ROUTES TO JUSTICE:

RESPONSE TO VIOLENCE AGAINST WOMEN



ZWLA

ZIMBABWE WOMEN LAWYERS ASSOCIATION

Justice & Equality for all

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Acronyms

CLEs	Community Legal Educators
DV	Domestic Violence
DVA	Domestic Violence Act
FGD	Focus Group Discussion
GBV	Gender-based Violence
HIV	Human Immunodeficiency Virus
IFIs	International Funding Institutions
JSC	Judicial Services Commission
MoU	Memorandum of Understanding
MWAGCD	Ministry of Women Affairs Gender and Community Development
NGOs	Non-governmental Organisations
SADC	Southern African Development Community
VAWG	Violence Against Women and Girls
VFC	Victim Friendly Court
VFCC	Victim Friendly Court Committee
VFSSC	Victim Friendly System Sub-committee
VFU	Victim Friendly Unit
WRO	Women`s Rights Organisation
ZIMSTAT	Zimbabwe National Statistics
ZWLA	Zimbabwe Women`s Lawyers Association

Executive Summary

Violence against women and girls (VAWG) is a common occurrence in Zimbabwe, with one in every three girls experiencing sexual violence before they turn 18.[1] For women, the majority of violence occurs within intimate relationships, with 78 per cent of women reporting that their husband or intimate partner is the perpetrator.[2] Research shows that one woman is being sexually abused every 75 minutes.[3] The data is underlined by daily newspaper headlines, such as *'Harare man kills wife', 'Man murders wife', 'Man petrol bombs wife',* highlighted by Zimbabwe Women's Lawyers Association (ZWLA) Court Watch Report (2015–2016). This report shows that women, despite experiencing so much violence in Zimbabwe, face multiple challenges in accessing justice. Harmful social norms, constructions of masculinity and strictly enforced gender roles reinforce gender inequality and the power of men over women, who are able to perpetuate violence against women with some degree of impunity. Minimal knowledge of women's rights and ways to seek recourse when violence occurs means women remain in abusive relationships for long periods.

The Government of Zimbabwe has enacted laws and put in place policies and institutions to address this issue. Significant legislation include the *Domestic Violence Act (DVA) (2006) (Chapter 5:16)* and the *Criminal law (codification and reform) Act* to include the then *Sexual Offenses Act,* which includes stiffer penalties for sexual violence cases. The new Constitution, enacted in 2013, recognises gender equality as one of the constitutional founding principles and outlaws discrimination against women, bringing Zimbabwe's law in line with international gender equality instruments it has ratified.[4] It provides a bill of women's rights and structures to monitor gender inequality and discrimination, such as the Gender Commission, and a framework for further revision of laws to enhance protection of women. Policies and strategies include: National Gender Based Violence Strategy 2010–2015; Zimbabwe National HIV and AIDS Strategic Plan (2011-15); the National Gender Policy; and the Zimbabwe Agenda for Accelerated Country Action for Women, Girls, Gender Equality and HIV. The introduction of the new Constitution has necessitated the need for law reform in Zimbabwe, which includes marriage laws and criminal law reforms.

To address weaknesses in service delivery, a Multi-Sectoral Protocol on the Management of Sexual Abuse in Zimbabwe was developed to provide a standard referral pathway and minimum service standards for survivors of violence. In addition, a Victim Friendly System comprising a closed circuit system in regional courts for vulnerable survivors of violence (mainly children) to provide evidence and Victim Friendly Sub-system Committees (VFSSC) were established to oversee implementation of this protocol.

This research report, supported by Womankind Worldwide and Comic Relief, seeks to document practical lessons from ZWLA's Access to Justice programme on barriers to women accessing justice for VAWG. The report is informed by primary research, including consultations in Harare, Chinhoyi and Gwanda with ZWLA clients and members of the police, the judiciary and Ministries. Secondary research includes a literature review of ZWLA's court watch reports (e.g. on the effectiveness of the DVA), evaluation reports, annual narrative reports and special reports (e.g. rape trial and court case reports).

Although the research shows that empowerment is essential for women to understand and stand up for their rights, this is not enough as they are often undermined by factors such as gender social norms, leading to families and communities discouraging reporting domestic violence, and significant gaps in legislation, which lead to a high number of acquittals and low sentences for serious crimes such as rape. Negative attitudes towards women survivors, by mostly male police, prosecutors and magistrates, as well as low capacity, undermines access to justice for women and appropriate sentencing of perpetrators. In 2016, ZWLA noted that in Chinhoyi, 48 per cent of women who received protection orders returned to their spouses or partners and continued to experience violence. If a case reaches the justice system, the cost of accessing justice is prohibitive for many women: from costs associated with the long distances women travel to reach courts or police stations (at times over 100km), to the cost of engaging lawyers, which range from US$50 to US$300 per hour. This makes justice exclusive, and women who depend on their male partners for income are unable to access it. Customary law administered by chiefs, which handles some

[1] UNICEF (2012) National Baseline On Life Experiences of Adolescents.
[2] ZIMSTAT (2015) Zimbabwe Demographic Health Survey.
[3] Zimbabwe National Statistics Office (2016).
[4] 1948: Universal Declaration of Human Rights; 1979: Convention on the Elimination of all Forms of Discrimination Against Women; 1986: African Charter on Human and People's Rights; 1995: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol); 1999: African Charter on Rights and Welfare of the Child; 2008: SADC Protocol on Gender and Development; 2015: Beijing Platform for Action (1995) and the Beijing +20.

domestic cases, provides a significant challenge for women as the chief's courts at times adhere to customary practices that hold women in an inferior social standing, thus denying them justice.

ZWLA's women's access to justice programme, embedded in feminist and rights-based approaches, is comprehensive and woman-centred. This approach expects appropriate service from the police and the justice system. It recognises the roles of both the informal and the formal justice systems in the delivery of justice to women and girl survivors of violence. ZWLA's interventions aim to improve service delivery in the justice system and examples include provision of legal aid services to economically disadvantaged women, carrying out court monitoring visits, improving police and justice staff responses and training traditional leaders, police, prosecutors and magistrates.

Training traditional leaders, in particular, led to constructive responses from some chiefs, who aim to ensure their informal court sessions are gender sensitive. Positive examples include: the inclusion of female assessors in a chief's court; a chief seeking counsel from ZWLA trained community-based cadres in domestic violence cases; and a chief establishing a special group of male and female elders in the community to ensure better access to justice for women as elders cover a wider geographic spread. Survivors noted how ZWLA's presence or involvement in a case improved the conduct of police and court officials, demonstrating the organisation's increased recognition and stature.

As well as working to improve service delivery for survivors of VAWG, ZWLA increases survivors' awareness of justice avenues and advocates for increased access to justice services. Activities include radio broadcasts and newspaper articles to inform women of their rights, as research shows that 60 per cent of women are unaware of existing sexual violence laws. ZWLA's credibility within communities has enabled effective dissemination of information concerning women's rights and services for survivors of violence. Because it is premised on existing government structures, the model is sustainable with cadres still operating even after the end of ZWLA's support. This model, therefore, is effective and could be scaled up by women rights organisations (WRO).

Recommendations

With such high instances of VAWG, it is imperative that existing measures, such as legislative frameworks and ZWLA's access to justice programme, are drawn on and developed by policymakers, donors and other stakeholders to safeguard women and girls.

Government should:

- Implement the legislative alignment process to the new Constitution. This includes harmonisation and alignment of marriage laws, review of minimum sentences for sexual violence and others related to enhancing protection of women from violence and fairer sentencing of perpetrators.
- Encourage women to report and see through VAWG cases, and provide them with the safety to do so, including women-only safe housing for survivors of VAWG in all districts.
- Recognise the opportunities and advantages for collaborating with WRO to ensure protection of women from violence and ensure justice is provided. Partnerships should be established in addressing underlying causes of gender inequality in communities, training of service providers, and providing legal aid and advice.
- Provide specialised and continuous training for prosecutors on how to conduct gender sensitive and effective prosecutions of sexual offences in line with global trends.
- Invest in women's economic empowerment by putting in place programmes that ensure women get fair value in labour markets and receive business development services and finance. Also, create opportunities specific to women survivors of violence to engage in economically beneficial activities that reduce their dependence on men.
- Train police and justice staff, including magistrates, court clerks and prosecutors, on laws relating to VAWG and on how to appropriately deal with survivors, and work to combat negative attitudes towards women experiencing violence. Fully skilled

and resourced staff will offset the effects of frequent staff transfers.

- Improve working conditions of prosecutors so they can more adequately support survivors of VAWG. Prosecutors lament poor working conditions and inadequate resources to build strong legal arguments as key factors that lower success in prosecuting perpetrators of VAWG.
- Ensure equitable distribution of regional magistrates to regional courts to reduce the distances travelled to courts, through the Judicial Service Commission, to reduce the backlog of rape cases.
- Establish court user committees at courts that will enable women to interact with the court officials and give feedback on their experiences within the justice system.
- Put in place a monitoring system for VAWG. Such a monitoring system should: measure the extent of VAWG in the country; determine the extent of women's access to justice institutions; measure the quality of services offered in courts, including the survivor friendliness of the court and police environment; and identify bottlenecks within the justice system.

Donors and International Funding Institutions should:

- Increase and re-structure funding to WRO to include provision for core staff support that will enable them to increase geographic coverage, effectively reach women with quality services, and intensify advocacy work on legislative and policy reforms.
- Strengthen accountability mechanisms for the fulfilment of women's rights commitments. Donors and International Funding Institutions should support WRO to widen coverage monitoring the police and the judiciary's performance (through court monitoring).
- Consider programming models that recognise the multi-dimensional barriers that women face in accessing justice. This includes addressing underlying causes of gender inequality, supporting legal aid and advice and the economic strengthening of survivors.

Women Rights Organisations should:

- Document the experiences of women survivors of VAWG with service providers (traditional leaders, police, magistrates, court clerks and prosecutors) through increasing court monitoring visits and examine the barriers women face in reporting VAWG and seeing through cases.
- Increase training of traditional leaders who administer customary law on VAWG. This training should also cover assessors in the chiefs' courts as they adjudicate on cases of VAWG.
- Engage multiple channels for information dissemination of VAWG including: intensify radio programmes that increase awareness on VAWG and WRO that can assist them, and increase community information on VAWG through training community-based cadres structured in the same way as community legal educators, who provide information on VAWG to women and communities and referral services for women survivors of VAWG.
- Form an alliance that addresses the current slow process in aligning legislation, which has implications on protection of women against violence and achievement of fair sentencing of perpetrators.
- Collaborate to make available structured and systematic support to women survivors of violence in need of legal advice, representation, safe house, etc. to ensure they receive the justice they seek.

1 Introduction

Violence against women and girls (VAWG) arises from harmful social, cultural and religious practices that subordinate women to men. It is facilitated by patriarchal (male controlled) social hierarchies and an acceptance of violence as a mode of social interaction; by socio-economic inequality; and by a breakdown in norms and social structures. Gender-based violence (GBV) reflects and re-enforces differences between men and women and compromises the health, dignity, security and autonomy of survivors of violence. It serves to perpetuate male power and control and is sustained by a culture of silence and a denial of the serious health and social consequences of abuse, as well as well as a culture of impunity as some perpetrators of violence go unpunished.

In Zimbabwe, statistics reveal that reporting of rape cases is on the rise. In 2016, data presented by the Zimbabwe National Statistics Office (ZIMSTAT) showed a 42 per cent increase in rape cases over the past six years, and that at least 21 women are raped daily in Zimbabwe, amounting to one woman being sexually abused every 75 minutes. These statistics are based on women reporting a rape; however, as some women do not report, these figures are likely to underestimate the actual prevalence of sexual violence, as highlighted in the Peace begins@Home, VAW Baseline Study.

While some violence occurs in the public space, the majority of VAWG occurs in the private sphere. Women are therefore under attack in their own homes and in wider society.

A UN Women-supported study, Peace begins@Home, Violence against Women (VAW) Baseline Study, found that while Zimbabwe has a strong legal framework for addressing violence against women, with 50 per cent of the respondents indicating knowledge of the country's *Domestic Violence Act*, there were high levels of under-reporting. For example, only:

- one in every 14 physically abused women had reported it to the police;
- four in every 1,000 women survivors had obtained a protection order against a physically abusive partner;
- one in 13 women had sought medical attention for their physical injuries;
- one in 10 women raped by non-partners had reported it to the police;
- and only one in 18 women rape survivors had sought medical attention.

1.1 Overview of VAWG and access to justice in Zimbabwe

The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (*General Assembly Resolution 48/104, Declaration on the Elimination of Violence against Women, 1993*). It is therefore a violation of human rights rooted in discrimination and gender inequality. While there are various types of violence, this research primarily focuses on domestic and sexual violence.

Domestic violence is a pattern of behaviour which involves violence or other abuse by one person against another in a domestic setting, such as in marriage or cohabitation. This abuse is usually part of a systematic pattern of power and control perpetrated by one intimate partner against another. The *Domestic Violence Act* (DVA) in Zimbabwe defines domestic violence as any unlawful act, omission or behaviour which results in death, or the indirect infliction of physical abuse, sexual abuse, emotional abuse, economic abuse, intimidation, harassment, stalking, malicious damage to property and abuse derived from negative cultural or customary rites, such as virginity tests and forced wife inheritance.

