

# National Women Lawyers Conference 2014

*Towards women, peace and security: Making the law profession work for women*



Nunudzai Masunda  
(Zimbabwe)



Sara Moyo  
(Zimbabwe)



Irene Petraz  
(Zimbabwe)



Rumbidzai Dube  
(Zimbabwe)



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# BACKGROUND OF CONFERENCE

Zimbabwe Women Lawyers Association (ZWLA) is an association of women lawyers which was founded 21 years ago with the mission of not only dialoguing, defending and developing the human rights of women and their children in Zimbabwe, but with an additional mandate to represent Zimbabwean women lawyers as a constituency and to promote their professional interests.

From the outset, ZWLA was incorporated as an organisation which would go beyond the provision of legal aid to indigent women and their children and lobbying for reform of laws and practises that did not promote and protect the rights of women and children, to being an organisation that advances and promotes the professional interests of women lawyers in Zimbabwe in all sectors of the economy including academia and the judiciary.

However, owing to the magnitude of the demand for its services in marginalised communities throughout the country, ZWLA for many years focused largely on working for the rights of women and children in society at large and neglected the need to interrogate obstacles that stand in the path of achieving full and equal participation by women lawyers in all levels of the legal profession in Zimbabwe. Whilst there was a shared realisation that women lawyers have been historically disadvantaged, ZWLA did not have a programme for gender mainstreaming within the legal profession. Neither did it have a programme to equip women lawyers with knowledge and practical skills to advance in the legal profession, to achieve professional excellence in their fields, to establish successful law firms, to obtain appointment to the superior Courts, to obtain senior leadership in their fields, and to participate in local and national government.

It is within the above context that the International Commission of Jurists (ICJ) whose objectives include the support of women human rights defenders and lawyers working to advance women's rights and access to justice, has partnered with ZWLA to hold the inaugural ZWLA Women Lawyers Conference which has two goals, to dialogue, defend and develop on women lawyers' issues and to dialogue, defend and develop on women and children's rights in Zimbabwe.

## OBJECTIVES OF CONFERENCE

### 1. **Objective 1: Dialogue, defend and develop on women lawyers' issues**

Women lawyers in Zimbabwe have expressed concern over the under-representation of female lawyers in the senior leadership of the profession, the absence of proper mentoring, and few opportunities to develop professionally. The ZWLA Women Lawyers Conference seeks to provide a platform in which female Zimbabwean lawyers around the country and in the diaspora may dialogue on these issues, identify the problems and work to overcome the obstacles to women lawyers' full participation in their fields.

### 2. **Objective 2: Dialogue, defend and develop of women rights in Zimbabwe**

As organisations working to defend and advance the rights of women and children, ZWLA and ICJ have come to the realisation that women in Zimbabwe and throughout the world face pervasive forms of violence and injustice because of their status as women. The peace and security of women is frequently violated by members of the society, by private as well as State actors. Violence against women is inflicted by families in the form of domestic violence, by private actors in the form of social, economic, religious or politically motivated violence, by church leaders in the form of male domination and sexual assault, and by the State actors in the form of arbitrary arrests and torture. Laws insensitive to the plight of women frequently contribute to the erosion of peace and security for women.

### 3. Benefits of attending the Conference

1. Networking and exchanging experiences.
2. Learning initiatives which can successfully increase female leadership throughout the legal profession.
3. Learning how to inspire young lawyers and advance opportunities within their practice areas.
4. Presenters will get an opportunity to have their papers published.
5. The opportunity to be part of a strong network of women lawyers in Zimbabwe.
6. You are awarded 12 points by the Law Society of Zimbabwe

## Our panel of Presenters



### Photo and Biography

#### Biography

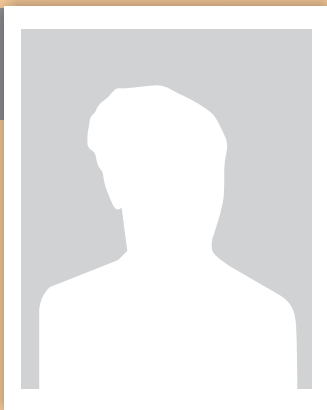
Caroline Mugabe graduated from the University of Zimbabwe with LLBS (Hons) in 2010

She is presently practicing law with Gonese Attorneys with a keen interest in Criminal Law and Human Rights. Caroline also worked as a Law Officer in the Attorney General's office before joining private practice in December 2011.

Caroline Mugabe is also a co-founder and board member of the Zimbabwe Ambassadors for Prisoners Trust (ZIMPRAT) where she is actively involved in the provision of legal services for incarcerated members of our society as well as facilitating and providing resources for ex-offenders to enable them to be self-sustaining, in an effort to curb recidivism.

**Name:** Caroline T. Mugabe  
(Zimbabwe)

**Title:** Counselling & the resolution of legal disputes within the family



### Photo and Biography

#### Biography

Dr Nazreen-Shaik Former Office of the Prosecutor (United Nations ICTY); Board of Directors (Nuclear Energy Corporation of SA and other such positions); University of Cambridge Wolfsons College Scholar; Bradlow Fellow of Human Rights Notre Dame University. Worked with the AU and the UN over the past few years. Teaches international human rights law to masters and PHD students University of South Africa (ad hoc University of Pretoria); Member of the SA and American Bar Associations.

**Name:** Dr Nazreen –Shaik-Peremanov  
(South Africa)

**Title:** Organized gate keeping: Strategies to penetrate the old boys club



## Photo and Biography

### Biography

Makanatsa Makonese is the Executive Secretary/Chief Executive Officer of the SADC Lawyers' Association, a representative body of law societies, bar associations and individual lawyers from the 15 countries of the SADC Region. She is currently studying for a PhD in Women's Law with the Southern and East African Regional Centre for Women's Law (SEARCWL) at the University of Zimbabwe. The focus of her PhD research is on women's land rights under Zimbabwe's fast track land reform programme. Her professional interests are in women's law and women's rights, environmental law and environmental rights and the professional development of lawyers in Africa.

