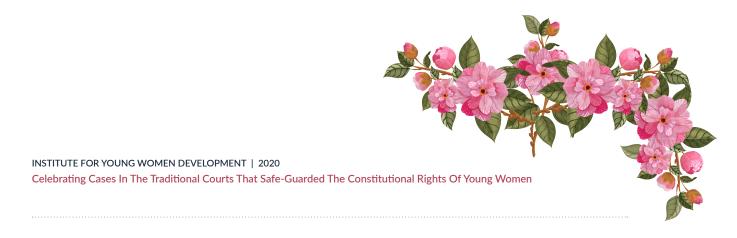


Never apologise for being a powerful woman.

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ACKNOWLEDGEMENTS

To our partners and friends

We are forever grateful to you for believing with us that together we can dismantle patriarchy and triumph. Thank you for making this publication a reality.

To the Traditional Leaders

Your commitment and unflagging support in the advancement of women's rights is highly esteemed. We appreciate you for consenting to the sharing of matters in your jurisdictions. We extend our utmost special gratitude to Chief Bepura, Chief Bushu, Chief Chipuriro, Head Person Chiveso and Village Head Gotami.

To the young women Peace Committee Members and the entire movement of the Institute for Yung Women Development (IYWD)

You are the Sheroes. You stand in the frontline of fighting for young women and women's rights and dismantling patriarchy. Your commitment to continue with these battles even when they threaten everything about your existence will forever be recognised and honoured. Your courage to share your stories for every other young women, woman and citizen in the world to learn from you is indeed honored. Backwards Never! Forwards Ever!

To the Board and Staff of the Institute for Young Women Development (IYWD)

Your enthusiasm and hard work are deeply appreciated

Aluta Continua!



INTRODUCTION

As a young woman focused development organization, we strongly believe that young women from marginalized communities have a critical role in influencing decision making, governance and policy processes in their communities and at national level. Exercising young women's agency to bring about Transformative Justice that delivers gender justice in our communities is one of the ways in which young women influence status quo.

Over the years Institute for Young Women Development (IYWD) worked with Traditional Leaders to ensure that traditional courts use a Rights-based Approach (RBA). Since 2017, we implemented an intervention titled United Against Patriarchy. United Against Patriarchy built on the work we have done in previous years and expanded our reach and efforts to see traditional courts upholding young women's rights as provided for in the constitution of Zimbabwe.

A critical mass of young women paralegals organised under Peace Committees was mobilised in Mashonaland Central Province. The young women are exercising their agency in championing women's rights in traditional courts by challenging historical norms that reinforce patriarchal ideologies. It is against this background that this publication celebrates the developments made thus far in the advancement of women's rights in traditional courts. Through case analysis, it surfaces the realities of young women and women, the injustices they suffer and how, using an RBA and feminist lens in the traditional courts, some remarkable landmark rulings have been made in some traditional courts. The peace committee members have been tirelessly working together with their traditional leaders who are progressively redefining the course of justice towards a gender just world.

Through this publication and the transformational narratives it contains, we believe that a lot of work is still needed in our traditional courts to ensure that young women and women's rights are upheld. We are confident that this publication will set a benchmark for current and future generations of young women and Traditional Chiefs in their quest for a gender responsive traditional justice delivery system. It is also our hope that this

^{&#}x27;Including documented case studies in our publication On the Case with IYWD

²Constitution of Zimbabwe Amendment (No.20) Act



publication will trigger and inspire our justice service delivery system to advocate for the rights of women by dismantling patriarchal forms of judgements.

METHODOLOGY

The IYWD used a multi-pronged approach in collecting information under this intervention. Purposive sampling was used to select cases to follow up on and document. An average of 100 court cases were observed by young women who were trained on Transformative Feminist Leadership and women's rights as enshrined in the 2013 Zimbabwe Constitution. The young women were then organised under Peace Committees. A total of 13 Peace Committees were constituted and deployed to different Traditional Leadership jurisdictions in the Province. Through strategic engagement with the different traditional leaders, collaborations were made with some of the traditional leaders, with the Peace Committees ultimately constituting of 4 young women members and 3 traditional leaders.

Data collection was done in real time by the young women Peace Committee members who sat through the court cases and recorded proceedings while participating in same. In addition to this, IYWD staff also had the privilege of attending the traditional courts while in session and had the opportunity to convene round table meetings with the traditional leaders, their respective advisors as well as the peace committee members and young women from the local communities. From listening to the cases and issues arising from the courts, a consistent thematic pattern of rights-based issues from various courts emerged.

The issues mostly involved land rights, inheritance, and women's rights in marriages. Acknowledging that these issues have historically been at the centre of the Zimbabwe women's rights movement dating back to colonial times, these issues emerged as critical in tracking and setting precedence for Transformative Feminist Justice in traditional courts. The issues thus informed the purposive sampling of the cases to follow up on and document. A maximum of 10 cases were selected from an average of 100 court cases observed by the Peace Committees in the period between 2017 and 2020.



WHY YOUNG WOMEN AND WOMEN?

Access to justice remains a challenge that young women and women face in their lives in Zimbabwe. Zimbabwe uses a dual legal system, that is the Roman Dutch Law and Customary Law. With 67.97% of Zimbabwe's population residing in rural areas, these including farming, mining and resettlement communities, Customary Law as discharged by Traditional Leaders such as Chiefs, Headmen and Village Heads is the most common and easily accessible justice delivery system. Yet, by its nature, Customary Law has prejudiced women and young women.

In contemporary Zimbabwe, the law continues to undermine the rights of young women and women. This is evident in how many of the cases disputes brought before traditional courts pertain to distribution of resources, for example, access to land and mining; distribution of property upon death or divorce and domestic and gender based violence cases with their roots in gendered power dynamics in society. Yet, the courts themselves are highly patriarchal in many ways.

A total of 280 out of 286 of the traditional courts are male led; the processes of justice delivery themselves are benchmarked on historical traditions, cultures, practices and norms many which are harmful to young women and women. Even though the process is subjected to the jury, the patriarchal nature of our society simply reproduces patriarchal judgements. For IYWD, central to the goal of its work is bridging the gaps between historical injustices and today's realities of women's lives in a liberated and constitutionalism Zimbabwe.

At the centre of this intervention is the policy and legal framework guided by international, regional, and local instruments aimed at advancing the lives of women in Zimbabwe. These include but are not limited to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Maputo Protocol on Women's Rights in Africa, the Constitution of Zimbabwe as well as Customary Law and subsidiary enacted legislation such as the Domestic Violence Act. Zimbabwe is also a signatory to the Beijing Declaration of 1995, the Protocol to the African Charter on Women's Rights of 2003 and the SADC Protocol on Gender and Development of 2008. As a nation, we boast of progressive ad gender sensitive laws and policies however have

³Refer to the Women's Coalition of Zimbabwe's publication A beautiful struggle



collected dust on the shelves because of poor implementation. Hence the work of IYWD seeks to breathe life into these instruments and ensure that they make young women and women thrive.

