

UNIVERSITY OF ZIMBABWE

SEARCWL MWL 2013

**RESEARCH METHODOLOGIES AND METHODS IN WOMEN'S LAW
AND THE PRACTICAL COURSE**

ACCESS TO LEGAL AID SERVICES BY THE PEOPLE IN KADOMA

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Submitted on 16th June 2013

EXECUTIVE SUMMARY

The paper presents the findings of a research that was carried out in Kadoma on the availability and accessibility of legal aid services to the indigent more especially women. The main objectives of the study were as follows:

- To examine the availability of legal aid services to the poor people in Kadoma.
- To find out the impact of the availability or non-availability of legal aid services to the people.
- To find out whether there is a gap between the law and lived realities of women in terms of access to court and the law.

Different research methods and methodologies were used such as the women's law approach and grounded theory to engage in a qualitative data research. Structured, semi structured interviews, group discussions and observations were some of the data gathering methods used as well as literature review.

The study showed that lack of legal aid services to the indigent, more especially women, negatively impacts upon the enjoyment of rights; it retards women empowerment and enhances inequalities between men and women. Lack of access to legal aid services and ignorance of the law were found to be contributing factors towards the divergence between the law and reality to the indigent. In maintenance and succession cases for instance, lack of legal representation was found to lead to deprivation of proprietary rights as women found the court environment to be hostile and resorted to other alternative mechanisms of settling issues which are essentially gendered and effectively lead to continued suffering, further domestication and confinement of women in the private sphere.

The study revealed that residents in Kadoma also face serious social-economic problems relating to sanitation, persistent water shortages, frequent power blackouts yet the residents pay high water and electricity bills every month. The residents however fail to take any meaningful action against the council because of lack of legal representation, ignorance of the laws and court procedures. The problems were found to have gendered implications with women being the most affected since they are the ones who travel long distances in search of firewood for cooking and water for domestic use. It was discovered that the problems can be minimised if access to legal aid is materialised as this would make the duty bearers awake. The study underscores the importance of legal literacy and empowerment for women since they are the greatest sufferers in the society.

The study recommended among other things the establishment of legal aid office in Kadoma in order to meet the justice demands to the indigent. Increased budgetary funding, recruitment of paralegals to assist the indigent in some legal matters, simplifying court procedures and legal literacy were some of the recommendation made. The study also recommended the need to act with due diligence on the part of the council by ensuring that monthly bills for the residents tally with their monthly consumption of electricity and water. A multi-sectoral approach to dealing with women issues was therefore preferred.

ACKNOWLEDGEMENTS

First let the highest praises, honour and glory be to the Lord God Almighty for the wonderful opportunity given to me to pursue a Master Degree in Women's Law.

Secondly I also extend my thanksgiving to NORAD for the scholarship. God does not operate in a vacuum.

Special thanks should go to Dr Amy S. Tsanga for the support, encouragement, wonderful insights, proper direction and tireless effort in guiding me throughout this work. This is the product of your diligent supervision. May the Lord richly bless you!

I also extend my special gratitude to Professor Julie Stewart for taking me through the Research Methodology and Methods classes and practical paper lessons. Your effort was not in vain.

I also thank all the respondents for your valuable time and information.

To Sesedzai Munyaradzi for meaningful input in Information Technology; and the Justice for all group for being available and corporative in brainstorming various issues.

Special thanks to my wife Violet Chipao for the moral and academic support.

LIST OF DECLARATIONS AND TREATIES

African Charter on Human and Peoples Rights (African Charter), G.A. Dec. 115 (XVI) (June 27, 1981/ October 21, 1986).

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA Res 34/180 (December 18, 1979/ September 3, 1981) 1249 U.N.T.S 13.

International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171(1966/1976)

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa; (Women's Protocol), AHG/Res.240 (XXXI) (July 1, 2003 / November 25, 2005).

Universal Declaration of Human Rights, UNGA Res 217 A (III) (UDHR) 1948.

LIST OF STATUTES

Legal Aid Act Chapter 7:16.

Magistrates Court (Civil) Rules, 1980

The Constitution of Zimbabwe, 2013

LIST OF CASES

Griffin v. Illinois 351 US 12 (1956)

Per Justice Black in Gideon v. Wainwright 372 US 305, 83 S Ct (1963).

Powell v. Alabama 287 US 45, 53 S Ct 55 (1932)

LIST OF ABBREVIATIONS

1. CEDAW Convention on the Elimination of All Forms of Discrimination Against Women
2. ICCPR International Covenant on Civil and Political Rights
3. LAD Legal Aid Directorate
4. NGO Non-Governmental Organisation
5. SEARCWL Southern and Eastern African Regional Centre for Women Law
6. UDHR Universal Declaration of Human Rights
7. US United States
8. Women's Protocol Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
9. ZWLA Zimbabwe Women Lawyers Association

TABLE OF CONTENTS

EXECUTIVE SUMMARY	II
ACKNOWLEDGEMENTS	IV
LIST OF DECLARATIONS AND TREATIES	V
LIST OF STATUTES	V
LIST OF CASES	V
LIST OF ABBREVIATIONS	VI
TABLE OF CONTENTS.....	VII
CHAPTER 1. INTRODUCTION	1
1.1 INTRODUCTION	1
1.2 BACKGROUND TO THE RESEARCH	1
1.3 STATEMENT OF THE PROBLEM.....	2
1.4 AIM OF THE STUDY	2
1.5 OBJECTIVES OF THE STUDY.....	2
1.6 RESEARCH ASSUMPTIONS	3
1.7 RESEARCH QUESTIONS	3
1.8 DEMARCATING THE FIELD OF STUDY.....	4
1.9 OUTLINE OF CHAPTERS.....	4
CHAPTER 2. THE LAW AND LITERATURE REVIEW	5
2.1 INTRODUCTION	5
2.2 JUSTIFICATION FOR PROVISION OF LEGAL AID SERVICES	5
2.2.1 <i>National Laws</i>	6
2.2.2 <i>International Instruments</i>	7
2.3 JUSTIFICATION FOR LEGAL AID IN CIVIL CASES	7
2.4 ACCESS TO LEGAL AID FOR THE INDIGENT AND THE POINT OF DEPARTURE	8
2.5 CONCLUSION.....	8
CHAPTER 3. THEORETICAL AND METHODOLOGICAL FRAMEWORK.....	9
3.1 INTRODUCTION	9
3.2 THEORIES.....	9
3.3 RESEARCH METHODOLOGIES	9
3.3.1 <i>Women’s Law Approach</i>	9
3.3.2 <i>Grounded Theory</i>	10
3.3.3 <i>Human Rights Approach</i>	11
3.4 ACTORS AND STRUCTURES.....	12
3.5 DATA COLLECTION METHODS	12
3.5.1 <i>Interviews</i>	14
3.5.2 <i>Group Discussions</i>	14
3.5.3 <i>Observations</i>	15
3.5.4 <i>Desk Research</i>	15

