

Rwanda Journal of Social Sciences, Humanities and Business: ISSN 2708-759X (Print); ISSN 2708-7603 (Online). DOI: <https://dx.doi.org/10.4313/rjsshb.v2i2.4>

Ending Impunity for Gender Crimes: access to Justice for Violence against women and its contribution to sustainable peace building in Rwanda.

Gasasira Gasana John

University of Rwanda

Margaret W.Gachihi

University of Nairobi

Herbert Misigo Amatsimbi

University of Nairobi

Etienne Ruvebana

University of Rwanda

Abstract

This paper seeks to establish the contribution of Accessible justice to ending impunity¹ for violence against women. Consequently, it investigates how far availing legal remedies to victims of violence against women leads to sustainable peace building in Rwanda. In doing so, the study adopts a case of Access to Justice Bureaus- a judicial service established by the government of Rwanda to help people have access to free legal remedies. Based on data collected from fifty five in-depth interviews and six focus group discussions in the four provinces and Kigali city, findings reveal that through free legal representation, community mobilization, formation of gender dialogue groups and multi-sectoral collaboration, Access to Justice Bureaus have played an important role in combatting impunity to violence against women. Conversely, findings also

¹Impunity can be defined as the general lack of investigation, arrest, prosecution and sentencing of those who are liable for violating protected rights' (Silva, 2008)

point to a number of challenges that need to be addressed if violence against women is to be fully eradicated.

Keywords: Impunity, Violence against women, access to justice, sustainable peace, Rwanda

1. Introduction

Violence committed against women can be found in both developed and developing countries. Black (2013) argues that, worldwide nearly 1 in 4 women experience intimate partner violence at some point in their life. He goes further to suggest that, worldwide domestic violence accounts for an estimated 1,200 deaths and two million injuries on women each year.

Literature shows that in 2018 in Africa, 44% of women experience Intimate Partner Violence and 14% non-Intimate Partner Violence (Muluneh et al.2020). Emotional violence against women by Intimate Partners is also prevalent at 29.40% and physical violence against women at 25.87% whereas sexual violence accounts to 18.75% (ibid). Regionally, West Africa claims a share of 30% and Eastern Africa has 25% prevalence of violence against women (ibid).

In Rwanda, statistics show that despite efforts by the government to curb it, this problem still exists (Gahongayire2012). Statistics indicate that 37.1 % women have experienced lifetime Sexual Intimate Partner Violence in one year period in Rwanda, while child Marriage is at 6.8% (<https://evaw-global-database.unwomen.org>). On another side, Thomson et al (2015) argue that Intimate Partner Violence almost doubled from 34 % in 2005 to 56 % in 2010 which placed Rwanda among the countries with the high rates of Intimate Partner Violence against women in the world.

As a global response to gender-based violence, the sustainable development goals specifically seek to eliminate all forms of violence against women and girls in the public and private spheres (<http://www.un.org>). On another note, evidence suggests that despite the international recognition of this problem, it is not ending soon (García-Moreno et al. 2015). Many factors that account to this phenomenon include among others a culture that abets structural inequality between men and women (Sharma, 2004).

Another strand of scholarship points to societal factors among them power asymmetries; gender norms and armed conflict as major causes of gender-based violence (Anderson & Anderson, 2008, Pratto, 1996, LaFrance & Woodzicka, 2005). Presently, many legal systems throughout the world have encoded gender-based violence in both civil and criminal law but the problem remains its implementation and compliance (Sedelmeier, 2009, Anna van der Vleuten 2005, Charrad, 2007, Coffé, 2012). If properly enacted and enforced, legislations that criminalize violence against women can play an important role in ending gender-based violence (Klugman, 2017).

The UN Secretary General's Special Representative on Sexual Violence in Conflict, Zainab Bangura argues that violence against women among them sexual violence cannot end unless its impunity is ended (Houge & Lohne, 2017). Additionally, Lake et al. (2016) argue that fighting against impunity to violence against women is a vehicle to developing a global social order governed by international rule of law.

According to Human Rights Watch, legal reform and response to conflict related sexual violence should be prioritized. It argues for the eradication of all obstacles that refrain societies from punishing gender-based violence. Furthermore, it points to the "climate" (HRW 2008; HRW 2016b), "culture" (HRW 2010; HRW 2016c), "environment" which support impunity for gender crimes.

The reports cited above also highlight that punishing those responsible for sexual violence deters potential perpetrators and also brings redress to victims. The above reports show that chronic impunity has fed repeated episodes of violence during the Cote d'Ivoire conflict. They underscore that giving victims the redress they deserve is critical to achieving durable peace and stability (HRW 2016). Furthermore, literature shows that holding accountable victims of crimes of sexual violence would remain meaningless if their enormous need for medical, psychological and social support is not met (HRW 2005).

Tina (2004) argues that approaches that make courts accessible to the victims of gender-based violence are very important if it is to be addressed. She posits that the establishment of family courts helped in combatting impunity to violence against women in many countries like Belize, Grenada, Jamaica, St Lucia and St Vincent and the Grenadines. Literature also points out that

fear of reprisals prevents many women victims from seeking justice and redress. Quite evidently, legal systems that ensure the prosecution of perpetrators and the protection of victims are central to achieving justice and ending impunity (Godoy-Paiz and Paula, 2008).