GOING FORWARD

This publication is a powerful tool for us. It does not only help us to tell our stories as young women, but also enables us to share the power of our agency to work together and to work with our communities and leaders in transforming our realities. We are hopeful that this publication will inspire fellow young women and other traditional leaders across generations in ways that are transformational to recreate the traditional justice system in ways that are empowering to young women and women.

Our hope for a world that fully respects and upholds the Constitutional rights of girls, young women and women in Zimbabwe is ignited by the commitment from the different traditional leaders who have adopted our Pledge as inserted in this publication. These traditional leaders Paramount Chiefs, Headpersons (men) and Village Heads.

https://tradingeconomics.com/zimbabwe/rural-population-percent-of-total-population-wb-data.html#:~:text=Rural%20population%20 (%25%20of%20total,compiled%20from%20officially%20recognized%20sources.

https://www.chronicle.co.zw/chief-mvuthu-victory-win-for-all-women/



When women support each other, incredible things happen.

- Anon



YOUNG WOMAN WINS BACK HER PARENT'S MATRIMONIAL HOME

Facts of the case.

Grace is the only child born to the now deceased Mr and Mrs Share of Shamva, located in Mashonaland Central Province. Her late parents left a homestead and six-acre land and as the sole heir, Grace has every right of inheritance. She got married, later divorced, and went to reside in the United Kingdom leaving the homestead under the care of a caretaker. The then village head took over the six-acre land and distributed it to some members of the community and part of which was used for constructing some buildings. Grace took the matter to a now deceased Chief Bushu who ruled in the Village Head's favor saying that she had no right to the property as she was staying overseas so the land needed to be given to community members who had nowhere to stay. The Village Head subsequently took over the Share homestead and distributed the land to various beneficiaries. Years later, Grace pleaded her case again to the currently presiding Chief Bushu.

The accused person's defense.

At the first instance the matter was presided over by the late Chief Bushu with the Village Head as the accused person. The then Village Head's rationale was that Grace is a woman, and as a woman she does not have the right to inherit land because one day she will get married and leave that homestead. His defence was anchored on culture and the traditional role of women in rural communities. He further elaborated that Grace is already working outside the country, so she has no use for the land in question. The Village Head concentrated on the traditional and archaic role of women.

How the case was understood.

Mr and Mrs Share were born and raised in Bushu Village, Mashonaland Central. Their daughter Grace had lived in this village from the time she was a newborn baby till her early twenties. As a young adult eager to make a living for herself and to sustain her family she emigrated to the United Kingdom where she is working as a nurse aide. The now late Chief understood the case to mean that since Grace is a woman she has no legal capacity to inherit especially because she will be married and leave the Share family to join that of her husband. In short, she is in transit and will arrive at her final destination through marriage. The current Chief Bushu understood the case in a more progressive and gender sensitive way. It is common cause that Grace is the sole heir of the Share empire despite her gender. Chief Bushu elaborated that "Even though the matter had been dealt with, in



my opinion it was not dealt with fairly in accordance with real and substantial justice. Culture is dynamic as such the idea that that women are inferior to women is a thing of the past."

IYWD's role and Interventions.

The IYWD peace committee members followed the court case from the preceding Chief to the current Chief. Despite the preceding Chief Bushu ruling against Grace, the young women had attended court and made sure that they advised the Chief of the non-discrimination clause in the 2013 Constitution and that women are also full citizens who have the legal capacity to inherit. The solidarity and support rendered by the peace committee members safe guarded grace against litigation fatigue which befalls many women when a case takes too long to be decided. The presence of the peace committee members during the hearings also makes the bench understand that this is a matter of public interest that must be presided over in a just and fair manner. This accumulation of events resulted in the matter being re-heard and a new progressive judgement upholding women's constitutional rights to land handed down. We celebrate this landmark ruling as well as the Chief's invitation to work with young women in the Bushu jurisdiction.

The likely outcome without the IYWD's advice.

Had it not been for the IYWD's active role in this case, Grace would have been stripped off her legitimate property rights. She would have fallen into the same fate as many women in Zimbabwe and deprived of her parent's homestead simply because of her gender. Grace would have also not been compensated for any improvements that her parents would have affected during their lifetime. Without encouragement from her fellow sisters she could have suffered from litigation fatigue and abandoned her case midway.

The outcome after the IYWD's intervention

According to Chief Bushu, Grace had a right to inherit her parents' property even if she was living overseas. In a victorious win she was awarded her parent's matrimonial home and land. What happened to those that had been awarded the land by the previous Chief Bushu? Well in the spirit of ubuntu they were simply allowed to keep the land in which they had built structures on and the rest of the land which belongs to Mr and Mrs Share was awarded to the correct heir, Grace Share. In his explanation the Chief explained that parents toil day and night for the sake of their children. While traditionally some cultures do not recognize a woman as an eligible heir, the true question to ask is that is it justifiable in a democratic society. The Chief also concedes that tradition,



custom and culture are dynamic elements of society. He rightfully found no reason for Grace to be deprived of her parents' immovable property. The Peace Committee Members also welcomed the Chief's invitation for the young women to take up male dominated roles in the traditional courts such as that of being court messengers. One of our Peace Committee Members Patience Makaza celebrated and welcomed the decision and said, "Our Chief is a listening leader and during the proceedings he would give the villagers sitting in the gallery a chance to speak. We are happy that the girl child has been recognized as a legal heir"



I raise up my voice

- not so that I can
shout, but so that those
without a voice can be
heard.

- Malala Yousefzi



CHILDREN REINSTATED TO THEIR DECEASED PARENTS' MATRIMONIAL HOME.

Facts of the case.

At the demise of their parents, orphaned children usually undergo inheritance woes with their unscrupulous relatives who will be spying on every corner for opportunities to gobble down everything the deceased worked for. This was the case of Sekai's estate soon after she passed on. Initially when her husband died, Sekai remained at the estate where she stayed with her four children. With determination, she raised her children very well and worked extremely hard to ensure that her family was living comfortably. Time went by and some of her children got married and went away while Sekai remained with her youngest son, Jonathan. Unfortunately, Sekai died and left everything in the hands of her children but her greedy brother called George came claiming that he was the rightful heir to his sister's property. George impounded the house and evicted Jonathan. As the case was narrated to Chief Chipuriro, George had already moved into the house while Jonathan was now renting a room at a nearby growth point.

The accused/ defendants' defense.

When he was summoned to court, George admitted that he had taken away Sekai's property on the basis that she was his sister and that he had a right of inheritance since they were blood relatives. He expressed ignorance on his being an offender of the law by occupying a property to which he had no entitlement.

IYWD's view on the case.

