

<b>Country</b>	<b>Zimbabwe</b>
<b>SIGI 2019 Category</b>	<b>Medium</b>
<b>SIGI Value 2019</b>	<b>32%</b>

<b>Discrimination in the family</b>	<b>43%</b>	
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	23%
	Legal framework on household responsibilities	75%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	25%
	Female to male ratio of time spent on unpaid care work	1.9
	Legal framework on inheritance	25%
	Legal framework on divorce	25%

<b>Restricted physical integrity</b>	<b>20%</b>	
	Legal framework on violence against women	50%
	Proportion of the female population justifying domestic violence	39%
	Prevalence of domestic violence against women (lifetime)	35%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	50%
	Female population with unmet needs for family planning	10%

<b>Restricted access to productive and financial resources</b>	<b>34%</b>	
	Legal framework on working rights	75%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	7%
	Share of managers (male)	79%
	Legal framework on access to non-land assets	25%
	Share of house owners (male)	66%
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	50%
	Share of account holders (male)	58%

<b>Restricted civil liberties</b>	<b>31%</b>	
	Legal framework on civil rights	25%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	70%
	Legal framework on political participation	25%
	Share of the population that believes men are better political leaders than women	58%
	Percentage of male MP's	67%
	Legal framework on access to justice	75%
	Share of women declaring lack of confidence in the justice system	48%

Note Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Zimbabwe's Constitution was signed into law in 2013, and is extensive in promoting gender equality through recognizing men and women's equal political rights.

## **1. Discrimination in the family**

### **a) Overarching legal framework for marriage**

The law recognises three types of marriage in Zimbabwe. These include civil marriage, registered customary marriage, and unregistered customary marriage. Unregistered customary marriages are common, and contribute to the vulnerability of women in Zimbabwe because they lack the legal protections of registered marriages. Both customary and civil marriages can be registered, as can religious marriages where a religious leader is registered as a civil marriage officer in terms of The Marriages Act [Chapter 5: 11]. However, informal unions and same-sex marriages are not recognised. Same-sex marriages are in fact prohibited in terms of the Constitution.

The legal norm for marriages in Zimbabwe is to be married out of community of property, unless a written request is made to be married in community of property (The Married Persons Property Act, Section 2 (1)).

Women have the same rights as men to enter into marriage and forced marriage is prohibited in terms of the Constitution, and in terms of the Domestic Violence Act.

### **b) Child marriage**

The Constitution (2013) sets the legal age of majority at 18 years for both girls and boys, and indicates that the legal age of marriage is the age of majority. The Constitution (2013, Section 7) includes a requirement that awareness of the Constitution is taught in schools as part of the curriculum. In addition, the Marriages Act [Chapter 5: 11] contains a clause indicating that the legal age for girls was 16, and this has not been amended following the introduction of the Constitution in 2013.

The Constitution of the Republic of Zimbabwe (2013) notes that the State must take appropriate measures to ensure that children are not pledged for marriage, and child marriage is classified as a form of domestic violence in the Domestic Violence Act [Chapter 5:16], Section 3. Child marriages are permissible with the permission of a legal guardian and/or parent, and where this consent is not gained it is possible to seek the permission of a judge of the high court, or the Minister of Home Affairs. In addition, where a child marriage has been improperly solemnized, it is not automatically voided, and the officials involved can apply to have it officially sanctioned in terms of the Marriages Act [Chapter 5:11] Section 22.

Although a State policy was introduced in 1999 to allow pregnant girls to re-enrol in schools after delivery, the CEDAW Committee (2012) expressed concern that this was not well implemented. In addition, they noted high levels of sexual harassment of girls in schools. UNICEF (2016) noted that almost one third of Zimbabwean girls were married by the age of 18. According to Africa for Women's Rights (date not specified) early and forced marriage are common in Zimbabwe. This has been linked

to teen pregnancy, and is both a cause of and linked to school drop out for girls, negatively impacting their educational attainment (CEDAW, 2012).