While the above literature clearly emphasizes the need to combat impunity for gender-based violence, the current study goes a notch higher to establish the role that access to justice for violence against women plays in building a peaceful society. Most of the literature on this subject is limited to the involvement of women in peacekeeping and peace initiatives (McKay & Mazurana, 2007, Reinke, 2016, De la Rey & McKay 2006, Hudson, H. 2012, Erzurum & Eren, 2014, Shepherd & Hamilton, 2016, Ryan & Basini, 2017, Ellerby, 2013, Smith, 2018, Lahai, 2015, Pankhurst, 2012.), if women in leadership positions are likely to lead to building peaceful societies than their male counterparts (Haynie, 2011, Eichenberg, 2007, Wood & Ramirez 2018, Bjarnegård & Melander 2017) and impunity for gender-based violence during mass violence (Cahn 2005, Lake 2014, Tripp 2010).

The current study therefore, seeks to 1) establish if availing free legal remedies is helpful in ending impunity to violence against women and 2) find out if ending impunity to violence against women has any relationship with sustainable peacebuilding.

For theoretical contextualization of this study, one can interpret the efforts of Access to Justice Bureaus in eradicating impunity for gender crimes through the lenses of deterrence theory. Deterrence theory is founded in classical criminological theory mainly rooted in an 'Essay on Crimes and Punishments' written by Cesare Beccaria, an Italian philosopher in 1764 (McLaughlin and Muncie, 1963). Jeremy Bentham an English philosopher, jurist, and social reformer also contributed to this theory (Bentham, 1970).

Deterrence theory helps to explain that one of the mechanisms of tackling Violence Against Women is holding its perpetrators accountable to the extent of deterring them and other potential perpetrators from committing the same crimes. It is argued that unless deterred, individuals make decisions that give them pleasure and avoid pain to the extent of committing crimes (Beccaria, 1986). Therefore, there is a need to put in place measures that deter them from making decisions that lead to crime.

The theory further argues that if deterrence is to be achieved, punishments must be swift, certain and proportionate to the crime. Additionally, laws should be clearly written and their corresponding punishments made known to the public (Beccaria, 1986) calls. On this note, as one of its mandate, Access to Justice Bureaus have been able to create legal awareness not only on laws on violence against women but also on other laws that directly affect people's lives. Laws can be of limited use if people do not know that they exist. It is posited that without access information on protective laws, women are likely to stay with abusive partners or fail to claim their legal children support from husbands (Tina, 2004).

For the proper application of deterrence theory, it is important to state its foundational assumptions as follows: (1) a message is communicated to a target group [for example it is not acceptable to beat your wife, and if done you could go to prison; (2) the message reaches the target group and perceives it as a threat; and (3) the group base on that information to make rational choices (Tomlinson, 2016).

Based on the assumptions of deterrence theory, one can argue that it might be easy for people to know that committing crimes is wrong but awareness that there are specific penalties might prove to be low, especially to the uneducated and the poor who have no access to the penal code.

Thus, as mentioned above, legal awareness remains very important and key to what Access to Justice Bureaus are doing. For assumption number two, it makes a conjecture that everyone has to be threatened by the punishment. However, this might not always be the case as some individuals will test systems to the limit or consider serving time in prison as a normal thing.

This corresponds with a Kinyarwanda 'derogatory' saying which says, "**Urugo rubi rurutwa na gereza**" literally meaning that prison is better than an uncomfortable home. This implies that the threat implicit in the penalty may not scare or deter everyone from committing the crime. However, one can argue that the threat of the punishment also depends on its severity.

Hence, if punishments are to deter, should be designed in a sense that scares offenders and potential offenders from committing crimes. The third assumption is also sometimes problematic. Not all people always make rational choices. Findings to this study show that some perpetrators do so when they are under the influence of alcohol and other narcotics hence taking away their rationality. Intimate Partner Violence in Rwanda is associated with alcohol

consumption as it is in other countries like Brazil, Kenya, and India (Thomson et al, 2005). This therefore undermines the assumption that people make rational choices as substance abuse affects cognitive function.

Nonetheless, this theory embodies two important elements within deterrence to gender crimes. Specific and general deterrence. Explaining specific deterrence, it means that individuals who commit crime(s), caught and punished will be deterred from future violation of women's rights. On the other hand, general deterrence means that the general population will be deterred from offending others when they become aware that other people who committed similar crimes were punished.

Tying the above argument to literature, evidence to suggest that certainty, celerity and severity of a punishment produces enough outcomes in deterring future commissions and omissions in both a specific and general manner (Bailey & Smith, 1972; Geerken & Gove, 1977; Paternoster, 1987; Howe & Loftus, 1996; Maxwell & Gray, 2000; Nagin & Pogarsky, 2001).

Literature emphasizes that celerity leads to deterrence as any delay between the commission of an offense and commencement of its associated punishment reduce the deterrent effect of the sanction.

Research also suggests that deterrent effects should not solely be attributed to severity, celerity and certainty of the crime. Other factors such as gender, age, mental health, impulsivity and antisocial personality behavior are equally pertinent (Ellis, Beaver, & Wright, 2004). Other research also show that laws may have an inverse effect; meaning, they may instead increase crime (Kovandzic et al., 2004,. Schneider & Ervin, 1990) suggested that people who had been punished more severely are likely to engage in more crime. Punishments create a chain of other events which reduce individuals' opportunities like stable employment, close family ties and the weakening of social bonds hence involving in more crimes.

Thus, deterrence theory sheds light on the inextricable correlation between ending impunity to gender crimes and holding accountable its perpetrators. Severe mechanisms to punish offenders need to be put in place if a deterrent precedent is to be set. Central tenets of this theory helped in arguing that Access to Justice Bureaus has been instrumental in creating a peaceful society

through deterrent convictions against the abusers of women. Findings also show that deterrence was not only through punishments but also through mechanisms such as legal awareness that make people aware of their rights and those of others and subsequently the associated punishments to law breakers .