3.6	LIMITATIONS OF THE RESEARCH	15
3.7	CONCLUSION	15
CHAPTER 4. THE REALITIES ON AVAILABILITY AND ACCESSIBILITY OF LEGAL AID IN KADOMA		16
4.1	INTRODUCTION	16
4.2	THE EXISTENCE AND KNOWLEDGE OF LEGAL AID IN KADOMA.....	16
4.3	DEALING WITH CHALLENGES OF ABSENCE OF LEGAL AID.....	17
4.3.1	<i>Maintenance cases, Protection Orders and Succession cases</i>	17
4.3.2	<i>Alternative mechanisms</i>	19
4.4	CONCLUSION	21
CHAPTER 5. SOCIO ECONOMIC PROBLEMS AND IMPLICATIONS OF NON AVAILABILITY OF LEGAL AID IN KADOMA		22
5.1	INTRODUCTION	22
5.2	PROLONGED WATER AND ELECTRICITY SHORTAGES.....	22
5.3	STATE RESPONSIBILITY	25
5.4	CONCLUSION.....	25
CHAPTER 6. RECOMMENDATIONS AND CONCLUSION		26
6.1	INTRODUCTION	26
6.2	RECOMMENDATIONS.....	26
6.2.1	<i>Establishment of legal aid office in Kadoma</i>	26
6.2.2	<i>Increased budgetary allocation</i>	26
6.2.3	<i>Legal literacy</i>	27
6.2.4	<i>Simplifying Court Procedures</i>	27
6.2.5	<i>Due diligence on the part of the Kadoma City Council.</i>	27
6.2.6	<i>Empowerment</i>	27
6.3	CONCLUSION	27
BIBLIOGRAPHY.....		29
ANNEXE 1		32

CHAPTER 1. INTRODUCTION

1.1 INTRODUCTION

“The only thing less popular than a poor person these days is a poor person with a lawyer.”¹ The poor are among the underprivileged in the society. However, it is not only poverty that makes a person underprivileged; ignorance is another contributing factor. The poor lack information about their rights and how to enforce them. They may not even be aware of laws designated to protect their interest let alone how to invoke them. Even if they have the knowledge, poverty is a barrier to access legal services. Lack of information is often accompanied by a suspicion of the administration of justice and legal systems which have long been considered repressive and inflexible (Denti, 1979: 350). It therefore becomes convincing that “there can be no equal justice where the kind of trial a man gets depends on the amount of money he has.”² Thus if we are to talk about equality, we must also talk about equal justice to both the rich and the poor. Equal justice is usually taken to mean “equal access to justice” which in turn is taken to mean access to law (Rhode, 2001: 1786).

Access to justice is a fundamental right in itself and essential for the protection and promotion of civil, political, economic, social and cultural rights (UN-GA, 2012). Besides, legal problems see no race, tribe, and sex or whether one are rich or poor. Legal aid is instrumental in ensuring the poor fair and equal access to rights, access to the law and judicial mechanism. By enacting the Legal Aid Act (Chapter 7:16); Zimbabwe made a commitment to provide legal aid to the indigent. This commitment was by no means restricted to people in big cities of Harare and Bulawayo, but to all indigent Zimbabweans. The paper intends to examine the accessibility and availability of legal aid services to the indigent in Kadoma.

1.2 BACKGROUND TO THE RESEARCH

The research was informed by SEARCWL as part of the practical paper. The broader topics were chosen at class level bearing in mind issues that affect women’s lives in high density areas. The paper falls under a group topic of ‘access to the court and the law’ in civil cases, under the broader theme of access to justice. However, the choice of topic was influenced by my personal interest.³ The legal process is unfamiliar to most people, especially the poor and the unfamiliarity breeds fear and fear prevents the indigent from accessing the courts. Legal

¹ Rhode, 2001 quoting Robert Pear, *As Welfare Overhaul Looms, Legal Aid for Poor Dwindles*, N.Y. Times, Sept. 5, 1995, at A 1

² Griffin v. Illinois 351 US 12 (1956) at page 19.

³ I once worked as a Legal Aid Advocate in the Ministry of Justice in Malawi for two years.

aid therefore acts as a saviour to such people. Based on my professional background, I theorised that this might be the situation in Kadoma. I therefore considered this an opportunity to have a clear research based understanding and analysis of the importance of legal aid to the poor and make a positive contribution based on the findings.

1.3 STATEMENT OF THE PROBLEM

Access to justice and legal aid in particular is crucial for tackling various causes of poverty, exclusion and vulnerability. This is important for everyone but more particularly for women because they face several challenges unique to their gender both at family level and in the public arena. Apart from general poverty which affects everyone, women suffer more than men because women find painful the same objective event or condition that man find pleasurable. Sexual harassment on the streets, on the job, biological child birth, child and home care, numerous domestic chores may pose as women's distinctive gender specific injuries (West, 2007). For a greater part they are victims of gender based violence which occurs at almost every level of the society. Coupled with poverty, lack of empowerment and dependency on their husbands for economic support; the need for legal assistance becomes obvious.

The above situation is equally applicable to Kadoma. Most women in Kadoma are not employed and rely on their husbands for economic support. With the presence of the magistrate court as a means of guaranteeing access to justice; the availability of legal aid can make access to justice real to the indigent women. Considering that Kadoma has a female to male population ratio of 52.23 to 47.7 per cent⁴, it was considered worth focusing on this majority but marginalised group.

1.4 AIM OF THE STUDY

The study aims at advocating for full access to justice by the poor people in Kadoma through legal representation in order to achieve equal enjoyment of rights for both women and men, rich and poor.

1.5 OBJECTIVES OF THE STUDY

The objectives of the study are as follows:

- a) To determine the availability of legal aid services to the poor people in Kadoma.

⁴ <http://www.zimstat.co.zw/dmddocuments/CensusPreliminary2012.pdf> page 49

- b) To find out the impact of the availability or non-availability of legal aid services to the poor especially women.
- c) To find out whether there is a gap between the law in the books and the lived realities of women in terms of accessing the court and the law and the enjoyment of rights.

1.6 RESEARCH ASSUMPTIONS

In order to achieve the aims and objectives of the paper, I was guided by the following assumptions:

- a) There are limited legal aid services in Kadoma.
- b) There is lack of awareness about the existence of legal aid services.
- c) There is limited access to legal aid services due to inadequate funding for the Legal Aid Directorate.
- d) There is limited access to legal aid service in issues like maintenance & protection orders among others which negatively affect the socio – economic status of people in Kadoma.
- e) There is limited access to legal aid which enhances inequality as it negatively affects people’s rights of access to courts and to effective remedies.
- f) There is a duty on the State to provide legal aid services to the poor people in Kadoma.

1.7 RESEARCH QUESTIONS

Based on the above listed assumption, the following research questions were framed;

- a) Are there limited legal aid services in Kadoma?
- b) Is there lack of awareness about the existence of legal aid services?
- c) Is there limited access to legal aid services due to inadequate funding for the Legal Aid Directorate?
- d) Does limited access to legal aid services in issues like maintenance, succession and protection orders among others negatively affect the socio – economic status of the people in Kadoma?
- e) Does limited access to legal aid enhance inequality by negatively affecting people’s rights of access to courts and effective remedies?
- f) Is there a duty on the part of the State to provide legal aid services to the poor people in Kadoma?

1.8 DEMARCATING THE FIELD OF STUDY

The research dwelt on access to legal aid services by the poor people in Kadoma with a focus on women. Kadoma is in the Mashonaland West and it is one of the small cities in Zimbabwe but with a high population density. It has an estimated population of more than 90,109 according to Zimbabwe National Statistics 2012 preliminary census report. The research was confined to Kadoma Central Business District; Rimuka a high density urban location and Waiverly a high to relatively medium density location within the city.

