

A Comparative Study of Domestic Violence in Ghana and the United States of America

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I. Introduction

While violence against women and children persists as a global issue, it is particularly pervasive in nations with patriarchal religious beliefs and cultural practices, such as Ghana. However, the criminalization of domestic violence at the national level has been instrumental in affirmatively establishing domestic violence as a crime and providing a more coordinated legal response to domestic violence in Ghana.¹ The Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”) and the Domestic Violence Act, 2007, (“Act 732”) have fortified legal protections for domestic violence victims and expanded the scope of cognizable domestic violence-related harms.²

Although nations like the United States are often perceived as more progressive in their response to the issue of domestic violence, stubborn notions of patriarchy still impose substantial challenges to both the implementation of domestic violence laws on the state and national level and the ability of victims to access legal remedies. In fact, not until the 1994 Violence Against Women Act (“VAWA”) did women receive a federal grant of protection against domestic violence. Across the U.S., each state has a distinct approach to domestic violence, and not all states have specific domestic violence crimes. Nonetheless, like Ghana, federal acknowledgment of rampant violence against

women and children in America has been a critical leap forward in confronting this issue.

This article will offer a comparative analysis of domestic violence in both Ghana and the United States, exploring the history and development of domestic violence laws in each country, challenges in the implementation of domestic violence laws, resources available for victims, societal attitudes and cultural factors influencing domestic violence laws and finally, a glimpse into the future of domestic violence policy in both countries.

II. Domestic Violence Laws in Ghana

A. History and Development of Domestic Violence Laws in Ghana

The Ghanaian government’s stance against domestic violence can be traced back to its 1992 Constitution, which empowers Parliament to enact laws that protect children’s rights, including the right to “receive special protection against exposure to physical and moral hazards” and the right “not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”³ While a number of international and regional declarations were made in the 1990s, Ghana did not enact laws focused on domestic violence during the decade except in 1994, when it made female genital mutilation a felony.⁴ However, following an increase in reported cases of abuse against women and children, the Ghana Police Service (“GPS”) in 1998 established the Women and Juvenile Unit

¹ *National Domestic Violence Policy and the Plan of Action to Implement Domestic Violence Act, 2007 (Act 732)*, MINISTRY OF WOMEN AND CHILDREN AFFAIRS (MOWAC), 2007, at 5.

² Victoria Hernandez, *A Qualitative Case Study on the Domestic Violence Act, 2007 (732) and the Convention on the Elimination of All Forms of Discrimination Against Women*, GESCHKE CENTER, Winter 2018 at 21.

³ The 1992 Constitution of Ghana, Articles 28(1) & 3.

⁴ Institute of Development Studies (IDS), Ghana Statistical Services (GSS) and Associates (2016), *Domestic Violence in Ghana: Incidence, Attitudes, Determinants and Consequences* (Brighton: IDS) (2016), at 263 [hereafter referred to as IDS].

(WAJU).⁵ To increase accessibility and combat the perception that only women and children could access the unit's services, it was renamed the Domestic Violence and Victims Support Unit (DOVVSU) in 2005.⁶ According to GPS's website, among DOVVSU's functions are the provision of free public services; the protection of the vulnerable from all forms of abuse; the establishment of a crime detection database; prevention and prosecution; respect for victims and their families; and referrals to partners such as medical services and social workers.⁷ In 2003, the Ghanaian Poverty Reduction Strategy called for enacting a national domestic violence law, and the country's Strategic Implementation Plan included the "mainstreaming of gender issues" and the monitoring of women- and children-focused policies.⁸

The publicity of media reports on domestic abuse throughout the 1990s fueled a long process of advocacy by civil groups, culminating with Ghana's national domestic violence legislation, Act 732, in 2007.⁹ As noted in *Domestic Violence in Ghana*, a 2016 study funded in part by the Ministry of Gender, Children and Social Protection, "Ghana's domestic violence legislation takes a broader and, arguably, culturally sensitive approach to access to justice, compared with other countries. First, Act 732 allows for mediation by alternative dispute resolution methods. Second, the definition of domestic violence used in Act 732 does not include a reference to a specific sex. Third, the Act acknowledges that perpetrators and survivors do not have to be married or related by blood ties and also applies to live-in household

staff. Fourth, the definition of domestic violence includes various forms of economic abuse in addition to more conventional definitions of sexual and physical violence. The Act also provides a working definition of domestic violence and outlines a comprehensive legal framework for the prevention of and protection against domestic violence."¹⁰

B. The Legal Definition of Domestic Violence in Ghana

In the context of a previous or existing domestic relationship, Act 732 defines domestic violence as engaging in activity criminalized under the country's criminal code that constitutes a threat or harm to a person covered under the Act.¹¹ This includes assault, negligence, abduction, sexual offenses, and certain uses of force.

C. Types of Domestic Violence Recognized by Ghanaian Law

Act 732 also defines domestic violence as acts or threats to commit acts that would likely result in physical, sexual, economic, or emotional abuse, covering a broad spectrum of types of domestic abuse. The legal definition of domestic abuse also includes harassment, intimidation and other harmful conduct that endangers safety or undermines privacy and dignity.

D. Punishment for Domestic Violence Offenders in Ghana

Someone found to have offended "is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both."¹² In

⁵ Domestic Violence and Victims Support Unit (DOVVSU), Ghana Police Service, <<https://police.gov.gh/en/index.php/domestic-violence-victims-support-unit-dovvsu/>> (last visited March 10, 2023).

⁶ Ibid.

⁷ Ibid.

⁸ IDS, *supra* note 4, at 264.

⁹ Ibid. at 23.

¹⁰ Ibid. at 24.

¹¹ Domestic Violence Act, 2007 (Act 732), Section 1.

¹² Ibid, Section 3(2).

addition, the Ghanaian courts are empowered to require the offender to compensate the victim of domestic violence.¹³ Contravening a protection order also carries penalties: “A person who contravenes a protection order commits an offence and is liable on summary conviction to a fine of not less than five penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one month and not more than two years or to both.” One who subsequently offends “is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not more than three years or to both.”¹⁴

E. Effectiveness of Domestic Violence Laws in Ghana

Among the major impediments to the effectiveness of Ghana’s domestic violence law are established perceptions and inadequate funding of resources and institutions. The 2016 domestic violence study found that while respondents opposed all forms of domestic violence, there were “important caveats as to what was perceived to constitute domestic violence.”¹⁵ Elements of the expanded definition of domestic abuse used by Act 732 are not seen as violent or abusive but are instead thought of as “accepted social norms, defense mechanisms or ways of resolving disputes.”¹⁶ The study also found that in some areas of Ghana, even physical violence against children was seen as a “form of parental education.”¹⁷ 65.3% of women and 56.2% of men surveyed “fully agreed that women were to blame for rape if they wore revealing clothes.” Without working to further break down these perceptions of what constitutes abuse and where

the blame should lie, some Ghanaians will fail to recognize when abuse has taken place and consequently will not avail themselves of the law. It is also important that the Ghanaian government educates its citizens on the resources available to them so that they may access them when they determine someone has been victimized.