### c) Household responsibilities

Although women and men are granted equal rights in marriages and in society, gender norms still require women to do the majority of childcare and household work (Zimbabwe Civil Society Shadow Report to the CEDAW Committee, 2012). The Constitution of the Republic of Zimbabwe (2013) Section 17 requires the State to promote full gender balance in Zimbabwean society, and in particular the full participation of women in all spheres of Zimbabwean society on the basis of equality with men.

The Constitution (2013) provides women with the same rights as men regarding the custody and guardianship of children and requires the State to pass a law determining how this is applied. It also provides for the protection of children in the result of dissolution of marriage whether through death or divorce, and the prevention of discrimination on the grounds of being born out of wedlock. However, traditional norms have viewed children as primarily under the guardianship of their father, despite the fact that women often bear the primary responsibility for raising their children (Zimbabwe Civil Society Shadow CEDAW Report, 2012).

The Constitution (2013) grants all Zimbabweans, regardless of gender, the right to move freely within Zimbabwe, to make decisions with regards to their property, and to reside in any part of Zimbabwe.

The most recent Demographic and Health Survey (DHS) (2015) revealed some advancements and some challenges in achieving women's empowerment in terms of household responsibilities. The report noted that the majority of women who receive cash earnings continue to decide jointly with their husbands how to spend that money, and just less than a third decide for themselves (Government of Zimbabwe, 2015). The report notes that this has been a trend since around 2005, thus there has been no improvement.

Data on household decision-making does provide some insight into the gender norms around household responsibilities. The 2015 DHS recorded information on decision making relating to the respondent's own health care, major household purchases, and visits to family or relatives. The report noted that women's ability to participate in household decisions increases with age (older women are most likely to be responsible for these decisions), urbanisation (urban women are 12% more likely than rural women to participate in all three decisions), and education and wealth (Government of Zimbabwe, 2015, p. 299).

### d) Divorce

Either the husband or the wife, under the same conditions, can initiate divorce. The grounds for divorce are an irretrievable breakdown of the marriage, or an incurable mental illness or continuous unconsciousness of one of the parties. The CEDAW committee (2012) and the Zimbabwe Civil Society Shadow CEDAW report (2012) both noted that access to divorce was influenced by cultural norms, economic inequality, and the location of the High courts in urban areas.

In order to make awards of matrimonial property in the cases of Divorce the court is required to apply the Matrimonial Causes Act [Chapter 5:13] and distribute the assets of the spouses both individually

or jointly at the time of the dissolution of marriage according to several factors (Kanokanga and Partners, 2015). These include the income-earning capacity, assets and other financial resources which each spouse and child has; their financial needs, obligations and responsibilities; the standard of living of the family; the age and physical and mental condition of each spouse and child; the direct or indirect contribution made by each spouse to the family; the value to either of the spouses or to any child of any benefits like pension funds; and the duration of the marriage (Kanokanga and Partners, 2015).

However, according to the FAO (2017) women often face discrimination from judges who do not take into account women's contributions to care work within households, and thus unevenly distribute marital land and property.

### **e) Inheritance**

The Constitution of the Republic of Zimbabwe requires the equal treatment of women, regardless of sex. In addition, it suggests that all discriminatory laws, customs, traditions and cultural practices are void to the extent that they conflict with the Constitution. The Administration of Estates Amendment Act (1997) makes provision for the protection of surviving married spouses, however these are often trumped by cultural practices that prohibit women's access to property and land following the death of their spouse or father (Human Rights Watch, 2017).

The laws around disinheritance are conflicting. The Constitution of the Republic of Zimbabwe (2013) requires the State to take appropriate measures to ensure that in the event of dissolution of a marriage through death provision is made for the necessary protection of any children and spouses. Zimbabwean women and men are equally able to make a will. The Wills Act [Chapter6:06] does allow for disinheritance, and notes that a will shall not be declared invalid just because it has omitted relevant surviving spouses or children.

The FAO (2017) notes that women lack support from judicial institutions in cases of inheritance. Custom requires the consent of the relatives of the deceased husband to confirm unregistered unions, or to confirm birth registration. In addition, the CEDAW Committee notes that discriminatory customary laws and practices, especially in rural areas and remote communities, negatively affect women with regards to marriage and its dissolution, and with regards to inheritance and property rights (CEDAW, 2012).

