

UNIVERSITY OF BERGEN



**DOMESTIC VIOLENCE LAW IN GHANA: ANALYSIS OF THE ACTORS AND
STRATEGIES INVOLVED IN SETTING THE PUBLIC POLICY AGENDA**

By Evelyn Mamle Quarm

Thesis submitted to the Department of Administration and Organization Theory in partial
fulfilment for the award of
Master of Philosophy in Public Administration

JUNE 2009

DEDICATION

I dedicate this work to my husband Eric and my beloved twins, Eva and Evan Quarm for their love, inspiration and support.

ACKNOWLEDGEMENT

I am heavily indebted to God for his guidance and strength throughout this study. Without Him, I could not be where I am today.

I am also very grateful to my supervisor, Professor Steinar Askvik for his patience and supervision that has contributed immensely to the success of this study. The invaluable lectures of Professor Ishtiaq Jamil and the comments from Ellen Hagen during my study also helped shaped this study and it's well appreciated.

I also want to express my sincerest appreciation to the Norwegian government for the scholarship that helped fund this study.

I am also grateful to the officials who took their time to answer research questions during the data collection process in Ghana. The contributions of Adolph Awuku Bekoe, the coordinator of the Domestic Violence Coalition, and officials from the Ministry of Women and Children(Dept of Women), Attorney General's Department , Federation of Women Lawyers, Ghana and The Ark Foundation, Ghana is very much appreciated.

The comments and criticisms during the various dissertation seminars from my colleagues Victoria Chimutu, Nqaba Nkomana, Bernard Marcelline ,Ellen Sarquah, Innocent Nkwasiwe, Betty Nangira, Sophia Awitty, Imrul Kayes, Narottam Aryal, Bernard Marcelline, Fardaus Ara and Chandra Ghimire does not go unnoticed. I also appreciate the help of a friend, Daniel Appiah for his inspiration in choosing the subject area.

I am grateful to my mother and siblings whose support and sacrifice has made me what I am today. And finally, I am thankful to my husband Eric Quarm, for his genuine love, inspiration and prayers throughout the study.

List of Acronyms

BEWDA:	Bawku East Women Development Association
CEDAW:	Convention on the Elimination of all forms of Discrimination against Women
CENSUDI:	Centre for Sustainable Development Initiatives
CHRAJ:	Commission of Human Rights & Administrative Justice
CRCP:	Crises Response Project
DOVVSU:	Domestic Violence and Victims Support Unit
DVB:	Domestic Violence Bill
DVL:	Domestic Violence Law
FGM:	Female Genital Mutilation
FIDA:	International Federation of Women Lawyers
GLSS:	Ghana Living Standards Survey
MOWAC:	Ministry of Women and Children
NPP:	New Patriotic Party
WAJU:	Women And Juvenile Unit
WILDAF:	Women in Law and Development in Africa
WLHRI:	Women's Law and Human Rights Institute

ABSTRACT

Domestic Violence was seen as a private issue in the past in Ghana until the law on Domestic Violence was passed in 2007. However, a research by the Gender Studies and Human Right Documentation Centre in Accra in 1999 showed that Domestic Violence in all its forms is present in Ghana. This thesis attempted to investigate and analyse the various actors and their strategies involved in ensuring the passage of the Domestic Violence Law.

In a nutshell, it was concerned with investigating the agenda setting of the domestic violence law in Ghana and how civil society in Ghana positioned themselves and strategized to influence the making of a government policy. Using the models of Kingdon, Kalu and Cobb and Ross, the study sought to develop a model for understanding agenda setting with particular interest in the way NGO's mobilise support for the issues they carry. Hofstede's dimension of culture is also used to justify the strategies used by the actors.

This work argues that due to lack of material resources, non state actors influenced the agenda setting of the domestic violence law by strategically framing their issues. The hypotheses guiding this research are: The amount of resources at the disposal of actors may influence the mobilization of support for the Domestic Violence Law, strategies that actors pose may influence how far they get their issues on the agenda and the context in which actors find themselves may affect the choice of strategies they may use.

The findings from the research study showed that, non state actors were critical in putting the issue of domestic violence on the governments' agenda and consequently ensuring its passage into Law. Overall, it shows NGO's can influence how the agenda is set for a particular policy based on how they manipulate resources available to them and how they are able to make use of policy windows to their advantage.

TABLE OF CONTENTS

DEDICATION	II
ACKNOWLEDGEMENT	III
LIST OF ACRONYMS	IV
ABSTRACT	V
TABLE OF CONTENTS	VI
CHAPTER ONE: INTRODUCTION.....	2
1.0 INTRODUCTION	2
1.1 STATEMENT OF THE PROBLEM.....	3
1.2 SCOPE OF STUDY	8
1.3 OBJECTIVE OF THE STUDY	8
1.4 RESEARCH QUESTIONS.....	9
1.5 JUSTIFICATION OF THE STUDY	10
1.6 SIGNIFICANCE OF THE STUDY	14
1.7 OVERVIEW OF METHODOLOGY	15
1.8 ORGANISATION OF THE THESIS.....	15
CHAPTER TWO: METHODOLOGY.....	17
2.0 INTRODUCTION	17
2.1 STUDY DESIGN: QUALITATIVE, QUANTITATIVE OR MIXED METHODS	17
2.1 RESEARCH STRATEGY: A CASE STUDY APPROACH	20
2.3 UNIT OF ANALYSIS AND CRITERIA FOR CASE SELECTION	22
2.3.1 <i>Federation of Women Lawyers (FIDA)</i>	22
2.3.2 <i>Ark Foundation, Ghana</i>	22
2.3.3 <i>Ministry Of Women and Children (MOWAC)</i>	23
2.3.4 <i>Domestic Violence Victims Support Unit (DOVVSU) of the Ghana Police Service</i>	23
2.4 SOURCES OF DATA.....	23
2.4.1 <i>Primary Data</i>	24
2.4.2 <i>Secondary Data</i>	25
2.5 STUDY LIMITATIONS AND GENERALISATIONS	26
2.6 CONCLUSION	29
CHAPTER THREE: ANALYTICAL FRAMEWORK.....	30
3.0 INTRODUCTION	30
3.1 DEFINING AGENDA SETTING.....	31
3.2 ACTORS INVOLVED IN SETTING THE AGENDA	31
FIGURE 1: DIAGRAM SHOWING SOME ACTORS WHO MAY INFLUENCE PUBLIC POLICY AGENDA SETTING	33
3.3 MODELS OF AGENDA SETTING	33
3.3.1 <i>Agenda setting as Problem, Policy, Participants and Choice Opportunity</i>	33
3.3.2 <i>Agenda Setting as Politics</i>	37
3.3.3 <i>Agenda setting as Defined by Different Political Regimes</i>	38
3.4 CULTURAL THEORY.....	39
3.5 REFLECTION ON VARIABLES IN THE STUDIES	42
3.5.1 <i>Dependent Variable</i>	42
3.5.2 <i>Independent Variable</i>	43
<i>Actors Resources</i>	43
<i>Policy Windows/ Choice Opportunity</i>	43
<i>Actors Social, Cultural and Political Context</i>	44
FIGURE 2: THE RELATIONSHIP BETWEEN THE STUDY VARIABLES	44
3.6 HYPOTHESIS	45
3.7 CONCLUSION	45

CHAPTER FOUR: CONCEPTUALISING DOMESTIC VIOLENCE IN GHANA	46
4.0 INTRODUCTION	46
4.1 MEANING AND NATURE OF VIOLENCE	47
FIGURE 3 THIS IS AN ADAPTATION FROM SAFER COMMUNITIES’ ACTION PLAN TO REDUCE COMMUNITY VIOLENCE AND SEX.	47
4.2 CONCEPTUALISING DOMESTIC VIOLENCE	48
4.3 STATISTICS ON DOMESTIC VIOLENCE	49
4.4 SOME CASES OF DOMESTIC ABUSE IN GHANA	51
4.5 EXPLANATORY REASONS FOR DOMESTIC VIOLENCE IN GHANA	52
4.6 CONCLUSION	54
CHAPTER FIVE: MAKING THE DOMESTIC VIOLENCE LAW IN GHANA: AN OVERVIEW OF THE ACT & ACTORS INVOLVED IN SETTING THE PUBLIC POLICY AGENDA PROCESS	55
5.0 THE DOMESTIC VIOLENCE LAW – A BRIEF HISTORY	55
5.1 PROVISIONS IN THE DOMESTIC VIOLENCE ACT	57
5.2 AN OVERVIEW OF THE ACTORS INVOLVED IN SETTING THE PUBLIC POLICY AGENDA FOR THE DOMESTIC VIOLENCE ACT	58
5.2.1 Brief background of NGOs in Ghana	58
5.2.2 The Federation of Women Lawyers in Ghana (FIDA)	58
<i>History and Formation</i>	59
<i>Vision and Mission Statement</i>	59
<i>Aims and Objectives</i>	59
<i>Key Achievements</i>	59
5.2.3 The Ark Foundation- Ghana	60
<i>History and Formation</i>	60
<i>Vision and Mission Statement</i>	61
<i>Aims and Objectives</i>	61
<i>Work Philosophy</i>	61
5.3 CONCLUSION	62
CHAPTER SIX: MOBILIZATION OF SUPPORT AND FACTORS AFFECTING THE CHOICE OF STRATEGIES	63
6.0 INTRODUCTION	63
FIGURE 4: BAR CHART SHOWING THE VARIOUS EVENTS AND PROCESSES OF HOW THE PROBLEM OF DOMESTIC VIOLENCE WAS IDENTIFIED UNTIL ITS PASSAGE INTO LAW IN 2007.	64
6.1 DEFINING THE PROBLEM OF DOMESTIC VIOLENCE	65
6.1.1 Education and Sensitizations	68
6.1.2 Influence of the mass media	69
6.1.3 Demonstrations	71
6.1.4 Lobbying	72
6.2 PARTICIPANTS / ACTORS – COALITION ON DOMESTIC VIOLENCE	73
6.3 POLICY STREAM	75
6.4 CHOICE OPPORTUNITY	77
6.5 EXPLANATORY REASONS FOR CHOICE OF STRATEGIES	78
6.5.1 Actor’s Resources	79
6.5.2 Actors Cultural and Social Context in relation to the theory on Culture	81
6.6 CONCLUSION	82
CHAPTER SEVEN: CONCLUSION OF STUDY	84
7.0 INTRODUCTION	84
7.1 SUMMARY	84
7.2 MAJOR FINDINGS OF THE STUDY	85
7.2.1 Who were the actors involved in setting the agenda for the Domestic Violence Law?	85
7.2.2 How did the various actors get the issue onto the agenda?	86
• Coalition Building	87

•	Education and sensitizations	87
•	Influence of the mass media	88
•	Demonstrations	88
•	Lobbying	88
7.2.3	<i>How did the prevailing social and cultural conditions influence the choice of strategies?</i>	89
7.2.4	<i>What resources were available to the various actors and how were they utilised?</i>	90
7.3	IMPLICATIONS OF THE STUDY FOR THEORY	90
7.3.1	<i>Agenda Setting as Problems, Policy, Participants and Choice Opportunity</i>	91
7.3.2	<i>Agenda Setting as Politics</i>	93
7.5	CONCLUSION	95
REFERENCES		97
NON STATE ACTORS DOCUMENTS		100
GOVERNMENT DOCUMENTS		100
WEB PAGES.....		100
APPENDIX A		101
INTERVIEW GUIDE		101
NON GOVERNMENTAL ACTORS		101
INTERVIEW GUIDE FOR GOVERNMENTAL ACTORS AND SOME THINK TANKS		102
PETITION TO THE PRESIDENT BY THE DOMESTIC VIOLENCE BILL COALITION		104

CHAPTER ONE: INTRODUCTION

Violence against women is perhaps the most shameful human- rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth.

KOFI ANNAN (7TH UN SECRETARY GENERAL)

1.0 INTRODUCTION

This is a study that is aimed at explaining the agenda setting of the domestic violence law with specific interest at analysing the actors and their strategies that were used in setting the public policy agenda for the Domestic Violence Law in Ghana. The attempt by civil society organisations to put pressure on government to include domestic violence on the governments' agenda and consequently ensure its smooth passage into law was fraught with a lot of challenges. This work seeks to highlight the case of agenda setting in Ghana with specific interests in the ways non state actors frame the issues they identify and the strategies that they employ to get the attention of government. It argues that short of material resources, non state actors get the attention of government by strategically framing their issues. This work would also bring to the fore the resources that were at their disposal as well as highlight the challenges and obstacles that were faced.

The Domestic Violence Act was passed in February 2007 and enacted into law in May 2007 by the former president of Ghana, President John Agyekum Kufour. Domestic Violence¹ in all its forms is prevalent in Ghana. In this first chapter, the background to this study will be discussed. This chapter will also state the research problem and the justification for this work. The theoretical framework that guided this work is also highlighted.

Until recently, domestic violence was seen in the Ghanaian setting as a trivial issue not worth investigating (Sam, 2007). Violence in the home was considered as a private matter by the Police and they did not give it the recognition that it deserves as they would deal

with a robber for example (Straus, 1999). Most often than not, the few one's that end up in the Police Stations are often discouraged since they are advised to go and settle issues amicably with their partners. A lot of reasons account for this. Considering the traditional setting in Ghana, this was considered as inevitable. Violence in the home was considered as a trivial issue and not worthy of any form of investigation. In effect violence in the home was considered as part of the Ghanaian culture. It was and still is very difficult for women to admit in public that they are being maltreated by their partners because some of them found it disgraceful to bring their family matters to the public domain (Oyenkami, 1997).

As a result, several Non Governmental Organisations (NGO) and Civil Society groups² came out with a lot of campaigns with the aim of sensitising the general public about violence in the home. The initiative by NGOs in Ghana about the need to eliminate violence not only in the streets but also in the home made the public conscious about violence in the home and its adverse effects on women, children and the society at large. The media began providing report on sexual crimes, spousal murders and sexual abuse which hitherto was not possible. The Domestic Violence Law was finally passed in February 2007 after several years of advocacy and protest.

1.1 STATEMENT OF THE PROBLEM

There has been an increase in the number of civil society organisations, human right organisations and women rights groups in Ghana since the 1980's and their activities do not go unnoticed. The activities of these emerging organisations can be seen and felt in the economic, social and political sectors of the country (Afrimap, 2007). These organisations are significant in their "outreach to grassroots groups and for their ability to engage in serious policy dialogue" (ibid). However, these civil society organisations face some challenges in terms of donor funding for their programs. Among some of the

² The Ark Foundation, Ghana, National Coalition on Women Rights, Ghana, Abantu for Development, Ghana, WISE, Ghana, Wildaf, Ghana, NETRIGHT to mention a few.

challenges civil society face from their donors are; reduction in the availability of funds, the fact that sometimes funds are shifted for other purposes. Since Non governmental actors are faced with minimal funding and as such short of certain resources, this thesis argues that they mobilise support for the issues they carry using other strategic means.

Violence against men by women or vice versa and even among the same gender is prevalent in a lot of cultures and the spate of increase is alarming. Such violence has been considered by the United Nations (UN) and other international bodies as a violation of human rights (Oyekanmi, 1997). There are a lot of acts that protect the discrimination against women and children by the United Nations of which Ghana is a member. However, research carried out in Ghana in 1998 by the Gender Studies and Human Rights Documentation Centre (Gender Centre) found that domestic violence in all its forms is prevalent in Ghana. The research showed that many of the women who have been victims of abuse sustained injuries after beatings from their husbands. It came to light that very little was done when women reported cases of abuse to the Police. Data collected showed that in 65 percent of the cases, the perpetrators were simply given a verbal warning, in 10 per cent of cases, there was no action taken at all by the police and in only 3 per cent of cases was an arrest made according to the research.

Realizing, the widespread nature of domestic violence in Ghana, the Domestic Violence and Victims Support unit (DOVVSU) formerly the Women and Juvenile Unit(WAJU) of the Ghana Police Division was set up in 1998 by the then government to specially take care of cases of people who were being abused especially women and children. It was part of the governments' task of meeting its obligations to prevent, investigate, and punish the crime.³

During the first half of 2002, 679 spousal abuse cases had been reported to DOVVSU. Women and children seem to be the most of the victims. Men also suffer from domestic violence though the number of men in such circumstances are limited compared to the number of cases reported by women. 71% of the reported cases of assault are perpetrated

³ http://www.homeoffice.gov.uk/rds/country_reports.html accessed 15th Jan,2008

by husbands, 7.5% by boyfriends, and 6% by ex-husbands, whilst 13% are committed by women mainly step mothers and rivals. On the other hand 84% of victims are women, children, disabled and the aged with 3% of victims being males. The age group of victims in Ghana is between the ages of 13 and 30.

The research by the Gender Centre in 1998 showed a high rate of domestic abuse. As a result, both government and civil society organizations in Ghana took it upon themselves to ensure that a bill on domestic violence was drafted. The Law Reform Commission in Ghana investigated and made some recommendations which finally led to a draft of the Domestic Violence Bill in the year 2002. The draft Bill was meant to “offer a holistic and effective legal framework for addressing domestic violence in Ghana; provide broad redress for cases of domestic violence, sanctions on perpetrators and protective remedies for victims; and to improve Ghana’s compliance with its legal obligations under international human rights standards” (Manuh, 2007).

The draft on the Bill was designed to give victims greater protection. One cannot deny the fact that there has been a struggle to get the bill passed for the past years since the act itself is being perpetrated directly or indirectly by people in both the formal and informal sectors. Though the draft bill was first drafted in 2002, it was not until 2006 when it was first read in Parliament. However, it was put on hold after the second reading since there was a lot of parliamentary wrangling, controversies and misunderstandings about the bill. The bill was subsequently referred to a joint committee on Gender and Children and Constitutional, Legal and Parliamentary Affairs for consideration and report, pursuant to Article 106 (4), (5) and (6) of the constitution and Standing Orders 175 and 179 of Parliament.

The governments draft domestic violence bill unlike many other legislative bills was subjected to unending nationwide consultations as it did not receive overwhelming support from the people of Ghana (Linberg, 2008). The advocates of the bill raised some arguments concerning the need for the law. According to them, there were no protective orders from the courts in cases of domestic violence since there were also no clear

policies on special protection for victims of domestic abuse. Again, the commitment and political will of government to pass and enforce appropriate laws and put adequate financial and human resources in place to promote women's human rights and eliminate domestic violence has been a challenge.⁴

However, the attempt to get the government to pass the Domestic Violence Law faced some resistance from some sections of the public. Some sections of the public and some parliamentarians were of the view that Domestic Violence is already a criminal offence in Ghana under the criminal code and as such they do not see the need for other legislation like the Domestic Violence Act. They argued that, the Criminal Code of 1960 (Act 29) criminalizes assault and battery, incest, rape and defilement of a child. In addition, the code also provides for protection against customary practices which demean the quality of human life such as widowhood rites, female genital mutilation and early customary marriage.⁵

However, it must be noted that there has been some noted *ambiguities* relating to the criminal code of Ghana. For example, the current law has no room for compensation for the victims which the Domestic Violence Law seeks to protect. In addition, the current law requires that courts accept only physical evidence, and not psychological reports of the state of mind of the victims. Thus, only physical abuses can be taken to the court for redress whilst psychological, emotional and socio-economic abuses cannot be prosecuted. But psychological abuses have the most far-reaching consequences on the victims.

Basically, the Law is meant to complement the efforts of the police through the following measures.⁶

- It would take into consideration Psychological and emotional abuses which is absent in previous Acts of Parliament relating to abuse.
- It would provide for reconciliation through alternative measures.

⁴ As per interview with the domestic violence Coordinator June,2007

⁵ Criminal Code of Ghana

⁶ Domestic Violence Act, Ghana

- Provision of extensive support for both victims and perpetrators.
- Provision of Protection order. This will take care of victims during protracted legal proceedings and provide shelter facilities as well as counselling for both victims and perpetrators.
- It would provide for protection for men, women and children alike in that it is gender neutral.

The Domestic Violence Bill was finally passed on 21 February 2007 after years of political agitation, civil society advocacy and Parliamentary wrangling. It is interesting to note that the speed with which the bill was passed into law. The Bill was passed a week after the consideration stage after a lot of debates by parliamentarians and civil society advocacy groups.

In the face of opposition to the bill and the challenges, the bill was finally passed into Law. How then did the various actors frame their issues to get it onto the government agenda? This study will try and look at how the issue of domestic violence became part of public policy agenda. It is aimed at exploring and analysing the various actors that were involved in making the issue of domestic violence an issue of governmental concern and hence the subsequent passage of the bill into law.

According to Howlette and Ramesh (2003:120), “The means and mechanisms by which issues and concerns are recognised as candidates for government actions are by no means simple”. Two main factors can affect the setting of agenda and the how alternatives to agenda are specified namely the *active participants* and *the process* by which issues on the agenda become recognised (Kingdon, 1995: 15). Thus, this work will attempt to investigate how these actors or participants influenced the domestic violence law and the process or strategies through which the issue of violence was put on the government agenda for legislative action as these two factors may affect agenda formation.

It is also of interest to explore the reasons behind the choice of strategies that were employed to get the attention of government. This work will therefore attempt to answer questions such as: Who were those involved and how were they involved? What

strategies did they employ in their cause and how did resources available them helped to frame issues? In sum, this research seeks to highlight the process by which the Domestic Violence Law came into prominence in Ghana.