Sexual violence is a broad term that covers a continuum of nonconsensual sexual acts, from sexual advances to rape. Reports indicate that one in three girls in Zimbabwe experience sexual violence before they turn 18 years of age. Sexual violence continues into adult life, with 78 per cent of women reporting that their husband or intimate partner is the perpetrator.[5] Furthermore, ZWLA Court Watch Report (2015–2016) notes that on a daily basis newspapers present hard hitting headlines such as *'Harare man kills wife', 'Man murders wife',* and 'Man petrol bombs wife', all pointing to the prevalence of violence against women.

Access to justice for survivors of violence in Zimbabwe is influenced by four main factors:

[5] UNICEF (2012) National Baseline On Life Experiences of Adolescents. ZIMSTA (2015) Zimbabwe Demographic Health Survey.

1) legal and policy environment;
2) readiness and capacity of institutions to provide or facilitate access to justice;
3) religious/traditional beliefs and social norms that discourage reporting of violence; and
4) the capacity of survivors to access justice and utilise the justice delivery system.

1.2 Overview of ZWLA's access to justice programme at community and national level

ZWLA's access to justice programme, which began with the organisation's creation in 1992, seeks to ensure that women and children in targeted communities rebuild their lives, live free from violence and discrimination, and achieve their human rights through provision of legal aid, advice and education. The programme arose out of the realisation that women had limited access to justice for many reasons, including:

- They had limited knowledge of their rights and legal entitlements due to historical imbalances and negative socio-cultural factors that opposed women's education and opportunities to acquire such knowledge or express these rights. This included patriarchal societal values, and beliefs and attitudes that placed women as subservient to men;
- This lack of knowledge coupled with an oppressive socio-cultural context leads to women making up the majority of GBV survivors, with cases remaining unreported; and
- Furthermore, the environment in which women live undermines their confidence and ability to demand these rights. Because women's roles are seen as those concerned with domestic work (taking care of the children and the husband), women are less engaged in paid work. For those in paid work, the majority are employed in the informal sector with low pay, poor working conditions and no job security.[6] As a result, women remain economically dependent on their male counterparts.

Due to these and other factors, reporting violence leads to significant negative social and economic consequences for women, leading to crimes going unreported or if they are pursued, the lack of financial resources for legal services hampered efforts. These conditions led to the development of this legal education initiative.

The access to justice programme also takes into account the susceptibility of women and girls to violence and their inability to pay for legal services because of their limited financial means. The type of cases supported under the programme are related to VAWG, in the area of family law and criminal law. The programme realises the important role formal and informal justice systems play in ensuring women achieve justice when violence against them occurs. Therefore, it works at the intersection of the formal justice system and customary law and practices. Cases under this category include domestic violence, property rights in marriage and divorce, inheritance disputes, custody, guardianship and child maintenance.

By providing legal aid services, ZWLA, through the access to justice programme, has contributed significantly to changing the lives of ordinary women whom without this support would not have received justice for the violence they experienced. Further, they could not claim their rights and those of their children. As ZWLA has grown in stature, and increased awareness of their services among women, the number of women benefiting from their services has increased steeply (five-fold between 2014 and 2016). [7]

1.3 Purpose and objectives of the research

With financial support from Comic Relief, ZWLA commissioned research on access to justice for women survivors of VAWG in Zimbabwe. Research objectives were to:

- Analyse the documented practical lessons learnt and recommendations from ZWLA's project, so that they can be used by Womankind and partners to integrate into current and future community programmes.
- Provide concrete recommendations to donors, WROs, and the Government of Zimbabwe.

The research was to examine the following issues:

a) Survivors and communities knowledge of women's rights.
b) The extent of law enforcement agents' knowledge of women's rights issues.
c) Gender policies: understanding the key obstacles and leniency towards rape/perpetrators, which affect women's access to justice.
d) Religious/cultural beliefs around gender equality: role of religion and cultural teachings and how they stigmatise divorce.
e) Economic dependency: how it is an obstacle to women accessing justice. Economically dependent women put up with violence for

[6] ZIMSTAT (2016) The Zimbabwe Women and Men Report.
[7] ZWLA Annual Reports.

fear of shame and stigma that comes with discussing marital problems and filing for divorce.

f) VAWG and litigation cases: intimidation of survivor's lawyers; magistrates who dismiss cases; the support needed by women's rights organisations (WRO) in court; and the weak penalties in domestic violence cases.

g) Costs for domestic violence/rape cases: court cases that are negatively affected by survivors' financial constraints, which lead to delays, or to reconciliation with the perpetrator.

1.4 Methodology

The research was primarily desk based, drawing on existing research from ZWLA's monitoring and evaluation system. This included case studies of the women's experiences that revealed the factors that hinder access to justice, which can be targeted through programmes and projects targeting the women or communities. The literature review covered relevant access to justice policy documents, including policy briefs and other advocacy work/publications/research targeted at influencing legal and policy reforms. These provided information on the factors that need to be addressed through policy and practice. Furthermore, case reports and specific case documentation handled by ZWLA were reviewed. These were pertinent as they revealed the gaps within the justice system and institutions, in terms of personnel and duty bearers who have law and policy implementation responsibilities.

Additional primary data collection was undertaken in Harare, Gwanda and Chinhyoi districts of Zimbabwe where ZWLA is active. Methods used included: in-depth case study interviews and focus group discussions (FGDs) with ZWLA's clients and community legal educators (CLEs); key informant interviews with police, prosecutors, magistrates, chiefs and Ministry of Health and Gender officials. Table 1 provides details of organisations and people interviewed during the research.

Table 1: Organisations and people interviewed for the research

Key Target	Location	Name of Institution and Contact Person	Method of Data Collection
Other service organisations	Chinhoyi	FACT Chinhoyi	Key Informant Interview
Traditional Leaders	Chinhoyi Gwanda	Chief Magonde Chief Mathe	Key Informant Interview Key Informant Interview
Government Ministries	Chinhoyi Gwanda - One Stop Centre Coordinator	Ministry of Women Affairs Provincial Development Coordinator Ministry of Health and Child Care	Key Informant Interview Key Informant Interview
Duty Bearers - Judicial Service Commission and Law Enforcement Agencies	Chinhoyi	Chinhoyi Area Prosecutor Regional Magistrate	Key Informant Interview Key Informant Interview
Survivors of Violence	Chinhoyi Harare Gwanda	DV and Maintenance Survivors of sexual violence DV and survivors of sexual violence Survivors of sexual violence and DV Clients Divorce, DV, Maintenance	1 FGD and 4 In-depth Interviews 4 In-depth Interviews 1 FGD and 4 in-depth interviews
ZWLA Community Structures	Chinhoyi Gwanda	CLEs CLEs	2 In-depth interviews 1 FGD

2 Context of VAWG in Zimbabwe

2.1 Structure of the justice delivery system

Generally, Zimbabwe operates through a 'dual legal' system, whereby traditional customary laws run parallel to the formal and statutory laws of the state. More distinctly, this hybrid or plural legal system consists of the common law (non-statutory or unwritten Anglo-Roman-Dutch law), legislation, case law and customary law. With the exception of criminal law, which is codified, Zimbabwe's law is not codified. The Constitution of Zimbabwe is the supreme law of the country, and it is the parent act for any other legislation.

The justice system comprises the following elements: the Constitutional Court, the Supreme Court, the High Court, the Administrative Court, the Labour Court, the Magistrates' Courts, the Customary Law Courts. The justice delivery system also includes the National Prosecution Authority and associated public prosecutors and the legal profession. Before independence, separate African courts had jurisdiction over cases involving traditional law and custom. Beginning in 1981, these courts were integrated into the national system. In 1990 the *Customary Law and Local Courts Act* established a unitary court system made up of headmen's courts, chiefs' courts, magisterial courts, the High Court and the Supreme Court. Under this system, customary law cases can be appealed through all levels to the Supreme Court.

2.1.1 Role of customary laws on access to justice

The customary law of Zimbabwe is generally unwritten. Customary law refers to the customs and practices of the tribes of Zimbabwe which adapt over time. To become lawful, the customs must be certain, reasonable and have attained the recognition of formal law. For example, the criminalization of incest in the *Sexual Offences Act* and the *Criminal law (codification and reform) Act* is the recognition of customary law which prohibits incest or sexual relationships with certain degrees of blood affinity.

The new Constitution explicitly recognises customary law in various provisions. However if the customary law is discriminatory or not compliant with the provisions of the Constitution, it becomes invalid to the extent of the inconsistency. In its definitions section, 'law' is defined to include any unwritten law in force in Zimbabwe, including customary law. It further recognises the role of traditional leaders in resolving disputes amongst people in their communities in accordance with customary law.[8] Most important is the establishment of customary law courts whose jurisdiction consists primarily in applying customary law.[9] The Constitution also bestows power on Constitutional, Supreme and High courts to develop customary law, taking into account the interests of justice and the provisions of the Constitution. Other legislation, such as the *Customary Marriages Act*, *Administration of Estates Act*, and the *Customary Law and Local Courts Act* seek to either recognise customary law or provide for its enforcement in certain areas such as inheritance.

Customary law is limited in the scope of its application. For instance, it does not cover criminal law because of section 193 of the Constitution, but as it was developed when patriarchal systems dominated governance, it still governs important civil areas of marriage, inheritance and guardianship, which profoundly affect women and girls. Though operating in parallel to formal law, there are sometimes disagreements as they are based on different principles.

Customary law tends to be heavily inclined towards protecting the traditional patriarchal systems and ways of governance. It was developed in an era preceding widespread reference to human rights norms which aim to guarantee equality between men and women and which are enshrined in the general law. In its application, customary law is often discriminatory in areas such as divorce, guardianship, inheritance, appointment to traditional offices and exercise of traditional authority.

There is a lack of consistency. Because it is not formally constituted and is based on traditional practices and customs, customary law can be informal. Adjudications can be based on traditional and customary practices which can differ from one region to another. This therefore makes it difficult to ensure administration of justice consistency within customary law courts, such as the chiefs' courts. The adjudicators, the chiefs, are also not formally trained but inherit chiefdom through a monarchal system and automatically assume the role of adjudicator in the chief's court. Even the court fees are not consistent within customary law courts. Though they are strategically positioned in communities, which makes them easily accessible to survivors of violence, these courts have become inaccessible to some women due to the exorbitant fees that the chiefs charge for a case to be heard in

[8] section 282e
[9] section 162(g)

court; traditional court fees were reported to range from between US$20 and US$60.

2.2 The legal and policy environment

The law and its frameworks are widely considered to be powerful weapons in combating domestic and sexual violence against women and girls. Several international and regional legal frameworks and commitments are in place to promote gender equality and women's rights and to contribute towards elimination of VAWG. Zimbabwe has ratified a significant number of international and regional legal instruments, including:

- 1948: Universal Declaration of Human Rights
- 1979: Convention on the Elimination of all Forms of Discrimination Against Women
- 1986: African Charter on Human and People's Rights
- 1995: The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)
- 1999: African Charter on Rights and Welfare of the Child
- 2008: SADC Protocol on Gender and Development
- 2015: Beijing Platform for Action (1995) and the Beijing +20.

Zimbabwe is currently strengthening systems to enhance implementation and monitoring and evaluation of the Sustainable Development Goals. The Zimbabwe Government has identified 10 priority goals for the country. Among them are Goals 5 and 16.[10] It also calls for policies and legislation that protect and empower women and girls.

The country is at various stages of domesticating the above-mentioned international and regional instruments in national policy and legislation. Significant achievements have been made, for example:

1) Promulgation of the **Domestic Violence Act in 2006 (Chapter 5:16) of 2006** and other laws that protect women against domestic violence and sexual abuse;
2) **Criminal Law** (the codification and reform) **Act, Chapter 9:23 of 2005;**
3) **The Marriage Act (Chapter 5:11) of 2001;**
4) Establishment of **the Ministry of Women's Affairs Gender and Community Development,** responsible for ensuring women's empowerment and women's rights are protected;
5) Establishment of a **Victim Friendly System** to ensure improved administration of justice in sexual violence cases; and
6) A Constitution (2013) that provides a comprehensive **declaration of rights.**

[10] For more on the Sustainable Development Goals, see: https://sustainabledevelopment.un.org/?menu=1300.

Domestic Violence Act

Zimbabwe enacted the *Domestic Violence Act* (DVA) in 2006 (Chapter 5:16) which makes provision for the prevention of and the protection and relief from domestic violence and provides for matters connected with or incidental to that. In Zimbabwe, the impact of socio-cultural practices on VAWG cannot be underestimated. In response, the DVA incorporates some common harmful socio-cultural acts as part of its definition of domestic violence, so that these acts of abuse can be criminalised. The DVA spells out that domestic violence can be abuse derived from the following cultural or customary rites or practices that discriminate against or degrade women: (i) virginity testing; (ii) female genital mutilation; (iii) pledging of women or girls for purposes of appeasing spirits;[11] (iv) forced marriage; (v) child marriage; (vi) forced wife inheritance; and (vii) sexual intercourse between fathers-in-law and newly married daughters-in-law. Most acts of domestic violence are outlawed, with the exception of emotional, verbal, psychological and economic abuse, which can only be subject to civil proceedings.

Criminal law (codification and reform) Act Chapter 9:23

This statute codifies criminal law in Zimbabwe. It defines offences and lays out the essential elements of each offence, and sets out the sentences if these offences are violated. The following tabulated sections of the Criminal Code deal with the protection of rights and the safety of survivors of sexual crimes.

