

# **JUDICIAL SERVICE COMMISSION**

A Zimbabwe in which world class justice prevails!



**CONFERENCE PAPER BY  
THE HONOURABLE MRS JUSTICE A. GUVAVA – JUDGE OF APPEAL**

**ON THE OCCASION OF THE 2<sup>ND</sup> HIGH-LEVEL MEETING OF WOMEN  
LEADERS JUDICIAL OFFICERS OF AFRICA**

**JOHANNESBURG, SOUTH AFRICA**

**20 – 24 APRIL 2026**

**TITLE: ADJUDICATING VIOLENCE AND HARASSMENT AGAINST  
WOMEN: INTERPRETING LAWS ON DOMESTIC  
VIOLENCE, FEMICIDE, THE PROTECTION AND  
HARASSMENT OF WOMEN AND OTHER HARMFUL  
PRACTICES**

**THEME: THE MAPUTO PROTOCOL @ 20: CONSOLIDATING THE  
JURISPRUDENCE OF EQUALITY FOR THE NEXT GENERATION**

## INTRODUCTION

It is indeed a privilege and an honour to be invited to contribute in a small way to the 2<sup>nd</sup> High-Level Meeting of Women Judicial Leaders of Africa on the topic of adjudication of violence and harassment against women, under the theme “*The Maputo Protocol @ 20: Consolidating the Jurisprudence of Equality for the Next Generation.*”

This discussion is centred on the global movement on the continued fight against domestic violence and harmful practices through the justice systems. An analysis of this adjudication system must be carried out through the lens of constitutionalism, regional human rights obligations, and evolving judicial responses. It is noted that different countries and international and regional organisations have adopted different strategies to address issues of domestic violence and harmful practices against women.

It is imperative to note that the Maputo Protocol<sup>1</sup> that we celebrate today has been instrumental in the realisation of women's rights and protection in Africa. The Protocol paved way for progression towards the eradication of historic abuses and violations which women were subjected to due to their gender and status in societies. The Protocol bridged the gaps that existed and formed the basis for several legislative and policies which protect women to date. The topic under discussion finds credence based on the Protocol and what it was implemented to address, as evidenced by Article 8, which reiterates that women and men are equal before the law and have the right to equal protection and benefit of the law.

From a Zimbabwean perspective, there has been an ongoing strong normative framework for the protection of women's rights through constitutional intervention, judicial precedent, legislative transformation and governmental policies. It should be noted from the outset that, as a jurisdiction, Zimbabwean criminal law does not recognise "femicide" as

---

<sup>1</sup> The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa also known as the Maputo Protocol was adopted in Maputo, Mozambique, on 11 July 2003. The adoption took place during the 2<sup>nd</sup> Ordinary Session of the Assembly of the African Union held in Maputo. - Amnesty International June 2004 The Protocol on the Rights of Women in Africa: "Strengthening the promotion and protection of women's human rights in Africa"

a distinct offence. Instead, cases that come before the courts involving the killing of women, often by their spouses or intimate partners, are typically treated as manifestations of domestic violence within the family context. Such matters are characterised under murder or culpable homicide as provided for by the Criminal Law (Codification and Reform) Act [*Chapter 9:23*] (“the Criminal Law Code”). In this regard, this discussion will focus on the impact of domestic violence and harmful practices on the rights of women in Zimbabwe and how the Government of Zimbabwe and the courts have been instrumental in guarding against these societal menaces.

## **Conceptualising Domestic Violence and Harmful Practices**

### **i. Domestic violence**

The United Nations defines domestic violence as:

“A pattern of behaviour in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviours that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone. Domestic abuse can

happen to anyone of any race, age, sexual orientation, religion, or gender. It can occur within a range of relationships including couples who are married, living together or dating. Domestic violence affects people of all socioeconomic backgrounds and education levels.”<sup>2</sup>

Domestic violence must therefore be understood as an abuse of power over a weaker person by another, with the result of frightening, hurting or manipulating the other person. Domestic violence can therefore occur in various circumstances, for example, between spouses in a marriage; between intimate partners in dating or cohabiting relationships; between former spouses or ex-partners, and within extended family relationships such as between parents and children or other relatives

Domestic violence has a deep history as a globally widespread issue, rooted in patriarchal traditions where women were historically considered property, with legal violence against them being permitted. As far back as 753BC; under the rule of Romulus, The Laws of Chastisement deemed wife beating legal so long as the rod or stick being used for physical discipline had a circumference no bigger than the girth of the base of the

---

<sup>2</sup>Accessed at <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

man's right thumb, known as "The Rule of Thumb."<sup>3</sup> With the progression of years, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 to which Zimbabwe is a party. In embracing the fight against domestic violence, 25 November has been designated and commemorated as the International Day for the Elimination of Violence against Women.<sup>4</sup>

Article 5a of CEDAW calls on State parties to:

“Take all appropriate measures to:

(a) modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotypical roles for men and women.”

