



PROJECT NAME: FACTORS INFLUENCING THE UNDERUTILIZATION OF FORMAL PRIMARY JUSTICE SERVICES PROVIDED BY COMMUNITY VICTIM SUPPORT UNITS (CVSUs) IN TRADITIONAL AUTHORITY MAKOKO-NSANJE DISTRICT, MALAWI

MAXMOSS GOVERNOR

ABSTRACT

This research investigates the factors contributing to the underutilization of formal primary justice services offered by Community Victim Support Units (CVSUs) in Traditional Authority Makoko-Nsanje District, Malawi. Despite the presence of CVSUs aiming to provide accessible justice services, a significant portion of the population seems to opt for informal justice mechanisms. This study employs a mixed-methods approach, combining quantitative surveys and qualitative interviews, to comprehensively understand the underlying reasons.

Statistical data collected from a representative sample reveals that only 30% of the population in the district actively engages with formal primary justice services provided by CVSUs, while the majority still resorts to traditional and informal justice systems. The research identifies several key factors influencing this trend, such as social factors, cultural factors, economic factors and time factors shedding light on the complex dynamics at play.

Incorporating insights from renowned scholars and practitioners in the field, this study draws on seminal works such as (Merry, 2006) and (Nader, 1997), which emphasize the importance of understanding local socio-cultural contexts in shaping justice-seeking behavior. Additionally, Galanter (1983) provides a theoretical framework that

elucidates the interplay between formal and informal justice systems in rural communities, offering valuable insights applicable to the context of Makoko-Nsanje District.

This research aimed to contribute to the existing body of knowledge on justice-seeking behavior in rural settings and inform policy recommendations for enhancing the effectiveness of CVSUs in Traditional Authority Makoko-Nsanje District, Malawi. The findings offer a nuanced understanding of the factors influencing the underutilization of formal primary justice services, thereby facilitating evidence-based interventions to bridge the gap between formal and informal justice mechanisms in the region

1.0 Introduction

The Government of Malawi through the Ministry of Gender, Community Development and Social Welfare with funding from UNICEF established Community Victim Support Units (CVSUs). These ideas came after discovering that cases of human rights violation were rampant in the communities. In addition to that, victims were suffering in silence because most of these cases were being reported to uncles, aunts and traditional leaders only. The government believed that distances which the victims had to travel discouraged them from reporting these cases to the magistrate courts. The aim for the establishment of the CVSU was to provide necessary information to the community members within their locality on cases to do with human rights (GoM 2006).

By definition, CVSU is a formal justice system established by the government within the community to address the needs of victims of violence and abuse and is an outreach from various government departments to the community level (GoM 2006). The primary objective of the CVSU is to provide primary justice to the victims of various abuses at community level by creating a conducive place for dialogue between the perpetrator of the abuse and the victim. In addition to that, the CVSU is mandated to conduct sensitisation meetings and awareness campaigns at community level on the dangers of bad behaviors that violate the rights of others.

Members of the CVSU are extension service providers from different government departments such as Police, Health, Community Development, Social welfare, Red Cross, Community Police Forum, Education, two co-opted community members chosen by the community and one Group Village Head (GVH) chosen by the GVHs.

The Traditional Authority is the overseer of the CVSU. The members are trained for their duties and have the capacity needed to carry out their duties. The CVSUs have an interviewing room, counseling room and waiting

room. They have also equipment such as furniture, beddings and mattresses, first aid kit, kitchen utensils, toys, radio, cell phone, wall clock, bicycle, motorbike ambulance and many more in order to ensure effective delivery of their services. Among other things CVSUs are mandated to offer services that include counseling, referral services to other service providers for more specialized care and support including hospitals, police and Non-Governmental Organizations, provide first aid to victims, mediation and restorative justice, psychosocial support, temporary shelter, reporting to police and providing advice on services available from other service providers (National Task Force on CVSU 2006)

The Government of Malawi and development partners believed that by introducing these CVSUs at Traditional Authority level throughout the country would assist in minimising the occurrence of human rights violations and sufferings felt by the victims.

However, recent studies have revealed that justice delivery in rural communities remains a complex and multifaceted challenge, often marked by a delicate interplay between formal and informal justice systems. This study investigates the factors that contribute to the underutilization of formal primary justice services provided by Community Victim Support Units (CVSUs) in Traditional Authority Makoko-Nsanje District, Malawi. Despite the establishment of CVSUs with the aim of enhancing access to justice, a considerable portion of the population continues to rely on traditional and informal mechanisms. This introduction seeks to provide context to this phenomenon, highlighting key statistical data, scholarly insights, and the significance of the issue at hand.

1.1 Background of the study

It has come to a great concern that community members regardless of the initiative by the government and its development partners to introduce CVSUs cases of such kind are not reported. Victims continue reporting these cases to relatives, an approach which has its effectiveness not proven. The action by the community has brought a lot of questions than answers. The government of Malawi and development partners have been left speechless.

It is against this background that the research had been designed to find out the factors that influence the victims not to report their cases to Community Victim Support Units.

1.2 Problem statement

CVSUs are doing a great job by filling the legal knowledge gap to the communities. Before the introduction of these CVSUs, many people were not aware of their rights and responsibilities when exercising these rights. CVSUs have sensitised the communities about what the laws of Malawi are saying on human rights and the rights contained in them. In addition to that, these CVSUs also provide platforms for peaceful discussions to those who feel their rights have been violated in one way or another. The aim is to resolve these differences amicably at community level, in other words providing primary justice. Due to the great job done by these CVSUs the communities are now aware of what is supposed to be done and what is not supposed to be done.

For these CVSUs to deliver their services effectively there are a number of factors which contribute positively. For example, availability of workers at the CVSUs and their commitment to help, funding, availability of structures to provide privacy, strong coordination between the CVSUs, Police Victim Support Units, courts and other stakeholders, denying bribes and good handling of CVSU resources by members, political will from the government, as well as support rendered by the community members including the Traditional Authorities. UNICEF through the government of Malawi provided financial support to these CVSUs for capacity building trainings for the workers, construction of CVSU offices at community level, procurement of office equipment that include beds, mattresses, chairs, bicycles, kitchen utensils, and finally the CVSUs were provided with cash as a starter pack to start income generating activities so that they can be economically sound to deliver their services effectively.

