

Women's rights protection instruments ratified by Zimbabwe:

- **CEDAW**: ratified in 1991
- **CEDAW Protocol**: not ratified
- **Maputo Protocol**: ratified 2008

Ratify! Although Zimbabwe has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), it has not yet ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign remains particularly concerned by the following violations of women's human rights in Zimbabwe: the persistence of discriminatory laws; discrimination within the family; violence against women; obstacles to access to employment; under-representation in political life; and inadequate access to health services.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of a provision within the Constitution (amended in 2005) prohibiting laws that discriminate on the basis of sex (s. 23). However, a new Constitution is currently under discussion.
- The prohibition of marital rape within the Criminal Law Act (Codification and Reform) 2006 (s.68(a)) marital rape.
- The adoption of the Domestic Violence Act 2007, which includes prohibition of any cultural or customary rites and practices that discriminate against women such as female genital mutilation, child marriages or forced marriages.
- The ratification in 2008 of the Maputo Protocol and the South African Development Community (SADC) Protocol on Gender and Development.

/ But discrimination and violence persist

IN LAW

Zimbabwe has a hybrid legal system composed of statutory and customary law. Whilst statutory law tends to conform to CEDAW, discriminatory customary laws continue to apply, especially in rural areas.

The law recognises three types of **marriage**: civil marriage, registered customary marriage and unregistered customary marriage. The predominance of registered and unregistered customary marriages contributes to the vulnerability of women within the family:

- Early and forced marriages under customary law are widespread. In 2004, the United Nations estimated that 23% of girls between 15 and 19 years were married, divorced or widowed.
- Although polygamy is prohibited under statutory law, it is authorised under customary law and continues to be practised in rural areas.
- Whilst civil marriage grants spouses equal rights to parental authority, under customary marriage men have the right to custody of children.
- The custom of the bride price (*lobola*), which is authorised under statutory law, also contributes to women's vulnerability within the family.
- Under the rules of customary marriage, widows cannot inherit their husband's property and daughters can inherit from their father only if there are no sons.

IN PRACTICE

• **Violence**

Despite the adoption of legislation, including the Domestic Violence Act 2007 and reforms to the Criminal Law Act in 2006, violence against women, particularly domestic violence, remains widespread and perpetrators continue to benefit from impunity. The lack of training of law enforcement personnel, the lack of awareness of women's human rights, the fear of social stigma and reprisal contribute to the ineffectiveness of such laws. Since the criminalisation of marital rape, only one case of marital raped has been tried in court.

• **Obstacles to access to employment and decision-making positions**

Women in Zimbabwe generally have lower incomes and less job security than men. Most women are employed in the agriculture, forestry, farming industries and the domestic sector, in which salaries tend to be low.

Women remain underrepresented in decision-making positions. Despite ratification of the South African Development Community (SADC) Protocol on Gender and Development, which sets a target of 50% representation of women in all decision-making bodies by 2015, women are poorly represented in the government of national union of Zimbabwe. Only 4 women were nominated amongst the 35 members of the new government. Following the 2008 elections, women represented 15% of members of the lower House of Parliament and 24% of the upper House.

• **Obstacles to access to health**

HIV/ AIDS is particularly prevalent amongst women. The 2005/2006 Zimbabwe Demographic and Health Survey (ZDHS) revealed an average prevalence rate among young people of age 15 to 24 of 11.25% among females and 4.45% among males. Other studies shows that young women make up almost 80% of all infections in the 15 to 24 years age group. The rate of maternal mortality remains very high (880/100,000 births), in part due to the practice of non-medicalised abortions. Abortion is criminalised. Women in rural areas face major obstacles to accessing health services, including having to travel long distances.

PRINCIPAL SOURCES

- Focal Point: Zimrights
- UNFPA, www.unfpa.org
- Zimbabwe Demographic and Health Survey (ZDHS)
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Zimbabwe, see: www.africa4womensrights.org

The Coalition of the Campaign calls on the authorities of Zimbabwe to:

- **Ensure that the new Constitution contains provisions guaranteeing the principle of equality and non-discrimination between men and women.**
- **Reform or repeal all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol.
- **Harmonise statutory religious and customary law** in conformity with CEDAW and the Maputo Protocol and ensure that where conflicts arise between formal and legal provisions and customary law, the formal provisions prevail.
- **Take all necessary measures to guarantee the effective implementation of the laws criminalising domestic violence and prohibiting discriminatory customary practices;** provide support to victims, including by establishing a legal aid system; implement awareness-raising programmes for the general population and training for all law enforcement personnel.
- **Increase efforts to ensure women's equal access to employment and decision-making positions,** including by strengthening measures to combat sexual harassment in the workplace, ensuring employment legislation applies to private sector employers and regulating the informal sector; and implementing quotas on representation of women in political positions.
- **Ensure women's access to health services,** including obstetric care and family planning; launch awareness campaigns to inform the public about contraception and provide contraceptives in order so as to reduce the number of illegal abortions; decriminalise abortion; and ensure access to sexual and reproductive health education.
- **Provide the Ministry of Women Affairs, Gender and Community Development with the necessary material and financial resources** to enable it to carry out its mandate.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes,** including through raise awareness programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**

THE CAMPAIGN FOCAL POINT IN ZIMBABWE

ZIMRIGHTS



ZimRights, an indigenous non-profit NGO founded in 1992, is a network of human rights activists, with a strong grassroots representation. Zimrights holds inclusive human rights and civic education workshops and its members often participate in gender sensitisation workshops.

www.zimrights.org