**Name:** Makanatsa Makonese  
(*South Africa*)

**Title:** Tenure security after the land fast track & implications for women's rights to agricultural land.



## Photo and Biography

### Biography

Ms Annah Yvonne Moyo- Kupeta ( LLB, LLM with specialization in Human Rights and Constitutional Practice – Univ of Pretoria) *Ms Moyo is a human rights lawyer and advocacy officer at CSVR, South*

**Name:** Annah Yvonne Moyo  
CSV  
(*South Africa*)

**Title:** Child marriages in Zimbabwe & South Africa as an encroachment into the right to be a child: A comparative analysis & strategies for effective implementation of both National & International laws





## Photo and Biography

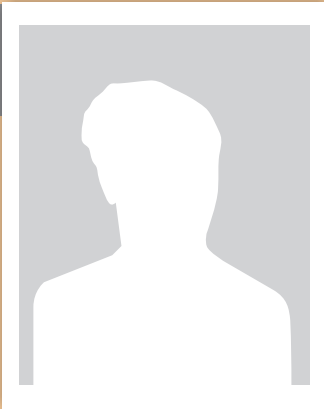
### Biography

Nyasha Chingore is a project lawyer lawyer in the Sexual and Reproductive Rights Programme at the Southern Africa Litigation Centre (SALC). Nyasha is responsible for leading SALC's legal and advocacy work related to sexual and reproductive rights. This includes developing and coordinating legal cases on sexual and reproductive rights; conducting legal and factual research and drafting reports for advocacy purposes; conducting advocacy with respect to specific legal cases, including engaging in media advocacy and providing and monitoring monetary support to local lawyers and organizations for on-going legal cases.

Nyasha holds an LLBS from the University of Zimbabwe and an LLM in Human Rights and Democratization in Africa from the University of Pretoria.

**Name:** Nyasha Chingore  
SALC  
(South Africa)

**Title:** The Termination of  
Pregnancy Act of  
1977:A Travesty of  
Justice for victims of  
sexual violence in  
Zimbabwe



## Photo and Biography

### Biography

Sheilla is a holder of a BL LLB DWL (UZ) LLM (Unisa) LLM (Wits) DBA (Oxford Brookes) Cert Human Rights of Women (Makerere) IDLO(Rome) Alumna EMPRETEC Zimbabwe (Alumna. In the past she has been a lecturer in Constitutional Law and Administrative Law in Dept of Political and Administrative Studies Faculty of Social Studies. Lecturer in Company Law and Insurance Law Private Law Department Faculty of Law. Public Prosecutor at Harare Magistrates Court Gender and Governance Program Officer at Friedrich Ebert Stiftung Project Coordinator Norad Diploma Course in Women's Law - the predecessor programme to the Southern Eastern African Regional Center for Women's Law (SEARCWL)

National Coordinator Zimbabwe Women's Lawyers Association. At present she is a research consultant in Women Law and Development research interests in Violence against Women and Integrating women in international trade. Guest Lecturer Women and international trade SEARCWL. Business Owner personal and home care manufacturing business. Pupil advocate and Johannesburg Society of Advocates. Trustee PROWEB .

**Name:** Sheila Kanyangarara  
(South Africa)

**Title:** The Fifty shades of  
rape: The gendered  
realities of  
prosecution of rape  
under the Criminal  
Law Codification and  
Reform Act of  
Zimbabwe.



## Photo and Biography

### Biography

Purity Mune Mutisya born in Kitui, Kenya is an upcoming feminist philosopher and a practitioner who has great interest in articulating women oppression and experiences in writing. Purity has a master's degree in Social Justice: Human rights, conflict and gender studies and a bachelor's degree in Education: Early childhood studies. She has published a book on: *The irony in "House Wife" Emancipation: Reflection of Female Relationships in Domestic Service Employment*, in Nairobi-Kenya, by Lambert publishers, Germany, whereby, she critically analyses women interactions in domestic service employment and how power and class interaction in shaping women interactions.

Currently, Purity is working for FIDA Kenya (Federation of Women Lawyers- Kenya) whereby she is actively involved in women empowerment and protection programs. She previously worked for Compassion International and Machakos integrated training institute in Kenya. Purity's passion for women empowerment is informed by her lived realities.

**Name:** Purity Mutisya  
(Kenya)

**Title:** Comparing child marriages in Zimbabwean Laws to Kenyan Laws & its implication in development



## Photo and Biography

### Biography

LLBS (UZ) Centre for Applied Legal Research (CALR), Gambe & Partners, Advocates Chambers.

**Name:** Regina Bwanali  
(Zimbabwe)

**Title:** Empowering their minds: Towards achieving the Right to Basic education



## Photo and Biography

### Biography

Advocate of the High Court and Supreme Court of Zimbabwe. Solicitor of the High Court of England and Wales. Barrister of Lincoln's Inn Founder member of ZWLA and WASN. British Council Chevening Leadership Scholar (London School of Economics). Special Counsel, Banking and Finance law and International litigation

**Name:** Pat Kachidza  
(United Kingdom)

**Title:** How to reach your full potential and gain foothold in your career



## Photo and Biography

### Biography

Dr Khanyisela Moyo LLB (Hons) (UZ), MA (Oslo), LLM (Nottingham), PhD (Ulster) registered as a lawyer, notary public and commissioner of oaths with the Zimbabwe Law Society in 2001. She is currently a law lecturer at the Transitional Justice Institute (TJI), University of Ulster, Northern Ireland. Khanyisela has published in international peer reviewed journals.

**Name:** Khanyisela Moyo  
(United Kingdom)

**Title:** Locating Zimbabwean Women lawyers struggles : A jurisprudential inquiry into gender & law in post- colonial Zimbabwe



## Photo and Biography

### Biography

T.Tlou is a freelance Researcher and Writer specializing in Human rights, the Environment, Peace and Governance issues. He is also in possession of a BSc (Honours) Degree in Peace and Governance with Bindura University of Science Education and a Post-graduate Applied Conflict Transformation Certificate. He works with various NGOs and Government Ministries in Zimbabwe and South Africa. He has worked with the Ministry of Women Affairs, Gender and Community Development, PLAN Zimbabwe, CAMFED, WLSA among others and Currently he is with the ACTION Support Center and Greying Sky in Johannesburg, South Africa which specialize in Conflict Transformation and bridging the gap between school leavers and the job market respectively.

**Name:** Tendaishe Tlou  
(South Africa)

**Title:** A retrospect of the Glass ceiling: How patriarchy, law, gender differences and poverty prevent women from exercising their rights and realizing their opportunities in educational and professional fraternities in Zimbabwe.