1.9 OUTLINE OF CHAPTERS

Chapter two will examine the law and literature on the provision of legal aid and the point of departure. Chapter three will outline and discuss the theoretical and methodological framework for the research. Chapter four will bring the findings about the realities on the availability of legal aid in Kadoma with focus on cases of maintenance, domestic violence, succession cases and human rights implication on the availability of legal aid. Chapter five examines the socio economic problems and implications of non-availability of legal aid in Kadoma. Chapter six makes recommendations and concludes the paper.

CHAPTER 2. THE LAW AND LITERATURE REVIEW

2.1 INTRODUCTION

Legal aid has been defined as the organised rendering of services by lawyers either in the nature of consultation or advice or representation in court or tribunals in both criminal and civil matters to indigent persons who are unable to engage legal representation (Gross 1979:288). The legal aid in focus here is that which is provided by the state and not NGO's. The chapter will discuss the legal framework and literature relating to legal aid.

2.2 JUSTIFICATION FOR PROVISION OF LEGAL AID SERVICES

The legal process is unfamiliar to most non-lawyers and the court environment breeds fear in most people. The desirability of legal aid to a poor, ignorant or illiterate person thus becomes obvious. This was noted by Justice Sutherland in *Powell v. Alabama* who said that;

Even the intelligent and educated layman has small and sometimes no skill in the science of law...He requires the guiding hand of counsel at every step in the proceedings against him...If that be true of men of intelligence, how much more is it for the ignorant and illiterate, or those feeble intellect?⁵

Further, Gross (1976) noted that the essence of legal aid is that it represents an organised and systematic effort to bring about legal services within the reach of individuals who would otherwise be unable to bear costs of legal services. As such legal aid is to be seen as an integral part of the administration of justice in any state in which all are deemed to have equal access to the law. Effective legal services to the indigent are essential to the proper functioning and integrity of the machinery of justice. Moreover citizens are entitled to equal access of information about the legal system and to expert advice and service. Effective legal services programmes can also contribute marginally to the elimination of poverty in lower income groups and its contribution has been said to be more towards distributive justice (Reyntjens, 1979:13).

Legal aid is also crucial in permitting individuals and groups to assert their rights and to practically respond to difficulties thus making the rule of law a reality (Tsanga, 1997: 16). Apart from legal aid being justified on grounds that it is a form of social welfare which the

⁵ Powell v. Alabama 287 US 45, 53 S Ct 55 (1932) p.64.

state should provide just as other forms of welfare to individuals who are unable to meet their own needs (Gross 1976: 47), the legal aid scheme has both national and international backup.

2.2.1 National Laws

The Constitution of Zimbabwe

Section 31 of the Constitution obliges the state to take all practical measures within the limits of the resources available to provide legal representation in civil and criminal cases for people who need such services and are unable to afford a legal practitioner of their choice. The provision of legal aid services is therefore a state obligation with a constitutional backup.

The Legal Aid Act

From the preamble, the Act provides for the granting of legal aid to the indigent persons. Section 3(2) establishes the LAD which is responsible for inter alia the provision of legal aid services in criminal and civil matters. Under section 8, persons who are eligible for legal aid are those who in the opinion of the Director are the indigent but have reasonable grounds for initiating, carrying on, defending an action for which legal aid is applied for.

The Director of Legal Aid has the powers to provide legal aid to the applicant under section 7, while under section 10, a judge, the Attorney General or a magistrate can recommend for legal aid. In all cases provision of legal aid is subject to the assessment of means by the Director as to the person's income and property under section 9. The requirement for assessment is probably to ensure that only deserving persons are provided with legal aid.

Under section 11; the nature of legal aid involves doing of anything that may properly be done by a legal practitioner in the interests of his client. Under section 8; the law officers (lawyers) from LAD have the right of audience in any court, to issue out summons or process, commence, carry on or defend proceedings in any court in the name of the aided person. Although aided persons may be required to make some contribution depending on their means the law absolves them from having costs awarded against them. This is a realistic approach considering that aided persons are basically poor people who cannot afford to pay costs.

2.2.2 International Instruments

UDHR

Article 8 of the UDHR provides for the right to effective remedy before court for violation of rights granted by the constitution or any other law. Article 7 of the UDHR provides for the right to equal protection of the law and equal protection against discrimination. Article 25(2) of UDHR entitles motherhood and childhood special care and assistance. The provision is of special significance for maintenance rights of women. The enjoyment of the right by the indigent may be hampered with the absence of legal aid.

The ICCPR

Article 14(1) the first phrase states that ‘all persons shall be equal before the courts and tribunals’ while under sub-paragraph 3 provides for the right to legal assistance without paying for the same. The right appears to be confined to criminal cases. However in its General Comment no 32; the Human Right Committee under paragraph 3 stated that the first line of article 14 of the ICCPR sets out general guarantee of equality before the courts and tribunals that applies regardless of the nature of proceedings. The committee encourages states to provide free legal aid in civil cases.

Women’s Protocol

Article 8(a) and (b) provides for the right to equal protection and benefits of the law and obliges state parties to ensure effective access by women to judicial and legal services, to support local or national initiatives aimed at providing women access to legal services including legal aid. The States Parties are obliged to take all appropriate measures to ensure effective access by women to judicial and legal services, including legal aid.

2.3 JUSTIFICATION FOR LEGAL AID IN CIVIL CASES

Legal aid is important in civil cases just as it is in criminal cases. In civil cases legal aid is designed to help low income individuals, families and communities to defend and assert important legal rights that often involve the most fundamental aspects of life – personal and family safety. In his comment about legal aid in civil cases, Hisey⁶ said;

Clear logic and simple justice compel the conclusion that the gravity of the situation in civil litigation can be as great and is often greater than in criminal prosecutions ...It

⁶ Quoted by Gross (1976). *Legal Aid and its Management*, p 35.

therefore seems logical and just that such a conclusion warrants the recognition of a similar right to counsel for civil litigants.

Mr Justice Powell also commented that imprisonment was not the only serious penalty which could be imposed; in some instances, the deprivation of property could be a more serious punishment than an extremely brief sentence of imprisonment (Gross, 1976:36).

2.4 ACCESS TO LEGAL AID FOR THE INDIGENT AND THE POINT OF DEPARTURE

In her dissertation (Murinda, 2008) analysed access to legal aid for indigent women in Zimbabwe. She discussed among others about the operations of LAD, nature and types of cases women are assisted, women's awareness of the department, location of the office, quality of service rendered to clients and the resources for the office. She found that most women are not aware of the services offered by LAD and that they get the information when they go to court. She also found that the operations of LAD are limited because of resources. She noted that it is only a small percentage of women who actually benefit from LAD services and that the nature of assistance is biased towards civil cases. She also found that legal officers at LAD do not provide quality service to the satisfaction of clients who are mostly women and that some cases which are complicated are referred to other organisations like ZWLA. Despite these findings however, the office was found to be very important and instrumental as far as access to justice for the indigent is concerned.

The paper for Murinda focused in Harare where there are many alternative offices apart from the LAD. This paper will build on her findings and go a step further to focus on the realities on availability and accessibility of legal aid in Kadoma and the socio economic problems and implications of non-availability of legal aid.