2. Materials and methods

This research seeks to establish the role of Access to Justice Bureaus in ending impunity to violence against women and how it translates into sustainable peace building. It is informed by the data collected for a PhD research at the University of Nairobi. In writing this paper, only themes relevant to the papers' problem were compiled. Themes were put together and built from data collected from 150 respondents. Respondents were divided into six focus group discussions of between 8 and 10 people and fifty five in-depth interviews. Focus group discussions were used to collect data from beneficiaries although twenty five were interviewed individually. For key informants, data collection was exclusively through interviews. Data was collected from five districts out of 30 that make up Rwanda. Rwanda is made up of 4 provinces² and the city of Kigali. Each of the four provinces has a provincial capital in which provincial offices are located. These provincial capitals are made up of both urban and rural areas.

The selection of these four districts in the four provinces and one in the city of Kigali was based on the fact that they provided an opportunity to interview people from both rural and urban areas. From each of the four provincial districts, two sectors³ were selected; one urban and one rural. This was intended to have a full picture from both the core and the periphery. For the city of Kigali which is made up of 3 districts, one (Gasabo) was selected. In total, five districts were selected.

The others were, Rwamagana in the Eastern province, Musanze in the Northern Province, Nyanza in the southern province and Karongi in the western province. From each district, two

²In Rwanda's administrative structure, a province is an intermediate administrative level between the central government and the district.

³A sector is an administrative unit higher than the cell. From a village upwards you go to the cell then to the sector. Within a sector, there are many cells.

lower administrative units called sectors (one rural and one urban) were selected. From all of them, 150 respondents were sampled. Key informants (people in leadership positions) were purposively sampled while the service beneficiaries were systematically selected from the lists provided by access to justice office at the district.

Respondents selected are 10 Access to Justice Bureaus' lawyers, 10 local leaders, 10 local conflict mediators and 120 service beneficiaries. Lawyers were selected because they are the service providers; beneficiaries were selected because they are the main stakeholders and are informed on how their legal problems affect peace building. For local leaders, they are the custodians of the citizens and know much about people's legal problems. Finally, local conflict mediators were selected because they work hand in hand with Access to Justice Bureaus.

After selecting respondents, the researcher explained to them the benefits and consequences of taking part in the study and asked to sign consent forms. They were later asked if they found it necessary to anonymize their identities for confidentiality purposes. Only five access to justice beneficiaries preferred anonymity as many did not find the topic under study to be sensitive. Out of ten lawyers interviewed, two did not want their identities disclosed. They even preferred tape recorder switched off when it came to identifying challenges they encounter.

They argued that identifying challenges was the responsibility of their employer. Therefore, for those two, tape recorders were switched off, detailed notes taken and pseudonyms assigned. The rest of the participants had no problem disclosing their identity. Interviews lasted between 50 minutes to a maximum of 1 hour depending on how verbose the respondent was. Focus Group Discussions lasted between 1 to 2 hours.

Data collected was thematically analyzed in form of texts, narratives and verbatim quotes during transcription to come out with convincing conclusions. During data collection, field notes were taken to help extract the meaning of the subject under study in a coherent manner. Data analysis for the study began early—during data collection where the results of early data analysis guided subsequent data collection. In the following section, a thematic analysis of what Access to Justice Bureaus have been able to do in resolving interpersonal conflicts and building sustainable peace is presented.

3. Results

This section presents findings from the interviews and focus group discussions conducted. Guided by its main research questions, this work aimed at identifying how access to justice bureaus help in ending impunity to gender crimes by holding gender based violence perpetrators accountable hence ensuring a peaceful society.

The results presented below were reached through a proper thematic analysis of major themes from the data collected. Relying on in-depth interviews and focus group discussions with individuals associated with Access to Justice Bureaus, this paper suggests that ending impunity to violence against women is tied to accessible justice and peace building in at least four main ways: 1) Legal counsel to women victims; 2) Community mobilization to report violence against women, 3) formation of gender dialogue groups and finally 4) facilitation of multi-sectoral collaboration to combat violence against women. Additionally, the findings reveal that there are some challenges among them, perception violence against women as a women's problem, underreporting of Intimate Partner Violence and Women's economic vulnerability as will be elaborated in the next sections.

3.1 Legal representation that leads to deterrent convictions

Legal representation is one of the mechanisms through which Access to Justice Bureaus help in combatting violence against women. Each district has three lawyers and one of them is designated to deal with gender-based violence cases. The lawyer decides if the case would be solved through mediation, legal advice or court filing and then representation.

According to Peace, a lawyer in charge of gender-based violence in Rwamagana district, Access to Justice Bureaus are very helpful in ending impunity to violence against women as explained, "Our office started with two lawyers but were later increased to three because gender-based violence cases were increasing and it had become a national issue. We receive gender-based violence cases, file some and represent them in court depending on their nature. This has played a role in holding perpetrators accountable and at the same time deterring potential perpetrators from doing the same." Similarly, Murekatete Simonie from Karongi whose husband used to batter had this to say;

My drunkard former husband used to batter me almost every day, whenever I reported to local leaders; they would decide to mediate the case. I learned of Access to Justice Bureaus which later represented me in court and it ruled in my favor. He was sentenced two years in prison and I am better off without him.

Echoing the usefulness of Access to Justice Bureaus in ending impunity to gender crimes is Emeritha who was also a victim of gender-based violence who had this to explain.

Access to Justice Bureaus represented me in court and I got justice. The father of my children had refused to provide for them but the court ordered that his salary be deducted by the employer and money wired to my account. This ended the quarrels between me and him. Before that, I used to go to his house which would have ended with him either harming or even killing me.