The study also found that funding presented a major obstacle to the implementation of Act 732. Interviews and observations uncovered that none of the visited DOVVSU facilities had the necessary facilities to provide several support functions. “We are handicapped so if you people could help us get fresh accommodation, it will help us very well in exercising our duties. We also need vehicles and other logistics to help us in our line of duty,” an agency member said. It was also revealed that the GPS was unable to provide shelter to victims on the national or district level due to a lack of accommodation. Civil service organizations that aim to provide such services, such as the Ark Foundation, do so without government support, and all DOVVSU officials visited “were found to be working under difficult conditions and, sometimes, paying for the medical or transportation bills of victims themselves.”¹⁸ Without adequate government support, it will continue to be extremely difficult for Act 732 to be maximized and made real in victims’ lives.

III. Domestic Violence Laws in the United States

A. History and Development of Domestic Violence Laws in the United States

The history of domestic violence laws in the United States is vast and complex. The constitutional

¹³ Ibid, Section 3(3).

¹⁴ Ibid, Section 22.

¹⁵ IDS, supra note 4, at 226.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid. at 216

apportionment of power is understood to delegate the general creation and enforcement of domestic violence laws to the different States. Most domestic violence-related civil and criminal violations are thus governed by State law.¹⁹ However, in 1994, the federal government passed the VAWA which provides states with federal assistance for domestic violence prevention efforts,²⁰ as discussed below.

Starting in the 19th century, States across the United States began rescinding legal rights to marital abuse and, eventually, criminalizing acts of domestic violence. In 1871, Alabama became the first State to eliminate a husband's right to abuse his wife in the decision of *Fulgham v. State*.²¹ Furthermore, Maryland began the push towards criminalizing the act of a husband beating his wife through a legislative act passed in 1882.²² Over the next century, movements promoting the equal protection of women gained traction, raising awareness for the deep issue of domestic violence in American households. Shortly after the enactment of VAWA, in November 2000, the United States Department of Justice released the results of the *National Violence Against Women Survey*. This survey found that, of those surveyed, 51.9% of women and 66.3% of men were physically assaulted as a child by an adult.²³ Additionally, 22.1% of women surveyed and 7.4% of men surveyed were victims of violence at the hands of an intimate partner.²⁴

After several decades of public unease over domestic crime prevalence, the federal government introduced the Family Violence Prevention and Services Act (FVPSA) in 1984.²⁵ The precursor to more formal legislation, FVPSA provided federal assistance to States for the prevention of family violence.²⁶ Looking to further support the State effort, VAWA was passed and signed into law in 1994.²⁷ This Act introduced several invaluable resources to States fighting for the safety of their residents. Currently, the only federal crime related to domestic violence lies within the Gun Control Act. Here, an offender's possession of a firearm or ammunition in certain circumstances of domestic violence is considered a federal crime.²⁸

In the United States, only 26 of the 50 States have specifically criminalized domestic violence. In the rest of the States, offenders are instead convicted of related crimes such as assault, stalking, and harassment.²⁹ Since the United States federal government has not implemented many laws to curtail domestic violence, States have had to step in to remedy domestic violence. States approach the issue of domestic violence using two approaches: (1) direct and (2) indirect.

1. The Direct Approach

To understand the direct approach to domestic violence, we look towards the State of Arkansas. In Arkansas, domestic violence is defined as any infliction or threat of physical harm or bodily injury by family or household members, as well as any sexual conduct involving family or household

¹⁹ Federal Domestic Violence, U.S. Department of Justice (Dec. 23, 2021), <<https://www.justice.gov/usao-ndga/victim-witness-assistance/federal-domestic-violence>>.

²⁰ Violence Against Women Act of 1994

²¹ *Fulgham v. State*, 46 Ala. 143, 147 (1871).

²² *Foote v. State*, 59 Md. 264, 266 (1883).

²³ Patricia Tjaden & Nancy Thoennes, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women* (2000).

²⁴ *Ibid.*

²⁵ Lisa N. Sacco, Con. Rsch. Serv., R45410, *The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization* (2019).

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Gun Control Act of 1968, 18 U.S.C. Section 922.

²⁹ *Ibid.*

members that are considered a crime under any other Arkansas law.³⁰ A family or household member includes spouses, parents, children, in-laws, co-habitants, and more.³¹ Arkansas law does not specify examples of domestic violence; however, it is generally understood to include physical, emotional, sexual, and economic abuse, among others.

While Arkansas provides civil remedies such as protections from violence orders, it has explicitly criminalized three forms of domestic violence. First, domestic battering is a criminal offense that can be charged in the first, second, and third degrees. In the first degree, domestic battering is a felony crime involving the intentional or grossly reckless injury of a family or household member.³² When charged as a Class A felony, domestic battering in the first degree carries a possible sentence of not less than six years nor more than thirty years.³³ When charged as a Class B felony, domestic battering in the first degree carries a possible sentence of not less than five years nor more than twenty years.³⁴ Either classification may also carry a fine of at most \$15,000.³⁵ The second domestic violence offense is aggravated assault on a family or household member.³⁶ This involves the assault of the individual under the extreme disregard for the value of human life while engaging in dangerous conduct, displaying a firearm, or impeding the respiration-ability of the individual.³⁷ This offense can only be charged as a Class D felony with a possible sentence of not more than six years and/or a fine of not more than

\$10,000.³⁸ Finally, an individual can be accused of assault on a family or household member in the first, second, or third degree. First-degree assault on a family or household member involves the assault of an individual through reckless conduct that creates a substantial risk of serious injury.³⁹ This offense can only be charged as a Class A felony which carries a possible sentence of not less than six or more than thirty years and/or a fine of not more than \$15,000.⁴⁰

2. The Indirect Approach

To understand the indirect approach to domestic violence, we look towards the State of Pennsylvania. Domestic violence itself is not a crime in Pennsylvania. Instead, individuals accused of domestic violence are charged with standard-related offenses like assault and battery.⁴¹ The State does, however, offer civil remedies in cases of domestic violence.

In Pennsylvania, domestic violence is defined as the occurrence of a specified act between family members, household members, intimate partners, or persons sharing biological parenthood.⁴² The specified acts are: (a) attempted, intentional, knowing, or reckless cause of bodily injury or assault; (b) imposing reasonable fear of imminent serious bodily harm upon another; (c) false imprisonment; (d) physical or sexual abuse of minors; and (e) knowingly engaging in repeated acts without authority which cause the individual to experience reasonable fear of bodily injury.⁴³ Pennsylvania recognizes several different types of domestic violence. This includes—but is not limited

³⁰ A.C.A., Section 9-15-103(4).

³¹ A.C.A., Section 9-15-103(5).

³² A.C.A., Section 5-26-303.

³³ A.C.A., Section 5-4-401(a)(2).

³⁴ A.C.A., Sections 5-4-401(a)(3).

³⁵ A.C.A., Section 5-4-201(a)(1).

³⁶ A.C.A., Section 5-26-306.

³⁷ A.C.A., Section 5-26-306(a).

³⁸ A.C.A., Sections 5-4-401, 5-4-201.

³⁹ A.C.A., Section 5-26-307(a).

