



WOMEN'S INTERNATIONAL LEAGUE FOR  
**PEACE & FREEDOM**  
ZIMBABWE

# ZIMBABWE

SUBMISSION FOR THE  
UNIVERSAL PERIODIC REVIEW



40TH SESSION, JANUARY-FEBRUARY 2022



## About WILPF Zimbabwe

WILPF Zimbabwe was established in October 2017. The Section focuses on the implementation of the Women, Peace and Security Agenda through advocacy and awareness raising initiatives. WILPF Zimbabwe works towards the promotion of women's empowerment through capacity building with grassroots women, entrepreneurship and technical support.

The development of this report by WILPF Zimbabwe was made possible thanks to the financial support of the Channel Foundation and through collaboration with WILPF International Secretariat, who supported its drafting, editing, and publication.

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Submission to the Universal Periodic Review of Zimbabwe  
40th Session, January-February 2022

Submitted in original language: English  
Submitted on 15 July 2021  
24 pp.

Cover design: Nadia Joubert

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# I. The Impact of the Economic Meltdown on Women and Girls

Zimbabwe has been facing an economic crisis for over a decade and the situation has been exacerbated by the COVID-19 pandemic. Before the pandemic, the economy was already in recession. COVID-19 has exacerbated food insecurity, which was already severe due to droughts and economic crisis.

According to the World Bank, the pandemic and its impacts disrupted livelihoods, especially in urban areas, and added 1,3 million more people living in poverty. Estimates suggest that the number of people living in extreme poverty reached 7.9 million in 2020, amounting to almost 49% of the population.<sup>1</sup> The situation is worsened by the triple-digit inflation (Even though the inflation slowed down to 322% in February 2021 from its peak 838% in July 2020, it remains a triple-digit inflation).<sup>2</sup> The delivery of public services has been affected. For example, tap water runs only once a week. Michael Chideme, the spokesperson for the Clean City of Harare, reported saying that Zimbabwe's capital is failing to get adequate foreign currency needed to import USD 3 million dollars' worth of water treatment chemicals every month.<sup>3</sup>

Zimbabwe was not eligible for the IMF's Rapid Credit Facility intended to support countries to fight COVID-19 because of unpaid arrears to multilateral development institutions.<sup>4</sup> IFIs will not resume lending until debt arrears are cleared. This means that Zimbabwe relies largely on non-concessional<sup>5</sup> and, thus, more expensive, domestic resource mobilisation and borrowing from China. Zimbabwe's rising debt distress crowds out investments and spending in social infrastructure and services.

As a result of the economic crisis, goods and services are scarce. Hikes in prices of basic commodities have not been matched with an increase in salary levels. Furthermore, there is an imbalance between the currency in which wages are paid — the ZWL — and the prices of goods and services which are indexed to the USD.<sup>6</sup> This further adds to poverty.<sup>7</sup> Many civil servants, such as teachers, are forced to take on additional work in the informal economy to make ends meet.

COVID-19 and the general economic crisis have hit women and girls hard. Women are overrepresented in the informal economy and agriculture, among those living in poverty and those that hold low-paying jobs in the formal economy. Women in the formal economy have been affected by cuts in wages or the loss of jobs.

1 <https://www.worldbank.org/en/country/zimbabwe/overview>

2 For more information, see [www.worldbank.org/en/country/zimbabwe/overview](https://www.worldbank.org/en/country/zimbabwe/overview)

3 For more information, see: *Zimbabwe Struggles to provide clean water during pandemic*, Columbus Mavhunga, <https://www.voanews.com/africa/zimbabwe-struggles-provide-clean-water-during-pandemic>

4 *Zimbabwe: IMF hammers country already on its knees*, Baffour Ankomah, <https://newafricanmagazine.com/23308/>

5 Non-concessional loans are provided at, or near to, market terms, while concessional loans (e.g. IMF loans) are provided at terms that better than market loans e.g. they have better interest rates and grace periods.

6 *Hopeless situation for civil servants*, Tatira Zwinoira, The Zimbabwe independent, <https://www.theindependent.co.zw/2020/12/11/hopeless-situation-for-civil-servants/>

7 *Zimbabwe Increases Civil Servants' Salaries With Lowest Paid Set to Earn ZWL11,300 Per Month*, Gibbs Dube, <https://www.voazimbabwe.com/a/teacher-civil-servants-zimbabwe-salary-increases/5621380.html>

Rural women and women in the informal economy, who are dependent on land for livelihood and food production,<sup>8</sup> suffered from loss of income during the lockdown because they could not sell their products on local markets, which were closed because authorities wanted to decongest the cities. Moreover, while the markets were closed, most of the vendors' stalls were destroyed<sup>9</sup> because the authorities said the local stalls were overcrowded and they wanted to rebuild them. Once rebuilt, the stalls had to be reallocated; several women lost their permanent stalls as there were fewer stalls than previously.<sup>10</sup> Since April 2020, authorities have also waged a crackdown on informal street vendors and this has made it even harder for them to earn a living.<sup>11</sup> Informal street vending is the way of living for most people in the country, as they are living from hand to mouth and cannot afford to be in the formal channels.

In addition, the closure of borders due to COVID-19 restrictions has mainly affected women and especially households headed by women. Many women are dependent on travelling to countries such as South Africa, Mozambique, the UAE and China for their livelihoods as they travel abroad to buy commodities for resale. Women constitute the majority of the cross-border traders who earn a living from buying and selling commodities across the border. The closure of border with South Africa on 26 March 2020 had a huge impact on cross-border traders, also leading to severe shortages of essential goods coming from across the border.

Women had already been overburdened by the tax on all mobile money and electronic financial transactions within Zimbabwe (i.e. the Intermediated Money Transfer Tax) introduced in 2018, since they are overrepresented in the informal economy, among those living in poverty and among those with low-paid jobs. Given the severe cash shortages in the country, people are already struggling with the use of electronic money to pay for all their basic commodities on a daily basis. For them to have 2% deducted on each of all electronic transactions over USD10 is overstretching, especially for women.<sup>12</sup>

Moreover, women and girls are facing increased care burdens with additional time needed for caring for children out of school and family members who cannot get access to healthcare due to hospital closures. Increased financial instability, rising food prices and confinement are leading to increased household tensions and rising numbers of cases of gender-based violence.

