for physical marks on a child’s body but many alternative explanations for psychological symptoms. It may therefore be even more difficult if legislation require actual harm suffered by the minor to be directly attributed to particular parental deficits (Barlett, 2002).

In the interview, 45% stated that the law was not adequate while 33% said it was and 22% gave a yes and no answer. The following were reported as gaps in the law and policy pertaining to DV against children; - Zambia’s dual legal system i.e., customary and statutory law, sensitization regarding DV, irrelevant laws and inadequate funding. They was also lack of; policy stability on DV against children, punitive nature of the law, cultural issues, inadequate manpower, enforcement lapses, co-ordination among agencies and a weak social welfare system. Others were lack of; specialized child courts, delayment in conclusion of cases, no after care services for victims, the issue of poverty, legal definition of a child and DV, and not having a monitoring and evaluation system.

The following were recommended; - Improved enforcement capacity and child justice administration, children’s DV act, social services for victims e.g., shelter. Others were; strengthening Bill of rights for women and children, women empowerment, and doing away with negative cultural norms not promoting child protection. Recommended best practices were ; -domestication of regional and international instruments into Zambian legal system, the Kenyan model of the police working with civil society in DV issues and South African model of magistrates being both lawyers and psychologists.

The third was document analysis of DV case files on children from the police stations, results are shown in Table 2 while Table 3 is summarized data. Letters were used as names of police stations (actual names may be given for study purposes).

**Table 2: Document analysis**

Name of police Station.	Total cases	DV cases	W/drawn at police Station	Cases taken to court	Acquitted	convicted	Results at court carried forward
	%	%	%	%	%	%	%
CP	14	63	36	21	18	59	
EM	13	64	35	25	22	52	
WW	26	58	41	21	22	56	
KF	26	51	48	22	20	56	
CG	27	50	50	22	20	57	
SB	36	56	43	25	24	50	
MT	31	56	43	31	16	52	
CH	30	41	59	52	19	33	
KW	40	59	42	47	22	26	
WD	29	45	55	53	19	35	
CS	38	55	45	51	16	35	
NG	31	54	46	52	20	33	
CO	22	54	35	49	24	25	
KY	34	50	50	55	28	37	
CW	49	52	48	42	27	15	

Table 3: Summary of docket analysis June-2011-June 2013

Child DV Cases	%	W/drawn at police station	%	Taken to court	%	Acq.	%	Results at Court	%	Conv.	%	C/F	%
17569	29	9500	54	8069	46	3305	41	1658	21	3157	18		

Note: Figures below represent DV cases reported at each of the 15 police stations.

CP=7742. EM=3496. WW=3000. KF=3607. CG=3666. SB=2544. MT=3648.

CH=5000. KW=3000. WD=3500. CS=3500. NG=4500. CO=5505. KY=4300.

CW=3067, totaling 60,075. Acq.-Acquitted. Conv.-Convicted. C/F-Carried Forward.

A total of 17, 569 DV case files were analyzed. At the police stations there was an attrition of 54% (9,500) while 46% (8,069) proceeded to court for adjudication. 41% (3,305) of the 8, 069 taken to court were acquitted or withdrawn, 21% (1, 658) were convicted and 39% (3,157) carried forward. Thus, a total of 73% (12,805) of the 17, 569 cases were withdrawn/acquitted- at the police station and court and 27% (4,764) taken to court (1,658 convictions and 3,157 carried forward).

#### 4. Discussion

This study explored legislation's capacity to curb DV against children in Lusaka district, Zambia. We hypothesized that legislation was inadequate to protect children or only protected to a certain extent. The three main themes developed in the paper; were to; (1) demonstrate inadequacy of the law, (2) highlight gaps in the law and policy and (3) highlight other issues e.g., culture and religion, how they limit and hinder effective fight against DV.

Based on the findings, 45% of the participants stated that the law was inadequate while only 33% said the law was adequate. 90% indicated that statutes they encountered during execution of their duties were not related to child protection but accord a wide range of rights to all citizens. 22% were uncertain about the adequacy of the law; gave a yes and no answer. The inference we drew was that the law was vague and hence stakeholders could not easily state its position. If the opposite was the case, participants would not wonder between "yes" and "no" but simply state the position.

None existence of a Child's Act further exemplifies failure of policy and the law as no distinction exists on punishment given to an offender regardless of the extent or type of violence inflicted on a child. Children's Act not only helps organize the fight against DV but also enhance it. Lack of a children's code therefore makes enforcement difficult, i.e., organize, co-ordinate and follow up.

We also note different definitions of childhood in different statutes which may partly, be due to lack of a child's act. The Criminal Procedure Code Cap 88 defines a child as one below 18 years; the Young persons' act Cap 274 at 21, the Juveniles act Cap 53 at 19 while the Penal Code Cap 87 and Prisons act Cap 97 at 12 and 19 years respectively. This scenario demonstrates serious flaws in the law and according to Ghosh and Choudhuri (2011), ambiguity in the law simply increases apprehension of its misuse.