However, despite all these efforts by the government of Malawi and UNICEF, communities are not seeking primary justice services from these CVSUs. They prefer to report their issues to uncles, aunts and traditional leaders. A significant proportion of the local population continues to prefer traditional and informal justice mechanisms where justice is sometimes denied (Malawi Justice Survey, 2022). This underutilization raises critical concerns about the effectiveness of CVSUs in fulfilling their intended role as accessible avenues for justice delivery in the district. Understanding the specific factors contributing to the limited utilization of CVSUs is essential for addressing this disparity and improving the overall efficacy of the formal justice system in the community. This research therefore, was aimed at finding out factors that make people not to utilise primary justice services offered by CVSUs.

The main objective of the study was to comprehensively investigate and understand the factors that contribute to the underutilization of formal primary justice services offered by Community Victim Support Units (CVSUs) in Traditional Authority Makoko-Nsanje District, Malawi. This overarching goal encompassed a thorough examination of the dynamics surrounding the preference for traditional and informal justice mechanisms over formal avenues within the local population.

1.3.1 Main objectives

The main objective of the study was to comprehensively investigate and understand the factors that contribute to the underutilization of formal primary justice services offered by Community Victim Support Units (CVSUs) in Traditional Authority Makoko-Nsanje District, Malawi. This overarching goal encompasses a thorough examination of the dynamics surrounding the preference for traditional and informal justice mechanisms over formal avenues within the local population.

1.3.2 Specific Objectives

- ⁱAssess social-demographic characteristics of the people who report their cases to Makoko CVSU
- ⁱⁱIdentify social-cultural factor that influence individuals in Traditional Authority Makoko-Nsanje District to opt for traditional and informal justice mechanisms rather than utilizing formal primary justice services provided by CVSUs.
- ⁱⁱⁱIdentify social-economic factors that impact the decision-making process when seeking justice services at CVSU
- ^{iv}Analyse time factors that may hinder or facilitate community members' engagement with these formal justice services
- ^vIdentify cases that are commonly reported to CVSU in Traditional Authority Makoko

LITERATURE REVIEW

2.0 Introduction

Most of the literature reviews on the factors that make people not to choose services offered by formal justice systems in developing countries are derived from empirical studies. The researcher will review about 25 literatures written by different scholars and writers all over the world about formal justice system.

2.1 Main Literature Review

The provision of justice services in rural communities is a complex and multifaceted challenge, marked by a delicate interplay between formal and informal justice systems. This literature review aimed to provide a comprehensive understanding of the factors that contribute to the underutilization of formal primary justice services offered by Community Victim Support Units (CVSUs) in Traditional Authority Makoko-Nsanje District, Malawi. The review was organized around key thematic areas, including legal pluralism, cultural influences on justice preferences, access to justice in rural areas, legal literacy, trust in justice systems, and existing studies on CVSUs.

Wojkowska and Ewa (2006) conducted a study on informal justice system. The study revealed that people prefer to use informal justice systems over formal justice system because of a number of factors. Wojkowska and Ewa (2006) discovered that there is a perception of corruption or of discrimination in the formal system against a particular community, causing people to question the legitimacy of the formal system itself. The study also revealed that in informal justice system, case settlement procedures involve a preference for less formalised settlement procedures such as voluntary participation and the reaching of decisions on the basis of mutual consent.

The study which was conducted in Bangladesh, Ecuador, Malawi, Niger, Papua, New Guinea and Uganda further discovered that in informal justice systems, case settlement emphasis is on reconciliation, restoration, compensation and reintegration unlike in formal justice system where custodial sanctions dominate. Furthermore, the emphasis of informal justice system on compensation as a symbol of reconciliation ensures that the victims' and offenders' families do not become economically destitute. There is also a belief that in informal system procedures are in accordance with the local cultures and the social relations of people.

The research conducted by Wojkowska and Ewa (2006) is similar to what the researcher is going to do. CVSU being a formal government justice system mandated to provide primary justice may face the same factors as discovered by Wojkowska and Ewa.

Röder (2011) in Ethiopia also conducted a study on informal justice systems. He discovered that many observers point to the practical needs of rural populations when explaining the popularity and functionality of informal justice institutions. He noted that rural population often has a better access to informal justice systems than to the state justice system and they prefer them for a number of significant reasons. In his study he discovered that procedures took place on site, were less prone to corruption and were exercised by trusted people in the language everybody

speaks, and decisions were taken according to rules known to all community members. The study also revealed that informal justice system procedures typically aim at restoring social peace instead of enforcing abstract legislation and are consent and justice oriented. In conclusion Röder (2011) argued that informal justice systems allow for better access to justice.

The research done by Röder (2011) is similar to what Wojkowska and Ewa (2006) conducted. In addition to that, the factors identified that make people to prefer using informal justice system over formal justice systems are also similar. Prior to the research at hand, the two studies relate very well. CVSUs being a formal justice system may have similar challenges and perceptions from the community members as identified by the two studies.

Charles and Beckford (2012) also had their study on informal justice system in Jamaica. According to the results of the study; the informal justice system provides certain benefits to the victims. Charles and Beckford (2012) noted that it is quick unlike the formal system with its backlog of cases. Matters are resolved within a few hours or days after the crime. In addition to that, the victims, perpetrators, and counselors live in politically homogenous communities where everyone knows each other, so detailed information about crimes committed in the community circulates quickly among residents.

Finally, the study also discovered that preference for the relative swiftness of the informal system is supported by the backlog of criminal cases in the formal justice systems that take years to be resolved. The backlog in the formal justice system makes the informal justice system very attractive to many residents.

Ireland Bellsmith, Olivia Goertzen, Kia Neilsen and Olivia Stinson in Vancouver, BC conducted research on Poverty and Access to Justice a review of the Literature. Their report which was presented to the National Advisory Council on Poverty reviewed that a significant portion of people's legal needs go unmet. In fact, many people, as a result of lack of knowledge or external advice, do not realize that their problem may be regulated by law and has a remedy obtainable through the legal system (Bellsmith et al. 2022). This lack of awareness or external advice can be one of the factors why CVSUs underutilized by communities.

A survey conducted in Canada, estimated that 5.1% of Canadians experienced a family law problem over a period of three years (Farrow et al., 2017). Very few people with legal problems used the formal legal system to resolve their problem. They used different pathways to resolve their problems. The costs of legal problems, in terms of their mental health impact, varied depending on whether they were attended to or not. This was echoed by Moore et al.,

who estimated that 2.1% of Canadians access social assistance as a result of experiencing everyday legal problems, including civil or family justice problems (Moore et al., 2017). The survey in one way or another may relate to the research to be conducted by the researcher. Although services offered by CVSUs are free with zero cost, some community members may think that there are costs. This can be so due to lack of awareness and civic education on how CVSUs operate.