## Photo and Biography

### Biography

Rumbidzai is a Zimbabwean human rights lawyer, passionate about promoting human rights and the emancipation of women. She has over 7 years' experience conducting legal research and uses her knowledge of the law to increase citizens' knowledge of the law and incite debate. Currently, Rumbidzai is a Legal Researcher at the Research and Advocacy Unit (RAU), a local NGO in Zimbabwe where she contributes towards the transformation of public policy, legislation, and accountability of state institutions. She is a published researcher. She is involved in numerous advocacy campaigns at local, regional and international levels. Rumbidzai holds a master's degree in Law majoring in Human Rights and Democratisation in Africa from the University of Pretoria in South Africa and an honours degree in Law from the University of Zimbabwe. She recently represented Zimbabwe as one of 30 Mandela Washington Fellows for the Young African Leaders Initiative, a flagship programme by U.S. President, Barack Obama to promote innovative, accountable, responsive and servant leadership on the African continent.

**Name:** Rumbidzai Dube  
(Zimbabwe)

**Title:** Damsels in distress: Rehashing factors in influencing female lawyer's career choices





## Photo and Biography

### Biography

Blessing Nyamusamba-Mugomba is a legal practitioner with over a decade of experience in private practice. She is a skilled and qualified Christian legal counsel and the Founder of Law and Counselling Trust in Zimbabwe (LCTZ). Her passion is to give counselling to women in general and women in contact with the law to maximise their potential, transform, heal and restore them for success in Christ. She mentors other lawyers. She is a board member on various organisations and also served the board of ZWLA. She is an Apostle and Founder of Divine Revelation Christian Group of Churches.

**Name:** Blessing Nyamusamba (Zimbabwe)

**Title:** Counselling as an option in family law related matters



## Photo and Biography

### Biography

Tsitsi has over 15 years experience working on women's human rights and development. Her main areas of interest include use of international human rights frameworks to influence national and local levels laws and practices on women's rights, women's access to justice, women's civil and political participation and women's land rights. She is driven by her beliefs in equality and social justice and the need to build more fairer and equal societies. Her career in women's rights and development began when she worked as a Legal Officer at Women's Action Group in 1998. Since then she has worked in different roles as Programme Officer at Transparency International -Zimbabwe, Director at Women in Politics Support Unit and currently Programme Manager at Womankind Worldwide. She is a holder of an LLBS (Hons) degree from the University of Zimbabwe UZ and an LLM in Human Rights Law from the University of Nottingham, UK.

**Name:** Tsitsi Matekaire (United Kingdom)

**Title:** Career *Consilium*: Mapping a career in Human Rights & Development



## Photo and Biography

### Biography

Sara Moyo is a senior Partner in the law firm of Honey & Blanckenberg and heads the Intellectual Property Department of the firm.

Sara is President of the Zimbabwe Institute of Patent and Trademark Agents. She is also a member of the International Association for the Protection of Intellectual Property, the International Trademark Association, the International Bar Association and the Licensing Executives Society of South Africa.

Sara is a contributor to the Zimbabwe Chapter of the Kluwer Manual on Intellectual Property and is ranked in the Chambers Guide to leading intellectual property attorneys. Sara is a founding member of ZWLA and the current Chair of the ZWLA Board.

**Name:** Sara Moyo  
(Zimbabwe)

**Title:** How to create a  
sphere of influence:  
Understanding  
power



## Photo and Biography

### Biography

Irene is a registered Zimbabwean lawyer with 16 years' experience practising law in Zimbabwe. She trained at the University of Cape Town in South Africa (where she received her LL.B. degree *cum laude*) and the University of London School of Oriental and African Studies (where she obtained her LL.M Degree, specializing in Human Rights Law, *cum laude*). Her main areas of interest are human rights, constitutional law, media law, public international law, criminal law, electoral law and administrative law. She also has experience in international litigation at the African Commission on Human and Peoples' Rights.

She practiced at Kantor & Immerman Legal Practitioners - an established human rights law firm in Harare, Zimbabwe - from 1998 until she left private practice to assist in the early stages of the institutionalization of Zimbabwe Lawyers for Human Rights (ZLHR) in 2002. She is currently the Executive Director of the organization – a position she has held since January 2008. ZLHR focuses on providing legal support services, training and capacity building, to human rights defenders and seeks to foster a culture of human rights in Zimbabwe and the wider African region.

Irene is currently the Vice Chairperson of the Zimbabwe Election Support Network (the largest grouping of non-governmental organizations promoting democratic elections in Zimbabwe) and a board member of the Zimbabwe Human Rights NGO Forum (a coalition of all the major human rights organizations working in Zimbabwe).

**Name:** Irene Petras  
(Zimbabwe)

**Title:** A career for  
underdogs?  
Unveiling the career  
truths, myths behind  
human rights  
lawyering



## Photo and Biography

### Biography

Tinotenda Hondo is currently Gender Advisor for Plan Zimbabwe and also manages their Because I Am a Girl campaign for girls education. She has experience in gender and child rights with particular interest in gender justice as well as women and girls empowerment.

**Name:** Tinotenda Hondo  
(Zimbabwe)

**Title:** The Right to Basic Education and the Zimbabwean Education System.



## Photo and Biography

### Biography

Dorothy is a recent LLB graduate from the University of Zimbabwe. Research Assistant at the Centre For Applied Legal Research. Co-Founder of the Power of Word. Let's Talk, Ngatitaure, Asikhulume. Moremi Fellow, Paruware Social Innovator, National and International Debate and moot court champion.

**Name:** Dorothy  
Pasipanodya  
(Zimbabwe)

**Title:** "Amendment No.20,  
what it means to me"  
From a recent  
female law graduate





## Photo and Biography

### Biography

Hon. Fungayi Jessie Majome is a holder of a Masters of Laws [L.L.M.] University Of South Africa specializing in Human Rights Constitutional, Development, and Administrative Law; Masters in Women's Law [M.S.W.L.] University of Zimbabwe (U.Z); Post Grad. Dipl. In Women's Law [Dipl. W.L.] Bachelor of Laws (Hons.) [L.L.B.S.] U.Z. Currently she is a member of the National Assembly for Harare West Constituency; Chairman of the Justice, Legal and Parliamentary Affairs Committee; member of the Parliamentary Legal Committee; member of the Local Government, Urban and Rural Development; Founder and Senior Partner at Gonese, Jessie Majome & Co. Legal Practitioners. She has served Zimbabwe as a Deputy Minister of Justice & Legal Affairs 2009-2010; Deputy Minister of Women Affairs, Gender & Community Development 2010-2013, Deputy Co-chairperson of Parliament Select Committee on Constitutional Reform (COPAC) and Information and Publicity Sub-committee Chairperson of COPAC. Member of Parliament Harare West House of Assembly Constituency 2008 – 2013.