Furthermore, current DV legislation does not sufficiently and specifically touch on basic details of violence affecting children. For example, among ASEAN nations, no drop prosecution or non molestation policies exist. In the USA, elaborate intervention policy measures and definitions of what amounts to abuse are clearly defined. Such policy demonstrates clear intentions of the law to protect victims.

Zambia has not domesticated regional and international instruments; the Convention on the Rights of Children (CRC) and African Charter on the Rights of Women and Children (ACRWC). Conventions as above, measure a nation's commitment to protect children. This is important especially that since independence, Zambia has not framed significant laws with a direct bearing on the protection of children and the few existing ones have only been amended due to pressure or situation context.

The dual legal system integrating customary and statutory laws inhibits protection of children and further impedes implementation of the CRC into Zambian legal measures. Customary law is based on the people's culture and pre-colonial legal systems. Statutory law was inherited from British colonial rule but modified by legislation adopted by parliament since 1964. However, customary law has been found to grant fewer rights to women and children (United Nations, 2005). For example, with the consent of parents, it permits marriage of children below 16 years contrary to section 138 of the Penal Code which incriminates intercourse with girls below 16. Action-Aid ("Girls held"... 2011) observes that about 86% of girls in under age marriages report violence but the irony is that in this case, it is the overlap in law that puts children in these circumstances.

Apart from the law, Policy and administrative structures are critical in protecting children. This however, does not seem to be the case with the portfolio of child development. From 2008 to 2011, this unit has been transferred to three different ministries, from youth and sport to Community development and now Gender. Constant movement affects efficiency in implementation of programs; officials may not develop expertise while officers in the other ministry may lack necessary skills as the case is presently. In addition, seven ministries are responsible for the implementation of the CRC but however, have little or no communication among them hence affecting the kind of protection accorded to children.

Apart from policy inadequacy, properly trained personnel are essential in fighting the vice in order to deal with the complex dynamics of DV in relation to child development. Jaffe, Crooks and Wolfe (2003) asserts that even for a judge to make an appropriate decision, is dependent on well trained lawyers, prosecutors, social workers etc. In this case, the inadequacy extends to the number of personnel, for example law enforcement officers currently estimated at 14,000 of the required 27,000 (Masuzyo, 2012).

Zambia's laws in respect to DV displays in many ways a context of only to punish. This may not be the solution always, because as we note, DV is not entirely criminal but is a socially mediated event drawn from family life and therefore must be dealt with based on a mixture of community standards and professional knowledge (American Professional Society on the Abuse of Children, 2002). The mandatory five year sentence (Penal Code, sec 248A) of offenders is an example of inappropriate law. This is because the reality for DV is that offenders are fathers and breadwinners of families. Punishing the offender implies that the breadwinner is sent to jail and the family is deprived of its social and economic support. In a society where there is economic dependency and male dominance, punishing the offender, usually the husband is not considered a solution to the problems of DV for either the wife or children. A weak social welfare support system unable to step in and mitigate the effects of an absent breadwinner simply worsens matters. The result is that victims are often forced to compromise by accepting to live with the violence and continued economic support. Furthermore, the family is left divided and other members may not render support to a child that has "sent" their father to jail.

The solution therefore, lies somewhere between empowering women and changing society's norms and beliefs related to DV. Focusing on financial strategies can also help ensure that women and children are not trapped in violence because of their economic circumstances.

Similarly, focusing on economic issues with men who batter may also have a positive impact, particularly on DV recidivism rates, which are highest among those who are unemployed. So far, the USA is known to practice treatment programs for DV offenders such as diversion programs which however, have been reported unsuccessful (Emily, 2004). It makes perfect sense that humans will always choose economic security above all else, especially in societies with high poverty rates and economic dependency on individuals. In regard to the above, it is correct to argue that the law has not taken into consideration the child's best interest, a basic principle of the CRC.

It has further been argued that, legislators, law enforcement officials, policy makers and judges should be educated about the dynamics of DV and ways to protect the child without necessary penalizing parents (Appiah, 2010). This is because in quiet a number of cases what is required are simply prompt cost effective but less traumatic means of redress which in a way address the issue but also does not lead to the breaking apart of the family (Appiah, 2010). Legislation has to find a balance of how to deal with DV in the context of a family dependent on the offender.

Culture influences behavior and cultural context of human development shapes human behavior in the repertoire of individuals and society (Berry, Poortinga and Pandey, 2002). Thus, Zambian culture has "no problem" with a parent generally "disciplining" a child. Culture equally differentiates between abuses and properly (reasonably) disciplining a child for the purposes of training. A mandatory sentence for DV offenders not taking into consideration culture is therefore inappropriate. Other difficulties include attitudes and myths held by society on child training, including those working in the justice system-judiciary, defense counsel, prosecutors and police. The importance of the relationship between the law and culture must therefore be reiterated as legislation reform alone is unlikely to make significant progress. Legislation must therefore take into account stereotypical attitudes and beliefs because society is constantly changing while culture appears not to be moving.