According to Section 26 (d) of the 2013 Constitution, in the event of dissolution of a marriage, whether through death or divorce, provision is made for the necessary protection of any children. This provision seems to be at a war with the narrative of the Shona tradition where may mourning orphaned children, have been left to be paupers at the hands of their parents' greedy relatives.

In addition, Katharine T. Bartlet, when it is said that economic inequality is a woman's issue, what is generally meant is that women are disproportionately poor. And, of course, they are. Women are 32% more likely to be poor than men, and single mothers are twice as likely to be poor as single fathers. These statistics put into perspective why George wanted to tamper with Sekai's property rights even in death, she defied all odds against her by owning her own home. George managed to evict Jonathan, his nephew who was still residing at



his mother's homestead and still his insatiable appetite for greed was not quenched. He continued to mutilate Jonathan who was now renting at a nearby growth point. As if that was not enough, he tried to commit incest with Jonathan's wife and was later fined three cattle for attempted rape at Chief Chipuriro's court in Guruve Mashonaland Central Province. George was indeed a serial offender.

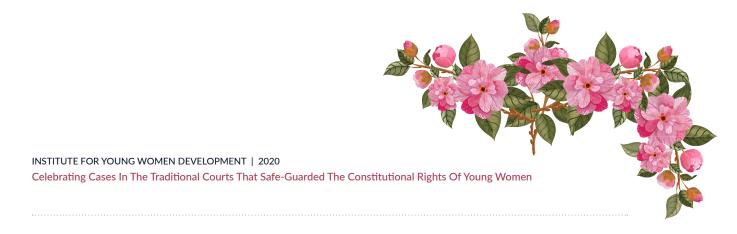
In this case, the plight of women is highlighted. Very often when a woman is left at a homestead to fend for the family and run the home, society will give her less credit and respect than if a man was doing the same duties. One may argue that George displayed the outmost disrespect of Sekai's estate because she is a woman and he felt that as the male uncle he had a say over Sekai's property to the extent of evicting her son and not feeling sorry about it.

IYWD'S Role and intervention.

Before the case was brought to court, Liyanda Tembo a member of IYWD and also a Chief Advisor encouraged Jonathan to approach the court and plead his matter. Initially Jonathan was afraid that the court would not rule in his favor but he later agreed. According to Liyanda, the matter was brought before the court, she informed the Chief that when a woman is working, she does it for her children and no relative has a right to bulldoze. She also said that even in death, Sekai deserved respected by having Jonathan reinstated to his mother's home as he was the rightful heir together with his siblings. "Children have a right to enjoy what their mothers worked for. George was being greedy and he trivialized Sekai's rights because she is a woman. When a woman dies, her children are the heirs," she said.

The likely outcome without the IYWD's advice

If IYWD had not arbitrated on the matter, George would have continued to stay on Sekai's property without any shadow of doubt. In the traditional set up, a mother's brother is treated with utmost respect and is revered to the extent that whatever he says becomes the law. In this case, George was taking advantage of his position in the family as he was now the "mother figure" who could dictate what can be done with his late sister's property which is why he had instilled fear in Jonathan and confidently evicted him.



The outcome after the IYWD's intervention

The Chief ordered George to surrender everything he had plundered including giving back the house and properties to Sekai's children. "It is true that when a woman is working, she does it for her children's wellbeing so that in the event of death, they can benefit and inherit substantial wealth. Jonathan is the proper heir to the estate. The problem comes with prowling kinsfolks who want to reap where they did not sow. While Sekai was tirelessly working and building houses, George was aimlessly doing nothing to better his own family and now he is being opportunistic. George's behavior is very improper," said Chief Chipuriro. This ruling assures women that even in death their property rights of will be respected.



I am eternally gratefull to the women before me who fought for my rights.

- Anon



WOMAN RECOMPENSED AFTER DIVORCE

Facts of the case.

Julianna and James had been married for fifteen years yet their marriage was characterized by all forms of gender based violence especially physical and emotional abuse. For James, marriage was a dog eat dog set-up in which he thrived at torturing his wife. James had an extra marital affair to feed and whenever he came home to Julianna, he still demanded for his conjugal rights. Julianna was completely shattered to the extent that she started refusing to have sexual intercourse with her wayward husband. Having been angered for being denied his conjugal rights, James went to Chief Chipuriro's court in Guruve, Mashonaland Central Province, holding a ten cent coin as a divorce token for Julianna. Even though the court tried to counsel the two with hope that they would resolve their matter and get back together, James still insisted on divorce accusing his wife for not giving heed to matrimonial decrees.

The accused's defense.

James averred that the marriage had irretrievably broken down because his wife was denying him of his conjugal rights and he needed to divorce her. It was his testimony before the court that he had also lost love and affection for Julianna, without tendering any further reasons. He also wanted the court to chase Julianna out of their matrimonial home as well as deny her a right to their A2 Farm (about 15ha) and suggested that she could go and stay in some shabby and undeveloped area in the community referred to as " off cuts" where no one can own any land.

How the case was understood.

From James's cross examination by the court officials, it was evident that his desire to have Julianna kicked out of their matrimonial home emanated from the need to occupy the place with his new lover. According to the Institute for Young Women Development's view of today's law, divorced are no longer based on the fault principle. A no fault divorce is where divorced can be granted on grounds such as irretrievable breakdown of the marriage, irreconcilable differences, incompatibility, or after a period of separation without finding fault in either spouse.

IYWD'S Role and intervention.

According to Nyamadzawo Mushongahande, one of Chief's Chipuriro's Advisors and a member of Institute for Young Women Development, said that she admonished the court to understand Julianna's predicament at the hands of her husband. She cited that James was divorcing Julianna after fifteen years because he had found another woman. There would not be any justice if Julianna was to lose her marriage, property and children. "We made it clear to the Chief that Julianna needed to benefit from property sharing. Julianna did not have to lose everything because in this case she was being divorced, she was being chased to go back to her village empty handed save to carry kitchen utensils. Worse, she and the children would not have anywhere to stay. Julianna worked tirelessly for fifteen years to the betterment of her marriage and now she was being made a laughing stock."

The likely outcome without the IYWD's advice

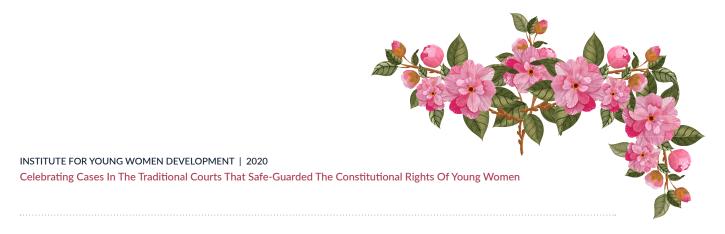
If IYWD had not mediated on behalf of Julianna, she could have been stripped off her dignity and everything she worked for during the tenure of her marriage. She would have been instantaneously sent away because "culturally its taboo for an estranged woman to continue staying at her former husband's home."