8 86% of women in Zimbabwe depend on land for livelihood and food production for their families. See FAO National gender profile of agriculture and rural livelihoods, <https://www.fao.org/3/i6997e/i6997e.pdf>

9 See, for example, the ZCIEA (Zimbabwe) *Press Statement On The Destruction Of Vendors' Stalls during COVID-19 Lockdown* "Zimbabwe Chamber of Informal Economy Associations (ZCIEA) is deeply saddened by the horrible, inhuman and ruthless destruction of vendors' stalls in Kwekwe, Mbare, Machipisa and other areas by the local authorities. As an organisation that works with and represents informal economy workers across 42 territories in Zimbabwe, ZCIEA sees this action as a silent form of harassment and torture of innocent citizens on informal economy trading for survival." Full statement available in the PDF file at: <https://www.wiego.org/resources/zciea-zimbabwe-press-statement-destruction-vendors-stalls-during-covid-19-lockdown>; see also, *African street vendors feel the squeeze under strict Covid-19 measures*, <https://www.rfi.fr/en/africa/20200408-african-street-vendors-feel-the-squeeze-under-strict-covid-19-measures-food-traders-markets-coronavirus-lockdown>

10 *Zimbabwe's informal economy demands recognition amid devastating Covid-19 response*, Africa Business, <https://african.business/2020/09/economy/zimbabwes-informal-economy-demands-recognition-amid-devastating-covid-19-response/>

11 *Zimbabwe's informal economy demands recognition amid devastating Covid-19 response*, *Zimbabwe street vendors reel under virus curbs*, <https://www.news24.com/news24/africa/news/zimbabwe-street-vendors-reel-under-virus-curbs-20210426>; *Zimbabwean street vendors defy coronavirus rules*, <https://www.dw.com/en/zimbabwean-street-vendors-defy-coronavirus-rules/av-57353616>

12 *Women bear the brunt as Zimbabwe hits hard times again*, <https://dailynews.co.zw/women-bear-the-brunt-as-zim-hits-hard-times-again/>; *The new monetary policy has dire implications on gender and women's rights in Zimbabwe*, [www.wcoz.org](http://www.wcoz.org).



## RECOMMENDATIONS

- In planning and designing fiscal policies to overcome the economic crisis, the government must ensure that such policies do not adversely affect women and girls as well as groups in marginalised situations and that attention is put on the needs of those in the most vulnerable situations, including by ensuring adequate financing, scaling up of social protection programmes and implementing gender-responsive tax policies;
- Ensure that economic incentives and social safety nets are gender-responsive and that they empower every woman and girl;
- Introduce a minimum wage in line with the cost of living and align the salaries of government workers with the cost of living;
- Ensure women's participation in paid labour through the provision of functional, accessible and affordable public services, such as childcare, education and healthcare;
- Decriminalise informal street vending, and ensure and protect the dignity and wellbeing of people working in the informal economy by including them in further planning of COVID-19 responses;
- Use the recommendations provided by the ILO in its policy brief "COVID-19 crisis and the informal economy"<sup>13</sup> in measures taken to address the consequences of the pandemic on the informal economy.

## II. Sexual and Reproductive Rights

During the lockdown, there was a spike in unwanted pregnancies due to increased barriers in accessing sexual and reproductive health services e.g. restrictions on movement; closures of health clinics and hospitals; and increased financial pressures. These challenges continue. Contraceptives have been very much inaccessible from public hospital and they need to be bought from pharmacies. Birth control pills can now be found in private pharmacies at 1 USD per packet, an amount that is too high for many at a time of high unemployment. For example, Mucha Shumba, an official of the Zimbabwe Family Planning Council in Mberengwa, is reported as indicating that "Fighting unwanted pregnancies has become difficult for many people here as prices of birth control pills go beyond reach."<sup>14</sup> Restrictions on movement have also made it extremely difficult to reach hospitals as it is harder to move from one place to another.

Sanitary pads are a luxury for most women, as the majority are living below the poverty line. It has been reported that women from the countryside use cow dung as improvised sanitary napkins during the menstrual period.<sup>15</sup> Not being able to afford sanitary pads also affects girls' ability to attend school during menstruation.

<sup>13</sup> [https://labordoc.ilo.org/discovery/fulldisplay/alma995073792602676/41ILO\\_INST:41ILO\\_V2](https://labordoc.ilo.org/discovery/fulldisplay/alma995073792602676/41ILO_INST:41ILO_V2)

<sup>14</sup> See *Unwanted pregnancies*, Jeffrey Moyo, <https://www.dandc.eu/en/article/zimbabwe-faces-spike-unwanted-pregnancies-due-shortage-contraceptives>

<sup>15</sup> Buhle Mhlanga, a gender activist, quoted in *Zimbabwe: Cost of sanitary pads rising beyond reach of many*, Lloyd Mbiba, <https://genderlinks.org.za/news/cost-of-sanitary-pads-escalating-beyond-reach-of-many/>

Increases in basic commodity prices during the pandemic worsened the situation. As inflation is galloping and prices are going beyond the reach of many women and girls, they are now having to compromise their sexual and reproductive rights.



## RECOMMENDATIONS

(See also recommendations in the section on right to education)

- Recognise that accessible sexual and reproductive health services are essential and ensure universal and safe access at all times to these services, including free contraception and comprehensive sexuality education at school and in the community;
- Allocate increased budgetary resources to public healthcare system to make it more accessible and affordable to everyone without discrimination, including in rural and remote areas.

## III. Right to Education, Including the Impact of COVID-19

The 2013 Constitution, such as in Sections 20, 27, 75, 81 and 83, enshrines the right to education, including with regard to free and compulsory basic education, to adult education and further education, and to rights of persons with disabilities.<sup>16</sup> It also enshrines the right to equality and non-discrimination.<sup>17</sup>

**Section 20:** Youths “1. The State and all institutions and agencies of government at every level must take reasonable measures, including affirmative action programmes, to ensure that youths, that is to say people between the ages of fifteen and thirty-five years-- a. have access to appropriate education and training; (...)

**Section 27:** “1. The State must take all practical measures to promote—  
a. free and compulsory basic education for children; and  
b. higher and tertiary education.  
2. The State must take measures to ensure that girls are afforded the same opportunities as boys to obtain education at all levels.”

**Section 75 (1):** “Every citizen and permanent resident of Zimbabwe has a right to—  
a. a basic State-funded education, including adult basic education; and  
b. further education, which the State, through reasonable legislative and other measures, must make progressively available and accessible.”

<sup>16</sup> *Zimbabwe's Constitution of 2013*, [https://www.constituteproject.org/constitution/Zimbabwe\\_2013.pdf](https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf) (Last accessed on 15 July 2021).

<sup>17</sup> See, for example, Section 56 (2) “Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.”

**81. Rights of children:** “1. Every child, that is to say every boy and girl under the age of eighteen years, has the right—(...) f. to education, health care services, nutrition and shelter; (...)

**Section 83:** “The State must take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures (...) e.) to provide special facilities for their education; and f.) to provide State-funded education and training where they need it.”