Table 2. Zimbabwe's Criminal Law (codification and reform) Act

No.	Section	Description
1	Rape (section 65)	• This offence is committed when a male person has sexual intercourse or anal sexual intercourse with a female person without her consent, and with reasonable knowledge that the female person does not consent to the act. • A person found guilty of this offence may be liable to life imprisonment or any shorter period.
2	Aggravated indecent assault (section 66)	• This offence is committed when a person commits an act other than rape on another person involving the penetration of any part of her or his own body; without her consent, and with reasonable knowledge that another person does not consent to the act. For example, forcibly using fingers to penetrate a vagina, or inserting a penis into someone's mouth. • A person found guilty of this offence may be liable to life imprisonment or any shorter period.
3	Indecent assault (section 67)	• This section protects persons from any act that involves physical contact that a reasonable person would consider an indecent act done without consent and with reasonable knowledge that the person does not consent to the act. • An act which is referred to in this section is not rape or aggravated indecent assault. For example, forcibly fondling the breasts of a woman. • A person found guilty of this offence may be liable to a fine or imprisonment for a period not exceeding 2 years, or both.
4	Sexual intercourse or performing indecent acts with young persons (section 70)	• Where a male person engages in extra marital sexual intercourse or anal sexual intercourse, or physical contact that a reasonable person would consider indecent with a female young person, with knowledge that the young person is under the age of 16, will be found guilty of an offence, regardless of whether the young person consented to the act.

[11] This practice is where a girl is offered as a wife to appease the spirit of a person murdered by a family member. The girl is not allowed to marry as the spirit being appeased becomes the lifetime partner.

No.	Section	Description
		• This was previously referred to as statutory rape. • A person found guilty of this offence may be liable to a fine or imprisonment for a period not exceeding 10 years or both. • Where the young person is below the age of 12, the offence shall be considered rape, aggravated indecent assault, or indecent assault, whichever is applicable. • This is because a child below the age of 12 has no capacity to consent.
5	Deliberate infection of another with a sexually transmitted disease (section 78)	• Where a person, knowing that they are suffering from a sexually transmitted disease, or realizing that there is a risk that they may be suffering from a sexually transmitted disease, intentionally infects another with the disease or does anything realising a real risk of infecting that person with the disease, shall be guilty of deliberately infecting the person with a sexually transmitted disease. • A person found guilty of this offence may be liable to a fine or imprisonment for a period not exceeding 5 years or both.
6	Deliberate transmission of HIV (section 79)	• Where a person knowing that they are suffering from HIV or realising that there is a risk that they may be suffering from HIV intentionally infects another with the virus or does anything realising a real risk of infecting the person with the disease shall be guilty of deliberately infecting the person with HIV. • A person found guilty of this offence may be liable to imprisonment for a period not exceeding 20 years.

As illustrated in the table above, prescribed minimum and maximum sentences vary with respect to the sexual offences and are dependent on the circumstances of the offence. With regards to enhancing women's access to justice, the legislation of minimum mandatory sentences is contentious with concerns ranging from, but not limited to, the integrity of judicial independence and difficulties in determining an appropriate minimum sentence for all offenders without consideration of each case, for example. Sexual offences convictions have been a bone of contention between the judiciary and ZWLA and other WRO. In some instances, convictions deny women access to justice when certain factors based on prejudicial views about rape and women (e.g. previous sexual history or a lack of apparent physical harm) are considered in sentencing, resulting in the devastating nature of the crime considered as minimal.

Marriage Laws

Emanating from the dual legal system (customary law and the general Roman Dutch law), Zimbabwe has a pluralistic marriage system. Zimbabwe primarily has three types of marriages:

- A civil marriage contracted in terms of the *Marriage Act* (Chapter 5:11);
- A registered customary marriage contracted in terms of the *Customary Marriages Act* (Chapter 5:07);
- An unregistered customary law union contracted in terms of customary practices of paying bride price and not formally registered.[12]

All the above marriages and union, currently allow for child marriages as the minimum age of marriage is not set at 18 years for girls. The rights and duties accruing in each relationship differ with each type of marriage, leading to a disparity between marriage laws as women are entitled to different rights depending on the marriage they enter. Customary marriages are governed by customary law, while civil marriages are governed by general law. Taking into consideration that Zimbabwe, like most African societies, is highly patriarchal, the decision to choose the type of marriage one wants to enter into predominantly lies with the male partner. Consequently, the advantages of being in one type of marriage as compared to another are enjoyed by the male, while the negative consequences mainly affect the female partner.

The following are some of the major recommendations that have been put forward by ZWLA and other WRO to enable harmonisation of marriage laws and enable access to justice for all women:

[12] Unregistered customary law union (its recognition is limited and pertains only to inheritance, pensions and maintenance etc.)

- the division of matrimonial property within unregistered customary law unions in terms of the *Matrimonial Causes Act* ([Chapter 5:13] Act 6/2000);
- the establishment of a uniform minimum marriage age for boys and girls to be set at 18 years under both customary law and civil marriages;
- the emphasis on the need for free and informed consent by marriage partners;
- the creation and maintenance of a central marriage registry for all marriages; and
- the decentralisation of the High Court's jurisdiction in respect of matrimonial matters concerning all civil marriages.

Several inconsistencies prevail under these laws, which can be manipulated to perpetrate violence against women. For example, marriage to a child who, under Zimbabwean civil law, is presumed to be legally unable to consent, and is interpreted to mean a boy who is not yet 18 years of age and a girl who is not yet 16 years of age, is a crime unless the person marrying the minor receives permission from the minor's guardian. However, under customary law such age limits are not defined, hence the prevalence of child marriages.

Ministry of Women's Affairs, Gender and Community Development

The Ministry of Women Affairs Gender and Community Development (MWAGCD), in response to increasing levels of sexual and other GBV, has launched several nationwide campaigns to raise awareness and to reduce its occurrence. In 2011, the Ministry launched a social and community mobilisation campaign called the 4Ps campaign (Prevention, Protection, Programmes and Participation). It aims to raise awareness and campaign for zero tolerance to gender based violence. In 2013, the Ministry launched a national campaign against rape and sexual abuse. In 2015, the government, through the MWAGCD, launched the 'He for She campaign' which was aimed at raising awareness among men on their role in reducing GBV. Policies and strategies have also been put in place, including: National Gender Based Violence Strategy 2010–2015; Zimbabwe National HIV and AIDS Strategic Plan (2011-15); the National Gender Policy; and the Zimbabwe Agenda for Accelerated Country Action for Women, Girls, Gender Equality and HIV.

Victim Friendly System

The Victim Friendly System has a coordination mechanism composed of a multi-sectoral committee chaired by the Chief Magistrate's Office in the Judicial Service Commission. The same office oversees the implementation of the Victim Friendly System programme, including support of the Victim Friendly Sub Committees (VFSCs) established in areas served by a Victim Friendly Court (a court with a closed circuit system for vulnerable witnesses). The Victim Friendly System was developed as a response to the justice system's inability to handle cases of child sexual abuse. For example, there were no Victim Friendly Courts with closed circuit television systems, leading to children giving evidence in open courts. This resulted in intimidation of children by perpetrators, compromising the children's ability to give evidence. Guided by the Multi-Sectoral Protocol for the Management of Sexual Abuse in Zimbabwe,[13] the Victim Friendly System represents a multi-sectoral platform of governmental and non-governmental stakeholders addressing primarily sexual violence. The VFSCs were established to oversee implementation of the protocol to hold stakeholders involved in responding to sexual abuse (health, education, police and justice) to account. Since its inception in 1997, the Victim Friendly System has grown to include women as well. This has since opened up opportunities for WRO to engage with the system to influence reforms that enhance access to justice for women survivors. VFSCs meet monthly at the regional court and discuss concerns from stakeholders on service delivery. Action plans are drawn up and followed up in subsequent meetings.

2.2.1 Gender equality and the Zimbabwean Constitution

In addition to ratifying and domesticating international and regional instruments, in 2013 Zimbabwe passed a new Constitution that recognised gender equality as one of its founding principles, thus outlawing discrimination against women and bringing Zimbabwe's laws in line with the international gender equality instruments it had ratified. The enactment of the Constitution provided an opportunity for a law reform process in Zimbabwe.

[13] The protocol provides minimum service standards for multi-sectoral stakeholders and a referral pathway for survivors of violence

- Section 3(g) of the Constitution sets out gender equality as one of the values upon which Zimbabwe is founded, so it is placed on a par with values such as the rule of law, good governance and supremacy of the Constitution. This is a good indication that gender equality occupies a significant place in Zimbabwe.
- Section 17 further strengthens gender equality and women's empowerment, having the potential for deep rooted changes in legislation and policy that supports women's equality and protection of their rights in all areas of life.
- Section 26 outlaws child marriages, by setting the age of marriage at 18 years for both girls and boys.
- Section 46(d) calls upon courts, tribunals, forums and bodies to pay due regard to all the provisions of the Constitution, in particular the principles and objectives, and this includes the gender equality objective.
- Section 56 promotes equality and non-discrimination of all people on the grounds of gender, marital status, or sex, for example. It also states that women have the right to equal treatment and opportunities, including the right to equality in political, economic, culture and social spheres.
- Section 80 on the rights of women outlines that women have full and equal dignity of person with men, including equal opportunities in political, economic and social activities.

Alignment of legislation to the new Constitution

Following the promulgation of the new Constitution, the country is going through a process of aligning laws to it. The constitutional legislative alignment process is part of myriad mechanisms required to facilitate the full implementation of the Constitution. It entails the reform of existing legislation and, at times, the promulgation of new legislation to give effect to the provisions of the Constitution. In relation to enhancing women's access to justice, the following laws are relevant:

- **Criminal law (codification and reform) Act (Chapter 9:23).** Alignment of this law has been completed, and amendments to the Act were effected through the General Laws Amendment Bill, though more substantive reform can still be done.
- **Marriage Act (Chapter 5:11).** Review of this law is still ongoing. Currently, a Marriage Bill is being drafted. Principles were submitted to cabinet for approval on 17 July 2017.
- **Customary Marriages Act (Chapter 5:07).** Review of this law is still ongoing, and the draft Marriage Bill incorporates this as highlighted above. At the time of the research, principles were awaiting approval by the Minister of Justice, Legal and Parliamentary Affairs (Note: The Draft Marriages Bill repeals and replaces the current *Marriages Act* and the current *Customary Marriages Act*).

ZWLA and other WRO have been advocating and providing recommendations for the reform of these laws for a long time. For example, in 2000, ZWLA provided a seminal paper on the need to reform marriage laws in Zimbabwe.[14] ZWLA has continued to be actively involved in the legal reform process, developing position papers and recommendations concerning the alignment of marriage laws. The draft Marriage Bill repeals and replaces the current *Marriages Act.* The Bill provides that the minimum age for marriage is 18 years and this age limit is extended to unregistered customary law marriages and to civil partnerships. This is a way of ensuring protection of minors from child marriages and provides a safeguard against attempts to avoid the law by entering into informal marriages. In Clause 3, the Bill clearly outlaws marrying or pledging children to marriage by any person. The offence is more serious in circumstances where a parent or guardian pledges or forces their child into marriage. Spouses are to have equal rights and obligations during marriage and at its dissolution. This affords protection to wives who were formally regarded as having no legal capacity, leading to them being treated as minors. (Annex 1 provides information on the progress of constitutional alignment with other family laws.)

[14] ZWLA Concept Paper on Marriage Act Reform (2000) unpublished

3 Findings

3.1 Women as rights holders and self-actors in seeking justice



Supported by ZWLA to get Legal Protection Order after her husband abused her for 8 years

3.1.1 Knowledge of women's rights, laws and court processes as critical factor to access justice

Women who are unaware of their rights cannot claim them. There is a notable knowledge gap concerning women's rights among survivors and their families. ZWLA 2014 Data Sheet Narrative shows that at least 60 per cent of women seeking services from ZWLA were unaware of sexual violence laws. While a majority were unaware of sexual violence laws, 70 per cent of women seeking services at ZWLA were aware of the *Domestic Violence Act* (DVA). However, they were not knowledgeable of its provisions and how they could use it to seek justice. For example, in a FGD with survivors of violence assisted by ZWLA, the majority of women had experienced repeated physical violence. For most, it was only upon hearing about ZWLA services and the legal options available to them that they gathered the courage to report and seek recourse with the assistance of ZWLA.

"My husband has been beating me since 1992. In the past he has broken my collarbone and in 2010 he broke my arm. I didn't know what to do. When I told my relatives, I was told to be strong and keep the marriage because marriage requires perseverance. I read about ZWLA in the newspaper and how they could help me. I went to their office in Chinhoyi town and they assisted me to get a protection order."
(Interview with a survivor of violence in Chinhoyi)

Furthermore, knowledge of rights does not necessarily lead to the successful navigation of legal processes. Respondents indicated that due to a lack of knowledge of laws, court processes and procedures, compounded by a lack of confidence and fear of the court environment, survivors failed to adequately provide their testimony in court. Such circumstances limit the amount and quality of oral evidence necessary for a successful prosecution.