Julianna would have been sent back to her village empty handed and with nothing to show for her hard work. In a village where patriarchal supremacy is celebrated, Julianna was going to be blamed for denying James his conjugal rights and no one would dare to question the latter on his behavior because "men are allowed to have as many wives as they want." James shamelessly asked the court to let Julianna stay at the "off cuts" so that he could enjoy the fruits of her hard labor alone with his now girlfriend, a common characteristic of how patriarchy gets away with stealing from women's sweat.

The outcome after the IYWD's intervention.

As a result of IYWD's intervention, The Chief began to appreciate that a man cannot just wake up, divorce his wife and send her back to her people empty handed. Instead of stripping Julianna of her rights, Chief Chipuriro ruled in her favor by sharing the property between herself and James. She was awarded a large portion of the land and all the buildings that were on their matrimonial home. She also benefitted two cattle for taking care of James's son whom he had with another woman and another as recompense for the insults which the same son hurled at her. Their two children also benefitted a portion of land and one cow each.

"Julianna needed to also benefit from what she worked for together with James. Because of all the years she



spent in the marriage doing the duties of a wife, she had to be compensated. This ruling is a caution to other men who thought that they could divorce their wives anyhow and benefit," said Chief Chipuriro.

In addition, the Chief told James that he is the one who needed to go and stay at the "off cuts" and he was given a small portion of land very far away from their matrimonial home where he is now staying with his girlfriend.



The success of every woman should be an inspiration to another. We're strongest when we cheer each other on.

- Serena Williams



PARADIGM SHIFT FOR WOMEN IN ADULTERY CASES.

Facts of the case.

At the age of 15 Jane was involved in an adulterous affair with a legally married Ronald, the owner of a shop where she was working in Shamva District of Mashonaland Central Province. She got pregnant with Ronald's child and the two approached her father to inform him of the pregnancy. On the other hand, Ronald's wife, Miriam knew that her husband was having an extramarital affair with Jane but she kept it as a secret because she was afraid that if she reported her husband, he would be arrested for the crime of sex with a minor.

It is worth noting that crime of "sex with a minor" falls under the jurisdiction of the Magistrates Court in Zimbabwe because it is a criminal offence. Traditional leaders only preside over civil matters not criminal matters. She secretly approached Jane's parents to settle the dispute at household level. Jane's father secretly went to Ronald and asked him to pay lobola for the underage girl. When Jane reached eighteen years of age she had stopped working at Ronald's shop and she was madly in love with another man called Tawanda whom she got legally married to under the Marriage Act Chapter 5.11 which allows for one husband- one wife. This was previously called the Chapter 37 by many. While she was married to Tawanda, Jane continued with her adulterous affair with Ronald. Jane took two birth certificates for her child using Ronald's and Tawanda's surnames respectively and this was accidentally discovered by the latter when the child was already in Grade seven while he was searching for something in their drawers.

The accused person's defense.

Tawanda took the issue to the court claiming that he had been taking care of a child that was not his. Tawanda was claiming compensation for loss of love, comfort and companionship while Jane was having an adulterous affair. He was also claiming compensation for pure economic loss, for the funds used to take care of a child that was not his. At the same time, Miriam also filed for adultery damages against her husband but the case was taken aside as Tawanda's charges contained the core issues of the matter. Tawanda told the court that there had no peace in his house and for some time he had observed that Jane's movements were suspicious. Jane was summoned to court although she skived most of the times.



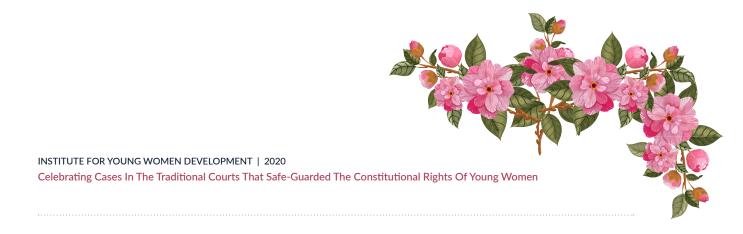
How the case was understood.

The court assessors decided to bring Tawanda and Ronald to the bench. Tawanda told the court that he was legally married to Jane whereas Ronald claimed that he paid lobola and also that the child was his since he took its birth certificate. It was also understood that Ronald had paid bride price and this was taken to be null and void since Ronald paid the bride price for a minor, who does not have the legal capacity to enter into a marriage contract. As a witness in court, Jane's father said that Ronald paid lobola because he had made his daughter pregnant.

IYWD's role and intervention.

IYWD's peace committee members who have attended court sessions contributed towards the promotion of women's rights by enlightening the chief's court on the plight that Miriam may have gone through and why she needed to also need to be compensated for the pain and suffering she went through. The peace committee members in particular advised the Chief on the emotional pain of being cheated on by one's husband. They also advised the Chief on the economic rights of women to their family property. The young women raised the fact that women play key roles in building their households' economic base, and when a man has to pay for their adulterous behavior, the loss of that property inflicts additional pain to the adulterous behavior. The young women's voice has resulted in an aggrieved woman whose husband is having an adulterous affair being compensated with two cows.

Above all, the young women's intervention has led to change of attitude towards women in marriages, and largely shifted the Traditional Courts' practices. Chief Bushu confirmed that this is the precedent that he is now following within his jurisdiction going forth. Further IYWD is interested in following up with the woman to understand how she interprets and her plans for ownership, control and use of the cows she got. It is exciting and worth celebrating that young women are influencing traditional gatekeepers of patriarchy and contributing towards the acceptance of feminism at the grassroots and in ways that positively impact the lives of the ordinary Zimbabwean woman.



The likely outcome without IYWD's advice.

The defendant would have been made to compensate the husband whose wife he was having an adulterous affair with and the court would provide counselling for the partners involved so that no marriage would break. Only the accused man would be charged and the lenient penalty had a long-term effect of increased adultery cases within Chief Bushu's jurisdiction. The wife of the husband who was having an affair would not get reparation for going through pain and suffering caused by both her husband and the woman with whom he was having an affair.

The outcome after IYWD's intervention.

In light of the case, Ronald was found guilty of taking someone's wife, securing a birth certificate and marrying Jane when she was underage. Chief Bushu said that Tawanda suffered because Ronald not only committed adultery with his wife, he took care of the child, paid school fees and so he needed to be reimbursed. Also, Miriam went through pain and suffering for her husband's promiscuity and she needed to be paid for the suffering. Ronald was ordered to pay four cattle to Tawanda, one cow for his child's upbringing by another man, one cow to his wife Miriam for the pain and suffering he caused her while having an affair with Jane. Jane was also held accountable for her conduct and had to pay one cow to Miriam.

