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## Inheritance laws haunt women despite improvements toward gender equality

06 Nov 2011 16:52  
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A woman peers out from a doorway of a fruit stand outside of Bwindi Impenetrable National Park, Uganda, July 2, 2009. REUTERS/Molly Riley

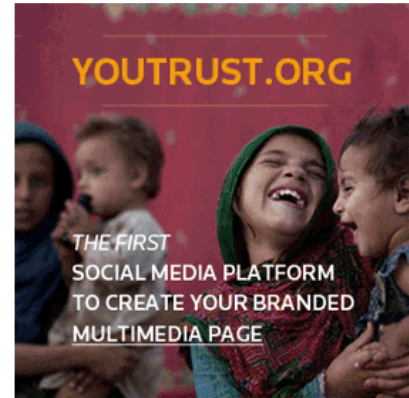
Inheritance: Part 2 in a Series

BULAWAYO, ZIMBABWE - Philani Moyo, 27, has been embattled in a protracted dispute with her paternal relatives for the past 10 years. Her relatives want to evict her and her sisters from a house bought by her late parents.

Moyo and her two siblings, Pamela Moyo, 24, and Nothando Moyo, 20, have been staying at the plush four-bedroom house located in Queens Park, a suburb of Bulawayo, Zimbabwe's second biggest city, since their childhood. Moyo says she lived there with her father and two younger sisters from the age of 14, when her mother died. Her father died in 2001 when she was 17 and did not leave behind a written will.

The death of her father ignited fierce disharmony in her extended family, which escalated in 2004 when Moyo got married and decided to stay at her father's house with her husband. Her two sisters, who are not married, still live there too and have their own separate bedrooms. Moyo says her uncles have tried to push them out of their parents' house, but they have stubbornly resisted.

Strong-willed and always trendily dressed in the latest jeans and T-shirts of the fashion-conscious youth of Bulawayo, Moyo has not allowed the passing away of her parents to dampen her spirit. She says she is determined to take the



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battle, which began in 2003 when her uncles tried to evict her and her sisters from their parents' home, to its bitter end.

"My paternal relatives organized the umbuyiso ceremony at our rural home," Moyo says, referring to a traditional ceremony of the Ndebele ethnic group that is performed about a year after a family member dies in order to settle the deceased's estate. "That was the start of the conflict. My young sisters and I refused to go there because we felt that it was against our Christian beliefs. Our parents raised us in the Christian way. We feel that it is not good to start engaging in practices that we were not familiar with."

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Moyo says that by refusing to participate in the umbuyiso ceremony, she and her siblings had committed a serious abomination according to members of the extended family. She says even the female relatives said that the three sisters should hand over everything for redistribution at the umbuyiso ceremony.

"Even the female members of our extended family were against us," a distraught Moyo says. "They labeled us rebels for refusing to conform to traditional practices on inheritance. We had thought that they would support us since they are also women and can be affected by such retrogressive customary practices."

Moyo says that the elders held numerous secret meetings as they decided what to do with her deceased parents' estate. The extended family members didn't ask any of the girls to attend these meetings because they held them where they live, in the Nyamadlovu rural area, about 80 kilometers from Bulawayo.

"A few days before the ceremony, one of my uncles and my aunt came to inform us that all preparations for the ceremony were on course," Moyo says. "The ceremony was to be held in Nyamadlovu since it was a sacrilege to do it in town. It is also in Nyamadlovu that my parents are buried."

She says she tried to dissuade her relatives from holding the ceremony.

"I tried to explain to them that my parents had never told me about this custom, and that since we had done a Christian burial in the presents of all family members, there was no reason for the family to attempt to bring his spirit back," Moyo says.

Members of the Ndebele ethnic group aim to bring the deceased's spirit back to settle into the family through the umbuyiso ceremony.

Moyo says that the two emissaries took her message back to the rest of the extended family. The elders decided that the ceremony had to go on since the three girls had no say because of their gender.

"Three days after the ceremony, my aunt was sent to inform us about the decisions made at the ceremony," Moyo says. "I was shocked to learn that plans had been made to move us out of the house to the rural areas. My aunt explained that one of my father's brothers had been tasked to look after us. The house was to be let out to tenants, and proceeds were to be used to take care of us."

Moyo says that she and her young sisters were not prepared to relocate since the only place they knew as home was their parents' house. They were also in school in the town so it was difficult to relocate without interrupting their studies.

"My aunt got angry and started to shout at us, calling us all sorts of names," Moyo says. "She accused us of engaging in prostitution and that it was unheard of for three young girls to stay alone. She was stopped from forcibly taking our clothes by neighbors."

Moyo says that, since then, she and her siblings have endured all sorts of ridicule. She says that her relatives even refused to take part in her marriage ceremony, which requires the bride price to be arranged by parents or, in her case, relatives. Her church elders finally arranged the ceremony so she could marry her husband.

She says things would be different if she was a man because her children would inherit her surname and the property would remain in the family.

Women say that ceremonies among ethnic groups to bring the spirits of the dead back to the family and settle their estates block them from inheriting property. Lawyers say that federal laws enable girls and women to inherit property, but that the number of them denied it is on the rise. Witnesses say that relatives use customary practices as an excuse to steal property because of high levels of poverty. Law organizations have launched awareness campaigns as well as offer legal services to women to help them receive the property they're entitled to.

The Shona ethnic group makes up about 80 to 85 percent of Zimbabwe's population, while the Ndebele ethnic group makes up about 10 to 15 percent.

While Zimbabwe has made a lot of progress in advancing the rights of women, many say customary practices of local ethnic groups still treat women as second-class citizens.

