

Scorecard on GBV Laws and Policies



Engaging men and boys in the prevention and elimination of gender-based violence (GBV) on the African continent

► Overview

This scorecard provides an assessment of whether national policies¹ and laws in the African region attempt to engage men and boys in the prevention and elimination of gender-based violence (GBV). This report analyses policies and laws from eleven African countries: the Democratic Republic of Congo (DRC), Ethiopia, Kenya, Malawi, Rwanda, Sierra Leone, South Africa, Tanzania, Uganda, Zambia and Zimbabwe.² It identifies various strengths and gaps within the region's GBV policies and laws with regards to their inclusion of language relating to the proactive and progressive engagement of men and boys. Furthermore, it offers recommendations for how such policies can increase the commitment and capacity of men and boys to play a proactive role in preventing and eliminating GBV. While this scorecard reviews the content of GBV related laws and policies, it does not evaluate the extent to which laws and policies are being implemented.

► Why engage men?

The elimination and prevention of all forms of violence against women and girls is the priority theme for the 57th session of the UN's Commission on the Status of Women (CSW) in 2013.³ Although there has been much progress in this area, evidence and interventions increasingly show that in order to end GBV, it is important to work with men and women to change the social norms that perpetuate GBV, including providing alternative and non-violent role models for young men and boys, and supporting men to take a stand against GBV. It is well established that masculine

gender norms contribute to GBV.⁴ These include socialisation processes which encourage men to use violence as a means to resolve conflict whilst discouraging expressions of emotion or vulnerability; the pressure to consume alcohol; and the notion that it is not only acceptable for men to control and dominate women, but that such behaviour is indeed necessary for men to demonstrate their masculinity. Given this, a number of

“If social and cultural behaviours are to be transformed, the engagement of men is crucial”.⁵

organisations, particularly those within the MenEngage network,⁶ have been working to eliminate violence against women, and GBV, by working with men and boys. These organisations also recognise that the gender norms, which contribute towards violence against women, also contribute to homophobic violence and discrimination against LGBTI people. It is therefore also necessary to engage men to challenge homophobia and to promote the rights of LGBTI communities. This is especially important in the African region, where homosexuality is criminalised in many countries, and levels of discrimination and violence towards LGBTI people are extremely high.⁷

► The role of laws and policy

Laws and policies significantly define and sustain gender norms by clearly establishing a country's national priorities and setting aside resources for their implementation. Thus, because of their national impact, laws and policies have the potential to lead to large-scale changes in men's behaviours and attitudes relating to gender and health, and to challenge social norms and institutional cultures that continue to perpetuate inequalities and violence.⁸ In order to achieve this and be most effective, laws and policies should be *gender transformative*⁹ and *gender synchronised*¹⁰ so as to ensure they do not reinforce negative societal values and norms.¹¹ Nevertheless, it is important to remember that policies and laws alone cannot effect long-term and sustained change. While they are an integral first step, they must be followed up by effective implementation.

This report is intended to be used by civil society, governments, law and policy-makers as well as decision-makers working in the development of legislation. It aims to provide better understanding on the importance of engaging men and boys in the elimination of GBV and offers an opportunity to address the gaps and priorities identified in existing laws and policies. It can also be used to identify key areas and priorities for policy advocacy.

Scorecard: Engagement of Men and Boys in GBV Policiesⁱ

The table below represents the rankings of eleven African countries based on whether their laws and policies include language on the proactive and progressive engagement of men and boys in the area of GBV. The following pages provide more detail on the key strengths and gaps of GBV legislation in these countries.

Methodology: In evaluating each country's GBV legislation, relevant criteria were weighted based on the extent to which policies and plans include language on men and boys. Percentages denote the total number of points earned in regards to each of these criteria.