Widows in Zimbabwe are protected from forced wife inheritance, and their right to protection at the dissolution of a marriage as a result of death is also enshrined in the Constitution. However, many widows in Zimbabwe report property grabbing and violence directed towards them following the death of their spouse. A Human Rights Watch Report (2017) notes that in particular, women in unregistered customary marriages, are frequently deprived of their right to property, and when they do seek legal routes to protect their rights, face major barriers to doing so. Court fees are prohibitive (Human Rights Watch, 2017).

## **2. Restricted Physical integrity**

The Constitution (2013, Section 52) provides all Zimbabweans the right to freedom from all forms of violence from public or private sources, and from freedom from torture or cruel, inhuman or

degrading treatment or punishment (Section 53). The Constitution also provides a requirement that the State prevent domestic violence in order to protect the family. Zimbabwe has signed the Maputo Protocol as well as the Southern African Development Community Protocol on Gender and Development.

### **a) Violence against women**

The 2015 DHS revealed that violence against women is a significant problem in Zimbabwe. The report notes that of women aged 15 – 49, 35% had experienced physical violence, 14% had experienced sexual violence at least once in their lifetime, and 32% of ever-married women had experienced spousal emotional violence. Of those who had experienced physical or sexual violence, 39% sought help (Government of Zimbabwe, 2015).

The law places a duty on the police to investigate crimes. Zimbabwe has a system in place to provide sensitive support to child victims of sexual offences, covering both girls and boy children. This includes victim friendly police units, victim friendly courts, victim friendly health services, support from the department of social services, and victim friendly referral systems (UNICEF, Save the Children, and the Government of Zimbabwe, 2011). A 2014 evaluation of this system revealed that it has been a successful system, but that challenges due to capacity gaps in government still exist (Save the Children, 2014). In addition, the evaluation noted challenges with accessing sufficient budget for these services.

In 2012 Zimbabwe launched a Multi-Sectoral Protocol to manage sexual abuse and violence in Zimbabwe. Both government and civil society organisations developed this protocol. It aims to provide guidance to stakeholders for the prevention of sexual abuse and violence, and to better support the needs of sexual violence survivors. It makes clear the roles of the police, the health ministry, the ministry of women affairs, the department of public prosecutions, the judicial services commission, the ministry of labour and social services, the ministry of justice and legal affairs, and the ministry of education. The primary responsibility for coordinating and overseeing the protocol is given to the National Victim Friendly Services Committee, which is managed by the Chief Magistrates Office.

Zimbabwe also had a National Gender Based Violence Strategy (2012 – 2015), which also detailed suggestions in terms of supporting victims of gender-based violence. However, this has expired and a new strategy has not yet been introduced or made publicly available. The Ministry of Women Affairs, Gender and Community Development is responsible for monitoring gender-based violence through data collection, and through the monitoring of legislation. The Government of Zimbabwe Beijing Plus 20 report indicates that a lack of budget hampers the ability of the Ministry to do its work effectively (The Government of Zimbabwe, 2015).

### **b) Domestic violence**

Domestic violence is defined as a criminal offence via The Domestic Violence Act [Chapter 5:16] and is defined expansively to include physical, sexual, emotional, verbal, psychological and economic abuse. It also includes intimidation, stalking, harassment, malicious damage to property, and a number of culturally based practices, which are deemed to be harmful to women. The act covers current and former relationships. In addition, the Constitution commits the State to preventing domestic violence in order to protect families. However, as the statistics from the DHS indicate, this remains a significant problem, and is supported by social norms that promote violence against women.

The law requires that there should be a specialist police officer at every station, who is tasked with implementing the act, and with providing good advice to survivors on their rights, as well as services that they can access. Although the Act provides for shelters, reports suggest that there are only two shelters in Zimbabwe with significant physical and financial capacity constraints (Immigration and Refugee Board of Canada, 2015).