1.2 SCOPE OF STUDY

The main focus of the study is the agenda setting of the domestic violence law in Ghana. It is an exploratory research into the methods and strategies that were employed in pushing the issue of domestic violence onto the governments' legislative agenda and its subsequent passage into law. The actors to be studied were drawn from Non Governmental Organisations.

There were many NGOs involved in the agenda setting process. However, the NGOs studied in Ghana were basically the ones that were at the fore in putting the issue of domestic violence on the governments agenda. Two key NGOs were identified to be involved in the process; namely FIDA and The Ark Foundation. It cannot be denied that the role of NGOs as active participants in the policy process in developing countries is on the increase. This is because "Protecting human rights in Africa focuses on NGOs and their multiple roles" (Welch, 1995).

1.3 OBJECTIVE OF THE STUDY

The main Objective of the study was to explore the various actors and the strategies that were employed by the actors. This study is meant to unravel the main actors that were involved in the struggle for the making and passage of the DSL and to bring to light their strategies that were used in their framing efforts.

Other Specific objectives included:

- Understanding how the demands for the Domestic Violence Law were made by the actors. It was also essential for this research to try to

understand how the problems were defined and how solutions were offered to ensure the domestic violence law was passed. This is because the ways in which actors frame the problems they identify go a long way in the determination of outcome.

- To analyze the context in which the actors framed their issues and presented them unto the governments' legislative agenda. Understanding the context in which the actors operated was also taught to be relevant in this work as it has the likelihood of influencing the kind of strategies that the actors may employ to their cause. For example, how did the social and cultural context of actors affect their choice of strategies?
- To explain how the actors made use of policy windows to their advantage. Policy windows can be seen in various forms. For example, it's reflective in Elections, National mood, Actors access to institutions to mention a few. Again, what were the motivations that encouraged them to push onto government legislative agenda an issue which in the Ghanaian context and culture was considered as a highly private issue?
- To look at resources at the disposal of NGO's and how such resources were put into use. The amount of resources actors have at their disposal is essential in determining how far they can go with their demands in the policy making process.

1.4 RESEARCH QUESTIONS

In order to address the topic, it is imperative to understand how the actors frame their issues as well as the conditions under which such demands were made. The main research question that this work seeks to address is this:

- *Who are the actors and what strategies did they employ to make the issue of domestic violence a public issue for government concern?*

By *actors*, this work will attempt to investigate the activities of those who were deemed to be critical in framing the issue of domestic violence law. This work will however place more emphasis on the activities of NGO's and other gender activist. By *gender activist*, this work refers to anyone who promotes either the male or female role in society. *Strategy* in this work refers to the means or the tactics that were used by the various actors in meeting their aim of ensuring the DAB got onto the governments legislative agenda and consequently its passage.

Other specific questions that were asked include:

1. Who are the various actors that were involved in the making of the DVL?
2. How did the availability of resources or otherwise affect framing efforts?
3. How did the various actors bring the issue onto the governments' agenda?
4. How did the prevailing social and cultural context influence the choice of strategies?
5. What were the challenges that were encountered and how were they overcome?
6. What factors influenced the various actors into making domestic violence an issue of governmental concern?

1.5 JUSTIFICATION OF THE STUDY

Ghana like most African States is a patriarchal state where the man is seen as the head in all the fifty six (56) ethnic groupings in the country. Ghana covers a total area of 92,100.81sq m (238,540.00 sq km). Ghana has a population of about 22 million people

with about 51% of the population being females and 49% males. The country has a population growth rate of 1.25 % and life expectancy of 56 years, with a literacy rate of about 75%. Ghana is a secular state with freedom of association and assembly. Christian, Traditional and Islamic religions are the main religions that are being practised. It is undeniable that the Law on Domestic Violence is necessary to protect victims of abuse which includes women, children and men in Ghana.

Violence against women in Ghana is influenced by social attitudes and values which see men as naturally superior to women and make it a man's right and responsibility to control the behavior of women. Unfortunately, our very structures which are supposed to seek and protect the right of women contribute to domestic violence indirectly.⁷ “The origin of women’s difficult position lies both in the external structures that are manifested through the policy of the state, and in the internal factors that are specific for this society” (Bukh, 1979).

Although research indicates that women are the most victims, the socio-cultural and economic situation of women in Ghana may have contributed to their being the most victimised. There are differences between men and women in terms of their educational levels. According to the Ghanaian Living Standards Survey (GLSS) in 2000, 44% of women as opposed to 21.1% of men have no formal education. As a result of this, only 5.7% of women compared to 15.8% of men can work in the formal sector due to the fact that employment in the formal sector requires at least secondary or higher levels of education.

Though there are many women in Ghana who are educated, the number of educated women as compared to the less educated is low comparatively. Many reasons account for the low level of education of women in Ghana such as Poverty, Teenage pregnancy, early marriage and lack of a good role model to mention just a few. Because just a few women are able to gain access to higher education, logically, just a few of them find themselves in the formal sector. Most women do not get good jobs and this put such women in a

⁷ Social structures such as the legal system, the community, educational system, religion and culture

situation where they depend on the men for sustenance. The dependency of Ghanaian women on the men has its origin in traditional structures and makes them susceptible to control by men and also to violence and other forms of maltreatment.

Economically, because majority of women in Ghana lack education, training and skills, they remain in agriculture and petty trading. They are generally self-employed and their main activities are petty trading, food processing and marketing of food crops (Bukh, 1979). Usually women engage in small scale farming because there is the notion that “women should be kept in their place” (Bukh, 1979: 12).

Record of women in Parliament has not been impressive. Fifty years after independence, the number of women Parliamentarians in Ghana is relatively low compared to our other African counterparts in Uganda and South Africa.⁸ Women have also not taken advantage of decentralization in Ghana because of low representation.⁹ In terms of decision making, women in Ghana are relegated to the background as far as public decision making is concerned. Women account for less than 10% of people in public office. In 2004, records show that there were only two women in cabinet; only 7% of assembly members were women; 16% of women in Council of State (an institution that advises the president) and only 19 women (9%) in the 200-member Parliament. This has not changed much in the current Parliament.

Even though women are assumed to be equal in terms of citizenship and according to the 1992 constitution, they are usually limited in the way they engage in the political process during elections. Women in Ghana for example fail to opt for top positions during elections for the fear that their sexuality, marital status and whether or not they have children or not maybe used to discriminate against them by the electorates. Violence

⁸ The Parliament of Uganda is made up of 74 women parliamentarians who are actively involved in the day to day running of parliament. Source: <http://www.wougnet.org/parliament.html> assessed 7th September 2007

⁹ In the Fourth Republic, only 8% of parliamentarians and less than 8% of District Assemblies were women. District Assembly is an important part of Ghana’s political system that seeks to promote democracy at the grassroots. The situation is however not different in the 2004 parliament. Out of the 230 members of Parliament, women form only 9%.

against women by men also explains why women's participation in developmental process is low (Oyekanmi, 1997). All that majority of the women do is to sing and lay down their cloth for politicians to walk on.

Again, most influential civil society organizations established are led by men. It is such organizations which participate in economic policy decision making. Their work is often not informed by gender perspectives. Issues affecting women are often left outside the policy agenda. The reasons enumerated above may explain why it has been difficult to get the government to pass a law on Domestic Violence.

The just passed government has made the effort by establishing the Ministry for Women and Children Affairs (MOWAC) since 2000 after assuming office. The role of MOWAC is to coordinate the response of government to gender inequality and also promote the implementation of activities that address women and children's rights.¹⁰ MOWAC since its inception in 2001 has spearheaded the drive against gender inequality but the fight against domestic violence still is a challenge.

Since Domestic Violence was considered as a private matter in Ghana until recent years, a lot of research has not been done with regards to the area. Not only that, few research if any has been done to bring out the actors who have been constantly involve in ensuring that a law on domestic violence is passed. Therefore, an in-depth research into the actors that were involved in making this issue a governmental concern is not only interesting but would be revealing.

More so, the Domestic Violence Law was just passed in February 2007 thus an-in depth research which seeks to explore and explain the role and strategies that were employed by the actors who were instrumental in the process is not only necessary as an academic work but also for any student seeking to broaden their knowledge on agenda-setting and policy making as a whole.

¹⁰ Source: www.mowac.gov.gh

With all these factors and issues prevailing in Ghana, my research seeks to explore and assess the main actors that finally contributed in promoting the issue of domestic violence which was hitherto considered a private matter, onto the public domain and finally as part of the governments' legislative agenda.

1.6 SIGNIFICANCE OF THE STUDY

Research have been done on the need for Domestic Violence law in Ghana but very limited work have been done on the role of the actors that were instrumental in setting the agenda which is the first stage in the policy making process.

My research is significant in a lot of ways. Firstly, very few countries in Africa have managed to adopt the Domestic Violence Act after the Beijing Conference in 1999. As such, it's interesting to bring to the fore the process by which non state actors in Ghana influenced the process.

My research seeks to analyze the main actors and their strategies that were used in turning a non-governmental agenda into a governmental agenda. My analysis would bring to the fore how the various actors frame their problems and how they were able to offer solutions for example. This is significant and would bring to the fore how non state actors can frame the problems they identify and how they make use of windows that open to contribute to policy making. In a way, my research also seeks to highlight the agenda setting process in Ghana with respect to gender issues and this also makes it significant in that it would bring to light some democratic tenets in the Ghanaian political system: an all inclusive government.

Again, a lot of studies have not been done in the area of agenda-setting; therefore, my research would help other students of Public Policy and serve as a reference for students who are interested in doing a research in this area. In such a male dominated society where gender inequality is reflective in almost all aspects of life and has been informally

institutionalised, a study on the role of the main actors involved in making the issue of domestic violence a governmental concern is very significant.

In addition, the information gathered from this research would help other advocates in Ghana and especially Africa to establish the likely strategies and obstacles that they may face in their quest to influence domestic violence. This would go in a long way to help them promote such strategies and help them do without those that may seem to be ineffective. A research of this nature would also reveal some of the startling statistics on Domestic Violence and what it really means.

1.7 OVERVIEW OF METHODOLOGY

The methodology adopted for this study is mainly qualitative in nature. The data collection was done for a period of two months between June and mid August. Data was collected in Ghana mainly from non governmental actors. Since it was a qualitative research, in-depth interviews were used to gather data. However, documents from the organisations that were studied were also used as well as information from the internet.

1.8 ORGANISATION OF THE THESIS

This work will be divided into seven main chapters. In sum, this chapter introduced my work, established the research problem and questions and the justification for my studies. The rest of the study is structured as follows.

Chapter two will explore the methodology that was used and explain the justification for the choice of the qualitative research paradigm and the rationale for the choice of case study as the research strategy. It will also highlight the study limitations as well. Chapter three will dwell on the theoretical framework of the studies whilst bringing to light the policy making process with much emphasis on the agenda setting aspect of policy making. This chapter will also explain the actors involved in setting the agenda. Chapter four will make an attempt to conceptualise domestic violence in Ghana and bring out

some theories that might explain its prevalence in Ghana. Chapter five will present an overview of the Domestic Violence Act whilst presenting an overview of the actors who were involved in the setting of the agenda for the domestic violence Act. Chapters six and seven will present findings from field work and analyse them with regards to the theoretical framework guiding this work. It would also give a general analysis and highlight the main arguments that would come up in my work.

CHAPTER TWO: METHODOLOGY

2.0 INTRODUCTION

In this chapter, my objective is to discuss the methodology that guided this research. This research is based on the analysis of the actors and the strategies that were used in making the issue of domestic violence in Ghana, part of the public policy agenda. This work would be exploratory in nature. It would also attempt to describe the strategies and the reasons behind the choice of strategies that were employed by the actors. The main actors that were studied were the Non Governmental Organisations (NGO's) who were instrumental in the course of the struggle for the passage of the Bill into Law.

This chapter would explore among other things, the methodology that was used in shaping this study. The rationale behind the choice of research strategy would also be discussed in detail and the justification for the selection of the case would also be given. In addition, the limitations for the study as well as the challenges that were faced during the data collection period would also be explained. In order to fulfil the objective of this research the qualitative manner of doing research was employed basically to meet the objective of exploring the various actors and their framing efforts.

2.1 STUDY DESIGN: QUALITATIVE, QUANTITATIVE OR MIXED METHODS

Many different scholars from different perspectives have attempted to define research methodology in varying ways. According to Creswell, (2003) there are three main approaches to any research namely quantitative, qualitative and the mixed method approach. The mixed method approach however is made up of the quantitative and qualitative features. In my work, I applied the qualitative method of doing research.

Berg defines qualitative research as having to do with “what, where, how and when of things. In effect it deals with meanings and essence of things bringing out the

‘definitions, characteristics, symbols and description of things’ (Berg, 2007). In other words, the main aim of doing a qualitative research could be to explore, describe or explain the meaning of things. Its intention is to come out with the meaning behind an action which would otherwise not have been possible should one conduct a quantitative research. Indulgence

Similarly, Creswell (2003) defines qualitative research as the kind of research which draws from the social constructivism paradigm. In other words, it says that human beings generate meanings about the world as they interact with the world. In effect, Qualitative research has to do with undertaking in-depth studies of human phenomena and understanding them from the perspectives of the individuals concern (Tagoe, 2001). It concerns itself with focus group discussions, unstructured interviews and the use of language based techniques like discourse analysis as methods for collecting data (Brannon, 1992 in Tagoe, 2001).

Conversely, a quantitative research may involve the use of experiments and surveys with the main intent of making generalisations from the samples used. It employs the use of closed ended questions with the aim of establishing basis of some theories. A quantitative research is scientific in nature because it employs the use of numbers and its concern with quantity. It employs the use of surveys and experiments as methods of gathering data (Creswell, 2003; Berg, 2007). For example, one who decides to find out about the voter turn outs in Ghana for the past four years would be better off with a quantitative research than a qualitative research.

The qualitative approach of doing research was best suited in meeting my objectives of understanding who the actors were and how these actors were able to frame the problems they identified as well as strategise to influence the agenda setting process of the DVL. This work would be exploratory in nature and using the qualitative approach would help explore and explain how NGO’s for example can influence how the agenda is set for gender issues in Ghana.

Although a large percentage of the Ghanaian populace are women, Parliament which is the highest decision making body is dominated by men. Logically, it implies therefore that the final decision on the domestic violence law was undertaken by majority of men and some few women in Parliament. In order to understand such a process and what factors may have influenced such a decision, the Qualitative method of gathering data was employed to enable me gain enough insight into how the domestic violence law was made possible.

Using the qualitative research paradigm allowed me to use open ended questions and focussed interviews which in the long term helped me gain understanding of the entire process. Again, in using the qualitative technique of doing research, I had enough room for flexibility and this allowed me as the investigator to probe further and to get more answers to explain the issues at stake. For example, I had not intended to interview key respondents from the Attorney General's Department which is under the Ministry of Justice. However, upon interviewing respondents from some of the NGO's, I had to interview some respondents from that ministry as I got to know their department was responsible for drafting the bill as would be revealed later in the Data Analysis chapter.

Again in using the qualitative method as against the choice of a quantitative approach helped me focus on the actors who were involved in setting the agenda for the DVL. It helped me do an immense study on the actors who were involved and this in effect contributed to my understanding of the context and setting in which such strategies were adopted. On the other hand, using the quantitative method to study the actions of the governmental and non governmental actors may have resulted in data that may be 'mathematically correct' (Mills, 1959 in Berg, 2007) but may be difficult to study the context in which such actors behaved.

Finally, the qualitative method of conducting this research was chosen because, it allowed for interviewing the participants in their natural setting (Creswell, 2003). The struggle to have the Domestic Violence Act occurred in Ghana where the data collection took place. The various actors who were involved directly or indirectly were interviewed

in their natural setting. Most of my interviewees were interviewed in their office and this really gave me insight into the activities of the organisations as well.

2.1 RESEARCH STRATEGY: A CASE STUDY APPROACH

A case study approach allows for selecting a particular event, an activity or a process in order to do an in-depth analysis. The unit of analysis for a case study could be a group or an individual which makes it appropriate for studying the actors who were involved in setting the public policy agenda of the domestic violence law (Berg, 2007). The Case study research is usually exploratory, descriptive or explanatory in nature. For example, using the case study strategy enabled me to select a case of agenda setting in relation to how non state actors influence gender issues in Ghana. It allowed me to do an exploratory research on how non state actors could come together to impact on policy making in Ghana in general. In sum, this research study is a case of agenda setting in relation to how non state actors influence gender issues in Ghana

Using the case study helped me do an in depth research on some selected NGO's in Ghana. It allowed me as the researcher to study how some NGO's in Ghana could come together to form coalitions to meet their objective of ensuring that Ghana had a law that would protect victims of abuse. The meanings for their actions as well as reasons for their choice of actions were explored in detail using the case study strategy. Among other things, using case study has the advantage of enabling the researcher to study issues in detail without ignoring the context in which such actions occurred (Yin, 2003: 2).

The Domestic Violence Act is an Act that was passed into Law with a presidential accent in May 2007. Its current status makes it fit for a case study strategy. The case study approach allows for the study of contemporary issues (Yin 2003: 7). This is evidenced in the fact that it allowed for the study of the real actors who were involved. These people were directly interviewed for their views and their opinions on how they impacted on the passage of the DVL. It also enabled me as the investigator to assess some documents and photographic evidence of their activities in Ghana between 1999 and 2007.

One other reason why the case study strategy was selected was the issue of time. Being limited by the spate of time, it was logical to select one Act of Parliament and do an intense study on the actors who influenced its legislation and also explain the strategies that were used. Policy making in Ghana is a cumbersome process which involves various actors depending on the kind of Act that is being promulgated. There are many Acts that had been passed by the Parliament of Ghana and it would not have been possible to do a study on all of them.¹¹ A case study strategy made it possible for the selection for just one case of how non state actors influence the agenda setting of gender issues.

This work sought to do an exploratory research into how non state actors influence the agenda setting of gender issues in Ghana using the Domestic Violence Law as a case. Therefore, a case study approach best fits my work. It allowed me to select a case of agenda setting in relation to how non state actors influence gender issues in Ghana. Using the case study helped in gathering sufficient and relevant information on the issue of agenda setting in Ghana. It allowed me to focus on relevant aspects of the process which I may have overlooked if I had used a different research strategy.

As the investigator, I made use of interviews, books, the internet, documents; letters, memoranda just to mention a few. Like Creswell (2003), it helped explore the meaning behind the action of the actors. For example, using the case study strategy also allowed for the flexibility of accessing the internet to gather sufficient information from the internet to supplement my data

Finally, with the use of in-depth interviews which is a form of doing case study research, I was able to explore other areas which I had earlier on not even included in my interview guide and as such it allowed for detailed study of specific issues.

¹¹ http://www.parliament.gh/org_ba.php assessed 29-09-2007

2.3 UNIT OF ANALYSIS AND CRITERIA FOR CASE SELECTION

There were several actors that were involved in setting the agenda of the DVB and subsequently, its passage into Law as my data analysis would reveal later. However the focus of this research is to analyse the main actors and their strategies that were used to influence the public policy agenda. The main actors that were studied were the NGO's and some state actors. These included FIDA, The Ark Foundation, WAJU and MOWAC. Due to time and financial resource constrain, it was logical for me to select some of the notable organisations and do a detailed research on them. The rationale for selecting these organisations among others was the following:

2.3.1 Federation of Women Lawyers (FIDA)

The reputation of FIDA in Ghana when it comes to the issue of the abuse of women, children and the entirety of their welfare does not go without recognition in Ghana. It's as if FIDA is synonymous to the protection of women and children in Ghana. FIDA is an association of women lawyers in Ghana that has affiliates all over the world. Apart from that, FIDA is one of the oldest NGO's in Ghana that concerns itself with women issues. They play a significant role when it comes to the issue of abuse, sensitisation against Female Genital Mutilation in Ghana especially, in the Upper Regions of Ghana and the Trokosi System in the Volta Region of Ghana.¹² FIDA also gives free legal consultations to victims of abuse until quite recently when clients are made to pay for the services. Information from key officials helped throw more light into the various choices that were made by them.¹³

2.3.2 Ark Foundation, Ghana

The Ark Foundation is also reputed among one of two organisations in the whole of Ghana that serve as a shelter for the abuse of women and children. It is also a Non

¹² Trokosi is the system where young maidens are given to the gods as compensation for crimes committed by their ancestors. They young women are usually abused sexually.

¹³ Further reading at www.fidaghana.org

Governmental Organisations which is located in the centre of the capital, Accra and that makes its easier and more accessible to research.¹⁴

2.3.3 Ministry Of Women and Children (MOWAC)

Since the Independence of Ghana in 1957, there has not been a specific ministry that seeks to address the issue of women until in 2000 when the women's ministry was established in Ghana. As such the role of MOWAC in promoting the DVL is worthy of studying.

2.3.4 Domestic Violence Victims Support Unit (DOVVSU) of the Ghana Police Service

DOVVSU is a division of the Ghana Police Service that was established in 1998 to apprehend, prosecute and protect victims of domestic violence and child abuse. This became necessary because most cases on violence against women and children were treated as mere family issues which were to be settled at home and as such this unit was established by the Police Administration to take care of such issues. They work hand in hand with the Commission on Human Rights and Administrative Justice (CHRAJ) and some non governmental agencies in providing support to victims of abuse.¹⁵

2.4 SOURCES OF DATA

In order to get the required information for my work, the qualitative paradigm of doing research was selected. Both Secondary and Primary data were used because of the following reasons that I would elaborate on.

