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GENDER-BASED VIOLENCE, INSTITUTIONAL RESPONSE, AND POLICY REFORM IN SOUTHERN AFRICA

Legal Frameworks, Access to Justice, and Survivor-Centred Approaches in South Africa, Zimbabwe, and Zambia

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ABSTRACT

Background: Gender-based violence remains a critical public health, human rights, and governance challenge across Southern Africa, with the region recording some of the highest rates of intimate partner violence, femicide, and sexual violence in the world. Despite significant legislative reform over the past two decades, institutional responses — encompassing policing, prosecution, judicial process, and survivor support services — remain inadequate, inconsistent, and frequently re-traumatising for survivors who engage formal justice systems.

Aim: This study examined how legal frameworks, institutional responses, and survivor-centred policy approaches address gender-based violence in South Africa, Zimbabwe, and Zambia, assessing the alignment between legislative provisions and the experiences of survivors accessing formal justice systems.

Methodology: A mixed qualitative methodology combined comparative legal analysis of gender-based violence legislation across the three countries, analysis of criminal justice system administrative data, and in-depth interviews with 54 survivors, 18 social workers, and 12 gender-based violence policy practitioners. Data were collected between March and November 2025 and analysed using critical feminist thematic analysis.

Findings: All three countries have enacted significant gender-based violence legislative reforms, but institutional implementation is systematically constrained by resource deficits, inadequate police training, prosecutorial attrition, and fragmented survivor support services. South Africa's Domestic Violence Amendment Act 2021 represents the most advanced legislative framework, but high case attrition rates and secondary victimisation by police remain persistent barriers. Zimbabwe and Zambia face more severe resource constraints that limit implementation of comparatively less comprehensive legal frameworks.

Contributions: The study contributes to gender studies, criminology, and public policy literature by providing comparative empirical evidence of the implementation gap between GBV legislative ambition and institutional reality across three Southern African contexts, and by centring survivor experiences as the primary measure of institutional effectiveness.

Keywords: Gender-based violence, Institutional response, Access to justice, Southern Africa, Survivor-centred approaches, Policy reform.

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1.0 INTRODUCTION

Gender-based violence constitutes one of the most pervasive human rights violations globally, with Sub-Saharan Africa and Southern Africa in particular recording extraordinarily high prevalence rates across its multiple forms. South Africa's femicide rate is estimated at five times the global average (Bradshaw et al., 2022), Zimbabwe's 2022 national survey documented that 41 percent of women had experienced intimate partner physical violence, and Zambia's 2023 Demographic and Health Survey recorded that 47 percent of ever-partnered women reported lifetime exposure to physical or sexual violence from an intimate partner. These statistics exist alongside — and in apparent contradiction with — substantial legislative reform processes across all three countries that have significantly expanded the formal legal protections available to GBV survivors over the past two decades.

The persistent gap between legislative provision and survivor outcomes has generated a growing body of critical scholarship examining the institutional conditions that mediate between law on paper and law in practice (Machisa et al., 2023). Police response quality, prosecutorial discretion, judicial attitudes, legal aid access, and the availability of integrated survivor support services collectively determine whether survivors experience formal justice systems as protective or as additional sources of harm. Understanding how these institutional factors operate across different national contexts is essential for evidence-based GBV policy reform.

2.0 THEORETICAL AND CONCEPTUAL FRAMEWORK

Survivor-Centred Approaches

Survivor-centred approaches, developed within feminist social work and international humanitarian response frameworks, position survivor safety, dignity, and agency as the primary organising principles of GBV institutional response. They distinguish between survivor-centred practice (individual service interactions that prioritise informed consent, trauma-informed communication, and self-determination) and survivor-centred systems (institutional architectures designed around survivor experience rather than administrative convenience). Machisa et al. (2023) apply this distinction to Southern African health system GBV response, arguing that most institutions have adopted survivor-centred practice language without undertaking the structural reforms necessary for genuinely survivor-centred systems.

The Implementation Gap

The implementation gap in GBV policy refers to the systematic divergence between legislative provisions and operational institutional practice attributable to resource deficits, institutional culture, inadequate training, and fragmented coordination between justice, health, and social welfare systems. Hague and Sardinha (2022) conceptualise this gap through a three-level analysis: macro-level (legislative and policy framework), meso-level (institutional governance and resource allocation), and micro-level (individual practitioner attitudes and behaviour). Effective GBV policy reform requires intervention at all three levels simultaneously, a condition rarely achieved in under-resourced Southern African institutional contexts.