The Domestic Violence Act establishes the Anti-Domestic Violence Council, whose duties are Section to take all steps to disseminate information and increase the awareness of the public on issues of domestic violence, and to do anything necessary for the effective implementation of this Act. The Zimbabwe National Gender Based Violence Strategy is based on four pillars, the first of which is prevention. The 4ps Campaign on Zero Tolerance to Domestic Violence was run as part of this pillar, which focussed on social and community mobilisation with respect to domestic violence. However, recent media reports suggest that this Council is hamstrung by a lack of budget (Legal Resources Foundation, 2014; The Government of Zimbabwe, 2015).

Domestic violence survivors are able to be referred for health services, and to try to claim from their abuser for any medical expenses in their protection order application. National Gender Based Violence Strategy (2012 – 2015) had a target of establishing hotlines for domestic violence survivors, however it is not clear whether these were established.

The most recent DHS (2015, Page 300) assessed attitudes towards wife beating, asking respondents whether they agreed that a husband is justified in hitting or beating his wife under a number of set circumstances (if she burns the food, goes out without telling him, argues with him, neglects the children, or refuses to have sex with him). In Zimbabwe, more women (39%) than men (33%) believed that a husband is justified in beating his wife for at least one of the five specified reasons, most commonly for going out without telling him, or neglecting the children. The DHS notes that tolerance of wife beating decreases steadily with education, urbanisation, and wealth. Tolerance for wife beating was reported as most common in rural areas. However, positively, the DHS notes that tolerance has declined over time.

### **c) Rape**

The Criminal Law Act (Codification and Reform) [Chapter 9:23] covers a number of sexual offences including rape, aggravated indecent assault, indecent assault, sexual intercourse or performing acts with young persons, sex work, and public indecency.

The definition of rape includes marital rape. The definition is centred on consent, and the requirement that the perpetrator knew that the woman had not consented, or realises that there is a risk or possibility that she may not have consented. Men cannot be raped according to Zimbabwean law, and women cannot be rapists. Rape carries with it a possible life-sentence in prison. Sentencing in rape and other sexual crimes does have aggravating circumstances and the magistrate is required to take into account a number of factors including the age of the victim, the degree of force, the extent of physical and psychological injury, the age of the perpetrator, the use of weapons, the relationship between the rapist and the victim (i.e. whether he was a parent or guardian, or position of authority over the person raped), and whether the perpetrator was HIV positive at the time (The Criminal Law Act (Codification and Reform) [Chapter 9:23] Section 68 (2)).

In addition, reports suggest that social norms normalise rape within and outside of relationships (US Department of State, 2016 and Zimbabwe Civil Society Shadow Report to CEDAW, 2012). These norms affect the service providers tasked with supporting rape survivors. As a result, reports suggest that rapes are not always investigated, particularly when political figures are involved (US Department of State, 2016). Although the legislation around sexual offences provides for long sentences for perpetrators of sexual crimes, these are rarely implemented (US Department of State, 2016). In addition, where children were born as a result of a rape, both they and their mothers were socially stigmatized leading to poor registration of births (US Department of State, 2016).

Although rape clinics exist at some public hospitals they are run via non-governmental organisations and rely on funding from the Ministry of Health in order to run effectively. This impacts on the standardisation of services at a public health level (US Department of State, 2016).

#### **d) Sexual harassment**

Sexual harassment in Zimbabwe is only defined in the context of the work environment (The Zimbabwe Labour Act [Chapter 28:01] Section 8), however the Domestic Violence Act does include harassment as a form of domestic violence (but not specifically sexual harassment). Reports of sexual harassment are attended to at the Labour Court rather than through criminal proceedings. There are reports that sexual harassment is common in public and private spaces within Zimbabwe including universities, workplaces, parliament, and schools (US Department of State, 2016). In 2015 a student advocacy group, the Female Students Network, brought incidents of university sexual harassment to the Ministry of Women Affairs, Gender and Community Development. Almost 10% of 3425 college students interviewed reported encountering unwanted physical contact from male students, lecturers and non-academic staff, and 16% reported having been forced into unprotected sex with lecturers or other staff (US Department of State, 2016). Few tertiary institutions had a policy to protect students, and stigma and fear of retaliation reduced reporting. The Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe (2012) only dealt with sexual harassment at schools, placing the responsibility on the Principal to address these matters.