The introduction of tuition fees in 1992 had several negative consequences on the right to education, including also effectively barring easy access to education for students from poorer households. And with parents choosing to send boys to school rather than girls this, in turn, also contributed to an increase in child marriage.<sup>18</sup> Moreover, there have been serious challenges with many schools excluding learners for non-payment of fees and levies.

In March 2020, Zimbabwe amended the Education Act [*Chapter 25:04*], which among other things, reasserts the constitutional protection that students should not pay fees, or levies, from preschool up to Form 4 (i.e. the end of lower secondary education), states that no pupil shall be excluded from school for non-payment of school fees, prohibits the exclusion of pregnant girls from school in accordance with the Zimbabwean Constitution, and requires measures to support students with disabilities.<sup>19</sup> However, full access to education is still far from what is guaranteed by the law; payment of fees in public schools is still a reality and most families cannot afford those tuition fees; and if families have not paid the fees, the children cannot take lessons. Students are sent back home to get the money to pay the fees.

It is important to note that the increase in school fees is not matched by an increment in salary for teachers, whose unions have been calling on the government to improve their working conditions because their salary increases are below the current rate of soaring inflation.

## Impact of the shift to e-learning

The pandemic compounded pre-existing challenges and obstacles. The country was digitalised overnight; e-learning became the main teaching and learning modality since the closure of schools. Families from rural and remote areas and poor urban households were at a disadvantage. The cost of data for downloading, uploading and streaming is beyond the reach of many and there is limited access to hardware to support online learning. Many students from rural areas and those in public schools did not have access to lessons because public schools were not offering e-learning as students do not have smartphones and laptops needed to access the internet. Erratic power supply

<sup>18</sup> See, for example, *Neoliberalism and Policy Reversals in Education*. In: Shizha E., Kariwo M.T. (eds) *Education and Development in Zimbabwe*, [https://link.springer.com/chapter/10.1007/978-94-6091-606-9\\_4](https://link.springer.com/chapter/10.1007/978-94-6091-606-9_4), and *Ending Child Marriage in Zimbabwe: Gaps and Opportunities in Legal and Regulatory Frameworks, Policy Brief*, Plan International, [https://www.girlsnotbrides.org/documents/507/PLAN\\_18\\_policy\\_brief\\_zimbabwe\\_final.pdf](https://www.girlsnotbrides.org/documents/507/PLAN_18_policy_brief_zimbabwe_final.pdf)

<sup>19</sup> See, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=109608&p\\_count=2&p\\_classification=09](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=109608&p_count=2&p_classification=09); See also, for example, *Zimbabwe Removes Barriers to Education, New Law is Good News for Children's Rights*, Human Rights Watch, <https://www.hrw.org/news/2020/03/18/zimbabwe-removes-barriers-education>



was cited as another major challenge to online learning.<sup>20</sup> Students with disabilities have also voiced concerns.<sup>21</sup>

In October 2020, the Zimbabwean Environmental Law Association (ZELA) published the result of a quick community-based survey on impacts of COVID-19 response measures on children in mining communities, particularly in the gold and diamond mining areas. The survey, among other things, noted that “Whilst the learners in urban areas have been able to take advantage of technology for e-learning this has not been the case for the children in the mining and mining affected areas under survey. The survey revealed that factors such as lack of smart devices, unreliable network connections and the expensive data prices have adversely affected the accessibility of educational information by rural based learners. Even the national radio stations lessons spearheaded by the government and UNICEF are not accessible to many. This is partly because children will be busy doing complementary work to bring food on the table, some do not have access to radio and in cases where they do, they lack supervision by parents to ensure that they participate.”<sup>22</sup>

The gendered impacts of the pandemic on children, especially girls, include increased household responsibilities for girls which limit their ability to participate in home-based learning, such as online classes or homework provided by teachers virtually while schools are closed. Girls are at an increased risk of exposure to the virus, as they support their mothers in looking after sick family members and relatives.

Closing schools has also led to an increase in child marriages and teenage pregnancies. It has been reported that nearly 5,000 teenage girls became pregnant in January and February 2021 and about 1,800 entered into marriages during the same period.<sup>23</sup> Cases of statutory rape are also on the rise. In most mining communities, child labour is now rampant.<sup>24</sup> The Zimbabwean Environmental Law Association (ZELA) has reported a soar in the number of children involved in small-scale gold and diamond mining.<sup>25</sup>

In March 2021, the government approved increases of fees up to 250% for universities in; as a result many students are unable to afford university education.<sup>26</sup>

20 *Students say online learning is not accessible to everyone*, July 2020, <https://www.universityworldnews.com/post.php?story=20200630140711422>

21 *Digital-shy Zimbabwe's schools feel the brunt of COVID-19*, <https://africaninternetrights.org/sites/default/files/Kenneth%20Matimaira-1.pdf>

22 See, *Impact of COVID-19 response mechanisms on children in selected gold and diamond mining communities in Zimbabwe*, ZELA, <http://www.zela.org/download/impact-of-covid-19-response-mechanisms-on-children-in-selected-gold-and-diamond-mining-communities-in-zimbabwe-2/>

23 *Zimbabwe reports major rise in teen pregnancies during pandemic*, Columbus Mavhunga, April 16 2021, <https://www.voanews.com/covid-19-pandemic/zimbabwe-reports-major-rise-teen-pregnancies-during-pandemic>

24 *Zimbabwe: Fragile economy forces children to labor in mines*, Jeffrey Moyo, <https://www.aa.com.tr/en/africa/zimbabwe-fragile-economy-forces-children-to-labor-in-mines-1873032>; *'I need money for school': the children forced to pan for gold in Zimbabwe*, Covid has closed schools and caused economic collapse – now children are taking up the dangerous work of prospecting, <https://www.theguardian.com/global-development/2020/nov/13/i-need-money-for-school-the-children-forced-to-pan-for-gold-in-zimbabwe>

25 *Impact of COVID-19 response mechanisms on children in selected gold and mining communities in Zimbabwe*, Zimbabwe Environmental Law Association, <http://www.zela.org/download/impact-of-covid-19-response-mechanisms-on-children-in-selected-gold-and-diamond-mining-communities-in-zimbabwe-2/>

26 *250 percent fees hike for universities*, The Chronicle, <https://www.chronicle.co.zw/250-percent-fees-hike-for-universities/>; *Students shocked at unexpected 'insensitive' hike in tuition fees*, <https://www.universityworldnews.com/post.php?story=20210317201620580>