In total Ronald was fined six cows. Miriam also walked away with two cows. The Chief lamented that, "It was about time that society realized that the wife at home also suffers emotionally and financially when her husband is involved in an adulterous affair."

Chief Bushu's acknowledgment is worth celebrating because historically when adultery was committed everyone would forget about the wife at home, and the men just compensated each other. This is usually reflected in a patriarchal notion of "taking another man's wife" or "kutora mukadzi wemumwe murume", making the woman who is betrayed invisible in the matter. We must appreciate the fact that normally the man who participates in adulterous relationships would be fined by the Chief and would remove cattle from the family kraal and give them to the aggrieved husband of his mistress. This is a sore and sour spot because not only does the wife at home suffer emotionally from lack of love, compassion and companionship during the tenure of the adulterous relationship, now she has to lose part of her hard-earned assets. Chief Bushu's decision empowers women by



reminding the world that women are not only emotional beings, but they are also financial and economic beings. One might be tempted to think these are just cows, but in our Zimbabwean culture cows are priced possessions that symbolize wealth and respect.

Of the cases brought to court in every sitting, seventy three percent were on adultery. Considering the high prevalence of adultery cases, the chief's court deemed it necessary to introduce stiffer penalties for the defendants in the form of their most prized possessions i.e cattle. As explained by one of IYWD's Peace Committee Members, Lucia Kasiyiwa said they have been advocating for the compensation of women whose husbands were engaging in adulterous affairs.

"It is like a dream come true that the traditional courts have set precedence that the wife at home also needs some financial compensation. In a marriage a woman would have toiled hard for these assets and it's unfair to just watch the family kraal being depleted because of your husband's dishonest behavior which one had nothing to do with," she said.

According to Chief Bushu the court has noted a drastic decrease in the number of cases reported because the community is now afraid of losing their wealth. "The stiff penalty has become a deterrent measure. Many married women at home would have their matrimonial property reduced when the husband compensates another man for taking his wife. Men were enriching each other by virtue of their immoral conduct, at the expense of their wives. This was is the injustice that the Chief rectified," said the Chief.

The Chief informed village heads under his authority to follow suit. The courts are now being more progressive in supporting the rights of women married under the customary law and this positively impacts on patriarchal members of society while giving more power to women.

Additional Comment.

With the appreciation of the case a whole, we note with concern that the adulterous affair between and Jane and Ronald began when she was 15 years old. It would have been in the best interests of the child to consider her youthfulness and vulnerability at the time, when dealing with the case and handing down judgment.



My mission in life is not merely to survive, but to thrive; and to do so with some passion, some compassion, some humour and some style.

- May Angelou

YOUNG WOMAN AWARDED A SECOND LIFELINE.

Facts of the case.

Veronica was madly in love with her boyfriend, Calisto who lived in Shamva. She subsequently got married to Calisto and moved to Shamva to settle with her husband. As the days turned into years in the marriage, their marital problems became more acute. Veronica and Calisto resorted to using the family structures to solve their differences, to no avail. Veronica's aunt advised her to hold on to her husband for the sake of her two minor children, irrespective of the fact that all love and affection had been lost in the union.

One Tuesday morning Veronica took the bold step of leaving the marriage and returning to her family home in Guruve where she had grown up. Unfortunately, there was no "mom" and "dad" to welcome her because over the years her parents had passed on. She was excited and looking forward to reconciling with her two older brothers Tadiwa and Mudiwa. Of course, the first night her brothers and their wives were excited to see Veronica and her two sons. They broke bread and exchanged stories all night long. The following morning a movers truck full of Veronica's belongings arrived and she broke the news to her brothers that, herself and Calisto and had decided to go their separate ways, her two sisters in law started showing signs of hostility. That evening Mudiwa told her sister that, "it is unheard of for an old aunt like you and children of another totem to be staying here, you must relocate and find alternative accommodation. You will start irritating our wives soon, and my wife is actually pregnant".

The accused/defendants's defence.

The two accused persons defence was that they are sons to their deceased parents, and they have every right to the family homestead. To them it was ultimate and obvious that Veronica as a woman cannot perpetually live at her parent's homestead. These two brothers also referred to the fact that Veronica had been married and started a new life and gave birth to her children who belong to their family. The harsh reality of being a so-called 'returning soldier' became clear. In Zimbabwe a 'returning soldier 'is an informal derogatory term used to described divorced women who return to their family home after their marriage has broken down. In tears many thoughts began to cross Veronica's mind, but this is my mother and father's property? Did I not grow up her? Are my sons not grandchildren as well?, Is the girl child not a child as well? Where should I go now? I wish my parents were alive...... Veronica sought solace from her childhood friend, Jessica who instantly had a light bulb



moment since she regularly attends Chief Bepura's court sittings as an IYWD peace committee member. Jessica advised her to approach Chief Bepura with her claim.

How the case was understood.

Veronica approached the court seeking to interdict Tadiwa and Mudiwa from evicting her as she is the daughter of the deceased parents and an equal heir to the estate. To her surprise Chief Bepura explained that because of our history women are at a disproportionate disadvantaged compared to men. It is his view that as a traditional leader he must undo these historic injustices. Chief Bepura spoke fondly and intimately about the Constitution sighting that men and women are equal citizens of Zimbabwe. He also appreciated that Veronica is now an independent young woman with two children and she needs her own space to build her own empire for herself and her sons.

IYWD's role and intervention.

The intervention by the IYWD peace committee members, gave Veronica the courage and confidence to report the matter to the Chief and seek redress. We cannot run away from the fact that men from the larger percentage of litigants in both our traditional and mainstream courts. The shadow of the IYWD members has enabled young women like Veronica to approach the courts. The Peace Committee Members also expressed the need for Veronica to be given security of land to enable her to care for herself and her children.

The likely outcome without the IYWD's advice.

Without the IYWD's intervention Veronica would have been evicted from her parent's household and left out in the cold together with her children. She would have been robbed of her dignity, property and inheritance rights. Veronica would have become another statistic of women being stripped off their inheritance in broad day light. In some cases women like Veronica would end up returning to hostile marriages in a bid to seek accommodation and financial survival.

The outcome after the IYWD's intervention.

The Chief emphasised to Tadiwa and Mudiwa that they do not have the right to evict their sister. Veronica was awarded a new piece of land should she want to build and continue with her farming activities Shamiso, a peace committee member expressed her joy at this ruling. She explained that our Chief is gender sensitive and



he employs a human rights approach in his rulings probably because he belongs to the younger generation. Veronica's local headperson was summoned to give her immediate alternative accommodation while she builds on her new land. For the avoidance of doubt Tadiwa and Mudiwa were clearly informed, in no unequivocal terms that Veronica has a right to the family home, just like the two young men. While the Chief confirmed that Veronica had the right to stay there, he further empowered her with her own land after a consultative process with her.