⁴⁰ A.C.A., Sections 5-4-401, 5-4-201.

⁴¹ Misdemeanor Crimes of Domestic Violence, Pennsylvania Coalition Against Domestic Violence, <<https://www.pcadv.org/policy-center/misdemeanor-crimes-of-domestic-violence/>> (last visited March 10, 2023)

⁴² 23 Pa.C.S., Section 6102(a).

⁴³ *Ibid.*

to—physical abuse, emotional abuse, sexual abuse, theft or destruction of property, and forced isolation.⁴⁴

The civil relief available for victims of domestic violence in Pennsylvania is expansive. Primary forms of relief include directing the offender to refrain from future abuse, granting sole possession of a residence to the victim by evicting the offender, and awarding temporary custody orders to protect against any risk to the children involved.⁴⁵ Colloquially, protections awarded under Pennsylvania’s code are called Protections from Abuse (PFA) and may not exceed three years.⁴⁶ However, courts may amend or extend an order at any time.⁴⁷

B. Effectiveness of Domestic Violence Laws in the United States

Whether domestic violence laws have been effective in the United States is intensely debated. Since VAWA’s introduction in 1994, reported cases of domestic violence against women have dropped by approximately 63%.⁴⁸ However, whether this is due to domestic violence laws is uncertain. All crimes nationwide have experienced a similar drop in the same timeline, leading researchers to believe domestic violence laws have yet to show their independent effectiveness. Furthermore, since 2012, rates of domestic

violence seem to have stagnated, indicating that current legislation has done little to ensure the continual decrease of related criminal acts.⁴⁹

Whether or not domestic violence laws are effective, it is clear they are not enough. Other factors, such as poverty and unemployment, must be explored to improve domestic relations among families and partners.⁵⁰

IV. Implementation of Domestic Violence Laws

A. Challenges in Implementing Domestic Violence Laws in Ghana

Some challenges to implementing domestic violence laws in Ghana are police officers’ attitude around sexual assault. Officers are often biased against sexual assault victims.⁵¹ Officers tend to hold traditional beliefs about domestic violence being caused by victims rather than abusers.⁵² Due to their unsympathetic attitude toward sexual assault, they tend not to enforce the laws against the abusive individual, and when they do, they apply the law leniently.⁵³

Furthermore, it has been reported that police officers make it more difficult for women to complain.⁵⁴ The officers often painstakingly scrutinize women who complain by asking them to provide witnesses and detailed hospital reports to prove their cases.⁵⁵ Consequently, this behavior

⁴⁴ Domestic Violence Crisis & Prevention, Department of Human Services, <<https://www.dhs.pa.gov/Services/Assistance/Pages/Domestic-Violence.aspx>> (last visited March 10, 2023).

⁴⁵ 28 Pa.C.S., Section 6108(a).

⁴⁶ 28 Pa.C.S., Section 6108(d).

⁴⁷ 28 Pa.C.S., Section 6108(e).

⁴⁸ Alisha Haridasani Gupta, *Is the Legal System an Effective Solution to Domestic Violence*, N.Y. TIMES (Dec. 15, 2020), <<https://www.nytimes.com/2020/12/15/us/domestic-violence-fka-twigs-shia-labeouf.html>> (last visited March 10, 2023)

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Francis D. Boateng, *Victims of Sexual Assaults: The Experiences of Ghanaian Women*, INT’L R VICTIMOLOGY 343, 360 (2015).

⁵² Ibid.

⁵³ K.A.F.U.I. Agbitor, *Addressing Domestic Violence Cases in Ghana: A Study of the Practice Methodologies of Accra Regional Dvovsu*, UNIVERSITY OF GHANA (2012) [hereinafter referred to as Agbitor].

⁵⁴ Ibid.

⁵⁵ Ibid.

discourages female and male victims from reporting domestic abuse when they experience it.⁵⁶

In addition, Ghana's other challenges in implementing domestic violence laws are low staff, protracted court proceedings, and insufficient support services, like medical aid and legal advice.⁵⁷

B. Challenges in Implementing Domestic Violence Laws in the United States

One challenge to implementing the VAWA in the United States is political polarization.⁵⁸ For the VAWA to be effective, Congress has to reauthorize it every five years.⁵⁹ However, because of political polarization in the government, it frequently faces challenges to reauthorization, risking the State's protections for domestic violence victims and survivors all over the country.⁶⁰ Two years ago, its reauthorization was stalled due to politicians' disagreement over whether people convicted of domestic violence harm should be barred from owning guns.⁶¹

Another challenge the United States faces when trying to implement the VAWA revolves around data. Since the VAWA's creation, the government has not been able to conduct sufficient studies that would allow the benefits and weaknesses of the VAWA to be revealed.⁶² The data that is currently available sometimes proves contradictory.⁶³ This prevents the government from efficiently making

essential changes to the VAWA to enhance its potency.⁶⁴ Similar to the officially collected data, research is also insufficient.⁶⁵ Much of the research conducted importantly highlights VAWA's social impact, but at the cost of often not evaluating the public administration of the Act.⁶⁶

V. Resources Available for Domestic Violence Victims

A. Support Services Available for Domestic Violence Victims in Ghana

Similar to the United States, Ghana uses national laws to protect survivors of domestic violence. Act 732 defines and legally prohibits domestic violence in Ghana.⁶⁷ It also provides that a victim of domestic violence who is assisted by police to obtain medical treatment is entitled to free medical treatment from the State.⁶⁸ Act 732 established a fund that is meant to provide basic material support and rehabilitation services for providers as well as financial support for the construction of shelters in various regions.⁶⁹

The Ark Foundation of Ghana offers "compassionate care and empowering spaces to live without fear of violence or oppression..." to survivors with a focus on women and children.⁷⁰ They operate a shelter that provides a safe space where survivors can access psychological counseling, medical support, legal assistance, and

⁵⁶ Ibid.

⁵⁷ See Agbitor, *supra* note 53.

⁵⁸ Angela Gover and Angela Moore, *It's Time to Reauthorize the Violence Against Women Act*, (2021) ('Gover').

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Tara Aday, *The Effectiveness of the Violence Against Women Act (VAWA) in Creating System Level Change*, (Volume 11 2015) ('Aday VAWA').

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ The Domestic Violence Act, 2007 (Act 732), Sections 1 & 3.

⁶⁸ Ibid, Section 8.

⁶⁹ Ibid, Sections 29 and 31.

⁷⁰ Our Mission/Vision, THE ARK FOUNDATION, 2018, <<https://www.arkfoundationghana.org/cms/mission-vision/>> (last visited March 10, 2023).

resettlement support.⁷¹ Ark Foundation’s Anti-Violence Programme operates in three locations; a crisis response center in Haatso (a suburb of Accra), a shelter in the Eastern Region, and a counseling center in Seben, Tafo in the Eastern Region.⁷² They work in collaboration with the Ghanaian government, police and the judiciary to handle cases of domestic violence, among other things.

