

Building on “women’s law” across jurisdictions in Eastern and Southern Africa to advance research and advocacy skills among post graduate law students.

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Introduction

In this paper, I examine the practical experiences of the Southern & Eastern African Regional Centre for Women’s Law (SEARCWL) at the University of Zimbabwe, as an example of a law school department that is engaged with women’s law and human rights as a tool for building capacity in research and advocacy skills among its students. Being regional in nature, not just in terms of student body but in teaching staff as well, it is indeed one example on the ground that we can learn from in terms of how such collaborative initiatives can help develop law school curriculum at both the post graduate and under graduate level. As will be illustrated, because the research that comes out from the post graduate dissertations has been done by students who have worked as professionals in a specific field, it can be used to effectively illustrate law in action in undergraduate courses.

The SEARCWL initiative: An Overview

SEARCWL – is a University based initiative that offers a post graduate Masters in Women’s Law to law professionals from Eastern and Southern African countries, who want to interrogate more fully the manner in which law impacts on women differently as compared to men and the consequences that arise there from. It is also open to non law graduates albeit in limited numbers, if their work involves issues of women and the law. The Masters has its roots in a post graduate diploma that was started in 1991 through funding from the Royal Norwegian embassy. It became a full fledged Masters programme in 2003. The student body has over the years included judges, magistrates, prosecutors, social scientists and NGO activists. Because students on the programme come with a rich array of practical experience in various fields, they are more meaningfully able to contribute to the aim of interrogating the gendered nature of law with the aim of using these insights to find ways of ensuring that law addresses women’s lived experiences.

The Master’s Programme is implemented within a framework of cooperation and partnering with Universities from Eastern and Southern Africa who take on

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the responsibility of teaching courses for which they have special interest and expertise. Partnering Universities include Makerere in Uganda, Nairobi in Kenya, Chancellor College in Malawi, University of Cape Town in South Africa and the University of Zimbabwe itself as the key player.¹ What enables the Centre to have such a diversity of players is the fact that the Masters programme continues to have funding for scholarships and staff through the Royal Norwegian Embassy. The courses taught in this regional collaborative initiative include as compulsory courses;

- Theories and perspectives in women's law and
- Research Methods and Methodologies

The optional courses include:

- Women, law reform and social justice strategies;
- Women, commerce and the law;
- Women, human rights and the constitutional arena;
- Women and access to resources;
- Gender sexuality and the law;
- Women, labour and social security;
- Men, gender masculinities and the law
- Family law and human rights.

Within each of these courses is an opportunity to adopt innovative teaching approaches that help to develop student capacities in diverse areas such as law reform, community legal education, research, and advocacy.² For instance in my optional course, Women Law Reform and Social Justice Strategies, I have gotten students to run practical sessions with trainee teachers on issues such as sexual harassment. I have gotten them to produce legal awareness materials including videos. Students have also conducted a training session with trainee magistrates at the judicial college on how to unearth gender bias in specific cases.

¹ Course lecturers include Professor Julie Stewart University of Zimbabwe, Dr Amy Tsanga University of Zimbabwe, Professor Lillian Tibatemwa, Deputy Vice Chancellor Makerere University, Kampala Uganda, Professor Sylvia Tamale also from Makerere University; Ms Elize Delpont, Human Rights Centre, University of Pretoria; Professor Chuma Himonga University of Cape Town; Dr Ngeyi Kanyongolo, Chancellor College, University of Malawi; Ms Pauline Nyamweya, Faculty of Law, University of Nairobi; Professor Patricia Kameri-Mbote, Faculty of Law, University of Nairobi; Mr Victor Nkiwane, Faculty of Law, University of Kwazulu Natal. Professor Anne Hellum, Institute of Women's Law, University of Oslo, Professor Anne Griffiths University of Edinburgh and Dr Oliver Phillips.

² SEARCWL is currently working on producing textbook on innovations in methodologies and pedagogies that have developed and are being developed through the Masters in Women's Law at SEARCWL. The book is entitled *Breaking the Mould: Innovative Regional Approaches to Teaching, Researching and Analysis of Women's Interactions with and Experiences of the Law*.

Marrying the practical and the theoretical: Building Capacity in Research

Since a core component of the programme is to build student capacity to do research and to change the lives of women through their professional engagement, the programme places emphasis on exposing students to this aspect in a very practical way. This is done by getting them to engage in a one week mini research project on a specific theme touching on women's issues in small groups. We choose a small town or city for the purposes of the research. The exercise is also part of preparing them for doing more detailed research on a topic of their choice in the field of women's law in their own countries. For example, for this year for the small groups' research, we chose the theme of "service delivery" aimed at assessing both law and policy in terms of how different players respond to women's needs in the delivery of their services. The students chose six topics under this overall theme of service delivery which they wanted to explore. These included the following:

1. The impact of education policy on enrolment and retention of a girl child in education institutions in Mutare City, Zimbabwe
2. Women and girls access to basic medical care through the health institutions in Mutare
3. Gender sensitivity to women and their right to legal representation in maintenance cases.
4. Access to housing and affordable basic foodstuffs in the Mutare urban area.
5. Researching and analyzing the position of women on remand and the situation of their children whether held with them on remand or left in the community
6. Women's (female) access to and participation in recreation in Mutare city

Under the guidance of their supervisors, they are able to come up with assumptions relating to their topic, formulate underlying research questions, design methodological approaches for the field work, carry out the field work, analyse the data, make recommendations and highlight how they think that particular field can influence law or policy.