Generally, our culture and history informs us that men are the owners of the land not women yet we are all citizens of Zimbabwe. The presiding officer also commended the IYWD peace committee members for rendering solidarity to fellow young women and attending court as often as they could, it is good thing to seem them in the gallery. We celebrate our fellow sister Veronica's victory with her and her children. The narrative of the "the returning soldier" has taken as sudden shift in Guruve.



Feminism isn't about making women stronger. Women are already strong. Its about changing the way the world perceives that strength.

CHIEF BEPURA SENDS A CLEAR MESSAGE ON VIOLENCE AGAINST WOMEN.

Facts of the case.

"Mai Chamu where is my sadza?", without further due Simba took a big log and hit Shelly on her mouth several times. Shelly started bleeding and two teeth fell to the ground. Shelly and Simba had been married for 3 years, of course like any other married couple they had their differences, but it never turned in to violence. Simba was immediately summoned by the Chief to his court in which he pleaded guilty to the charge. This matter was moved up the court roll because of it's serious and urgent nature. As she broke down and began to cry the IYWD peace committee members moved their solidarity from the gallery to giving their fellow sister a shoulder to lean on. Cases of Domestic Violence attract both criminal and civil law sanction. A litigant is free to choose to pursue both or one of the avenues. In this case Shelly sought refuge from her local traditional leader using the civil channel, because traditional leaders don't have the jurisdiction to preside over criminal matters in Zimbabwe.

The accused/defendants's defence.

Simba pleaded guilty to the offence. The evidence of two missing tooth and his wife's swollen face corroborated her story that Simba had fatally assaulted her for no good reason. In mitigation he told the court he is surprised at how he became violent. The gallery was in disbelief at how a young woman had lost two of her teeth over a plate of sadza.

How the case was understood.

The Constitution of Zimbabwe in section 52 guarantees every person the right to freedom from any form of violence and the Domestic Violence Act in section 3 criminalises physical and emotional violence. These laws apply to both circular and traditional courts. Chief Bepura, expressed that there is no room for domestic violence in his jurisdiction. The counselling and stiff penalties are meant to deter would be offenders from battering their wives. He lamented that society must be aware of the physical and physiological impact of domestic violence against women. He also encourages more young women to attend court sessions as this offers positive and active solidarity complainants.

The traditional leader is alive to the fact that form the inception of a court case men and women are not at par because of the discriminatory global history. He employs a human rights approach on his bench to promote the



rights of women. It is his hope for women to have confidence in his judgements and rulings as he appreciates the role of women in society and the history that is attached to it.

IYWD's role and intervention.

The following morning after the assault Shelly immediately went to report her case of domestic violence to Chief Bepura As she broke down and began to cry the IYWD peace committee members moved their solidarity from the gallery to giving their fellow sister a shoulder to lean on realising that Shelly was in trauma and shock one of the IYWD Peace Committee Members consoled her and render solidarity. After she had calmed down, she managed to state her case fully without hesitation. The IYWD Peace Committee Members also convinced the court to treat this as an urgent matter due to the permanent injuries Shelly had sustained.

The likely outcome without the IYWD's advice.

Without IYWD's intervention this court case would have been enrolled on the ordinary role and would have taken time to conclude, further frustrating Shelly. The sisterhood and solidarity rendered to Shelly enabled her to succinctly articulate her case before the traditional leader. As she broke down and began to cry the IYWD peace committee members moved their solidarity from the gallery to giving their fellow sister a shoulder to lean on. The Peace Committee Members also expressed their disapproval and called for a stiffer penalty when the Chief consulted the gallery about their views. It is possible that Simba would have been sentenced more lightly.

The outcome after the IYWD's intervention.

This is a case of aggravated domestic violence, Shelly will be edentulous for the rest of life. Shelly explained to the court how she is now embarrassed to be seen in public without two of her teeth, the physical pain she is going through, the medical expenses and phycological trauma. Chief Bepura ordered Simba to pay a cow per tooth, as he took this case of domestic violence to be an abomination to a democratic society built on the pillars of our Constitution. In total Simba will part with two cows for a domestic violence violation.

Looking at the value of cows in the rural economy this court order has communicated a strong and long-lasting message against domestic violence in Guruve. Domestic violence will not be tolerated in Chief Bepura's jurisdiction and we welcome this victorious ruling that actively protects the dignity, integrity and security of women.



Here's to strong women. May we know them. May we raise them. May we be them.



FAIRNESS IN DISTRIBUTION OF MATRIMONIAL PROPERTY

Facts of the case.

For eighteen years, Ruramai went through gender based violence at the hands of her husband Charlton whose reckless behavior could no longer be tolerated. Ruramai used to have hope that Charlton would change and become a proper person one day, but this was a dream that never came true. Ruramai decided that it was enough and as a young woman who knew her rights, she decided to stand for herself and confront her abuser. Charlton noted that he could no longer stand Ruramai's levelheadedness and he decided to divorce her saying that she was trying to overrule him yet he was the father of the house. According to Ruramai who reported the case to Village Head Shamiso Gotami, of Guruve Mashonaland Central Province, Charlton was denying her an equal share of property.

The accused person's defense.

When Charlton was asked by the court, he divorced Ruramai because she had bypassed "rules of the house" whereby a wife is expected to be submissive and not question her husband. He accuses Ruramai for trying to take his place as a father. He also said that he was not going to give her any property because it belonged to him.

How the case was understood.

According to Village Head Gotami, it was clear that Charlton wanted his wife to be quiet and obedience while he was abusing her. "Charlton thought that when a woman voiced out, she was being disrespectful. He was manipulating his wife by denying to give her a share of the property they worked for together," said the Village Head.

IYWD's role and intervention.

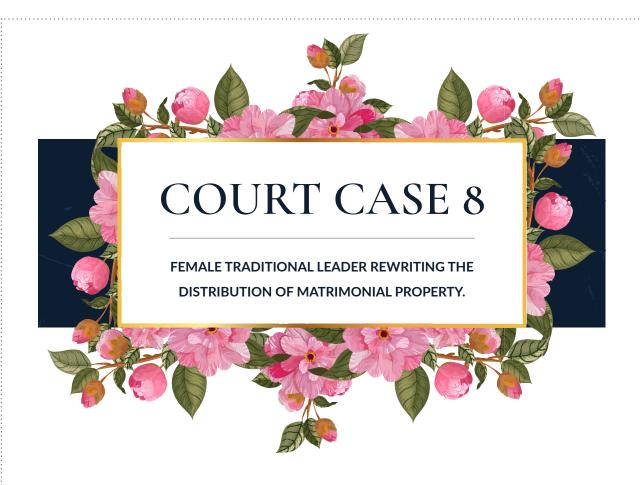
Having undergone the same situation as Ruramai in her past before her current position as a Village Head, Shamiso Gotami triumphed. Her past kindled a passion to stand for other women and this is what pushed her to support Ruramai to get her fair share of property in the face of her husband. The IYWD also has two peace committee members, Gloria Tagara and Rumbidzai Mashinga who have been appointed to be official Village Heads court advisors. This is an unique court that is presided over by a woman and advised by women.