Country	% Score	Ranking	Criteria							
			Gender-based violence clearly conceptualised	Sufficient focus on preventative measures	Level of engagement with men	Men engaged as advocates for change	Men treated as capable of change through the provision of rehabilitation programmes	Commitment to the transformation of gender norms	Acknowledgement of the violence men experience and how it can be a risk factor that increases the likelihood of men perpetrating violence	Efforts made to protect LGBTI people from experiencing GBV
UGANDA ⁱⁱ	79	1	Green	Green	Green	Green	Green	Green	Green	Green
ZAMBIA ⁱⁱⁱ	74	2	Green	Green	Green	Green	Green	Green	Green	Green
RWANDA ^{iv}	71	3	Green	Green	Green	Green	Green	Green	Green	Green
SOUTH AFRICA ^v	64	4	Green	Green	Green	Green	Green	Green	Green	Green
DRC ^{vi}	57	5	Green	Green	Green	Green	Green	Green	Green	Green
KENYA ^{vii}	21	6	Red	Red	Red	Red	Red	Red	Red	Red
TANZANIA ^{viii}	19	7	Red	Red	Red	Red	Red	Red	Red	Red
MALAWI ^{ix}	19	7	Red	Red	Red	Red	Red	Red	Red	Red
SIERRA LEONE ^x	17	9	Red	Red	Red	Red	Red	Red	Red	Red
ZIMBABWE ^{xi}	12	10	Red	Red	Red	Red	Red	Red	Red	Red
ETHIOPIA ^{xii}	7	11	Red	Red	Red	Red	Red	Red	Red	Red

KEY	Engagement with men and boys ranged from adequate to impressive	Room for improvement/ a mixture between strong and weak policies	Policies were found to be inadequate in terms of the above criteria
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ⁱTo reiterate, this scorecard is based on whether GBV laws and policies support the implementation of programmes to engage men in the prevention and elimination of GBV. It does not evaluate whether such measures have, or have not, been implemented. While other laws have been taken into account, the focus of the scorecard, and the ranking of the countries, was based on GBV- specific laws and policies.

ⁱⁱThe following documents were analysed: *National Action Plan on Gender Based Violence*, Oct 2010 Draft; *National Policy on Gender Based Violence 2011-2015*, 2010; *Domestic Violence Act*, No. 3 of 2010; *Ugandan Penal Code*, 1950; *Sexual Offences Bill*, Bill No.1 of 2011; *National Development Plan 2010/11-2014/15*; *The Uganda Action Plan on UN Security Council Resolutions 1325 & 1820 and the Goma Declaration*, 2008; *National Action Plan on Women*, 2007.

ⁱⁱⁱThe following documents were analysed: *National Action Plan on Gender Based Violence 2008-2013*; *Anti-Gender Based Violence Act*, 2011; *Penal Code Amendment Act*, 2003.

^{iv}The following documents were analysed: *Law on Prevention and Punishment of Gender Based Violence*, N°59/2008 of 10/09/2008; *National Policy Against Gender-based Violence*, 2011; *National Social Protection Policy in Rwanda*, 2005; *National Strategic Plan Against Gender-based Violence*, 2011-2016; *National Gender Policy*, 2010; *National Accelerated Plan for Women, Girls, Gender Equality & HIV*, 2010-2014; *Organic Law Instituting The Penal Code*, N° 01/2012/OL of 02/05/2012.

^vThe following documents were analysed: *South Africa's 365 Day National Action Plan to End Gender Violence*, 8 March 2007; *Republic of South Africa, Criminal Law (Sexual Offences and Related Matters) Amendment Act*, No.32 of 2007; *Republic of South Africa, Domestic Violence Act*, No.116 of 1998; *National Sexual Assault Policy*, Department of Health, 2005.

^{vi}The following documents were analysed: *Congolese Penal Code Law No 06/018 of 20 July 2006*; *National Strategy against Gender Based Violence*, 2009; *Action Plan of the National Strategy against Gender Based Violence*, 2009; *Gender National Policy*, 2009.

^{vii}The following documents were analysed: *National Gender and Development Policy*, 2000; *Sexual Offences Act (No. 3 of 2006)*; *National Guidelines on Management of Sexual Violence in Kenya*, 2nd Edition, 2009, *Plan of Action (2008 - 2012) to Implement the National Policy on Gender and Development*.