¹⁴ www.arkfoundationghana.org

¹⁵ <http://www.ghanapolice.info/dvvsu/dvvsu.htm>

2.4.1 Primary Data

Primary data collected was mainly based on interviews with respondents. My respondents were drawn from both Non Governmental Organisations and some Governmental Organisations. There were several NGO's who came together to form a coalition to ensure the DVL was passed in Ghana. However, for the sake of time and resources, the criterion for selection was based on the level of involvement and the level of knowledge of the actors in the entire process. This study excluded the organisations that were less active. The organisations that were at the forefront in initiating the entire process of the DVL were selected.

Key personnel from the various organisations were drawn and interviewed. They were also selected based on their level of knowledge around the issue at stake and their level of commitment in various workshops and forums. For example, those who were involved with the process from its inception amidst the obstacles until the DVB was finally passed into Law were selected. An attempt was also made to interview the one who was working in the capacity of the co-ordinator of the National Coalition on Domestic Violence. The governmental actors were drawn from the Ministry of Women and Children (MOWAC) and the Women and Juveniles Unit of the Ghana Police Service (WAJU) and some Members of Parliament. The respondents who formed the governmental actors were also selected based on their availability and knowledge about the bill since its inception.

Before leaving Norway, I made contacts with some of the organisations based on the information on the net and made an acquaintance with them. On arriving in Ghana, appointments were made via telephone with the various participants. I sent copies of my proposal as well as my letter of recommendation to the various organisations to confirm my student status since some of them doubted if I actually was a student and not a journalist.

An in-depth interview was held with each of the participants. I made an appointment with each respondent via telephone but the interviews were face to face focussed in-depth

interview. In some cases where an interviewer was unavailable due to time constraints, telephone interviews were used. I drafted an interview guide that helped me through the interview process to prevent us from deviating from the topic. I asked opened ended questions that gave my respondent the opportunity to cover areas that were not covered even on my draft. The interview guide also helped in exploring other issues further. Some of the interviews were recorded with the permission of my respondents.

Table 1: List of interview participants

Non Governmental Actors (NGO's)	Position in Organisation	Number of Respondents
FIDA	Media and Communications Officer	1
Ark Foundation	Coordinator	2
National Coalition on Domestic Violence, Ghana	Coordinator	1
Governmental Actors		
MOWAC, Dept of Women	Para legal officer	1
Members of parliament (MP's)		2
Attorney Generals Dept	Principal State Attorney	1
DOVVSU	Dept Supt. Of Police	1

2.4.2 Secondary Data

Any good case study must make use of as many sources of information as possible (Yin, 2003). In order to complement the information from my respondents and also confirm some of the information received, I also made use of secondary data. Using secondary sources for my work really proved helpful. This was because I had access to a lot of

information from books and the internet that complemented and in some cases confirmed some of the information I had from the interviews. There was no need transcribing such data because they represent data that had been carefully written down.

The documents I accessed also proved more helpful and convenient especially in cases where some of my respondents had no time to spare. For example, it was very difficult getting access to MP's and some of the members of staff of NGO's.

On the field, I also made use of documents, the internet, archival records from the organisations and some publications. I also had the opportunity of watching a documentary that was meant to educate the entire public that was aired by TV 3 a private television network. I also visited the Parliament of Ghana where I was given the Domestic Violence Act and some memoranda where I did a thorough reading that also helped in guiding my interviews.

In all, I was able to access written reports, proposals, Newspaper Articles, the DOMESTIC VIOLENCE Act, and Publications from the organisations, various articles from the internet as well as some memoranda from Parliament. Most of the organisations I studied also made most of their documents accessible for reviewing.

In all, nine (9) respondents drawn from both governmental as well as non governmental actors were interviewed due to time constrains and unavailability of some respondents.

2.5 STUDY LIMITATIONS AND GENERALISATIONS

This section will try to discuss the study limitations and also highlight the alternatives that were used to over turn the situation. This work is a case of agenda setting in relation to how non state actors influence gender issues in Ghana. Using a case study strategy, it's impossible for me to subject my findings to statistical generalisations (Yin, 2003). This is because one who uses surveys and experiments in the quantitative methods can make generalisation from the sample that was used. However with analytic generalisations,

one can only make generalisations only in relations to the theories that guided the work. As such information gathered from the analysis of the actors and their strategies they employed in ensuring the domestic violence Act became a reality can only be generalised in relation to the theories guiding this work. Thus, generalisations may only be made in relation to the agenda setting models of Kingdon and the theory of culture by Hofstede.

In addition, this research work is a case study research. It is a case of agenda setting in relation to how non state actors influence gender issues in Ghana. As a case study research, it is therefore impossible for this work to make generalisations to cover all areas of agenda setting in Ghana. Findings from this work can therefore not be used as a yardstick to measure the whole process of agenda setting in Ghana.

I must admit that conducting a research in a developing country like Ghana was very frustrating. Though it was meant to be for just an academic exercise, it was difficult assessing some of my respondents. Time and lack of financial resources was also a limitation for this study.

I intended to interview some Parliamentarians but it turned out that they were inaccessible. After visiting the Parliament House on several occasions it was difficult getting in touch with Parliamentarians because of their tight schedule. Though Parliament was in session at the times that I visited, Parliamentarians were engrossed with the debate on the current energy crises in Ghana that had affected the country for the past year and as such had little time to attend to people¹⁶. I also realised from the clerk of Parliament that if I intend to interview some committee members of Parliament, I would have to fill a form and that would go through a long bureaucratic process. And even with that I could not be assured of when that could be possible. I overcame this by making some appointment outside the bureaucratic procedures.

¹⁶ Read more about BBC's report <http://news.bbc.co.uk/1/hi/world/africa/6692605.stm> accessed 27th May, 2009. The energy crises started in the latter part of 2006.

Secondly, I had intended before going for field work to interview some key women activist who have been and were very influential in their quest of ensuring that the DVB was passed despite its subjection to nationwide consultations. However, I never managed to get them even on phone to fix an appointment because of their busy schedule. Attempt to meet them outside office hours proved fruitless. An attempt was made to make good use of the few who made themselves available despite their busy schedule.

Thirdly, some of the appointment had to be rescheduled, cancelled or postponed on some occasions. On other occasions, I had to wait for long hours before being attended to. In other government agencies, I had to follow long bureaucratic procedures only to be asked to go to a different organisation instead.

Having access to some documents was also very challenging. In my efforts at gathering data, I also realised that though some of my respondents were willing to help, they found it difficult to have to go through their long files just to get some old documents for me. This is because, most of the old documents have not been stored on computers, but rather have been manually filed.

Inaccessibility of some key personnel's in some of the organisations was also one of the limitations. In some of the organisations that I visited, some of the staff were not willing to grant the interviews because, they felt it was only right for the executive directors to grant such interviews. Some of the directors around that time were also on leave at the time of gathering data. For example at the time data collection, the executive Director of FIDA was on leave. I also realised in that it was difficult interviewing more than one person in the various organisations because, these people felt it was just enough to talk to one person who represented the entire organisation.

To overcome these limitations and to supplement the primary data, I made attempt to get extra information through the use of the internet, press statements, articles and books to supplement and validate the information I had gathered through the interviews. I also tried to source out as many documents as I could to overcome the challenges. For

example, the use of the internet and news paper articles really proved helpful for gaining substantial data for this work. Most of the interviews I had with the people I contacted were also in-depth as I tried to maximise the opportunity I had to interview most of them. I also made sure the people I interviewed were key people who possessed enough and genuine knowledge concerning the topic. For example, at FIDA – Ghana, I interviewed the media and communications officer, I also interviewed the coordinator of the DOMESTIC VIOLENCE Coalition as his work among other things was acting as a mediator for all the members of the coalition. Again, at the Attorney Generals Dept, the Principal state attorney was the one who was interviewed. The open ended interviews were beneficial in throwing more light on the topic as I made sure I got as much information as possible that I needed. I was grateful to the few people who went against all odds to present me with the various documents that I needed to work with on this project.

2.6 CONCLUSION

In sum, this chapter elaborated on the methodology that guided this work. In order to explain the meanings behind the actor's activities, the qualitative research was chosen. This chapter also gave an in-depth rationale for the selection of the case study research strategy and discussed limitations of the study. It also justified the reasons for the selection of the organisations that were selected and the strategies that were used to overcome the limitations of the study as far as getting enough information for this research is concern.

CHAPTER THREE: ANALYTICAL FRAMEWORK

3.0 INTRODUCTION

In this chapter, I introduce the theory that is guiding this entire research. The idea is to develop an analytical framework for which a basis would be formed for analysing this research. An attempt is also made to discuss the variables in the research, both the dependent as well as the independent variables. A theory, like a lens would help and shape the direction of the research and the kind of questions to be asked (Creswell 2003). Again, a theory translates as a “system of logical statements or proposition that explains the relationship between two or more objects” (Berg, 2007). In effect, the theoretical framework would help establish the relationship between the variables guiding this work.

In order to understand the agenda setting of the domestic violence law in Ghana, it’s imperative to understand how the demands about the domestic violence law were made by the actors, the conditions under which they were made and presented onto the political sphere as well as the social and cultural context under which such strategies were used.

To help me do that, this chapter would review some concepts of Agenda Setting developed by Kingdon (1995) in his work *Agendas, Alternatives and Public Policies*, the Politics model of agenda setting by Kalu (2004) and the outside initiation model of framing agenda’s by Cobb, Ross and Ross. The theory of Culture as developed by Hofstede and Hofstede (2005) in their work *Cultures and Organisations* would be used in justifying the context in which the actors found themselves and consequently, its influence on the choice of strategies. In addition an attempt would be made to elaborate on the variables guiding this work. The dependent variable in this work is the agenda setting of the domestic violence law.

3.1 DEFINING AGENDA SETTING

There are different processes involved in the making of a public policy .The various stages of policy making are Agenda setting, Policy Formulation, Decision Making, Policy implementation and Policy Evaluation. Policy formulation is involves finding out probable solutions to a problem, Decision making has to do with the stage where a choice is actually made out of the probable solutions, Implementing policies has to do with how the decision or choice made is put into effect and policy evaluation is an assessment of the policies (Howlett & Ramesh, 2003:13).

Agenda Setting is the first stage of the cycles involved in Policy making. It involves the list of problems that people inside and outside of government are paying serious attention to at any given point in time, however out of the whole lot, they do give priority to some more than the others, therefore according to Kingdon, “agenda-setting narrows this set of conceivable subjects to the set that actually becomes the focus of attention” (Kingdon, 2005). According to Dearing & Rogers (1996:1) the agenda setting process is “an ongoing competition among issue proponents to gain the attention of media professionals, the public and policy elites” Agenda could be a public agenda, media agenda or policy agenda (ibid 1996:17).

Agenda setting in short is concerned with how a problem is identified and recognised by government. Thus, this work would attempt to investigate how domestic violence was identified by government as a policy agenda that must be addressed and consequently, its passage into law. However, this work is not only concerned with finding out who the participants were but will also focus on how the problem of domestic violence were defined and framed, and how solutions were offered in an attempt to get the domestic violence law passed.

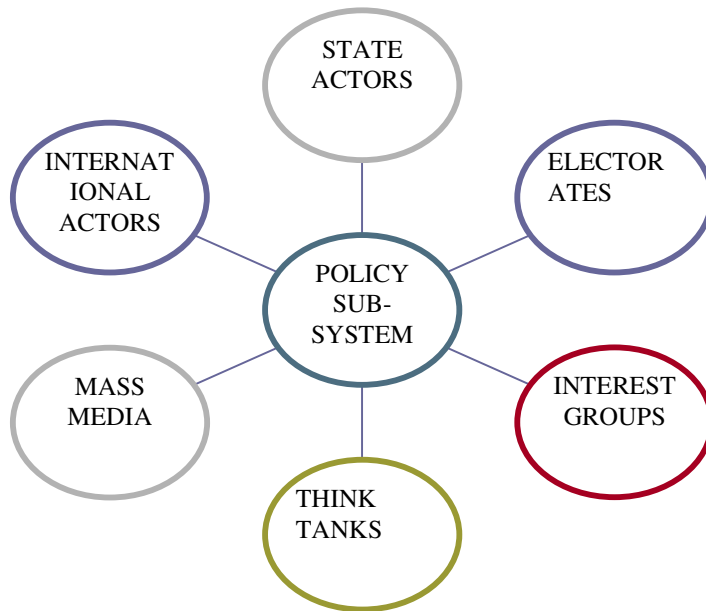
3.2 ACTORS INVOLVED IN SETTING THE AGENDA

The demand for the solution of problems in a country can emanate from various sources.

They range from participants who are inside of government and those who are outside of government (Kingdon, 1995). These various participants/actors carry along with them various resources in the performance of their roles. These actors may range from international to domestic actors. Due to globalisation there has been a rise in how international actors influence public policymaking. Domestically, such actors include state and non state actors. They may be in the form of Political appointees, civil servants, Members of Parliament, interest groups, the media and election related participants like Political Parties and the electorates. Policy making involves a lot of actors who are not independent of each other but who are dependent on each other and these actors interact with each other through bargaining and persuasion to pursue their own interest (Howlett and Ramesh, 2003:53).

This work is specifically intended to analyse the actors who were involved with the domestic violence Act in Ghana. The actors who were involved were both governmental and non governmental actors. An attempt would be made to dwell more on the role of the Non Governmental Actors. In recent times, people have become very conscious about protecting human rights and with it has expanded the role of Non Governmental Organisations who have assumed critical roles in resolving human rights issues. They “gather information, seek to influence public opinion, provide assistance to individual victims of abuse and press governments and international supervisory bodies for action” (Welch, 1995:3). Without the activities of such pressures from civil society, society would be a dangerous place to live in especially in Africa (ibid, 1995).

Figure 1: Diagram showing some actors who may influence public policy agenda setting



Source: Author

3.3 MODELS OF AGENDA SETTING

3.3.1 Agenda setting as Problem, Policy, Participants and Choice Opportunity

Agenda setting is concerned with how a problem is identified and recognised by government (Kingdon, 2005). However, the process by which agenda's come about is competitive in that different actors compete with each other for 'scarce agenda space' to ensure their problem is identified (Joachim, 2007:6). Kingdon uses his model to explain how agenda's develop and his model is influenced by the decision making model of March and Olsen.¹⁷ The 'garbage can' model of March and Olsen states that decision making is not a logical process where a goal for solving a problem is established, and

¹⁷ Decision Making is different from Agenda Formation but Kingdon modeled his work based on the model developed by March and Olsen

then a research is done to find solutions as alternatives are evaluated but rather decision making is like a garbage can into which there is a mix of garbage. Outcome is usually that which breeds minimum cost with maximum returns. Thus, Agenda formation is often not a logical process. People do not set out to solve problems, instead, its solutions that search for problems and people work on problems only when a particular combination of problems, solutions and participants in a choice situation make it possible (Kingdon, 2005).

Kingdon (1995) argues that sometimes in setting the agenda preferences are unclear and participation of actors is fluid. Usually, certain problems capture the interest and attention of people who are in and around government at certain times. Secondly, the actors in public policy making like the bureaucrats, interest groups and non governmental organisations develop their own proposals which float in the policy stream just like it happens with the garbage can. The third aspect which he refers to as a “Policy window” or choice opportunity is composed of “swings of national mood, vagaries of public opinion, election results and change in administration, shifts in partisan or ideological contributions of congress and interest group pressure campaigns” (Kingdon, 2005). In sum, four main independent streams account for how agenda’s develop and these are: Problems, Solutions, Participants and Choice opportunities.

- *Problems*: Problem here refers to a deviation from the norm, standard or status quo which both people inside of government and people outside of government find inappropriate and therefore requires a solution from policy makers. (Joachim,2007:18) In other words, it’s a condition which people find inappropriate and must be resolved. For example, in relation to this work, the issue of domestic violence is considered to be the problem. Though the issue of violence in the home in Ghana has been seen for a long time as a private issue which does not warrant any form of public attention, NGO’s and other gender activist see the need for it to be resolved. Domestic violence in all its forms is prevalent in Ghana and that goes contrary to the UN Declaration on the Elimination of All forms of Violence against Women.

- *Policy*: Policy here refers to the *Solutions* that the participants carry which they hope will solve the problem. These solutions can be in the form of laws, allocation of resources, administration to mention a few. In terms of this research work, the actors view the passage of the domestic violence Law as the solution to the problem of domestic violence that has been identified. They believe that if the law on domestic violence is passed, domestic violence will be seen as a criminal offence which will warrant prosecution should anyone be found guilty.
- *Participants*: These are various actors who carry along with them their problems and solutions and they usually move from “the decision-making process carrying their problems and solutions” (Joachim, 2007:18). Agenda formation by itself involves people or actors and these actors are the ones who decide which issues get on the agenda or which ones should not. These actors are constantly in competition for agenda space in that; they all seek to capture the attention of government, media, or the public with the problems they identify. However, these actors can emanate from within government or from outside of government. The participants in this research work will mainly focus on the activities of NGO’s and other gender activist who helped in framing the process leading to the domestic violence law. The agenda setting stage is one of the stages in policy making that gives room for “relatively weak actors to extend their power because negotiation skills, knowledge, and persuasion are as important as material resources” (Pollack 2003 in Joachim, 2007:6).
- *Choice Opportunities*: Often seen as a window of opportunity that allows change to occur. Choice opportunities also known as policy windows may impact negatively or positively on the activities of actors depending on how they are utilized. Even though the NGO’s may not have all the necessary resources needed to influence the agenda, they can strategically frame their issues in such a way that it would have an impact. In this sense, the timing by which actors choose to push their issues across is as critical as the mobilizing structures that these actors

have. Short of these, actors will face problems since *they* have the ability to facilitate or inhibit the process of getting the issues on the agenda. This work will attempt to bring out if any, some of these opportunities and structures that were capitalized on by the actors to push their issues across. Choice opportunity or a policy window can be in the form of “swings of national mood, vagaries of public opinion, election results and change in administration, shifts in partisan or ideological contributions of congress” (Kingdon: 2005). Choice opportunities could also be in the form of actors access to institutions, influential allies and or conflicts which can give NGO’s the opportunity to present their frames (Joachim, 2007:31). Mobilizing structures may include “organizational entrepreneurs” and “experts” Organizational structures could be in the form of an individual or an organization who may have links to individuals in established institutions (ibid, 2007:23).

However, just like the garbage can model, these events are not dependent on each other but independent of each other. According to Kingdon, these events may act as an ‘impetus’ or as a ‘constraint’ to how issues are pushed onto the governmental agenda. As an impetus, it creates room for interest groups and other actors to push forward their request and as a constraint, the *cost* involved in carrying out such an action by a government may prevent them from responding. Actors develop their proposals and wait for problems to come to which they attach their solutions. For example, the change in administration may make it more likely for the adoption of new proposals. Such choice opportunity is referred to by Kingdon as a policy window. Thus, actors seize the opportunity to put their problems across when policy windows open (Kingdon, 1995).

In a nut shell, agenda formation is dependent on the participants or actors involved the solutions they carry along and the kind of problems they are concerned with. Agenda setting is therefore a dynamic process “in which the interaction of actors and structural changes determine the problems or solutions that policy makers may consider” (Joachim, 2007). This work is aimed at investigating the actors who were able to make the issue of domestic violence a public concern for government action. Thus, how did these actors frame their problems and how were the solutions offered? At what point in time did they

make use of policy windows? With these variables in mind, this work will attempt to look at the agenda setting of the domestic violence law in terms of who the participants were, how the problems were defined, and how choice opportunities were seized in an attempt to offer solutions to the problem of domestic violence in Ghana. This model on agenda setting by Kingdon would also help explain the strategies that were employed by the actors who were influential in the process with the intent of throwing more light on agenda setting process in Ghana in relation to how non state actors influence the framing of gender issues for government action.

3.3.2 Agenda Setting as Politics

According to Kalu (2004), agenda setting is purely politics because it involves bargaining, compromise and consensus. Kalu defines agenda setting as the process by which decision makers select certain decisions they think government should address and usually these decision makers are made up of different actors. Decision makers are often motivated by certain factors and those factors influence how issues get onto the agenda. “The process through which issues gets on the agenda is the outcome of interactions between actors with different resources and interests that are in conflict” (ibid, 2004).

According to Kalu, certain factors may influence how issues are framed to get them onto the agenda. One of these factors is actor’s resources. Resources that actors have go a long way in determining how issues are framed and accepted. Resources may range from money, actor’s ability to understand the problem in question (their cognitive abilities as well as their knowledge about the rules and norms) and the ability to change rules and norms are all necessary and do affect the outcome. In addition to these, the strategic interactions between actors also have a long way in determining results. Therefore, how actors are able to position themselves to present their issues determines how far they can go in their demands.

Again, since politics is purely bargaining and compromising, having knowledge about the norms and rules is essential for outcomes. In such a situation, being able to identify the

actors and the resources they carry along in their proposals is also necessary in determining the impact they will make in the agenda setting process. To add to that, certain political events may influence how issues are framed by actors and how issues are received and attended to by government. These factors that could affect how issues are received and attended to by government is characterised by factors like election.

3.3.3 Agenda setting as Defined by Different Political Regimes

According to Cobb and Ross in (Howlett and Ramesh, 2003: 132) different political regimes breed different types or models of agenda setting. According to Cobb and Ross, there are three main models of agenda setting, namely the outside initiation model, the mobilisation model, and the inside initiation model. With the outside initiation model, issues arise in non governmental groups and then they are enlarged to cover the public agenda and then finally on to the institutional agenda. Institutional agenda is also referred to as the formal or state agenda and is concern with issues that are receiving governmental attention whilst systemic agenda or the informal agenda involves issues that are considered by the members of the political committee as meriting public attention (Howlett and Ramesh, 2003: 32).