## RECOMMENDATIONS

- Ensure full implementation of the Education Act, as amended in March 2020, including by monitoring that schools are not requesting payment of fees and levies and by concentrating more resources in the education sector, while seeking assistance from development partners towards implementing a free and compulsory basic-state funded education;
- Ensure adequate funding of the education so that the finances available cover decent salaries for teachers and other staff, as well as investments in infrastructure, adequate technical equipment and running costs of schools;
- Provide scholarships and other financial assistance for students from low-income families and disadvantaged backgrounds at all levels of education;
- Reverse the decision to increase university tuition fees and ensure fully subsidized higher education and training for students from low-income families and disadvantaged backgrounds;
- Ensure the broadest possible, affordable and equal access to internet service, including by enhancing availability of internet networks and electricity across the country and ensuring that rural areas, where there is no access to the internet and electricity, have solar power and gadgets, such as radios, distributed for distance learning;
- Provide training for teachers and lecturers on using e-learning platforms and provide learners with the hardware necessary for online lessons;
- Ensure that the necessary infrastructural changes are made in order for schools to be fully accessible by students with disabilities;
- Take specific measures to address girls drop out from school, including by
  - banning child marriage;
  - ensuring that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;
  - putting in place a monitoring system to ensure schools accommodate pregnant students and adolescent mothers, and that they do not turn away students who cannot pay indirect or other school costs;
  - working with teachers and school staff to ensure inclusive methods of distance learning, including through low-tech and gender-responsive approaches, such as learning scheduling and structures that are flexible for girls who are likely expected to take on increased domestic responsibilities, and monitor and promote their participation;
  - providing comprehensive sexuality education at school and in the community.

## IV. Concerns Relating to the Marriage Regime

### Issues under the current marriage legal regime

Marriage is currently guided by different laws depending on whether the marriage has been officiated under customary or general law. There are three types of marriage: the civil marriage, recognised in terms of the general law, the customary law marriage, and the unregistered customary law union, which is the most common. Polygamy is allowed under customary law marriage and not under general law.

The law governing the dissolution of marriage, the Matrimonial Causes Act allows equitable distribution of property between spouses at divorce but only civil marriages and solemnised customary law marriages benefit from the provisions of this Act.<sup>27</sup> However, the law does not address realities of life. After a marriage ends or upon the death of a husband, many women lose their property especially when they are in unregistered unions. For example, widows are routinely evicted from their homes and land and their property is taken away by their in-laws when their husbands die. According to the Food and Agriculture Organization (FAO) “because the registration of marriages is not yet compulsory, about 80% of women living in rural areas are married under customary law and do not register their marriages.”<sup>28</sup> Unregistered customary unions make it even more difficult for women to challenge inheritance grabbing. For example, Human Rights Watch has reported that “Without any official record of the marriage, a widow who wants to make a claim to property that was held in the marriage but is formally owned by the late husband (or members of his family) has to demonstrate that she was indeed married to him. Doing so is tricky because the courts can require confirmation from the widow’s in-laws, who are the very people who stand to benefit if the marriage is not confirmed. Not surprisingly, many of the widows Human Rights Watch interviewed said their in-laws were unwilling to provide such confirmation.”<sup>29</sup> Polygamy creates additional challenges and complications for widows. Similarly, widows who are former child brides find themselves in a vulnerable situation because child marriages are rarely registered.

Other concerns on current marriage regime are relating to the payment of the *lobola* (bride price), about whose persistence the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the Committee on the Rights of the Child (CRC) have raised concerns classifying it as a harmful practice.<sup>30</sup> It is imperative to highlight that the payment of bride price constitutes exploitation of women and girls. Women and girls are regarded as commodities with a price tag and the price can be used as the basis for abuse.<sup>31</sup>

27 Matrimonial Causes Act Chapter 5:13, <https://www.veritaszim.net>

28 See, Zimbabwe, *Customary norms, religious beliefs and social practices that influence gender-differentiated land rights*, Gender and Land Rights Database, [http://www.fao.org/gender-landrights-database/country-profiles/countries-list/customary-law/en/?country\\_iso3=ZWE](http://www.fao.org/gender-landrights-database/country-profiles/countries-list/customary-law/en/?country_iso3=ZWE) (Last visited on 13 July 2021)

29 Read more at “*You Will Get Nothing*” *Violations of Property and Inheritance Rights of Widows in Zimbabwe*, Human Rights Watch <https://www.hrw.org/report/2017/01/24/you-will-get-nothing/violations-property-and-inheritance-rights-widows-zimbabwe>

30 *Concluding observations on the second periodic report of Zimbabwe*, Committee on the Rights of the Child, CRC/C/ZWE/CO/2, 7 March 2016, paragraphs 46 and 47.

31 See, for example *Zimbabwe’s Bride Price Tradition Distorted Into Moneymaking Venture in Current Economic Climate*, <https://globalpressjournal.com/africa/zimbabwe/zimbabwes-bride-price-tradition-distorted-moneymaking-venture-current-economic-climate/>

## Harmonisation process of marriage law

A process seeking to harmonise marriage laws started some 10 years ago. The marriage bill introduced in 2017 was seen as a long-awaited chance to reconcile Zimbabwe's marriage laws with the Constitution; for example, with the Sections relating to gender equality, the requirement of free and full consent to marriage by the intending spouses; the ban on the pledging of children in marriage, and Section 2(1) on the supremacy of the Constitution, which invalidates any law, practice, custom or conduct which is inconsistent with the Constitution.<sup>32</sup> The bill, among other things, sought to expand protection of marriage laws to unregistered customary law marriages and extend rights to civil partnerships of long-time cohabiters.<sup>33</sup>

As a response to the growing vulnerability of spouses, especially of women, in long-term domestic relationships, the bill initially proposed by the government included a section (Clause 40) recognising and legitimising civil partnerships. This was subsequently removed by the government whilst the bill was still pending before Parliament.