2.5 CONCLUSION

The chapter discussed the legal framework for provision of legal aid services and as well as justification for the services. The section also showed a point of departure from the work of Murinda who also covered the services of LAD in Zimbabwe.

CHAPTER 3. THEORETICAL AND METHODOLOGICAL FRAMEWORK

3.1 INTRODUCTION

The chapter discusses the theoretical and methodological framework used in the research and why they were chosen.

3.2 THEORIES

The research was mostly influenced by the liberal feminist's theory. It problematized the classical or libertarian liberals who advocates for non-interference but simply providing individuals with equal opportunity. I considered this a rather dangerous approach because it may exclude others without necessary means from enjoyment of rights. Thus having laws and rights on paper would be insufficient.

I however favoured the welfare or egalitarian liberal theory which states that an ideal state focuses on economic justice rather than civil liberties (Tong, 1989:12). This recognises that some individuals cannot take their fair share of what is offered unless some adjustments are made. This calls for positive government intervention which should go beyond legislation. In this context, government deliberate action to make legal aid real to poor women in Kadoma.

The radical approach in dealing with women's problems was also found suitable. Without essentialising, women problems are generally common hence they can be addressed as a whole. 'In this analysis of gender as a non-natural characteristic of a division of power in society, the personal becomes the political' (MacKinnon, 2007: 94). Thus there is a need to find practical political solutions.

3.3 RESEARCH METHODOLOGIES

3.3.1 Women's Law Approach

This approach explores women's lived realities and from that perspective, interrogates and investigates the law (Bentzon et al, 1998: 26). The approach records and analyses women's life situations and values as it reveals issues and dynamics that are rarely evident in the male dominated culture. The weakness of the approach is that by focusing on differences between women and men, there is a risk of differences being assumed to exist.

The starting point was the Legal Aid Act section 8 which caters for provision of legal aid to the indigent; section 10 which empowers the magistrate to recommend for legal aid and

several international human rights instruments outlined in chapter 2. Further under Order 5 of the Magistrate Court (Civil) Rules a person desiring to sue or defend as a pauper may apply to the court and a legal practitioner may be appointed by the court to act for such an applicant. Given such a favourable legal basis; I proceeded to examine the laws and the rights with women's lived realities. I focused on the indigent since they are the ones who need legal aid. I used my assumptions to interview people in different places to get a fair picture.

The first interviews were carried at the court because that's the place I knew from my professional background I would find people in need of legal aid. I interviewed both the litigants and court clerks about the availability and accessibility of legal aid services. Upon getting informed about the absence of legal aid, I interviewed the resident magistrate to find out whether he has exercised his powers under the Legal Aid Act to recommend for legal aid to the indigent who had problems in court or whether anybody has ever applied for legal representation but the response was in the negative. I then went to the locations of Rimuka and Waiverly in order to appreciate the realities on how women handle their legal issues in view of the absence of legal aid. I was able to note some of the consequences of absence of legal aid services such as resort to other alternative forums like family - aunts (*Tete's*), the church and police for settlement of legal issues. Through the empirical evidence gathered, I appreciated that although the law accords women various rights the enjoyment of such rights is another thing altogether. It was established that the absence of legal aid contributes to women getting ineffective remedies.

3.3.2 Grounded Theory

This method is aimed at engaging empirical knowledge about local practices on the ground in constant dialogue with theoretical generalisations and concept building (Bentzon et al, 1998: 25). The method corroborated very well with the women's law approach. It assisted in establishing issues to the point of saturation such as the assumption about the absence and lack of awareness about legal aid. The assumptions were tested and it came out so quickly that the first two assumptions were holding up so I had to focus much on the realities on the availability and accessibility of legal aid services. For instance, the first assumption was that there are limited legal aid services in Kadoma. The research showed that there were in fact no legal aid services. With this confirmation, there was no point sticking to the same issue instead of exploring other avenues related to the topic. Thus I decided not to turn a blind eye to the real issues I was seeing in the locations which culminated into the social economic problems and implications of the non-availability of legal aid to the people of Kadoma.

On a daily basis the data collected was continuously analysed for conformity or divergence with the research assumptions. In the process; issues emerged which necessitated further follow ups. The follow up was done by following the information links that I was getting from interviewees and reliance of my professional background about areas where I could get corroborating data.

Emerging categories analysed

In pursuance of the grounded theory it came out that lack of knowledge or awareness about LAD, physical absence of LAD offices in Kadoma and the distance from Kadoma to Harare were some of the major limiting factors to access to legal aid. Interestingly, it also came out that even if LAD offices were present in Kadoma, social challenges such as some religious beliefs, fear of social sanctions were possible barriers for women in pursuing their rights. For instance, Suzen a widow from Rimuka and victim of property grabbing said she did not resort to court because of not wanting to strain relationships with her in-laws. It also transpired that litigants do not get the necessary assistance from court clerks in filling forms as clerks are sometimes very busy to assist them. Although key respondents indicated that maintenance cases were easy to pursue without legal assistance, this finding was challenged and it was duly found that they are not that easy from a layperson point of view. Further social economic subordination, powerlessness, dependence on the husband was also found to be a barrier for women to seek legal assistance.

Emerging issues not fully developed

It transpired during research that the court plays a significant role to assist unrepresented litigants. The problem of corruption also emerged as one of the barriers for women to report matters. Due to time constrains these categories were not fully examined. Thus the grounded theory was instrumental in establishing the assumptions and analysing issues through data collection. It was also helpful since one does not go to the field with an entirely blank mind.

3.3.3 Human Rights Approach

The method was found very much linked to women law approach and inevitable to the topic in view of its rights based approach. This approach involves an analysis of a problem or situation from a holistic perspective of human rights and corresponding obligations of government according to international human rights standards (Goonesekere, 2000). The focus was on access to legal aid and its' availability in Kadoma. The LAD was asked about

their obligation to provide legal aid to the indigent which they accepted that they know but complained about resource constraints hence unable to effectively service other areas.

Throughout the process I was informed by the fact that states have assumed obligations to respect, protect and fulfil several rights such as right to effective remedy under articles 8 of UDHR, 2(3) of ICCPR, 13 and 14 of CEDAW; the right to equality before the courts and tribunal as per article 14 of the ICCPR and equality and equal protection before the law. The gap between the law and reality could be clearly seen. I noticed human rights implications through denial of legal aid to the indigent but that still the government has the duty to use the available resources and take concrete steps to respect, protect and promote the right to legal representation.

3.4 ACTORS AND STRUCTURES

The issues that were emerging determined resort to this method. The use of the actor perspective adds a dynamic and process oriented dimension to the initial, individual focused and rule oriented women's law approach (Bentzon et al 1998: 106). The approach involves following up issues with people who make decisions at various levels. With the absence of legal aid in Kadoma, it came out that actors such as the police, church, department of gender also plays a role in assisting women with legal issues. Accordingly those actors were visited in order to appreciate their role. It was noted however that solutions offered by the actors may fall short of effective remedies that one would get at the court. This would be further explored in the next chapter.