**Name:** Hon. Fungayi Jessie Majome  
(Zimbabwe)

**Title:** 'Learned damsels in default!'- Responsibilities & opportunities in politics, governance and decision-making.



## Photo and Biography

### Biography

Nunu joined Scanlen & Holderness in November 2010. She holds an LLB degree from RhodesUniversity. She is currently part of the firm's litigation team and has a keen interest in labour matters, intellectual property and environmental law. She is a board member of the Zimbabwe HIV & AIDS Activists Community Trust.

**Name:** Nunudzai Masunda

**Title:** Conference Facilitator



## Photo and Biography

### Biography

Doreen is a Rhodes University Graduate who joined Scanlen & Holderness in 2008 after spending two years in the then Attorney General's Office as a Public Prosecutor. Doreen has particular interest in corporate and commercial law, natural resources and energy law and development, Empowerment law, conveyancing and criminal litigation. She is currently a member of the firm's mining law department and works in the firm's litigation department. She heads the licensing and family law departments.

Doreen is also a member of the Board of Examiners (Ethics) for Council for Legal Education, a disciplinary Committee member of the Premier Soccer League and a Committee member of PROWEB (Professional Women Executives Business Forum). Doreen enjoys reading, socializing with friends and a good round of golf.

**Name:** Doreen Gapare

**Title:** Conference  
Facilitator



## CONFERENCE ABSTRACTS

### Damsels in Distress? Rehashing factors influencing female lawyers' career choices

**Rumbidzai Dube**

#### **Abstract**

Recently, the Law Society of Zimbabwe revealed that only 13% of the lawyers practicing the law in Zimbabwe's courts are female. This is despite the fact that the Law Faculty, at the University of Zimbabwe releases between 130 and 150 graduates every year, with both sexes in almost equal proportions. Consequently, the marked absence of women lawyers in private practice raises the need to critically assess why this is the case. There has been no study undertaken to determine the causes of women lawyers' choice of career paths, nor has an attempt been made to understand these choices from the female lawyers' perspectives themselves. However a critical look from feminist lenses, placing female lawyers within the broader context of a patriarchal society could show that the decisions female lawyers make are grounded in their lived realities as women. This paper will give a breakdown of what these realities look like, their impact and the implications to the equal participation of women in the development of the legal profession.

# Counselling and the resolution of legal disputes within the family

**By: Caroline T. Mugabe**

## Abstract

This paper describes the role of the family in counselling and resolution of legal disputes in Zimbabwe. This paper is founded on the premises that the family plays an important role in the resolution of legal disputes. The study will particularly focus on the law applied by the family in counselling and resolution of legal disputes and to examine the extent to which women's rights are observed by the family as a dispute resolution forum. The research is based on formulation of grounded theory supported by gathering data from observations and interviews.

# Women in law: Mentoring through experience

## Abstract

**Dr Nazreen Shaik-Peremanov**

More often than not the 'old boys club' has been an organised gate-keeping which meritocrats tend to ignore. Increasingly, women turn a blind eye to the old boys club in the face of a clandestine labelling of feminist ideology. Oft occurring as this may be, meritocracy by far has been ignored in insurmountable instances. Generally, women need to show standing grace in overt manifestations of the old boys club. In a few instances, women most especially in the legal arena have chosen to overcome what has seemingly manifested as a career burden. By no means is overcoming this obstacle an easy task.

This paper follows my trajectory from Natal's Howard College to New York City's Columbia. It returns to Transkei and then Stellenbosch. Very shortly, time escapes into Chicago to Budapest and The Hague and enthusiastically crossing time zones into Tokyo and back to The Hague via St Petersburg, Russia. This paper follows a human rights lawyer's passage through time and place based on merit without the old boys club. This paper has its roots in experiential learning. The primary objective of the paper is to provide a basis from which benefit may be derived in enhancing and traversing a legal career. Thus, it seeks to trace the path of the legal career of the female lawyer moving from academia into the United Nations and civil society organisations such as Amnesty International and Human Rights Watch. Thereafter, it speaks to time spent in the civil service of a democratic South African government through to a return to academia. The balance between serving society and academia necessarily had to be struck. Consequently, the maintenance of work with the African Union, SADC, the British Peace Support Team, other universities internationally and nationally is discussed.

# Tenure of Security after fast track: Implications for women's right to agricultural land

**Makanatsa Makonese**

## Abstract

Fourteen years after the start of the fast track land reform programme (FTLRP), the Government of Zimbabwe is still grappling with coming up with an appropriate land tenure system that will consolidate the achievements of the programme whilst addressing emerging challenges and expectations. Emerging challenges include equity and inclusivity as well as productivity on the farms and the bankability of the acquired land as an asset of economic value. The issues of inclusion and equity are critical as they touch on many aspects of the country's diverse populations including

gender, class, race, age, regional and political affiliations amongst others. The gender dimension and the exclusion of women has been a challenge from the initial stages of the FTLRP. Statistics show that women acquired only 18% of the land that was available under the FTLRP. The question that remains therefore is “will the government come up with a tenure system that addresses the above challenges without entrenching the gender skewed nature of the access levels currently prevailing in the country's land allocation under fast track?”

## Child marriages in Zimbabwe and South Africa as an encroachment into the right to be a child: a comparative analysis and strategies for effective implementation of both national and international laws

**Annah Yvonne Moyo**

### Abstract

This paper seeks to highlight that the problem with child marriages no longer lies with the legal and or criminalisation of the practice of child marriages; otherwise the existence of the laws would have dealt with the problem at once. The paper will discuss strategies for effective implementation of international, regional and national laws towards combating and preventing child marriages in the two countries. Primary focus will be on Zimbabwe and South Africa, towards sharing learnings and best practice towards ending child marriages. The paper will further show that there is a need for a multi-disciplinary approach to tackling the problem of child marriages, irrespective of the common drivers of this practice in communities, drawing from the work of the Centre for the Study of Violence and Reconciliation in diverse South African communities (both religious and traditional communities).