The GPS manages the DOVVSU.⁷³ DOVVSU protects the rights of the vulnerable, informs victims about the status of their cases, and provides advice on crime prevention in local communities. DOVVSU also provides referrals for victims to medical services and social workers at the Department of Social Welfare (“DSW”).⁷⁴ DOVVSU is expected to work with NGOs to provide support services for survivors. During the height of the COVID-19 pandemic, DOVVSU partnered with the United Nations Population Fund to activate a Domestic Violence Hotline “to remove the communication barrier that keeps victims and observers from reporting cases of domestic violence.”⁷⁵ DOVVSU is in every region but not every district, so it is likely that there are people in need who have been unable to access resources.⁷⁶

Both the United States and Ghana have laws that earmark funds to support victims of domestic violence. The United States, which is more racially diverse, seems to be focused on ensuring that support meets the needs of the whole person,

acknowledging that race and religion may require specific resources. More work must be done to ensure survivors in rural areas and less populated States have consistent access to the necessary resources. Creating the domestic violence hotline in Ghana is a huge step toward elevating survivor voices and improving resource allocation. Both nations have work to do to ensure that all survivors, especially those in more rural areas, are visible and have access to the resources they need. Assistance tends to be concentrated in large State capitals or regional centers, but additional satellite offices can expand the number of people served and ensure community stability.

B. Support Services Available for Domestic Violence Victims in the United States

Domestic violence is a deeply personal experience, and ideally, the resources available for survivors would be tailored to individual needs. In the United States, the VAWA is the federal source of support for domestic violence survivors. VAWA provides survivors, communities, and the local programs that serve them with resources “for housing, legal assistance, alternatives to criminal responses, and prevention programming.”⁷⁷ The VAWA was reauthorized in March of 2022 and now includes “new economic justice provisions.” VAWA’s 2022 reauthorization also “improves existing housing protections, increases access to emergency and short-term housing, and creates dedicated

⁷¹ Programs & Services, THE ARK FOUNDATION, 2018, <<https://www.arkfoundationghana.org/cms/program-services/>> (last visited March 10, 2023).

⁷² Anti-Violence Programme, THE ARK FOUNDATION, 2018, <<https://www.arkfoundationghana.org/cms/anti-violence-programme/>> (last visited March 10, 2023).

⁷³ Ghana Police Service, *DOMESTIC VIOLENCE AND VICTIMS SUPPORT UNIT (DOVVSU)*, <[https://police.gov.gh/en/index.php/domestic-](https://police.gov.gh/en/index.php/domestic-violence-victims-support-unit-dovvsu/)

[violence-victims-support-unit-dovvsu/](https://police.gov.gh/en/index.php/domestic-violence-victims-support-unit-dovvsu/)> (last visited March 10, 2023)

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Violence Against Women Act, National Network to End Domestic Violence, <<https://nnedv.org/content/violence-against-women-act/>> (last visited March 10, 2023)

investments in culturally specific service providers to ensure survivors of color are supported.”⁷⁸ There are many organizations dedicated to ending domestic violence and providing support to survivors on a national level. The National Coalition Against Domestic Violence is a national organization that seeks to change the conditions that lead to domestic violence through legislation. The Financial Education Project supports victims by providing financial resources to help survivors achieve self-sufficiency.⁷⁹ Financial instability is a barrier that often keeps survivors trapped in abusive relationships.⁸⁰ The United States Department of Health and Human Services (HHS) funds the Domestic Violence Resource Network (DVRN). The DVRN is composed of multiple partner organizations that “work[s] collaboratively to promote practices and strategies to improve our nation’s response to domestic violence” Some member organizations include the National Resource Center on Domestic Violence, the National Indigenous Women’s Resource Center, and the National Clearinghouse for the Defense of Battered Women.⁸¹ The National Domestic Violence Hotline is a resource for those in need. Victims can call the hotline and talk candidly about their problems or seek assistance locating local resources to meet their needs.⁸² The organization’s website has a provider search tool that allows users to search for emergency financial assistance, transitional housing, emergency housing, domestic violence

counseling, case management, health services, transportation, and legal advocacy.⁸³ Users can filter by State, and city and can note their identities, including race, religion and disability status to find the most suitable resource for them.⁸⁴ While federal protection is important, oftentimes, it is local advocacy and resources that keep victims afloat. Many U.S. States and territories offer localized resources for victims. The Women’s Coalition of St. Croix offers support groups and emergency housing for survivors. The Maryland Network Against Domestic Violence walks victims through the eligibility requirements and steps of obtaining a protection or peace order in the state. The organization also provide resources for survivors to navigate abuse via technology.

VI. Societal Attitudes Towards Domestic Violence

A. Societal Attitudes towards Domestic Violence in Ghana

Domestic violence is relatively common against women in Ghana. A 2008 study by UN Women found that 23% of Ghanaian women experienced physical and or sexual violence from an intimate partner throughout their lifetime.⁸⁵ In the context of marriages, it is widely accepted that husbands may “discipline” their wives, especially when a wife “provokes” her husband, either through nagging or other forms of seemingly bad

⁷⁸ Ibid.

⁷⁹ Financial Education, National Coalition Against Domestic Violence, <<https://ncadv.org/financial-education>> (last visited March 10, 2023)

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Local Resources, National Domestic Violence Hotline, <<https://www.thehotline.org/get-help/domestic-violence-local-resources/>>. (last visited March 10, 2023)

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ United Nations Entity for Gender Equality and the Empowerment of Women, Violence against Women Prevalence Data: Surveys by Country 3 (2012), <https://www.endvawnow.org/uploads/browser/files/vawprevalence_matrix_june2013.pdf>. (last visited March 10, 2023)

behavior.⁸⁶ These attitudes are often reinforced by traditional tribal and religious leaders instructing women to bear violence at the hands of their husbands.⁸⁷

Ghanaian men's attitudes towards domestic violence, particularly wife-beating, are complex. A 2017 study drawing from the perspectives of 3,052 Ghanaian men across all of Ghana's regions found that men possessed both positive and negative attitudes toward the practice. While in most contexts men opposed wife-beating, in the majority of situations offered by the study, at least 15% of participants were in favor of wife-beating, including situations where a wife gossiped, stole, or insulted her husband.⁸⁸ A third of men approved of wife-beating in cases where the wife had an extramarital partner.⁸⁹

The Ghanaian judicial system often reinforces the idea that domestic violence is merely a "family matter" and thus less worthy of legal intervention than other violent crimes.⁹⁰ Judges, with their broad discretion in sentencing, sometimes mitigate abusive men's sentences if they find that the wife "provoked" the abuse.⁹¹ Wife provocation has been found in a wife insulting her husband or declining to perform domestic tasks, seemingly for no reason.⁹² It is also common for judges to allow traditional tribal and religious leaders to intervene in domestic violence cases, consequently removing such cases from the Ghanaian judicial system.⁹³

Pastors and other religious leaders also have a significant role in shaping Ghanaian attitudes toward domestic violence. Many religious heads

believe it is the responsibility of wives to keep their husbands content, and if they fail to do so, it is the wife's fault if the husband abuses her as a result.⁹⁴

Thus, religious leaders instruct Ghanaian women to be submissive to their husbands and to bear any abuse they face at the hands of their husbands.⁹⁵ Such leaders not only counsel women to endure domestic violence but also often intervene in situations where victims have reported their abuse to the police.