3.5 DATA COLLECTION METHODS

During the research key informants were located based on my professional background about the role of various players in the justice system. However, for other departments to be visited such as Department of Gender, it was because of being mentioned by other interviewees. As for the other respondents, the court was the starting point. Then other residential areas were also visited. Rimuka was the first area to visit because it is where the bulk of the people in Kadoma reside. We arrived there by asking directions from people. Waiverly was chosen in order to get a different view on whether the assumption would still match if a location is changed. I came to know about the area by inquiring from people about other locations. We were given the directions and we managed to get there.

The choice of interviewee was by way of purposive sampling and random sampling. I focused more on women because I was taking a women's law approach. To allow for a broad

range of opinion, men were also interviewed although the challenge was that we could not find them at their homes as they were reportedly at work hence the small sample from men. Others of course were just unwilling to be interviewed. The selection of who to interview was basically random. The objective was to get a fair view across the area. However, absence of people from their homes, unwillingness to be interviewed were some of the challenges encountered. The diagrams below shows categories of respondents covered during the research.

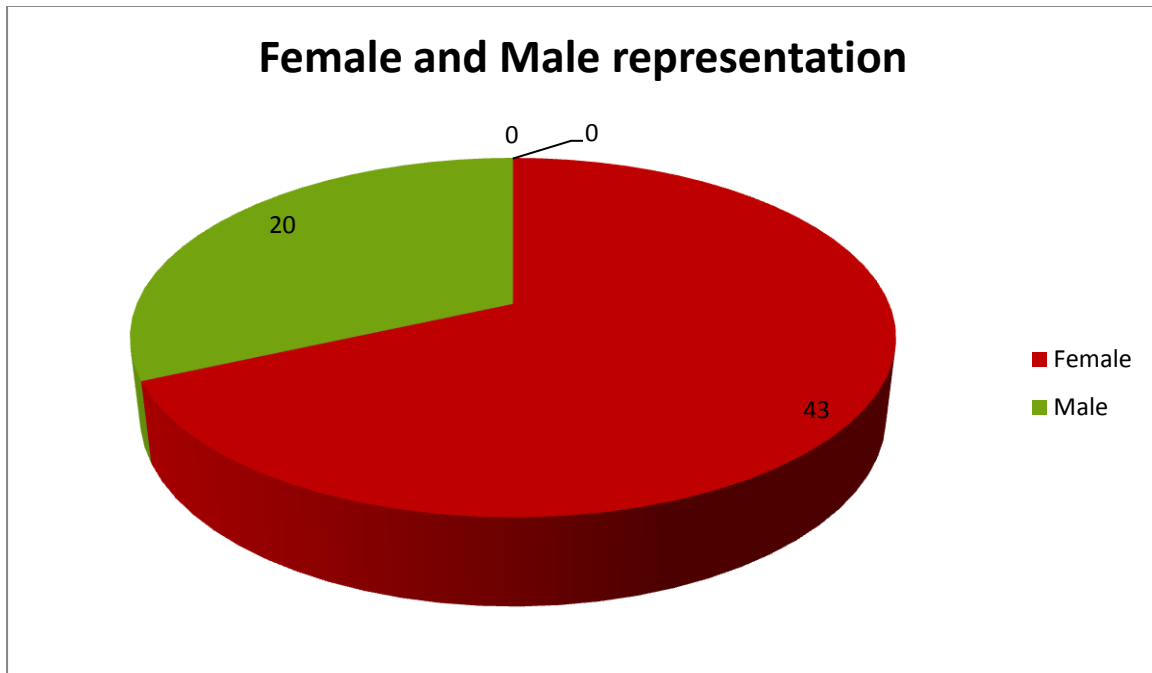
Table 1: Key respondents interviewed

Interviewees	Female	Male	Total
Magistrate	0	1	1
Court clerks	2	0	2
Private Practitioners	0	2	2
Department of Gender officials	0	3	3
Police	0	1	1
Town Council officials	3	8	11
Legal Aid Lawyers (Harare)	2	0	2
Totals	7	15	22

Table 2: Individual interviews

Interviewees	Female	Male	Total
Litigants / court observer	3	2	5
Rimuka location (general)	3	0	3
Rimuka SQ	1	1	2
Rimuka Churches	10	0	10
Rimuka Ward 6	5	1	6
Waiverly Market	1	0	1
Waiverly location	13	1	14
Totals	36	5	41

Pie chart showing the total female to male representation during the research.



3.5.1 Interviews

I started with structured interviews because the method was thought to be a no time waster as I would just go straight to the point. I however noticed that the interviews were dry and it was hard to get people into talking. Accordingly the semi structured interview was adopted and became the most commonly used. The advantage of the method was that it created an environment where the respondent could talk freely without strictly caging them to my issues in the process; they would bring out important points that were never anticipated. The disadvantage was that it was time consuming and not suitable to respondents who had tight schedules. Sometimes there was failure to fully follow up on all emerging issues because the respondents were busy.

3.5.2 Group Discussions

The method was not employed by design but circumstances on the ground dictated such as finding more than 3 people at their homes. We were always two of us when adopting this method and we could mix the discussion with semi-structured interviews. Three discussions were held and the method was efficient and enabled the collection of more information from many people at one time. Further, participation was high and respondents were freer to talk

and bring out their issues. The disadvantage however was that some people could dominate the discussion.

3.5.3 Observations

The method was informed by my professional background and it was adopted mainly in court. It included passive observation of protection and peace order court proceedings; direct data examination of the most common civil cases handled by the magistrate court during the year. The method was vital in getting clear empirical information about an issue under investigation, although the challenge was that the method was prone to wrong interpretation and with time it is easy to forget other pertinent details.

3.5.4 Desk Research

It involved reading and study of literature that covers my topic with a view to appreciate what others have covered, the position of the law and the gaps that needs to be explored. Through the use of desk research, I managed to see the gap which this research intended to fill.

3.6 LIMITATIONS OF THE RESEARCH

The research methods and methodology discussed in the chapter were useful. However, time contributed to failure to explore other methods effectively such as court observation and failure to follow ups on new leads and emerging issues. Further sometimes people could not open up to us because they felt we were relatively young. I opted to partner with a lady (apart from the interpreter) in order to ensure that women are free to talk. Others were totally unwilling to grant us interview. For instance at Rimuka ward 6 a young woman refused to grant us audience and plainly told us that;

“You know our problems why do you bother asking us?”

Despite the above limitations, data collected was valid as biases were minimised and data collected was properly triangulated.

3.7 CONCLUSION

The chapter discussed the theoretical and methodological framework used and why they were used. Although time was the challenge, the methods employed were effective thereby validating the research findings.

CHAPTER 4. THE REALITIES ON AVAILABILITY AND ACCESSIBILITY OF LEGAL AID IN KADOMA

4.1 INTRODUCTION

The chapter presents research findings which were based on data collected and the assumptions made. It analyses and discusses access to legal aid with specific focus on maintenance cases, protection orders, succession cases and the human rights implications.

4.2 THE EXISTENCE AND KNOWLEDGE OF LEGAL AID IN KADOMA

The first two assumptions I had were about limited access to legal aid services and lack of awareness as a contributing factor to limited access. It did not take a day to have a glimpse not only that access to legal aid was limited but that in fact no legal aid services were available in Kadoma. To sum it all a court clerk in the criminal registry had this to say:

There are no legal aid services here; there are no Non-Governmental Organisations and not even paralegals to assist people in court. Litigants represent themselves and it is only those that are rich that are able to hire lawyers. I have never seen a lawyer from legal aid offices in Harare representing a poor person in Kadoma.