For Cobb and Ross, there are four main stages of the agenda setting process that occur as issues move between the public and formal agenda. The main actors involved with this model are social groups. This happens when they initiate a grievance and demand resolution by government. They also form alliances or coalitions with the intention of getting their issues onto the governmental agenda. After, the various actors come together to form coalitions, they lobby to have their demands transmitted from the public agenda unto the formal agenda. With this model, the resources of actors and how they are mobilised go a long way in the determining outcomes. Having the necessary resources and skills and being able to manipulate the resources to their advantage is an essential factor in their attempt to get their issues across. “The outside initiation model applies to situations in which a group outside government structure, 1) articulates a grievance, 2) tries to expand interest in the issue to enough other groups in the populations to gain a

place on the public agenda in order to 3) create sufficient pressure on decision makers to force an issue onto the formal agenda for their serious consideration” (ibid, 2003:134). This is different from decision making. Decision making on the other hand involves having to select from a number of policy options aimed at solving a public problem (Howlette & Ramesh, 2003:162).

On the other hand, agenda setting could be seen as being initiated by influential actors who have access to decision makers and who use this access to their advantage. For example, for the sake of political as well as the technical content of a problem, “initiation and specifications occur simultaneously as a group or governments agency enunciates a grievance and specifies some solutions to the problem” (Howlett and Ramesh, 2003: 134). Thus, getting issues onto the agenda is ‘automatic’ and such actors face no obstacles whatsoever.

This model would be used to understand how demands by the various actors were made and how their resources were put together for their advantage to turn the domestic violence issue which was predominantly a private matter into a formal agenda for governments’ action. What resources were available to the actors and how did they make use of such resources?

3.4 CULTURAL THEORY

The issue of violence in the home was considered a private matter in Ghana until quite recently. Usually, when victims report such cases to the Police very little or nothing was done in terms of protecting the abused. It was considered trivial and the victims were usually advised to settle the matter amicably at home. How then were the actors able to carry out their issues across in such an operating context? What strategies they did they employ in such a context? According to Howlett and Ramesh (2003), it is also important to understand the context in which such demands are made and carried unto the agenda for government reviewing by the actors. It is in this context that I argue with the cultural theory to establish the basis for which some of the strategies were employed by the

various actors in the DVL. In a way, the context in which actors find themselves may influence the kind of strategies they adopt in their attempt to influence the making of public policies. Understanding the way a group of people think, act and feel is essential for mapping out certain strategies to meet certain needs and obstacles.

Hofstede (2005:4) defines culture as “the collective programming of the mind that distinguishes the members of one group or category of people from others”. It comprises of the way a group of people think, act and feel. Usually, people derive the way they think, feel or act from their social environment from where they grew. He defines it as “mental software” which is programmed from the time we are born. Once they are learned, they are very hard to unlearn them. Culture may manifest itself in how a group of people define their symbols, heroes, rituals and values. The Ghanaian perception of certain values is different from the way another country may perceive of certain values and this may have affected the way the Ghanaian community perceive of how violence in the home should be defined. There maybe different levels of culture for example depending on class or how one relates to various organisations.

Hofstede elaborates different dimensions of culture in relation to: How we conceive of ourselves- Masculinity and Femininity, How we relate to authority – Power Distance and How we express our feelings and deal with conflicts in general – Uncertainty Avoidance and the relationship between the individual and the group – Collectivism and Individualism (Hofstede, 2005:23).

This work will dwell more on culture in relation to masculinity and femininity in Ghana and how that impacted on the challenges that were faced by the actors and how that consequently influenced the strategies that were adopted by these actors to get their issue on the agenda. According to Hofstede, certain behaviours that are related to either men or women are different from one society to the other. The specific roles for either gender as determined by social cultural factors are what he defines as either masculine or feminine. For example, men are supposed to be “assertive, competitive and tough” whilst taking care of the home is considered as a woman’s role. (ibid, 2005:116)

By definition, therefore, a society is considered as masculine “when emotional gender roles are clearly distinct: men are supposed to be assertive, tough, and focussed on material success whereas women are supposed to be modest, tender and concerned with the quality of life” (Hofstede, 2005:120). Examples of countries that can be considered as masculine include countries like the Japan, Slovakia, United States, Jamaica and Ghana. On the other hand, in a feminine society, “emotional gender roles overlap, both men and women are supposed to be modest, tender and concerned with the quality of life” (ibid:120, 2005). Examples include most countries in Scandinavia like Denmark, Sweden and Norway.

As to whether a society is considered as masculine or feminine has roots in the family where most of our socialisation takes place. For example, in Ghana, the man has specific gender roles which are totally different from what the woman is expected to do. The man is supposed to be the head of the family and has some traditional roles assigned to him like the provision of food and shelter for the family which are the basic needs of life. As such by Ghanaian terms, the man is supposed to be “the bread winner”. On the other hand, the woman is supposed to be concerned with taking care of the family and the home in general. “A country's position on masculinity –femininity scale also affects its norms about sexual behaviour” (Hofstede, 2005:135). Thus, culture in a way may influence how sex is defined and used and in most masculine societies like Ghana, issues relating to sex are considered as private. It stems from this fact that this thesis argues that this dimension of culture may have impacted on the way the actor's frame their strategies as this may have accounted for some of the explanations relating to some of the challenges that were faced by the actors.

Power Distance is defined by Hofstede (2005) as having to do with the way the less powerful members in a society accept and admit that power is unevenly distributed. This unequal distribution of power is reflected in various institutions like the family, school, and the community. “The way power is distributed is usually explained from the behaviour of the more powerful members, the leaders rather than the led” (Hofstede,

2005:46). Power Distance can be seen as high or low depending on how high or low it's reflected in a particular institution. Ghana is an example of a country with high Power Distance.

According to Hofstede (2005:51), Power Distance in the various institutions can be traced to the family. The family is where we get the most part of our socialisation from and this affects our way of thinking, feelings and actions. There is a high level of power distance in the Ghanaian institution which has can be traced in the family. The man is considered as the head of the family and considered as having the authority to make decisions and his decisions are considered to be right at all times. In contrast the woman is expected to be submissive and obedience. This creates some kind of dependence on the husband by the wife and children. This makes violence in the home acceptable because it is considered as the man's right to discipline the wife and children. This perception in the Ghanaian context may have affected the choice of strategies that the actors used to influence the making of the DVL.

3.5 REFLECTION ON VARIABLES IN THE STUDIES

3.5.1 Dependent Variable

The Dependent variable is the product or result or consequence of the independent variable. (Creswell, 2003:94) In this study, the dependent variable is the agenda setting of the domestic violence law. This thesis is concerned with explaining how the domestic violence law came into being. How was the problem of domestic violence defined and who were the participants or actors? The Actors here involves both the Non Governmental Actors and Governmental Actors. The Actors as well as the strategies they employed would be analysed. The strategies here refer to all the methods that were used by the various actors to get the issues onto the governments' agenda and consequently its passage into Law. Mintzberg defines strategy as a plan. It has to do with "How, a means of getting from here to there", it is not permanent and it changes with time.¹⁸

¹⁸ http://home.att.net/~nickols/strategy_definition.htm surfed on 21-10-2007

3.5.2 Independent Variable

In the same light, independent variables are those that cause or influence results (Creswell, 2003:94). Thus, these variables are perceived to affect the agenda setting of the domestic violence law. The various independent variables that would be explained based on the model of agenda setting by Kingdon and Kalu are the following:

Actors Resources

Resources that actors carry along with them in the pursuit of influencing public policies have an impact on the long term success. Resources here to be studied include Human Resource in the form of commitment, motivation and engagement of the various actors. Financial resources is also essential as well as the knowledge base of the various actors will be explored in this study. The argument here is that the amount of resources available may affect how the issues were framed by the actors. For example, lack of funds can affect the kind of strategies that will be used by the actors.

Policy Windows/ Choice Opportunity

According to Kingdon (1995), various actors who intend to influence public policy take advantage of policy windows when they are open to push items on the agenda. Ghana has been practising Democracy since 1992 after her Independence in 1957. Rawlings ruled Ghana for close to twenty years and handed over to a new government which was the largest opposition party at the time in 2000.¹⁹ This study would attempt to identify and discuss how the various actors made use of policy windows. This study would analyse them to find out if the various actors made use of these policy windows and if they

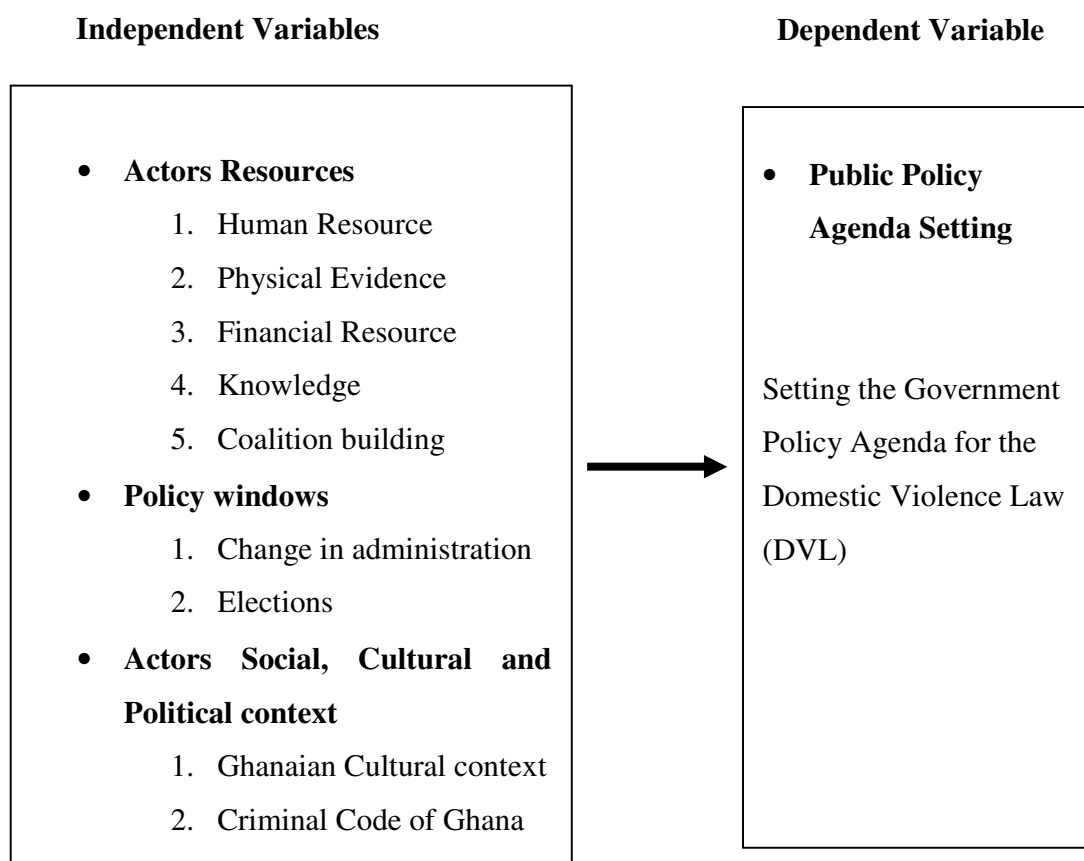
¹⁹ The New Patriotic Party, NPP took over from the National Democratic Congress, NDC in 2000 and subsequently won the 2004 elections after a second round.

affected the strategies that they used. These windows include change in administration, national mood, elections and actors access to institutions.

Actors Social, Cultural and Political Context

The contexts in which various actors find themselves have an impact on the obstacles that are faced by the various actors and consequently, its impacts on the kind of strategies that they formulate. In this work, the Ghanaian cultural context and the criminal amendment code would also be analysed in an attempt to explain how they influenced the choice of the strategies that the various actors used to influence the DVL.

Figure 2: The relationship between the study variables



Source: Author, 2009

3.6 HYPOTHESIS

- The amount of resources at the disposal of actors may influence the agenda setting of the Domestic Violence law in Ghana.
- Policy windows/ Choice opportunities such as change in legislative turnover, elections and the swings of national mood may affect how the agenda was set for the DVL in Ghana.
- Strategies that actors pose may influence how far they can get their issues on the agenda.
- The Context in which actors find themselves may affect the choice of strategy used.
- Rules and Regulations governing NGO's may affect the way they organise their activities – The kind of strategies as well as the reason behind their choice.

3.7 CONCLUSION

This chapter elaborated on some literature regarding the setting of agenda as the first stage involved in Policy making. A review was done on what agenda setting means and some of the actors who are likely to be involved in that. An attempt was also made to discuss some models on agenda setting and some theories forming the analytical framework for this study. The next chapter would try and conceptualise domestic violence in Ghana and attempt to bring out some theories that could explain why they are in existence in Ghana.

CHAPTER FOUR: CONCEPTUALISING DOMESTIC VIOLENCE IN GHANA

4.0 INTRODUCTION

This chapter would attempt to throw more light on the issue of Domestic Violence in Ghana. Domestic Violence is a violation of human right according to the United Nations Declaration on Human Rights. Ghana is a signatory to a lot of conventions including the United Nation's Convention on the Elimination of all forms of Discrimination against Women (CEDAW) since her ratification in 1986²⁰. According to CEDAW, to agree to be a part of the convention means to agree to end discrimination against women "in any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

Though Ghana has achieved great strides which is reflective in a number of legislations including the passage of the DVL in May 2007, She may still be considered as having a long way to go since there is a lot of evidence to show that there is not only the prevalent of discrimination against sexes which is enshrined in the different cultures prevalent in Ghana but there is also enough evidence to prove that DOMESTIC VIOLENCE in all its forms is prevalent in Ghana.

This chapter would therefore make an attempt to conceptualize Domestic Violence as a phenomenon and try to draw on some theories to explain the reasons why it may still be thriving in Ghana drawing on some examples from other countries to support the claims.

²⁰ <http://www.un.org/womenwatch/daw/cedaw/states.htm> accessed November 13, 2007

4.1 MEANING AND NATURE OF VIOLENCE

Domestic Violence is just one form of violence. According to the World Health Organisation (WHO), violence can be explained as the use of physical force usually by another person against a community or a group or an individual that has the tendency to lead to injuries whether physical, sexual or psychological. Violence can be grouped into three according to the kind of relationship that exists between the abuser and the abused namely *Self-directed violence, Interpersonal Violence and Collective Violence*. Self-directed violence as the name implies has to do with inflicting harm on oneself, For example, committing suicide. Domestic Violence including community violence falls under the Interpersonal Violence where the violence is initiated by another person. Collective violence on the other hand is usually violence that is initiated by a group or an organisation. The main distinguishing feature amongst these various types of violence can be seen in the *relationship* between the victims being abused and the perpetrators.

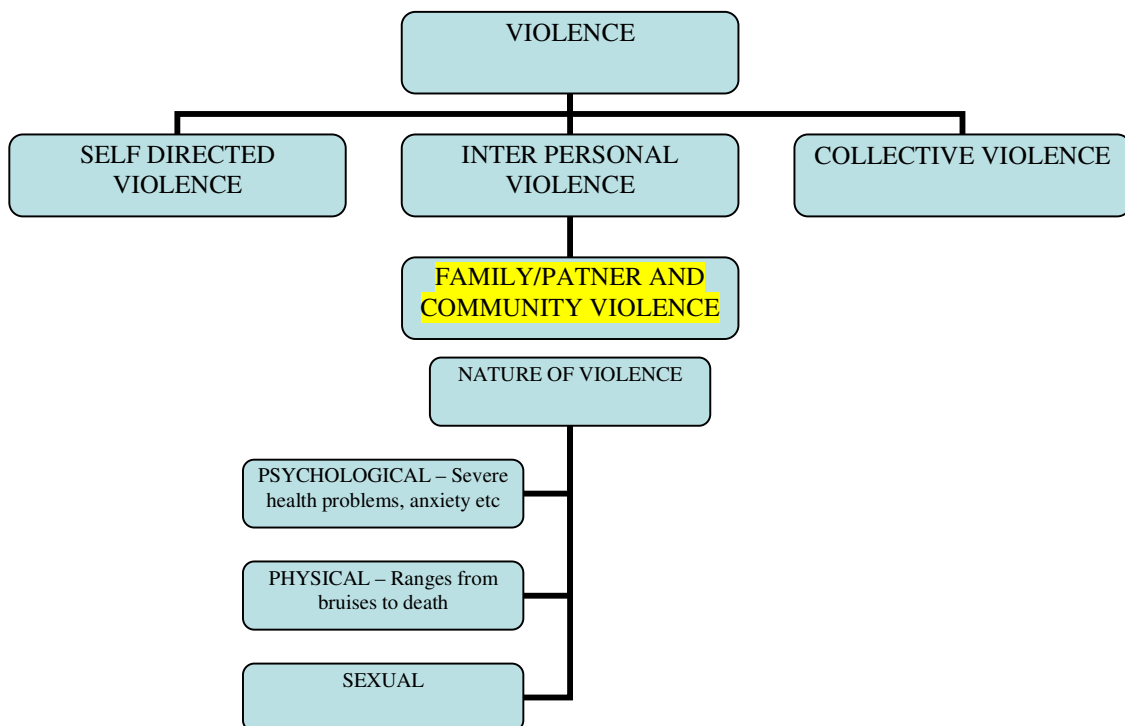


Figure 3 This is an adaptation from safer communities' action plan to reduce community violence and sex.²¹

²¹ <http://www.justice.govt.nz/pubs/reports/2004/action-plan-community-sexual-violence/chapter-5.htm>
assessed 14th Nov, 2007

4.2 CONCEPTUALISING DOMESTIC VIOLENCE

Domestic Violence is one of the most serious crimes that was often considered as a private matter and often ignored not only in Ghana but in most parts of the world including Europe and Asia though most countries in Europe have successfully passed a law in that regard. According to a report by the UNICEF Innocenti Research Centre in Italy in 2000, forty four (44) countries have passed a law on domestic violence out of which 12 of these countries are in Latin America.²²

According to UNICEF, there is no universally accepted definition for the term Domestic Violence though its one kind that cuts across regions, culture, education, geography, race, and religion. However an operational definition that was developed by UN Declaration on the Elimination of Violence against Women explains violence against women as any act of physical, sexual and psychological abuse that is usually based on gender and which is likely to result in threats and deprivation in both public and private life.

By sexual abuse, domestic violence includes being forced into sex or coercing someone to have sex. Economic abuse can be in the form of being denied access to one's economic rights such as being denied health care, employment, basic needs to mention a few. By psychological abuse, this involves any action that has the intention of making one feel inferior by intimidations, being isolated from family and friends , being humiliated to mention a few. Acts such as murder, battering and stabbing, choking, kicking and harmful traditional practices such as Female Genital Mutilation (FGM) can be considered as forming part of the physical abuse.

It must be emphasized that Domestic Violence as defined by UNICEF, includes all forms of violence against women and girls by an intimate partner, in the form of a family member or cohabiting partner irrespective of the *venue* of the violence. Therefore, the term *domestic* has to do with "*the type of relationship* involved rather than the place

²² <http://www.unicef.org/newsline/00pr45.htm> assessed 17th Nov, 2007

where the violence occurred” (Innocenti Digest, 2000). Domestic Violence as used in this study means all of the above definition by UNICEF.

4.3 STATISTICS ON DOMESTIC VIOLENCE

As to whether Domestic Violence is a crime that is perpetrated by men against women or vice versa or both is a debate that has been ongoing by most scholars since the 1980's since men are fighting hard to reveal their side of the story.²³ DOMESTIC VIOLENCE though seen as gender based have men, women and children as victims. The US National Violence against women survey shows that every year 1.5 million women and 835 men are assaulted by intimate partners. However, various statistics reveal that women are the most victims. There are about 20 to 50 percent women who suffer from country to country. Though women can be violent as the US report indicates, DOMESTIC VIOLENCE is often perpetrated by men who are more often than not in positions of 'trust, intimacy and power' such as husbands, boyfriends, fathers, and other close relatives.

In Sweden 1 in 10 (9%) of women with a violent former husband/co-habitant has been subjected to physical or sexual violence by them since separation in a study showing men's violence against women, 26.2% of women had experienced some form of physical violence from a current or former partner over their adult lifetime in the Netherlands. Approximately every minute the police receive a call for assistance in cases of domestic violence (over 570,000 calls per annum) in the United Kingdom. In 2002 it was estimated that there were 12.9 million incidents of domestic violence against women during the previous year.

A study by FIDA indicated that one in three women experience Domestic Violence in Ghana. Statistics from WAJU also indicated that it had received over 11,000 cases since its inception between 1998 and 2004. In Kenya, Zambia, Tanzania South Africa,

²³ For further reading www.menweb.org accessed 17th Nov, 2007

Zimbabwe and Uganda, the story is not different from what prevails in other parts of the world.²⁴

Children are usually the ‘unintended’ victims when it comes to Domestic Violence. They don’t only go through the physical threat but silently, they suffer from psychological abuse by being made to witness domestic violence (Corry, 1994). The abuse of children can be in various forms and the one’s that can be found in Ghana includes sexual abuse, children being used as domestic servants, as well as being used as slaves. At least over 2000 women and girls between age 10 and 12 have been made slaves to serve in a local fetish shrine for crimes committed by a relative²⁵ - Trokosi system. Economic abuse is no exception in Ghana where about 80 percent of girls between the ages of 10 and 14 are made to work as house helps where they are mostly mistreated by their guardians. Its also been estimated that about 90 percent of children from violent homes witness their fathers beating their mothers and these children are often physically abused as well.