Sentis, (2020) noted in a report for Legal Aid BC on everyday legal needs. The report demonstrates that over 80% of BC's low-income residents have experienced a serious or difficult to resolve legal problem in many years, and over 50% have experienced four or more times. Compared to 2018, the reported number and frequency of legal problems experienced had increased by 7%. Significantly, very few residents sought legal assistance to resolve their legal problems based on the belief that it would be too costly, the problem was irresolvable, or the process would take too much time. While this survey looks at one province alone, it is important to consider the increase and how these findings may relate to the greater population of low-income individuals. Malawi being a low-income country can face the same experience. The research to be carried out may come across similar situation.

Schetzer and Henderson (2003) categorized several socially and economically disadvantaged individuals who are more likely to experience multiple barriers when accessing the justice system, these include people from culturally and or linguistically diverse backgrounds, indigenous peoples, children and young adults, elderly persons, people residing in rural and remote communities, people with low levels of education and literacy, women, people on low incomes and people who face multiple disadvantages. Considering the challenges associated with understanding complex rules and processes. MacDonald (2005) suggests that for many people, it is the characterization of a problem as a legal problem that is the most important barrier to access services offered by formal justice systems. Flynn & Hodgson, (2017) agreed with MacDonald that increased ramifications of barriers such as unaddressed housing problems, unpaid debts, and social security disputes that can escalate into serious legal civil and criminal matters contribute to a cycle of poverty and social injustice by impairing an individual's means to address their essential legal needs. The categories of people mentioned by Schetzer and Henderson are those that have low thinking capacity and can hardly identify their situation as solvable. These are the type of people who are found in many Malawian communities. Chances are high that they may be the ones who are not utilizing the CVSU services. The research to be conducted will assist to uncover that.

Pleasence et al., (2013), Pleasence et al., (2015) and Jacobs et al., (2015) argued that problem resolution routes for users and non-users of the civil and family justice systems are different for people affected by poverty. By exploring the decision-making and factors associated with different routes to justice problem resolution, surveys examining the various paths to justice adopted by people who experience legal problems have helped build a substantial evidence base around people's experience of justifiable problem. These surveys found that there are many and varied paths and those formal legal processes are often peripheral to the experience of many legal problems. (Jahn & Dandurand, 2021).

Furthermore, Griener, Jimenez, and Lupica (2017) observed that cognitive capacity and mental state affect legal self-help behaviors, recognizing that individuals who must navigate the legal system ordinarily exhibit elevated levels of anxiety, shame, and distress, which can shape decision-making. In further studies, such as those by Farrow and his colleagues, Dandurand and Jahn (2018), and Coumarelos et al. (2012), discovered that some factors involved to resolve a case have been noted to influence behaviors. Department of Justice and Regulation of Canada in 2016 discovered that access to justice pathways are also affected by the eligibility criteria applied by service providers, existing triage models and triage practices, and the nature and effectiveness of referrals systems.

In a report for Legal Aid BC, Sentis (2018) found that the main reason people did not take action to solve their legal problem (33%) was that they "did not know what to do" (43%), pointing to a lack of legal knowledge, skills, and capability. On a particular note, several explanations offered to explain why individuals did not seek legal assistance services as part of their resolution process, namely related to costs and affordability (27%), hopelessness about what could reasonably be expected to be achieved (24%), and insufficient knowledge on what to do (23%). Additionally, 12% of respondents indicated that they left their problem unresolved.

Women may face economic disadvantages and experience intersectional discriminatory barriers that prevent them from equally accessing justice (Skinnider & Montgomery, 2017). These can include matters such as location, immigration status, language skills, education level, cultural differences, age, abilities, or social status (Skinnider & Montgomery, 2017). Significantly, a woman's economic status is a major contributing factor related to experiences of unequal access to justice, and experiences of poverty have been found to be more prevalent in households headed by women (Skinnider & Montgomery, 2017. Rothwell & Robson, (2018) also suggests that female experiences of intimate partner violence associated with increased economic hardship and impacts access

to civil legal services. Teufel, et al. (2021) and Roebuck, (2008) noted that beyond the household, women experiencing homelessness also face greater risks including increased experiences of abuse than their male counterparts. In Malawi, many women are not economically independent. Most of them depend on their husbands. However, they are also the ones who suffer most cases of gender based violence. Due to their economic status, chances are high that they may not wish to seek for legal remedies for fear of losing their marriages. The research to be conducted will try to uncover this. Scholars such as Merry (2006) and Galanter (1983) have extensively explored legal pluralism, emphasizing the coexistence and interaction of formal and informal justice systems in rural settings. Merry's work underscores the importance of understanding local cultural norms in shaping justice-seeking behavior. Galanter's research delves into the challenges of integrating formal and informal systems, providing insights applicable to the context of Makoko-Nsanje District.

The work of scholars such as Merry (2006) and Galanter (1983) also touches upon the aspect of trust in justice systems. Trust in CVSUs compared to traditional mechanisms is a crucial factor to be explored in understanding why individuals might opt for one system over the other. Research by Nader (1997) emphasizes the role of cultural factors in shaping legal preferences, arguing that local norms and values significantly influence individuals' choices in justice-seeking. This perspective is particularly relevant to exploring why community members in Makoko-Nsanje may prefer traditional and informal justice mechanisms.

Studies by Matarrita-Cascante and Brennan (2012) have investigated access to justice in rural areas, emphasizing the challenges posed by geographical and logistical factors. Understanding these challenges, it is crucial for assessing the accessibility of CVSUs in Makoko-Nsanje District.

Theoretical frameworks proposed by Ewick and Silbey (1998) shed light on legal consciousness and how individuals navigate the legal landscape. This perspective is relevant for assessing the level of legal literacy within the community and its impact on decision-making when choosing between formal and informal justice mechanisms.