Within the cultural setting in Ghana, women often face domestic violence from their partners. This can be attributed to a myriad of reasons; the normalization of domestic violence reinforced by men's gendered expectations for their wives, the propensity of law enforcement agencies to deem domestic violence as merely a familial issue undeserving of criminal intervention and religious leaders' trend of informing women that bearing abuse is a fundamental element of their wifely duties.

B. Societal Attitudes Towards Domestic Violence in the United States

Domestic violence is also frequent in the United States- over 10 million American adults experience domestic abuse each year.⁹⁶ Domestic violence against American women happens much more frequently than domestic violence against American men, with 1 out of 4 women and 1 out of 10 men experiencing some form of sexual or physical violence by an intimate partner throughout their lifetime.⁹⁷ From 2016 to 2018

⁸⁶ Nancy Chi Cantalupo et al., *Domestic Violence in Ghana: The Open Secret*, 7 GEO. J. GENDER & L. 531, 540 (2006) [hereinafter referred to as Cantalupo]

⁸⁷ *Ibid.* at 551.

⁸⁸ Ellen Mabel Osei-Tutu & Ernest Ampadu, *Domestic Violence against Women in Ghana: The Attitudes of Men toward Wife-Beating*, 18 J. INT'L WOMEN'S STUD. 106, 106, 111-112 (2017).

⁸⁹ *Ibid.* at 112.

⁹⁰ Cantalupo, *supra* note 86, at 554.

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.* at 555.

⁹⁵ *Ibid.*

⁹⁶ National Coalition Against Domestic Violence, *Domestic Violence 1* (2020).

⁹⁷ *Ibid.*

alone, intimate partner violence in the United States increased by 42%.⁹⁸ In 2018, partner violence comprised a significant portion of reported violent crimes at 20%.⁹⁹

Studies suggest that in the United States, American women are more likely to place the responsibility on abusive husbands for domestic violence (as opposed to blaming abused wives) in comparison to American men. In a study involving 256 American psychology undergraduate students aged 18 to 24, it was found that women were more likely to blame abusive husbands for engaging in domestic violence against their wives than the male participants.¹⁰⁰ The women participants were also more likely to sympathize with the abused wives and more likely to consider incidents of abuse as “more serious.”¹⁰¹ This study also demonstrated the intersections between gender and race when it comes to attitudes regarding domestic violence, as men were less likely to deem domestic violence incidents as serious when the incident involved a Black couple.¹⁰²

Studies have also found that Americans that have traditional attitudes toward gender roles and are more favorable to male dominance are more likely to be accepting of intimate partner violence, specifically violence against women. In a study conducted in an urban American university, it was found that students that were more approving of patriarchal values were more tolerant of partner violence. On the other hand, students who

classified partner violence as a crime were more hostile toward the phenomenon.¹⁰³ The study pointed out that feminists and women’s rights movements in the United States have likely impacted many Americans’ intolerance of domestic violence, as these movements brought to the mainstream the idea that domestic violence was a social issue, as opposed to merely a familial one.¹⁰⁴

In terms of American men who engage in intimate partner violence, researchers find that such men tend to minimize their culpability in abusing their partners and rationalize their behavior. For example, in a study involving 154 American men court-mandated to participate in a batterer intervention program, the majority of participants denied that their actions warranted judicial involvement.¹⁰⁵ Many men minimized the harm of their conduct by pointing out that they did not punch or hit their women partners, especially if they merely pushed, slapped, or grabbed their partners.¹⁰⁶ The participants also undermined their culpability by claiming that they were provoked to violence by their women partners, particularly if the victim refused to acknowledge the participants’ “status” derived from their manhood, socioeconomic or educational status.¹⁰⁷ Many participants also perceived the judicial system as stacked against them as men, arguing that the system was unfairly biased against men accused of intimate partner violence.¹⁰⁸

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Lisa M. Locke & Charles L. Richman, *Attitudes Toward Domestic Violence: Race and Gender Issues*, 40 *SEX ROLES* 227, 227 (1999).

¹⁰¹ Ibid.

¹⁰² Ibid. at 242.

¹⁰³ Kai Lin et al., *College Students’ Attitudes Toward Intimate Partner Violence: a Comparative Study of China and the U.S.*, 31 *J. FAM. VIOLENCE* 179, 186 (2016).

¹⁰⁴ Ibid.

¹⁰⁵ Beth S. Catlett et al., *Men’s Gendered Constructions of Intimate Partner Violence as Predictors of Court-Mandated Batterer Treatment Drop Out*, 45 *AM. J. COMMUNITY PSYCHOL.* 107, 107, 113 (2010).

¹⁰⁶ Ibid. at 113.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid. at 115.

Domestic violence is also frequent in the United States, with American women tending to be more sympathetic to victims of partner violence than their male counterparts. It also appears that American feminist movements have had a progressive effect on many Americans' perceptions of domestic violence, in which Americans' willingness to reject traditional gender norms correlates to their willingness to condemn domestic violence. Lastly, American perpetrators of domestic violence commonly rationalize their behavior due to provocation from their women partners.

VII. Cultural Factors Influencing Domestic Violence Laws

While several societal factors influence the law, cultural factors also influence the prevalence of domestic violence and the development of domestic violence laws within Ghana and the United States. The richness of tribal and ethnic identity within Ghana has led to the development of customary law distinct from common law within the United States. Further, the distinction between Ghanaian collectivism and Western individualism and the understanding of personal agency must be taken into consideration.

Patriarchy as a global system of social stratification across cultures must also be scrutinized when attempting to comprehend the development of domestic violence laws in both countries.

Despite differences in tribal influence, legal structure, and differing approaches to societal relations, resource constraints also stand as a unifying constant between the nations and their development of domestic violence laws.

A. Cultural Factors Influencing Domestic Violence Laws in Ghana

Within Ghana, there are more than 70 ethnic groups. Predominant tribes include the Akan, Mole-Dagbon, Ewe, Ga-Dangme, Gurma, Guan, Grusi, Kusaasi, and Birkpakpaam. As a consequence of such a rich ethnic presence, it may be unsurprising that customary law has developed within and amongst the tribes. The common law of Ghana consists of rules of law generally known as the common law, but also "the rules generally known as the doctrines of equity and the rules of customary law including those determined by the Superior Court of Judicature."¹⁰⁹ Customary law "consists of rules of law which by custom are applicable to particular communities in Ghana...."¹¹⁰ The scope of customary law in Ghana includes chieftaincy, land ownership and access, matrimonial rites, spousal rights, and succession rights though this list is not exhaustive.¹¹¹

All customary practices that dehumanize or harm a person's physical and mental well-being are prohibited.¹¹² The addition of this article within Ghana's Constitution acknowledges that some customary practices indeed dehumanize and injure certain persons, including domestic violence. Customary laws of tribes regarding domestic violence and its permissibility run in direct conflict with the Constitution and common law; however, that does not mean that custom is diminished in its importance or impact on an individual's life. The customs of one's tribe, in many instances, impact the day-to-day life of a Ghanaian more so than common law, particularly for those individuals far removed from central government oversight or institutional resources.