^{viii}The following documents were analysed: *National Plan of Action for the Prevention and Eradication of Violence against Women and Children 2001-2015*; *Sexual Offences Special Provisions Act*, 1998; *National Strategy for Gender Development*, 2005; *Law of Marriage Act*, 1971.

^{ix}The following documents were analysed: *National Response to Combat Gender-Based Violence*, 2008-2013; *Prevention of Domestic Violence Act*, 2006; *Penal Code of Malawi*, 1994; *National Gender Policy*, 2011; *National Gender Programme*, 2004; *National Plan of Action for the National Gender Programme*, 2005-2008; *National Youth Policy*, 1999.

^xThe following documents were analysed: *The Sierra Leone National Action Plan for the Full Implementation of United Nations Security Council Resolutions 1325 (2000) & 1820 (2008) (SILNAP)*, 2009; *The Domestic Violence Act of Sierra Leone*, No. 20 of 2007; *National Gender Strategic Plan*, 2009; *Gender Equality Act*, 2012; and the *Sexual Offences Bill*, 26 July 2012 (a copy of the *Sexual Offences Act* could not be located before going to print).

^{xi}The following documents were analysed: *Zimbabwe National Behaviour Change Strategy*, 2006-2010; *National Health Strategy for Zimbabwe*, 2009- 2013; *Zimbabwe National HIV and AIDS Strategic Plan*, 2011-2015; *National Population Policy*, 1998; *Zimbabwe National Maternal and Neonatal Health Roadmap*, 2007-2015.

^{xii}The following documents were analysed: *National Action Plan on Gender Equality*, 2006; *Constitution of the Federal Democratic Republic of Ethiopia*, 1994; *Criminal Code*, 2004.

Findings of policy analysis

The gaps outlined below indicate that many national policies dealing with GBV in Africa need to be strengthened in terms of engaging with men and boys. While a few pieces of legislation articulate the importance of engaging men and boys for the elimination and prevention of GBV, with some notably mentioning the need to shift negative masculine norms and behaviours, there are hardly any which emphasise the need for Information, Education and Communication (IEC) or Behaviour and Communication Change (BCC) strategies in order to effectively operationalise this aim. In many of the policies, men are viewed primarily as perpetrators of GBV and are not engaged as potential advocates for change.

Strengths

Most policies analysed offer a comprehensive definition of GBV which is not limited to physical and sexual assault but includes cultural and psychological harm or suffering that occurs by way of threats, intimidation, economic deprivation, rape, trafficking and forced prostitution. Rwandan legislation on GBV is the most comprehensive and nuanced as it clearly defines GBV as not being motivated purely by someone's sex but by someone's gender role.¹² Rwanda's GBV policy also recognises that GBV both 'reflects and reinforces inequities between men and women'.¹³

Several policies acknowledge that GBV is facilitated by social norms of male superiority, male sexual entitlement and men holding attitudes and beliefs supportive of sexual and other forms of violence as articulated in South Africa's *National Sexual Assault Policy*.¹⁴

A number of countries recognise the need to do gender transformation work in order to reduce rates of GBV. For example, in Uganda, most policies focus on sensitizing males and females on harmful values and beliefs on male dominance and female subordination and are committed to promoting gender equality in society.¹⁵

Many policies and plans note the importance of developing prevention strategies as opposed to only focusing on punishment. Malawi's *National Response to Combat Gender-based Violence* outlines

adequate prevention measures focused on GBV education targeted at civil society, government and poor women who tend to be the main victims of GBV.¹⁶ This includes a focus on schools and educational institutions in the hope that this will "...lead to the creation of a violent-free generation/society."¹⁷

Within some legislation, it is noted that men who are exposed to violence (for instance, in conflict and post conflict settings) are more likely to use physical and sexual violence against their partners and children. This is discussed in DRC's *National Action Plan to Prevent and Combat Violence against Women (2008-2012)*.¹⁸

Gaps

While most forms of GBV are criminalised and punishable by law, marital rape is not criminalised in seven of the eleven countries evaluated, specifically the DRC, Ethiopia, Kenya, Malawi, Tanzania, Uganda and Zambia.