This situation is often taken advantage of by perpetrators and their lawyers to evade justice. In all interviews conducted with survivors during the research, the lack of knowledge of court processes was evident. In Gwanda, a survivor had her application for a protection order against her husband cancelled because she missed the court sitting as she was out buying refreshments. In Harare, one survivor who had been charged with attempted murder after stabbing her husband, a perpetrator, in self-defence against physical violence, did not undergo preparation for the court process and therefore could not adequately represent herself, leading to her being convicted and sentenced.[15] Without knowledge of the courts or court experience, let alone money to cater for a defence lawyer to enable her to properly defend herself, the survivor became prey to the state prosecutor and was convicted, regardless of the fact that she was defending herself from her abuser.

Due to this knowledge gap, survivors spend a lot of time caught in bureaucracy, being sent back and forth between different service providers. They are unable to challenge the system due to a lack of knowledge, and sometimes, due to the antagonism they experience because of this, they end up neglecting their cases or absconding court sittings.

Although gaining knowledge and understanding their rights is an important first step for women to access justice, this research demonstrates that it is only one aspect in addressing a wide range of barriers to justice. These include economic dependency, religious and traditional beliefs, lack of access to services and poor service delivery characterised non-deterrent punishments. From one survey conducted by ZWLA, participants acknowledged that information about women's rights has been widely disseminated over the years. Therefore, some women are more knowledgeable about the laws that protect them from violence, including the DVA, yet they still do not report. This is a clear reflection that there are other underlying factors that influence or inhibit women from accessing justice regardless of their knowledge of rights.

3.1.2 Physical distance, infrastructure and lack of services

Women in rural areas travel long distances to report cases and even longer to go to courts, as these services are centralised. For example, in Chinhoyi court officials indicated that some survivors of rape travel for up to three days to get to Chinhoyi court from their rural homes in Siakobvu, an area which is approximately 500km away but under the jurisdiction of the Chinhoyi Regional Court. The road network and other infrastructure in the area are in poor condition, and a river on route has no proper crossing, and so survivors have to travel in makeshift canoes to cross it to get to court, making the situation even more dire. The ZWLA Court Watch Report 2015–2016 on the *Effectiveness of Protection Orders* highlights the challenge survivors face in accessing courts. It notes that for women travelling from rural areas, the situation is dire as they need to cover transport costs. On average, a woman would need US$6 to pay to go to and from court if seeking help at Murewa, Rusape and Chitungwiza courts. The further the women are from the urban centres, the more costly it becomes for them to access the court.

Furthermore, after they make this long journey, there are very few to no safe houses for survivors, forcing them to go back and stay in the same house with the perpetrator. This exposes them to repeated abuse or influence to drop the case.

For those who try to overcome these challenges, they have to contend with an overnight stay at the magistrate courts as their cases continue, without money to pay for overnight accommodation.

"Some remote areas are more than 100km from here. No mobile courts. If they want legal assistance, they have to travel the long distance and sleep here but there is no place for them to do that that is free. So some resolve their cases at home."
(Interview with provincial magistrate Chinhoyi)

[15] While knowledge plays a significant role, this scenario is also due to a patriarchal system that treats women's violence against men more seriously.

An evaluation of the Victim Friendly System noted how survivors of violence end up sleeping in the open, because they cannot afford safe overnight accommodation as their cases are heard in court. These overwhelming challenges also influence attitudes of women on reporting abuse.

3.1.3 Quality and responsiveness of services

From discussions with ZWLA clients, it was clear that ZWLA interventions improved quality of service provided to survivors by various justice institutions. One woman who was stabbed by her husband in the stomach while pregnant explained how the police came to take a statement while she was in hospital and on respiratory assistance. She complained that the statement the police presented in court was not what she had told them. And because of her injuries, she was unable to attend court hearings, which negatively affected the case.

CASE STUDY

When you are a woman, you do not have a voice

Womankind works closely with ZWLA. The association works with women who have limited or no access to legal justice in cases of domestic violence. Married immediately after school, Mary soon had several children. She received ZWLA's assistance after a near-deadly attack by her husband.

"I was married for 15 years and was frequently beaten by my husband, especially if I got home late. I didn't know that I had the right to complain if there was something I didn't agree with. Our marriage was arranged in such a way that whatever decision he made was what we were supposed to do.

"We later joined an apostolic sect, where he was given a prophecy that there was another man in love with me. I told him no one had proposed love to me, but he started beating me from 10:00 pm until 3:00 am. Our children would cry and try to stop him, but they were forced back to sleep.

"When I was four months pregnant, I went back to my family home. One day he arrived and begged me to come back with him, and I agreed. On our way home he stopped the car and took out his knife, stabbing me in my stomach; intestines came out. He left me there because he thought I had died.

"When the police found me, they thought I was dead until I coughed up blood. They took me to the hospital, where I stayed for two weeks and had a miscarriage. I had lost a finger, I got more than 21 stitches, and I needed oxygen to breathe. When the police came to take my statement, I was so badly wounded that I was not able to sign.

"My children had nowhere to stay while I was in the hospital because my husband's relatives would move them from one house to another. My neighbours told me that my children were staying alone and were suffering. They were especially affected at school, labelled as children of a murderer because of what their father did. When my husband stabbed me, my youngest was present. People would say that if I was not careful, my son would stab me the same way his father did. When my son argued with his friends he would grab a knife because he thought that was a weapon he could use.

"My husband started to threaten that when he was finally released from prison, he would finish off what he had started and would kill me.

"During a court trial, my husband requested raw meat to eat. The judge sent doctors to the prison to assess if he was mentally ill. They concluded that he was, and transferred him to a psychiatric hospital. Later, no one came to tell me when he was released from the care of the psychiatric hospital. I only heard that he was going to be released by neighbours and other relatives. ZWLA agreed to assist me, first telling me to go back to the police and check the initial statement. When I did, I realised that the statement was forged, along with my signature. The police told me it was too late to submit another statement. I also found out that there were court sessions I had missed that I was not told about. ZWLA helped me write a letter to the court stating my fear that my husband would kill me and my children if he was released.

"During the sessions I was not given a chance to speak. I felt that when you are a woman you do not have a voice. Since I was not given a chance to speak in court, ZWLA helped my voice be heard by drafting that letter.

"We were called to Chikurubi to discuss the board's final decision. The board that decides on these cases had 15 people; the only women were myself, a lawyer from ZWLA, and my husband's mother. The board informed us that the letter I had written with the help from ZWLA made a great difference, and that my husband was no longer going to be released.

"Most women do not have money to pay lawyers, which hinders women's voices and the ability to stand for our rights. I have realised that when you do not have money, you cannot be heard. ZWLA's services help to promote our rights as women".

"My first problem with police is they came to take a statement while I was on oxygen. Then the court said I was absconding at least three or more times. They also were not considering my condition – my operation had not even healed, my wounds were fresh. The magistrate was also saying that this woman is not serious as she is absconding."
(Mary, Harare)

In FGDs, women highlighted poor service delivery from police, prosecutors and magistrates. The negative view of justice institutions created by this meant women remained in abusive relationships.

"At court on the first day they helped me a lot. But when I went back they were not so helpful, they were not forth coming. I spent 3 months seeking for that protection order, until I engaged ZWLA to assist with the drafting of papers."
(FGD with survivors, Chinhoyi)

3.1.4 Economic dependency and costs of justice

The gender roles ascribed to women limit them to unpaid domestic work, child bearing and rearing while men are charged with working to gain income to support the family. Women therefore often depend on their husband for money. Women in such circumstances do not report domestic violence for fear of losing economic support from the husband and/or family members. In some cases, families threaten to withdraw any form of support from complainants, who are then left with no option but to withdraw their applications. ZWLA, in its edited ZWLA Consolidated Court Watch Report (2017), indicate that some clients who withdrew their cases in Harare cited lack of income as the reason for withdrawal. Some clients refused to apply for a protection order for fear of being divorced and consequently losing financial support from their husbands.

"Women do not report for fear of the husband's relatives. The husband is the provider. Women depend on the husband for income. So [they] fear reporting the breadwinner."
(MWAGCD official, Chinhoyi)

The case is the same for small-scale or subsistence farmers. Women and children provide the majority of the labour in the field while men are charged with marketing the produce. For example, in Chinhoyi, survivors highlighted how physical and emotional abuse would increase during the tobacco selling season as men misuse money obtained from selling the family's tobacco. A representative from the Ministry of Women's Affairs also reiterated this point highlighting that:

"Chinhoyi is a farming region, especially for commercial crops like maize and tobacco, and domestic violence erupts at the peak of the marketing season because proceeds from the farms are not equally shared between family members. Polygamy is also popular for cheap labour, and child marriages are fashionable in some areas within the district, especially in Kanyaga."
(Mrs Mangwanya, District Development Officer, Makonde District, MWAGCD, Chinhoyi)

The costs and distance travelled to access justice are another major challenge for women who are in most cases economically dependent on their husbands or partners, who in turn are the main perpetrators of violence. The ZWLA Court Watch Report revealed that access to justice for survivors of violence is costly, as they have to pay transport fares, which vary depending on their location. The costs incurred are particularly high in rural compared with urban areas because of the long distances women have to travel to critical justice services, such as the police, formal courts and traditional courts. In some rural areas, transport

fares to courts can be as much as US$6 or more, unaffordable to most survivors. In such cases, survivors end up not reporting cases and/or not attending court cases. Given that in many cases several trips are required, the costs of transportation become exorbitant, limiting the number of women that continue with their cases. For example, some women travel distances of up to 300km to reach Chinhoyi town where the regional magistrate is located. In another case, a woman in an FGD in Chinhoyi explained how she had to walk a distance of approximately 20km to the chief's court to have her case heard while her husband and his family came with a vehicle. While this burden did not stop her from pursuing the matter, she highlighted that other women do not have the capacity to take as many trips to resolve a case.

"I could not report because I did not have money for transport to go and report." (FGD with survivors, Chinhoyi)

The costs of lawyers is another factor that hinders access to justice by women. While organisations that offer legal aid and advice such as ZWLA have lessened the burden, the need is huge as many women still face justice systems without the necessary knowledge and assistance while perpetrators in most cases have resources to fight for their acquittal. The cost of legal services varies with the complexity of the case, the seniority level of the lawyer and the time spent on the case, including the period the case takes to complete. For consultation, lawyers' fees range from US$50 – 300 per hour. In addition, the lawyer bills the client for hours spent on the case, including for all the processes undertaken, drafting of court papers, attending to case meetings, court sitting and so on. Further, in some cases affidavits are needed and survivors have to pay to commission affidavits, with costs ranging from US$0.50c to US$2.00.

3.1.5 Religion, stigma and tradition

Zimbabwean social life thrives on religion and traditional and cultural practices. However, some of these are negative, manipulative and violate women. Negative traditional practices include virginity testing, pledging women or girls to appease spirits and child marriages. Despite the enactment of some laws to protect women, VAWG remains high.

Most participants from FGDs attributed the lack of reporting of violence to religious and cultural beliefs and teachings. Christianity was reported to be one such religion with teachings such as 'God hates divorce', 'Women be submissive to your husbands', with any assertion of rights and attempts to access justice viewed as not Christian. Cultural teachings also teach the same message and attach stigma and shame to divorce and public knowledge of marital problems, consequently inhibiting women from accessing justice despite their knowledge about their rights.

There are social and cultural factors that form a significant barrier to women realising justice for violence against them. The social and cultural factors present significant obstacles from family and community members that shun reporting a husband for abuse for fear of the stigma, neglect and shame this maybe bring to the woman, her family and the husband and his family. Rather, families prefer utilising alternative dispute resolutions over litigation. One woman interviewed in Gwanda feared proceeding with her case because she did not want to divorce her husband and risk the possibility of having children with different surnames (in the event she enters another relationship).

"I am from a Christian background, so to have children with different surnames is shameful... so I hope one day he will change his behaviour... I still have hope because he still puts on his wedding ring, introduces me to his family, and friends, even pictures of the wedding are in the store..."
(Interview with a survivor of violence in Gwanda)

Pressure from family members results in women not reporting abuse cases or withdrawing them. The few who do open up about them often go to aunts or their mother or friends, who are likely to advise them to remain in the marriage, stating that *'every marriage is like that'*, thus leaving women to live in perpetual violence.



Community Legal Educators from ZWLA in Rusape rural area

"After several incidences of being beaten, I finally reported the abuse to my relatives after my collar bone was broken. They told me to be strong and fight for my marriage."

(FGD participant in Chinhoyi)

A case in Chief Njelele's area in Shurugwi (Midlands Province) where a woman had been raped by her husband's brother also demonstrates the difficult circumstances women find themselves in when violence occurs, thus forming a barrier for seeking justice. The woman reported the case and her brother-in-law was found guilty and sentenced to 15 years of imprisonment. Her husband's and her own relatives were bitter about this and shunned her, alienating her because to them she was a 'wicked person' who had had a family member imprisoned for 15-years, a sentence he is serving to date. This reflects how traditional ties and the family belief systems perpetuate VAWG in women's lives.

In another story, one woman from Gweru said the violence in her life still goes on as her husband is now using their 21-year-old son to insult her and commit violence against her. She is currently facing the possibility of getting her son arrested or get a protection order against him to end the violence in her life. This difficult decision reflects the barriers that women face in trying to access justice. ZWLA's reports from the Help Desk[16] indicate that there are many reasons for the withdrawal of cases, and one of them is pressure from in-laws. ZWLA noted that in some cases survivors do not officially withdraw their cases at court. They simply stop attending the hearing or do not file the papers.