Similarly, Bamurange Marceline, a local leader in Musanze district explained that due to severity of punishments on gender-based violence, abusive husbands cross to Uganda due to the area's proximity with Rwanda-Uganda border. She adds that in Uganda they can marry many women due to the laxity of gender-based violence laws. Although this affects the life of the family due to the abandonment of the responsibilities by husbands, the same local leader claims that many of these husbands contribute less to the welfare of the family even before leaving. She argues that crossing to Uganda by these husbands send a clear signal that the law is strict on those who violate the rights of women in Rwanda.

On another side, Yamurengeye Medina from Mugandamure Nyanza district narrated that her husband used to batter her but later stopped when his friend who injured his wife was sentenced to three years in prison. From here Medina implies that punishing her husband's friend served as a lesson to her own husband and never battered her again.

The above narratives show that access to justice bureaus help in holding perpetrators of gender-based violence accountable through representation in court to the victims. Additionally, the same narrative simply that holding perpetrators deters potential perpetrators from doing the same. Additionally, literature on this matter support these narratives indicating that rule of law helps

in dealing with gender-based violence and at the same time helps in granting people their basic human rights (Lincoln, 2011, De Carvalho & Schia, 2011).

Similarly, one can argue that there cannot be sustainable peace when people do not enjoy their rights. Undoubtedly, holding perpetrators of gender-based violence accountable in one way or another helps in ensuring enjoyment of human rights hence sustainable peace.

3.2 Community mobilization to combat gender-based violence

As this study has indicated, Access to Justice Bureaus deal with creating awareness of the law and among them laws on gender-based violence. This is done through community outreach programs, and campaigns on gender-based violence. Each year, the ministry of justice through Access to Justice Bureaus holds a legal aid week. Among the major themes is fighting gender-based violence. According to the data collected, community mobilization has been very helpful in bringing awareness of the law on gender-based violence and its health, socio-economic and psychological impact on the victim, family and the society in general.

As a result, there is behavioral change on both the side of victims and perpetrators. Victims tolerate no more their abusers and perpetrators understand the negative consequences of their acts. In the words of Juliana Mutezegaju a former victim of gender-based violence, community mobilization by Access to Justice Bureaus has been very important in helping her know the rights and the duty to report this bad practice as narrated,

Before sensitization by MAJ⁴ on my rights and the responsibility to report abuses, I was very reluctant to use this kind of legal service because I couldn't believe that I was entitled to its protection. Additionally, I was afraid of additional violence from my husband and mockery from his family. My father-in-law could tell me that even telling neighbours could bring a shame to their family.

In a similar tone, Eric an Access to Justice Lawyer from Gasabo district noted that sensitization on the dangers of gender-based violence and the need to report it has paid off as explained;

⁴MAJ is a French acronym for Maison d'Acces a la Justice literally meaning Access to Justice Bureaus.

One of the reasons gender-based violence has been persistent in our society is cultural beliefs that made men think that they are superior and women are inferior. Abusing a woman was a God-given entitlement that no one could take away. Now that we have community outreach programs and awareness creation, this mentality is changing and I think it is working well.

In a similar tone, Emile an Access to Justice Lawyer in Karongi narrated that mobilizing the community on the laws against gender-based violence has been very important. He states that this makes women aware of their rights and potential perpetrators aware of the consequences hence playing a deterrence role. Concurring with this lawyer is Mushimire who used to be helplessly battered by her husband and could not report anywhere as she explains;

Before mobilization by Access to Justice Bureaus, I was stupid as I could not dare report my husband because he is the breadwinner. I would think that I and our children couldn't survive without him. However, after being mobilized by MAJ on reporting abuses, I became firm and finally reported him. It bore fruits because Access to Justice Bureaus mediated the conflict and warned him against abusing me again.

The above narrative shows that community mobilization has been helpful in cracking down on violence against women. Making women aware of the presence of justice institutions that restore their rights is very important in combatting gender-based violence. This underpins the literature on cultural beliefs and gender-based violence. Pillay (2008) states that reporting abusive husbands are considered by some South African communities as a taboo and a shame to the family.

This limits women from reporting their abusers hence enduring the painful marriage. In a similar tone, Paluck et al (2010) argue that campaigns that aim at behavioural change in terms of gender-based violence have paid off. Clearly, economic vulnerability is also among the reasons women are reluctant to report abusive husbands.

Community mobilization that creates awareness is helpful in breaking the silence that abets violence against women in Rwanda. Tying this to deterrence theory, it assumes that people know the law and the punishments to its violation. Access to Justice Bureaus has been helpful in

creating legal awareness and the proportional punishments to the violation of the laws hence reducing the number of men that abuse women.

3.3 Formation of gender dialogue groups to combat gender-based violence

Findings also revealed that Access to Justice Bureaus helped in the formation of gender dialogue groups whereby both women and men are put in groups that confront gender-based violence. Through these model groups, they engage both men and women on different issues ranging from child-rearing, nonviolent conflict resolution mechanisms that reduce domestic conflicts especially those that lead to intimate partner violence, household budgeting and sharing of information on available household resources among others. Data shows that this approach is bearing fruits in places it was initiated. Jeanne, a lawyer in charge of gender-based violence in Nyanza explains that bringing men and women in the same gender-based violence clubs has been an important platform to condemn silence on gender-based violence as she narrates.

Gender-based violence has to be tackled from different angles. We do community mobilization through different campaigns and at the same time create legal awareness. We initiated model groups in which both men and women are put together to discuss gender-based violence, its consequences on the victim, perpetrator, family and the entire society. This is mostly done through outreach programs and it is plausible.