Clause 4 expands on the primacy of free and full consent of both parties for a marriage to occur. Consent to marriage will no longer be given by legal guardians but by the parties to the marriage themselves. It provides that a marriage officer shall not solemnise or register a marriage without proof of age of the parties involved. Both parties to the marriage must be 18 years or older.<sup>34</sup> The bill also explicitly makes it an offense to pledge children in marriage.<sup>35</sup>

The proposed bill also sought to remove the requirement that customary marriage officers satisfy themselves that *lobola* has been paid before solemnizing customary unions. It must be noted that under the bill *lobola* will not be abolished or outlawed, but it will no longer be a legal requirement for customary marriages.<sup>36</sup> The bill was passed by the National Assembly with amendments in May 2020 and transmitted to the Senate. Many senators have argued that the practice of *lobola* is in line with African culture and Zimbabwean culture.<sup>37</sup> In April 2021, senators considered but found unsatisfactory a proposal by the Minister of Justice, Legal and Parliamentary Affairs that would have included a reference to *lobola* without making it a mandatory requirement to solemnise a customary union. At the time of writing, the impasse does not appear to be resolved.<sup>38</sup>

32 To see which sections of the Constitution the Marriage bill seeks to put into effect, see *BILL DIGEST, MARRIAGES BILL*, available at <https://www.parlzim.gov.zw/component/k2/bill-digest-marriages-bill>

33 *Zimbabwe's marriage reform should do more for women*, Human Rights Watch, <https://www.hrw.org/news/2019/06/21/zimbabwes-marriage-reform-should-do-more-women>

34 *Zimbabwe's marriage Bill is an improvement but it still leaves women vulnerable*, Pretty Mubaiwa, <https://mg.co.za/article/2019-11-27-00-zimbabwes-marriage-bill-is-an-improvement-but-it-still-leaves-women-vulnerable/>

35 <https://www.parlzim.gov.zw/component/k2/bill-digest-marriages-bill>

36 <https://www.parlzim.gov.zw/component/k2/bill-digest-marriages-bill>

37 *SENATE HANSARD 30 JUNE 2020 VOL 29 NO 40*, <https://parlzim.gov.zw/download/senate-hansard-30-june-2020-vol-29-no-40/>

38 *Coming up in the Senate this week: marriages bill? – Bill watch 47/2021*, 7 June 2021, <https://kubatana.net/2021/07/06/coming-up-in-the-senate-this-week-marriages-bill-bill-watch-47-2021/>



## RECOMMENDATIONS

(See also recommendations under the section on harmful practices)

- Ensure that customary laws and practices are in conformity with the Constitution and repeal all provisions that are discriminatory towards women and girls, including the practice of *lobola*;
- Ensure there is law reform where women in different forms of marriages are protected: registered marriages, civil partnerships, unregistered customary law marriages and expedite the adoption of the Marriage Bill, while at the same time ensuring that it does not include the payment of *lobola* as a legal requirement for customary marriages;
- Ensure widows' equal inheritance rights by amending laws and regulations repealing all laws that violate women's property rights under national or international law, such as CEDAW;
- Ensure that widows, including those in rural communities, are aware of their inheritance rights and have meaningful access to legal remedies in cases of property or inheritance grabbing;
- Allow the posthumous recognition of marriages and customary unions with witnesses to confirm the marriage being of the widow's choosing;
- Put in place a system to ensure that all existing and new marriages, including customary unions, are officially registered in a central registry with digital records that are accessible throughout the country as proof of marriage.

## V. Stereotypes and Harmful Cultural Practices

Despite legislative steps taken to address harmful cultural practices, these persist due to the inability to transform social and cultural gender stereotypes. In 2016, the CRC expressed concerns that Zimbabwe had not taken sustained measures to modify or eliminate stereotypes and harmful practices, such as child marriage and virginity testing.<sup>39</sup>

Among the legislative measures taken to address harmful practices, are for example, Section 80 (3)<sup>40</sup> and Section 26 (a and b) of the Constitution.<sup>41</sup> The Domestic Violence Act (2007) states that forced virginity testing, female genital mutilation, pledging of women or girls for the purposes of appeasing spirits, forced marriage, child marriage, forced wife inheritance or sexual intercourse between father-in-law and newly married daughter-in-law constitute acts of domestic violence.<sup>42</sup> (The act does not specify the threshold to define a child marriage.)

39 *Concluding observations on the second periodic report of Zimbabwe*, Committee on the Rights of the Child, CRC/C/ZWE/CO/2, 7 March 2016, paragraph 46(a).

40 "All laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of the infringement."

41 It requires the State "to take appropriate measures to ensure that: a. no marriage is entered into without the free and full consent of the intending spouses; b. children are not pledged in marriage; (...)"

42 *A Reflection on the Domestic Violence Act [Chapter 5:16] and Harmful Cultural Practices in Zimbabwe*, Sylvia Chirawu-Mugomba, The Zimbabwe Electronic Law Journal, [https://ir.uz.ac.zw/xmlui/bitstream/handle/10646/3341/Chirawu\\_Mugomba\\_A\\_Reflection\\_on\\_the\\_Domestic\\_Violence\\_Act%20%5BChapter%205-16%5D.pdf?sequence=1&isAllowed=y](https://ir.uz.ac.zw/xmlui/bitstream/handle/10646/3341/Chirawu_Mugomba_A_Reflection_on_the_Domestic_Violence_Act%20%5BChapter%205-16%5D.pdf?sequence=1&isAllowed=y)

Zimbabwe has conflicting legal provisions on the minimum age for marriage. The Customary Marriages Act sets no minimum age for marriage, while the Marriage Act states that girls under 16 cannot marry without the written consent of the justice minister. The Constitutional Court ruled in 2016 that “no person, girl or boy should be married before the age of 18”, thus, outlawing child marriages.<sup>43</sup> That same year, the CRC recommended that Zimbabwe “urgently amend all legislation in statutory and customary law to establish the age of marriage at 18 years, in line with the Constitution and the ruling of the Constitutional Court, and widely disseminate the ruling.”<sup>44</sup> As noted earlier, the Marriage Bill currently before Parliament requires that parties to the marriage must be 18 years or older. However, the issues with child marriages go beyond just the minimum age; there needs to be an independent law dealing specifically and holistically with child marriages. There is a need for multi-pronged strategies, such as poverty reduction, improved access to education and life skills, to tackle all factors fuelling child marriage.

Families are increasingly resorting to child marriage as a negative coping mechanism to address poverty and the lack of economic opportunities; once a daughter is sent away for marriage, there is one less person to feed, clothe and educate; moreover, the *lobola* is often welcome income for families living in poverty.

Marriage and pregnancy can be both the cause and consequence of girls dropping out of school. There was an increase in child marriages when public schools were closed during COVID-19-related lockdown; due to food insecurity some girls were also forced to elope.<sup>45</sup> Early childbearing can have severe consequences, negatively impacting girls’ education, livelihoods and health; for example, girls suffer complications during pregnancy and delivery.<sup>46</sup> As noted earlier, the introduction of school fees in 1992 affected girls’ access to education and contributed to an increase in child marriage.<sup>47</sup>

Forced virginity testing is still being practised by religious sects in some areas mostly under the guise of maintaining chastity for girls<sup>48</sup> despite being criminalised under the Domestic Violence Act. Girls are often reluctant to report it or are unable to use victim-friendly units due to the distance they must travel.

43 Mudzuru and another v minister of Justice, Legal and Parliamentary affairs 7 CCZ 12/15.

44 *Concluding observations on the second periodic report of Zimbabwe*, Committee on the Rights of the Child, CRC/C/ZWE/CO/2, 7 March 2016, paragraphs 24 and 25.