The issue of knowledge about the existence of legal aid was equally problematic. With an exception of key informants, the rest of the respondents expressed total ignorance about legal aid. As noted in chapter 2, section 10 the Legal Aid Act confers powers on the magistrate to recommend legal aid to deserving people. Kadoma being about 166 kilometres away from Harare where LAD headquarters is situated there was a possibility for legal aid to service the city from Harare. With the levels of ignorance about the services, the judicial officers were the only hope to enable the indigent to access legal aid by way of recommendation. This prompted asking the magistrate whether he has ever exercised his statutory powers to recommend for legal aid. In his response he stated that:

Legal aid offices are very far, that is in Harare; so this in itself is a limiting factor for me to recommend legal aid to any of the litigants. Besides; no litigant has ever asked for legal aid in court.

It thus became apparent that distance was a limiting factor to recommend legal aid and that with the adversarial approach to which Zimbabwe legal system is based, the court expects to be moved by the applicant in order for it to invoke its powers for legal aid to be granted under order 5 of the Magistrate Court Rules. It is a non-starter to expect a litigant who knows nothing about the laws or entitlement to legal aid to make such an application before the court.

A person who is unaware of his legal rights and has no knowledge of services available to him is in no position to demand anything and this leads to suffering in silence. Awareness and understanding of the existence of legal rights and how to invoke them is fundamental to enjoying full range of rights and remedying violations. States have an obligation to provide information to citizens about changes in the laws in the context of access to justice (UN-GA, 2012:26). Failure by states to discharge their obligation will lead to violations of a number of rights such as access to information and the right to effective remedies in the context of access to justice as is the situation in Kadoma.

4.3 DEALING WITH CHALLENGES OF ABSENCE OF LEGAL AID

4.3.1 Maintenance cases, Protection Orders and Succession cases

Lack of legal aid in civil matters can seriously prejudice rights and interests of persons living in poverty as the court processes are onerous, creating obstacles especially if the other party has legal representation (UN-GA, 2012: 62). Economic imbalance at family level is likely to extend to inequality even in access to justice. It was found that men are able to secure legal representation by engaging private lawyers in court while most women face the uphill task of battling it alone in court. This was apparent from what one of the private lawyers said;

Very few women come to my office because they don't have money and the firm needs money to work for them. Generally it is men who come to seek legal representation whenever they are being sued by their wives.

Thus absence of legal aid forces women to manoeuvre around the court's cumbersome procedures and brave the hostile court environment in pursuit of their rights. This might seem an easy task in maintenance cases as noted by two private legal practitioners and the resident magistrate, but the position is different from the layman point of view as Gloria puts it:

I did not find it easy to commence proceedings in court. The forms are not easy to fill and I had to write in English. Court clerk assisted me to fill the form only but not the affidavit. If you make any mistake on the affidavit it means that you have to pay \$1 in order to be given another affidavit.

Despite downplaying the procedures in maintenance cases as simple, one private practitioner however acknowledged unanticipated challenges that women face in court. He said that;

Even in the simplest cases of maintenance; while filling the form and affidavit might be simple; the process leads to an environment which is fearful especially to women such that they end up failing to articulate issues or say a coherent story. Women assume that they can just go to court and claim \$200 maintenance per month but the reality in court is not like that. The amount claimed must be justified, well quoted and

substantiated. The claimed amount is subjected to interrogation and this is where women hate it most because they end up failing to justify the amount. They go to court without anticipating meeting such challenges. They are required to do a breakdown of the amount claimed; for instance they may say \$50 is for clothes. The follow up question is do you really need \$50 every month for clothes? What kinds of clothes are they? Is this realistic? Court demands justification for the whole amount.

Such an experience can be horrifying and can be a bar to an indigent seeking justice. This may end up in fostering inequalities between men and women. In cases of maintenance, lack of access to legal aid will affect maintenance rights of both the children and the mother. This is obvious because during the research most of the women interviewed were housewives who depend on their husband for daily survival. Further, men are most of the times not willing to honour maintenance obligation. This was clear from the court statistics which showed that maintenance cases were the highest among civil cases handled by the court (see annexe 1). It can be deduced that the high number of maintenance cases registered at the court is due to men's failure to maintain their families such that it takes court's intervention to secure compliance.

The findings about user friendliness of court procedures in other civil cases like succession or domestic violence cases was however different from maintenance cases. Key respondents acknowledged that litigants do not know how to pursue matters in court and do not appreciate the importance of different stages of cases. However, the magistrate said the procedures are important and cannot be ignored.

It was found that women face difficulties in signing the forms or drafting pleadings. This is further compounded by the fact that the court forms are in English and pleadings are done in English language. This is a challenge because litigants do not always get assistance from court clerks. I actually observed women seeking assistance from people outside the court premises to help them fill court forms and plead for remedies. This might lead to poor pleading and hence inappropriate remedy. Thus the lack of the right to legal representation culminates into a threat to the right to effective remedy. In cases where women are seeking protection orders, there is a real threat to continued domestic violence which may affect their right to freedom from torture, physical and mental integrity, freedom from inhuman or degrading treatment or punishment.

The effect on the indigent of being unable to obtain the services of a lawyer is that it effectively places much of the civil laws beyond their reach. The ordinary manner of legal redress and enforcement of rights which the affluent can enjoy are unobtainable (Gross,

1976). This is applicable to cases such as maintenance, succession or inheritance claims which have proprietary rights imbued in them. It might cynically be argued that these are issues of small importance. But in the world of the indigent these are matters of great concern. Furthermore the proprietary rights inherent to such claims are one of the fundamental claims which go a long way to boost women empowerment, enhance access to resources and help eliminate poverty. In succession cases, lack of legal representation as it came out in the research affectively affected right to property and in some cases the right to housing, right to adequate standard of living and right to effective remedy depending on the nature of deceased estate. One of the respondents from Waiverly Briar 23 said:

When my father passed away since my mother was the first to die, he left 3 of us, all female. All of a sudden my uncle came and started staying with us and took control of all property my father left.

The day light robbery of property grabbing is a reality to women yet the laws are very clear as to who should inherit and goes further to criminalise the conduct. It is access to the laws and legal aid that can empower people to take action to enforce their rights. Just as the poor are subjected to the duties, the tax which the laws impose, they should also be enabled to enforce their rights which the same law provides otherwise an attitude of scepticism to the law is created and the dangers which this threatens to social order are manifest.

The present research findings if compared with the legal framework outlined in chapter 2 clearly shows a divergence between entitlements, rights, laws on one hand and reality on the other hand. The good laws on access to legal aid, the bill of rights and international human rights instruments to which Zimbabwe is a state party are but merely paper rules to an indigent woman in Kadoma. This shows problems of the liberal's approach to formal equality for paper rules cannot translate themselves into action. A radical approach of finding practical political solution is therefore needed if equality is to be realised otherwise the laws and the justice system will only be beneficial to men or those who have the economic muscle.