United Nations member states, therefore, have an obligation to eliminate prejudices and customary practices that foster and maintain the idea of

---

<sup>3</sup> Accessed at <https://freedomandcitizenship.columbia.edu/ipv-history>

<sup>4</sup> Accessed at <https://www.un.org/en/observances/ending-violence-against-women-day/background>

men being inferior beings over women and the abolition of stereotypes against gender roles.

## **Harmful practices**

Harmful practices are a form of gender-based violence and a violation of human rights that put women's, and girls' health and rights at great risk.<sup>5</sup>

The Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices calls upon States to protect women, adolescents, and children from all harmful practices.

On the regional platform, Article 1 (g) of the Maputo Protocol defines harmful practices as:

“all behaviours, attitudes, and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity.”

In the Zimbabwean context, harmful practices include, *inter alia*:

---

<sup>5</sup> Accessed at <https://www.ohchr.org/en/women/harmful-practices>

1. Child and forced marriages;
2. Widow inheritance practices, a practice where a woman is coerced to take up her late sister's place as a wife of the widowed husband;
3. Virginity testing and related violations of bodily autonomy;
4. Accusations of witchcraft.

These practices are sustained not merely by culture, but by intersecting factors including poverty, lack of education, weak enforcement mechanisms, and unequal power relations within households and communities. The Beijing Conference of 1995 provided a platform for the discussion and elaboration of harmful practices against the girl child. In its Global Framework, it was stated that:

“They are often subjected to various forms of sexual and economic exploitation, paedophilia, forced prostitution and possibly the sale of their organs and tissues, violence and harmful cultural practices such as female infanticide and prenatal sex selection, incest, female genital mutilation and early marriage, including child marriage.”

The Maputo Protocol calls on state parties to condemn all forms of harmful practices that negatively affect the human rights of women, and which are contrary to recognized international standards. All in all, global

and regional human rights institutions have made milestones in the promotion of women's and children's rights through the move to abolish domestic violence and harmful practices.

## **LEGAL FRAMEWORK IN ZIMBABWE**

Zimbabwe's constitutional, legislative, and policy frameworks provide a comprehensive basis for addressing gender-based violence. Notably, Zimbabwe is a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women, having signed the Convention in 1991 and ratified it in 1997. It is also a member of the African Union<sup>6</sup> and ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa on 15 April 2008. Following the ratification of these instruments, Zimbabwe has developed a robust legal framework aimed at promoting gender equality, advancing women's rights, and safeguarding the rights of women and children. In addition, Zimbabwe is a signatory to the United Nations Security Council Resolution 1325, which recognises the disproportionate impact of conflict

---

<sup>6</sup> Zimbabwe joined the African Union on 18 June 1980

on women and underscores the importance of women's meaningful participation in peacebuilding processes. Taken together, these international commitments and domestic measures reflect Zimbabwe's strong normative and legal commitment to combating gender-based violence, although the real challenge lies in their effective implementation and enforcement in practice.<sup>7</sup>

### ***Constitutional Framework***

The **Lancaster House Constitution**, which governed Zimbabwe at independence in 1980 until 2013, did not provide robust protection for women's rights, nor did it explicitly address harmful cultural practices. Although it contained a Declaration of Rights, this framework was limited in scope and effect.<sup>8</sup> Notably, it did not recognise gender equality as a substantive right, and its non-discrimination clause was narrow, permitting exceptions in matters of personal law, including marriage,

---

<sup>7</sup> <https://zimbabwe.unfpa.org/sites/default/files/pub>

<sup>8</sup> See s 23 on Protection from discrimination on the grounds of race, etc,

divorce, inheritance, and customary law. This effectively allowed the continuation of patriarchal norms and harmful practices that disproportionately affected women, such as child marriage and unequal property rights.

The coming into effect of the **Constitution of Zimbabwe Amendment (No. 20) Act, 2013** (“the Constitution) represented a transformative and progressive constitutional framework that significantly advanced the protection of women’s rights.<sup>9</sup> Key provisions in the Constitution on the rights and protection of women include:

- Section 52: which guarantees the right to personal security, including freedom from all forms of violence from public or private sources.
- Section 53: which prohibits torture or cruel, inhuman or degrading treatment or punishment.