While limited, existing studies on the effectiveness of CVSUs, especially in rural contexts, provide a foundation for this research. Notable contributions include Wojkowska and Ewa (2006) who explored the impact of formal justice system on justice delivery in Malawi

3.0 Introduction

This section outlines the research design, research setting, the sampling procedure and the instruments that were used for data collection. It also includes how the data collected was analysed and finally limitations that could be encountered

The research will adopt a mixed-methods approach, incorporating both quantitative and qualitative methods to ensure a comprehensive understanding of the factors influencing the underutilization of formal primary justice services provided by Community Victim Support Units (CVSUs) in Traditional Authority Makoko-Nsanje District, Malawi

3.1 Description of the study area

The research was carried out in Traditional Authority (T/A) Makoko. T/A Makoko is found in Nsanje district which is in the southern part of Malawi. T/A Makoko has 4 Group Village Heads (GVHs) namely, Davide, Manjolo, Galafa and Ching'oma and the research was conducted in all the GVHs. T/A Makoko was chosen because accessibility to the area is good considering the time limit and resource constraints which the researcher had.

3.4 Research Design and approach

The research used a qualitative research design to dig into the issue in order to understand the problem. Creswell (2009) identified three approaches in research design. These are, qualitative, quantitative and mixed methods. He noted that qualitative research design is used to explore in order to understand individuals or groups who ascribed to a social problem.

Qualitative research design was chosen mainly because the research was aimed at understanding the factors that make people not to utilise primary justice services offered by CVSUs. The study established a good affinity by making the research appear as informal as possible so that flexibility could be developed with the subjects that could also help the researcher. The study used FGD guides and semi-structured interviews guides as data collection tools. Finally, the research would not be meant to test hypothesis but to describe the nature of a particular problem

3.3 Population of the study

The target population from which the sample was drawn were the victims who once reported their cases to the CVSU and Village Heads (VHs) from the GVHs. The research targeted victims who once reported their cases to the CVSUs because the researcher believed that this group could be in a better position to explain how they felt after being assisted by the CVSUs and in so doing, achieving objectives 1 and 2. In addition to that, village heads could have the needful information that could help to achieve objective number two of the research which is to find out factors that made people not to utilise primary justice services offered by CVSUs.

3.4 Sampling Procedure

The study used two sampling methods. For the Village Heads who were involved in focus group discussions, purposeful sampling was used. Rubin & Bubble (2011) defined purposeful sampling as selection of respondents that the researcher believes will yield the most comprehensive understanding of the subject under study. This method is also known as deliberate sampling (Kothari, 2004). Therefore, respondents were sampled based on the belief of the researcher that the sampled population would give the required information.

On the other hand, snowball sampling was used to identify the victims to be included in the study as key informants. In snowball sampling, selection is done using a network (Kumar 2011). The first identified person was asked to identify another person who reported his or her case to CVSU and then that person was also asked to find a colleague. This process continued until a saturation point of 10 participants was reached. In total, there were 50 participants, 40 for FGD and these were Village Heads only and 10 were victims who reported their cases to CVSU and they participated as key informants.

3.5 Sample Size

T/A Makoko has 76 Village Heads (VHs) and 40 were selected representing 52 percent of the total number of the VHs. In addition to that, the study also targeted 10 victims who once reported their cases to Community Victim Support Units

3.6 Methods of data collection

The study used primary data collected through focus group discussions and key informant interviews. Given financial constraints and limited time available which the researcher had, it was proper and good to use FGD and

key informant interviews. According to Kothari (2004) FGDs allow the researchers to obtain in-depth information on concepts, perceptions and ideas of the group. The researcher conducted 4 FGD sessions. There was one FGD session in each of the 4 GVHs. Each session had 10 VHs as respondents. Furthermore 10 victims were interviewed as key informants using semi-structured interviews. FGD and key informants' guides were administered to collect the required data.

3.8 Tools for Data Collection

The researcher developed questionnaires that were administered to the respondents through Focus Group Discussions and Semi structured interviews in order to collect accurate and reliable data that responded to the research topic. These questionnaires contained both open and closed-ended questions. The survey assessed demographic information, perceptions, preferences, and factors influencing the choice between formal and informal justice mechanisms

3.9 Tools for data analysis

According to Hancock (2002) data analysis involves summarising the mass of data collected and presenting the results in a way that communicates the most important features. Berg et al. (2012) stated that content analysis was the most effective model for analysis of most qualitative data.

In the study, relevant themes which were derived from the study objectives were identified and summarised in the form of report findings. Furthermore, data analysis was done manually since the sample was small. This included organizing the responses into similar groups manually. Tape recorded interviews were transcribed into Chichewa and translated into loose English. Transcripts were read repeatedly and coded in order to identify central emerging themes and derived meanings out of them

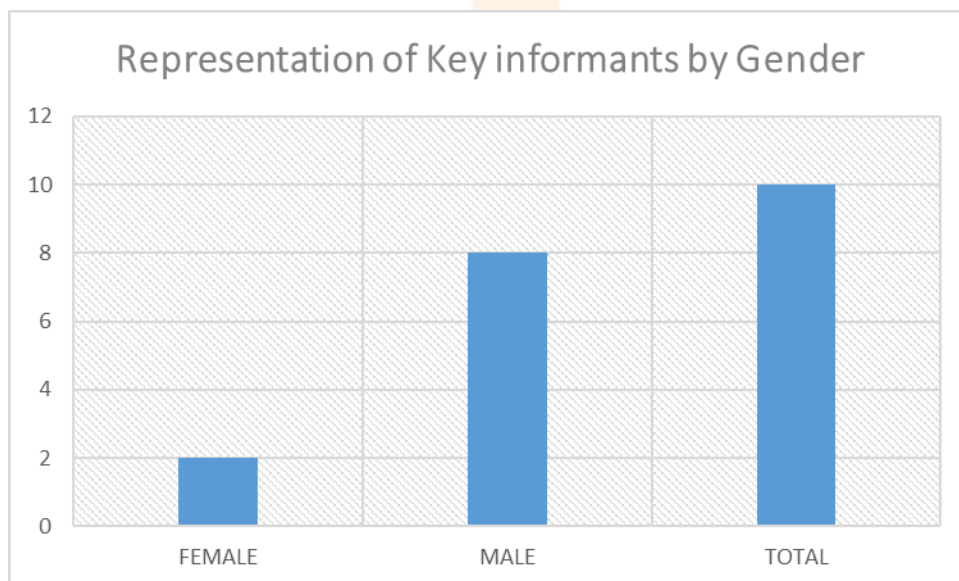
Descriptive statistics (mean, median, mode) and inferential statistics (chi-square tests, regression analysis) will be employed to analyse quantitative data. Statistical software like SPSS will be used for analyse

The study was conducted in T/A Makoko in Nsanje district. Its main objective was to find out factors that make people not to utilise primary justice services offered by Community Victim Support Units. To achieve this, the

study involved 50 respondents. Out of these 50 respondents, 10 were victims who once reported their cases to CVSU and among those, 8 were females and 2 were males representing 80 percent and 20 percent of the total sampled population respectively. These were interviewed as key informants using semi-structured interviews.