¹⁰⁹ The 1992 Constitution of Ghana, Article 11.

¹¹⁰ *Ibid.*

¹¹¹ Politics, Chieftaincy and Customary Law in Ghana. at 41

¹¹² The 1992 Constitution of Ghana, Article 26.

Similarly, a collectivist culture within Ghanaian society may also work in favor of the acknowledgment of customary law. A collectivist society is one in which close long-term commitments to the members of a group, be it a family or extended relationships, are of high regard. “Loyalty in a collectivist culture is paramount, and overrides most other societal rules and regulations.”¹¹³ With this cultural framework, the prioritization of customary law, which normalizes domestic violence and abuse, over that of the common law, is quite commonplace per statistical analysis and personal anecdote. Still, progress within the common law regarding domestic violence has been gradual to appreciate custom while synchronously maintaining the dignity and health of all countrymen and women.

B. Cultural Factors Influencing Domestic Violence Laws in the United States

Just as common law must harmonize with customary law within Ghanaian society, federalism facilitating the harmonization between U.S. state and federal law must also occur. Federalism aims to provide “ways by which...different groups share power over common interests.”¹¹⁴ However, federalism has come under scrutiny as a barrier to developing progressive social policies surrounding domestic violence.¹¹⁵ Whereas the United States federal government is limited in the scope of its domestic violence law, States’ responses to domestic violence and their respective laws vary.

¹¹³ *What about Ghana?*, HOFSTEDE INSIGHTS, <<https://www.hofstede-insights.com/country/ghana/#:~:text=Ghana%2C%20with%20a%20score%20of,other%20societal%20rules%20and%20regulations>> (last visited March 10, 2023).

¹¹⁴ *Why Federalism, ASIA & THE PACIFIC*, Aug. 27, 2020, <<https://www.idea.int/news-media/media/why-federalism>> (last visited March 10, 2023).

Among the issues arising from federalism, the United States (and other Western countries) has a strong culture emphasizing individualism and personal agency. American individualism has come under increasing scrutiny as it proposes the optimal society as “one in which individuals are left free to pursue their private satisfactions independently of others....”¹¹⁶ A society in which the wants and needs of the individual may exceed those of the group is in stark contrast to that of a collectivist society. The entitlement that may accompany individualist thinking may infringe upon the rights and liberties of another, including the right to an individual’s physical and mental health in domestic violence cases.

C. Cultural Factors within Both Ghana and the United States

Within both Ghanaian and American societies, patriarchy is common. The Oxford Dictionary defines patriarchy as “a system of society or government in which men hold power and women are largely excluded from it.” Even if we were to strip away the tension of legal systems either between common and customary law in Ghana or state and federal with the United States, it is widely believed that men, particularly fathers, eldest sons, or male chiefs, will lead the household and greater society. The wants and needs of women are largely disregarded as secondary or auxiliary. Patriarchal ideology may facilitate the abuse and subjugation of women and girls, and it must be confronted and addressed through policy, regulation, and tangible

¹¹⁵ Sally F. Goldfarb, *The Supreme Court, the Violence Against Women Act, and the Use and Abuse of Federalism*, 71 *FORDHAM L. REV.* 57, 2002.

¹¹⁶ Claire Andre and Manuel Velasquez, *Creating the Good Society*, ALFRED A. KNOPF, INC., <<https://www.scu.edu/mcae/publications/iie/v5n1/homepage.html>> (last visited March 10, 2023).

support. Tangible support may be provided through a range of resources, including educational support, crisis support, welfare, and more.

However, income disparities within Ghana and the United States are additional barriers to efficacy and efficiency in domestic violence law. Typically, the further from city centers one resides, the less access one has to crucial resources to assist with the implementation of domestic violence laws.

Law is only as good as its ability to be implemented. It is essential that more resources be provided within both nations to uphold progressive standards surrounding and protecting individuals from violence. A stronger society is sure to forge as a result of such action.

VIII. Comparison of Domestic Violence Laws in Ghana and the United States

Unfortunately, domestic violence affects women, men, and children in every country, not only in the United States and Ghana. Although domestic violence is an issue shared with all nations, Ghana and the United States legally approach the prevention of domestic violence in similar and different manners.

A. Similarities Between the Laws

Ghana and the United States share similarities in their legal approach to domestic violence. In Ghana, domestic violence is defined as acts or threats likely resulting in physical, sexual, economic, or emotional abuse.¹¹⁷ Similarly, in the United States, domestic violence is defined as a

“pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.”¹¹⁸ The Ghanaian and American domestic violence definitions are very expansive definitions encompassing different types of domestic violence and punishments for domestic violence. Under Act 732, Ghana recognizes physical abuse, sexual abuse, emotional abuse, economic abuse, and general criminal conduct, which amounts to causing harm or threat of harm as forms of domestic violence.¹¹⁹ In a similar manner, the United States recognizes abusive behavior such as “physical, sexual, emotional, economic, psychological, or technological actions or threats of actions as types of domestic violence.”¹²⁰

Finally, another similarity that the United States and Ghana share in their treatment of domestic violence is in the manner they punish the offenders. In the United States and Ghana, offenders are punished by either facing prison time, paying remedies to victims, or both.¹²¹ Although domestic violence is a crime usually handled by the States, in the United States, for particular situations, domestic violence could be treated as a federal crime which provides for enhanced punishments. If domestic violence is treated as a State crime, offenders are typically sentenced to five years to thirty years in prison or fined \$10,000 to \$15,000, depending on the class of felony the offender is charged with.¹²² While if a particular situation of domestic violence rises to the level of a federal offense, then offenders are charged with a felony

¹¹⁷ Domestic Violence Act, 2007(Act 732), Section 1.

¹¹⁸ UNITED STATES DEPARTMENT OF JUSTICE, DOMESTIC VIOLENCE, <<https://www.justice.gov/ovw/domestic-violence>> (last visited March 10, 2023).

¹¹⁹ The Domestic Violence Act, 2007 (Act 732), Section 1

¹²⁰ UNITED STATES DEPARTMENT OF JUSTICE, DOMESTIC VIOLENCE,

<<https://www.justice.gov/ovw/domestic-violence>> (last visited March 10, 2023).

¹²¹ Domestic Violence Act, 2007 (Act 732), Section 3(2).

¹²² A.C.A., Section 5-4-401(a)(2); A.C.A. §5-4-201(a)(1). See also A.C.A. Sections 5-4-401, 5-4-201.

and can face paying the victim restitution, being subjected to a protection order, and a maximum prison term of up to ten years.¹²³ Additionally, in both countries, domestic violence victims have the option of bringing their cases to civil court to seek compensation to assist in the recovery for their harm and suffering.¹²⁴

B. Differences Between the Laws

Though Ghana and the United States share many similarities in their domestic violence laws, these countries also have differences in terms of the (1) development and history of the laws, (2) cultural factors influencing the law, (3) societal attitudes and factors influencing the laws, (4) resources available for domestic violence victims in both countries, and (5) effectiveness of the laws.