#### **e) Female genital mutilation**

There is no specific law to address female genital mutilation. However, it is prohibited in terms of the Constitution, the Domestic Violence Act, and the Criminal Law Act (Codification and Reform).

#### **f) Abortion**

Abortion in Zimbabwe is illegal in terms of the Constitution, the Criminal Law Act (Codification and Reform), and the Termination of Pregnancy Act. Anyone who intentionally terminates a pregnancy can be charged with unlawful termination of pregnancy and liable to a fine or imprisonment up to five years or both (Criminal Law Act (Codification and Reform) [Chapter 9:23], Section 60). However, the Termination of Pregnancy Act (Chapter 15:10, Section 4) provides certain conditions where pregnancies can be terminated which include danger to the woman's life, or a serious threat to permanently damage her physical health, or where the child will be born with a physical or mental disability, or where the baby was conceived as a result of unlawful intercourse. The Act requires the permission of a designated medical practitioner. This can be a difficult process in a country where

access to health care is poor. Marie Stopes International (2014) reports that each year, more than 70 000 women seek illegal abortions.

### *More*

Women with disabilities are not well accounted for in terms of the Zimbabwean Government's response to sexual and gender-based violence (Nyakanyanga, 2017). Reporting the crime and accessing justice is difficult for women and girls with physical or intellectual disabilities.

## **3. Restricted Access to productive and financial resources**

Zimbabwe has signed and enforced ILO Convention 169 (Indigenous and Tribal People's Convention), Convention 100 (Equal Remuneration), and Convention 111 (Discrimination (Employment and Occupation)). It is also a signatory to the 2003 Maputo Protocol to the African Commission on Human and People's Rights on Women's Rights which requires African States to promote women's access to land and security over productive resources. In Zimbabwe, 70% of agricultural labour is provided by women (Oxfam Zimbabwe, 2016). Despite this, women are much less likely than men to own land, and to have security of tenure.

### **a) Secure access to land and assets**

The Constitution of Zimbabwe (2013) recognises men and women as equal citizens and provides a framework for equal secure access to land and assets. However, there are challenges with regards to implementation of these rights (Oxfam in Zimbabwe, 2016).

Zimbabwe has four main systems of land tenure. These are freehold private land, state land, communal land, and leasehold resettlement systems (Food and Agriculture Organization of the United Nations (FAO), 2017). The former three are linked to the country's colonial heritage.

Freehold private land is primarily linked to commercial farming on a large and small scale. In this land ownership system the registered landowner has exclusive property rights, exclusive control over the land, and full responsibility for the land and everything attached to it (unless these are limited by statutory provisions e.g. around water, or indigenous timber, or wildlife). This type of land makes up around 32% of Zimbabwe's land (FAO, 2017).

The Communal Land Act of 1983 governs the communal land tenure system. This affects approximately 42% of the land area, occupied by approximately 66% of the Zimbabwean population (FAO, 2017). According to this legislation, all communal land is vested in the State President who can limit or permit occupation thereof.

Rural District Councils can also allocate land to qualified person on behalf of the state. According to the Traditional Leaders Act of 1998, Chiefs, Headmen and Village Heads are appointed as officers, and have wide powers to allocate communal land (FAO, 2017). In addition Village Development Committees are also able to allocate land. Women are not broadly represented in either of these sets of structures, and do not participate regularly (FAO, 2017). As a result, women are often discriminated against in terms of access to and control over land (Oxfam in Zimbabwe, 2016). Village land is often

only accessible through a male relative, and is considered to belong to the clan through the patrilineal line (The Government of Zimbabwe, 2015).

Men in Zimbabwe are the primary landholders, and, thus according to an FAO report, women must negotiate access through male relatives. When women do lose their land, or try to renegotiate their land rights following the death of a spouse, these negotiations are extremely patriarchal, often resulting in gender-based violence (FAO, 2017). Because women are frequently not recorded on land title deeds, they may be also open to labour exploitation in communal areas (FAO, 2017.)