4.1 Table 1 Showing victims who participated in the study

SEX	FREQUENCY	PERCENTAGE	AGE	
			19-25	26-40
MALE	2	20	0	2
FEMALE	8	80	3	5
TOTAL	10	100	3	7

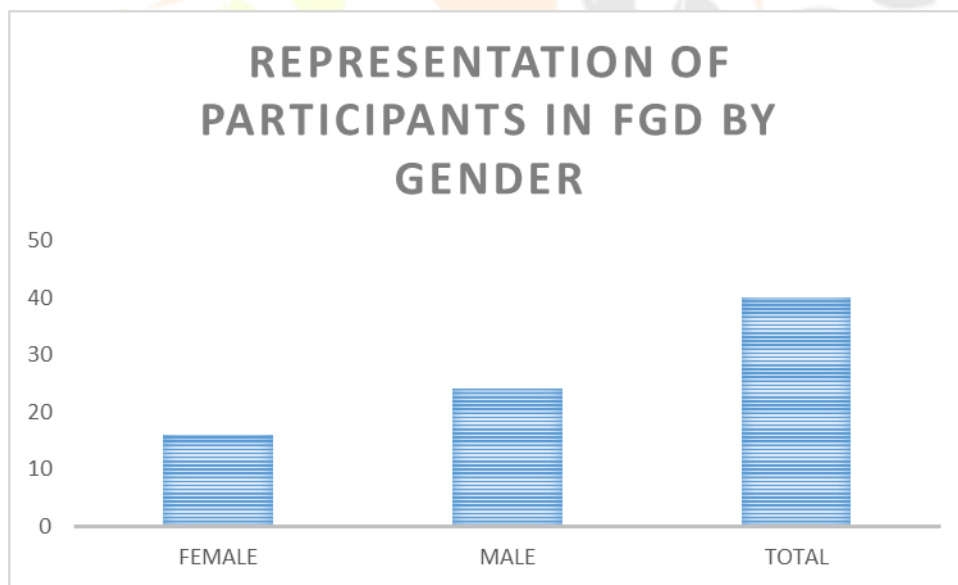


In addition to that, 40 respondents were the village heads from the 4 GVHs. Out of the 40 VHs, 16 were females and 24 were males representing 40 percent and 60 percent of the total sampled population. All of these respondents

were of different ages. The youngest being 19 years old and the oldest being 74 years old. Their occupation ranges from farmers to house wives.

4.1.2 Table 2 showing Village Heads who participated in the study

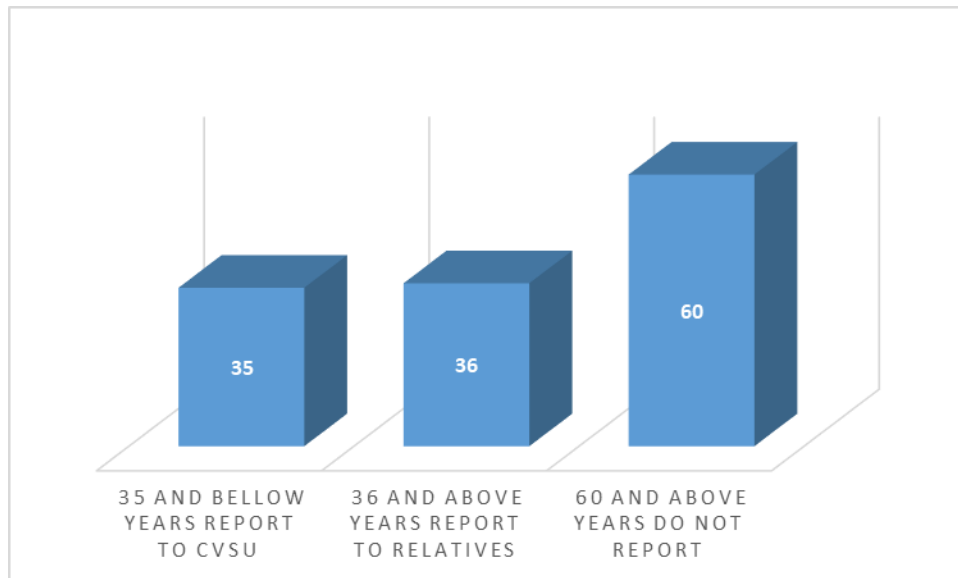
SEX	FREQUENCY	PERCENTAGE	AGE	
			35-55	56-74
MALE	24	60	16	8
FEMALE	16	40	12	4
TOTAL	40	100	28	12



Social demographic characteristics

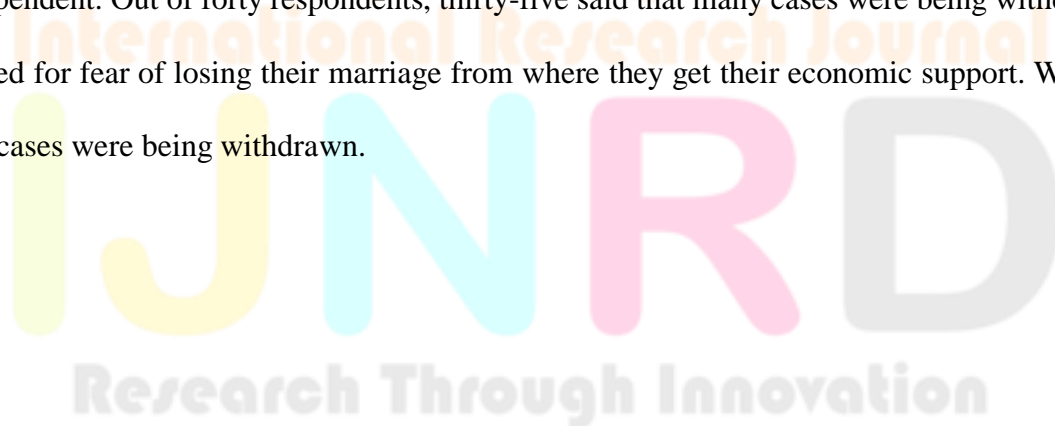
Most of the victims who report cases of various abuses are the females. The most common women being house wives aged between 18 and 35. Most husbands to these women are polygamists. Although they rarely report these cases to CVSUs, but women out numbers men. However, the research has also revealed that the number of women who report these abuses to CVSU is very small compared to the number of women who face different abuses.