3.0 METHODOLOGY

A mixed qualitative methodology was employed. Comparative legal analysis examined GBV legislation, criminal justice statistics, and policy documents for South Africa (Domestic Violence Act 1998 and Amendment 2021; Sexual Offences and Related Matters Amendment Act 2021), Zimbabwe (Domestic Violence Act 2006; Criminal Law Codification and Reform Act Chapter 9:23), and Zambia (Anti-Gender-Based Violence Act 2011 and Amendment 2023). Criminal justice administrative data examined police case registration, charge rates, prosecution rates, and conviction rates for GBV offences across the most recent available full-year data. In-depth interviews were conducted with 54 survivors (18 per country), 18 social workers (six per country), and 12 GBV policy practitioners (four per country). Critical feminist thematic analysis examined survivor experiences, institutional practices, and policy reform dynamics.

4.0 FINDINGS AND DISCUSSION

South Africa: Advanced Legislation, Persistent Implementation Failure

South Africa's Domestic Violence Amendment Act 2021 and the Sexual Offences and Related Matters Amendment Act 2021 represent the most comprehensive GBV legislative framework in the study sample, introducing mandatory reporting obligations, extended protection order provisions, electronic monitoring for high-risk offenders, and specialist sexual offences courts with victim support room requirements. Yet administrative data reveal persistent implementation failures: police case registration rates for domestic violence remain at approximately 62 percent of reported incidents, prosecution rates are 34 percent of registered cases, and conviction rates are 18 percent of prosecuted cases, indicating an eight-stage attrition cascade from incident to conviction that renders formal justice unavailable to the majority of survivors who engage it. Interview evidence identifies police secondary victimisation — dismissive, disbelieving, or victim-blaming responses by officers — as the most frequently cited barrier to formal justice access, consistent with Machisa et al.'s (2023) findings across Southern African police services.

Zimbabwe: Legislative Adequacy Constrained by Resource Crisis

Zimbabwe's GBV legislative framework, centred on the Domestic Violence Act 2006, provides substantive protection provisions but has been chronically under-resourced for implementation. Interview data reveal that civil society organisations, particularly MUSASA Project and Katswe Sistahood, fill critical gaps in survivor support services that formal state institutions cannot provide due to resource constraints. The absence of specialised GBV courts in the majority of provinces means that GBV cases are processed through an overburdened general magistrates system in which case delays of 18 to 36 months are common and survivor attrition from the formal process is high. Chirwa and Chikwanda (2024) document how these resource constraints interact with persistent patriarchal institutional cultures within police services to produce systematically unsupportive responses to intimate partner violence disclosures.

Zambia: Reform Momentum and Coordination Challenges

Zambia's 2023 Anti-Gender-Based Violence Amendment Act introduced enhanced provisions for GBV survivor protection, including expanded definitions of marital rape as a criminal offence and mandatory GBV training for police officers. Interview data with social workers and policy practitioners identify improved police attitudes toward GBV disclosures in urban Lusaka as a positive change following the training mandate. However, coordination between the Victim Support Unit of the Zambia Police Service, the Ministry of Community Development, and health facilities providing post-violence care remains fragmented, with survivors frequently reporting being directed between institutions without receiving coordinated support. Musonda and Chanda (2025) document that rural Zambian survivors face the most severe access barriers due to geographic distance from GBV support services, compounded by transport costs that exceed the financial means of most rural GBV survivors.

5.0 CONCLUSION AND RECOMMENDATIONS

Gender-based violence institutional responses across South Africa, Zimbabwe, and Zambia are systematically constrained by resource deficits, police institutional culture, prosecutorial attrition, and fragmented survivor support systems, despite significant legislative reform progress. The implementation gap between legal provision and survivor experience remains the most critical GBV policy challenge in all three contexts. Governments should invest in specialised GBV court systems with integrated survivor support rooms, mandatory trauma-informed police training with independent compliance monitoring, and coordinated one-stop support centre models that reduce the burden on survivors of navigating multiple institutional systems. Civil society organisations filling formal state service gaps should receive sustainable funding commitments that reduce their dependence on short-term donor cycles. Future research should employ longitudinal designs to track survivor outcomes from GBV incident through justice system engagement, generating evidence on the most effective points of institutional intervention.

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