Similarly, Mutuyimana Dancilla from Musanze and a participant in gender dialogue groups had this to explain;

Access to Justice Bureaus put much effort in combatting impunity to gender-based violence. They bring together men and women to discuss gender-based violence and its legal consequences to the perpetrators and socio-economic consequences to the family. Everyone is urged to report these cases and even warned on the dangers of this practice. With these efforts, gender-based violence cases have reduced in our community.

Ndengeye Leonidas a conflict mediator in Nyanza district said that gender dialogue groups have helped them stopping condoning violence suffered by women especially from intimate partners.

He expounds that they are urged to report abuse and even promised assistance and protection where they have limited powers and it is making a difference.

Similarly, Kayirangwa, a leader of Murinja cell Nyanza district explained that formation of gender dialogue groups has paid off in sensitizing both men and women to report gender-based violence. In a similar tone, Claude an access to justice lawyer states that bringing men and women together to combat gender-based violence has helped in making many of them realize that it is their right to report and combat abuse.

Women learned that joining hands with women to combat gender-based violence is a viable solution to this problem.

3.4 Multi-sectoral collaboration to fight gender-based violence

Forging multi-sectoral networks has been reported as one of the helpful ways of ending impunity to gender-based violence. A network of governmental and non-governmental institutions, criminal justice institutions, and the police and health institutions like hospitals has been very helpful. Emile an Access to Justice Lawyer in Karongi illustrated that collective efforts by different institutions have paid off in battling impunity to gender-based violence in Rwanda. He explained it in the following words

Gender-based violence is a complex issue. In order to overcome it, we to join hands with different institutions, we work with the police especially with ISANGE ONE STOP CENTER⁵, women organizations, hospitals and courts. We work with them on a daily basis and whenever they receive victims who need legal assistance, they refer them to us for help or we meet them there. This has paid off and I think women now appreciate our interventions.

Similarly to the above narrative, is Murebwayire Angelique a gender-based violence victim who stated that putting together efforts to fight gender-based violence is paying off as she

⁵ An office set up by Rwanda National Police to combat gender-based violence. It brings together the police, counsellors on gender-based violence, health workers and lawyers.

explains. “When you go to the police, you get all the services under one roof. Counsellors are there; lawyers are there and even doctors.

These services are responsive and helpful.” In the same tone, Nkurunziza Alfred a local conflict mediator in Gasabo district stated that all institutions responsible for fighting gender-based violence have joined efforts and it is helpful. He stated that before these efforts were initiated, victims were even reluctant to report the abuses and these encouraged perpetrators to continue with this bad practice. Additionally, Jeanne a lawyer in charge of gender-based violence in Nyanza district explained that they work hand in hand with different institutions and it is helpful as many of gender-based violence cases are handled under one roof. In her words she had this to say;

We handle many gender-based violence cases in collaboration with the police under ISANGE ONE STOP CENTER, Rwanda Investigation Bureau, courts, social workers and hospitals to respond to gender-based violence cases. For example when it comes to rape cases, the victim is taken to ISANGE ONE STOP CENTER which is run by the National Police, we have there doctors who take medical tests, social workers for counselling the victims, Rwanda Investigation Bureau agents to investigate the case and we also go there to help in filing the case to court if necessary.

To concretize the above, Muneza Alfred a cell leader in Nyanza posited that all institutions are encouraged to report gender-based violence right away from the lower levels. He suggested that local leaders collaborate with institutions like police, Rwanda Investigation Bureau and women networks to combat gender-based violence. He adds that it is criminal for local leaders to protect perpetrators of gender-based violence. He adds that they have the responsibility to work with both government and non-government institutions to fight gender-based violence.

Similarly, Claude Ngaboyisonga an Access to Justice Lawyer in Musanze emphasized that working together of responsible organizations in combatting gender-based violence and violence against women bears fruits. He adds that this collaboration makes both perpetrators and potential perpetrators clearly see that there are strong forces against this practice hence creating deterrence.

The above statements show that gender-based violence is a crosscutting issue and has to be dealt with in a multi-sectoral approach. Literature demonstrates that joining efforts by institutions responsible for gender-based violence pays off in ending its impunity (Ferguson, 2011, Onyemelukwe, 2016). In Singapore, responsible institutions developed what it calls “the National Family Violence Networking System” to deal with the management of gender-based violence. The system links all responsible agencies among them police, prisons, health workers, social welfare agencies a, the courts, prisons and the responsible ministry. Joining forces by these institutions has been helpful in addressing impunity to gender-based violence as the police and courts are part of this network to deal with perpetrators (Tina, 2004).

Whereas mechanisms put in place have been heralded for reducing impunity to gender based violence, the study showed that there are a number of challenges in place that need to be addressed if gender based crimes are to be eradicated. The next section points to these challenges.

Findings revealed that the eradication of violence against women is impeded by among other factors lack of women’s economic independence. Respondents explained that many mechanisms can be put in place to address violence against women but it would remain meaningless if women depend on their abusive husbands. Uwibambe Antonia one of the victims explained that she would several times report her abusive husband but the following day would go to the police to ask for his release.

She adds that her husband was the family breadwinner hence abetting the continuation of her persecution as explained; “Laws and institutions punishing gender-based violence may be in place but how can they be of any use if we remain poor and depend on our abusive husbands? Physical violence is not worth seeing my children starving when their father is in police custody.”

Mariam Kamabaye another victim echoed the same sentiments by saying that there is no problem a husband beating her and meet the family needs, “ If he beats me with kitenge (*A fabric from which different dresses are made*) and a kilogram of meat it will be fine. There are some women who are beaten by husbands who do not even provide for their families.”