---

<sup>9</sup> Rosalie Katsande, *Gender Equality and Women’s Rights under the 2013 Zimbabwean Constitution*, accessed at <https://zimlil.org/akn/zw/doc/book-chapter/2022-06-30/chapter-7-gender-equality-and-womens-rights-under-the-2013-zimbabwean-constitution/eng@2022-06-30>

- Section 56: which guarantees equality and non-discrimination on the basis of sex, gender, marital status, and other grounds.
- Section 80: which specifically protects women's rights and invalidates customs, traditions, and cultural practices that infringe those rights.

Importantly, section 2(1) of the Constitution establishes that the Constitution of Zimbabwe is the supreme law of the land, and that any law, practice, custom, or conduct inconsistent with it is invalid to the extent of such inconsistency. This provision entrenches constitutional supremacy and provides a firm foundation upon which harmful practices, customs, and discriminatory laws have been challenged and progressively eliminated by the State. Accordingly, customs and practices recognised as harmful and inconsistent with the rights of women and children are rendered unconstitutional and invalid by virtue of section 2(1).

The Constitution obligates the State to take measures to prevent all forms of violence against women and to eliminate harmful cultural practices. Furthermore, s 26 specifically requires the State to ensure that marriages

are entered into only with the free and full consent of the intending spouses, thereby addressing practices such as forced and child marriages. Section 3 of the Constitution further provides for the founding values and principles upon which Zimbabwe is built on, being the supremacy of the Constitution, protection of fundamental human rights, recognition of the inherent dignity and worth of all human beings, recognition of the equality of all human beings and gender equality to mention but a few.

The 2013 Constitution thus marked a significant shift from a formal and archaic application of the right of equality to substantive equality, aligning Zimbabwe's domestic legal framework with regional and international human rights standards. The Constitution provides a stronger normative and legal basis for the adjudication of domestic violence and harmful practices, positioning the judiciary as a key actor in advancing gender justice.

The landmark judgment of *M v Minister of Justice, Legal & Parliamentary Affairs N.O & Ors* 2016 (2) ZLR 45 (CC) highlights the measures that the Constitutional Court has taken to address the problem

of child marriages in Zimbabwe. Using s85 of the Constitution the full bench found that marriage of children under the age of 18 violates the fundamental rights of children thus striking down s 3 of the Marriages Act [Chapter 5:07] as being unconstitutional.

## **Statutory Framework**

### ***The Domestic Violence Act***

The Domestic Violence Act [*Chapter 5:16*] (“the Domestic Violence Act”) is the principal statute addressing domestic violence. Section 3(1) defines domestic violation as “any unlawful act, omission or behaviour which results in death or the direct infliction of physical, sexual or mental injury to any complainant by a respondent.” The section goes on to list various examples of forms of abuse which include physical abuse, sexual abuse, economic abuse and emotional, verbal and psychological abuse. Of interest to note is s 3(1)(1) which also includes harmful practices under the definition of domestic violence as follows:

“(1) abuse derived from the following cultural or customary rites or practices that discriminate against or degrade women—

- (i) forced virginity testing; or
- (ii) female genital mutilation; or
- (iii) pledging of women or girls for purposes of appeasing spirits; or
- (iv) forced marriage; or
- (v) child marriage; or
- (vi) forced wife inheritance; or
- (vii) sexual intercourse between fathers-in-law and newly married daughters-in-law;”

The Domestic Violence Act does not only define types of abuses but is expansive to the extent that it provides complainants of abuse the right to approach a Police Station for redress<sup>10</sup>, to approach the court and obtain a protection order and interim relief.<sup>11</sup> The Act further establishes mechanisms for victim support and counselling referral.<sup>12</sup>

The Honourable Judge Chirawu-Mugomba, commenting on the expansive definition of domestic violence in the Act and its impact, had the following to say:

---

<sup>10</sup> See s 5 of the Domestic Violence Act

<sup>11</sup> See s 7 and 9 of the Domestic Violence Act

<sup>12</sup> See s 15 of the Domestic Violence Act

“The effect of the wide definition of domestic violence is that no longer is it seen as just the visible act of physical violence but it covers all other aspects. The Act gives powers to a complainants’ representative defined as a police officer, a social welfare officer, an employer of complainant, a person acting on behalf of a church or other religious organization, a private voluntary organization concerned with the welfare of victims of domestic violence, a relative, neighbour or fellow employee, a counsellor and any other person so appointed to apply for a protection order on behalf of the complainant. This provision was put in the law after the realization that many victims of domestic violence, especially women, were afraid to file cases due to socio-cultural, economic and other factors. However, the complainants’ representative in the absence of consent by the complainant must seek leave of the court to apply for a protection order. This provision will result in domestic violence becoming everyone’s responsibility. No longer can any person afford to take a hands-off approach against domestic violence.”<sup>13</sup>

By providing a broad and inclusive definition of domestic violence the Act captures the multifaceted nature of harm experienced within domestic relationships. It further empowers victims through accessible remedies such as protection orders, while imposing obligations on law enforcement and the courts to respond effectively and sensitively to cases of abuse.

---

<sup>13</sup> Slyvia Chirawu, *A Reflection on the Domestic Violence Act [Chapter 5:16] and Harmful Cultural Practices in Zimbabwe*, The Zimbabwe Electronic Law Journal 2016

Additional supporting legislation in the fight against domestic violence is to be found in the Criminal Law Code, which criminalises various forms of assault, sexual offences, and related conduct. The Criminal Law Code addresses domestic violence by criminalising the various forms of abuse that commonly arise within domestic relationships. These include:

- i. Physical violence - prosecuted as assault or assault causing grievous bodily harm
- ii. Sexual violence - prosecuted under offences such as rape and indecent assault.
- iii. Femicide – prosecuted as murder and culpable homicide.

### ***Sentencing Guidelines***

The realisation that judicial officers in the exercise of their sentencing discretion were giving very different sentences led to the introduction of sentencing guidelines through the Criminal Procedure (Sentencing Guidelines) Regulations 2023 published in S.I. 146/2023. The guidelines provide presumptive sentences for offences under the

criminal justice system. For example, for the offence of murder the presumptive sentence is 20 years.

### ***Marriages Act [Chapter 5:15]***

The case of *M v Minister of Justice* referred to earlier led to the repeal of the old Marriages Act which had set the marriage age for girls at 16 years. The new Act now only allows marriage of persons who have attained the age of 18. It also creates an offence against guardians who allow children before the age of 18 to marry.

### ***Victim Friendly System***

This system was introduced to support victims of abuse, particularly women and children within the justice system. Victim friendly units were set up at every level of the justice system which would impact on a person who has been subjected to any form of abuse.

#### **(i) The police station**

From 1996 every police station in the country was obliged to have a victim friendly unit. This was based on the

understanding that the police station is the first port of call for a victim of abuse. The police officers manning the units receive specialised training to deal with offences of domestic violence. They offer private and confidential reporting environments and also offer counselling and referral services.

(ii) Victim Friendly Courts

These courts are established in s 319 A of the Criminal Procedure and Evidence Act. The specialised courts are designed to protect children and vulnerable witnesses when they give evidence in court. These courts are housed in 12 Regional Courts across the country. They are equipped with separate rooms for witnesses to give evidence. Thus, a vulnerable witness will have no direct contact with the accused person. They are also equipped with close circuit televisions so that the accused can see the witness giving evidence. Evidence is also given through an intermediary

who facilitates communication in giving evidence and provides support to the witness.

## **IS DOMESTIC VIOLENCE STILL A PERSISTENT SOCIETAL CHALLENGE?**

Having outlined the Zimbabwean legal framework on combating domestic violence and harmful practices against women and the efforts that have been made by the judiciary when adjudicating cases of domestic violence, the pertinent question that naturally arises is: “Does the existence of such a comprehensive legal framework mean that domestic violence has been fully eradicated in Zimbabwe?”

The sad answer and reality to this question is that Zimbabwe has not yet eradicated domestic violence and harmful practices against women. Recently, the Zimbabwe National Statistics Agency (ZIMSTAT) carried out a “*Zimbabwe Demographic and Health Survey 2023–24 (2024)*” under which it carried out a survey of domestic violence cases in Zimbabwe. The key findings from the survey recorded that:

- a. Physical violence: 27% of women aged 15-49 experienced physical violence since age 15, and 13% of women have experienced physical violence within the past 12 months.
- b. Sexual violence: 9% of women aged 15-49 experienced sexual violence at least once in their lifetime, and 5% experienced sexual violence in the past 12 months.
- c. Emotional violence: 23% of ever-married women have experienced spousal emotional violence, and 19% experienced spousal emotional violence in the 12 months preceding the survey.
- d. Violence during pregnancy: 5% of women who have ever been pregnant experienced violence during one or more of their pregnancies.
- e. Spousal violence: Overall, 38% of ever-married women aged 15-49 experienced a form of emotional, or physical, or sexual violence from a spouse, and of these women, 37% reported experiencing physical injuries.
- f. Seeking to stop violence: 44% of women who have ever experienced physical or sexual violence have sought help.