4.3.2 Alternative mechanisms

Problems do not wait for a solution first. It is the solutions that come as a result of problems. Whether legal aid services are available or not, the fact remains that people have to find ways of dealing with their issues. It was found that the fear to stand in court unrepresented forced women to opt for family settlement of issues or other forums for assistance. Whether the forums were competent to handle their issues or offer them the remedy they wanted was

another issue altogether. The absence of legal aid effectively created a room for other players to purportedly resume the role of legal aid albeit in a different or limited way.

Women seeking redress through alternative dispute mechanisms are at enhanced risk of being discriminated against due to power imbalance and absence of judicial safeguards, especially in domestic violence cases (CEDAW, 2013). During the research it was found that some women resort to the aunts (*Tete's*) for settlement of issues; others go to police, church or even to councillors. At domestic level, although the family may play a crucial role in the resolution of disputes, the resolutions made may be inextricably linked to cultural and traditional norms, values and prejudices much to the disadvantage of women (Stewart et al, 2000: 59). At the end of the day women do not get effective remedies, but rather remedies that are biased and oppressive to them. This was best captured by a woman at Waiverly who said:

In the absence of sound legal advice, we just settle our matters at family level; we involve the aunts (*Tete's*) although they take a soft approach which instead of remedying the situation it aggravates matters.

The situation is similar with the police. While they may be effective in offering counselling and reconciliation, the services may reflect patriarchal attitudes and the woman may be counselled generally to be subservient to the man. The advantage however is that women may find the solution to be effective because she may be concerned with not losing her means of livelihood if the husband is arrested (Stewart, 2000:79).

On the part of the church, it was also found that some women prefer to take things to God in prayer or take their issues to the pastors. In fact a pastor's wife in Rimuka said it clearly that the church encourages its members to resolve their disputes internally citing 1st Corinthians 6 verses 1-5 as the basis which discourages believers from taking their issues to the 'ungodly'. The church is therefore available and more than willing to provide long term support to the parties and to monitor their relationship which is not possible with the court (Stewart, 2000: 88). As noted by Tsanga (2004:100), the problem is that religion is sometimes used as a way of keeping women in their place because it is likely to strike a chord in society where it is taken seriously. Thus although some church based solutions might be good, most of them may be oppressive to women because of the wrong 'pick and choose' style of interpreting the biblical verses in a way that reflects deeply entrenched patriarchal ideologies which are irreconcilable with the fundamental biblical tenets of 'love' (1 Corinthians 13) and Jesus's teaching of 'do unto others as you would have them do to you' (Luke 6:31).

4.4 CONCLUSION

The chapter presented some of the research findings; analysed and discussed challenges women face due to absence of legal aid services in Kadoma. It was noted that despite having good laws on paper most women continue to suffer serious violation of rights some of which could have been minimised if legal aid services were available. The absence of legal aid forces women to get ineffective remedies by using other alternative dispute resolution mechanisms which are prone to bias and promotes patriarchy.

CHAPTER 5. SOCIO ECONOMIC PROBLEMS AND IMPLICATIONS OF NON AVAILABILITY OF LEGAL AID IN KADOMA

5.1 INTRODUCTION

The very first time to visit a residential area in Kadoma ignited the need to extend the area of focus with regard to the implications of non-availability of legal aid. It was during the interviews that the common problems that women face in the area were found to be more than seeking justice in maintenance, domestic violence or succession cases. There were other seemingly pressing social-economic problems that affected them which seemed not to have a legal solution. This chapter briefly examines the major findings in that regard.

5.2 PROLONGED WATER AND ELECTRICITY SHORTAGES

It came out in the research that all households visited struggle with the problem of prolonged water shortages and power interruptions. Women stated that they spend most of their time in search of water from boreholes which unfortunately are not always nearby. In fact at Waiverly Pretty 28, said;

Sometimes we spend a week without water and this is a challenge because the location has only one borehole which is functioning and is very far from here. The other boreholes stopped functioning and they are not being maintained.

Although there was consistency about long duration of water shortages in Waiverly, in Rimuka it was a different story altogether. A ward 6 resident Tambudzai 30 said;

I have stayed now for close to 6 years without water in the taps and others it is more than that but every month water bills keep on coming and I wonder the justification for the bills.

While some residents said they receive water once between 00:00hrs – 02:00hrs, others said they spend weeks without water and when water comes it does not last 2 hours. The variation was explained geographically that those who are staying in higher areas had more problems than those staying in low areas, possibly due to low water pressure. The surprising thing was that the residents kept on receiving high water bills as if they were being serviced with water throughout.

The story was the same for electricity. All the residents interviewed complained of power shortages. This forces them to use firewood for cooking which is rare and expensive in the area. The agonizing thing again was the high bills at the end of every month as if they had

constant power supply. On average residents in Rimuka ward 6 said they pay \$30 per month. When asked about the justification for such high bills in the midst of persistent blackouts; one woman in Rimuka for lack of explanation said;

We pay for the electric poles.

On the part of the Kadoma City Council, the information was that bills are dependent on consumption, because they placed meters in many houses. It also transpired that electricity bills also contain a fee for street lighting. Examination of street lights however showed that most lights do not function at all. Again the resident dismissed the idea that bills are based on consumption saying that the bills are just too high and felt that they are imposed on them as a means of raising funds. Buttressing this point one woman from Rimuka ward 6 gave an example that once the council collected \$1 from each household in order to buy new pipes for water but after paying nothing happened. Bored of paying for ineffective services, the Rimuka residents once mobilised themselves to stop paying the bills. According to one respondent Mr Chehore, this did not work as the council threatened them with court action and massive disconnections. In the course of protests and negotiations, Council gave them a listening ear and asked the residents to pay reduced water and electricity bills pending resolutions of their grievances. They paid the bills but things never changed.

For most residents in Rimuka and Waiverly, the idea of taking a legal action based on these social-economic problems seemed far from their imagination. A number of factors were given such as general ignorance as to whether their problems disclosed any cause of action. In Waiverly, the common response was that people are not united; because some are rich and have generators and boreholes at their homes hence they don't feel the impact in the same way. Others of course mentioned lack of legal representation and high costs of legal action being beyond their reach. Interestingly, all respondent except one couple in Rimuka stated that if there was an organisation that could have assisted them in court; they could have gladly taken a legal action. It thus transpired that ignorance of the laws; rights, entitlements, court procedures and lack of legal aid are barriers to access to justice.

Failure to access justice simply translates to continued suffering since no remedy is available. Respondents were able to appreciate that the lives they were living was not 'normal' because water and electricity was not a problem in the past. Another resident of Waiverly a young man Tinashe 25 said;

What I hate most is the failure to communicate about water cuts and blackouts because sometimes they last too long especially water. This greatly inconveniences us and it is women who end up suffering most.

The above quote shows that the 'abnormal' lives the residents of Rimuka and Waiverly were living in had gendered implications as it affected women more than men. Women have to travel long distances and stay in long queues' in order to fetch water and this entails spending a substantial amount of their time. The water problem is also affected by the sewer system as it was noted that sometimes when water starts coming out it is dirty and greenish. Officials from the council explained that this happens because water pipes and sewer pipes run parallel to each other and resident sometimes break water pipes in order to get access to the water so this breakage causes a mixture with sewage when the sewer system is faulty. As a result when water gets to the tap it is mixed with sewage. Consequently diarrhoea, typhoid are the common diseases and the burden is on the women to take care of the sickly. This translates into more suffering by women and reduction of time which could have been channelled to other reproductive roles in the society.

