

## *Traditional Leaders and the Implementation of the Domestic Violence Act in Zimbabwe*

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Jurisdiction and Functions under the DVA.

Zimbabwe has a dual legal system where general law applies alongside African customary law. Traditional Chiefs have jurisdiction to try matters in accordance with African customary law.<sup>1</sup> In terms of the Domestic Violence Act, Traditional Chiefs are granted jurisdiction to hear cases of emotional verbal and psychological abuse and cases of economic abuse.<sup>2</sup> Thus they do not have jurisdiction to try matters in relation to criminal law, to issue protection orders, to award damages/ compensation or to determine issues of custody. In addition the DVA designates all Chiefs, Headmen and Village Heads to be counsellors in terms of the Domestic violence Regulations.

Zimbabwe Women Lawyers Association has been involved in a project of training traditional leaders on gender sensitivity and on the Domestic Violence Act. However this project has been met with a number of challenges ranging from cultural conservatism as traditional leaders are seen as the gate keepers of culture and tradition<sup>3</sup>, disparities in education levels which creates difficulties in appreciation of gender and human rights concepts and has seen in some cases some Chiefs going over their designated jurisdiction. Another challenge has been the enforcement procedures for orders granted

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<sup>1</sup> This is in term of the Customary Law and Local Courts Act [ Chapter 7:05]

<sup>2</sup> S18 of the Domestic Violence Act

<sup>3</sup> In one instance a particular Chief , Chief Makoni was promoting virginity testing whereas this practice is outlawed as a harmful cultural practice in terms of the Domestic violence Act

by the Chief's courts. In addition the principles of law that apply in the courts are not necessarily applicable at the Chief's court, such concepts could include principle of natural justice such as that the other side must be heard , the upholding of the concept of impartiality of the Court, the recording of judgments and the handing down of reasons for judgment. It remains to be seen how Chief's will execute their duties as domestic violence counsellors bearing in mind their role as gatekeepers of tradition and furthermore what expertise would have been availed to enable them to execute this function.