

*Chapter 12*

## RAPE AMONG THE SHONA IN ZIMBABWE

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### INTRODUCTION

This chapter has three goals. Firstly, it proposes that certain traditional Shona marriage procedures, customs and practices are among the major factors that promote illegal sexual encounters of which rape is part. Secondly, it examines the efforts made by different governments in the history of Zimbabwe to curb those customs. Thirdly, it exposes circumstances that continue to sustain those marriage customs that perpetuate unlawful sexual conduct.

According to the law of Zimbabwe, an unlawful sexual conduct means: 'any act the commission of which constitutes the crime of rape, aggravated indecent assault, indecent assault, sexual intercourse or performing an indecent act with a young person, or sodomy.'<sup>1</sup> A young person according to that law means a boy or girl under the age of sixteen.<sup>2</sup> Under the same law, 'If a male person knowingly has sexual intercourse or anal sexual intercourse with a female person who has not consented to it he shall be guilty of rape...'<sup>3</sup> It is on the basis of Zimbabwean law that this chapter proposes that rape is a crime of violence perpetuated by the dominant sex over the dominated one at any given period of history. It is a '...tasteless and violent crime.... [It is not] a crime of sex or a matter of choice but a crime of violence committed against...an unwilling victim.'<sup>4</sup>

In Zimbabwe, rape is rampant. The Young Women's Christian Association (YWCA) established that between 1989 and 1991 there was an upward trend in the number of rape cases, as follows:<sup>5</sup>

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<sup>1</sup> Girl Child Network Manual, No. 2 *Girl Child Network Presents Sexual Offences Act In Zimbabwe*, 1.

<sup>2</sup> Sexual Offences Act [Chapter 9:21] (No. 8/2001), 126.

<sup>3</sup> Girl Child Network Manual, No. 1-2.

<sup>4</sup> Kevin Howse, et al. *Family Matters: A Guide To Family Life* (Grantham, UK: Stanborough Press, 1989), 73.

<sup>5</sup> The Young Women's Christian Association, quoted by Felicia Sakala. *Southern Africa in Transition: A Gendered Perspective*, ed. P. J. McFadden (Harare, Zimbabwe: SAPES Books, 1998), 34.