Unlike the United States, Ghana's domestic violence laws development can be traced back to its Constitution. The 1992 Constitution has provisions protecting children's rights and guarantees special protections from "physical and moral hazards" and "cruel, inhuman or degrading treatment or punishment."¹²⁵ The United States first enacted a law in 1994 aimed at providing protection against domestic violence, the VAWA.¹²⁶ Although the United States does

provide federal protection against domestic violence, this right to not experience domestic violence is not guaranteed in the Constitution as is the case with Ghana.

Additionally, different cultural factors influence the domestic violence laws in the United States and Ghana. Ghana's laws are influenced by collectivism from its rich ethnic diversity,¹²⁷ while the United States' laws are influenced by individualism.¹²⁸

Moreover, the United States and Ghana's laws are influenced by different societal attitudes. The idea that domestic violence is an issue that should be handled internally within the family mainly influences Ghana's laws,¹²⁹ while traditional gender roles influence United States laws.¹³⁰

Both countries fund and make available support services for domestic violence victims. However, although Ghana and the United States share similarities in how they support the victims, there is one significant difference in how each country uses these services to support the victims.

In Ghana, DOVVSU provides various services to the victims, such as health evaluations and investigation services,¹³¹ and in the United States, the VAWA requires support services to be

¹²³ UNITED STATES ATTORNEY'S OFFICE NORTHERN GEORGIA REGION, FEDERAL DOMESTIC VIOLENCE, <<https://www.justice.gov/usao-ndga/victim-witness-assistance/federal-domestic-violence>> (Dec. 23, 2021).

¹²⁴ Domestic Violence Act, 2007 (Act 732), Section 3(3); 28 Pa.C.S., Section 6108(a).

¹²⁵ The 1992 Constitution of Ghana, Articles 28(1) & (3).

¹²⁶ Federal Domestic Violence, U.S. Department of Justice (Dec. 23, 2021), <<https://www.justice.gov/usao-ndga/victim-witness-assistance/federal-domestic-violence>> (last visited March 10, 2023).

¹²⁷ *What about Ghana?*, HOFSTEDE INSIGHTS, <<https://www.hofstede-insights.com/country/ghana/#:~:text=Ghana%2C%20>

<with%20a%20score%20of,other%20societal%20rules%20and%20regulations>> (last visited March 10, 2023).

¹²⁸ Claire Andre and Manuel Velasquez, *Creating the Good Society*, ALFRED A. KNOPF, INC., <<https://www.scu.edu/mcae/publications/ije/v5n1/homepage.html>> (last visited March 10, 2023).

¹²⁹ Cantalupo, *supra* note 86, at 554.

¹³⁰ Kai Lin et al., *College Students' Attitudes Toward Intimate Partner Violence: A Comparative Study of China and the U.S.*, 31 J. FAM. VIOLENCE 179, 186 (2016).

¹³¹ Ghana Police Service, *DOMESTIC VIOLENCE AND VICTIMS SUPPORT UNIT (DOVVSU)*, <<https://police.gov.gh/en/index.php/domestic-violence-victims-support-unit-dovvsu/>>. (last visited March 10, 2023).

provided to victims of domestic violence.¹³² Organizations, such as United States’ National Coalition Against Domestic Violence, DRVN, and the Financial Education Project provide support services to domestic violence victims. The difference between these similar services is that unlike in the United States, where these support services are widely available,¹³³ in Ghana, these service providers, particularly DOVVSU, are not in every district, but are only located in the regions.¹³⁴

Finally, it is unclear whether the domestic violence laws in both countries have been very effective. In the United States, other factors, such as poverty and unemployment, must be analyzed to determine if the enactment of domestic violence laws like the VAWA work.¹³⁵ In Ghana, the effectiveness of Act 732 is impeded by a lack of financial support and established perceptions of domestic violence as a family matter.¹³⁶

IX. Future Directions for Domestic Violence Laws and Policies

A. **Current Initiatives in Ghana to Address Domestic Violence**

There has been a recognition within Ghana of the need to prevent domestic violence. This can be

seen with the enactment of Act 732. This law explains what acts constitute domestic violence and the punishment when a person is found to violate the law. Additionally, Ghana’s establishment of the DOVVSU is another initiative to address domestic violence. The purpose of the unit is to “provide free services to members of the public; protect the rights of the vulnerable against all forms of abuse, be it physical, sexual, emotional/psychological, socio-economic, or harmful cultural practices; establish an effective database for crime detection, prevention, and prosecution; and to treat victims/complainants and their families with respect and courtesy.”¹³⁷ The DOVVSU has 87 offices throughout the country to provide support to those impacted by domestic violence.¹³⁸ For example, DOVVSU supports domestic violence victims by working with NGOs and other civil organizations and coordinates prevention efforts against domestic violence. DOVVSU, in collaboration with other NGOs, has provided informational workshops in “over 150 primary schools” since 2010 to destigmatize the culture of sexual and domestic abuse. Additionally, DOVVSU implemented a hotline during the COVID-19 pandemic when it was forced to close

¹³² Violence Against Women Act, National Network to End Domestic Violence, <<https://nnedv.org/content/violence-against-women-act/>> (last visited March 10, 2023).

¹³³ Violence Against Women Act, National Network to End Domestic Violence, <<https://nnedv.org/content/violence-against-women-act/>> (last visited March 10, 2023).

¹³⁴ Ghana Police Service, *DOMESTIC VIOLENCE AND VICTIMS SUPPORT UNIT (DOVVSU)*, <<https://police.gov.gh/en/index.php/domestic-violence-victims-support-unit-dovvsu/>> (last visited March 10, 2023).

¹³⁵ Alisha Haridasani Gupta, *Is the Legal System an Effective Solution to Domestic Violence?*, N.Y. TIMES (Dec. 15, 2020),

<<https://www.nytimes.com/2020/12/15/us/domestic-violence-fka-twigs-shia-labeouf.html>> (last visited March 10, 2023).

¹³⁶ IDS, *supra* note 4, at 226.

¹³⁷ Ghana Police Service, *DOMESTIC VIOLENCE AND VICTIMS SUPPORT UNIT (DOVVSU)*, <<https://police.gov.gh/en/index.php/domestic-violence-victims-support-unit-dovvsu/>>. (last visited March 10, 2023).

¹³⁸ Osman, *Stop Sexual Violence Against Women*, MINISTRY OF LOCAL GOVERNMENT DECENTRALISATION AND RURAL DEVELOPMENT (DEC. 21, 2021), <http://mlgrd.gov.gh/mlgrd_test/index.php/media2/news/18-stop-sexual-violence-against-women.html>(last visited March 10, 2023).

its doors to the public.¹³⁹ This hotline is now fully operative and runs a 24/7 service to provide support or information to the public.

Besides the DOVVSU, there are other institutions in Ghana that support victims of domestic violence.¹⁴⁰ The Commission on Human Rights and Administrative Justice (CHRAJ) is a national human rights institution striving “to protect fundamental human rights” in Ghana. The DSW provides social welfare services such as counseling, support, and rehabilitation to victims and their families because domestic violence affects the victim and those around them.