## The Termination of Pregnancy Act of 1977 - A travesty of Justice for Victims of Sexual Violence in Zimbabwe

**Nyasha Chingore\***

At first glance the Zimbabwe Termination of Pregnancy Act appears to be a fairly progressive piece of legislation, which allows for access to legal abortion in conformity with the standards set out in Article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the African treaty much lauded for pioneering the substantive recognition of abortion as a human right in an international treaty. However, the tragic case of *Mapingure v Minister of Home Affairs and others*, clearly indicates some major fault lines in the Act. This paper takes critical stock of the provisions of the Termination of Pregnancy Act, highlighting the Act's shortcomings and making a case for amendments to the Act in order to ensure that it offers a more meaningful right to legal abortion. In obliquely making third parties such as health care and judicial professionals the gatekeepers of access to legal abortion; the Act fails women, and victims of sexual violence in particular, by failing to protect their right to bodily and psychological integrity, which includes the right to make decisions concerning reproduction as well as their rights to equality and human dignity.

## Empowering their minds: The right to basic education and the Zimbabwe education system

**Regina Bwanali (LLBS, UZ)**

Thirty three years after, the right to education was welcomed in the new Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (new constitution). Mechanisms appear in the constitution to seek redress in the constitutional court where the right is infringed. The ambit of application of the same has been widened. A comparison is therefore made in this paper of the right to education in the previous constitutional era, the system of education that sprouted therefrom and the negative impact it had



especially on women and girls against the current constitutional epoch developments and how the same will provide a linchpin for the advancement of the education of the stated group as well as the jurisprudence of our courts. Where possible analogy will be drawn from jurisdictions that have constitutionalised the right and the benefits derived therefrom. Whilst previous authors have endeavoured to explain on the right to education, it appears this is the maiden paper that distinguishes the new and old constitutional provisions and the effect of the education system created on women and girls.

## There is a full potential: How to reach your full potential and gain foothold in your career

**Pat Kachidza**

Anecdotal research from discussions at Law Society gatherings, one on one discussions with senior and junior lawyers and advocates as well as practitioners in the diaspora have shown that there is a distinct lack of strategy on the part of some women legal practitioners in relation to their personal brand and their career path. There also appears to be some reluctance or ignorance in cultivating the behaviours necessary to create a successful career and a good professional and personal reputation. The presentation will tackle these issues based on the research and personal experience of the author, a founder member of ZWLA and a graduate of the University of Zimbabwe and the London School of Economics, an advocate of the Supreme Court and the High Court of Zimbabwe, and a solicitor and barrister of the High Court of England and Wales. The presentation will focus on "how to....." in order to leave the audience with clear strategies of how to reach their potential, how to gain a foothold in niche areas which have been hitherto closed to women, how to develop professionally and get noticed, how to secure a mentor, how to be a good mentee, how to manage interactions with learned friends, both male and female, and how to repair and uplift the image of the profession. The problems expressed by women lawyers are not theoretical ones and therefore do not require theoretical solutions. The presentation will help women lawyers to equip themselves with the practical tools they will need to navigate their way around the scourges of poor facilities for research and professional development, not being taken seriously and having no means of getting on the career ladder or changing positions within the profession. All these challenges require a strategy, determination and focus which, if consistently applied are assured of success.

## We have come a long way? Locating Zimbabwe Women Lawyers Career Struggles: A jurisprudential enquiry

**Khanyisela Moyo**

This paper engages with some of these key moments, explores and reflects on the relationship between gender and the law in postcolonial Zimbabwe. It asks three questions. Firstly, whether Zimbabwean feminist struggles can be located within first/second/third wave feminism? Secondly, whether conventional strategies which advance universalist objectives and see women's rights as human rights suit the Zimbabwe's socio- economic and political contexts. Thirdly, whether solidarity between domestic and diaspora women lawyers is possible given Zimbabwe's growing diaspora population and the new challenges on masculinities that have been presented by Zimbabweans' migration. .

## A Retrospect of the Glass Ceiling: How Gender Differences, Patriarchy, Poverty and Law Prevent Women from Becoming Effective Lawyers in Zimbabwe.

**Tendaishe Tlou.**

### Abstract

Since the 1990s, the world has made significant strides in women empowerment, inclusive of Zimbabwe which embarked on a program to foster gender equality through enactment of laws and policies in the same vein. The increasing number of gender theories with a deliberate bias towards

women has apparently prompted dramatic changes, concerns and has become something of a mantra overarching education, leadership and economic initiatives. Nevertheless, culture remains a challenge in terms of how women are being marginalized at grassroots level in the face of imposed confinement to gender roles, patriarchy, poverty, forced marriages and polygamism which claim a toll at professional level for women. A correlation of the above and insensitive laws and policies, culture, gender discrimination, stereotyping, poverty and chauvinism against women immensely result in deep cited disempowerment for women lawyers. Tendaishe explores the theme that the existing perspectives-which he prefers to call the glass ceiling-tend to reduce these intertwined variables to a series of disempowerment for women which in turn assume effectiveness dimensions at professional level and top echelons of power. In this case, it is imperative to put into cognisance that in terms of women empowerment an eclectic, pragmatic and analytical approach is required to comprehend complex processes that combine material, ideational, international, domestic, historical and contemporary factors in ways in which Zimbabwe assumes an effective framework in which the plight of women is effectively dealt with so as to provide lasting solutions to their concerns.

## The fifty shades of rape: The gendered reality of prosecution of rape under criminal law codification

**Sheilla Kanyangarara**

### Abstract

The paper reviews the impact, if any, of the notion of women's rights as human rights on substantive criminal law and procedure as well as the law of evidence. In particular, Sheilla explores whether developments in the compendium of the law on sexual offences takes into account the aspirations of women regarding dignity, sexual autonomy and security. The Criminal Code seeks to strike a balance between the accused's right to a fair hearing espoused in the right to presumption of innocence and the rights of the complainant to protection of the law. It is her argument that Criminal Code's protection of the rights of the accused trumps its protection of the rights of women to dignity and that like its common law predecessor, it fails to put women at the centre of the law on the criminalisation of sexual offences.