The following was the findings from the Ghana National Study on Violence by the Gender Studies and Human Rights Documentation Centre in 1998. The survey was based on the selection of 2069 women and girls in 1998. (Coker-Appiah and Cusack, 1999)²⁶

- 1 in 3 (33%) of women had been beaten, slapped or physically punished by a current or recent partner (for just over half this had happened in the previous
- 2 out of 3 (67%) of women who had experienced domestic violence suffered injuries, and 1 in 5 of these injuries were severe i.e. open wounds, broken bones and broken teeth
- 2 out of 5 women had been threatened by a male partner, increasing to 3 out of 5 in the previous year
- 1 in 10 (13%) had been deprived of their earnings
- 1 in 10 (11%) reported Domestic Violence to the police

²⁴ <http://www.unicef-icdc.org/publications/pdf/digest6e.pdf> assessed 17th Nov, 2007

²⁵ US Dept of State, Country Report on Human Rights Practices, 1999

²⁶ Source: CSAWU, A Feminist perspective

It should also be said that the prevalence of domestic violence is much higher than its being reported since most victims find it hard to come out to for numerous reasons one of which is due to presence of patriarchy in most cultures (Natarajan, 2007). According to Felson *et al* , victims of abuse may decline to report domestic violence to the Police for three main reasons relying on the data from the National Crime Victimization Survey in the US between 1992 and 1998 (ibid, 2007).

1. The desire of the victims to *protect* the abuser from criminal prosecution due to emotional attachment, economic dependence on the abuser or the desire to protect the children in a family situation.
2. The fear of stigmatisation out of the need for *privacy*. Some victims feel embarrassed and would rather want to keep quiet about the issue.
3. The fear of *reprisal*. Most often the victims would not report such cases of abuse due to the fear that the abuser may retaliate.

However according to the same report the few that end up reporting the case to the Police do that out of the need for protection especially in cases of emergency. (ibid 2007)

4.4 SOME CASES OF DOMESTIC ABUSE IN GHANA

- A 45 year old man murdered his wife who was 45 years in Obuasi in the Ashanti region. The incident occurred because the deceased refused to spend the night in the same room with his husband and girlfriend.²⁷
- A 30 year old woman was murdered by the husband in Jumapo in Eastern region for complaining about his drinking habit²⁸
- A 39 Year old man was reported to have abused his own daughter of 18 years since 1998 but was not reported until 2004. The sexual abuse is reported to have been going on for almost seven years. Reports are that the man started abusing his

²⁷ Daily graphic ,16 Oct,2000,front page

²⁸ The mirror 24 june,2000 pp3

daughter when he was 11 years after her mother became mentally ill. It was later that his daughter reported the case to the police and his father was convicted for incest and defilement in 2004.²⁹

4.5 EXPLANATORY REASONS FOR DOMESTIC VIOLENCE IN GHANA

Several theories have been developed in an attempt to explain the reasons for domestic violence as it cuts across countries, race, culture and wealth. The most popular ones are the Feminist Theory, Power theory, Resource Theory and Social learning theory developed by Straus et al (Natarajan 2007: 231). However, among them, the ones that best explains the reason for domestic violence in Ghana are that of Power and Resource Models.

The theory of Power argues that irrespective of gender differences, Domestic Violence is likely to occur. According to this work, certain social structures in the society indirectly generate stress which is likely to cause violence between husband and wife. For example, most families in Ghana have the men as the “bread winners” and that indirectly forces the women to be submissive. Being dependent on the other partner creates tolerance for abusive relationships. In addition, people who have witnessed violence between their parents are more likely to be abused. For example, a woman who witnessed the abusive relationship of his mother is more likely to be abused by her partner compared to the one who did not, Likewise the man who also witnessed the same of his parents. The spill over effect from this cycle of violence and stress in the society is what leads to violence in the home (Straus et al 1990 in Natarajan 2007: 231).

On the other hand, Feminist also argues that male dominance in a society coupled with some stress and the cycle of violence are more likely to lead to domestic violence. Men abuse women in order to maintain their dominance and control in a patriarchal society compared to egalitarian societies. Comparing the Norwegian cultural system with the Ghanaian cultural system, one is more likely to gather evidence of abuse in the Ghanaian

²⁹ Daily Graphic 18 Feb,2004

home than in the egalitarian system in Norway and Scandinavia. The system in these areas encourages women to be treated as equal to men whilst providing protection for such abusive situations should they arise. Through a culture that permeates and promotes male dominance, men are able to unconsciously learn and practise violence when they are of age. The male dominance in Ghana unfortunately is reinforced by the cultural, social and religious beliefs in the system. Women who also find themselves in such male dominated societies are rarely able to resist since they see it as normal (Dobash and Dobash 1988 in Natarajan 2007: 233). The end of male dominance in societies will mark the end of violence in societies.

According to Bowman (2003), “It is indeed difficult to *avoid* interpreting domestic violence in Africa in terms of pervasive gender inequality”. The patriarchal nature of African societies which have been institutionalised in customary law undoubtedly makes the woman the subordinate in all aspects of life. Gender inequality in Ghana is the root cause of Domestic violence and unless this is eradicated, domestic violence will still be prevalent. Gender inequality in the Ghanaian context has made most women passive and economically dependent on men making the woman think she is not capable of managing her own affairs (Aboagye, 1994 in Bowman, 2003).

The impact of some African norms and traditions may have also influenced the prevalence of domestic violence in Ghana. Polygamy, Unequal distribution of power, and the payment of huge sums of money as bride prize³⁰ may also account for the increase in domestic violence in most African states including Ghana. It has been estimated that about 23% of women in Ghana live in polygamous unions whilst most women marry by age 19. By paying huge sums of money as bride prize on women, most men think they have ‘bought’ the women as their personal property and as such see it as a right to ‘discipline’ them should if they falter. Such abuse is often seen as discipline which is considered as the man’s sole right. The effect of such huge payment of bride prize leaves

³⁰ Bride prize or dowry is a term that is used to refer to the payment of huge sums of money and goods in any form including cloth, rich alcohol, cattle, cow and wine to mention a few by the groom to be to the brides family before marriage is agreed on by both families. For further reading refer to www.feelfreenetwork.org assessed 27-01-08

the couple not only poorer but lays the root for Domestic Violence. A woman who is being abused in such a relationship finds it difficult to leave if it's impossible for her family to repay the money.

The resource model argues that domestic violence especially in marital relationships can occur due to difference in social and economic resources of the partners. For example a man who earns less than the wife may want to use violence to gain power in such intimate relationships and maintain such dominance over their women (Anderson Kristin in Natarajan 2007: 263). Unlike countries in Europe, Most businesses in Ghana are on a small scale and women are in the majority since they engage in Petty trading. According to survey held in Ghana in 1999 by the Gender and Human Rights Documentation Centre, one third of the household surveyed are headed by women and 75 percent of all households have at least one working woman (Levin et al, 1999). Men who often times can not stand their working women often end up abusing them.

4.6 CONCLUSION

This chapter focussed on explaining domestic violence and tried to elaborate on it in terms of the context in which it is referred to in this work. An attempt was made to clearly define what domestic violence is, in relation to other forms of violence as well. Violence can be broadly divided into three forms with domestic violence falling under interpersonal violence. Different forms of statistics from different countries were also highlighted to show the spate of domestic violence in some parts of the world. . Finally, explanations were drawn from different school of thoughts to authenticate the reason why they might still be in existence in Ghana. It also pointed out to the fact that the reason why domestic violence is still prevalent in Ghana may have been influenced by the cultural attitudes of Ghanaians. The next chapter would look at the content of the DVL that has been passed in Ghana and highlight the main provisions in the law.

**CHAPTER FIVE: MAKING THE DOMESTIC VIOLENCE LAW IN GHANA:
AN OVERVIEW OF THE ACT & ACTORS INVOLVED IN SETTING THE
PUBLIC POLICY AGENDA PROCESS**

5.0 THE DOMESTIC VIOLENCE LAW – A BRIEF HISTORY

After several advocacy efforts, public debates, demonstrations and parliamentary wrangling, the Domestic Violence Act was finally passed with the president's assent in May 2007. The Seven Hundred and Thirty Second Act Of the parliament of the Republic of Ghana entitled the Domestic Violence Act 2007 is an act which is primarily concerned with the protection of women and children and all other issues concerning Domestic Violence in Ghana. The fight for the need for the country to have a law that criminalizes Domestic Violence started in Ghana after the Beijing conference.³¹ The import of the conference may have had an impact on the need for domestic violence legislation in Ghana. The platform for Action³² did address some issues that should lead to fundamental changes by the year 2000.³³

The conference sought to develop a platform for action that had the empowerment of women in relation to human rights, violence against women and women in decision making as its cardinal objectives. It was aimed at promoting the equality of women through a full and equal share in economic, social, cultural and political decision-making. The platform for action played a lot of importance on sharing power and responsibility in the home, at work and at the national and international levels. For example it says that, "Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace" (Beijing Declaration, 1995).

³¹ The Beijing conference is the 4th of the world women conference that was held in China from 4th to 15th Sept, 2005

³² This is the resulting document that came out of the conference. Sometimes also known as the Beijing Declaration.

³³ Also known as Beijing +5

However, this is possible through the commitment of government, international organizations and institutions at all levels. It called on governments, civil society organizations and NGO's to take strategic action in the areas of violence against women and discrimination against the rights of the girl child. Among the recommendations from the conference was that fact that each state considers the desirability of drawing up a national plan identifying steps whereby states would improve the protection of human rights. For example, governments were required to undertake legislative and administrative reforms that will be aimed at promoting the fundamental rights of women. Non governmental organizations also had a responsibility towards mobilizing support for the effective implementation of the platform for Action (ibid, 1995). It is believed that a successful implementation of the national plan of action will improve the social, economic and political empowerment of women, as well as promote their health and reproductive rights.

In accordance with the Beijing conference, Ghana developed her national plan of action in 1996 (UN, 2004). With regards to domestic violence, a national plan of action was drawn that required an investigation into the matter of domestic violence by the Law Reform Commission 1999 after civil society also made recommendations.³⁴ This commission came out with proposals for legislation.

The Domestic Violence Bill was first introduced in the year 2002 but was not read in Parliament until four years later. Various non governmental organizations including FIDA made attempts for a private members bill which failed. As a result, in 2003, the National Coalition on domestic violence was formed to ensure the smooth passage of the bill into law. The activities of the coalition may have led to the first reading in 2006 and its subsequent passage in May 2007.³⁵

³⁴ Now the Attorney General's Department

³⁵ As per interview with Fida communications director in July 07 and http://www.monstersandcritics.com/news/africa/features/article_1269064.php/Ghana_takes_giant_step_to_end_domestic_violence

5.1 PROVISIONS IN THE DOMESTIC VIOLENCE ACT

The Act is divided into three main parts. The first part concerns itself with the meaning and definition of Domestic Violence. This part involves the meaning of domestic violence and what constitutes a domestic relationship. It also brings out acts which may constitute domestic violence and the process by which one may file such a case to the police to mention a few. Under the Domestic Violence Act:

Domestic Violence means, engaging in the following within the context of a previous or existing relationship: **a)** An act under the Criminal Code 1960 (Act 29) which constitutes a threat or harm to a person under that Act; **b)** specific acts, threats to commit, or acts likely to result in physical abuse, sexual abuse, economic abuse, emotional, verbal and psychological abuse. **c)** Harassments including sexual harassment and intimidation and any behavior that harms or may harm another person.

The Act goes on to define a domestic relationship as ‘a family relationship, a relationship akin to a family relationship or a relationship in a domestic situation that exists or has existed between a complainant and a respondent and involves relationships such as marriage, courtship, cohabitation, parents or foster parents.

Part two of the Act makes provisions that include various procedures for filing for protection orders. This includes the jurisdiction of the court to hear and determine the matter of domestic violence under the law, applying for and conditions for a protection order and occupation order to mention a few.

The final part of the law involves various provisions that include the relation of the Act to the criminal code of 1960. It also allows for the court to promote reconciliation, publication of proceedings, criminal charges and the establishment of funds for compensation.

5.2 AN OVERVIEW OF THE ACTORS INVOLVED IN SETTING THE PUBLIC POLICY AGENDA FOR THE DOMESTIC VIOLENCE ACT

5.2.1 Brief background of NGOs in Ghana

The activities of NGO's in Ghana can be traced as far back to the pre-colonial era but their activities were not intensified until after independence of the country in 1957. After independence, Ghana experienced some political and economic instability that led the nation to depend on humanitarian aid and assistance from churches and charities. However such institutions were made to re-apply for registration due to the reorganization of the country's public and private sectors in the 1980's (AfriMap, 2007).

With the increase in support from external donors, the number of NGO's particularly non profitable organizations increased by the 1990's. According to the National Governing Council on the National Draft Policy, Non Profit Organizations can be defined as "Civil Society Organizations that are formed independently of the state but register voluntarily under specified laws in order to gain official recognition to pursue purposes that are not self-serving but oriented towards public benefit" (ibid,2007)

5.2.2 The Federation of Women Lawyers in Ghana (FIDA)

FIDA is a non profitable and a non partisan organization. It is a NGO which provides legal aid, research and sometimes publications with the intention of enhancing the status of women and children in Ghana. It serves as an organization that does not only create consciousness about political, social, economic and cultural issues but also tries to awaken the interest of the public in these areas which militate against women. Most times their activities end up in many law reforms and the enactment of new laws to address such issues.³⁶

³⁶ FIDA-GHANA LEGAL AID, A Tool for Promoting and Protecting the Rights of the Vulnerable In Society.2005 and www.fidaghana.org

History and Formation

In an attempt to advance the United Nations values concerning women and children in the various member states, the Federacion Internacionale de Abogadas, FIDA (Spanish for International Federation of Women Lawyers) was formed. This was founded by a group of women from five American countries. It was founded in Mexico in 1944. FIDA-Ghana, was however introduced in Ghana in 1968 but formally launched in 1974 by some women lawyers in Ghana who were part of the International body of FIDA.

Vision and Mission Statement

FIDA-Ghana is committed to creating a fair and just society for women, children and the vulnerable in society. Among the values and principles of FIDA are respect for the rights of all people, integrity and accountability.

Aims and Objectives

- Promoting the principles and aims of the United Nations in their legal and social dimensions.
- Enhancing and promoting the welfare of women and children, realizing that the happiness of the home and strength of the society depend on this.
- Finally, it concerns itself with addressing the situation of women in Ghana as participants and beneficiaries of the development process.

Key Achievements

FIDA-Ghana, has achieved great strides in their attempt to uphold the right of women and children. For the purposes of this work, a few of them would be mentioned.

- *The Legal Aid Program* - One of the main activities of FIDA that earned it the good public image in recent years is the provision of free Legal Aid Service particularly for women and children who could not afford such legal services due to their economic condition. This was the first of its kind in Ghana in 1985 as it

later extended its services to men as well. These legal experts who were mostly women provided free legal services to the marginalized in the society until recently when they charge a small fee from their client as a form of commitment.

- *Legal literacy training exercise* – Apart from the provision of free legal aid services, FIDA-Ghana is recognized for its single handed role in providing legal literacy classes for women with the intention of helping them understand the legal system in Ghana. This was to help them equip themselves with such knowledge so that they can be guided by the various opportunities they have in pursuing legal justice in Ghana.
- *Domestic Violence Law Act 2007* – The instrumental role played by FIDA in ensuring that Ghana had a law that criminalizes Domestic Violence is worth noting. FIDA worked in collaboration with other organizations to ensure that women were recognized in Ghana. Through their strategic activities of lobbying and advocacy, the Domestic Violence Bill was finally passed into Law in May 2007. FIDA was also actively involved in the development of The Women’s Manifesto for Ghana.

5.2.3 The Ark Foundation- Ghana

The Ark Foundation, Ghana also known as The ARK is a Non Governmental Organization based in Ghana that is concerned with the protection of the human rights of women and children. It is one organization that is founded on the Christian principles of love, mercy and justice. The Ark is also concerned with promoting the values of the United Nations Conventions.

History and Formation

It has been in operation in Ghana since 1995 under the name Care Foundation and was changed to The Ark Foundation in 1998. It was fully recognized as a Non Governmental Organization in 1999 by the Department of Social Welfare in Ghana.

Vision and Mission Statement

To help individuals including women and children to live a life free from fear from violence and oppression. The Ark is also concerned with providing a safe haven for victims who are abused.

Aims and Objectives

- To provide protection and support to women and children who are victims of domestic abuse.
- To advocate for the protection and the promotion of the human right and the needs of not only women and children but the vulnerable in society.
- Through advocacy, education and the cooperation of other civil society organizations, The Ark is concerned with uprooting the very structures and behaviors that work against women, children and the downtrodden in society.

Work Philosophy

The Ark is concerned with two main issues – ‘to be proactive and reactive’ as well as ‘to prevent and cure’. The Ark is able to achieve this philosophy through its two main programs.

- Women’s Law and Human Rights Institute (WLHRI). This is a capacity building program which is targeted at women in particular with the aim of promoting respect for human rights, leadership and empowerment.
- Support to Survivors of Gender Violence and Child Abuse under the Crises Response Project. (CRCP). The CRCP is concerned with the provision of

temporary shelter, counseling, legal assistance and provision of some funds to survivors of violence.³⁷

5.3 CONCLUSION

This chapter has identified the major policy actors that were involved in defining domestic violence as a public policy concern that merited the attention of government. The historical origins of these actors and the nature of their activities concerning their visions and objectives that were to help shape their strategies have been described.

In the next sector, the thesis looks at how these major non governmental policy actors mobilized resources and took advantage of diverse windows of opportunities such as changes in political leadership to effectively strategize and influence government policy agenda for making the domestic violence law.

³⁷ www.arkfoundation.org

CHAPTER SIX: MOBILIZATION OF SUPPORT AND FACTORS AFFECTING THE CHOICE OF STRATEGIES

6.0 INTRODUCTION

This chapter is aimed at presenting how the actors framed their issues and mobilized support for the domestic violence law. In a way, this chapter will also present the strategies that were used by the various actors to get their problems onto the governmental agenda. The various strategies that were used will be discussed and the reasons for such choice will be explained in relation to the theory guiding this work.

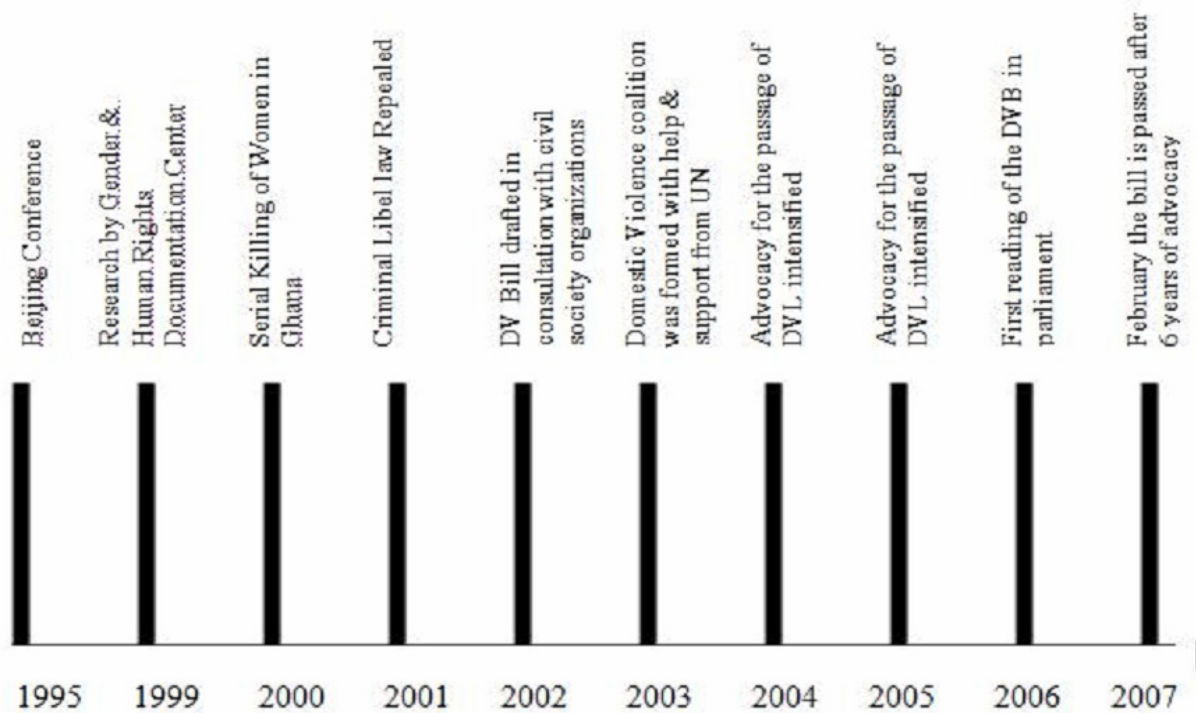
Agenda formation is one of the most important stages of policy making because this is considered as the “pre-decision” stage where government officials decide which issues deserve more concern than the others. It is the stage where non state actors can make an impact or fail in their attempt to “exercise significant power and influence” (Schattschneider 1960; Downs 1960; Lukes, 1974 in Considine, 1998). In the perspective of Joachim (2007), “It’s a dynamic process in which the interaction of actors and structural changes determine the problems or solutions that policy makers may consider”.