45 *Pandemic leads more girls to early marriages*, Kuzdai Chingwe, <https://www.umnews.org/en/news/pandemic-leads-more-girls-to-early-marriages>

46 See, for example, *National Adolescent Fertility Study*, UNFPA, Ministry of Health and Child Care, ZNFPC, 2016, <https://zimbabwe.unfpa.org/en/publications/national-adolescent-fertility-study>

47 See, for example, *Ending Child Marriage in Zimbabwe: Gaps and opportunities in legal and regulatory frameworks*, Girls Not Brides, <https://www.girlsnotbrides.org/learning-resources/resource-centre/ending-child-marriage-zimbabwe-gaps-opportunities-legal-regulatory-frameworks/>

48 *The traumatised virgins of Hurungwe*, The Sunday Mail, <https://www.sundaymail.co.zw/the-traumatised-virgins-of-hurungwe>



## RECOMMENDATIONS

(See also recommendations under the section on domestic violence)

- Urgently amend all legislation in statutory and customary law to establish the age of marriage at 18 years in line with the Constitution and the ruling of the Constitutional Court and widely disseminate the ruling in easy-to-understand formats, and in local languages;
- Adopt the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, which takes a holistic approach in dealing with eradicating child marriages;<sup>49</sup>
- Ensure that perpetrators of child marriage and other harmful practices are prosecuted and adequately punished;<sup>50</sup>
- Ensure that the Ministry of Justice, Legal and Parliamentary affairs issue guidelines for the judiciary on dealing with issues related to harmful cultural practices, such as child marriage, forced marriage and virginity testing, and drive better implementation of the Domestic Violence Act;
- Intensify awareness campaigns so as to eradicate the stigma discouraging women and girls who are victims of traditional harmful practices and other types of sexual and gender-based violence and discrimination from reporting it;
- Conduct public awareness campaigns, particularly involving boys and men, to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices that foster domestic violence and other forms of gender-based violence.

## VI. Domestic Violence

Despite the adoption of the Domestic Violence Act in 2006, domestic violence remains a serious concern in Zimbabwe. The COVID-19 response severely aggravated the exposure of women and girls to domestic violence and other forms of gender-based violence. Studies show that domestic violence in Zimbabwe has risen by 70% during the COVID-19 lockdown and that 94% of the cases were women exploited sexually, economically and physically.<sup>51</sup> In February 2021, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that “risks of gender-based violence continue to intensify in scale and scope while the population is exposed to degenerating food insecurity, compounded by economic hardship and socio-economic impact of the COVID-19 pandemic.” And that from the beginning of the lockdown on 30 March until the end of December

49 For more information, see *A Guide to Using the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage For Parliamentarians, Civil Society Organisations and Youth Advocates*, <https://esaro.unfpa.org/en/publications/guide-using-sadc-model-law-eradicating-child-marriage-and-protecting-children-already>

50 As also recommended by the CEDAW Committee, “(...) In particular, the Committee recommends that the State party: (a) Adopt the bill criminalizing child marriage and prosecute and adequately punish perpetrators”, *Concluding observations on the sixth periodic report of Zimbabwe*, CEDAW/C/ZWE/CO/6, 10 March 2020, paragraph 50.

51 *Zimbabwe: COVID-19 Lockdown Gender Based Violence cases up by 70 percent*, 2020, <https://www.wildaf-ao.org/index.php/en/woman-news/news/1781-zimbabwe-covid-19-lockdown-gender-based-violence-cases-up-by-70-percent>

2020, the national GBV Hotline (Musasa) recorded an overall average increase of over 40% of gender-based violence calls compared to the pre-lockdown trends. OCHA also reported that about 90% of cases are intimate partner violence.<sup>52</sup>

The pandemic disrupted support services to women and girls in need due to restrictions on mobility and reduced availability of public transport. OCHA reported that “reduced public transport availability remains a challenge in urban, peri-urban, and rural areas for survivors of GBV to access timely multisectoral services. In most impoverished areas, de-prioritisation of GBV services is increasingly recorded, as access to daily income sources for household sustenance remains constrained, despite the recent easing of lockdown measures.”<sup>53</sup>

The Anti Domestic Violence Council was established to ensure that communities report cases of domestic violence and to ensure that victims do not remain in violent relationships. However most victims stay in abusive relationships due to poverty and financial dependence on their partner; they would face economic hardships if their partner who is the main breadwinner is in prison.



## RECOMMENDATIONS

- Ensure free legal proceedings for survivors of domestic violence, in particular women living in poverty, rural women and women with disabilities, and take measures to protect survivors. This includes the adoption of protection orders against the perpetrators of the violence; ensuring that perpetrators are prosecuted and punished; and ensuring the availability and accessibility of victim-friendly well-funded units, shelters, counselling and rehabilitation services throughout the country, including in small cities and rural and remote areas;
- Ensure that survivors of domestic violence have access to sustained financial assistance, especially in cases where the perpetrator is the breadwinner;
- Allow cases of violence to be reported at easily accessible places such as pharmacies;
- Take measures to prevent and prosecute violence against women as a key part of the national response plans for COVID-19;
- Provide training and awareness raising measures to security forces, police, judges, political authorities, traditional leaders, especially in rural areas, to ensure that domestic violence is recognised as a human rights violation and that the Domestic Violence Act is effectively implemented;
- Collect and produce data on the number of complaints filed on the basis of the 2006 Domestic Violence Act and of prosecutions initiated for domestic violence cases, as well as updated statistics on the extent of domestic violence in the country; this information should be disaggregated by age, sex, nationality and relationship between survivor and perpetrator;
- Allocate adequate human, technical and financial resources and establish monitoring and assessment mechanisms for the implementation of the National Programme on Gender-Based violence prevention and response with the principles of inclusion and accessibility for all women.