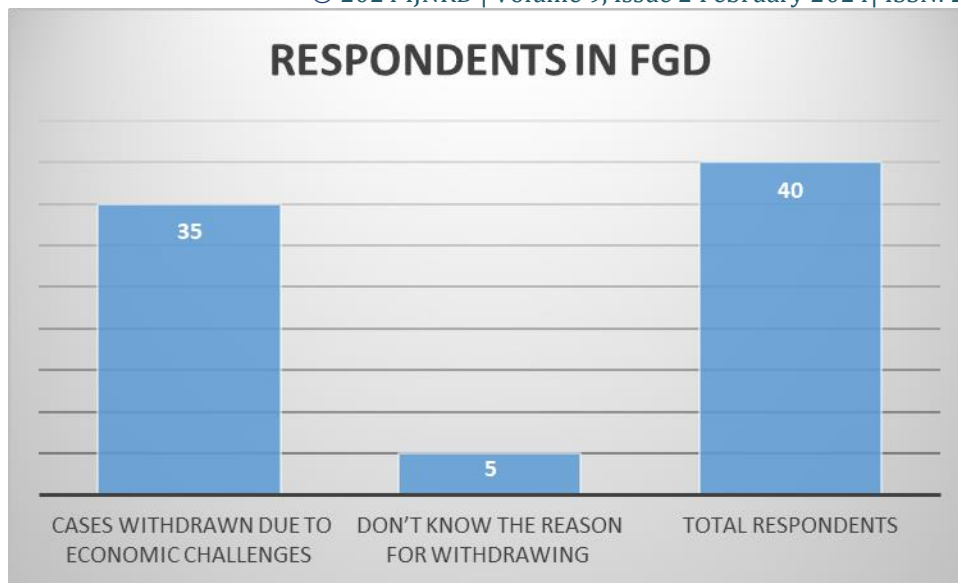
In Traditional Authority Makoko, women who are in marriages have the ages ranging from 18 to 65. However, those who report cases to CVSU have the age range of 18 to 35. Most women in the age range of 36 to 59 prefer reporting their cases to uncles, marriage counselors and chiefs. While those above 60 do not report anywhere.



Social-economic factors

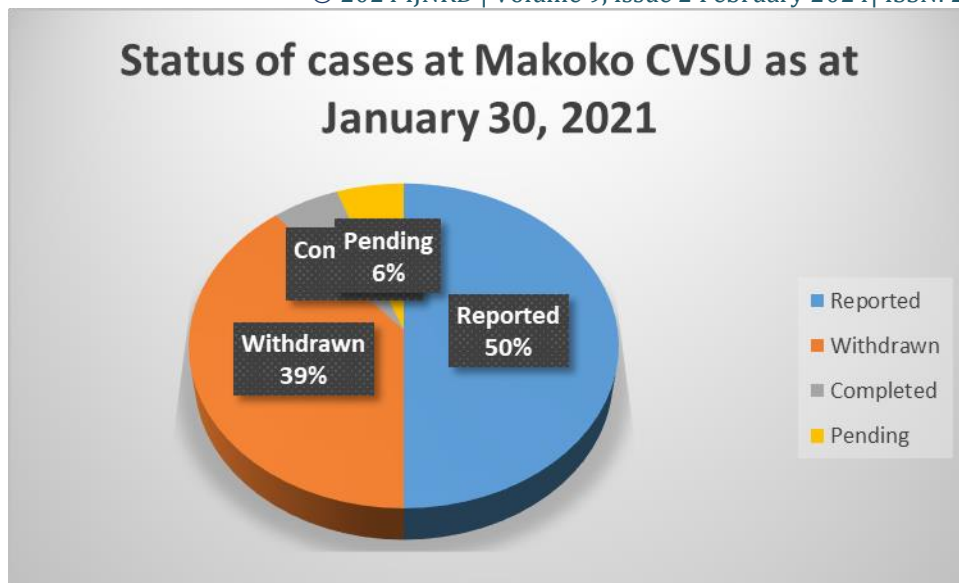
Respondents in FGD said that more women report cases to CVSU because they live in abusive marriages perpetrated by their husbands. In addition to that, they still chose to live in such marriage because they are not economically independent. Out of forty respondents, thirty-five said that many cases were being withdrawn before they were concluded for fear of losing their marriage from where they get their economic support. While five did not know why the cases were being withdrawn.





The study also revealed that many women who are mostly abused by their husbands are house wives. They depend on their husbands for their daily living. Therefore, when they are abused, they do not report anywhere for fear of losing their marriage. One woman who reported her issue to CVSU elucidated that she regretted reporting her issue to CVSU because her husband was about to divorce her after he received a summon from the CVSU. ***“I regretted after I reported my case to this unit. When my husband was summoned, he changed the whole issue and started claiming that I wanted him to be arrested. Things were not ok, he told me to pack my things and leave his house because he did not want to stay with a wife who also wants him to be arrested. I had to apologise to my husband for forgiveness. Luck enough he forgiven me after I closed the case at the unit. Come rain or sunshine, I will never try again to report about my husband’s cruel behavior to this unit. I do not have parents so if my husband divorces me, where will I go?”*** queried a 38 years old house wife.