This analysis here is concerned with the actors who exerted influence on the domestic violence law by framing problems or offering solutions in a strategic manner that involved seizing choice opportunities. Framing, according to Joachim (2007:19), refers to how various actors mobilize support for the problems they are able to identify as well as the solutions they develop. The process concerns itself with the way in which actors deliberately package and frame policy ideas to convince each other as well as the general public that certain policy proposals constitute acceptable solutions to pressing problems (Cambell, 1998 in Joachim, 2007:19).

Kingdon (1995) identifies four main streams that may influence how agenda’s come about. These are problems, policy, participants and choice opportunities streams. According to Kingdon, agenda formation is not an automatic process, rather; people work

on problems only when a particular combination of problems, solution and participants in a choice situation makes it possible. How was the problem of domestic violence identified and how were solutions framed for example? What strategies did they employ to get the issues on the agenda? In sum, this work is concerned with the agenda setting of the domestic violence law with specific interest in the role of non governmental actors and how they influence how gender issues evolve in Ghana. Guided by the agenda setting models of Kingdon and the others, this chapter will present the findings from the field work.

Figure 4: Bar chart showing the various events and processes of how the problem of domestic violence was identified until its passage into law in 2007.



Source: Author

6.1 DEFINING THE PROBLEM OF DOMESTIC VIOLENCE

A problem is any deviation from the norm, standard or status quo which either the people inside government or people outside government find inappropriate and as such requires a solution from policy makers (Joachim, 2007:18). In this case study, the problem that has been identified by the actors is the prevalence of domestic violence in Ghana and the need for a law that would protect the victims. Ghana is a signatory to the UN Declaration on the Elimination of all Forms of Violence against Women and that beholds on her to respect and protect the fundamental human rights and make laws that would conform to the declaration. Article 4 of the UN declaration says that “States should condemn violence against women and should not invoke any custom, tradition or religious considerations to avoid their obligations with respect to its elimination.” In a way, this chapter of the study will dwell on how the various participants mobilized support for the problem of domestic violence which they identified in Ghana.

The universality of violence in the world makes it a problem that can be identified in any culture or social group. Domestic violence as a form of gender based violence does not occur only in the family but in the general communities and it is often “condoned or perpetrated by the state through policies or actions of agents of the state such as the police, military, majority of whom are men” (Unifem, 2006 No. 5). Power inequality between men and women is identified as one of the main reasons for gender based violence and it is estimated that gender based violence is responsible for more deaths and disability among women aged 15-44 than the combined effects of malaria, cancer and war. (ibid, 2006)

The findings from the research reveal how the problem of domestic violence was identified and the measures that were used to make it part of the legislative agenda for government action. The findings from the research showed that certain events may have suggested the need to make domestic violence part of the government agenda in order to ensure its criminalization. One of such factors the research identified is the Beijing

Conference of 1995. This conference ensured that all states come up with a national plan of action that would help protect the human rights of women. In a way, that conference placed a responsibility on governments and NGO's to undertake administrative and legislative reforms that sought to promote equality between men and women.

Secondly, the findings also showed that a research by the Gender and Human Rights Documentation Centre in Accra in 1998 served as an eye opener in that it brought out interesting revelations about domestic violence in Ghana. According to the report domestic violence in all its forms is prevalent in Ghana. 1 in 3 women are victims of abuse. Again, statistics compiled by WAJU between 1999 and 2002 indicated 1 in 3 women has suffered physical abuse from an intimate partner, whilst 21% of women reported they have been forced to have sex with their husbands and in over 90 percent of the time, males were the perpetrators. The research by the Gender and Human Rights Documentation centre and the cases compiled by WAJU was very significant in terms of the advocacy because it helped in creating awareness in relation to the *problem of domestic violence in Ghana*.

The findings show that the above reasons encouraged various NGO's in Ghana to put pressure on government to criminalize domestic violence. Due to pressures from civil society organizations about the need to have a separate law that would criminalize domestic violence; the law reform commission in consultation with civil society organizations drafted a bill on domestic violence in 2002.³⁸ However, the attempt to get the issue on the governments' agenda to get it passed was fraught with a lot of challenges. Data gathered from the field shows that whilst civil society organizations and other gender activist saw it as a big problem that was in need of a legal framework, other members of the society were in opposition and thought it was unnecessary. There were cultural barriers as well as institutional barriers that confronted the various actors in their bid to get the law passed by government.

³⁸ As per interview with coordinator of the Domestic violence Coalition, July, 2007

Culturally, data gathered shows that the process to criminalize domestic violence was not a very smooth process as there were instances where the actors were in conflict with the state actors and sometimes faced opposition from the public (Ampofo,2008). The following arguments were made by those who opposed the bill and did not see the need for government to address the issues: They argued that; the definition of domestic violence is foreign and inconsistent with Ghanaian culture, the criminalization of rape within marriage is against African tradition and hence unsafe for Ghana, the prosecution of marital rape will destroy the sanctity of marriage and finally, the fact that the passage of the domestic violence law will not serve as an antidote to the domestic violence canker in Ghana (Domestic Violence Coalition, 2004).

Institutionally, the draft bill did not receive overwhelming support as it was criticized by some sections of government including some parliamentarians. According to Cole et al, “The bill has generated intense discussion and scrutiny in the face of direct hostility and opposition of some government officials.” (Cole et al, 2007). As such, “there was an obvious lack of support from some sections of government.” (Gyau 2003 in Ampofo, 2008) For example, the women’s ministry under Hon Gladys Asmah³⁹ was not in support of some sections of the draft bill and as such did not help the course of the gender activist and argued that some sections of the drafted bill should be removed. The controversial issue concerned the criminalization of marital rape and the fact that the drafted bill was intended to repeal the criminal code of 1960. Again research gathered indicated that a member of parliament once questioned the importance of the bill when he asked, “Why should parliament pass a bill which will allow our wives to trample upon us and deny us conjugal rights” (Ampofo, 2008)? In order to be able to define the problem and get the issue on the agenda, the actors engaged in a series of activities to mobilize support for the bill to facilitate the process.

³⁹ Hon Gladys Asmah was however changed and replaced with a new minister who was more accepting and supportive of the domestic violence law, Hajia Alima Mahama.

6.1.1 Education and Sensitizations

One cannot deny the fact that introducing the bill in such a male dominated society was fraught with a lot of challenges. There was the need for the various actors to engage in educational campaigns and sensitizations which was aimed at winning support from the general public. The sensitizations were called “Breaking the silence”⁴⁰. One interesting revelation was the fact that people saw the demand for the law on Domestic Violence as an attempt by women to equate themselves to men (Manuh et al, 2007).

As a result, a series of Nationwide Consultations were held to explain the problem and to solicit the support of the public in an attempt to get the government to do something about the problem. According to data collected, the consultations lasted for three months from September to December 2003. Since the members of the coalition did not have any formal staff, the members of the National Coalition distributed themselves in the ten regions of Ghana. The coalition members acted as facilitators. For example, Women in Law and Development in Africa (Wildaf) was responsible for Eastern Region and Volta Region, Action Aid, Ghana was responsible for the Northern Region and Brong Ahafo Region and so on. The consultations targeted influential people like the Chief of Staff, the Chief Justice, The Minister of Women and Children’s affairs, The National Chief Imam, Attorney General and Newspaper editor’s and ordinary people as well. (Domestic Violence Coalition, 2004) In order to get to the ordinary people, these groups organized *durbars*⁴¹ and used the traditional authorities to get to the members in a particular area. They also engaged students at the tertiary level particularly students from both the University of Ghana and the University of Cape Coast (Ghana) to get their support. Critical stakeholders in Ghana like the media and religious leaders were also used.

As part of the educational process to garner support for the bill and to get government to respond to it since there were other bills before parliament that were equally important,

⁴⁰ As per interview with Fida Communications director, July 2007

⁴¹ This is an English word that is derived from an Indo-Persian term for ‘ruler’s court’. It is an occasion which involves sitting of traditional rulers who sit in state with music and dance for various reasons such as honouring the ancestors, cleansing the society or rekindling their bond to the people. Further reading at <http://www.folklife.si.edu/resources/Festival1997/durbar.htm> accessed on 7th June, 2009

the various members of the coalition also organized workshops that were mainly aimed at sensitizing the public. In some cases the sensitization workshops were conducted with some members of parliament and some bigwigs of the then ruling government. Various stakeholders and religious leaders were all involved in the sensitization process.⁴²

A number of flyers were also made by the coalition which was given out to members of the public as a means of educating and sensitizing them about the problem. Some of the flyers had topics like “Rape within marriage, how does it feel like?” “Signs of a healthy relationship,” to mention a few. The drafted bill was translated into various local languages to ensure wider support for the bill. The Bill was translated into 7 local languages- Fanti, Ga, Ashanti Twi, Nzema, Wala and Dagbani.⁴³ The consultations were generally successful in that out of 2270, people who participated in the exercise, about 99% of them gave their support to the bill and pledged to join the advocacy campaign to ensure it gets on governments agenda (ibid, 2004).

6.1.2 Influence of the mass media

Another means of mobilizing support for the problem that was identified by the actors in the study was the use of the mass media. As Lerbinger (2006: 92) emphasizes, “The mass media may not be successful in telling us what to think but they are stunningly successful in telling us what to think about.” The power of the media is strong when it comes to deciding which issues get onto the governments agenda. According to Dye (2001), the media if used properly can help publicize issues and help create awareness by deciding which issues becomes the talk of the day and which ones governments have to respond to.

Through the kind of stories they decide to project, using the media was strategic in deciding how the members of the coalition defined the problem of violence and the need for government to respond. Since the repeal of the criminal libel law in Ghana in 2001,

⁴² As per interview with domestic violence coordinator in July, 2007

⁴³ As stated by the former Minister for Women And Children Affairs on Ghana web accessed 14th Jan, 2009

there has been an increase in press freedom and this has resulted in an increase in the number of radio stations, TV stations, and news paper publications ⁴⁴(AfriMap, 2007). The various actors having realized that “the Ghanaian media is flourishing with numerous newspapers, an increasing readership and a strong growth of independent radio stations discussing policy and scrutinizing politicians” took advantage to use the media to get the attention of government and the public (Linberg, 2008). As a result the influence of the media in setting the agenda for the passage of the Domestic Violence Law in Ghana cannot be over emphasized.

The media is often seen as a powerful tool in setting the agenda (Kingdon, 1995). According to Dye (2001: 103), “The media plays another role in the policy making process – that of communicating elite views to government decision makers and the masses”. A lot of people in Ghana have access to the radio and they do tune in every morning. Most often than not, issues discussed in the mornings become the talk of the day. The use of the media helped in raising public awareness about the prevalence of domestic violence and also helped in garnering public support for the bill. Most of the debates and programs concerning the domestic violence were aired on both the television and the radio. One significant act was the free broadcast of a 20 minute documentary on domestic violence by a private TV station – TV 3. The significance lies in the fact that “TV is the great legitimate and TV confers reality” (Dye, 2001: 105). A legal awareness TV Program for educating the public especially women named *Mmaa Nkomo* (Literally translates as women discussion) was also used to educate the public about the need for the DVL.

The local newspapers also did well in highlighting the processes and carrying out various articles in support of the bill. A pictorial campaign captioned ‘Faces of Violence’ was made up of a collection of pictures of abused women, and this projected faces and voices of real victims on the television and the news papers. The media which hitherto was not

⁴⁴ The criminal libel law until its repeal allowed government to prosecute anyone who is found guilty for publishing false stories usually against the government. Its repeal has increased press freedom in Ghana. According to West African Journalist Association, the law was used to harass journalist in the past. Afrol news of 20 June, 2001 accessed 7th April, 2009

doing much with regards to reporting spousal abuse began doing that. There have been a lot of featured articles on men butchering the wife and vice versa on the news lately.⁴⁵ As a result, it's now become easier for people to discuss issues of domestic violence in public.

6.1.3 Demonstrations

A series of demonstrations were also held as a means of influencing governments' awareness agenda and also to draw the attention of the public about the problem. The use of demonstrations was used mostly at the initial stage of the process. Between 1999 and 2000, there was a high rise in the murder of Ghanaian women by serial killers.⁴⁶ Unfortunately, government response to the serial killing was not encouraging as the perpetrators were still on the run. As a result, there was a huge public outcry from gender activists and the members of the public in an attempt to draw governments' attention to the serial killings and lessons drawn from that impacted on the activities of the coalition on domestic violence.

As part of showing the coalitions support for the people especially at the time when some members of government and public were adamant towards the issues at stake, they engaged in various demonstrations. It was at the time when a section of the public had also engaged in protest in pursuance of the amendment of the section that criminalizes rape within marriage. Among the various activities held were the men's march in Ghana and a vigil that was held to petition the president of Ghana. The members of the domestic violence coalition also drafted an open letter to the president in which they highlighted Ghana's obligation under the international human rights law, the justification for the repeal of the of section 42(g) of the 1992 constitution and demanded a reason for the removal of section 30 from the draft bill. Many women including some men in Accra took to the streets to demonstrate their support for the domestic violence Bill. The bill was sent to parliament without the section that demands for the repeal of the section 40g.

⁴⁵ Ghanaian women demanding protection from violence accessed 9th June,2009

⁴⁶ BBC news report <http://news.bbc.co.uk/1/hi/world/africa/1077821.stm> accessed 19 05 2009

This led to the coalition writing a petition to the government about their displeasure about the removal of the sections that seeks to nullify the criminal code.

6.1.4 Lobbying

In an attempt to influence the domestic violence act, the coalition also engaged in a series of lobbying activities. According to Kingdon (1995:45), “Interest groups constantly lobby and are lobbied by government officials”. The various NGOs engaged in a lot of lobbying especially when the Bill was sent to parliament. They realized that in order to make an impact and ensure that the bill was passed; they had to lobby especially at the time when there was a huge outcry for the marital rape clause to be repealed. Before this, there had been an attempt by FIDA Ghana to push the bill as a private members bill in 1999 after it was drafted.⁴⁷ However, this failed as the women caucus in Parliament intervened and said it was not going to work. Through the polling of Members of Parliament, it was easy to determine which of them were indifferent to the bill and which of them were for or against the bill. The coalition’s lobbying was targeted at the Gender and Children’s committee of Parliament. In 2004, out of the 230 members of parliament; only 30 of them were women⁴⁸. However, through the act of lobbying most members of parliament, the NGOs succeeded in getting the issue on the agenda and consequently its passage into Law. The various political parties as well as the regional constituencies were also lobbied by the advocates

The above strategies helped in framing the problem of domestic violence and helped various actors to mobilize support from the government and the public in general.

⁴⁷ A private members bill is a bill introduced into parliament usually by a member in their own capacity rather than in the capacity of the government with the intention of making it as part of the governments’ policy. Source: www.grandpencil.org accessed 03 02 09

⁴⁸ This was the composition of parliament as of 2004.

6.2 PARTICIPANTS / ACTORS – COALITION ON DOMESTIC VIOLENCE

According to Kingdon, people work on problems only when a particular combination of problems and Participants in a choice situation makes it possible. The participants who may demand the solution to a problem can come from different sources. This section will try to present data from the fieldwork in relation to how the participants organized themselves in terms of membership. The actors in this work according to data gathered from field work were made out of state and non state actors. For example, the draft bill was drafted by the Law Reform Commission but that was after demands were made by civil society organizations. However, it was pressures from non state actors that contributed to the passage of the bill into law.

According to the findings, In order to put pressure on government and mobilize the support of government and the general public, the coalition on domestic violence was formed.⁴⁹ The idea according to the coordinator of the coalition was to have a common platform that would help activist with similar objectives to urge government officials and policy makers to address the concerns of women especially with regards to the passage of the domestic violence law. One of the reasons that prompted the actors to form a coalition was their limited resources. Forming coalitions with other groups of similar values, interests, and goals allows members to combine resources and become more powerful than when they act alone.⁵⁰ They believed that if they organized themselves properly, they could be a mouthpiece for “creating change, increasing public knowledge as well as creating a network and development of innovative solutions to complex problems” (Ampofo, 2007). The actors in this case realized that by working together, they could “lobby, advocate, and campaign to bring gender perspectives to national processes in ways other individuals or groups of individuals or organizations cannot” (ibid, 2007). Their intention was to take on government for not providing enough security for the Ghanaian woman. These sisters demonstrated to show their displeasure at governments’

⁴⁹ Their experience from ‘Sisters keepers’ and the ‘Women manifesto’ coalition was among the reasons why the coalition was formed.

⁵⁰ Brad sprangler ,2003 accessed 14 January 2009 at http://www.beyondintractability.org/essay/coalition_building/

inability to protect women and this led to the appointment of a new Inspector General of Police in 2001 by the new government.

In terms of membership, the various individual members of the coalition were drawn by the fact that they shared the same views and had the same motivations about the need to criminalize domestic violence. They realized that they would be able to put out a stronger voice if they come together strategically. The coalition on domestic violence had a membership that ranges from civil society organizations as well as rural and urban men and women. From the North, the rural people were represented by BEWDA, CENSUDI and Amasachina (ibid, 2008). By 2004, over a hundred individuals and organization had signed up for the coalition and this gave members enough boost to urge them on.

In terms of organization, the coalition did not have any formal staff and as such various tasks were given to individual organizations. For example, the responsibility of organizing the polls for the MPs was done by WISE. FIDA - Ghana trained about 200 police women on the dynamics of handling domestic violence cases. Female Photo journalist developed a 20 minute documentary addressing gender based violence for the purposes of 'motivating viewers to support initiatives that would assist victims' (ibid, 2008). Through the formation of a coalition, these actors managed to get their issue on the agenda which was finally sent to Parliament for redress. The coalition was very active and strong and their significant role in ensuring the passage of the bill cannot be overemphasized. Through the coalition, members were able to gather support for the bill and consequently its passage.

The findings from the field work also revealed that though there were conflicts at certain times between the NGO's and government, government support towards the entire process was critical for the success of the coalition. For example, MOWAC was part of the national consultations to ensure that the provisions of the new act were explained to majority of Ghanaians to avoid any misunderstandings concerning the bill.

6.3 POLICY STREAM

The policy or solution that has been identified in this work is the enactment of the Domestic Violence Act. The policy stream has been identified as the solutions that the participants carry which they hope will solve the problem that has been identified. It can be in the form of legislative instruments or draft bill that if passed will solve the problem. The findings revealed that the members of the coalition identified the domestic violence law as the antidote to the problem of domestic violence. They argued that Ghana is a signatory to the International Bill of Rights and that beholds on her to respect and promote the fundamental human rights of its people. Again, as a member of the UN, it is imperative for the NGO's and government to implement recommendations of the platform for action.

However, whilst some members of the public particularly the NGO's saw the need for the law, some members of the state apparatus including some sections of the public were also against it. But those who opposed the law argued that domestic violence was already criminalized under the criminal amendment code and therefore did not see the need for a new law. The attempt to develop a policy that would criminalize domestic violence in Ghana faced some challenges. One of the main controversies that emerged was the criminalization of *Marital Rape or Spousal Rape* under the proposed bill by the law reform commission. "Spousal Rape is a non-consensual sexual assault in which the perpetrator is the victim's spouse"⁵¹. By Ghanaian customary law, a man has every right to have sex with his wife once they are married (Stafford, 2008). In other words, a woman gives away her right not to be forced to have sex through marriage. According to Article 42(g) of the criminal code, 1960 (Act 29):⁵²

⁵¹ http://en.wikipedia.org/wiki/Spousal_rape

⁵² Historically, this can be traced to the British Common Law, which had Sir Mathew Hale, Chief Justice around the 17th century in England arguing that 'The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract, the wife hath given herself in kind unto her husband which she cannot retract'. Britain however has succeeded in omitting this from its constitution and as such considers marital rape as a crime.

*The use of force against a person may be justified on the ground of his consent, but ... (g)
... for the purposes of the marriage, cannot be revoked until the parties are divorced or
separated by a judgment or decree*

This clause prevents a wife from prosecuting a husband for rape within marriage, thus once a person is married, one cannot withdraw his or her consent. Due to this belief, it's been difficult to develop a policy that seeks to criminalize spousal rape. However, those who were in favor of the policy believed that Ghana is bound by the International Bill of Rights and is by that a signatory to the United Declaration on Human Rights considers marital rape as a human rights violation and argued that more than 50 member states of the United Nations have adopted this policy of criminalizing domestic violence since 2003 and hence it was imperative for Ghana to also develop the policy.

According to findings from the research, the NGO's succeeded in their quest as the Law Reform Commission criminalized marital rape in the original bill that was drafted. According to the original draft of the legislation, "the court may prohibit a person from forcing the applicant to engage in any sexual contact whether married or not or engaging in any sexual contact that abuses, humiliates or degrades the applicant or otherwise violates the applicant sexual integrity whether married or not" (Ampofo, 2008). Thus, the original draft was intended to criminalize marital rape. However due to various reactions from the public; parliament was forced to remove the clause that criminalizes marital rape as it was considered western by those who were in opposition before its second reading stage. As correctly captured by Stafford (2008), "The criminalization of marital rape was vehemently rejected by the Ghanaian public and this resulted in the removal of the clause ...". The reason for its removal was to protect the privacy and sanctity of marriage as argued by the Deputy Attorney General and the then Minister of Justice⁵³ (Charnock, 2007).

⁵³ In Ghana, the Attorney General is the same as the Minister for Justice.