The likely outcome without IYWD's advice.

If the matter had not been presided over by a woman who identifies with her peers' circumstances, the court would have ruled in favor of Charlton because the traditional set up in most villages supports the triumph of patriarchy at the expense of women. When a woman gets divorced, usually she is given a token of divorce of any amount which is purely symbolic. The woman is shunned and stands to lose even when she has worked very hard for the progression of marriage.

The outcome after IYWD's advice.

The Village Head ruled in favor of Ruramai whereby she said there was supposed to be an equal share of property between the estranged husband and wife. "These two people worked together for eighteen years and Charlton had no right to deprive her of all the matrimonial property. I made sure that they shared their produce, animals and property fairly. Ruramai deserved to be given a share of the property to enable her to take care of their three children," said Village Head Shamiso Gotami. This traditional leader is determined to fight patriarchy in her court.



I didn't know what I wanted to do, but I always knew the woman I wanted to be.

- Diane Von Furstenberg

FEMALE TRADITIONAL LEADER REWRITING THE DISTRIBUTION OF MATRIMONIAL PROPERTY.

Facts of the case.

Chenai and Rodrick's marriage barely lasted two months after the latter snooped into his wife's mobile phone and discovered some messages allegedly coming from boyfriends. Rodrick started to physically and emotionally harass Chenai who then went to report to Village Head Shamiso Gotami. When Chenai reported her matter, the two had been on separation for two days because the marriage was already collapsing. In the course of their marriage, they benefitted from farming inputs including one hundred kilograms of fertilizers and five kilograms of maize seed which they were supposed to use during the 2020- 2021 farming season and it was Village Head, Shamiso Gotami who handed them over as part of Zimbabwe government's farming mechanization program.

The accused/ defendant's defense.

During questioning Rodrick expressed disgruntlement at the marriage because of his wife's purported adultery affairs. He said that he wanted a decree of divorce as well as a reimbursement of the bride price he paid for Chenai. Rodrick was also refusing to hand over the farming inputs as a way of revenging Chenai.

How the case was understood.

It was clear that Rodrick was trying to ensure that Chenai lost everything. Instead of focusing on the gender based violence matter which was before the court, Rodrick saw it fit to possess the farming inputs at his discretion as if he was the sole owner in order to feed his ego.

IYWD's role and intervention.

Considering that Chenai was an eighteen year old young woman and still of productive age she needed to pick herself up and continue with her life but this would only be possible if she had something to start with. According to the Village Head, in the face of divorce, a woman tends to lose everything at the hands of her husband because he tries to use his muscle to disadvantage her. Because of having undergone trainings on how to promote women's rights in all situations, the Village Head managed to ensure that Chenai was empowered and ultimately won the case. The Village Head Shamiso Gotami is a long standing and active member of IYWD, she actively hands down progressive feminist judgements. She makes sure she never misses an opportunity to participate in the empowering IYWD interventions. Two of the bench advisors are young women who are also



members of IYWD and this is a phenomenon that should not be taken for granted as we actively contest to change the male face of justice.

The likely outcome without IYWD's advice.

If IYWD had not intervened, Chenai would have lost the farming inputs. In the traditional society when a woman is allegedly involved in an adulterous affair, she is considered an outcast and people will devise mechanisms on how she can be punished. In this case, it was clear that had the matter been presided over by patriarchal court officials, Chenai would have been slapped with a heavy fine in addition to losing her farming inputs. This would be despite the fact that our courts in Zimbabwe now follow a no-fault divorce approach.

The outcome after IYWD's advice.

After making a considerable analysis of the case as well as Chenai's impending circumstances, the Village Head Shamiso Gotami deemed it fit to rule in her favor. She asked Rodrick to surrender all the fertilizers and maize seed to Chenai so that she could engage in family activities to sustain her livelihood. "Since Rodrick said that he could no longer live with Chenai and was demanding for his "lobola" it was necessary to ensure that the young woman would not be disadvantaged. While in the marriage, the only things they attained together were the fertilizers and maize seed and so Chenai had to be the sole beneficiary as we had distributed the inputs in her name," she said.



Nothing is impossible, the world itself says,"I'm possible!"



YOUNG WOMAN'S CHILD CUSTODY RESTORED BY THE TRADITIONAL COURTS.

Facts of the case.

Regina is a mother of three and she got divorced to Edgar as a result of irreconcilable differences. When Regina left the marriage, her children remained behind. She remarried in another village while on the other hand, Edgar also found a new wife for himself. Edgar's new wife ill-treated Regina's children by starving them. At times, the children and their father were made to sleep in the kitchen without any blankets. One day after eating lunch with the rest of the family, Edgar discovered that one of his children was seated outside on an empty stomach. The child reported that this was how he survived on a daily basis. Edgar took his wife to court on adultery charges and that was when it emanated that his children were being molested and denied their basic rights.

The accused/ defendant's case.

During cross examination of Edgar's wife, she said that they were always fighting in their home but did not highlight why the children were not receiving food.

How the case was understood.

According to Village Head Shamiso Gotami who presided over the matter, when Edgar explained that his three minor children were being abused by his second wife, it was needful to adjourn the proceedings and bring Regina, their mother to court so that she would know what her children were going through. When Regina came, the court discovered that she used to visit the children but it was news to her that they were suffering. In her analysis, the Village Head said that Regina's children were living under excruciating circumstances and in order to curb this, they needed to live with their biological mother who would be the best person to give them enough care.

IYWD's role and intervention.

The Village Head, Shamiso Gotami is a resilient Member of Institute for Young Women Development and a passionate women's rights advocate. Prior to being a Village Head, she underwent trainings on feminist leadership and women's rights and has been incorporating her key learnings into her work. Initially, when Edgar brought his wife to court on adultery charges that was where the issue of children being abused stemmed up. The Village Head saw it crucial to pursue the children's abuse matter by summoning their biological mother who



was not in the picture. Shamiso Gotami encourages other traditional leaders to include young women within their courts for contemporary feminist rulings.

The likely outcome without IYWD's advice.

Had the Village Head not been a women's rights advocate, she would only have dealt with the adultery case that had been brought to her court without delving into the children's matter which arose and even going to the extent of inviting Regina their mother. She practically applied the knowledge she learnt form the IYWD's feminist leadership schools and she is breathing life into feminism in a rural setting.

The outcome after IYWD's advice.

The Village Head ruled that Regina had to take away the children and live with them. She highlighted that Regina could not be deprived of staying with her children on the basis of her being divorced to their father. In the best interests of the children, Regina was therefore the best custodian. The court instructed Edgar to maintain his family and he promised to inform the Village Head whenever he sent money for their upkeep. On the other hand, Edgar's wife was cautioned by the court to desist from starving the children. The court also counselled Edgar and his wife to live in peace.