ZWLA noted that women's fear of divorce and the associated stigma is a deterrent to reporting abuse cases as highlighted by the woman in Gwanda, who could not go further with the case because she feared having children with different surnames. In addition, culturally, women are not expected to talk about their challenges in public. Reporting domestic violence draws attention to them, and so women hesitate to report abuse cases to police or courts. Families and friends advise women in abusive relationships that silence is power, encouraging the women to remain quiet as this is perceived to have a positive influence on the husband's behaviour.

[16] ZWLA assists indigent women and children at a help desk set up at the Magistrates Court.

CASE STUDY

I now see myself as a person amongst other people

Emmaculate is a 53-year-old woman who is a farmer with her husband in Chinhoy region. She has five children. After persistent violence since 1992, and manipulation by the Chief's and Headman's court, Emmaculate had difficulty filing for domestic abuse and property sharing. Thanks to ZWLA, she managed to get a protection order against her husband.

"From 1992, my husband has been physically abusing me. I vividly remember the incident and the issue that resulted in that first beating in 1992, and the incident was very silly. There was a community meeting and everyone was going. I told my husband that I could not go since I had a young child. I then told him that I am going to the garden to cultivate, and the other children can look after the baby while I work in the fields. He then beat me up saying that I do not listen to him, it was so bad that he broke my collar bone.

"I ran away and spent the night in the granary, and early in the morning my husband woke up and followed my blood trail to the granary, as I was dripping blood from the broken collar bone area. He started beating me again. He hurt my head and I was heavily bruised all over the body from the beatings. I then left our homestead and went to the bushes. When I left, I went to our garden and took pesticide to commit suicide. I was really angry that I had been heavily beaten, and yet I had not done anything wrong."

Her neighbours found Emmaculate lying on the floor and took her to the hospital. *"I was released from hospital. I asked the police to let him go and not to arrest him, telling them that he is my husband and the father of my children. He kept on beating me up all these years, and I would report sometimes, but later forgive him and withdraw the cases. Then in year 2010, he beat me up again and broke my arm.*

"When we went to court the magistrate found him guilty for the physical abuse he inflicted on me, and he was sentenced to community service. During those days, I was the prisoner when he would come back, and my children would have no joy. I have nine children with him, and now at 53 he is again demanding for another child. At home we have no peace, we do not even talk or negotiate even for sex.

"All our neighbours and community members including children hear me being shouted at and being called a prostitute, which is humiliating. I have nothing of my own. Even the produce from the farm that we work on together, I do not get anything. He does not pay fees for my children or even clothes and uniforms. Even the teachers at school know of my children's problems.

"I have been to primary local courts five times due to this abuse. At one time when I visited the chief's court, they told me that I do not listen to my husband and I should bear children as per his demand. They told me that as the chief's court, they can advise the civil court, and threatened that my case will not be heard anywhere. At the headman's court, he would say to go back and sleep on it, even though I had been bleeding. Our headman was used to conspire with my husband if I had to go to report, he would just say that we should go back home and sleep on it.

"When I came to ZWLA, they helped me a lot. I actually had other thoughts of killing myself again after having been told at the chief's court that I will not get any help at the civil court. But with ZWLA, I felt hopeful. The ZWLA officer counselled me, and I now want justice to be served again. She was so helpful, she reassured me that there is still hope in my life.

"She prepared my papers for the court and we were given a court date, and now I am hopefully awaiting my court date. Summons have already been served. I also now have a protection order against my husband. Before I never thought it was possible to achieve all this, with the wrong information we were getting that there is no assistance I could get at the civil court.

"For us rural women, we cannot read or write, and authorities including police manipulate us and ask for money to do our papers. Thanks to you, ZWLA, my confidence and self-esteem has improved. I now see myself as a person amongst other people."

The church has also played a huge role in the continuation of VAWG in that it sets rules that most women avoid violating for fear of rejection. A good example is the white garment apostolic church, Johane Masowe Yechishanu, where they do not believe in resorting to court for resolution of disputes. In one case of property sharing that ZWLA monitored in Bikita, a woman was expelled from the church because she approached the courts for maintenance costs and property sharing upon dissolution of her marriage. One ZWLA client who had successfully filed her papers at Gweru Court, against her violent husband, later withdrew the matter saying that her church elders had advised her not to pursue the matter as it was going to threaten the family unit, resulting in divorce. She was advised to endure the suffering in the hope that her husband was going to change. "All she had to do was to please God in doing what is right, as the bible says God hates divorce"[17] rather than seeking a protection order.

[17] ZWLA (2015) Client Interview Report.

3.1.6 ZWLA's interventions for building capacity of women

This section details the success of ZWLA's activities in overcoming the challenges of women's access to justice.

3.1.6.1 Addressing knowledge of women's rights, the law and justice institutions among survivors and communities

There is notable success in ZWLA's dual approach of increasing awareness while providing legal aid services to women in need. Through different coordinated efforts, ZWLA engages and addresses two vital needs at the same time, increasing knowledge of women's rights and the law while providing legal aid. Before the one-on-one sessions conducted at ZWLA offices, clients are engaged in empowerment sessions where they are educated about the law, women's rights and court processes. Therefore, they not only receive legal advice but are also empowered with legal knowledge, which gives the women the skills, experience and confidence to seek justice.

The research shows that, through the peer educator model that utilises Community Legal Educators, ZWLA successfully involved communities at large, not just women, to address the knowledge gaps on women's rights and access to justice. These approaches are viable as they aim to transform communities within which women live and where violence occurs. Targeting communities, including men and boys, transforms societies to be more responsive to women's rights issues and to desist from violence against women.

In a key informant interview, one of ZWLA's male peer educators revealed how working as a peer educator had transformed him as an individual:

"Being a peer educator has also helped me appreciate women. Before I never used to value women but out of the knowledge I have gained from working with ZWLA and because the community now views me as someone who knows the law, I cannot be seen violating women's rights."

(Source: 2014 Ending violence against women and girls: enabling women and girls to have voice and choice Narrative Report)

In addition, evidence from ZWLA monitoring reports also shows that men's long standing misconceptions about gender issues gradually change following ZWLA's operations in those communities. From one survey conducted by ZWLA, respondents acknowledged that there had been notable attitudinal changes in their communities regarding the issue of women's rights through the work of ZWLA staff and CLEs.

One woman respondent noted:

"Attitudes have changed in our community. When ZWLA came in men were saying this organisation has come to destroy them and their homes. Why is it representing women only? But through community education that targets everyone, they now realise that ZWLA came to empower their community and increase their knowledge on women's rights. This has resulted in a reduction of violence to women perpetrated by men."

(Source: 2014 Ending violence against women and girls: enabling women and girls to have voice and choice Narrative Report)

Legal Empowerment. Empowerment sessions, which have been limited to clients with civil matters (divorce, maintenance etc), have been a powerful tool for increasing knowledge about laws among women.[18] Women are taught how to apply for maintenance, complete maintenance forms and represent themselves in court. In a FGD conducted by ZWLA in Harare, women who attended the empowerment sessions reported they learnt new laws that protect women's rights that they did not know about before the sessions. All participants in the discussion unanimously agreed that empowerment sessions are instrumental in enlightening women on other laws and even though they might not relate to their cases at that particular moment, they can use the information later in life or refer other people since 'knowledge is power'. Court monitoring sessions held weekly at the magistrates court indicated that litigants who were assisted by ZWLA through empowerment sessions were well informed of the procedures, could clearly and confidently articulate their cases and provide relevant evidence in court. This was in contrast to those who had not attended empowerment sessions and failed to follow procedures, leading to their cases being postponed. This confidence and the ability to clearly articulate one's claim increased as a result of attending empowerment sessions, leading, in most cases, to women getting favourable outcomes.

[18] These are important because a significant number of divorce and maintenance cases result from VAWG. Favourable judgements help women gather the confidence to report VAWG cases.

In Bulawayo a total of 537 maintenance clients attended maintenance empowerment sessions throughout the year. A total of 116 new clients for domestic violence cases also attended empowerment sessions for protection order applications. From observations of both maintenance and domestic violence clients, most of the women were also able to ask questions in court which indicates confidence. During exit interviews, beneficiaries of empowerment sessions highlighted that the court session was not as daunting as they had anticipated it to be prior to the sessions. They highlighted how the knowledge they had gained from empowerment sessions had provided the capacity and confidence to demand their rights. However, despite being confident and articulating their matters clearly, some were disappointed by the sums that were awarded by the courts, especially where the claim was against an unemployed person or a low income earner, as the court is bound to also direct that such a person should pay a low amount as well.
[ZWLA (2013) Impact Assessment of ZWLA's Interventions between 2002 and 2012]

The success of empowerment sessions for cases of divorce and maintenance demonstrates the potential this approach could have in criminal cases, given concerns raised by women about inadequate court process briefings and the law. All women interviewed with criminal cases were ill-prepared for court. There is an opportunity to consider expanding this approach to criminal cases.

While the empowerment model has been successful in increasing the likelihood of favourable judgements for women, there still remains a gap with regards to their representation in court, particularly during criminal cases. Even after the empowerment sessions, some women still felt intimidated by the court set-up, procedures and the attitudes of court personnel. In cases where the prosecutor is not keen on protecting the victim and there is legal representation for the perpetrator, the environment created is too intimidating for women survivors of violence to remain confident, limiting the extent of their oral evidence. Defence lawyers exploit survivors' limited knowledge of court proceedings to the advantage of the perpetrator, which harms women's ability to obtain justice. Magistrates sometimes further intimidate survivors, as documented evidence from court monitoring visits exposed, with dehumanising words and phrases used, such as 'stupid', 'silly', 'nonsense', 'stop wasting the court's time'.

"This place should not be a place to frequent. If given a choice, I would choose not to come back here again. The court environment is very tense; everyone including the magistrate was wearing serious faces. My heart was actually beating when I was giving evidence. I think I left out a lot of things. The court room was full with people in the gallery and I was not able to say out some of the words as the magistrate required me to clearly explain some of the words which are vulgar."

(Interview with a survivor, Harare)

However, when ZWLA is involved the conduct of magistrates and prosecutors changes. Discussions by ZWLA revealed how magistrates and prosecutors positively change their conduct in court during a court monitoring visit by ZWLA staff, because of fear of being reported for misconduct. Survivors also noted how the attitude of prosecutors and magistrates change once ZWLA got involved in the case.

"The prosecutor would not give me information. My husband would text me immediately after I met the prosecutor narrating exactly what I discussed with him. The moment I was referred to ZWLA and got ZWLA involved the conduct of the prosecutor changed."

(Interview with a survivor, Harare)

Therefore, ZWLA's support for women and its court monitoring visits improves the conduct of court officials, which in turn creates a conducive environment and conditions to dispense justice in VAWG cases.

Awareness raising education by ZWLA increased the reporting violence by women. For example, as ZWLA implemented activities in 2016, they observed that awareness raising and education activities had an impact on increasing the number of clients seeking legal services. On 25 November 2016, ZWLA broadcast on Radio Zimbabwe (a national radio station), educating the public about child marriages. After the radio broadcast, ZWLA received 73 calls in three days regarding child marriages. Of these, 44 calls were received on the day of the broadcast. This was a huge increase on the average of 3 to 4 clients calling on an average day. In addition to radio programmes, ZWLA has produced newspaper articles on GBV and VAWG and options available to women for seeking justice, including services offered by ZWLA. These approaches have enabled ZWLA to reach remote communities with this information. In one of the FGDs with survivors in Chinhoyi, one participant highlighted how they got to know about ZWLA and its services through a newspaper article. The trend is the same in areas where ZWLA coordinates with other stakeholders in the multi-sectoral management of sexual abuse in Zimbabwe, to raise awareness of GBV and VAWG, its effects and options for seeking justice. An impact assessment of ZWLA's work between 2002 and 2012 described how the demand for legal aid services would increase with each meeting which raised awareness of VAWG and ways of accessing justice.

3.1.6.2 Addressing cultural and religious barriers

ZWLA works with traditional leaders as the custodians of culture in various ways. First, traditional leaders are charged with dispensing judgements in traditional courts for cases of violence that do not include physical or sexual violence. ZWLA trains traditional leaders on gender, women's rights, laws and gender responsive conduct during traditional court sessions. In addition to training, ZWLA conducts monitoring visits at the chief's courts to assess how justice is dispensed for cases of violence.

Engagement of traditional leadership and their legal systems has been to a large extent effective in addressing cultural and religious beliefs that impede access to justice. Traditional practices like child marriages, which used to be acceptable in most communities in Zimbabwe and also perpetuated by the traditional leadership system, are now being shunned because communities and their leaders are knowledgeable about the social and legal implications of such actions, due to the engagement of chiefs and their leaders by organisations like ZWLA. In Chinhoyi, Chief Magonde, after awareness meetings with ZWLA, has gone further and created structures called the Makarahwa and Machembere, a group of older men and women who offer advice and counselling services to married couples in the community.



Community Legal Educators helped client's granddaughter fight against child marriage

They advise the Chief when presiding over domestic and marital issues as well as monitoring whether violence continues between couples that have gone through the court. Although ZWLA is currently training CLEs, the Chief's Makarahwa and Machembere community structure seems to be more culturally acceptable and can easily influence both cultural beliefs and community relations. Their credibility, from being the Chief's delegates, gives them status when addressing communities. Their age also earns them respect and attention, ensuring their advice and counsel is accepted. This structure therefore presents an opportunity for ZWLA to deepen their engagement with communities to address cultural beliefs, which would otherwise impede women's access to justice. ZWLA could train these community elders in women's rights and legal provisions in family law issues, including domestic violence. This would ensure these elders are adequately equipped with knowledge to provide appropriate advice to women that protects their rights.