6.4 CHOICE OPPORTUNITY

The opportunity for advocates to put their problem and solutions across for redress or action by government is described as a policy window or choice opportunity (Kingdon, 1995, Joachim, 2007). Choice opportunity also known as a policy window can help create or inhibit change. As quoted in Kingdon by an analyst for an interest group, “When you lobby for something, what you have to do is to put together your coalition, you have to gear up, you have to get your political forces in line, and then you sit there and wait for the *fortuitous event*” (Kingdon, 1995:165). The argument is that, having identified a problem, advocates position themselves with their solutions at hand waiting for an opportunity to push their solution across. Information gathered from the research also showed that the drive to fight and push for the government draft bill was after the research by the Gender Studies and Human Rights Documentation Centre. This research revealed that one in every three women suffered from abuse among other interesting revelations. Again, according to data gathered, the serial killing of women between 1999 and 2000 also influenced the decision for the participants to form a coalition as it served as a motivating factor.

It can be argued that since the actors in this case did not have enough material resources, they made use of policy windows that were available to influence the entire process. For example, though civil society organizations especially those led by women have been in existence since the 1980’s, they were not noticeable enough until 2000. The change over opened the doors for civil society to be active again in terms of engaging with the state especially with respect to women issues (AfriMap, 2007; Ampofo, 2008). It was the first time; Ghana had witnessed a change in government, where power was handed over from one constitutionally elected government to the other. The then manifestoes of the NPP, was concerned with changing the status of women. Having assumed office, the change in administration- saw the attorney general’s department drafting a bill in 2001. It was part of the new governments’ policy to address the issues of women. The establishment of the new women’s ministry served as a catalyst in that, the ministry was charged with the

responsibility of discharging some funds to help with the outreach programs. It was the responsibility of MOWAC to collate public views on the drafted bill and later send it to government for reconsideration. This may have helped and contributed to the success of civil society.

The National mood at the time could be seen to impact positively and negatively to the activities of the NGO's in that, the serial killing of women around the electioneering year succeeded in creating fear amongst the populace which in effect facilitated the actors to try and impress on the new government to get the process of drafting the domestic violence bill started. That may have explained the intention for FIDA- Ghana to get the government to pass a private members bill which failed. Later the government in consultation with civil society organizations drafted the domestic violence bill after receiving proposals from them.

In addition, the actors admitted that not only did the change in administration create room for them to actively influence the domestic violence law but the creation of the women's ministry and DOVVSU, helped their cause. For example, DOVVSU, the police unit that was specially created for dealing with domestic abuse, constantly helped by providing statistics in relation to the reported cases that its unit had received and this helped the coalition in building a case about the prevalence of domestic violence. Thus, this research considers the domestic violence coalition's access to certain government institutions as critical and a policy window which facilitated the efforts of the coalition since it allowed them to work hand in hand with the women's ministry during the nationwide consultations for example.

6.5 EXPLANATORY REASONS FOR CHOICE OF STRATEGIES

The use of the above mentioned strategies could be explained based on the following factors:

- Actors Resources- Human, Physical, Financial and Cognitive abilities.

- Actors Cultural, Social and Political Context.

6.5.1 Actor's Resources

The resources that actors have may either hinder or promote its interest in affecting the governmental agenda (Kingdon, 1995). Having the right amount of resources can impact the activities of the various actors who intend to influence the creation of government policy. According to data gathered from the field, most of the gender activists were constrained financially and as such; the strategies used were dependent on how much resources were available to them. In the case of the various actors under study, the common denominator was knowledge and their expertise. According to Joachim (2007), NGOs are very important when it comes to agenda setting due to their knowledge base on issues. Thus, “different forms of expertise and information are required for successful framing efforts” (Joachim, 2007).

Framing refers to the conscious strategic efforts by groups of people to fashion shared understandings of them that legitimate and motivate action (McAdam: 1996). For example, FIDA is an organization made up of women lawyers that has been in existence since 1974. In giving off free legal aid to victims of abuse, they come into contact with victims of abuse and this gives them insight and motivation to ensure that the law is passed. The Ark foundation for example also constitutes the only shelter that serves as a safe haven for the abused women and their children. Their day to day contact with such victims also impacted on the knowledge about the issue and hence helped them in their advocacy process.

During their campaigns, they were able to capture pictorial images of abuse women in making claims that Domestic Violence in all its forms is prevalent in Ghana. Having the knowledge and expertise placed the Non governmental actors at an advantage. Knowledge is considered as “reliable” and “credible” when it can be proven. And when it can be proven, it's easy to make verifications and generalizations. That explains why

these actors in their bid to campaign for the bill to be passed into law, used the pictorial campaign where they projected faces of abused victims.

In effect, the use of the pictorial campaigns helped them to create awareness on the prevalence of Domestic Violence and the need to curb it. This approach led to change in the attitude of those who saw the law as a threat to their marriages.⁵⁴ Through television programs like Mmaa Nkomo, the coalition was able to directly speak with victims and that also helped in attracting attention to the issue. With such physical resource based on facts and cushioned with some reasoning, this strategy could be seen as satisfying the conditions for an effective advertisement or campaign (Lerbinger, 2006).

Again the limited resources of the actors may have influenced them to come together to form a coalition. As a coalition, they have the advantage of convincing government they have one voice and the core of their motivation was making sure government passed the DVB. The membership of the coalition, in that it is made up of rural and urban folks as well as civil society organizations helped it to target a wide range of persons. Forming a coalition gave them visibility and this helped win many support for the bill. In coming together to form a coalition they were not only able to mobilize more members and support for the bill but they were able to share responsibilities and that eased the workload. For example, the female photo journalists within the coalition were responsible for designing the pictorial campaign that showed faces of victims of abuse. For example, FIDA- Ghana trained about 200 police women so they could deal with issues of abuse better. Again, the recognition by other international women's movements gave it more legitimacy which made it difficult for them to be ignored by government.

By 2004, over 100 individuals and organizations had signed up as members and over two thousand individuals were part of the consultations which had become necessary due to the opposition from some members of the general public. Through the formation of the coalition, they were able to mobilize members and win more sympathizers. And having the "numbers and status" one can influence how issues get on the agenda. Though

⁵⁴ As per interview with FIDA communications director, July,2007

Kingdon (1995) argues that having “an impressive resource base does not necessarily insure that the group will dominate discussion of issues relevant to its interests”. This study showed that, the amount of resource at the disposal of the various actors helped them in influencing the legislative agenda of the domestic violence law.

6.5.2 Actors Cultural and Social Context in relation to the theory on Culture

The argument here is that the various strategies that were employed by the actors were largely influenced by their cultural and social environment. According to Ampofo (2008), “The road from the draft bill to actual law was a long one, interrupted by an obvious lack of support from some sections of government.” The very social structures in the Ghanaian system encourage men to dominate women and adults over children. The attempt to draft a DVB in Ghana that would protect women and victims of abuse in general faced a lot of setbacks. Among many of the reasons leveled was the issue of culture and the fact that the bill contradicted an aspect of the constitution itself namely section 42(g) of the criminal code of 1960 (Act 29).

There was the widespread public perception that the draft bill if passed into law was “going to have serious implications for family and gender relations” (Ampofo, 2008). It is on record from data gathered from the field that, the then Minister for Women and Children’s Affairs, Gladys Asmah, did not agree with some aspects of the draft bill since she believed some sections contradict Ghanaian culture. There was also a huge public outcry against the passage of the draft bill and that explains why the actors had to do a lot of sensitizations and educations to change the perception that people had that the criminalization of domestic abuse will break families. Due to the utterances of the Minister, the coalition members petitioned and pressured government for change in ministerial position since the Minister was an obstacle to the draft bill (Ampofo, 2008).

Another reason that supports the massive national consultations was the issue of criminalizing marital rape. Section 42(g) of the criminal code of 1960 (Act 29) says that by marriage, a husband and wife have consented to the use of force against each other

unless that marriage is dissolved. Although this is a British law that found its way into the Ghanaian legal system, the use of tradition and Ghanaian custom were used in arguments against adding the marital rape clause to the draft bill.

Part two of the draft legislation under the Protection Orders of the Bill sought to criminalize marital rape. However, in the opinion of Ampofo (2008), “The court may prohibit a person from forcing an applicant to engage in any sexual contact whether married or not or engages in any sexual contact that abuses, humiliates or degrades the applicant or otherwise violates the applicants sexual integrity whether married or not”. The opposition to the bill is reflected in the statement of a parliamentarian who is noted to have asked: “why should parliament pass a bill which will allow our wives to trample upon us and deny us conjugal rights? Why should parliament pass the domestic violence bill when Guinea worm is endemic in Ghana, and there is a clear and present danger posed by the possible arrival of the H5N 1 Virus”?⁵⁵ The then minister for women and children, Hon, Gladys Asmah is quoted as saying “What happens when a woman comes out publicly to say that she has been raped by her husband or that she has been forced to bed by her husband, she runs to the police, the man is arrested, charged convicted and sentenced? The question is: Can this woman return to her matrimonial home when her husband is in prison or heavily fined?” (Ampofo, 2008). Realizing the frustrations and the challenges ahead, various actors came together to ensure Ghana has a law prohibiting Domestic Violence.

6.6 CONCLUSION

In an attempt to explain and discuss the strategies used by the various actors to get their issue on the agenda, this chapter revealed how the various actors mobilized support for the problem they identified and also elaborated explanatory reasons for the choices they made. All in all, the change in administration, actor’s expertise and knowledge base, and

⁵⁵An article posted by Sokari in African women accessed 14 01 09
http://www.blacklooks.org/2006/06/domestic_violence_bill_-_ghana.ht

their access to some government institutions served as a catalyst in influencing the agenda of the domestic violence law. Through the use of these opportunities that were available to them, the actors were able to convince the public and government as a whole about the need for a law that would protect victims of domestic abuse. However, the availability of actors resources and the context in which actors found themselves can be said to have gone a long way in influencing the kind of strategies that actors might use to get their issues on the governments agenda.

CHAPTER SEVEN: CONCLUSION OF STUDY

7.0 INTRODUCTION

This is the concluding chapter of the entire research work. It would be divided into two parts. The first part will deal with a summary of the previous chapters whilst the second part will summarise the findings from the research whilst analysing it in relation to the theories guiding this work. Finally, this chapter will be aimed at addressing the findings from the field work in an attempt to tackle the research questions and look at the implications of the findings from the study for theory.

7.1 SUMMARY

This study was concerned with the agenda setting of the domestic violence law in Ghana. The study sought to bring out the various actors who were involved and the strategies that they employed in influencing the domestic violence law in Ghana. Domestic Violence in Ghana was considered as a private issue that did not warrant any public attention. The attempt to have a law that prohibits and criminalises domestic violence in Ghana was fraught with a lot of challenges considering the social, political and cultural context in Ghana. The process of having a law that would offer protection to women and victims of abuse was influenced 'by social movements, specifically women's collective action that at different times engaged with, as well as challenged the state' (Ampofo, 2008).

The study also tried to bring out possible reasons that may have influenced the choice of strategies. The main concern of the work was therefore to find out who the actors were and how the issue of domestic violence got onto the governments agenda and the strategies that were employed throughout the process by the actors. The fact that domestic violence was considered as a private issue was highlighted and the situation of the Ghanaian women was also put on the fore.

From the theoretical chapter, the research questions that were identified were: Who were the actors involved in setting the agenda for the domestic violence law and how did the various actors get the issue onto the agenda? How did the prevailing social and cultural

conditions influence the choice of strategies? This was influenced by the fact that the context in which actors find themselves may affect the selection of what strategies to embark on. What resources were available to the various actors and how were they utilised?

The argument here is that availability of resources may influence how actors would frame their issues. What were the challenges encountered and how were they overcome? It was necessary to try to answer these questions as the argument raised earlier is based on the following assumption: That the amount of resources at the disposal of actors may influence how the agenda setting of the DVL in Ghana was framed. In that, strategies that actors pose may influence how far they can get their issues onto the governments agenda.

7.2 MAJOR FINDINGS OF THE STUDY

7.2.1 Who were the actors involved in setting the agenda for the Domestic Violence Law?

This work was mainly concerned with who the actors were and what strategies they employed to affect the making of a government policy. The DVL as a government policy unlike other government policies underwent a series of attacks and set backs but was finally passed in February 2007. It was the interest of this work to try and explain who the actors were and how they mobilised support to ensure their success.

Initially, at the draft of the proposal, this work was concerned with analysing the main actors which I consider to be the Non Governmental Actors. However findings from the research revealed that it was not only the non governmental actors that were involved and that it was a collaborated effort between state actors and non state actors. Findings revealed how state and non state actors could come together to influence policies of the state. This was however not a smooth process as on some occasions, they “worked closely with, and at other times independently of or even in conflict with the state” (Ampofo, 2008: 1).

The process to ensure that Ghana had a law that criminalises Domestic Violence was a collective action involving many NGOs. However, it is impossible to try and give credit to only interest groups for putting issues on the agenda as interest group pressure alone is insignificant. Rather, it stems from a series of complex factors (Kingdon, 1995). Findings from the research showed that it was a collaborated effort between the government under the auspices of the Ministry of Women and Children Affairs⁵⁶ and women collective action groups in the form of non governmental actors.

A series of events culminated in the need to have a draft bill on domestic violence and this among others was the serial killing of women. However the research by the Gender Studies and Human Rights Documentation Centre produced interesting revelations concerning the prevalence of domestic violence in most Ghanaian homes. This led to the formation of the domestic violence coalition. The first draft bill was prepared by the Attorney Generals Department (Ministry of Justice)⁵⁷ after it had received proposals from civil society organisations.

This research work however established that it was the actions and activities of civil society organisations and other gender activist that put pressure on government to get it into parliament for redress. The various actors came together to form a coalition under the name 'National Coalition on Domestic Violence Legislation'. Its membership ranges from over 100 human rights groups and various individuals and their main intent was to ensure that the draft bill on domestic violence was passed into Law by government. Through a series of strategies, the bill was finally passed in February, 2007. Among the major active participants were FIDA - Ghana, The Ark Foundation, and WISE.

7.2.2 How did the various actors get the issue onto the agenda?

The National Domestic Violence Coalition was formed basically to strategize and ensure that the draft bill was passed into law amidst the many controversies surrounding it. In order to deal with the issue of challenges that had arisen due to the bill, the ministry for women was asked by government to subject the bill to national consultations. It was at

⁵⁶ This was a new ministry that had been created under the 3rd Republic.

⁵⁷ The department responsible for drafting bills in Ghana

these consultations that many people objected to the bill for the fear that it will break families. Civil society made it their responsibility to strategise and ensure the effective and smooth passage of the bill into law. Research gathered revealed that civil society organisations played a major role in ensuring the passage of the bill. In defining the problem they identified, the actors engaged in a series of framing activities in order to attract the attention of government which consequently led to the passage of the bill in 2007. Among the framing activities were:

- **Coalition Building**

The success coined by Sisters Keepers⁵⁸ encouraged the various actors to come together to form the Domestic Violence Coalition. It became necessary to form a coalition. The idea was to have a common platform that would help activist with similar objectives to urge government officials and policy makers to address the concerns of women but most importantly to ensure the passage of the domestic violence law. Though the coalition did not have any formal staff and a secretariat, they shared responsibility. For example, the female photo journalists were in charge of the pictorial campaigns that were dubbed “faces of violence”.

- **Education and sensitizations**

Until quite recently, it was not possible for ordinary people to discuss issues of domestic violence in public since it was culturally unacceptable. For example, In Ghana, it is considered as a taboo or it is forbidden for a woman who is being beaten by the husband to go out of her matrimonial home to report to the police. This contextual setting may have explained why some people vehemently and publicly opposed the attempt to criminalize domestic violence as these people thought it was going to break families apart as opposed to bringing them together should the law be passed. Due to this, the various actors embarked on education and sensitizations exercise in order to explain issues and to garner support from the public. It was necessary for the people to whom the laws were

⁵⁸ Sisters Keepers is the first coalition to be established t address women’s issues in Ghana.

being made for to understand the issues and to get their support. A series of national consultations were held by the ministry with the support of the non governmental actors.

In order to get to the grassroots, the actors targeted other influential actors in the wider societies like the chief Imam, traditional rulers, the Christian council of Ghana to mention a few. The draft bill was also translated into various local languages to help people understand its content better. In terms of venue, on some occasions, they were held at lorry stations, markets and schools to mention a few.

- **Influence of the mass media**

The non governmental actors took advantage of the television, newspapers, and the radio stations in their bid to influence the Domestic Violence Law. The media is very essential to NGOs as they are able to decide and reproduce culture and construct meaning. (Joachim, 2007, Gamson and Meyer, 2007) Using the media helped in raising public awareness about domestic violence as well as helping garner support for the bill.

- **Demonstrations**

Findings from the research revealed that a series of demonstrations were held by the non governmental actors as a part of influencing the bill. The killing of women around 1999 sparked a lot of agitation among civil society groups as they felt government had not been able to find the perpetrators. Various protests were also held to make government accountable and to show concern for the bill especially at the time when there were arguments concerning the section that criminalizes domestic violence.

- **Lobbying**

According to Lerbinger (2006), the nature and complexity of a public policy can affect how people would react to it. Due to the challenges that the coalition faced, it became necessary for them to engage in various lobbying that were targeted at members of parliament but especially at the women caucus in parliament.

Findings also revealed that they also made use of choice opportunities that were available to them in terms of change in administration, access to government institutions and made use of the knowledge and expertise of other members with similar objectives through the formation of a coalition.

7.2.3 How did the prevailing social and cultural conditions influence the choice of strategies?

This thesis argues that the prevailing political and cultural conditions did influence the kind of strategies that the actors used to get the issue on the agenda. Hofstede (2005) defines culture as the ‘Collective programming of the mind’ and it affects the way a group of people think, act and feel. Unlike their counterparts in advanced western countries, Ghanaian women do not have a legal system that condemns domestic abuse until the domestic violence law was passed. Until then, the issue of domestic violence was considered as a private issue. An attempt by advocates to ensure that domestic violence is curbed through the passage of a law that would seek to protect victims has been fraught with a lot of challenges one of which is the perception that disputes arising from the home should be settled at home.

Being a masculine society, the passage of the domestic violence Law was regarded as western and was therefore criticised vehemently by some sections of the country. “The era of customary Law appears to permit the right of punishment for husbands in some ethnic groups” (Boas, 2006) Thus, it was considered as normal for a man to beat his wife if she misbehaves. It is on record that a Ghanaian judge saw it as uncultural for a man to be imprisoned for beating his wife.⁵⁹ The opposition for the bill came from traditional rulers, some Christians and some Muslims as well.⁶⁰ In a masculine society, men are seen to be courageous, dominating and aggressive (Unifem, 2007). As such some of the public felt threatened by the advocates. The NGO’s therefore had to devise certain strategies in order to get the attention of government and get them to pass the bill into law. For

⁵⁹ Ghanaian chronicle of 8th November 2004

⁶⁰ The passage of the original draft was seen as western. Some sections of the public saw it as a deliberate attempt for men to threaten and dominate their wives.

example, due to the challenges that emerged, the actors had to engage in nationwide consultations to educate the public and to also garner support from the public to get the issue onto governments' agenda as majority of the public were of the view that the law could break families. The challenges faced by the actors were reflective of the kind of society in which they were.

7.2.4 What resources were available to the various actors and how were they utilised?

The resources that actors have may go a long way in determining their activities. This thesis attempted to find out how the resources of the various actors were utilised to their advantage and argues that due to the lack of material resources, the actors framed their issues in a strategic manner. Data revealed that the coalition on domestic violence was constrained financially and that also impacted on the kind of strategies that they employed.

One of the main resource bases of the NGO's was their knowledge and expertise. For example, their daily interactions with victims of abuse contributed to their knowledge base. Due to their cognitive abilities, they were responsible for sending proposal drafts to the Ministry of Justice as at the time of the drafting of the domestic violence bill. FIDA – Ghana at the initial stages made an attempt to introduce the bill as a private members bill but it was rejected by parliament. According to findings from the research, it was their knowledge and expertise that gave them the advantage of being part of the national consultations. The media in Ghana also helped in that the NGOs were able to project faces of violence on television and held discussions like *Mmma Nkomo* to attract the attention of the public on the issue.

7.3 IMPLICATIONS OF THE STUDY FOR THEORY

Agenda setting and policy formulation begins well before any actions by government officials. According to Domhoff in Dye, 2001 formulating policies start as an informal process usually in social clubs where problems are identified but “ends in government

where policies are enacted and implemented'. In between, there is a network of people and institutions that play an important role in sharpening the issues and weighing the alternatives. Thus, with regards to this case study, it is the non state actors who were involved in shaping the formulation of DVL before it ended on governments legislative agenda. Data gathered also revealed that the activities of the non state actors impacted the entire process greatly. Based on the earlier discussions, the models of agenda setting throw some light on the actors and their choice of strategies. The main models guiding this work are: Kingdon's model of agenda setting which is heavily influenced by the decision making style of March and Olsen, the politics model of Agenda Setting by Kalu, and Hofstede's dimension on culture in relation to masculinity and femininity.

7.3.1 Agenda Setting as Problems, Policy, Participants and Choice Opportunity

According to Kingdon, four different streams account for how agenda's come about. In other words, agenda's come about as a result of four independent streams. These are Problems, Policies, Participants and choice opportunities. It's the stage where different actors (both state and non state) have the potential to influence a policy in the making. However, agenda's don't just come about but rather they develop through a political process Joachim, (2007). Agenda's come about when the various streams come together at various times. However, the way these actors or participants frame their problems or suggest solutions to government is critical. Their success is largely dependent on how well they take advantage of the choice opportunities that open and close as the process go on.