These statistics are indeed worrying and reflect a concerning trend that calls for sustained and strengthened legislative, judicial, and governmental interventions.

The courts in Zimbabwe have been highly instrumental in the move to eradicate and reduce domestic violence. In carrying out this judicial duty, the courts rely heavily on the Domestic Violence Act particularly s 4 which creates the criminal offence of domestic violence. This offence is punishable by a maximum sentence of a fine not exceeding level fourteen or imprisonment for up to 10 years or both such fine and imprisonment. Section 3 provides that the offence of domestic violence includes any unlawful act, omission, or behaviour by an accused which results in death or the direct infliction of physical or sexual injury to a complainant. Once the act or behaviour results in physical or sexual injury, it falls squarely under criminal offences of assault, rape, or incident assault, which offences are covered by the Criminal Law Code and prosecuted under the criminal courts. In Zimbabwe matters related to domestic violence are mainly adjudicated by the Magistrates Court and any party aggrieved by

an order of the Magistrates Court may note an appeal before the High Court.

The courts have played a crucial role in the application of the Domestic Violence Act, particularly through consistent emphasis on the imposition of deterrent sentences against perpetrators of domestic violence. In *S v Muchekayawa* 2012 (1) ZLR 272 (H) the court reiterated this point in the following words:

“I am of the view that, unless sufficiently deterrent sentences are imposed by the courts as provided for under the Act, the whole purpose of this piece of legislation will never be realized. Men will continue to brutalize their wives and, equally so, some men will continue to be subjected to physical abuse by their spouses, in the knowledge that they will go to court and pay a small fine ... in serious cases custodial sentences are appropriate.”

The courts have also reiterated that the Domestic Violence Act is distinctive in that it seeks to recognise and promote family values. In *S v Gudyanga* 2015 (1) ZLR 238 (H), the court elaborated on the unique objective of the Act, noting that it is intended to preserve and restore family unity rather than contribute to its breakdown. The court however

confirmed a custodial term of imprisonment for a man who had assaulted his wife because she had refused to have sex with him.

In the case of *The State v Mandombo* HMA 24/17 the court was confronted with a domestic matter that deviated from the more common scenario of male-perpetrated abuse against women. In this instance, the accused was the wife of the deceased. A dispute arose when the deceased decided to slaughter a goat for Christmas and the accused objected, leading to an altercation between them. The confrontation escalated, and the accused took a pole from the goat pen and struck her husband repeatedly on the head, back, and legs. The assault ultimately resulted in the death of the deceased. In determining the murder charge against the accused, the court observed that:

“It is saddening to note that spouses are meeting their demise at the hands of those who have taken vows to love them forever. Domestic violence now transcends gender and a significant number of males or husbands are now also victims like in the instant case.”

The court noted that the domestic violence which resulted in the death of a person could not easily be condoned on the basis that it had been

perpetrated by a woman. The court therefore found that it was just that the accused person be sentenced to three years imprisonment for her offence.

These case examples reveal a common thread in the adjudication of domestic violence matters, namely that the Domestic Violence Act provides an important avenue of protection for victims of abuse. The Act circumscribes the remedies available to the court, which may, depending on the circumstances of each case, impose custodial sentences, order the payment of fines, or even refer matters to counselling with a view to preserving the family unit. The guiding principle is that each matter must be determined in light of its own facts and context, and accordingly, there is no “one-size-fits-all” approach to domestic violence adjudication.

## **PERSISTENT CHALLENGES FACED BY THE ADJUDICATORS**

Despite Zimbabwe’s robust legal framework aimed at addressing domestic violence and harmful practices, several structural and operational challenges continue to impede their full eradication. These challenges include:

## **1. Geographic distance from courts and police stations, particularly in rural areas.**

Most matters involving domestic violence emanate from rural areas where social structures are not fully developed and still recognise a patriarchal system of life, which usually results in abuses being perpetrated against women by men. When such domestic violence incidents occur, victims tend to desist from reporting due to the fact that the police stations and courts are located far from their residences. Access to justice is thus hindered due to distance and geographical barriers.