For Pamela Tumuombe another victim recalled how her husband used to beat her and tolerated as she could not report a person who feeds the family. She explained that having her children starve when their father was in prison was worse than beating her even to death. Gatera Alfred a local leader in Gasabo explained that some women are reluctant to report their abusive husbands because they are the breadwinners and many of them follow them to the police to seek their release only a day after reporting the abuse.

Linking the above narratives to literature, Ogrodnik & Borzutzky (2011) posit that in 2009, Guatemala women experienced the highest level of violence in Latin America and one of the highest in the world. They add that death rates continued to increase in 2010. They link this enormous violence to pervasive poverty and legal exclusion. Along the same vein, they argue that judicial exclusion and poverty are interconnected since judicial exclusion is a consequence of poverty.

Going by the narratives from respondents, it is apparent that violence against women remains a challenge in an environment where women are economically vulnerable and dependent on their husbands. Laws and enforcement mechanisms may be in place but would remain meaningless if mechanisms that economically empower women don't take the lead. Reluctance to report abusive breadwinners will protect the offenders hence abetting impunity within the society. From here, one can argue that the efforts to help women access justice to abuses faced is important but economic empowerment is equally important. Mechanisms that empower women should be strengthened hence reducing their dependence on abusive partners.

3.5 Culture of female submission and endurance in marriage

Culture was also mentioned as one of the factors that stop women from using laws and institutions that safeguard their rights. Due to the long term male dominance in a patriarchal society, some women got used to abuses and see intimate partner violence as a normal practice. Some reported the experiences passed to them by their mothers as a contributing factor. Umurerwa Natalie who was trained by her mother to tolerate her husband even in times of abuses explained that laws and justice institutions do not build relationships but instead help in ending them. In her words, she had this to say;

When you report your husband to the authorities, do not expect the relationship to continue normally. Exposing your bedroom affairs is not a good practice. *Nikozubakwa*⁶, even our mothers passed through the same experience but raised us.

For Therese Muneza, an old woman from Musanze, reporting abuses is fine but this leaves the family affairs exposed to ill-wishers as narrated;

My husband sometimes beats me but we solve it within our family. We cannot put ourselves on *Karubanda*⁷ and make our enemies happy.”

Like Therese, Alodie recounted that reporting the husband to the authorities is unwise because when you report, the law is applied and the relationship will not be mended hence attracting mockery as explained,

Laws are good but when applied in case of domestic violence, nothing will be achieved. Partners will separate hence *kwihaamenyo y'abasetsi*⁸ especially on the side of the woman.

Laurence an Access to Justice Bureau's lawyer in Karongi recounted that sometimes they receive cases from women who later withdraw. Whereas withdrawing the case may be applauded for different reasons among them the termination of the conflict between parties, she reported that when they follow up, they find out that women mostly withdraw because they were mocked and blamed by family members and friends or because their Intimate Partners intimidated them into dropping the case. She insisted that the culture of silence especially encouraged by family members and friends gives ground to violence committed against women.

The above narratives highlight that Rwandan society made women believe that they are subordinate to men. Also, they indicate that bedroom matters including abuse done at home should not be kept as a secret. Therefore, this abets their continuous abuse by Intimate Partners.

⁶ Literally meaning that marriage is strengthened by endurance and patience that tolerates abuses.

⁷ Literally meaning exposing oneself.

⁸ Attracting ridicule from enemies

It should be suggested that extensive equality women be support by both the government and its partners to change this abusive mind-set.

4 Discussion of findings

While prior studies have mainly focused on the eradication of impunity for Violence Against Women during mass violence, the current study has gone beyond that to illustrate additional pathways through which violence against women can be tackled. Specifically, it emphasizes the role that accessible justice plays in ending impunity for Violence Against Women in all contexts. Specifically, it has shown that deterrent convictions enabled by free legal representation in courts, community mobilization on violence against women and formation of gender dialogue groups have been helpful in combatting violence against women. Scholars have previously documented that mobilizing both men and women to fight gender based violence plays a major role in mitigating it (Le Roux & Bowers-Du Toit, 2017, Greig & Edström, 2012, Casey et al., 2018).

This particular study has found out that, gender based violence is better combated by strict laws that heavily punish perpetrators and protect victims. Furthermore, the study has shown that bringing together men and women in gender platforms to condemn silence on gender-based violence is important. To be clear, deterrent convictions, community mobilization, formation of gender groups and multi-sectoral collaboration are not mutually exclusive factors but certainly impact one another. Other policies on gender based violence may have also affected the reduction in gender crimes but the above play a major role.

All in all, this study teaches us that accessible justice—through deterrent convictions, community mobilization on violence against women, formation of gender dialogue groups and multi-sectoral collaboration—have the power to end impunity to violence against women. And facilitate the peaceful existence between men and women. However, clear policy evidence and inform policy hence bettering access to justice services that respond to crimes of gender-based violence. Violence against women affects women physically, psychologically and economically.

These can only be avoided through timely interventions that respond to the problem. Governmental interventions through policies should put much emphasis on eradicating of both

Intimate Partner Violence and non-Intimate Partner Violence because both are prevalent. Policy frameworks are in place but their implementation should be bettered through sensitizations to all clusters of the society. This study has added new evidence that when deterrent convictions to are administered to perpetrators of violence against women, there is a likelihood that its perpetrators will be discouraged.

5 Conclusion and recommendations

This article has sought to establish how accessible justice helps in tackling impunity for violence against women. Subsequently, it investigated the interface between availing justice to victims of violence against women and sustainable peace. By applying deterrence theory, findings revealed that punishing perpetrators of violence against women deters current and potential perpetrators from doing the same. Extant literature suggests that gender-based violence foreshadows violent conflict.