52 <https://reports.unocha.org/en/country/zimbabwe/card/2XxB9GOV93/>

53 <https://reports.unocha.org/en/country/zimbabwe/card/2XxB9GOV93/>



## VII. Rural Women's Participation in Political and Public Life

The 2013 Constitution provides for temporary measures to increase women's representation and participation of women in politics through a special electoral quota system applying to the National Assembly. The special measure reserves 60 seats for women to be elected through a system of Proportional Representation, based on the votes cast for political party candidates in the lower house (National Assembly). For the 60 elected Senate seats, women and men candidates are listed alternately, with every list headed by a woman candidate. Section 17 ('Gender balance') stipulates, *inter alia*, that women should constitute at least half the membership of all Commissions and other elective and appointed governmental bodies. Section 80 ('Rights of women') confers on women the right to equal opportunities in political, economic, cultural and social spheres. According to government data, in 2018 there were 31% of women in the Lower House and 43.7% of women in the Senate. However, women represented only 13.3% of the Local Government Councillors.<sup>54</sup>

As also noted by the CEDAW Committee, "the constitutional gender quota for the National Assembly will expire in 2023 and that there are no sanctions for political parties found to be in non-compliance with gender parity targets in candidate lists for the Senate."<sup>55</sup> In addition, as noted by the Committee, constitutional provisions on gender equality are not implemented in the executive branch as evidenced by the low number of women ministers.<sup>56</sup> Moreover, while the 2013 Constitution has made great strides in advancing the rights of women, the legislation should be aligned with the Constitution through a specific gender equality law, as recommended by the CEDAW Committee.<sup>57</sup> The government indicated that this would be done but no specific time frame was set.

Zimbabwe implemented measures aimed at promoting gender equality through the adoption of the Revised National Gender Policy.<sup>58</sup> It does not have a national action plan for the implementation of UN Security Council resolution 1325 and subsequent related resolutions.

Rural women are affected by multiple and intersecting forms of discrimination that contribute to their marginalisation and hinder their participation in political, economic and public life: food insecurity, general poverty, gender income inequality and the devastating effects of climate change. Furthermore, there is a lack of adequate state measures to protect and ensure resilience in rural

<sup>54</sup> See table "Women's representation in Politics 2018", in *Replies of Zimbabwe to the list of issues and questions in relation to its sixth periodic report to the CEDAW Committee*, CEDAW/C/ZWE/RQ/6, 15 January 2020, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fZWE%2fRQ%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fZWE%2fRQ%2f6&Lang=en)

<sup>55</sup> *Concluding observations on the sixth periodic report of Zimbabwe*, CEDAW Committee, CEDAW/C/ZWE/CO/6, 10 March 2020, paragraph 33.

<sup>56</sup> *Ibid.*

<sup>57</sup> In 2020, the CEDAW Committee noted "that the Constitution contains references to the principle of non-discrimination and gender equality and a comprehensive bill of rights, including women's rights. However, the Committee notes with concern the absence of a specific gender equality law enshrining the principle of equality of women and men and containing a definition and prohibition of all forms of discrimination against women, including direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with article 1 of the Convention" and recommended that Zimbabwe, "in line with articles 1 and 2 of the Convention, adopt, without delay, a law on gender equality, covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres, as well as intersecting forms of discrimination against women." CEDAW/C/ZWE/CO/6, paragraph 11 and 22.

<sup>58</sup> *New National Gender Policy is Launched*, July 2017, <https://www.zw.undp.org/content/zimbabwe/en/home/presscenter/articles/2017/07/06/milestone-as-new-national-gender-policy-is-launched0.html>

communities. Rural women have limited access to formal credit and loans that are made available by the Women's Microfinance Bank because of the list of requirements which the majority of rural women cannot meet.

Most rural women lack access or have limited access to important information (e.g. timely information on electoral issues) as digitalisation and the effects of the technological revolution have excluded them from any potential benefits generated by these. This situation also reinforces the dominant position of men in social, economic and political life. The use of online platforms further marginalises rural women. They are always represented minimally on digital platforms (e.g. many do not have smartphones) and, as a result, they cannot make their voices heard.

Despite the fact that women's labour is essential for food security and thus, for the survival of their communities, patriarchal norms and gender inequality have put women in an unequal economic, educational and political position.

According to FAO, approximately 61% of farmers in Zimbabwe are women. Rural women work 16 to 18 hours a day, spending 49% of their time on agricultural activities and 25% on domestic activities.<sup>59</sup> Searching for clean water sources also takes much of their time. However, their essential work is unrecognised and unpaid. Men work predominantly with land preparation, ploughing and pest control while women are primarily engaged in watering, planting, fertilizing, weeding, harvesting and marketing. Furthermore, although women are overrepresented in agricultural production, harmful cultural practices and norms impede their access to land ownership and inheritance. Women and girls also carry out the majority of firewood gathering and almost all the water fetching, food processing, preparation, cooking and domestic work.<sup>60</sup> This time and labour-consuming gender-based division of work prevents rural women from accessing decision-making spaces as men and other women from the cities.

## RECOMMENDATIONS

- Conduct an assessment of the scope, characteristics and circumstances of women's unpaid work within their households and communities in rural areas with the aim to take concrete steps to remove the barriers for rural women's participation in social, economic and political life, *inter alia*, through activities that promote equal division of unpaid work within homes and communities between women and men and investments in social infrastructure such as water utilities or day care centres for children;
- Introduce targeted activities in rural communities (e.g. election campaign funding, child-care support, training) to promote women's greater participation in government and public administration in accordance with the constitutional gender equality provisions;

59 See FAO fact sheet, <http://www.fao.org/3/V9101e/v9101e01.htm>; see also "Table 2: Employment and decision making", in National gender profile of agriculture and rural livelihoods, Zimbabwe, page 6, <http://www.fao.org/3/i6997e/i6997e.pdf>

60 *Fact Sheet: Zimbabwe – Women, agriculture and rural development, The role of women in agriculture*, FAO, <https://www.fao.org>

- Ensure full implementation of the gender equality provisions in the Constitution. This includes implementing the CEDAW Committee recommendation that Zimbabwe “In line with articles 1 and 2 of the Convention, adopt, without delay, a law on gender equality, covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres, as well as intersecting forms of discrimination against women;”<sup>61</sup>
- Enforce the principle of gender equality in Section 17 of the Constitution in the appointment of government ministers and members of the boards of public and private companies. In this regard, implement CEDAW Committee’s recommendations, including to
  - “Ensure the applicability of the constitutional gender quota beyond the elections in 2023 and until substantive equality between women and men is achieved, make gender quotas for political parties’ electoral lists mandatory and require the Zimbabwe Electoral Commission to impose sanctions, including monetary fines, in cases of non-compliance;”<sup>62</sup>
- Craft a specific plan of action with time frames that details the alignment of laws with the gender-equality provisions in the Constitution and that clearly outlines a timeframe for the adoption of a gender-equality law;
- Adopt an integrated and gender-sensitive approach to environmental destruction and climate change paying specific attention to challenges faced by communities in rural areas, in particular rural women and girls, and ensure financing for long term, sustainable solutions;
- Strengthen and improve efforts towards economic empowerment of rural women, through, *inter alia*, improving women’s access to existing projects and activities and ensuring their full enjoyment of right to land, including by implementing the CEDAW Committee’s recommendations to:
  - “Expediently complete a comprehensive and independent land audit to ascertain land ownership patterns, expose inequalities in land redistribution and release land for redistribution to women, as well as improve the allocation of resources to the Land Commission to enable it to implement its mandate fully and expediently;
  - Facilitate access by women to their inherited land and penalize any action impeding or preventing them from enjoying their right to land, facilitate their access to adequate loans and financial credit, including through technical assistance, counselling and financial literacy training, and promote the establishment and scaling-up of small enterprises;
  - Strengthen efforts to promote the economic empowerment of rural women, ensuring that they have access to justice, education, employment, health, housing, safe water and sanitation, electricity and other infrastructure.”<sup>63</sup>

61 Concluding observations on the sixth periodic report of Zimbabwe, CEDAW Committee, CEDAW/C/ZWE/CO/6, 10 March 2020, paragraphs 11 and 22.

