

# Efficacy of Informal Justice Systems in addressing Sexual and Gender-Based Violence (SGBV) in Zimbabwe (Hurungwe, Mutasa and Umzingwane)

## Sexual and Gender-Based Violence (SGBV)

Is a classified form of violence. Any act that is perpetrated against a person's will and is based on gender norms and unequal power relations

## Forms of Violence in Zimbabwe



### Physical Violence

Assault and injury of an individual.

**1 in 3** 15-49 years old.

**30%** once in their lifetime.

**60%** 18-24 years old perpetrated by mothers.



### Sexual Violence

Unwanted or harmful sexual behaviour.

**1 in 4** since 15th birthday.

**30%** 15-49 years old once in their lifetime.

**47.5%** 13-17 years old multiple times.

**62.7%** 18-24 years old multiple times.

**43%** 13-17 years old did not consent first incident.

**41%** 18-24 years old did not consent first incident.



### Psychological Violence

Controlling behaviour that leads women captive in their own homes.



### Economic Violence

Major form of GBV where the men are the breadwinner.

Widows evicted from their home and land by inlaws.



### Child Marriage

Marriage before 18 years old. Form of sexual slavery.



### Sexual Abuse

**98%** Did not receive any form of money, gifts, foods or favours.



### Sodomy

Children often the victims with the perpetrators being adults or other children.



### Chiramu

Cultural practice which grant privileges on a girl's maternal uncles and brothers-in-law.

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## SGBV policies and initiatives in Zimbabwe

**The National Gender Policy focuses on SGBV protection and the promotion of:**

Over the years has led to the birth of the Action Plan, the Protocol and the Zero Tolerance for GBV 365 programme.



**Gender Equality**



**Governance**



**Education and Training**



**Employment**



**Health**



**SGBV Protection**

**Action Plan:** rolled out in 2014 to check the high rates of rape and sexual violence. Cultural and religious practices are addressed that fuel sexual violence and the importance of targeting various spaces.

**Protocol:** a guidance tool for stakeholders so as to strengthen the holistic, effective and efficient service delivery for survivors of sexual violence and abuse.

**Zero Tolerance for GBV 365 is a National Programme** on GBV Prevention & Response. It has been implemented from 2017 to 2020 with the goal of reducing child marriage and GBV.

**Constitution of Zimbabwe Amendment (No.20) Act 2013**

- Section 17**  
The State must take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies.
- Section 56**  
All persons are equal before the law and have the right to equal protection and benefit of the law.
- Section 80**  
Every woman has full and equal dignity of person with men. All laws, customs, traditions and cultural practices that go against the rights of women are void.

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## Data Collection Methods



### Hurungwe

Mudzima: communal farming and mining.  
 Nyamhunga: communal and tobacco farming.  
 Tengue: tobacco farming.

### Mutasa

Chavanga: communal land, informal gold mining and cross pollination of culture between Mozambique and Zimbabwe.  
 Nyamhuka: resettlement area.  
 Changundu: selling of arts and crafts.

### Umzingwane

Malungwane: <tba>  
 Habana: informal gold mining.  
 Esihlengeni: communal farming.



### In-depth Interviews

**15** interviewees each districts.  
**45** interviewees all districts.



### Key Informant Interviews

**2 categories**  
**Category 1**  
**27** Traditional leaders  
**7 women + 20 men**  
**Category 2**  
 Civil society and academia



### Focus Group Discussions (FGDs)

**4** groups  
**8-10** individuals per group

- women
- men
- mixed gender
- young people 18-25yo



### Data Analysis

Highlight key themes from interview material.

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## Assessment Findings

### Hurungwe

- Accusation of infidelity among couples and allegations of failure to properly take care of the family.
- Married women compelled to have sex with their spouses and forced to participate in cultural practices.
- Poverty and hunger are the main cause of SGBV.
- Child marriages.
- Chinamwari (traditional practice when young girls at puberty are given sex education and taught about adult life).
- Labia elongation.

### Mutasa

- Cultural practices such as labia elongation for the man's sexual enhancement.

### Umzingwane

- Physical, sexual and emotional abuse.
- Wife inheritance and the dispossession of widows were harmful cultural practices that they were aware of.



### (In)justice for Minors and Persons with Disabilities

- Sexual abuse of a minor at times concealed under the cover of marriage.
- Cases involving mental ill-health females dismissed before bringing forward to the village heads.



**From all 3 communities**  
**7** individuals of village heads and community leaders constituted the committee.



### Hurungwe

- + Accessible, relatively low cost and some cases without costs.
- Women are encouraged to be tolerant and keep silent to maintain marriage and social standing.

### Mutasa

- + Preferred within family and offer a more comfortable platform.
- When attempting to raise the matter the perpetrator (father and grandfather) ask the son's wife to follow what they do in the family in order to stay married to the son.
- Men prefer for privacy but it silences the abused case.
- Presided by blood-related family, bias to protect family members.
- Mediated by patriarchal views and attitudes and gives negative impact on women and girls.

### Umzingwane

- In favour of the family and perpetrator.
- Poverty is a significant barrier in handling reported.

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## Informal Justice Institutions as Courts of First Resort

- + Preferred for resolving marital and family conflicts.
- + First port of call for any disputes that arises.
- + Physically accessible, convenient and affordable.
- + Appeal lies in their embeddedness within communities.
- + No travel cost.

## Barriers to accessing Formal Justice

- To protect the family, especially if the perpetrator is the breadwinner.
- Discrimination of age, gender, social status, identity and disability.
- Police do not take cases seriously.
- Lack of confidence in the justice system.
- Complainants rights mostly overshadowed by the accused rights due to gender and economic status.
- Lack of legal process knowledge.
- Financial constraints due to limited resources and associated costs.
- Corruption with the police and court system.



## What actions to be done to prevent SGBV?



**Awareness and educational programmes** aimed at publicising matters that can be adjudicated by traditional and informal justice mechanisms and platforms so that cases of GBV and SGBV are not stifled or silenced.



**Strengthen Village committees' awareness raising, education and closer cooperation** with formal institutions such as the police and courts systems in order to ensure that matters are handled by the appropriate system and to foster community ownership. Practitioners working in the informal/traditional justice system such as village heads should be capacitated on human rights-based approaches and paralegal training so that they are aware of the parameters of their powers, available remedies as well as victim support and protection.



**Recruitment and training** of community-based members that can continually educate communities on GBV, SGBV, HP and the appropriate mechanisms for redress.



**One-Stop Centres** must be established or expanded or strengthened for purposes of handling and managing issues of GBV and SGBV by traditional leaders and other community members, community-based organisations and the Victim Friendly Units (VFUs). These can become important, multi-sectoral vehicles for addressing GBV, SGBV and HP especially in cases involving persons with disabilities and young girls.



**Concerted advocacy efforts** at a national level to conscientise the general public about constitutional, legal and policy initiatives in place and the appropriate platforms to approach for redress. Such advocacy could be conducted by Government, Civil Society Organisations (CSOs), Community Based Organisations (CBOs) and Faith Based Organisations (FBOs).