Along a similar vein, literature shows that gender-based violence is a violation of basic human right and contributes to conflict. In order to protect these basic rights and at the same time building sustainable peace, Access to Justice Bureaus have mounted multi-pronged approach to impunity to gender crimes through legal representation, community mobilization, formation of gender dialogue groups and multi-sectoral collaboration. Despite these efforts, there are clear impediments that need different policy interventions namely; women's economic vulnerability and the culture of female submission and endurance in marriage often embraced by patriarchal dispensations. This study in turn recommends that different interventions and innovative thinking may be useful in addressing this challenge. Among such approaches, women economic empowerment and campaigns that sensitize society on the need to respect rights of women and uphold human dignity remain critical if this problem is to be eradicated.

References

Anderson, C.A. and Anderson, K.B., 2008. Men who target women: Specificity of target, generality of aggressive behavior. *Aggressive Behavior: Official Journal of the International Society for Research on Aggression*, 34(6), pp.605-622.

Bailey, W.C. and Smith, R.W., 1972. Punishment: Its severity and certainty. *J. Crim. L. Criminology & Police Sci.*, 63, p.530..

Beccaria, C., 1764. *On Crimes and Punishments* (Indiana.

Bentham, J., 1970. *An Introduction to the Principles of Morals and Legislation* (1789), ed. by J. H Burns and HLA Hart, London.

Bjarnegård, E. and Melander, E., 2017. Pacific men: how the feminist gap explains hostility. *The Pacific Review*, 30(4), pp.478-493.

Casey, E., Carlson, J., Two Bulls, S. and Yager, A., 2018. Gender transformative approaches to engaging men in gender-based violence prevention: A review and conceptual model. *Trauma, Violence, & Abuse*, 19(2), pp.231-246.

Charrad, M.M., 2007. Tunisia at the forefront of the Arab world: Two waves of gender legislation. *Wash. & Lee L. Rev.*, 64, p.1513.

Coffé, H., 2012, July. Conceptions of female political representation: Perspectives of Rwandan female representatives. In *Women's Studies International Forum* (Vol. 35, No. 4, pp. 286-297). Pergamon.

De Carvalho, B. and Schia, N.N., 2011. Sexual and Gender-based Violence in Liberia and the Case for a Comprehensive Approach to the Rule of Law. *Journal of International Relations and Development*, 14(1), pp.134-141.

De la Rey, C. and McKay, S., 2006. Peacebuilding as a gendered process. *Journal of Social Issues*, 62(1), pp.141-153.

Eichenberg, R.C., 2007. Gender differences in support for the use of military force in cross-national perspective: The war system, modernization, and the universal logics of military action. *Modernization, and the Universal Logics of Military Action* (October 2, 2007).

Ellerby, K., 2013. (En) gendered Security? The Complexities of Women's Inclusion in Peace Processes. *International interactions*, 39(4), pp.435-460.

Erzurum, K. and Eren, B., 2014. Women in peacebuilding: A criticism of gendered solutions in post-conflict situations. *Journal of Applied Security Research*, 9(2), pp.236-256.

Ferguson, P., 2011. Progress in legislating domestic violence and gender based violence in Timor-Leste. *Malaysia Journal of Society and Space*, 7(1), pp.53-64.

Gahongayire, L., 2012. Combating gender based violence in Rwanda. *International Journal of Development and Sustainability*, 1(2).

García-Moreno, C., Zimmerman, C., Morris-Gehring, A., Heise, L., Amin, A., Abrahams, N., Montoya, O., Bhate-Deosthali, P., Kilonzo, N. and Watts, C., 2015. Addressing violence against women: a call to action. *The Lancet*, 385(9978), pp.1685-1695.

Geerken, M. and Gove, W.R., 1977. Deterrence, overload, and incapacitation: An empirical evaluation. *Social Forces*, 56(2), pp.424-447.

Godoy-Paiz, P., 2008. Women in Guatemala's metropolitan area: Violence, law, and social justice.

Greig, A. and Edström, J., 2012. *Mobilising Men in Practice: Challenging sexual and gender-based violence in institutional settings*. IDS.

Haynie, J., 2011. The Women and Peace Hypothesis in the Age of Nancy Pelosi: Can Female Leaders Bring About World Peace?.

Hudson, H., 2012. A double-edged sword of peace? Reflections on the tension between representation and protection in gendering liberal peacebuilding. *International Peacekeeping*, 19(4), pp.443-460
Human Rights Watch. 1997. *South Africa: Violence Against Women and the Medico-Legal System*. New York.

Klugman, J., 2017. World Development Report Background Paper: Gender Based Violence and the Law. *World Bank Group*.

Kovandzic, T.V., Sloan III, J.J. and Vieraitis, L.M., 2004. "Striking out" as crime reduction policy: The impact of "three strikes" laws on crime rates in US cities. *Justice Quarterly*, 21(2), pp.207-239.

Lahai, J. I. (2015). Gendering conflict and peace-building in Sierra Leone. In *Female Combatants in Conflict and Peace* (pp. 132-148). Palgrave Macmillan, London.

Lake, M., Muthaka, I. and Walker, G., 2016. Gendering justice in humanitarian spaces: opportunity and (dis) empowerment through gender- based legal development outreach in the eastern Democratic Republic of Congo. *Law & Society Review*, 50(3), pp.539-574.

Le Roux, E. and Bowers-Du Toit, N., 2017. Men and women in partnership: Mobilizing faith communities to address gender-based violence. *Diaconia*, 8(1), pp.23-37.