Zimbabwe being aware of these challenges, has since introduced an e-court system known as the Integrated Case Management System (IECMS). The online system was adopted in February 2022 by the Judicial Service Commission to digitize and expedite litigation processes. It has integrated all the Superior Courts and is in the process of digitalising the Magistrates Courts. The system brought and enhanced access to justice closer to litigants. It is cost-effective, as litigants have a lessened need for transport fares to courts to attend hearings. Due to its virtual nature, the system allows litigants to attend court remotely from their

homes or any location of their choice. This ensures that litigants never miss court hearings. The system has thus been highly instrumental in the initiative of ensuring all persons have access to justice. Victims of domestic violence can therefore remotely make use of the IECMS to seek redress and help.

## **2. Limited availability of legal aid in some areas.**

A significant proportion of victims of domestic violence are indigent individuals with limited access to legal representation. The Domestic Violence Act seeks to address this barrier by simplifying court procedures, thereby enabling complainants to litigate in person. In this regard, section 7 of the Act, which governs applications for protection orders, obliges the clerk or registrar of the court to inform the complainant of:

- “(a) the relief available in terms of this Act; and
- (b) the effect of any order which may be granted and the means provided by law for its enforcement under this Act; and
- (c) the right to also lodge a criminal complaint against the respondent if a criminal offence has been committed by the respondent; and
- (d) the right to claim compensation for any loss suffered or injury caused by any act of domestic violence.”

Where a domestic violence incident results in bodily harm, death, or sexual abuse, the State, through the prosecution, intervenes and prosecutes the matter on behalf of the complainant against the perpetrator.

In such instances, the limitation is accordingly mitigated.

### **3. Socio-Cultural Norms and Patriarchy**

Socio-cultural norms and patriarchy remain significant barriers to the eradication of domestic violence, as they entrench unequal power relations and normalize abuse within intimate relationships. In many communities, patriarchal values position men as dominant and women as subordinate, fostering beliefs that justify control and even violence as a form of discipline. Cultural attitudes that treat domestic violence as a private family matter discourage reporting and external intervention, while practices such as lobola may reinforce perceptions of male entitlement. Such situations have resulted in marital rape going unpunished, based on what society may say.

Victims often face stigma, victim-blaming, and pressure to preserve family unity, which further silences them and perpetuates underreporting.

Additionally, women's economic dependence, shaped by traditional gender roles, limits their ability to leave abusive relationships. As the man is the breadwinner, he must be present in the family to ensure family sustenance. As such, if such a man is arrested and imprisoned because his wife has reported a domestic violence incident, then it would mean that the whole family will suffer. This is a main contributory factor to why most matters reported as domestic violence end up being withdrawn or why some matters are never reported.

Customary dispute resolution mechanisms and certain religious or traditional interpretations may also prioritize reconciliation over accountability. As a result, despite the existence of protective legal frameworks, these deeply rooted socio-cultural and patriarchal norms continue to undermine efforts to effectively combat and eradicate domestic violence. These considerations often result in underreporting of domestic violence matters, collusion between the perpetrator and relatives of the victim leading to withdrawal of cases before trial due to reconciliation pressures

#### **4. Institutional Gaps**

Limited shelters and support services, together with inadequate training for law enforcement, significantly hinder efforts to combat domestic violence. The scarcity of safe shelters and essential support systems, such as counselling and legal aid, leaves many victims with no viable escape from abusive environments, forcing them to remain in harmful situations. At the same time, insufficient training among police and other law enforcement officials often results in poor handling of cases, including a lack of sensitivity, failure to recognise the seriousness of abuse, and reluctance to enforce protective laws. This not only undermines victims' confidence in the justice system but also contributes to underreporting and weak enforcement, thereby perpetuating the cycle of domestic violence.

## **Conclusion**

Domestic violence and harmful practices remain deeply entrenched challenges in Zimbabwe, notwithstanding a strong constitutional and legislative framework. The persistence of these violations reflects the gap between normative commitments and practical enforcement. The

judiciary, therefore, has a critical role in bridging this gap by adopting a transformative, rights-centred, and gender-responsive approach to adjudication. This can be done through rigorous training of judicial officers so that they are sensitised and fully appreciate the demands placed upon them. This may be done through workshops or conferences such as this one. I would venture to add that that the training should not just focus on female judicial officers but on their male counterparts too. In this way we can ensure that there is full implementation of the Maputo Protocol and other international instruments in our jurisdictions.

**I THANK YOU**