The Ndebele have a saying, "Indoda yinhloko yomuzi," which means that the man is the head of the household, according to Björn Lindgren, a University of Zimbabwe researcher.

Fani Khumalo 76, a traditional leader from the Ndebele royal family, descendants of King Mzilikazi kaMatshobana, the founder of the Ndebele nation, says that the Ndebele custom of holding the umbuyiso ceremony is meant to bring the spirit of the dead person back into the family.

"In our culture, we believe that when an adult person dies, his or her spirit will be [wandering] in the wilderness until the umbuyiso ceremony is performed and the [wandering] spirit comes back to settle in the family," he says.

Khumalo says that the ceremony is necessary to avoid bad luck for the family.

"If this is not done, the deceased's spirit may become vengeful and bring bad luck and harm to the family," he says. "That is why all claims have to be settled and the estate distributed at the umbuyiso ceremony so that there is harmony in the family and the deceased's spirit rests peacefully."

Khumalo says that the system of inheritance in the Ndebele culture, which favors male children, was meant to protect family property from leaving the family's hands through marriage.

"If female children inherit property like houses, that property will end up in the hands of their husbands," he says. "It will appear as if the wife has paid lobola or bride price to the wife when it is supposed to be the other way [a]round."

Other ethnic groups, like the Shona, have similar practices.

Other sisters in Chirimuhanzu, a district in the Midlands province, are facing a similar challenge as the Moyo sisters. Chipso Mandizvidza, 16, and her sister, 12, are living in abject poverty. Their parents, who both had worked as primary school teachers for the Ministry of Education, Sport, Art and Culture, died in a bus accident in 2009.

The Mandizvidza sisters are from the Shona group. Their only surviving uncle conducted a magadziro ceremony, in which the distributing of the estate is done like in the Ndebele system.

As the only surviving adult, the uncle took away a herd of 19 cattle from the sisters for "safe keeping." He told the two girls to continue living at their homestead, which includes three thatched huts and a four-bedroom house, and come to him if they needed any assistance. But Mandizvidza says their uncle, who has his own wife and six children, always gives them excuses whenever she and her sister visit him for help.

"We are now relying on neighbors for support," she says. "Each time I go to my uncle, he has an excuse for not being able to help. He no longer comes to check on us and does not tell us what he intends to do with the cattle."

Mandizvidza says that she hasn't been able to access the pension left by her parents because her uncle won't help her. She and her sister siblings are struggling to raise money for school fees. She says they once approached their village head, but he showed no interest in helping.

The Moyo sisters' and the Mandizvidza sisters' cases are not isolated incidents, according to Women and Law in Southern Africa, a southern African feminist and human rights organization that promotes and protects women's and girls' rights through legal and policy reform and changes to discriminatory socio-cultural practices.

Slyvia Chirawu, national coordinator of the Women and Law in Southern Africa's Zimbabwe office, says that although the organization doesn't have specific figures, the number of girls who lose their deceased parents' estates because of unscrupulous relatives is increasing. She says this violates federal law.

"Firstly, there is no law in Zimbabwe that forces children to attend traditional ceremonies," she says. "Secondly, the Deceased Estates Succession Act states that upon the death of a parent, the children who were staying at the house at the time of the death of their parents are entitled to stay on the property, use the household goods, reap the crops if any and basically continue with their day-to-day living until the estate is wound up."

Chirawu says that the estate should be registered at the courts, and the master of the High Court or assistant master at the Magistrate Court supervises the

settlement. This is the process in which the assets and liabilities are listed in an inventory, the estate is advertised, and the account is liquidated and distributed.

Chirawu says that if there is no surviving spouse, the property goes to the children in equal shares. She says that the children should stay on the property and register the estates of their late parents in their names.

A lawyer from Zimbabwe Women Lawyers Association, which aims to defend, develop and discuss women's and children's rights, says that Zimbabwe's laws clearly address Moyo's and Mandizvidza's cases. She requested to remain anonymous for personal reasons.

"The Administration of Estates Act, Amendment No. 6 of 1997, says that if the deceased is not survived by a spouse but has children, the estate goes to the children," she says. "It is only when the deceased has no surviving spouse and children that the estate is divided equally among the deceased's parents, brothers and sisters."

She says that a lot of women and girls are living in poverty after their relatives grabbed property left by their husbands or parents.

The Rev. Febbie Chuma, a local Pentecostal pastor, attributes the increase in the number of cases of children losing their parents' estates to high levels of poverty.

"People are using customs and religious practices as an excuse to take what does not belong to them," she says. "The Ndebele and Shona customs on inheritance was a system of providing support and guidance to orphans and widows. Instead of supporting, today people take away the little that is left in the hands of orphans and widows."

Chuma says that despite laws protecting widows and orphans, the number of these cases is high. Chuma says that even some people from the church use the traditional customs that do not protect girls and women.

Chirawu says communities need education on issues of gender equality in order to change discriminatory customary practices. Otherwise, she says that all the legal progress and advances that women have made will go to waste. Her organization has launched an awareness campaign in Zimbabwe to raise awareness on inheritance laws. It has also engaged a popular Zimbabwean television talk show to address the issue.

The lawyer from Zimbabwe Women Lawyers Association says her organization provides legal services to women and girls in Zimbabwe in an attempt to protect them from greedy relatives.

Moyo says she is aware of all the progress that is being made but troubled by the fact that all her relatives seem to be of the opinion that tradition is the way to go. She says that if she engages the courts to deal with her relatives, this may further strain their relationship. She says her only hope lies in the inheritance campaigns, which she wishes can change the mindset of her relatives.

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