Secondary data which the researcher saw had shown that 18 cases which were reported and recorded in the CVSU’s register in the month of January 2021, 14 were withdrawn, 2 were completed and 2 were at pending. Statistically is shown bellow



Social-Cultural Factors

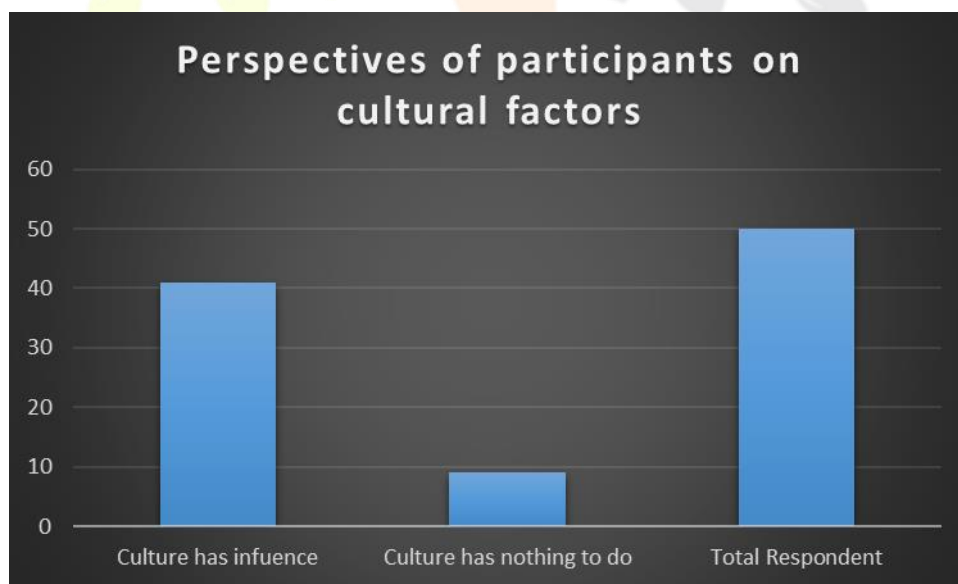
Although there is no clear reason to why the men do not report their issues to CVSUs, but many respondents suggested that shamefulness, waste of time and lack of interest to report are some of the key reasons that prevent them from reporting these issues. There is a belief among men that if they will be known that they are being abused by women or their fellow men, the world will laugh at them. Culturally, men are being considered as strong and brave who cannot be easily abused especially by women. It has been established that there were different factors that made different individuals not to report their issues to CVSUs. One respondent argued that there is no way a man could expose his weaknesses by reporting GBV case which had been occurred against him perpetrated by his wife, *“Uncle, most cases which are reported to the CVSUs are family related. For instance, which man can show up his foolishness by reporting that he has been beaten up by his wife? Nobody”* said a 46 years old man who was among the FGD respondents.

According to the respondents of the study, people, especially women prefer to be abused in marriage than to be free while being single. The study has shown that women are not at peace if they are not married. They are labeled as prostitutes of the community. So to avoid that, they find it necessary to remain in abusing marriage. They are also afraid that if they report issues to the CVSU, their husbands may rise against them and be divorced. *“These days’ potential husbands are very scarce; women need to be careful. Otherwise if they take men for granted, most of them will be divorced and they may end up being called prostitutes of the society. If that will be the case, will it*

be good? It is better to be married because people will know that the woman is somebody's wife” said one of the village heads.

In addition to that, female participants consistently claimed that women cannot report their cases to CVSUs saying that every young woman is advised to keep secret of her marriage. The only people to disclose to are the family counselors and not to anyone. It is against the orders of culture for a woman to report these issues to anyone apart from the counselors. Where possible it is the counselors that can advise the woman to take the issue beyond them, preferably to the chief and not CVSU. Furthermore, male participants in the 4 FGD consistently said that men are advised to be strong and brave, should not easily be intimidated. Whenever they face a challenges, they should not be carried away by rushing to report anywhere. They need to understand the problems and find ways of solving them on their own.

Out of the 50 participants, 41 agreed that cultural perspective had played a crucial role as far as issues to do with GBV cases are concerned in the area while 9 of them said that culture has nothing to do in the handling of cases. They believed that the victim has the right to report or not regardless of the cultural factors surrounding him or her

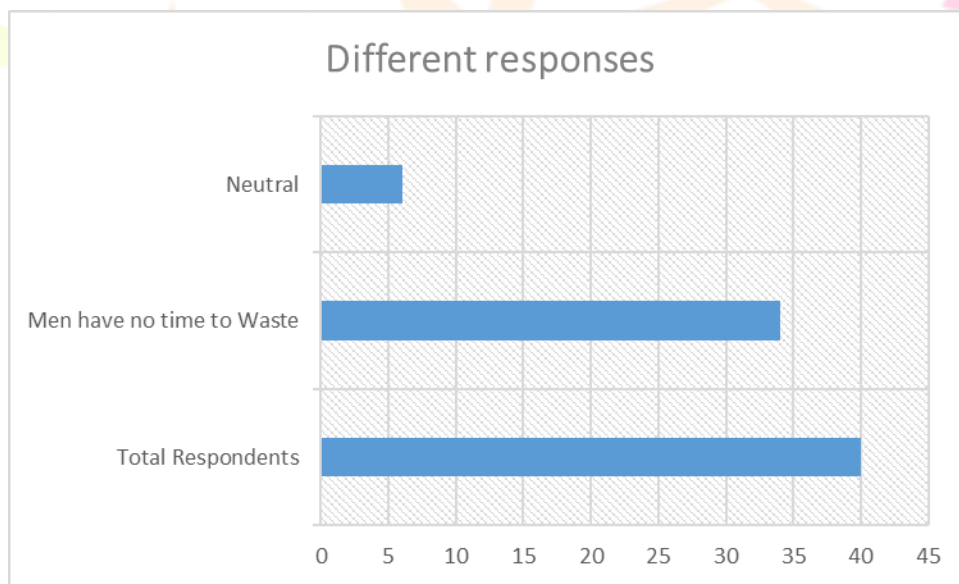


Time factor

Respondents complained about lack of seriousness from CVSU. Since most of the members are government workers, therefore, they prefer to do their routine work than CVSU work. This results in piling cases unattended that also demotivates people. *“My case is not yet handled since I reported 2 months ago. I always find their office*

closed whenever I visit them. Sometimes when I meet with some of the members they just say: Sorry we are too busy but do not be worried. When we are free we will call you. The main problem here is that; the members are also government workers so they prefer attending workshops. They are not concerned with our problems because they benefit nothing. Boss, truth be told, reporting issues to CVSUs are a waste of time. It is better to remain silent or report it elsewhere. We also need the same time to do things that will bring money in our pockets” said one respondent.

In addition to that, out of 40 respondents 34 argued that men prefer to use their time doing things that can bring them income especially money in their pockets. Therefore, reporting these cases to CVSUs where they will get no money is a waste of time. Sometimes these men lack interest to report because usually, men in the area are considered to be decision makers, who do not need much advice to make sound decisions. Therefore, whatever decision made by them is right.