62 CEDAW/C/ZWE/CO/6, paragraph 34 (a).

63 Concluding observations on the sixth periodic report of Zimbabwe, CEDAW Committee, CEDAW/C/ZWE/CO/6, 10 March 2020, paragraph 20(b).

- Improve the living conditions of the people in rural areas by ensuring access to sufficient safe and affordable water and sanitation, electricity and other infrastructure, education, health, and justice;
- Improve resource allocation to the national gender machinery to enable effective response to women’s rights and implement the CEDAW Committee’s recommendation to:
  - “Provide the Zimbabwe Gender Commission and the Ministry of Women Affairs, Community, Small and Medium Enterprises Development with adequate human, technical and financial resources to enable them to carry out their mandates effectively, integrate those mandates into the national macroeconomic framework and sectoral plans and ensure that all components of the national machinery for the advancement of women work in a coordinated and targeted manner, strengthening their cooperation, including with the national human rights institution;”<sup>64</sup>
- Develop and adopt a national action plan to implement UN Security Council resolution 1325 and subsequent related resolutions; allocate specific and maximum available resources to the monitoring and implementation of the plan.

## VIII. Challenges to Right to Housing, Including Homelessness

The general outlook of housing in the country is that people live in overcrowded homes. For example, Care International in Harare reported that “Households in Masvingo, Norton and Epworth live in crowded houses with sharing of a house by at least 2 households being common. It was noted that this was making social distancing in these areas challenging.”<sup>65</sup>

Most people cannot afford to buy land to build their homes with a formal land title due to poverty. The majority of those who are unemployed cannot afford to pay monthly rentals. Those working in the informal sector, many of whom are women, find very difficult to get housing because they cannot meet requirements (e.g. a bank statement, a proof of income, a substantial deposit) to get on a housing scheme. For example, many of them do not even have a bank account.

In 2013, it was reported that “according to the Ministry of National Housing and Special Amenities, there are approximately 1.2 million people on the government’s national housing waiting list, although the exact figure is not known because most local authorities do not collect the necessary data.”<sup>66</sup>

While many legal housing cooperatives, which are approved and registered by city councils, do buy land in order to help locals to build homes, some land barons, who are very powerful business people selling land, have set up illegal housing associations and sell land they do not own to

64 *Concluding observations on the sixth periodic report of Zimbabwe*, CEDAW Committee, CEDAW/C/ZWE/CO/6, 10 March 2020, paragraph 20(b).

65 *CARE Zimbabwe Rapid Gender Analysis for COVID-19*, <http://www.careevaluations.org/evaluation/care-zimbabwe-rapid-gender-analysis-for-covid-19/>

66 *Zimbabwe’s urban housing crisis*, <https://www.thenewhumanitarian.org/fr/node/253274>

unsuspecting residents, thus, taking advantage of desperate people who want to build houses. As a result, Harare City Council has taken legal action to deal with the malpractice, targeting more than 20 housing cooperatives it says are operating illegally. But instead of punishing those earning money from those illegal housing associations, the measures have affected hundreds of families and home owners who have spent more than ten years investing in their homes. In 2017, it was reported that “in recent years, the government has destroyed illegally built informal settlements in Harare and other urban areas, leaving hundreds of thousands homeless, even though many of them believed they legally possessed their plots, after paying so-called land barons who didn’t actually own the property. City officials urge prospective buyers to check property records to ensure that land is available for purchase, but viewing and copying those records is costly.”<sup>67</sup>

Furthermore, heavy rains left hundreds of Zimbabweans homeless after their homes built on wetlands flooded. In February 2021, it was reported that “authorities are refusing to help saying those left homeless are squatters who illegally built on the wetlands.”<sup>68</sup>



## RECOMMENDATIONS

- Invest in the provision of affordable and decent housing and accommodation and prioritise people with disabilities and their families in housing delivery schemes;
- Develop housing schemes that facilitate women working in the informal sector;
- Put in place policies that protect people from bogus housing cooperatives before structures are erected to avoid demolitions. These include measures to allow easy, accessible and free verification of property records;
- Implement the recommendation of the Committee on Economic, Social and Cultural Rights (CESCR) that “appropriate measures be taken in order more effectively to guarantee the right to housing and, in particular, to ensure that no forced evictions are carried out without alternative housing being offered, in accordance with the Committee’s General Comment No. 4 (1991).”<sup>69</sup>

<sup>67</sup> *After Building on Land They Thought They Owned, Zimbabweans Are Left Homeless*, Global Press Journal, <https://globalpressjournal.com/africa/zimbabwe/building-land-thought-owned-zimbabweans-left-homeless/>

<sup>68</sup> *Hundreds homeless Zimbabwe wetlands following incessant rains*, February 02 2021, <https://nehandatv.com/2021/02/03/hundreds-homeless-in-zimbabwe-wetlands-following-incessant-rains-watch/>

<sup>69</sup> *Concluding observations of the Committee on Economic, Social and Cultural Rights, Zimbabwe*, E/C.12/1/Add.12, 20 May 1997, paragraph 21.





Zimbabwe has been facing an economic crisis for over a decade and the situation has been exacerbated by the COVID-19 pandemic. This situation has hit women and girls hard, negatively impacting on their rights, whose enjoyment was already restricted before the crisis due to pre-existing gender inequality and persisting harmful cultural practices, such as child marriage.

This submission to the Universal Periodic Review of Zimbabwe illustrates impacts on sexual and reproductive rights; the right to education, including as a result of the shift to e-learning; women's right to work; domestic violence; child marriage; challenges to right to housing, including homelessness. The submission also presents some of the concerns relating to the marriage regime, stressing the urgent need to accelerate the harmonisation process of the marriage law. With regard to women's participation in political and public life, the submission focusses specifically on challenges facing rural women.



WOMEN'S INTERNATIONAL LEAGUE FOR  
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