Resettlement land covers about 10% of Zimbabwe's land. These areas have no title, and are linked to post-independence efforts to reduce crowding and population pressure in communal land areas (FAO, 2017). In 1992 the Land Acquisition Act also gave Government stronger powers to acquire land for resettlement, if 'fair' compensation for the land. In 2000 following the rejection of a Draft Constitution, land occupation in Zimbabwe increased.

The Fast Track Land Reform Programme aimed to accelerate resettlement. However, quotas for women were not set (FAO, 2017). Women did not benefit as much as men from these programmes, with less than 20% of land over both resettlement phases going to women (Oxfam in Zimbabwe, 2016). Where women have gained access to land through marriage it is unlikely for them to have decision-making power over that land. In addition, it has been reported that tenure security for all occupants of fast-track land reform programme land is poor (Oxfam in Zimbabwe, 2016).

Gender norms also may influence joint registration of lands, which although permitted may be limited by men's refusal to jointly register land. According to Oxfam in Zimbabwe (2016) women themselves have also been known to limit their own rights by registering their land in the name of a male relative (e.g. son or brother). Land disputes affect women more often than men, and where conflict over land occurs women are more likely to be targeted (Oxfam in Zimbabwe, 2016). The most recent DHS (2015) reflects that joint ownership of land or property is more likely than women's or men's sole ownership of property (The Government of Zimbabwe, 2015, Page 298). The DHS also notes that house ownership is more common in rural than in urban areas, and that men and women in the lowest wealth quintiles are more likely than those in other wealth quintiles to own a home. (The Government of Zimbabwe, 2015, Page 298).

The CEDAW Committee (2012) noted that rural women in Zimbabwe have limited access to land ownership as compared to men, and that only 10% of the land under the land reform programme was allocated to women. The Committee also noted that discriminatory customs and traditional practices continued to prevent rural women from inheriting or acquiring ownership of land and other property. In addition, the Zimbabwe Civil Society Shadow Report to the CEDAW Committee (2012) further notes that although the Zimbabwean Constitution permits affirmative action the land allocation patterns do not show any attempt to implement this option, or to provide access to land for women in a way that addresses past imbalances.

#### **b) Secure access to formal financial resources**

The People's Own Savings Bank of Zimbabwe Act [Chapter 24:22] Section 37 determines persons by whom deposits shall be made, and does not discriminate in terms of gender. However, the Building Societies Act [Chapter 24:02] only allows married women to become a member.

There is no formal law in place that prohibits women (either single or married) from acquiring loans from banks or other institutions for the purposes of buying or property, housing, or for their businesses. In addition, the Immovable Property Prevention of Discrimination Act [Chapter 10:12] prohibits discrimination in issuing loans, or from discriminating on the loan interest rate on the grounds of sex.

Despite this, some financial institutions may still require a woman to have her husband's permission or assistance before providing credit (FAO, 2017). In addition, access to collateral remains a challenge for women in Zimbabwe, making it more difficult for them to access loans.

Where women are able to register their family businesses, the Zimbabwe Civil Society Shadow Report to the CEDAW Committee (2012) reports that women are still more often viewed as labour than as equal partners. The CEDAW Committee (2012) found that traditional norms and practices continued to limit women's access to credit facilities and community services.

### **c) Workplace rights**

The Zimbabwean Constitution (2013) and the Zimbabwean Labour Act [Chapter 28:01] both provide for equal remuneration for equal work and for the prevention of discrimination on the grounds of sex, marital status and pregnancy.

Maternity leave is set at a minimum of three months, paid at 100% by the employer, and women's position and standing within her company are reserved during that period. The Zimbabwe Labour Act [Chapter 28:01] also provides for the possibility of extending the time of maternity leave, with the option of taking unpaid leave. The Act also provides in Section 18 (8) for the provision for breastfeeding breaks during working hours for the purposes of nursing her child. The law does not, however, provide for any other form of parental leave or paternity leave.

Although the provision for equal pay exists it is important to note that most women in Zimbabwe work in the informal sector, where regulations may be poorly enforced, and that there is no requirement for companies to report on whether women are paid equally (Africa for Women's Rights, date not specified). The Committee on the Elimination of Discrimination Against Women (2012) reports that there is a persistent wage gap between men and women.