Additionally, on July 6, 2022, ActionAid Ghana, along with the International Federation of Lawyers, received funding from the European Union to launch the Transformative Action for Gender Equality (TAGE).¹⁴¹ TAGE looks to “empower women and girls to know their rights, understand and recognize all forms of domestic violence, seek protection and defend themselves, both within their communities and through the effective implementation of relevant laws, policies and legal mechanisms which protect against violence.”¹⁴² This is a part of the “EU’s five-year Gender Action Plan” to reach the goal of gender equality.¹⁴³ The goal of TAGE is to “address the root causes of violence against women and girls.”¹⁴⁴ TAGE plans to “remove systemic social-cultural and institutional practices that perpetuate violence and discrimination against women and

girls, building their agency to protect themselves and seek support, and stimulating stronger proactive responses from state actors responsible for the implementation of legislative and policy provisions to tackle gender-based violence.”¹⁴⁵

B. Current Initiatives to Address Domestic Violence in the United States

The United States has implemented various initiatives to prevent domestic violence. On March 15, 2022, President Biden signed the VAWA Reauthorization Act, which “expands access to safety and support for survivors and increases prevention efforts.”¹⁴⁶ The VAWA looks “to support Native survivors, LGBTQI+ survivors, survivors of technology-facilitated abuse, and those in marginalized or underserved communities, including rural communities.”¹⁴⁷ The United States government also passed the Bipartisan Safer Communities Act in 2022 which bars guns from being in the “hands of dating partners convicted of misdemeanor crimes of domestic violence.”¹⁴⁸

Additionally, the National Defense Authorization Act was passed in 2021 “which shifted legal decisions from commanders to independent, specialized prosecutors in cases of domestic violence, sexual assault and other serious crimes” that occur in the military.¹⁴⁹ President Biden also signed into law the Joint Consolidation Loan Separation Act, which allows married couples to sever their existing joint student loans when a case

¹³⁹ UNFPA supports DOVVSU to activate Domestic Violence Hotline, UNFPA (April 19, 2020), <https://ghana.unfpa.org/en/news/unfpa-supports-dovvsu-activate-domestic-violence-hotline> (last visited March 10, 2023).

¹⁴⁰ COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE, <https://chraj.gov.gh/what-we-do/> (last visited March 10, 2023).

¹⁴¹ EU funded Transformative Action for Gender Equality project launched, ACTIONAID GHANA (July 6, 2022), <https://ghana.actionaid.org/news/2022/eu->

[funded-transformative-action-gender-equality-project-launched](#) (last visited March 10, 2023).

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

of “domestic violence or economic abuse arises.”¹⁵⁰

October is also recognized as Domestic Violence Awareness Prevention Month, which provides an “an opportunity to celebrate progress in the movement to end domestic violence, promote healthy, violence-free relationships, and support survivors.”¹⁵¹

Non-profit organizations in the United States strive to stop domestic violence, such as the National Domestic Hotline, the American Bar Association Commission on Domestic and Sexual Violence, and Futures without Violence. The National Domestic Hotline “provides 24-hour support and crisis intervention to victims and survivors of Domestic Violence through safety planning, advocacy, resources, and a supportive ear.”¹⁵² The American Bar Association Commission on Domestic and Sexual Violence aims to train attorneys to be better equipped to represent victims of domestic violence.¹⁵³ Futures Without Violence “works with policymakers and professionals to improve responses to domestic violence and educate people about the importance of healthy relationships.”¹⁵⁴

Both countries have enacted laws to combat domestic violence, but leaders of both countries understand that much more work must be done. A report was commissioned by the Ministry of Gender, Children and Social Protection (MoGCSP) of the Government of Ghana and the UK

Department for International Development (DFID) to study the prevalence of domestic violence in Ghana. The report provided several policy recommendations for the government to implement to limit domestic violence. One such recommendation is to include social abuse in the definition of Act 732.¹⁵⁵ The report found that the law did not include “acts of controlling behaviour experienced by men and women, such as preventing someone from seeing friends or family of birth; stopping someone from leaving the house; insisting to know where someone is at all times; stalking; spreading false information, videos or photos without permission, or forcing women to have an abortion.”¹⁵⁶ Other such recommendations include:

“Extend gender-sensitive legislation and awareness and advocacy programmes to bring attention to non-physical forms of domestic violence,

Improve support available to victims of psychological domestic violence,

Extend education, awareness and advocacy programmes to bring attention to domestic violence against men,

Further attention is needed with respect to child protection.”¹⁵⁷

The Biden Administration has prioritized addressing and preventing domestic violence, as seen by the several laws signed into law. But after President Biden completes his term, the next

¹⁵⁰ Ibid.

¹⁵¹ Rosie Hidalgo and Cailin Crockett, *Recognizing National Domestic Violence Awareness and Prevention Month: The Biden-Harris Administration’s Commitment to Ending Gender-Based Violence*, THE WHITE HOUSE (OCT. 31, 2022) <<https://www.whitehouse.gov/gpc/briefing-room/2022/10/31/recognizing-national-domestic-violence-awareness-and-prevention-month-the-biden-harris-administrations-commitment-to-ending-gender-based-violence/>> (last visited March 10, 2023).

¹⁵² Laura Newcomer, *22 Standout Groups Stopping Domestic Violence*, GREATIST, <<https://greatist.com/happiness/stop-domestic-violence-organizations>> (last visited March 10, 2023).

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ DOMESTIC VIOLENCE IN GHANA: INCIDENCE, ATTITUDES, DETERMINANTS, AND CONSEQUENCES, at 234 (2016).

¹⁵⁶ Ibid.

¹⁵⁷ Ibid. at 234-36.

president may not have the same enthusiasm for preventing domestic violence. This, however, may not be an issue because there currently seems to be bipartisan support for addressing domestic violence between the two political parties within the United States.¹⁵⁸

X. **Conclusion**

Due to the societal attitudes and cultural practices rooted in pervasive notions of patriarchy in Ghana and the United States, the development of domestic violence policy has been slow-moving. As indicated by the endemic rates of domestic violence in both countries, such attitudes remain obstructive in eradicating violence against women and children, along with an inability to establish a unitary definition of domestic violence. Nonetheless, the proliferation of domestic violence criminalization at the national level in both countries has been instrumental in the shift toward

victim-centered discussions concerning domestic violence policy. Moreover, institutional and community-based resources for victims of domestic violence have become increasingly prevalent, and both their communities and the law empower victims to pursue the legal remedies to which they are entitled.

At the national and state level, the governments of both countries must confront common factors that trigger domestic violence, including poverty due to lack of access to education and employment, gender inequality and weak legal protections. Within our local communities, we must continue challenging norms perpetuating domestic violence and adopt a zero-tolerance stance toward all forms of violence against women and children in particular. The scrutinization of approaches to domestic violence on an international level will further these efforts.

¹⁵⁸ *Senators Strike Bipartisan Deal on Domestic Violence Bill*, NBC NEWS (Feb. 10, 2022, 12:32 PM), <<https://www.nbcnews.com/politics/congress/senators-strike-bipartisan-deal-domestic-violence-bill-rcna15681>>(last visited March 10, 2023).

(“Combatting domestic violence, sexual assault, dating violence, and stalking should not be a Democratic issue or Republican issue.”).