The actors involved in setting the agenda for the DVL were mainly the non state actors who organized themselves in the form of a coalition in order to make a bigger impact. By coming together to form a coalition, they were able to combine not only resources but their knowledge and expertise. Considering the challenges that were faced in promoting the legislation on domestic violence, the actors had to adopt a series of strategies in order to get the issue onto the agenda and consequently its passage.

The argument here is that due to the sensitive nature of domestic violence in Ghana, the actors framed their issues strategically in order to attract and maintain the attention of government. Though the DVB was drafted in 2002, it was not sent to parliament until 2006 after pressures from civil society organizations. They engaged in lobbying, educations and sensitization, coalition building, demonstrations, press conferences and the use of the media to get the problem of domestic violence onto the governments agenda for redress. But it did not end there; they still maintained their activities of advocacy until the law was finally passed in 2007. The actors did not only frame the problem regarding the prevalence of domestic violence, they ensured that a bill on domestic violence was drafted and went ahead to mobilize support for the bill through the number of strategies stated in the previous chapter.

Data also gathered showed that throughout the agenda setting process, access to institutions as well as actor's knowledge and expertise served as a choice opportunity that coupled itself with other historic events like the serial killing of women. All together, these served as a choice opportunity for the issue of domestic violence to get onto the governments agenda. Another example of the coalition's access to institution is reflected in their dealings with DOVVSU. For example, the activities of DOVVSU (the Police unit that deals with domestic violence) constantly provided the coalition with data concerning reported cases of abuse. It was noted that by 2007, DOVVSU had investigated 5,835 cases evolving around assault and defilement cases (AfriMap, 2007). This helped the coalition in building a strong case in favor of the motion.

Again, the support from government was crucial in the success of the coalition. Not only had there been a change of government that was more open to women issues that was reflected in the creation of a women's ministry but also there were mounting statistics from DOVVSU to support argument regarding the need for a law to be passed. Getting the issue on the governments agenda could not have been easy without the accessibility of some institutions. In order to get to the issues and influence the agenda process, the coalition used allies within the government machinery. For example, the use of the National Women's machinery as well as the parliamentary committee on gender and children served as very useful tools in enhancing the advocacy process. Through their

help, the NGOs were able to identify the parliamentarians who were not in favor and constantly lobbied them to get them to approve the bill.⁶¹

In terms of the problem, it could be argued that the kind of problem would attract a particular group of activist since being knowledgeable about the problem at hand is essential in fanning activities.

7.3.2 Agenda Setting as Politics

For Kalu, Agenda setting is very political. It is the outcome of the interaction between various actors who possess different resources and interest that are in conflict. (Kalu, 2004) In this research work, data gathered revealed that the actors involved were state and non state actors alike however. It took a lot of pressure from the non state actors to ensure that the drafted bill was passed into law.

The bill underwent a series of discussion and faced a lot of setbacks from some sections of the public as well as from some parliamentarians. Data gathered shows that the actors bargained and compromised during the entire process since there were times where the actors had conflicting views in terms of how to frame the domestic violence law. One area of conflict that arose is reflected in the original draft bill that was supposed to be sent to Parliament. Two main areas of concern to the non governmental actors were:

- *The criminalization of marital rape:* Part two of the original draft bill says that ‘the court may prohibit a person from forcing an applicant to engage in any sexual contact whether married or not or engaging in any sexual contact that abuses, humiliates and degrades the applicant or otherwise violates the applicants sexual integrity’.
- *The repeal of Section 42(g) of the criminal code of 1960(Act 29):* The draft bill sought to repeal the section of the criminal code that says through marriage, a wife gives away her right *not* to be forced to have sex.

⁶¹ Interview notes

Due to the controversies enumerated above, the original draft bill was sent to parliament without the sections stated above. The Coalition on domestic violence quickly responded with a press conference and an open letter to the president in which they stated their disapproval about governments decision to retain section 42(g) of the criminal code 1960 (Act 29)⁶². However, the bill was finally passed without the repeal of criminal code but the domestic violence law made it clear that the use of force within marriage is not justified on the basis of consent. Thus, data gathered from field work shows that there was some amount of negotiations and cooperation amongst the state and the non state actors coupled with some amount of conflict. This suggests that agenda setting is a political process although the actors involved may explicitly dissociate themselves from partisan politics.

The success of the coalition could also be attributed to the resources they carried along with them in the course of their struggle. Resources that actors carry have an impact on their performance. FIDA-Ghana for example had gained much information in relation to violence in the home due to their free legal aid service. The Ark Foundation which constitutes the only shelter for abuse women had also gained much knowledge due to their daily interaction with the victims. Thus, the non state actors had gathered much information enough to make a case and thus had an enormous understanding of the issue on the ground. For example, by projecting faces of abuse women in the electronic media, they were able to win the support of the public in their cause. In this sense, it could also be argued that the domestic violence law was one that was carried out from the non governmental actors onto the political sphere.

7.4 IMPLICATIONS FOR FUTURE RESEARCH

This work was concerned with the agenda setting of the domestic violence law in Ghana and showed how non state actors could come together to influence the making of a government policy. The Domestic Violence Law is a recent law that has been passed in

⁶² By virtue of marriage, a spouse has the consent of his partner to force him or her to have sex.

parliament and future research could try and research into how this issue could be applied in relation to other models of agenda setting. In addition, future research could also look at how this situation could be applied to or compared with the agenda setting of other public Acts in the country. Again, considering its relatively current nature, future research could look at how it's being implemented and how civil society is working hand in hand with government to ensure its effective implementation in Ghana as this will help shape our understanding of the entire public policy process.

Since this thesis argued that the actors framed their strategies based on the limited resources available to them, it would be interesting if future researchers explore open questions such as: how different could NGOs influence future agenda setting process in relation to gender issues in situations where material resources in terms of funds were available to them? Finally, this work also leaves room for certain questions that might interest future researchers such as: Is it possible to apply this understanding of agenda setting universally?

7.5 CONCLUSION

The actors involved in setting the agenda for the DVL were mainly the non state actors who organized themselves in the form of a coalition in order to make a bigger impact. Due to the sensitive nature of domestic violence in Ghana, the actors framed their issues strategically in order to attract and maintain the attention of government. The members of the coalition engaged in various activities. They engaged in lobbying, educations and sensitization, coalition building, demonstrations, press conferences and the use of the media to get the issue on the agenda.

The findings reveal a more prognostic framing. Prognostic framing refers to the ability to determine the solution to a problem and this process involves developing various 'strategies' and 'tactics' to solve an identified problem. (ibid, 2007) This is because, having identified the problem regarding the prevalence of domestic violence, they ensured that a bill on domestic violence was drafted and went ahead to mobilize support for the bill through the number of strategies discussed.

Throughout the research, It has been noted that the pulling together of actors expertise, knowledge and resources by the coalition on domestic violence was important for their effectiveness in public campaigns and hence their impact on influencing the public policy agenda of the domestic violence law. However, the change in political administration opened a fresh window of opportunity that facilitated how the NGO's impacted on the agenda setting of the domestic violence law.

In addition, it was also established that the culture of a people may affect the kind of challenges that are likely to come up especially when the kind of policies to be formulated has a likelihood of conflicting with that society's culture. For example in a masculine society where the male is supposed to be assertive, the probability of the society resisting an attempt to pass a law that might endanger their perceived role will not go without any resistance as revealed by data from field work. In this case, the way and manner in which actors frame their issues and mobilize support for the problems they identify is essential for their success.

REFERENCES

AfriMap (2007): *Ghana, Democracy and Political Participation: A review by AfriMap and the Open Society Initiative for West Africa and The Institute for Democratic Governance*, The Open Society Initiative for West Africa

Ampofo, Akosua A. (2008): *Collective Activism: The Domestic Violence Bill becoming Law in Ghana*, African and Asian Studies, Vol.7, No. 4 (pp 395-421)

Anderson, K.L., (1997): Gender, Status, and Domestic Violence: An Integration of Feminist and Family Violence Approaches, *Journal of Marriage and the Family*, 59:21-47
Anniversary of Legal Aid Services (2005) FIDA GHANA, Legal Aid: A Tool for promoting and protecting the rights of the vulnerable in society.

Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995, University of Minnesota. USA, http://en.wikipedia.org/wiki/Fourth_World_Conference_on_Women accessed 3rd June, 2008

Berg, Bruce L (2007): *Qualitative Research Methods for the Social Sciences*, 6th Edition, Boston: Pearson

Brannen, Julia (1992): *Mixing methods: Qualitative and Quantitative Research*, Aldershot: Avebury

Bukh, Jette: (1979) *The Village Woman in Ghana*, Vol.1 Uppsala: Scandinavian Institute of African Studies

Boas, Heidi (2004): *Lessons from Ghana: The Challenges of a Legal Response to Domestic Violence in Africa*, Boalt Hall School of Law

Centre for Independent Research, Evaluation, Training, Consultancy and Networking from a Feminist Perspective-CWASU accessed 17th NOV, 2007

Charnock, Annabel, (2007): *Confusion over marital rape following passage of Domestic Violence Act*

Considine Mark (1998): *Making up the Governments mind: Agenda Setting in a Parliamentary System: Governance; An International Journal of Policy and Administration*, Vol.11 No.3, Blackwell Publishers (pp 297- 317)

Cole, C.M., Manuh, T., and Miesher S.F (2007): *Africa after Gender?* Indiana University Press, U.S.A.

- Corry, Barbara M. A. (1994): *The Painful Legacy of Witnessing Domestic Violence*, available at www.turningpointsservices.org accessed 15th November, 2007
- Creswell, John W. (2003): *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*, 2nd Edition, Sage Publication
- Dearing J.W. and Rogers E.M., (1996): *Agenda Setting*, Communication Concepts 6, Thousand Oaks, California: Sage
- Dye, Thomas R. (2001): *Top down Policy Making*, Chatham House Publishers, New York
- Dwamena-Aboagye Angela (2004): *Rape within Marriage...How does it feel like?* Sister Watch, A newsletter of the Ark Foundation (Ghana) Vol.3 No.26
- Felson R.B., Messner S.F., Hoskin A.W., and Deane G. (2002) Reasons for Reporting and Not Reporting Domestic Violence to the Police, *Criminology* 14 Natarajan Mangai
- Gender Studies and Human Rights Documentation Centre, Accra (1999): *Violence against Women and Children in Ghana*,
- Ghana's Second Progress Report on the *Implementation of the African & Beijing Platform of Action* and Review Report for Beijing +10 (2004)
- Hewlett M. & Ramesh M: (2003): *Studying Public Policy: Policy Cycles and Policy subsystems*, 2nd Edition, Oxford University Press.
- Hofstede Geert and Hofstede Gert J. (2005): *Cultures and Organisations Software of the Mind: Intercultural Cooperation and Its Importance for Survival*, 2nd Edition McGraw-Hill, New York.
- Jutta, J. M. (2007): *Agenda Setting, The UN, and NGOs: Gender Violence and Reproductive Rights*, Georgetown University Press, Washington D.C
- Kalu, Kelechi A (2004): *Agenda Setting and Public Policy in Africa*, Aldershot: Ashgate
- Kingdon, John W (1995): *Agendas, Alternatives and Public Policies*, 2nd Edition, Longman.
- Linberg and Stephan I (2008): *The Rise and Decline of Parliament of Ghana*
- Manuh, Takyiwah (2007): *African women and Domestic violence*, Pathways of women Empowerment
- Manuh, Takyiwah (2007): *The Passage of Domestic Violence Legislation in Ghana available at <http://www.research4development.info/PDF/Outputs/WomenEmp/GhanaDV.pdf>*

Network for Women Rights in Ghana, NETRIGHT (2004): *Ghana NGO Alternative Report for Beijing + 10*

Network for Women's Rights in Ghana (NETRIGHT), (2004): *Ghana NGO Alternative Report For Beijing +10*

Natarajan, Mangai (2007): *The International Library of Criminology, Criminal Justice & Penology: Domestic Violence: The Five Big Questions*, 2nd Series Aldershot, Ashgate.

Oyenkani, Felicia: (1997) *Men, Women and Violence*,

Otto Lerbinger (2006): *Corporate public affairs: Interacting with Interest Groups, media, and government*, Mahwah, N.J: N.J Lawrence Erlbaum Associates

Read, J. S (1962): *Ghana: The Criminal Code, 1960*, *The International and Comparative Law Quarterly*, Vol.11, No 1

Rogers, Everett M and Dearing, James W: (1996) *Communications Concepts 6: Agenda Setting*

Sam S. (2002): *Striving to flush out Domestic Violence*

Straus Murray (1999): *The controversy over Domestic Violence by Women: a Methodological, Theoretical, and Sociology of Science Analysis*. University of New Hampshire, Durham

Straus, M.A. and Gelles Richard (1986): *Societal Change and Change in the Family Violence from 1975-1985 As Revealed by Two National Surveys*, *Journal of Marriage and the Family* 48: 465-79 in Natarajan Mangai

Stafford Nancy Kamar (2008): *Permission for Domestic Violence: Marital Rape in Ghanaian Marriages*, *Social Science Resource Network, Women's Rights Law Reporter* Vol. 29

Tagoe, Cynthia Ayeley Addoquaye 2001: *The Contribution and Impact of Non Governmental Organisations in Ghana: Case of the Ga District*, Oslo

United Nations Children Fund, Innocenti Research Centre (2000): *Domestic Violence against Women and Girl's* Innocenti Digest No. 6 available at <http://www.unicef-icdc.org/publications/pdf/digest6e.pdf>

Unifem Gender Fact Sheet No 5, *Masculinity and Gender-Based Violence*, <http://unifem-eseasia.org/resources/factsheets/UNIFEMSheet5.pdf>

United Nations (2002): *Handbook on National Human Rights of Action*, Professional Training Series, New York and Geneva

Welch, Claude E. Jr (1995): *Protecting Human Rights In Africa: Roles and Strategies of Non Governmental Organisations*, University of Pennsylvania Press

Non State Actors Documents

Adjetey Fitnat & Ofori-Boadu: *FIDA Handbook on Domestic Violence In Ghana*, Friedrich Ebert Stiftung

Statement made by the National Coalition on Domestic Violence legislation presented by Mr. Nortey Duah, Clinical psychologist, at press conference held at GIJ International Press Centre 13th Jan, 2004

The National Coalition on Domestic Violence legislation in Ghana- A Position Paper, 30 march 2004

Report on Nationwide Consultation and Education Programme the DOMESTIC Violence Bill, 5th May, 2004

Government Documents

Republic of Ghana (2007): *The Seven Hundred and Thirty-Second Act of the Parliament of the Republic of Ghana: Domestic Violence Act*

Web pages

Federation of Women Lawyers (FIDA-GHANA) website: www.fidaghana.org

Ark Foundation website: www.arkfoundationghana.org

Domestic Violence and Victims Support Unit (DOVVSU): www.ghanapolice.info/

APPENDIX A
INTERVIEW GUIDE

NON GOVERNMENTAL ACTORS

- For how long have you been operating in Ghana?
- What are your aims and Objectives?
- How are your objectives carried out?
- What activities do you engage in?
- How are you funded?
- What are your motivations?
- What are your challenges?
- Are you concerned with women issues?
- If yes, why and how?
- What are your achievements as an organization?
- How involved are you in the decision making process of Ghana?
- What do you think about Domestic Violence in Ghana?
- What has your organization done about Domestic Violence issue in Ghana?
- How do you deal with the issue of domestic violence?
- For how long has this been on your agenda?
- For how long were you involved in the domestic violence issue?
- Was it before the change in administration?
- If yes, what obstacles did you face at that time?
- And how were they dealt with?
- How did you carry your message across?
- Through what means?
- Did you face any obstacles?
- If yes, how and if No, why?
- Were you single handedly involved as an organization?
- If no, which other organizations were included?
- How were you able to mobilize the various groups?

- Did you involve the mass media?
- At what point?
- Do you have any links in the previous government?
- Was the previous government helpful in listening to your demands?
- If no, how did you cope with the challenge?
- Did the change in government facilitate your fight for ensuring the bill was drafted?
- Did you have any proposals drafted along in your attempt to get governments attention
- If yes Why and how did you do that, if No, why?
- What is your greatest asset in terms of resources?
- Would you say the killing of the women was a motivation in helping you get governments attention?
- If yes, how?
- Do you have anything else that you would want to say that I have not asked?

INTERVIEW GUIDE FOR GOVERNMENTAL ACTORS AND SOME THINK TANKS

- Are you concerned with women issues?
- If yes, how and If No, why
- What kind of issues are you concern with?
- Do you know about the Domestic Violence law?
- For how long were you involved in the domestic violence issue?
- How were you involved?
- What were your motivations?
- What role did you play if any?
- Would you consider yourself as playing a pivotal role?
- If yes how and in terms of what resources did you bring?
- Did you face any challenges?

- What strategies did you use to overcome such challenges?
- Would you consider the nearness of an election as having affected your decision?
- If yes, why and how and If no, why?
- Do you have anything else that you would want to say?

PETITION TO THE PRESIDENT BY THE DOMESTIC VIOLENCE BILL COALITION

420 *A. Adomako Ampofo / African and Asian Studies 7 (2008) 395-421*

Appendix 1: Letter to The President of Ghana

THE CASTLE, OSU

26th May, 2006

Your Excellency President John. A. Kufuor,

REPEAL OF SECTION 42(G) OF THE CRIMINAL CODE 1960 (ACT 29)

The National Coalition on Domestic Violence Legislation in Ghana (the DV Bill Coalition) applauds you and the current Government on strides taken to improve the current status of Ghanaian Women. To this, we say Ayekoo.

We, however, note with grave concern, the decision made by Cabinet to present the Domestic Violence Bill to Parliament for passage, without the repeal of section 42(g) of the Criminal Code 1960 (Act 29), referred to by Hon. Ayikoi Otoo the then Attorney-General and Minister of Justice, as the "so-called marital rape clause".

Your Excellency, section 42(g) of the Criminal Code 1960 (Act 29) states: "save that the consent given by a husband or wife at marriage for the purposes of marriage, cannot be revoked until the parties are divorced or separated by a judgement or decree of a competent Court".

Mr. President, the import of this clause goes beyond the undried use or force in sexual relations to the instrumental application of force to coerce, intimidate and control every facet of spousal relationship. Research in Ghana and elsewhere overwhelmingly indicate that when it comes to the use of force in marriage, both cultural and socio-economic factors have conditioned women and children to receive the shorter end of the stick. The global effort headed by one of Ghana's illustrious sons Mr. Kofi Annan, the UN Secretary-General to end violence, gives credence to the debilitating and paralysing effect of violence in the domestic setting. Violence is a crime and nothing should justify the perpetration of it; especially not marriage!

....., strongly disagree with the decision to remove the repeal of Section 42(g) of the Criminal Code 1960 (Act 29) from the

Your Excellency, our position is informed by the fact that such a decision by is an affront to the rule of law and the respect for the fundamental human rights of all citizens of Ghana as enshrined in chapter five of our Fourth Republican Constitution. Ghana is not a passive stakeholder in the global initiative to end violence. Ghana has ratified without reservation, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) showing to the whole world her commitment to removing all

impediments preventing women from realising their fullest potential and enjoying their God-given rights. Why then do we say that in Ghana, women who feel violated in their marriages, whether sexually or through other forms of physical abuse and mental abuse, have no recourse to justice?

Furthermore, we are saddened by the decision because the proposal for the repeal of section 42(g) of the Criminal Code (Act 29) was made by the ruling government through the Attorney-General's Department under whose directive this Bill was drafted. In a memorandum attached to the proposed Domestic Violence Bill justifying the repeal of section 42(g) of the Criminal Code (Act 29), the previous Attorney General, Hon. Nana Addo Dankwa Akufo-Addo notes that, "this clause traces its origin from English law during the reign of Henry IV, which states that 'the wife hath given up herself in this kind, which she cannot retract'". The then Attorney-General further reminds that English protagonists of the law have abolished it; understanding this clause to be "out of touch with the status of women." Moreover, he strongly suggests its repeal from the Ghanaian statutes.

We of the DV Bill Coalition are in agreement with the above position that section 42(g) does not represent the current view, as enshrined in our Constitution, on the status of Ghanaian Women. Ghanaian women have come too far to be tied to the dictates of a colonial relic which has no use in the country of origin, the United Kingdom. It is inconceivable that in this day and age a country that prides itself with the best practices in good governance and the rule of law would consider the physical, sexual or emotional abuse of one spouse by another as acceptable practice. Are we by this saying that it is safer for a woman to remain single than for her to be married?

We would therefore like to take this opportunity to appeal to you, Mr. President, and to your government to listen to the voices of victims who experience sexual and other forms of violation at the hands of their spouses daily and yet are being told by you and your government to endure the indignities of rape and its resultant HIV/AIDS, because they consented to all these when they said "I Do" at the altar. This is not fair; it is not just and it is not freedom!

The DV Bill Coalition looks forward to working alongside you Mr. President to put Ghana at the forefront of Women's Rights in West Africa and the world.

Yours in the Pursuit of Freedom and Justice,

Adolf Awuku Bekoe

Coordinator

On behalf of The National Coalition on Domestic Violence Legislation in Ghana



**Protest of violence
against women,
Accra, Ghana,
April 6, 2002**