Perhaps more importantly is how students are able to carry these processes through in their more detailed dissertations. Students often choose to do topics that are a direct offshoot of the work experience and professional background that they bring to the table when they decide to do the programme. Part of the aim is that students should be able to advocate for change in that sphere when they finish the programme.

For example, the following topics have one thing common in that they have been researched by students who are, or were at least at the time, working in the police force.

Achiume, Paul C.

Domestic violence in Zambia: in bed with a killer: police responses to domestic violence.

Kyokunzire, Betty

Is criminalization of commercial sex work in Uganda an answer? A case study of commercial sex workers in Kampala.

Nyirenda, Abson

Domestic violence in Zambia: the prosecution of cases involving women suffering domestic violence in Ndola and Kitwe districts of Zambia.

Kyomukama, Samuel

Sexual harassment at the workplace: A case study of the Uganda Police.

Muyongo, Paul M.

The Endangered girl child: evaluating of the reporting procedures and environment of defilement cases in the Zambia police service.

Musonda, Lloyd

The Role of the Police in Dealing with Victims of Sexual Assault with specific emphasis on Rape and Defilement cases in Lusaka Province in Zambia: A critical analysis of Strengths, Constraints and Challenges.

As most of them are from either Zambia or Uganda, this has meant that we have collected quite an impressive body of knowledge on how the police force in these countries work or is able to respond to issues affecting women and the law. Because the common link with other countries is that they too, face challenges in police responses and handling of rape cases, sexual harassment or domestic violence for that matter, others are also able to learn how those challenges can be best addressed. They begin to reflect much more critically about the role of the police in their own settings. It therefore does not matter that much that we all come from different legal jurisdictions as the problems faced are more often the same.

In our last intake we had a female judge from Malawi (the Madonna case judge) who researched on the topic : '*Who is fooling who?: Women and the (non) management of menstruation in police and court cells in Malawi.*' When she completed this research, she was able to use it to persuade authorities to

make immediate changes that were more sensitive to the needs of female detainees.

When lawyers involved with the courts choose to explore topics that have a direct bearing on their professional roles, this can only further advance our cross national understanding of similar topics within our own jurisdictions. The following are a few examples of topics researched by prosecutors and magistrates on the programme.

Kabasa, Evangelista

In search of relief for the rape victim: Making the criminal justice system work for her. [Zimbabwe.]

Kamowa, Chimwemwe Patricia

Informed thumb sucking: The challenges, problems faced by the Magistrate Courts in distribution of matrimonial property on the dissolution of matrilineal customary marriages in Blantyre, Malawi.

Ondieki, Alice Osebe

Critical analysis of the efficacy of the Sexual Offences Act No.3 of 2006 in protecting the rights of rape victims in Kenya: a case study of the conduct of rape trials in Nairobi, Kibera and Makadara Law Courts.

Nyoni, Innocentia

An Analysis of battered women who kill: is there a case for advocating for the battered women syndrome under the defence of provocation in Zimbabwe?

There are many examples that I can give of how students from different countries but with the same professional grounding do indeed help in our understanding of law from a very practical perspective. The offshoots and benefits to law schools are potentially enormous as the information can be used in the undergraduate curriculum on specific issues. If, for example, in the study of criminal law, one is discussing marital rape and there is a dissertation on this topic that has examined the lived realities of women, then students are better able to make the connection between what the law says, how it operates in the courts and the lived realities of women.

Conclusion

There is no doubt that law schools should and ought to strengthen whatever initiatives they have that build research skills and advocacy skills among our students. The challenge I see however from our experience is that of information dissemination and ensuring that we share some of these very rich experiences with a wider audience so as to better influence policy and advocacy. We clearly have some very good research that is not reaching out as widely as possible. Although we have the dissertations on line, (www.uz.ac/law/women) connectivity to the University of Zimbabwe's website can be erratic. At a more global level, unfortunately initiatives coming out of Africa often suffer marginalization as unworthy experiences especially in western settings, unless they contribute to the quest for exotica. Yet such an approach can and often does mean that we miss out on sharing interesting information from a South and North perspective.

Perhaps more importantly in terms of influencing policy and advocacy, is that once the students leave, we are not necessarily in a position to follow up on the usage of these skills in research, advocacy or community education. Some do keep us informed of how they have used their skills. What we do know is that some have been able to attract very good jobs internationally and regionally as a result of having these skills and we can only hope that they use them to better the world for many others.