Many policies and plans recognise that GBV is fuelled by negative masculine behaviours but do not provide detailed and explicit plans to address them, including the pervasive belief that men are superior to women and that they have the right to use physical and/or sexual violence to maintain their dominance. There are minimal IEC and BCC strategies

that seek to challenge these attitudes, which are often the root cause of GBV.

There are very few plans in place that encourage men and boys, particularly those in leadership positions, to speak out publicly against GBV and act as advocates for change.

In most countries, GBV is synonymous with violence against women (VAW). As a result, there is minimal acknowledgement of the violence that men and boys experience, particularly at a young age, and how this often leads to violence against women and children as well as other men, especially marginalised men such as men who have sex with men (MSM) and men in detention settings. Male rape in particular is barely discussed in policies dealing with GBV.

Given that homosexuality is illegal in most African countries, the needs and concerns of LGBTI persons are not acknowledged or accounted for in legislation dealing with GBV.

Most policies do not commit their governments to developing adequate rehabilitation programmes (such as batterer interventions) for men seeking to address their aggressive behaviour, whether in prison settings or in their communities.

Recommendations

Marital rape should be criminalised and the definition of rape broadened. Relevant pieces of legislation should be amended so that marital rape is criminalised and punishable by law across Africa. Existing definitions of rape should be expanded to include male rape. In addition, the forms of GBV faced by LGBTI persons should be articulated and accounted for.

Policies and plans should pay adequate attention to GBV prevention, including a focus on gender norms transformation work. Legislation tends to understandably be punitive in its approach to GBV. While this is extremely important, and much work should focus on ensuring that GBV offenders are brought to justice, detailed strategies that aim to address root causes of GBV should also be prioritised. Prevention measures should include gender norms transformation work which focuses on transforming notions of masculinity that encourage violent behaviour, the objectification of women, and excessive alcohol consumption, as well as the development of positive role models who encourage men to be engaged in GBV prevention.

Men should be encouraged to speak out publicly against GBV. Men, whether former offenders, ordinary men or men in high positions such as political and traditional leaders, should be called upon to speak out publicly against GBV, thereby challenging the culture of impunity that surrounds GBV.

Policies should recognise the violence that men experience, particularly at a young age, in conflict and in prison settings. Policies and laws should seek to provide psychosocial support for boys and men who witness and/or experience violence, as this can be a risk-factor that increases the likelihood of men perpetrating violence against women, children or other men. When acknowledging the violence that men experience, this should never detract focus from preventing violence against women; and it should always be acknowledged that men usually experience violence at the hands of other men.

Governments should provide opportunities for rehabilitation. The potential for rehabilitation, such as through batterer intervention programmes, should be addressed in legislation in order for offenders to address their violent behaviour and reduce the potential for re-offending. Men who are imprisoned for violent crimes, parolees and men in communities should be provided with intervention services in order for men to be supported to address violent behaviour and its root causes.

Strategies aimed at ending a culture of violence should be developed. Plans that seek to combat GBV should

take into consideration the general levels of violence in society, including male-on-male violence, and how this contributes to GBV. Prevention strategies should address violence at a societal level in order to transform attitudes towards violence.

Youth focused GBV prevention initiatives should be rolled-out in schools. In order to influence socialisation processes and attitudes towards violence, programmes which address gender norms transformation and raise awareness on gender equality and human rights should be integrated into school curricula. Special efforts should be made to prevent violence in schools.

Legislation should recognise and address the link between discrimination against LGBTI people and GBV. Laws which criminalise homosexuality should be repealed as they foster homophobic violence and offer no opportunity for victims to seek legal recourse. Hate crimes should be criminalised as part of a state's constitutional duty and in a direct effort to address the perpetration of violence against men and women who do not conform to repressive gender roles and stereotypes.