One woman can make a difference, but together we can rock the world.

RECLAIMMING AND CONNECTING YOUNG WOMEN TO THEIR STOLEN LAND RIGHTS

Facts of the case.

Ratidzo was married to Thomas for many years and their marriage was blessed with three children. During the subsistence of their marriage they moved to Chipinge where they built their life together, while living with Thomas' family. The day Thomas passed away, the love story turned into a nightmare. Thomas' mother, Mercy began to abuse Ratidzo verbally and physically and this pushed her to return to her childhood home in Bindura. Upon her return she moved back in with her mother, Millicent and they stayed together for 15 years. During this time, the relationship became sour as it is not easy to move into your mother's home when you were accustomed to living independently. Millicent and Ratidzo were having grave misunderstandings to the extent that when Headperson Chiveso was appointed as a traditional leader she sought to make a difference and bring peace to Ratidzo's life.

The accused/defendants' defense.

Millicent avers that this is her home and because she is offering Ratidzo free accommodation, she sets the rules within the home irrespective of her daughter's rights. The direct and indirect abuse was tantamount to a constructive eviction. Ratidzo's siblings were also the view that she is invading their mother's space and they were now forced to maintain her and as well as her three children. In their defence, Ratidzo was supposed to be a woman living with her husband and not at the family homestead. Even after Thomas died, Ratidzo was supposed to continue with her life in the care of her in laws and not unnecessarily burden her family with her return.

IYWD's role and intervention.

In order to address the negative impact of the manipulative patriarchal system, Headperson Chiveso who is also an active member of Institute for Young Women Development is advocating for widowed women's land rights by negotiating with their families to give them portions where they can build or start farming activities. "I was concerned with the number of young women who came back to stay with their parents after being widowed or divorced. They were coming back with their children and huddling in uncomfortable spaces. This was also contributing towards the rise in gender-based violence cases as some of the young women would fight with their brothers pertaining to property rights issues," she said. As a young and female traditional leader I have



noted that young women find it less daunting to approach my court because of the solidarity I offer to them. Headperson Chiveso has successfully backed two young women including Ratidzo to be given thirty by twenty-meter portions of land, so that they can build shelters or start farming activities to sustain their livelihoods and provide economic security for their households. She cherishes the idea of women being independent and self-sustaining beings.

The likely scenario without the IYWD's advice.

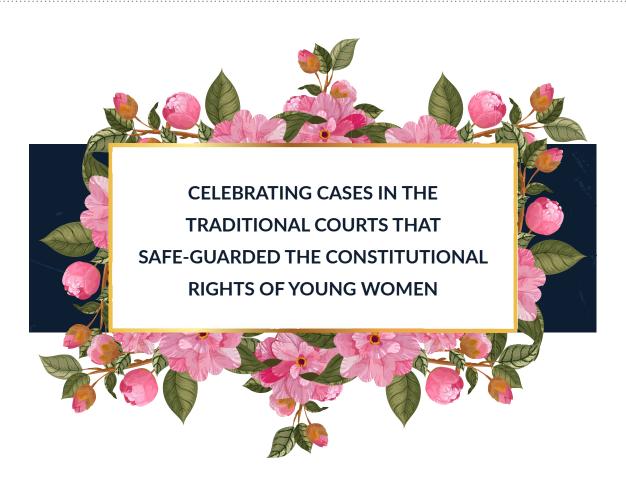
If IYWD had not intervened through a IYWD member Headperson Chiveso, young women would continue to suffer in silence at the hands of their husbands, brothers and even their mothers. After divorce or death of a spouse, young women would go back to their parents' village and have nothing to own. Headperson Chiveso applied a feminist human rights approach that she had been exposed to through the IYWD.

The outcome after the IYWD's intervention.

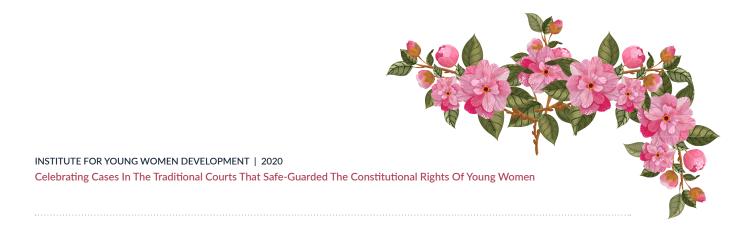
"When young women own land, it provides them with security of tenure and reduces the burden of being dragged to court by their brothers in the fight for inheritance. Giving them land also increases their productivity and contribution to the national fiscus," she added. It is true that when a woman is divorced or widowed society tends to view them as much of a lesser adult in comparison to their married female counterparts, yet these women are also adults who seek independence and financial freedom to enable them to take care of themselves and their children.

Section 71 of the Constitution of Zimbabwe makes it clear that both women and men have the right to own land. In addition, she is conducting sensitization meetings with village heads so that they understand the plight of young women when they undergo divorce. "All the village heads I lead are male and they may be unaware of what women go through. I have taken it upon myself to conscientize them and their secretaries about the need for divorced women to be given land. I am happy that so far two villages are already executing what I instructed them to do," said the Headperson.

Headperson Chiveso is currently a long-standing member of IYWD even before her traditional leadership role. She has immensely benefited from young women's rights and skills trainings from which she garnered confidence to become a women's rights advocate and Headperson. She is also grooming two other peace committee members so that they can unsympathetically promote the rights of young women in Chiveso Village.



Surround yourself with inspiring beings.



SOLIDFYING TRADITIONAL LEADERS COMMITMENT TO WOMEN'S RIGHTS

As a Traditional Leader, I pledge to uphold the Constitutional Rights of Women and Girls in Zimbabwe. I undertake to uphold the below listed Women's Rights and others to the best of my ability without any fear, favour, bias or prejudice:

The Constitutional Rights of Women and Girls

- 1. Right to equality before the law and equal protection before the law.
- 2. Right to full participation in all spheres based on equality with men.
- 3. Right to equal opportunities in political, economic, and social activities.
- 4. Right to reinforcement of fundamental human rights and freedoms by the courts and granting of appropriate relief and compensation where women's rights have been infringed.
- 5. Right to be free from any cultural or customary rites or practices that discriminate against or degrade women, child marriages, forced marriages, forced wife inheritance and other such practices.
- 6. Right to security of the person, and to be free from any form of violence including physical and emotional violence.
- 7. Right to custody and guardianship of children.
- 8. Right to equality and fairness in inheritance.
- 9. Right to equity and fairness in distribution of matrimonial property considering both direct and indirect contribution.
- 10. Right to own, access, occupy or hold property including land.

Below is my signature of commitment:	