The absence of legal aid in such circumstances puts the legal solutions beyond reach. This is the case because whenever people present their concerns to the council they are assured that their problems would be rectified but nothing really seems to materialise. It is therefore not surprising that Tambudzai from Rimuka had this to say;

Human rights law is just on paper but not in our lived realities because among others we have no-where to complain.

This is a touching statement and goes to confirm that rights that go unenforced are not rights at all, but myths. Where disparity between the written law and real life is so wide, the law becomes a meaningless abstraction (Gross, 1976:42). The Council seems to be under resourced to deal with the problems the residents are facing. However it may be lack of political will because the problems have been there for years. It is a matter of putting priorities right otherwise resources will never be enough. The overall consequence is continued and hopeless suffering for the residents, domestication and confinement of women in the private arena where they have to interact with household chores and taking care of the children and the sickly. This essentially promotes inequalities since men are generally spared from these obligations in the name of being bread winners.

5.3 STATE RESPONSIBILITY

As noted in chapters 2 and 3, the state has the duty to respect, protect and promote human rights and to provide legal aid. The state is cognisant of its obligation to provide legal aid and in fact it does so. The problem is that legal aid services are restricted to the two major cities of Harare and Bulawayo. The issues of limited resources came out during the research to confirm assumption number 3 that it is a bar for LAD to extend its services outside the two major cities. Despite limited resources being a setback, the fact remains that right to effective remedy is a key element of human rights protection and serves as a procedural means to ensure that individuals can enforce their rights and obtain redress (UN-GA, 2012). Legal aid services are key in unlocking access to justice and legal remedies to the indigent.

Much as not all people could have opted for legal aid services, still others could have benefited from legal aid services if they were available in Kadoma, although for others it could have been ignorance that their problems have legal solutions. This goes back to state responsibility to ensure awareness of laws, rights and freedoms to its citizens as per Article 25 of the African Charter.

5.4 CONCLUSION

The chapter discussed the social economic problems faced by Kadoma residents. It has been seen that although the problems are general, the effect is not proportional between men and women. Access to legal aid was thus seen as a possible legal solution which was favoured by many respondents. Unless the indigent in Kadoma have access to legal remedies through provision of legal aid, access to justice, equality will remain unattainable.

CHAPTER 6. RECOMMENDATIONS AND CONCLUSION

6.1 INTRODUCTION

That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are strongest indications of the widespread belief that lawyers...are necessities not luxuries.⁷

The need for legal aid to the indigent in Kadoma cannot be over-emphasized. The research has shown that absence of legal aid is a bar to access to justice and effective remedies among the indigent with women being the greatest sufferers. Thus general ignorance of the laws, rights and entitlement as well as court procedures coupled with the absence of legal aid negatively impact upon the rights to effective remedies, and in turn enhances inequalities and brings disproportionate burden on women and contributes to women dis-empowerment.

Lack of effective legal remedies in inheritance cases affects proprietary rights while in domestic violence cases it escalates violence in the family and affects the rights to equal protection before the law, security of the person and personal liberty among others. Since the government has committed itself to respect, protect, promote and fulfil the rights of its citizen by ratifying a number of international instruments such as CEDAW and Women's Protocol; they have a duty to make rights real in the lives of its citizen and this goes beyond legislation.

6.2 RECOMMENDATIONS

In view of the findings of the research the following recommendation are made.

6.2.1 Establishment of legal aid office in Kadoma

Centralisation of the justice system constitutes a serious obstacle in accessing justice. Travelling long distances to access legal aid pose insurmountable obstacle to the poorest and the marginalised. Thus geographical remoteness can lead to violation of other rights. It is therefore recommended that a legal aid office or satellite office be opened to serve the justice demands to the indigent in Kadoma. This will boost access to justice and enjoyment of rights.

6.2.2 Increased budgetary allocation

It is apparent that legal aid services can be undermined due to inadequate allocation of resources by states. Legal aid lawyers mostly confine themselves to the two big cities of Harare and Bulawayo not because they don't want to serve the indigent, but because of limited resources. It is recommended that there should be increased funding for LAD. This

⁷ Per Justice Black in *Gideon v. Wainwright* 372 US 355, 83 S Ct (1963).

can help LAD reach out more areas and serve many people by conducting visits. The increased funding can also help LAD to increase the number of lawyers and employ paralegals who can play a crucial role in offering legal advice.

6.2.3 Legal literacy

It may not be practically possible for legal aid to represent every indigent in the country. However, knowledge is power; therefore sensitising people the basics about rights, laws and procedures can assist. It is still appreciated that the law is an instrument of social change. Tapping into perceptions of entitlements associated with rights can nurture political mobilisation leading to social change through the process of defining and defending rights. Indeed when people see themselves as entitled to rights, they cease to sublimate themselves and their grievances and begin to seek redress (Schuler, 1992: 33).

6.2.4 Simplifying Court Procedures

This will go a long way in easing access to court by women and make the court user friendly to lay persons. This should also extend to court forms and affidavits which clients fill at the court when commencing proceedings. The forms can also be put in a local language.

6.2.5 Due diligence on the part of the Kadoma City Council.

Most residents complained that both the water and electricity monthly bills do not tally with their monthly consumption. It is recommended that the council should ensure that monthly bills are not based on estimates but on actual consumption per household. Again the Council should ensure that they fix or maintain street lights so that people do not pay money for un-rendered services.

6.2.6 Empowerment

It is clear that the law is not the only player that affects people's decision. As such there is need to empower women cognitively, psychologically and economically. This will enable them to stand up and take action. Conscientization that emphasizes solidarity of purpose of action among women with similar problems is essential in order for women to give each other strength and courage (Tsanga, 2004: 112).

6.3 CONCLUSION

Lack of legal aid is a hindrance to access to court, the law and therefore to justice for the indigent. This translates into several human rights violations and social-economic problems that may lead to further subordination of women and enhance inequalities. With the

government in forefront as the duty bearer, still a holistic and multisectoral approach is needed to deal with the problem and make the world a better place where both the indigent, the vulnerable, women, men enjoy rights equally.

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ANNEXE 1

Civil cases handled by the Kadoma Magistrate Court period covering 15th January 2013 – 15th February 2013

Category of cases	Received	Completed	pending
Maintenance	42	42	0
Protection orders	10	10	0
Civil customary(divorce, property sharing, custody)	4	3	1
Full trials in general	11	8	3
Pre-trial matters	-	-	-
Civil general (compensation, debts, damages etc.)	28	23	5
Deceased estates	7	5	2

16th February 2013 – 15th March 2013

Category of cases	Received	Completed	pending
Maintenance	69	69	0
Protection orders	16	16	0
Civil customary(divorce, property sharing, custody)	7	7	5
Full trials in general	10	5	5
Pre-trial matters	2	2	0
Civil general (compensation, debts, damages etc.)	23	17	6
Deceased estates	3	3	0

16th March 2013 – 15th April 2013

Category of cases	Received	Completed	pending
Maintenance	62	59	3
Protection orders	15	15	0
Civil customary(divorce, property sharing, custody)	7	7	0
Full trials in general	2	2	0
Pre-trial matters	1	1	0
Civil general (compensation, debts, damages etc.)	21	21	0
Deceased estates	8	6	2