## Comparing Child marriages in Zimbabwean Laws to Kenyan Laws: Its implication on development.

**Purity Mutisya**

### Abstract

Zimbabwe is adjudged as one of the countries among 41 countries with unacceptable rate of child marriages, that is girls enter into marriage below 18 years of age. According to UNFP report 2012, as of 2000 to 2011, Zimbabwean preference of child marriage rated 31% and sits of number 39 among 41 countries with high rate of child marriage. This comes amid fears that, if child marriages were not curbed through legislative measures, the figures could escalate with girls continuing to be deprived of their childhood. UNICEF report 2012 states that, if child marriage was not outlawed by countries practicing it by 2013, the number of child brides would grow from 14, 2 million girls in 2010 to 15, 1 million girls in 2030. On the other hand, Kenyan new marriage bill outlaws marriage below the age of 18. However, Aisi 2014 reports that parents in rural Kenya married off their girl children as young as 14 years to escape to pangs of poverty and out of fear and stigma associated with teen pregnancies and children born out of wedlock. The analyses of the above if that, girls are either seen as an economic burden or capital to exchange with livestock, money and goods. Other factors like cultural, traditional and religious arguments are used to justify child marriages in most parts of Kenya. The purpose of this paper is to expose the positioning and comparison of both Zimbabwe and Kenya in relation to rates of child marriage, laws that govern and its implication to development. The paper will be useful to law and policy makers in designing laws and policies that affect child marriage and the definitions attached to these terms. It will also enlighten people at individual level, and at country level in reframing their decisions and actions as pertains to child marriage.

# Development Career Consilium: Mapping a Career in Human Rights and Development

**Tsitsi Matekaire**

## Abstract

A law degree gives students the requisite skills and training to contribute and thrive in many law-related, or non-legal, careers. Human Rights and Development is one of them. Skills include: to think logically and analytically; to apply problem-solving strategies and work creatively; to be precise and articulate writers and speakers; and to understand the interaction of law, government, international affairs, and society at an extremely sophisticated level which are useful in carving a career outside the traditional legal practice. The paper endeavours to contribute to career development ideas for young women lawyers who are thinking of a career outside the traditional law practice, to demonstrate the versatility of a legal qualification in that it can give skills and training to thrive in promoting human rights and development and to Share Tsitsi's experiences of her own career journey so far, i.e. how she have used her legal education and skills to carve a career in human rights and development.

## Child Marriages and Zimbabwean Law

**Sara Moyo**

Whilst the new Constitution of Zimbabwe Amendment (No. 20) Act, 2013, whose Declaration of Rights came into force on 22 May 2013, grants every person who has attained the age of 18 years, the right to found a family, the phenomenon of child marriage continues unabated in Zimbabwe owing to poverty, discrimination against girls, religious beliefs and harmful cultural practices. In addition, the Marriage Act [Chapter 5:11] has discriminatory provisions which allow the marriage of girls at the age of 16 years, whilst boys cannot be married below 18 years. The Customary Marriages Act [Chapter 5:07] does not prescribe a minimum age of marriage. The blight of child marriage is also exacerbated by Government's failure to introduce legislation that sets the minimum age of marriage at 18 years for both girls and boys, criminalises child marriage, invalidates child marriage, abolishes the authority of parents/guardians/Minister of Justice/Courts to consent to the marriage of children under the age of 18 years and domesticates child rights treaties. This paper will recommend that Zimbabwe should not only legislate for behavioural change but also adopt a multi-sectorial approach to curb child marriage including awareness raising and training for women, children and the public at large on the harmful effects of child marriage, information on protection measures available to victims of child marriage and the consequences for perpetrators, and the submission of regular national reports under child right treaties.

## 'Learned damsels in default!' - Responsibilities & opportunities in politics, governance and decision-making.

**(Apologies to Rumbidzai Dube)**

**Hon. Fungayi Jessie Majome MP**

The paper aims to motivate women lawyers to contemplate a political career, alternatively one in the governance sector that has been expanded by Constitutional Amendment No. 20 of 2013. I hopes to influence women lawyers to factor a political/governance career in their career planning. It seeks to do this by firstly discussing the strategic importance of political involvement by women lawyers for the sake of gender equality and the advancement of women in general. It then attempts to demystify the political terrain and plot possible entry points and permutations for women lawyers. The paper will begin by mapping the status of women's representation generally in political decision-making, globally, regionally and locally to show the gender disparity thereof. It will discuss the imperative of redressing that anomaly presented by social justice, international and now the local Constitution. It will then explore the presence and impact of women lawyers in politics and argue the necessity of their participation therein, among other competencies that women professionals can bring to politics. It will explore

political participation not only in terms of direct involvement in politics, but also in terms of the use of the political arena and methods to extract the value and benefits of the Constitution's radical and substantial reforms for gender equality. The paper will then discuss different political arenas that women lawyers can participate and lead in i.e. local government, independent Commissions and other constitutionally established bodies/offices and Parliament, as well as the international arena. It will examine the practical steps (and pitfalls) needed to climb that ladder. The paper will then also explore critical political maneuvers and processes that women lawyers can make in their day to day work in order to translate the constitutionally enshrined gender equality into the lived reality of women's lives. In addition to empirical data on the subject, the paper will be complemented by autobiographical nuances from the author's own experience, as the 1st woman lawyer to be elected to Zimbabwe's Parliament, and the only woman lawyer in the 7th Parliament, and again the current 8th Parliament.

## Counselling as an option in family law related matters

**Blessing Nyamusamba-Mugomba**

### Abstract

The purpose and aim of the presentation therefore is to raise awareness on the concept of Christian legal counseling highlighting the extent and nature of damage if counseling does not come in as a check and balance in the family related issues. It is also the aim of the presentation that the legal professionals represented herein start discussing the viability and feasibility of the concept. This is also an opportunity for the legal fraternity to start exploring the possibility of offering such services.