Experts have therefore argued that a risk exists of associating with mandatory laws that may inadvertently create an additional barrier to what is already a difficult decision-to disclose violence or not in contexts of a family or intimate relationships (Burman, 2012). Mandatory laws have two sides; reducing chances of the violence but can also keep people from reporting. Thus, instead of offering more protection, the legislation may silence victims from disclosing and engaging formal helping systems. Hoyle and Sanders (2000) found that police may not be protecting the victim and could even increase offender's proclivity toward further violence through mandatory arrests. Babcock, Green and Robie (2004) conclude that the efficacy of arrest depends heavily on the perpetrator's perceived cost.

Legislation should not focus on operational goals but rather on subsequent violence and as it widens the net of children involved in DV and enables them into the protection system; it must not fail to recognize the heterogeneous nature of DV (Burman, 2012). This is because not all children exposed to violence may experience significant emotional and behavioral problems (Hughes, Graham-Bermann and Gruber, 2001). Furthermore, psychological evidence demonstrates that violence is learned behavior passed on from one generation to the next (Anderson et al, 2003). To deal with DV therefore, there is need for the legal system and psychology to work together to stop the scourge. This is because any strategy to end DV will have to deal with eliminating the social causes of DV such as those that support continued violence, e.g., the belief held by society that violence within a family is "normal" (Ahlawat, 2005). This also means challenging underlying attitudes that

support male aggression, re-negotiating the balance of power between women and men in society (Anderson et al, 2003). Research has proved that DV cannot be controlled unless the rhetoric of male domination is seriously challenged (Ghosh and Choudhuri, 2011).

Zambian is a highly religious society. About 80-90% of the population is Christian (Central Statistics Office, 2012) and they believe in the teachings of the Bible. In Proverbs 22:6, it is stated, "Train up a child in a way that he should go and when he grows he shall not depart from it". Proverbs 23: 13-14 says '.....for if you beat a child with a rod, he shall not die. You shall beat him with the rod and deliver his soul from hell' (The Holy Bible, 2001). For a lot of Zambians, religious convictions are part of the upbringing of a child in a desired way. The above position, however, is at variance with the law. Research has shown that laws that clash with cultural norms and accepted practices fail to achieve their goal (United Nations, 2012) while the Japanese experience underscores need to carefully look at unique factors found across societies that support different family systems (Walker and Lenore, 2009).

Document analysis revealed an attrition rate of 54% cases withdrawn at the police station and 46% taken before the courts. Only 21% of the cases taken to court resulted in conviction and 41% acquitted or withdrawal because complainants lost interest when they becoming aware of the consequences, distance covered to and from police station and court, prolonged investigations and adjournments. 18% were carried forward with a probability of complainants' loss of interest. These findings revealed entrenched difficulties and problems about legislation and how it does not adequately attend to DV. These included; the failure to secure witnesses, policing lapses and corruption, poor investigative skills and attitude of officials towards DV as well as a lack of resources. Ghosh and Choudhuri (2011) aptly argues that justice must be provided timely and at the time it is needed, in this case, it did not seem to be as such, i.e., speedy disposal of cases and other factors (Lawyers Collective, 2009).

Results further indicated that more prosecutions were commenced yet lower convictions were attained. This again was a sign of legislation's and policy inadequacy to deal with DV. The implications are clear, the public's reluctance in future to report DV or even sustain cases before court believing it is a sheer waste of time and ultimately failure of the criminal justice system/processes to deliver on its objective of protecting and preserving society.

Findings further suggested that legislation alone could not guarantee protection of children from DV. According to Ghosh and Chandhuri (2011), the law also depends on the administrative and legal machinery within the CJS to prevent crime within society. As earlier mentioned, it is important that socio-legal, cultural and systemic reforms are carried out in order to make a serious attempt on protecting children from DV.

## 5. Conclusion

There is no doubt that DV is a complex and dynamic issue and the law, recently recognized as critical in protecting children from the scourge appears to be failing. This is because a lot of other issues exist which legislation alone cannot deal with unless society changes. Results suggested support for our hypothesis as; - majority participants agreed that the law was inadequate; most of the current statutes are not meant to specifically protect children but are simply general, the situation is worsened by the fact that legislation supposed to be complimented by policy measures, are at variance. Document analysis of DV cases revealed serious problems and lack of regulation by the law. The general outcome was that the law in its current form does not provide adequate oversight to ensure that cases of DV against children are regulated in a way that ensures children's interests are a priority as far as protection is concerned. In this regard, legislation needs not only to be reformed but also be in conformity with cultural and social realities e.g., statutory and customary. There is further need to align the law with international conventions such as the CRC and in some cases enacting new laws tailored to meet specifics of DV against children in accordance with today's society.

**6. Recommendation:** Future research should build on the study by; including more jurisdictions, children participants and focus on specific statutes. The findings provide vital information that could initiate change of DV legislation on children and violence in general, assessment of policy and other measures related thereto.

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