Despite these achievements, there are traditional leaders that still force women to remain in abusive relationships or favour men above women. A survivor from Chinhoyi (who is not from Chief Magonde's area) narrated how she was not allowed to speak in the chief's court and only her relatives were allowed to speak on her behalf. On being asked about her experience at the chief's court, she said:

"I was pained. I was told I could not speak but my relatives could speak for me, but my husband was allowed to represent himself. After the hearing we were told to shake hands and make up. It really pained me."

(Interview with a VAWG survivor, Chinhoyi)

CLEs have also made a significant contribution to addressing cultural and religious beliefs that perpetuate violence against women. As local volunteers, CLEs bring an in-depth knowledge of these cultural practices and beliefs, which provides them with the ability to act as agents of change within their own communities. CLEs have reached out to women, men and community leaders with information on women's rights and information on services available to survivors. As they are community based, CLEs are able to identify oppressive religious and cultural injustices and offer legal assistance and support to survivors to access justice. One CLE in Chegutu mobilised the community to protest against a serial rapist who had been evading the law. Due to the actions of the CLE, the serial rapist was arrested, tried, convicted and sentenced to 70 years imprisonment.

Because of their recognition within communities and acknowledgement of the wealth of knowledge they possess on women's rights, traditional leaders who require advice on domestic violence cases call upon them. In other instances, CLEs are invited to community gatherings to disseminate information on women's rights. In Gwanda, traditional leaders have called up the CLEs to share their knowledge with other community members during community meetings. Interviews conducted with CLEs in Chinhoyi and Gwanda showed how some chiefs in traditional courts are also now engaging CLEs on domestic violence cases. Chief Mathe from Gwanda who consults CLEs for their opinions on domestic violence cases confirmed this. In cases where couples experience marital disputes or violence, they are referred to the CLEs for recourse and referral. However, such recognition of CLEs has raised conflict with some traditional leaders who view their work as taking their (traditional leaders) leadership role.

"We invite these peer educators [CLEs] to ward meetings with their [women's rights] agenda and train communities that we would have gathered... We call them to give advice on some cases."

(Interview with traditional leader, Gwanda)

"Sometimes if there is a village meeting, they always ask about us. This improves our dignity in the village."

(FGD with CLEs, Gwanda)

"We have a good relationship and work hand in hand with traditional leaders. Whenever they have their meetings, we are called. However, some community leaders are not happy with us because they think we are taking their work as village leaders." (FGD with CLEs, Gwanda)

In addition to their role as local advocacy and referral, CLEs educate their fellow community members on women's rights and supporting legal provisions, highlighting the disadvantages of the negative cultural and religious beliefs that are detrimental to women's access to justice. In this way, they contribute to building a knowledgeable community, which can challenge its own negative religious and cultural beliefs or injustices towards women, as shown by the case in Chegutu. CLEs also reported how clients receive better service when they accompany them because service providers know CLEs have ways of seeking recourse for mistreatment.

For women CLEs, the work improved their own lives, as they are respected by their husbands and enjoy better relationships.

"Sometimes we encounter a challenge... our husbands, if he does something wrong, he says I know you are going to take this step... they are careful... we now have improved marriages."
(FGD with CLEs, Gwanda)

Despite their important role, CLEs raised several challenges that negatively affect their work, including the lack of identification details (project identity cards or t-shirts, etc). Nonetheless, the relationships they manage to build with key stakeholders in the community, such as traditional leaders and councillors, help offset some of these issues.

"I have to be presentable when dealing with my clients. We need a uniform to show which organisation we come from. T-shirts, sun hats and footwear will be helpful but name tags are the best."
(FGD with CLEs, Gwanda)



Assisted by ZWLA, now a Community Legal Educator

CLEs highlighted how, because they come from the same communities they are raising awareness and providing knowledge to, their advice and knowledge is not trusted in some cases as people question where they obtained it.

"Some people take me for granted and say, when did she start this work? T-shirts or identity cards will help in identification for this work and help us to be respected by the people in the community."
(Interview with CLE, Chinhoyi)

Other challenges include the long distances they have to walk to reach clients, because they cover vast areas. For such distances, CLEs at times use their own money for transport. They requested bicycles: "We walk 7-8kms. Sometimes we take money from our own pockets. If ZWLA can provide bicycles or allowances for travel that would really help us." (FGD with CLEs, Gwanda)

Such scenarios are potential obstacles to continued participation from CLEs.

3.2 The Environment: Enabling and disabling factors for access to justice

3.2.1 Formal justice institutions and access to justice

Availability of adequate and qualified court personnel and knowledge in handling rape and domestic violence cases among court officials. A ZWLA report, Rape Trials at Harare Magistrate Court (undated), revealed that only 40 per cent of the 15 regional magistrates were degreed and the rest underwent 18 months training offered by the Judicial College; this training is reportedly not adequate. Due to poor working conditions and economic hardships in Zimbabwe, ZWLA noted challenges in handling rape cases as most qualified prosecutors were resigning and being replaced by police prosecutors who do not have sufficient knowledge. Training for prosecutors and other court officials on rape cases can enhance their knowledge; however, this is not often done, with, for example, all 15 magistrates interviewed by ZWLA in 2016 reporting that they had never been trained or oriented on how to handle such cases.

Due to limited knowledge or confusion about protection orders[19] and peace orders among clerks of court, some survivors have been denied access to protection orders. For example, the ZWLA Consolidated Court Watch Report (2017) highlighted that in 2016 a ZWLA officer was informed that Murehwa clerks of court had advised some clients that protection orders were being granted only to people who live in the same house or share the same homestead. Due to this confusion, a client was denied a protection order against her brother-in-law, but allowed to apply for a peace order.[20]

There are inadequate numbers of regional magistrates in some areas, which lengthens the rape trial period. In Chinhoyi there was only one regional magistrate, with the prosecutor reporting a backlog of more than 300 rape cases.

[19] A protection order is mainly for the domestic setting. A peace order is for a non-domestic dispute.
[20] ZWLA (2016) Rape Trial Report.

CASE STUDY

I feel like family at ZWLA

Joyce is a 26-year-old woman living in Harare. After domestic abuse that led to miscarriage, she battled poor implementation of law within the court system to get her case heard.

"I experienced domestic violence, my husband beat me up while I was pregnant. With my husband being a popular lawyer, when I got to the police, the police were hesitant to get my statement. They only took my statement after another lady had questioned them about why they were not doing so. The police then came and took him from home and locked him just for a short time and released him soon after arguing that the husband is a reputable lawyer and would not escape. After that I was rushed to the hospital and I lost the baby I was carrying.

"After two weeks, having been released from hospital, I went back to live with the perpetrator and he was bragging that there was nothing the justice system could do to him as it is his playground. I felt like they were looking for a way to dismiss the case. The magistrate kept on postponing the case, and he was never serious, addressing the defendant in a very friendly manner. At some point the magistrate was saying she could not find her notes and court could not proceed for some time.

"After all the drama at the court, the judgement was passed in my absence and the defendant was released. Records I retrieved from the courts stated that the two families settled the case and the survivor's family was offered US$10,000 as compensation for damages. This however never happened.

"The hospital file at the hospital where I was admitted also went missing at Harare hospital, where the defendant was challenging medical reports. We had to use files from the mortuary where the fetus had been cremated as the hospital failed to locate the missing files. All this shows how the defendant manipulated the systems to stall my case against him.

"This case to me is like a circus; no one took into consideration the fact that I gave birth and my child died.

"ZWLA's officer saw how much I was being ridiculed in the whole process, without my own lawyer to advise and assist me through the case. I feel better now, and knowing that I was fighting with a lawyer I feel stronger. If I was alone without ZWLA, the case would have lasted at least a week and would not have even gotten to him being sentenced as he would have manipulated the system to his advantage without any challenge or resistance.

"ZWLA managed to change the court where the case was being handled. They also made complaints about the attitude of the magistrate, and the magistrate's attitude changed.

"I was grateful to the work that they are doing for me. I feel like family at ZWLA and free to relate to them. They managed to help me to push for a judgment at the magistrate's court, something which I could not have been able to do alone."

3.2.1.1 Prosecutors

Section 319B and 319C of the Criminal Procedure and Evidence Act provides for the protection of vulnerable witnesses. However, some court officials and prosecutors interviewed, were not aware of this provision.

During interviews with individual prosecutors, one male prosecutor confessed to not having knowledge of the law. He stated:

"To be honest with you I am not very familiar with those provisions. Usually when we are dealing with witnesses here we only regard the younger victims as vulnerable, and adults are just treated as adults. They are left to testify in an open court."

(Source: ZWLA Rape Trial Report)

Only a few prosecutors have been trained to handle rape cases due to a lack of resources and a strong perception among decision makers that such training is unnecessary. During ZWLA's court monitoring, one regional prosecutor said:

"There is lack of training of regional prosecutors on how to handle rape cases. Such trainings are very crucial as they give us guidance on how to handle such sensitive cases."

"When I first came to the regional courts, I had no experience at all to handle rape cases and the first thing I expected was to receive a tour of the courts – especially the victim friendly courts – but to my surprise I was just allocated a court to work in with one other prosecutor who had joined the regional courts earlier than me. I just observed how he was handling such cases and 3 days later I got dockets allocated to me for trial, without much knowledge learnt on handling such cases." (Interview with Prosecutor. ZWLA Rape Trial Report)

3.2.1.2 Police Officers

In order to provide appropriate support for survivors of violence who report at the police station, each police station should have a Victim Friendly Unit (VFU) staffed by two officers. Staff in the VFU should be trained in handling survivors. The VFU environment should be conducive for survivors to report their cases. ZWLA and other partners (particularly in the Victim Friendly System) have trained a significant number of police officers on survivor friendly approaches. Despite this, a large number of police officers in VFU posts do not have the training as staff are rotated between departments and stations as part of routine security protocol. There is no in-service training to support reinforcement of this capacity after rotation. This lack of capacity is reflected in the experience of ZWLA's clients, who complain of the difficulties they face in giving statements. For example, one woman interviewed in Harare explained how the police came to take her statement while she was still in hospital, unable to write and speak properly. She also complained that the statement read in court and what she narrated to the police were contradictory. Other clients complain of the nature of police questioning and officers' conduct when they go to report their cases, and that police ask them to exclude information from their statement they consider unimportant, which creates problems when presented in court.

Delays in evidence gathering by police, partly due to limited knowledge, was a major issue raised by the VFU Coordinator in Chinhoyi. Evidence in sexual and physical violence cases is required to be collected within 72 hours, with dockets required to hold all the relevant information. Discussions with the Chinhoyi magistrate's court highlighted how some cases were being delayed because of incomplete evidence or wrongly completed dockets.



ZWLA's Legal Officer ready for court

One survivor shared her experience of a police station VFU where, on arrival, she was asked in front of more than 10 people to explain what had happened to her. In giving her statement, she said the following questions were asked by the male police officer:

(1) What were you wearing?
(2) Why did you go to a pub and yet you are a woman?
(3) Were you drunk?
(4) Why do you drink alcohol?
(5) As a young woman why do you go out in the evening?

This line of questioning attempts to undermine women's accusations, suggesting that they are at fault and inviting sexual violence by wearing tight or short clothing, going to a predominantly men's environment, drinking alcohol and leaving the house in the evening alone. The victim-blaming questions demonstrate police officers' preconceived ideas that woman are at fault.

According to survivors, when taking down statements, VFU police told them that certain information is unnecessary for statements. Yet when in court, if the information they excluded is given as evidence, their statements are taken as fabrication. Survivors are asked in court why they excluded such information from their statements and why now it is raised in court. In one rape case in 2016, during cross examination the survivor stated the statement read out was not what she had told the police to write down. The defence lawyer accused her of fabrication and asked why she had signed the statement if it was not what she said. To this she responded, "I feared the police and I thought I just had to do what they would have asked me to do".
(Source: ZWLA Rape Trial Report)

Staff attitudes: ZWLA's experience with court monitoring and discussions with clients show how police, prosecutors and magistrates attitudes play an important part in ensuring women's access to justice and protection. In one area, interviews with the police highlighted how magistrates' personal qualities and attitudes affected the timely completion of cases, convictions and types of sentencing.

"The judgements differ between magistrates. The magistrates are rotating. There was a magistrate who was giving fair judgement. Within a few months, he is replaced. Another magistrate that replaced was giving too many remands. The last one, the one we currently have, is trying to complete all cases quickly."
(Interview with VFU, Chinhoyi)

In 2016, ZWLA noted that in Chinhoyi 48 per cent of women who received protection orders returned to their spouses or partners, and continued to experience violence. One of the reasons was that police were failing to implement protection orders or delaying delivering summons to perpetrators to appear in court. One survivor interviewed explained how she got a protection order against her husband, who ignored it and continued beating her. She reported the matter to the police, but they only responded after several visits. Even when they told her husband the implications of violating the protection order, he continued the violence.

In another case reported by ZWLA, a client explained how her husband would physically abuse her, so she approached ZWLA for assistance with the protection order application. She received ZWLA's assistance, which involved completing the protection order forms and empowering her to be a self-actor in court. She, however, did not make it to court as the police officer from the neighbourhood watch who was supposed to serve her husband with summons did not do so, citing petty issues, until the court date had passed. This clearly demonstrates that despite women being knowledgeable of their rights and reporting violence, some police officers give VAWG cases low priority, which contributes to deny women justice for the violence they experience.

