



ZIMBABWE EZEKIEL GUTI UNIVERSITY
FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 215
COURSE TITLE : Gender and Law
DURATION : 3 Hours
DATE :

29 JUN 2022

INSTRUCTIONS TO CANDIDATES:

1. Candidates must answer **FOUR** Questions.
2. Question **ONE** is compulsory.
3. **Three** questions must be chosen from **section B**.
4. **All** Questions carry equal marks.

SECTION A

1. Mrs Moyo is employed by Comfy Shoes as an administrative assistant. Her manager, Mr Muteuro, constantly tells her she is beautiful, and regularly expects her to work late. When she works late, Mr Muteuro leers at her, tries to stand so close to her he almost touches her. He offers to take her out for a quiet romantic dinner which he thinks she would enjoy because she is a woman who needs special love and care. He tells her that if she keeps him happy by having sex with him, he will make sure that her workload is lessened, that she gets preferential treatment over the other ladies in the office and promises her a promotion to senior administrative assistant over anybody else in the office.

Mrs Moyo is uncomfortable and unhappy about Mr Muteuro's advances and suggestions, and tells the Managing Director, Mr Snaky about the situation. With a broad smile and a wink, Mr Snaky tells her to get on with what she is paid for, to 'service the company'.

After three months of repeated, similar incidents from Mr Muteuro, and little or no support from Mr Snaky, Mrs Moyo resigns from her job because she finds her work environment intolerable due to Mr Muteuro's persistent advances. She has no intention of returning to Comfy Shoes, and seeks advice on an appropriate action and relief she is entitled to should she succeed.

Advise Mrs Chitombo fully. **[25 marks]**

SECTION B

Answer any **three** questions

2. 'While calls for tougher legislation to deal with domestic violence are welcome, the problem needs more radical approach if it is to be eradicated. Although legislation will go a long way in serving as a deterrent, women will remain vulnerable as long as cultural perceptions based on patriarchy remain unshaken. Cultural philosophies in relation to gender violence need a complete overhaul...' [Herald 2006].
 - a. Discuss how the law is being used to curb gender based violence. **[10 marks]**
 - b. Discuss various strategies that can be used to change people's attitude towards gender based violence. **[15 Marks]**
3. Discuss how test case litigation can be used as a tool for women empowerment. Use decided cases to illustrate your answer. **[15 Marks]**

In light of the examples that you have used above, what do you consider to be the limits of test case litigation. **[10 Marks]**
4. 'Gender inequality is expressed and embedded in customary law' Discuss the above statement in light of any three customary practices in your area of origin. **[25 Marks]**
5. "When a woman comes to court to argue her status, she does not dislodge herself from her culture. She does not transcend her culture and find herself in the realm of western values. Her identity is not suddenly transformed. The fight is no longer between culture and equality. It is an intra-cultural conflict, between two different

interest groups battling to change power relations within their very culture (which, by the precedent of practice, is not shown to be immutable) "V. Bronstein (1998: 403)

With reference to the decided cases, examine how the courts have attempted to harmonize male primogeniture with gender equality in the context of inheritance and succession disputes. **[25 marks]**

6. Section 17 (2) of the Constitution of Zimbabwe Amendment (No. 20) Act, 2013 seeks to rectify gender based discrimination. Discuss what is meant by the phrase 'gender-based discrimination' in this context with reference to the 'difference debate' in feminist theory. **[25 marks]**
7. With reference to case law, discuss and distinguish between the concepts of formal and substantive equality. **[25 marks]**

END