## “Amendment (No. 20) and what it means to me.” Thoughts from a recent female law graduate.

**Dorothy Pasipanodya**

### Abstract

Zimbabwe has taken many strides towards achieving gender equality. Our country now has women in high positions such as the Vice Presidency, and we have signed numerous gender treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Southern African Development Community (SADC) Gender Protocol. I have often said it out loud, that this is the best time to be female in Zimbabwe as gender matters are being mainstreamed in all spheres and backed up with the force of law, by the Constitution. Many have acclaimed the new Constitution to be one of the most gender sensitive Constitutions in the world and indeed, a perusal of this Constitution does reveal that most chapters encourage gender balance and equality; from the pre-amble, through the founding provisions, national objectives, bill of rights, right up to the appointment of women into all levels of government. Indeed, this is the most gender sensitive Constitution that Zimbabwe has ever had. As a young woman in 2014, I have been inspired to assess the gains of the empowerment and equality movement so as to better understand the challenges and opportunities that exist for recent female graduates, like myself and the main starting point for me is the Constitution, which is the supreme law of the country. As an undergraduate law student, I carried out research on the appointment of women into cabinet, which is the highest decision-making body in Zimbabwe. For many like myself, the appointment of women to cabinet was significant because it put the provisions of the new Constitution to the test. Despite the strides we have taken with regard to the equality and empowerment of women, only four women were appointed to cabinet in Zimbabwe. This is so despite the fact that the President appointed twenty-nine Cabinet Ministers. The appointment of so few women raised an outcry as they were appointed soon after the much-celebrated New Constitution came about, through amendment (No. 20) of 2013. Unfortunately, the majority of the women in cabinet have been recycled. The President's initial response to the question, “Why are there so few women in cabinet?” was, “There are no women to appoint. The women are uneducated.” It is these events that spurred me to look into whether women were unlawfully and unfairly excluded from cabinet in the period 2013 - 2018 or whether there is a reason why this happened. Further still, this case study revealed truths that affect not only women in politics but women in general as the Constitution contains many gender favourable provisions but practice tends to dictate otherwise. My findings in this area

reflected dynamics that are at play when it comes to choosing women for political appointment. They reflected underlying factors that, in my opinion, affect women at all levels in Zimbabwe who though empowered by law, are limited by societal factors in achieving their full potential. It is this research that I will use as a case study to highlight the benefits afforded by the Constitution and their application and interpretation which serve as challenges to women. Suggestions too will be made as to how more women can benefit from the empowerment provisions in the Constitution.

## Conference Programme:

**DAY ONE:** THURSDAY 13 NOVEMBER 2014

**PROGRAMME FACILITATORS:** Doreen Gapare  
Nunurayi Masunda

Session	Title	Presenter
0700:0800hours	<b>Registration</b> <i>All participants</i>	<b>ZWLA</b>
0800 0810hours	<b>Welcome Remarks</b>	<b>ZWLA Professional Interest Committee</b>
0810:0820hours	<b>The importance of continuous legal education</b> <i>The leadership role of the Law Society</i>	<b>The Law Society of Zimbabwe</b>
0820:0830hours	<b>Introduction to the program</b> <i>Discussing the objectives of the conference</i>	<b>Arnold Tsunga: ICJ Director Africa Regional Programme</b>
0830:0900hours	<b>Official Opening</b> <i>Key Note Address</i>	<b>V Mabhiza Permanent Secretary for Justice, Legal and Parliamentary affairs in Zimbabwe</b>
0900 – 0930hours	<b>Damsels in Distress? Rehashing factors influencing female lawyer's career choices.</b>	<b>Rumbidzai Dube Zimbabwe</b>
0930-1000hours	<b>'Learned damsels in default!' - Responsibilities &amp; opportunities in politics, governance and decision making.</b> <i>(Apologies to Rumbidzai Dube)</i>	<b>Hon Fungai Jessie Majome MP Zimbabwe</b>
1000 - 1030hours	<b>We have come a long way? Locating Zimbabwe Women Lawyers Career Struggles: A jurisprudential enquiry</b>	<b>Khanyisela Moyo South Africa</b>
1030-1045	<b>Plenary</b>	<b>Facilitators</b>
<b>1045 - 1100hrs TEA BREAK</b>		
1100 - 1130hours	<b>A retrospect of the Glass ceiling: How patriarchy , law, gender differences and poverty prevent women from exercising their rights and realizing their opportunities in educational and professional fraternities in Zimbabwe</b>	<b>Tendaishe Tiou South Africa</b>
1130-1200hours	<b>Organized gate keeping? Strategies to penetrate the old boys club</b>	<b>Dr Nazreen –Shaik-Peremanov South Africa</b>

1200 - 1230hours	"Amendment No 20,What is means to me "Thoughts from a recent law graduate	Dorothy Pasipanodya Zimbabwe
1230 - 1300hours	Development Career Consilium: Mapping a career in Human Rights & Development	Tsitsi Matekaire United Kingdom
1300 - 1315hours	Plenary	Facilitators

1315 - 1400hrs LUNCH BREAK

1400 - 1430hours	How to create a sphere of influence: Understanding power	Sara Moyo Zimbabwe
1400 - 1500hours	A career for underdogs? Unveiling the truths, myths behind successful human rights lawyering	Irene Petras Zimbabwe
1500 - 1530hours	There is a full potential: How to reach your full potential and gain foothold in your career	Advocate Pat Kachidza United Kingdom
1530-1600	Plenary	Facilitators

End of Day AFTERNOON TEA BREAK

<b>DAY TWO</b>	<b>FRIDAY 14 NOVEMBER 2014</b>	
0830:0900hours	Recap of day one & breakaway sessions	Program Facilitators
0900:1300hours	<p><b>Break away session 1:Child Marriages &amp; The Law</b></p> <p>1. Child marriages &amp; Zimbabwean Law</p> <p>2.Child marriages in Zimbabwe &amp; South Africa as an encroachment into the right to be a child: A comparative analysis &amp; strategies for effective implementation of both National &amp; International laws</p> <p>3.Comparing child marriages in Zimbabwean Laws to Kenyan Laws: Implications for development</p> <p><b>Breakaway Facilitators:</b> Petronella Nyamapfene- Session Chair Sethulo Ncube- Co- chair ZWLA regional co-ordinator Shellie Mabhena-Report writer</p>	<p><b>Panelists</b> Sara Moyo Zimbabwe Annah Yvonne Moyo CSVR, South Africa</p> <p><b>Purity Mutisya</b> Kenya</p>
	<p><b>Break away session 2: Sexual Reproductive Rights &amp; the law</b></p> <p>1.The Termination of Pregnancy Act of 1977:A Travesty of Justice for victims of sexual violence in Zimbabwe</p> <p>2.The Fifty shades of rape: The gendered realities of rape under the Criminal Codification and Reform Act</p> <p>3. Raped then what? The practical realities of sexual abuse</p> <p><b>Breakaway Facilitators:</b> Sarudzayi Njerere- Session Chair Abigail Matsvayi- Co-chair, ZWLA programmes co-ordinator Paidamoyo Mukumbiri- Report Writer</p>	<p><b>Panelists</b> Nyasha Chingore SALC, South Africa</p> <p><b>Sheilla Kanyangarara</b> South Africa</p> <p><b>Adult Rape Clinic</b> Zimbabwe</p>