Although Zimbabwe's Constitution (2013) provides that all persons have the right to freedom of profession, the Government of Zimbabwe (2012) reports that women continue to elect to study degrees that encourage them to join traditionally feminine professions. Similarly, the CEDAW Committee (2012, page 7) reports that obstacles still exist to advancing women into decision-making professions, including government. They report that systemic barriers include negative cultural attitudes, a lack of quotas, insufficient capacity building for potential candidates, limited financial resources, and a lack of logistical support.

## **4. Restricted Civil liberties**

Zimbabwe's Constitution (2013, Section 246) provides equal status before the law to all Zimbabweans, and also makes provision for the equal treatment of women. It also makes it a requirement of the State to raise public awareness of the Constitution and the rights therein.

It establishes the Zimbabwe Gender Commission, with the functions of monitoring gender equality, investigating violations related to gender, receiving and considering public complaints, conducting research, making recommendations for legal reform, advising public and private institutions, recommending affirmative action, recommending prosecutions in relation to violations of gender rights, securing redress, and doing everything possible to promote gender equality. The Zimbabwe Gender Commission may also submit reports to Parliament on matters relating to gender issues. The Constitutional Commitment to establishing this Commission was further reinforced by the 2015 Zimbabwe Gender Commission Act. However, in 2017 during the National Budget Process, it was revealed that the Commission has significant staff shortages, with only four of the required 52 staff having been hired (Langa, 2017).

### a) Citizenship rights

Zimbabwean citizenship can be acquired by birth, descent, and registration, and can only be lost in certain circumstances. All children in Zimbabwe have the right to the prompt provision of a birth certificate (The Constitution of Zimbabwe, Section 81 (c) and the Zimbabwean Constitution (2013, Section 80 (2)) provides that women have the same rights as men regarding the custody of their children.

Men and women can equally confer their nationality on their spouse, however this must be done via registration and the person must have been married for at least five years (The Zimbabwean Constitution, Section 38). Similarly, men and women can equally confer nationality on their children according to the law. In practice, children born of one foreign parent are not always automatically accorded Zimbabwean citizenship, but are considered citizens of their foreign parent's country, and must then assume permanent citizenship and renounce their other nationality. This may result in situations of statelessness (Zimbabwe Civil Society Shadow Report to CEDAW, 2012). In addition, research has found that many women are unaware of their right to register the child in their name, and thus do not register the birth (Tapfumaneyi, 2012). However, the National Action Plan on Orphaned and Vulnerable Children (2011 – 2015) does include a pillar on increasing birth registration. Late registrations are allowed, but require the special permission of the Registrar General.

Dual citizenship is prohibited in terms of the Citizenship of Zimbabwe Act [Chapter 4:01], which creates difficulties for Zimbabwean women who are married to foreigners and wish to take up residence in their husband's country and to take on his nationality for that purpose. In order to do so they must renounce their Zimbabwean citizenship, but then in the case of a divorce must reapply to become a Zimbabwean citizen again (Zimbabwe Civil Society Shadow Report to CEDAW, 2012). The According to government reports, patriarchal norms also render it easier for a female foreign spouse to acquire citizenship than for a male foreign spouse (The Government of Zimbabwe CEDAW Report, 2012).

It is the responsibility of either the mother or the father to register the birth of the child in Zimbabwe according to the Zimbabwean Births and Deaths Registration Act (2005); however, fathers cannot be compelled to include their name if the child is born out of wedlock. Nevertheless, the Constitution includes a prohibition of discrimination the grounds that a child was born out of wedlock.

Women and men have the same right to apply for identity cards and passports, and the Constitution (2013, Section 66) protects the right to freedom of movement for all Zimbabweans. A recent Supreme

Court Ruling ensured that women no longer required their husband's permission or assistance to apply for passports for their children (Zimbabwe Civil Society Shadow Report to CEDAW, 2012).

### **b) Voting**

Men and women have equal rights to vote and stand for public and political office in Zimbabwe.