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References

¹When this document refers to policies, it should be understood that this refers broadly to policies, laws, frameworks, guidelines and plans.
²This scorecard is derived from several policy reports that Sonke has been producing since 2010 on behalf of the MenEngage Africa Network. The detailed country reports can be accessed at www.genderjustice.org.za
³See <http://www.un.org/womenwatch/daw/csw/57/ess.htm>
⁴UNFPA website, Gender Equality, Ending Widespread Violence Against Women, <http://www.unfpa.org/gender/violence.htm>
⁵Findings within "Programming to address violence against women, 10 Case Studies", UNFPA, p. vi, http://www.unfpa.org/webdav/site/global/shared/documents/publications/2007/vaw_10cases.pdf
⁶See www.menengage.org
⁷"Homosexual Africans face prison, intolerance and

the death penalty. In Africa 38 out of 53 countries have criminalised consensual homosexual sex", Fran Blandy, The Telegraph, 11 January 2010, <http://www.telegraph.co.uk/expat/expatnews/6951539/Homosexual-Africans-face-intolerance-prison-and-the-death-penalty.html>.
⁸"What men have to do with it: Public Policies to Promote Gender Equality", Men and Gender Equality Policy Project, coordinated by the International Center for Research on Women and Instituto Promundo, pp. 8-9; "Policy Approaches to Involving Men and Boys in Achieving Gender Equality and Health Equity", prepared by Sonke Gender Justice Network for the Department of Gender, Women and Health, World Health Organization, (June 2010), p. 10.
⁹"Gender transformative" refers to action that seeks to promote equitable relationships; challenge male gender norms; transform traditionally accepted norms associated with being a man or a woman; and change gender relations. Adapted from Gupta GR, Whelan D, Allendorf K. *Integrating gender into HIV/AIDS programmes: review paper for expert consultation*. Geneva: WHO, 2003, http://www.who.int/gender/hiv_aids/en/Integrating%5B258KB%5D.pdf

(accessed January 2012).
¹⁰"Gender-synchronized approaches are the intentional intersection of gender transformative efforts reaching both men and boys and women and girls of all sexual orientations and gender identities. They engage people in challenging harmful and restrictive constructions of masculinity and femininity that drive gender-related vulnerabilities and inequalities and hinder health and well-being." Margaret E. Greene and Andrew Levack, *Synchronizing Gender Strategies, A Cooperative Model for Improving Reproductive Health and Transforming Gender Relations*, 2010. For the Interagency Gender Working Group (IGWG), http://www.engenderhealth.org/files/pubs/gender/synchronizing_gender_strategies.pdf
¹¹"Policy Approaches to Involving Men and Boys in Achieving Gender Equality and Health Equity", op cit, p.12.
¹²Rwanda's *National Policy Against Gender-based Violence*, p. 8.
¹³South Africa's *National Sexual Assault Policy*, 2005, p.5-6.
¹⁴South Africa's *National Sexual Assault Policy*, 2005, p.5-6.
¹⁵Uganda's *National Action Plan on Gender Based Violence*, p. 8-9.

¹⁶Malawi's *National Response to Combat Gender-Based Violence*, p.3.
¹⁷*Ibid*.
¹⁸DRC's *National Action Plan to Prevent and Combat Violence against Women*, 2008-2012, p. 3.
¹⁹The United Nations Trust Fund in Support of Actions to Eliminate Violence against Women (UN Trust Fund) is a multi-lateral grant-making mechanism supporting country-level efforts of governments and non-governmental organizations to end violence against women and girls. Established in 1996 by General Assembly resolution 50/166, the UN Trust Fund is administered by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) on behalf of the United Nations system.
²⁰The views expressed in this document are those of the authors and do not necessarily reflect the official views and positions of UNDP, UNFPA, SIDA, UN Trust Fund, UN Women, the United Nations or any of its affiliated organizations.