1000 - 1030 hours TEA BREAK

	<p><b>Break away session 3: Law &amp; Counselling</b></p> <p>1.Counselling &amp; the resolution of legal disputes within the family</p>	<p><b>Facilitators</b> <b>Panelists</b> Caroline T. Mugabe Zimbabwe</p>
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	<p>2. Counselling as an option in family law related matters</p> <p>3. The practical link between the law and counselling.</p> <p><b>Breakaway Facilitators</b></p> <ol style="list-style-type: none"> <li>1. Tatenda Dzitiro-Session Chair</li> <li>2. Fourie Revai-Co Chair, ZWLA legal aid manager</li> <li>3. Fadzayi Mutavayi-Report Writer</li> </ol>	<p><b>Blessing Nyamusamba</b> <i>Zimbabwe</i></p> <p><b>Netty Musanhu</b> <i>Zimbabwe</i></p>
	<p><b><u>Break away session 4: Women &amp; Children's Access to socio-economic rights</u></b></p> <ol style="list-style-type: none"> <li>1. <b>Empowering their minds: towards achieving the right to education</b></li> <li>2. <b>Tenure of security after fast track: Implications for women's rights to agricultural land</b></li> <li>3. <b>The right to basic education in the Zimbabwean system</b></li> </ol> <p><b>Breakaway Facilitators</b></p> <ol style="list-style-type: none"> <li>1. Sylvia Chirawu- Session Chair</li> <li>2. Chiedza Simbo- Co- chair, ZWLA director</li> <li>3. Sibongile Gwanzura- Report Writer</li> </ol>	<p><b><u>Panelists</u></b></p> <p><b>Regina Bwanali</b> <i>Zimbabwe</i></p> <p><b>Makanatsa Makonese</b> <i>South Africa</i></p> <p><b>Tinotenda Hondo</b> <i>Zimbabwe</i></p>

1300 - 1400 hours LUNCH BREAK

1400 - 1445hours	<b>Plenary &amp; Way forward</b>	<b>Panelists &amp; Facilitators</b>
1445 - 1500hours	<b>Closing Remarks</b>	ZWLA Board Chairperson: <b>Sara Moyo</b>

1500 - 1530hours End of Session: AFTERNOON TEA BREAK

1700 – 1730hours	<b>Guests arrival</b>	ZWLA & ICJ
1730 - 1740hours	<b>Welcome opening remarks</b>	ZWLA Board Chairperson
1750 - 1810hours	<p><b>Key Note Speaker: My tortuous tale with the justice delivery system</b></p> <p><b>Key note Respondent The role of lawyers in the Justice delivery system</b></p>	<b>Mildred Mapingure</b> ZWLA test case client

Dinner Served

1810 - 1840hours	<b>Award Ceremony</b>	
1840 - 1910hours	<b>Remarks</b>	ZWLA Members
1910 - 1930hours	<b>Closing Remarks</b>	ZWLA/ICJ/E.C



## ABOUT THE ZIMBABWE WOMEN LAWYERS ASSOCIATION (ZWLA)

**Contact:** 17 Fife Avenue, Harare  
Tel: (04) 706676, 708491 Email: [zwla@zwla.co.zw](mailto:zwla@zwla.co.zw)

134 J Tongogara & Corner 14th Avenue, Bulawayo  
Tel: (09) 888001 Email: [byo@zwla.co.zw](mailto:byo@zwla.co.zw)

**Website** [www.zwla.co.zw](http://www.zwla.co.zw)

**Mission:** To develop, defend and dialogue on women's and children's rights

**Vision:** Justice and Equality for all

**Goal:** A Zimbabwean society where women are empowered and assert their rights within a justice system that treats men and women equally and that is sensitive to the needs of children

## PROFILE

ZWLA is a non-governmental association of women lawyers established in 1992 to promote women's equal access to justice and to champion the professional interests of women lawyers in Zimbabwe.

With a staff complement of 25, a 9 member Board and more than 70 members drawn from private practice, commerce, non-governmental organisations, academia and government, ZWLA has become an important ally in the struggle for legal rights for women and children. ZWLA promotes the rights of women and children through:

- Access to Justice Activities: provision of legal aid - at two offices in Harare and Bulawayo and via mobile legal aid clinics; legal education to women and communities at large; Court monitoring and liaison with judicial officials
- Transformative Justice Strategies: law, policy and administrative reform at the domestic, regional, and international level, including major contributions to the enactment of the Domestic Violence Act, civil society's first CEDAW shadow report in 2012, and efforts to establish Family Courts in Zimbabwe.

ZWLA's strength lies in its apolitical mission and passion for women and children.

Its impact on women's and children's lives has been felt through a variety of projects, including provision of legal aid in family law matters, Court monitoring to ensure sensitivity of the judiciary to the concerns of women and children, and advocacy for the establishment of Family Law Courts to protect the rights of women and children.

In 2012, ZWLA provided 39 369 women and children with legal services.

It also achieved structural changes in the justice system – simplification of Protection Order Forms used in cases of domestic violence, an increase in the monetary jurisdiction of the Magistrates Courts, and the development of Standard Operating Procedures for legal service providers that will benefit an estimated 2 million women and children in Zimbabwe and the nation at large.

Finally, ZWLA has established a Professional Interests Committee whose primary aim is to focus on programs and activities that improve the status and working conditions of women lawyers in all sectors of the profession and to provide innovative events, seminars and resources that promote the personal and professional development of women lawyers.