Lincoln, R.S., 2011. Rule of law for whom: Strengthening the rule of law as a solution to sexual violence in the Democratic Republic of the Congo. *Berkeley J. Gender L. & Just.*, 26, p.139.

Mansaray, Khadijatu. "Sex and Power in Sierra Leone." *Politico*. (August 19, 2013). <http://politicosl.com/2013/09/sex-and-power-in-sierra-leone/>.

Maxwell, S.R. and Gray, M.K., 2000. Deterrence: Testing the effects of perceived sanction certainty on probation violations. *Sociological Inquiry*, 70(2), pp.117-136.

McKay, S., & Mazurana, D. (2007). *Gendering Peace building*.

Muluneh, M.D., Stulz, V., Francis, L. and Agho, K., 2020. Gender based violence against women in sub-Saharan Africa: a systematic review and meta-analysis of cross-sectional studies. *International journal of environmental research and public health*, 17(3), p.903.

Nagin, D.S. and Pogarsky, G., 2001. Integrating celerity, impulsivity, and extralegal sanction threats into a model of general deterrence: Theory and evidence. *Criminology*, 39(4), pp.865-892.

Onyemelukwe, C., 2015. Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015. *DePaul J. Women Gender & L.*, 5, p.1.

Paluck, E. L., & Ball, L. (2010). *Social Norms Marketing to Reduce Gender Based Violence. IRC Policy Briefcase*.

Pankhurst, D. ed., 2012. *Gendered peace: Women's struggles for post-war justice and reconciliation*. Routledge.

Paternoster, R., 1987. The deterrent effect of the perceived certainty and severity of punishment: A review of the evidence and issues. *Justice Quarterly*, 4(2), pp.173-217.

Pratto, F., 1996. Sexual politics: The gender gap in the bedroom, the cupboard, and the cabinet. *Sex, power, conflict: Evolutionary and feminist perspectives*, pp.179-230.

Reinke, A.J., 2016. Gendering Peacebuilding in Post-Conflict Northern Uganda. *Journal of Global Initiatives: Policy, Pedagogy, Perspective*, 10(2), p.6.

Rwanda Gender Monitoring Office (2010) Annual report 2018-2019, Kigali-Rwanda, December 2019.

Ryan, C. and Basini, H., 2017. UNSC Resolution 1325 national action plans in Liberia and Sierra Leone: An analysis of gendered power relations in hybrid peacebuilding. *Journal of Intervention and Statebuilding*, 11(2), pp.186-206.

Schneider, A.L. and Ervin, L., 1990. Specific deterrence, rational choice, and decision heuristics: Applications in juvenile justice. *Social Science Quarterly*, 71(3), p.585.

Sedelmeier, U., 2009. Post-accession compliance with EU gender equality legislation in post-communist new member states. *European Integration online Papers (EIoP)*, (2).

Segal, L. (1987). *Is the future female? Troubled thoughts on contemporary feminism*. Virago Press.

Sharma, B.R. and Gupta, M., 2004. Gender based violence in India: A never-ending phenomenon. *Journal of International Women's Studies*, 6(1), pp.114-123.

Shepherd, L. J., & Hamilton, C. (2016). 22. Gender and peacebuilding. *Handbook on Gender and War*, 467.

Silva, J., 2008. Nullum Crimen Sine Poena? On Criminal Doctrines of the 'Fight Against Impunity' and the 'Victim's Right to Punish the Perpetrator' (¿ Nullum Crimen Sine Poena? Sobre las Doctrinas Penales de la 'Lucha Contra La Impunidad' y del 'Derecho de la Víctima al Castigo del Autor') (Spanish). *On Criminal Doctrines of the 'Fight Against Impunity' and the 'Victim's Right to Punish the Perpetrator' (¿ Nullum Crimen Sine Poena)*, pp.86-87.

Smith, S., 2018. *Gendering Peace: UN Peacebuilding in Timor-Leste*. Routledge.

Thomson, D.R., Bah, A.B., Rubanzana, W.G. and Mutesa, L., 2015. Correlates of intimate partner violence against women during a time of rapid social transition in Rwanda: analysis of the 2005 and 2010 demographic and health surveys. *BMC women's health*, 15(1), p.96

Tickner, J. A. (1999). Why women can't run the world: International politics according to Francis Fukuyama. *International Studies Review*, 1(3), 3-11.

Tomlinson, K.D., 2016. An examination of deterrence theory: Where do we stand. *Fed. Probation*, 80, p.33.

Uwineza, P., Pearson, E. and Powley, E., 2009. Sustaining women's gains in Rwanda: The influence of indigenous culture and post-genocide politics. *Institute for Inclusive Security, Hunt Alternatives Fund*.

Van der Vleuten, A., 2005. Pincers and prestige: Explaining the implementation of EU gender equality legislation. *Comparative European Politics*, 3(4), pp.464-488.

Villellas Ariño, M., 2010. The Participation of Women in Peace Processes: The Other Tables. *International Catalan Institute for Peace, Working Paper*, (2010/5).

Wood, R. and Ramirez, M.D., 2018. Exploring the microfoundations of the gender equality peace hypothesis. *International Studies Review*, 20(3), pp.345-367.

Woodzicka, J.A. and LaFrance, M., 2005. The effects of subtle sexual harassment on women's performance in a job interview. *Sex Roles*, 53(1-2), pp.67-77.

Wright, B.R., Caspi, A., Moffitt, T.E. and Paternoster, R., 2004. Does the perceived risk of punishment deter criminally prone individuals? Rational choice, self-control, and crime. *Journal of Research in Crime and Delinquency*, 41(2), pp.180-213.