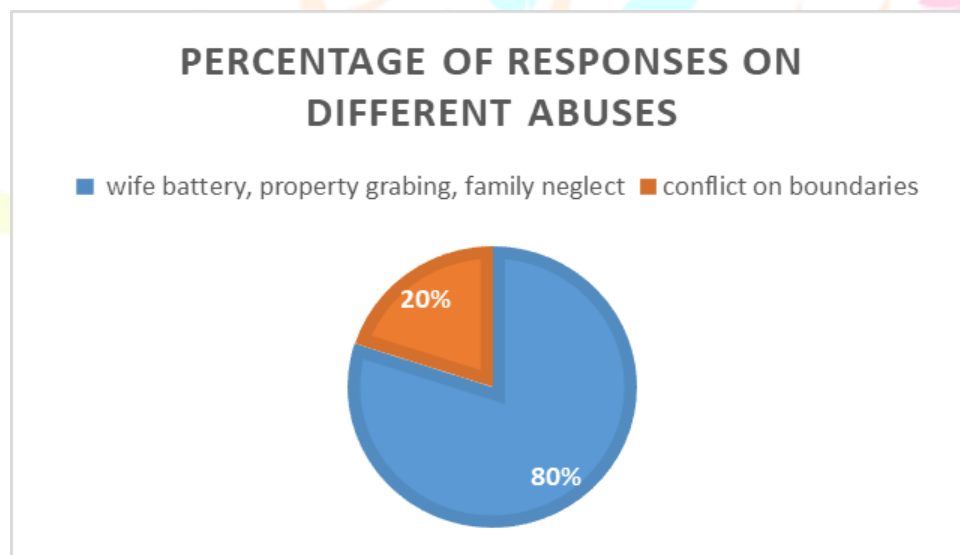


Two male respondents regretted reporting their cases to CVSU because it took a long time without being assisted. Most days which they were being told to go they found no officers available at the unit. When they call the officers, they claimed that they had been assigned with other equally important tasks by their bosses. Although they acknowledged the good services rendered to them at the end, they regretted wasting a lot of time which could be used to do other things.

Asked if they would recommend others to report their cases to CVSU, in a separate interview, the two said that if the victim has a lot of free time which he or she can use to visit the units, they can do the recommendations. However, CVSUs do not consider clients time which is being wasted

Cases frequently reported to CVSUs

On the types of cases being reported at CVSU, out of the 10 respondents, 8 said that wife battery, family neglect by husbands and property grabbing are the abuses which many women face in T/A Makoko while 2 said cases involving land boundaries were common



4.3 Interpretation

People from Traditional Authority Makoko in Nsanje district faced different types of abuses that also limited the enjoyment of their human rights. The most vulnerable group were married women and perpetrators were men. According to the study conducted, the most common types of abuse were; wife battery, property grabbing, family neglect and land disputes.

Based on the research which was conducted, it could be concluded that there were four factors that made people not to report their cases to Victim Support Unit. These were; cultural factors, social factors, time factors and economic factors.

On cultural factors, out of the 50 participants who took part in the study, 41 participants who were mostly men said that young men who were at their marrying age were advised to be brave and strong in making decisions and were positioned as heads of their families. It was therefore against that background that they needed not to seek any advice before they try to solve any challenge they faced.

In addition to that, they needed to control their wives and not wives controlling them. They had the powers to do with their wives whatever they wanted and that the wife should not insist. Due to these advices, men felt ashamed to report any abuse they face in their marriage for fear of being called cowards. They did not want people to know that they are being abused in the marriage so they pretended to live with such abusing wife as if all was well. That was why men did not report any cases against them to Community Victim Support Unit. They preferred to die in silence than to let others know about the abuses they were facing in their families.

In addition to that, out of the 50 participants who took part in the study, 15 participants mostly women agreed with the men participants. They said that young women who were at the age of marrying were advised to listen to their husbands. During the research, respondents revealed that during wedding or chinkhoswe ceremonies, both the bride and the bridegroom were advised that the marriage they were about to enter, had both sweet and sour fruits. Therefore, they needed to individually stand the heat.

The bride was advised to listen to her husband in everything. The bridegroom was advised to be the head of the family and was culturally authorized to handle his wife in any way he wanted. This made wives not to report any abuse they experienced from their husbands to avoid breaking their own marriage. They believed that those were the sour fruits they expected in the marriage.

In addition to that, brides were advised to take any action done by their husbands as aimed at correcting the situation. However, although they did not report those abuses, but they still felt the pain. We could then start to understand how cultural factors played a role in preventing people from reporting issues to CVSU. On social factor, the research had discovered that people, especially women did not report their husbands to CVSU because they did not want to lose their marriage and remain single. During one to one interview with key informants, women, regardless of their ability to stand on their own, did not want to stay single. They preferred to remain in an abusing marriage because they did not want to be single.

The research had also revealed that socially, married women were much respected than single women. Those who were married were called by the names of their husbands while those not married were called by their names a thing which most women did not like.

In addition to that, some women were even called by sorts of demeaning names for instance prostitutes. Out of the 10 participants who participated as key informants, 6 believed that women do not report their cases to CVSU because they feared of being divorced.

On economic factors, the study conducted has revealed that many women who were mostly abused by their husbands were house wives. They were not economically independent. They depended on their husbands for their daily living. Therefore, when they were abused, they did not report anywhere for fear of losing their marriage. One woman who reported her issue to CVSU elucidated that she regretted reporting her issue to CVSU because her husband was about to divorce her after he was summoned by the CVSU.

She said that if her husband divorces her, she could have not been able to provide for herself. According to her, it was better to stay in an abusing marriage while being provided than staying alone with no any provision.

On time factor, it was discovered that it contributed a lot to the reluctance of people to report these abuses. Respondents complained lack of seriousness from CVSU members. The study conducted discovered that it took a long period of time for the CVSU members to start intervening in the cases which were had been reported. Since most of the members were government workers, therefore, they preferred to do their routine work than CVSU work.

5.2 Conclusion

The study intended to find out factors that make people not to utilise primary justice services offered by Community Victim Support Units. This was done with much focus on the people of T/A Makoko. Through the study, it has been discovered that there are a number of factors that make people not to report cases to CVSU. Majority of the respondents indicated that economic, social, cultural and time are the leading factors that make people not to utilise services offered by Community Victim Support Unit.

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