Police attitudes are also reflected in the type of interrogation and interviewing done by male and female officers. One head of a provincial VFU highlighted that, "Women have more patience when it comes to interviewing victims than men. Because of this, women do most of the interrogation and men do the investigation". The distinction between male and female staff is also apparent among prosecutors and magistrates. In a 2016 court monitoring report, ZWLA staff

In an exit interview from Court, the survivor said:

"Ever since I reported this case I have been dreading to come and testify in court because many people have told me before that there are so many regulations which one has to follow when he or she goes to court, and if you fail to follow them you can get arrested. I actually got surprised when I got into Court 15 to note that it is a free and friendly environment and the magistrate was also friendly. I am so happy that I managed to say out my case in a free environment since the magistrate had to clear the court first before I gave evidence. I did not expect such from the courts."

On her court experience, the survivor said:

"I didn't know it was this embarrassing to give evidence in court. I didn't expect the court to require me to say out such vulgar words. I really struggled to say them out and it was difficult for me to describe the rape. I have never been in such an environment before and I don't wish to come back to court again in the near future."
(Source: ZWLA interviews with key players at rape trials in Harare)

observed distinct differences in the conduct of male and female magistrates. On this issue, one female prosecutor interviewed by ZWLA during a court monitoring visit said:

"That difference cannot be ruled out, but as women we understand some of these issues but for men they can view it differently. Men think they are entitled to intercourse, they place themselves in the position of the accused and view the offence from that angle. And it could be as a result of cultural beliefs."

However, it seems that for some men the underlying issues for such attitudes towards survivors emanate from their own feelings about rape and how they view women who report rape and violence. Male prosecutors at Harare Magistrate's Court were asked how they viewed adult female rape victims. They said:

"Most adult rape victims report abuse by intimate partners like their boyfriend or someone they know. The man in question might have promised marriage and when they fail to meet such a promise most women will then try to find a way of fixing the men and go on to report rape."

"Most alleged adult rape cases occur at the men's place of residence or at a private place like a lodge. One then wonders why a woman would want to go to a man's place if she is not interested in having sex with that man. It's something expected; if these women do not want to engage in sex with these men then they should stop going to their places and instead meet somewhere else."
(Source: ZWLA 2015, Rape Trial Report)

Therefore, the general view is that such claims of rape by adult women are staged.

"Why is it that most of the adult victims would be involved in a sort of a love relationship with the abuser? It's very rare to find victims who would come reporting that they have been raped by a stranger."
(Interview with a male prosecutor at Harare Magistrate's court)

The difference in attitudes between male and female police and prosecuting staff underscores the influences of the patriarchal system in the delivery of justice. Men view violence against women as their own fault, while women staff share their experiences and have time to listen and prepare survivors for court.

Court environment: A free and secure environment, where the survivor provides her testimony without fear or hesitation, improves the quality of evidence provided to the court, increasing conviction rates for cases of violence against women.

Through ZWLA court monitoring and observations, it was noted that whilst some magistrates make an effort to create a conducive court environment by clearing the court before proceedings begin,

especially for sexual offences including rape cases, some magistrates do not follow that procedure. As a result, at times rape cases are handled in a court full of people, making it difficult for survivors to express themselves clearly. In 2016, ZWLA's Rape Trials at Harare Criminal Court reported that one 16-year-old survivor commented:

"It was difficult for me to say out the vulgar words, considering that when we were growing up, our parents were so strict and they never wanted to hear any such language coming from any of us. I failed to explain myself out and this was made difficult by the fact that my parents and relatives were also in the gallery. I could not explicitly explain what happened, and the magistrate kept on insisting that I should explain all the details of the act."

While the law provides for protection of vulnerable witnesses in court, ZWLA, in its court monitoring reports, notes that the majority of rape cases for adult women and those for girls above 12 years are conducted in open court. They note a general belief among magistrates and prosecutors that adult women are able to handle themselves better in court as the effect of rape is not as traumatic compared to children. Therefore, systems put in place in courts to protect vulnerable witnesses, such as Victim Friendly Courts, are only used for children mainly below 12 years, and rarely for adult women. This exposes witnesses and survivors to the risk of interaction with the accused during court sitting and adjournment.

A 20-year-old survivor shared her experience, stating:

"When the court adjourned and I was just sitting outside, the accused person stared at me and would not remove his eyes from me. His wife just started shouting from a distance that I was her husband's prostitute who was now crying rape because I was dumped by her husband, and that 'akapinda mujeri kun'anga ndokuendera newe unotofawo'. Meaning 'if he is sent to prison, I will go to a witchdoctor and make sure you are dead'."
(Source: ZWLA Report Trial Report)

Such experiences can unsettle the survivor and sometimes cause them to change their testimony. For example, a VFU staff member said, "Sometimes survivors, out of nowhere, turn hostile in court because of fear of the perpetrator sitting in court". While lack of knowledge of the need to protect vulnerable witnesses is low or misunderstood, the infrastructure to facilitate a survivor friendly environment is also lacking in most regional courts.

An interview with one female magistrate revealed:

"We do appreciate the need for such separation, but as you can see, there are no provisions for such arrangements here. When the courthouse was designed, it seems all that was not put in mind. As such our hands are also tied, there is nothing we can do except to warn the victim and accused not to discuss the case during court breaks. But it's not every time that we say this; sometimes we forget to warn them and sometimes it's a warning or an instruction that is not taken seriously by others."
(Source: ZWLA Rape Trial Report)

For rape cases, especially, survivors are asked to detail the sexual encounter. This is uncomfortable for many survivors because discussing sex in public is shameful within much of Zimbabwean culture. Discussing it in vernacular language makes it even harder, because of the explicit terms used. As a result, some women fail to provide adequate verbal evidence, leading to acquittal or lesser sentencing for the alleged perpetrator. In some cases, magistrates worsen the situation by encouraging the witness to be more explicit about their encounter in open court. Such intimidation has the potential to unnerve even the most confident woman. This can be detrimental to women, especially as in many cases they suffer the physical and mental effects of the violence they experienced.

An 18-year-old victim noted:

"He was my uncle, we were so close, I trusted him with anything and it seems he took advantage of that and raped me. I never wanted to see him again. When I got into court, and when I set my eyes on him, I got so overwhelmed with anger and grief, I could not say anything, the words failed to come out, I just wept, and I was excused for some minutes before I went back to give my evidence."

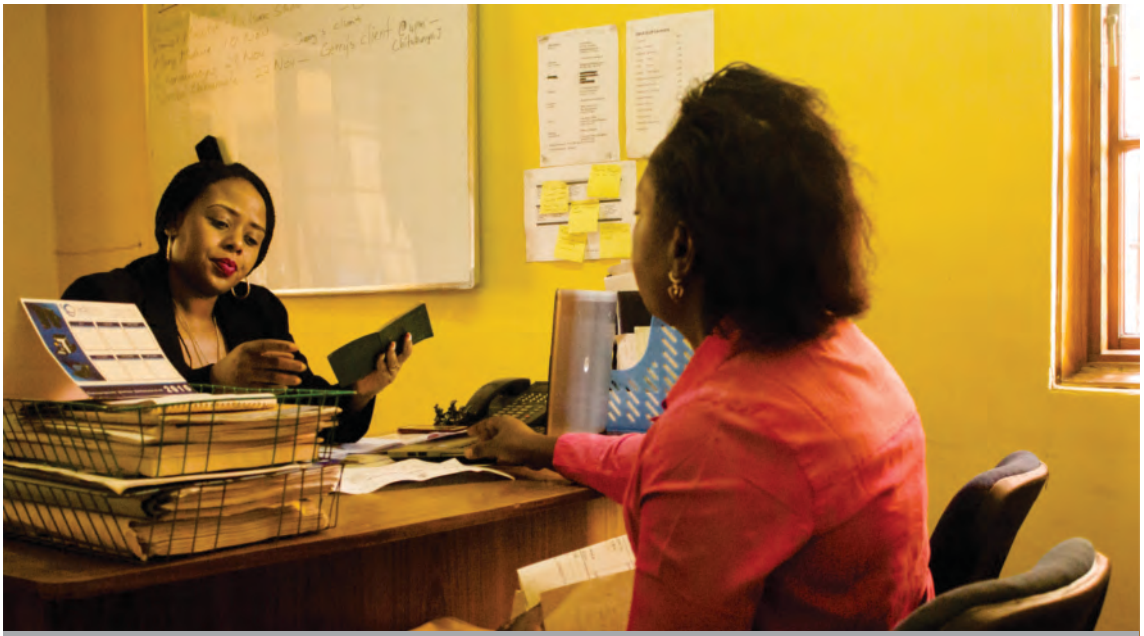
During one trial proceeding involving a 32-year-old victim who was having a difficult time expressing the actual sexual act, the magistrate said to the victim:

"I am surprised you are failing to explain the sexual act as if this was your first time to engage in sexual intercourse. Is there anything new there that you do not know. May you please tell us what actually transpired for progress' sake!"
(Source: Rape Trial Report ZWLA)

Prosecution of cases: In addition to the court environment intimidating survivors, another finding is how sometimes prosecutors, who are lowly paid, are intimidated by defence lawyers, who are well paid and elegantly dressed. Such intimidation leads to prosecutors performing poorly, thus reducing the chances of successful prosecution. Prosecutors also lack facilities for conducting research, and often have to use their own money or means to access the Internet for such research.

There is inadequate time and an unhelpful environment for prosecutors to interact adequately with survivors to prepare for court. In Chinhoyi district, 13 prosecutors are housed in three offices at the same complex. Because of the shortage of office space, some interviews with clients are undertaken under a tree, which undermines the client's confidence in the prosecutor. The shortage of infrastructure is a result of limited investment by government in expanding court infrastructure to cope with increasing demand.

"The prosecutors are capacitated but the challenge is on resources. This is what discourages prosecutors. Prosecutors feel inferior to defence lawyers who are well dressed.[21] Knowledge has been taken away from us because the era is electronic and digitalised. If we want to research cases, we do this at our own expense. Considering that we have a lot of cases as prosecutors, it becomes expensive for us. Other prosecutors succumb to that inferiority, and people think we are incompetent. But we go to the same schools with the defence lawyers, though we look like we are not organised."
(Interview with prosecutor)



ZWLA's Legal Officer helping a client

[21] Public prosecutors are employed by the state while defence lawyers are in private practice.

3.2.2 ZWLA's interventions in formal justice systems

As a means to ensure efficient and effective service delivery, the justice system has an overarching Victim Friendly System Coordination Committee (VFSCC), which monitors service delivery within the justice system. This committee is comprised of institutions involved in the administration of justice within each area of jurisdiction. ZWLA is part of the VFSCC at the national level, and also sits within the VFC committees in areas where they are present. The committee is charged with overseeing implementation of the Multi-Sectoral Protocol on the Management of Sexual Abuse in Zimbabwe. The committee is further decentralised to all regional courts in the country. Therefore, the platform provides an opportunity to directly influence reforms in the administration of justice for women survivors of violence at the service delivery point.

ZWLA has been constantly working with this governance structure, and significant results have been realised from this coordinated effort in influencing institutional reforms. In 2016, for example, ZWLA clients in Harare, Bulawayo, Chinhoyi and Murehwa had been experiencing challenges with the serving of summons.

Some of the documented experiences revealed the following:

"She received the assistance she required from ZWLA, which involved completion of protection order forms and empowerment to be a self-actor in court. She, however, did not make it to court as the police officer from the neighbourhood watch who was supposed to serve her husband did not do so citing petty issues until the court date was past. Another respondent concurred with this saying she had to go back to the police station three times to push for the serving of her papers. Each time she came they told her they had been busy and so couldn't assign an officer to serve her summons. In all these repeated trips she lost money in bus fares going to the police station, and the summons were finally served about three days before the court date. She outlined that, despite her confidence to assert her rights through the court, she almost could not make it owing to the police officers' incompetence."
(Source: 2016 January – December Narrative Report)



Supported by ZWLA to get divorce after years of domestic violence

Those clients who reported missing documentation by the police, noted this was causing delays in hearing cases, because clients are forced to redo the whole application process, thereby taking 1-2 months for their cases to be finalized. To address this challenge, ZWLA raised the issue in the monthly district VFSCC meetings in the respective districts, leading to it being resolved. In Murehwa, cases involving physical and sexual violence against women were taking too long to be completed, going beyond the three days stipulated by the Multi-Sectoral Protocol on the Management of Sexual Abuse. Using feedback from clients, ZWLA was able to raise this challenge in the VFSCC meetings, leading to an acceleration in completed cases.

ZWLA has established good working relations with the Judicial Services Commission (JSC). Together with a consortium of five organisations, ZWLA signed a MoU with JSC. Through this relationship, ZWLA has been able to set up help desks within civil and magistrates courts in areas where they work. Through the help desks model, ZWLA has reached an increased number of indigent women and children, providing legal aid services.

4 Conclusion and Recommendations

4.1 Conclusion

The research shows women face multiple barriers when accessing justice.