### **c) Political voice**

Quotas exist at the national (for the Senate, and the National Assembly) and provincial levels to promote gender equality including party lists that must be proportionally representative, and should include a woman as the first representative on the list. Zimbabwe also instituted a special measure for the first two electoral terms following the introduction of the Constitution to promote an additional 60 seats for women representatives, as nominated by their political parties (The Zimbabwe Constitution, 2013). As of 2017 women represented less than one third of seats in the lower house of Parliament, and almost half of all seats in the Senate (Inter-Parliamentary Union, 2017).

In addition, when the President appoints Ministers and Deputy Ministers there is a Constitutional requirement that the President be guided by considerations of both regional and gender balance (The Zimbabwe Constitution, 2013, Section 104). The Constitution (2013, Section 17) also makes a commitment to ensuring that women constitute at least half of membership of all elected and appointed governmental bodies established by the Constitution or any other Act of Parliament.

According to the Constitution (2013, Section 139 (4)), Committees in Parliament as established by Standing orders must reflect, as closely as possible, the political and gender composition of Parliament, and where vacancies arise in Parliament these should be filled by a person of the same gender as the one who previously held the seat (The Zimbabwe Constitution, Section 157).

The Zimbabwean Civil Society Organisations CEDAW Shadow Report (2012) notes that pre and post-electoral violence has negatively impacted women's ability to participate in political life, including running for office. Freedom House (2017) notes that in 2016 there were reports of female lawmakers being assaulted whilst carrying out government business.

According to the Zimbabwe Civil Society Organisations CEDAW Shadow Report (2012), electoral violence may have led to a decrease in women's representation between the 2005 and 2008 election polls. In addition, women continue to lack the resources to campaign at the same level as their male counterparts.

The Constitution (2013, Section 268) requires that party lists of provincial councils should include proportional representation, where a female candidate must head every list. However, at the local authority level, there are no quotas for women. The US Embassy in Zimbabwe (2016) reports that at the local government level women held only 17% of councillor positions.

The National Gender Policy (2013 – 2017) includes a commitment to improving women's capacity to run for political office through mechanisms such as programmes, and resource mobilisation efforts that seek to promote women in politics and other governance structures. In particular, young women are the least likely to be included in decision-making structures and processes within political parties (US Embassy in Zimbabwe, 2016). The policy notes that the absence of a legislative framework for

affirmative action to ensure the attainment of gender quotas at an urban and rural council level is a key hindrance to the achievement of gender parity (US Embassy in Zimbabwe, 2016). The need for increased budget for implementing the National Gender Policy or any other gender-responsive programming was highlighted in the report to the Committee on the Elimination of Discrimination Against Women (Zimbabwe Civil Society Shadow Report to CEDAW, 2012).

#### **d) Access to justice**

The Constitution (2013, Section 184) requires that the judiciary must reflect the gender diversity of Zimbabwe, however the National Gender Policy notes that less than a third of Supreme and High Court Judges are Women (The Zimbabwe National Gender Policy 2013 – 2017), and the World Bank (2016) notes that of nine Constitutional Court justices, only four are women.

The Constitution (2013, Section 56) provides that all people are equal before the law and have equal access to the protection and benefit thereof. The provisions for access to courts are also gender neutral and mechanisms such as legal aid exist for all Zimbabwean citizens. There is a constitutional provision for the establishment of specialised courts and tribunals, and the CEDAW Shadow Report (2012) notes the need for a specialised system of family courts.

Victim Friendly Courts were launched in Zimbabwe in 1994 in order to promote access to justice for children survivors of sexual violence (UNICEF, Save the Children, and the Government of Zimbabwe, 2011). These courts include witness support, the option of CCTV testimony, intermediaries, and specialised training for all court staff. These courts assist both girl and boy survivors of sexual violence.

#### ***More***

The Constitution recognises multiple types of discrimination and prohibits discrimination on the grounds of nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.

According to Freedom House (2015) politically motivated human rights violations are common, with more than 2000 occurring in 2014 alone.

Gender Statistics are collected by the Zimbabwe National Statistics Agency (ZIMSTAT, 2014).

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