Barriers to women's access to justice

Inconsistencies in the implementation of laws: Though legal instruments are available, poor implementation of laws still remains a challenge in some instances. Poor implementation results from a lack of training and proper induction for justice and police staff on domestic violence, rape and sexual offences, as well as negative attitudes, beliefs and prejudices that influence judgements. Delays in and weak evidence collection and documentation are also symptoms of this limited training. Others include: rotation of police between stations and departments, lack of qualified court personnel (currently this includes police personnel), case completion duration and a hostile court environment for survivors.

Lack of women-only safe houses or overnight accommodation for survivors of violence: The absence of safe houses in a majority of cases exposes survivors to repeat violence as they often have to return and stay in the same house as the perpetrator. Lack of overnight accommodation for women and their witnesses, who travel long distances to court, undermines the desire to report and see through cases.

Economic dependency of women on men: Economic dependency of women on men is another deterrent, which discourages women from reporting the 'breadwinner'. Even when they report, the perpetrator is able to pay for legal representation while the woman faces challenges in navigating the court process. In such a scenario, the woman has only a small chance of successful prosecution.

Interventions in access to justice:

Despite these challenges, the research shows ZWLA's access to justice programme design presents a model practice for other WRO engaged in VAWG interventions. The programme is comprehensive and puts the woman at the centre of the service. The model encourages improved services from the police and justice system, while encouraging reporting by women survivors of violence. The programme advocates for women to live free from violence, and if they do experience violence, for a conducive justice delivery environment. It recognises the role of the informal and formal justice delivery system in the delivery of justice to survivors, embedded in feminist and rights-based approaches. It is clear that the model has undergone refinement. Some of the most of successful components are:

Empowerment model: The programme has effectively managed to empower survivors. Through this model, women are being successfully enabled to engage with the justice system confidently and independently, which is a traumatic experience for many survivors given the hurdles they face and the intimidating nature of justice institutions. Evidence from civil cases shows women able to represent themselves in court and articulate their issues sufficiently to receive favourable judgements. Even without court trials, the empowerment sessions endow women with knowledge of their rights and the provisions within relevant laws, which enable them to negotiate and make informed decisions which protect them from further violence and abuse.

Community Legal Educators: CLEs have made significant contributions in raising awareness and creating more demand for legal services within communities. Through the CLE model, basic legal services, such as simple legal advice, have been decentralised to the community level. These structures work as a support system for survivors in communities as they encourage them to report, offer them support through the reporting and trial process, and in some instances assist them in drafting simple legal documents, such as DV and maintenance forms. This model has been very effective, especially in rural areas where communities are closely knit and CLEs activities can be spread easily, allowing simple follow up and feedback mechanisms. The evolution of the CLE model, from mainly community volunteers to MWAGCD community gender officers, has improved the model's sustainability. The CLE approach has also created an important link between ZWLA and communities, demonstrating what is possible for other WRO.

Media engagement: Complementing the work of CLEs, media (radio and newspaper) engagement to disseminate information on women's rights, access to justice and the services they offer has been valuable. Use of media led to a steep increase in demand for ZWLA's services, underlining the importance of the media used – radio and newspaper – to the majority of women, something other WRO can utilise.

Engagement of traditional governance structures: This approach is highly effective in enabling the strategic influence of change in the traditional justice delivery system. As shown by this research, some traditional leaders have embraced this training by including female assessors in the usually male role of adjudicating cases at the chief's court. Others have put in place innovative initiatives to ensure repeated abuse does not occur. Such approaches now give women in rural areas a better chance to seek justice for minor cases of violence. Traditional leaders are now more aware of the cases that they can preside over and those that they must leave to the police, because they are outside their jurisdiction. This increases the likelihood of women experiencing serious violence receiving justice. Although the training of traditional leaders is comprehensive, the chief's court assessors, a group of men that act as jury in the chief's court, could also benefit from training. It is these assessors who determine judgement for the chief's consideration. Therefore, training assessors would increase the possibility of women receiving fair judgements.

Court representation: For clients with complex cases, especially cases in the high court, ZWLA has been able to provide court representation, leading to a high degree of success for survivors who otherwise feel intimidated when approaching the justice system alone. Few cases, however, get the privilege of court representation due to limited human resources. Coordinated responses from WRO could help more survivors.

Strengthening of the justice system: ZWLA's work to strengthen the justice delivery system for women has made some strides, but is hampered by the current socio-economic context of the country. While ZWLA has created a good working relationship with the Judiciary Services Commission, which is in charge of judges and magistrates and is well respected by court staff in its jurisdiction, sustaining this change has remained elusive. ZWLA's participation in the VFSSC provides opportunities for influencing change at the service delivery points (regional courts). Several instances, for example in Murewa, have demonstrated how ZWLA experdited case conclusions and made specific contributions to individual cases for the improved conduct of court staff. Through court monitoring reports, ZWLA has the evidence to facilitate change; ensuring they are heard in structures that facilitate change will increase the effectiveness of these reports.

Legal and policy reform: The interventions at this stage complete the programme. Strategic litigation and criminal court watch reports have provided evidence for ZWLA to influence the legal and policy environment affecting women's access to justice. Strategic litigation has yielded some significant results, including the judgement outlawing child marriages, a significant tool in the fight to end child marriage in the country by WRO. Furthermore, ZWLA made significant contributions to the current gender responsive constitution, inheritance laws, the establishment of the Gender Commission and Codification of the *Sexual Offenses Act*. ZWLA has also contributed to current revisions and harmonisation of the *Marriage Acts*. However, entrenching policy and legislative reforms, such as changes to marriage acts and alignment to the constitution, laws on pregnancy termination, and minimum sentencing for sexual offences, have been continuous to be ongoing work for ZWLA, as it is only one lever of change within a complex web of interests.

Areas that would improve WRO effectiveness

Economic dependency of women on their husbands is a major barrier to survivors accessing justice, because of loss of livelihood fears. Thus, despite the increased knowledge of rights and services available for seeking recourse for violence, women still find it difficult to receive the justice they deserve. Opportunities for strengthening economic security for these women will greatly improve effectiveness of the access to justice work. While WRO are not expected to engage in economic empowerment activities, its beneficiaries comprise a vulnerable group that could be eligible to benefit from economic strengthening projects by livelihoods-focused organisations. Creating linkages with these organisations will enhance opportunities for women's economic empowerment.

Discriminatory structures and state officials' practices are also a major barrier to women accessing justice. Some WRO have the right instruments for generating evidence on the performance of the justice system, which includes court monitoring reports and client exit interviews. Their presence in the VFSSC provides opportunities for using evidence from these instruments to influence change in service delivery. However, the instruments are not

systematically administered, and documentation of the evidence is weak, which in turn affects WRO influence in the VFSSC. Although, for example, ZWLA has recorded significant contributions to the enactment of a gender responsive Constitution and DVA, work influencing policy and legislation remains weak.

Empowerment sessions have been limited to civil cases. There is an opportunity for this model to be incorporated in criminal cases as well, as women have found the court environment intimidating, were not knowledgeable of the court processes and were not prepared for the conduct of defence lawyers and magistrates – with all these factors converging to reduce the chances of a fair judgement or effective sentencing of the perpetrator. In an ideal world, the public prosecutor would prepare the women for court, but given challenges highlighted by this research (low motivation, limited space for confidential discussions, etc), they rarely do so, which harms survivors.

Within customary law positive results were observed from the training of traditional leaders. However, the exclusion of the chief's court counsellors was a significant weakness, as they adjudicate on cases, including those related to VAWG. There is need to scale up work with traditional leaders and their court system for sustained change. WRO can use the examples of positive change within some of the traditional leaders courts to influence the conservative traditional leaders who are not protecting women's rights and contribute to harmful cultural practices.

WRO are understaffed with limited geographic reach. The geographic coverage of WRO are too small to make a national impact. Court monitoring visits have great potential to contribute to the evidence base for reforms. However, due to staff limitations, visits are undertaken inconsistently and documentation from the visits is not always shared with relevant institutions. With adequate resources, it would be valuable for WRO to intensify court monitoring. Within districts, ZWLA has a single legal officer staffing an office and providing legal advice to survivors. This is inadequate to cover the demand for such services.

ZWLA has tools in place to engage with policy and legislative reforms but are hamstrung by inadequate human resources. If ZWLA's staff complement also includes a person responsible for this area of work, this will significantly add value to the work on court watch reports and participation in the VFSSC.

Increasing use of media and new technology. WRO are too small to have a national impact, intensifying the use of media channels which are accessible to a wide range of women provides a potential alternative for raising awareness and demand for legal services.

4.2 Recommendations

Government should:

- Implement the legislative alignment process to the new constitution. This includes harmonisation and alignment of marriage laws, review of minimum sentences for sexual violence and others related to enhancing protection of women from violence and fairer sentencing of perpetrators.
- Encourage women to report and see through VAWG cases, and provide them with the safety to do so, including women-only safe housing for survivors of VAWG in all districts.
- Recognise the opportunities and advantages for collaborating with WRO to ensure protection of women from violence and ensure justice is provided when it occurs. Partnerships should be established in addressing underlying causes of gender inequality in communities, training of service providers, and providing legal aid and advice.
- Provide specialised and continuous training for prosecutors on how to conduct gender sensitive and effective prosecutions of sexual offences in line with global trends.
- Invest in women's economic empowerment by putting in place programmes that ensure women get fair value in labour markets and receive business development services and finance. Also, create opportunities specific to women survivors of violence to engage in economically beneficial activities that reduce their dependence on men.
- Train police and justice staff, including magistrates, court clerks and prosecutors, on laws relating to VAWG and on how to appropriately deal with survivors, and work to combat negative attitudes towards women experiencing violence. Fully skilled and resourced staff will offset the effects of frequent staff transfers.
- Improve working conditions of prosecutors so they can more adequately support survivors of VAWG. Prosecutors lament poor working conditions and inadequate resources to build strong legal arguments as key factors that

lower success in prosecuting perpetrators of VAWG.

- Ensure equitable distribution of regional magistrates to regional courts to reduce the distances travelled to courts, through the Judicial Service Commission, to reduce the backlog of rape cases.
- Establish court user committees at courts that will enable women to interact with the court officials and give feedback on their experiences within the justice system.
- Put in place a monitoring system for VAWG. Such a monitoring system should: measure the extent of VAWG in the country; determine the extent of women's access to justice institutions; measure the quality of services offered in courts, including the survivor friendliness of the court and police environment; and identify bottlenecks within the justice system.

Donors and International Funding Institutions should:

- Increase and re-structure funding to WRO to include provision for core staff support that will enable them to increase geographic coverage, effectively reach women with quality services, and intensify advocacy work on legislative and policy reforms.
- Strengthen accountability mechanisms for the fulfilment of women's rights commitments. Donors and International Funding Institutions should support WRO to widen coverage monitoring the police and the judiciary's performance (through court monitoring).
- Consider programming models that recognise the multi-dimensional barriers that women face in accessing justice. This includes addressing underlying causes of gender inequality, supporting legal aid and advice and the economic strengthening of survivors.

Women Rights Organisations should:

- Document the experiences of women survivors of VAWG with service providers (traditional leaders, police, magistrates, court clerks and prosecutors) through increasing court monitoring visits and examine the barriers women face in reporting VAWG and seeing through cases.
- Increase training of traditional leaders who administer customary law on VAWG. This training should also cover assessors in the chiefs' courts as they adjudicate on cases of VAWG.
- Engage multiple channels for information dissemination of VAWG including: intensify radio programmes that increase awareness on VAWG and WRO that can assist them, and increase community information on VAWG through training community-based cadres structured in the same way as community legal educators, who provide information on VAWG to women and communities and referral services for women survivors of VAWG.
- Form an alliance that addresses the current slow process in aligning legislation, which has implications on protection of women against violence and achievement of fair sentencing of perpetrators.
- Collaborate to make available structured and systematic support to women survivors of violence in need of legal advice, representation, safe house, etc. to ensure they receive the justice they seek.

Annex 1: Progress in aligning legislation to the new Constitution

Law to be aligned to the constitution	Status of Alignment	Progress with Alignment						Comments
		Stages of Bill Development Milestones						
		Discussion Paper & Principles	Layman's Draft Bill	Stakeholder Consultations	Expected Date in Cabinet	1st Reading in Parliament	2nd Reading in Parliament	
Criminal law (codification and reform) Act (Chapter 9:23)	Completed							Amendments to this Act were effected through the General Laws Amendment Bill
Criminal Procedure and Evidence Act (Chapter 9:07)	Completed				Done	Done	Done	The criminal Procedure and Evidence Amendment Bill was passed by Parliament
Guardianship of Minors Act (Chapter 5:08)	Action Taken	Done	Done	Done	Done	TBA	TBA	Principles were sent to Cabinet on 3 March 2017
Marriages Act (Chapter 5:11)	Review is ongoing	Done	Done	TBA	TBA	TBA	TBA	Draft Marriages Bill in place and the principles are currently being prepared (NB. The Draft Marriages Bill repeals and replaces the current Marriages Act and the current Customary Marriages Act)
Customary Marriages Act (Chapter 5:07)	Review is ongoing	Done	Done	TBA	TBA	TBA	TBA	Draft Marriages Bill in place and the principles are currently being prepared (NB. The Draft Marriages Bill repeals and replaces the current Marriages Act and the current Customary Act)
Zimbabwe Human Rights Commission Act (Chapter 10:30)	Review is ongoing	Done	Done	Done	Done	TBA	TBA	Some amendments were effected through the General Laws Amendment Bill. Principles for further amendments were submitted to Cabinet on 28 February 2017.

Annex 2: References

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