

**ZIMBABWE:
A BRIEFING ON GENDER AND THE
CONSTITUTION**

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**Maternity Leave, Political Representation,
Domestic Violence, Reproductive Rights and Access
to Property**



INTERNATIONAL HUMAN RIGHTS CLINIC

INTRODUCTION¹

International human rights treaties reflect the commitments of the government to their inhabitants and the global community. However, these rights and protections are only truly available to individuals when incorporated into national law and policy. The drafters of the Universal Declaration of Human Rights, widely considered to be the cornerstone of the international human rights framework, were explicit in their intention that the principles in the UDHR become a part of national legal structure, adapted to various cultures, governments and value systems.

Constitutions have long been viewed as a natural and promising source of domestication of international human rights law. States that incorporate human rights into their constitutions are viewed as taking a significant step towards ensuring accessibility of human rights to the country's inhabitants. However, the role of constitutions varies depending on country context as well as its efficacy in ensuring women's rights and gender equality. This briefing is composed of a three-country case study – Morocco, Zimbabwe and Vietnam - that investigate how a newly revised or reformed constitution is impacting women's human rights and gender equality in particular country contexts. These briefings focus on five key areas of women's rights: maternity leave, political representation, domestic violence, reproductive rights and access to property. All briefings were prepared by a student team following in country engagements in the relevant countries.

BACKGROUND

Zimbabwe gained independence from the British in 1980.¹ Robert Mugabe became Zimbabwe's first Prime Minister that year and president seven years later, a position he continues to hold today.² In 2008, President Mugabe's party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), negotiated the Global Political Agreement (GPA) with the two other dominant political parties in Zimbabwe: the Movement for Democratic Change-Tsvangirai (MDC-T) and the Movement for Democratic Change (MDC)³. As part of this power-sharing agreement, the three parties agreed to jointly coordinate a process to revise Zimbabwe's 1979 constitution.⁴ The new constitution was approved by public referendum in 2013.⁵

In the last decade, Zimbabwe has struggled socially and economically. Mugabe's land redistribution policies were the catalyst for the world's highest inflation rate (at over 200,000,000% in 2009) leading to extreme economic instability.⁶ In 2015, Zimbabwe ranked as 155 out of 188 in the UNDP Human Development Index.⁷ In 2011, 72.3% of the population was below the poverty line,⁸ and unemployment in 2016 has been estimated as high as 95% in some districts.⁹ Life expectancy at birth has gone down over time and falls below many of the states in the region.¹⁰

¹ This briefing paper was prepared by students at the University of Chicago Law School: Dylan Cowart, Brittany Ellenberg, Salwa Shameem and Nathan Maxwell. Information is current as of September 2017.

In comparison to the global community, Zimbabwean women are subjected to inequality and discrimination. The country ranks 112 out of 155 countries in the UNDP Gender Inequality Index.¹¹ However, in some areas, women also experience exceptional levels of equality for the region. For example, women's estimated yearly income in Zimbabwe is nearly equal to that of men.¹² In comparison to its neighbors, Zimbabwe has lower rates of maternal mortality, higher levels of girls with post-secondary education, and larger proportions of women in parliament.¹³

In 1991, Zimbabwe ratified CEDAW but not the optional protocol.¹⁴ Zimbabwe is also a signatory to the Southern African Development Cooperation Protocol on Gender and Development; the Protocol to the African Charter on Women's and People's Rights; the International Covenant on Civil and Political Rights; the International Covenant on Social, Economic, and Cultural Rights; and the International Labor Organization's Equal Remuneration Convention.¹⁵

CONSTITUTIONAL REFORM PROCESS

In 2000, Zimbabwe underwent its first constitutional reform process.¹⁶ This process was initiated by the NCA, a collective of academics, civil society trade unions, churches and political leaders, with the intention of creating people-driven, democratic constitutional development process.¹⁷ However, the ZANU-PF-led government took over the process and created a 400-member commission to draft the constitution and develop a process for public consultation. Political disputes ensued between ZANU-PF and NCA, some members of the original process participated in the government-organized commission, while others boycotted the commission and organized in opposition to it. The draft constitution was eventually rejected by the public, in what many considered to be a vote of political resistance. The text of the rejected constitution, however, represented a significant improvement in human rights, in particular for women. Women's groups vowed to work together to support future efforts at constitutional reform to achieve realization of those rights.¹⁸

In 2009, the GPA-instigated constitutional reform process began. Women's groups were the first civil society organizations to agree to engage in the new process. Both the process and the draft constitution were validated in a referendum on March 16, 2013, in which 95% of people voted to approve the new constitution.¹⁹

Women engaged in the reform process that led to the 2013 constitution through multiple mechanisms. Women leaders were members of the constitutional commissions and committees; women actively participated in organizing the outreach process; and they united as a multi-sector coalition to lobby for inclusion of issues impacting women.²⁰ Civil society organizations joined forces to create the Women's Coalition of Zimbabwe, aimed at ensuring women's perspectives were heard in public consultations. The Zimbabwe Women's Parliamentary Caucus agreed to serve as a strategic link between women activists, political parties and the constitutional committees. Ultimately, the Caucus joined together with the Women's Coalition, key female government ministers, and members of academia to establish a powerful women's lobby known as the Group of 20 (G-20). The G-20 acted as a "consensus-building and information-sharing body" that advocated for the inclusion of women's rights in the new

constitution.²¹

The resulting 2013 Constitution of Zimbabwe provides comprehensive protection of women's human rights, a mandate for affirmative measures to achieve substantive equality and constitutional supremacy over non-compliant laws, policies and practices. Among its provisions, the Constitution requires that the "[s]tate must promote full gender balance in Zimbabwean society" including "full participation of women in all spheres of Zimbabwean society on the basis of equality with men".²² Chapter 4, Section 80 states that "[e]very woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities" and that "[a]ll laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of the infringement."²³ The Constitution also creates a Gender Commission to monitor compliance with gender equality guarantees.²⁴

MATERNITY LEAVE

A. BACKGROUND

Eighty-three percent of women in Zimbabwe participate in the labor force.²⁵ Thus, the availability of maternity leave is critical to women's ability to participate in Zimbabwe's economic life on an equal basis with men. The Labour Act, which preceded the constitutional reform process, guarantees maternity leave in the workplace.²⁶ Section 18(1) of the Labour Act provides that "maternity leave shall be granted . . . for a period of ninety-eight days on full pay to a female employee who has served for at least one year."²⁷ The Act requires employers to pay employee's full salary and benefits during leave, but it limits the provision of maternity leave to once every 24 months.²⁸ The Act also contemplates the possibility of longer leave, noting that leave would be provided for ninety-eight days "[u]nless more favorable conditions have otherwise been provided for in any employment contract or in any enactment."²⁹

B. MATERNITY LEAVE IN THE CONSTITUTION

In the 2013 constitution, Article 65(7) guarantees that "[w]omen employees have a right to fully paid maternity leave for a period of at least three months."³⁰ This provision accompanies the broad gender equality provisions asserting that "every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities."³¹

C. MATERNITY LEAVE IN LEGISLATION, POLICY AND PRACTICE

The maternity leave provision of the Labour Act has not been amended since the passage of the 2013 Constitution.³² Legal experts have argued that the Labour Act is likely now unconstitutional and in violation of Article 65(7) in its limits on the availability and frequency of leave.³³ In fact, in 2014, a case was brought before the Constitutional Court making this very argument—that the new constitution requires leave to be available to women at the start of their employment (rather than after a year of service) and as frequently as needed (rather than once every two years).³⁴ The case was withdrawn after amendments to the Labour Act were promised,

but as noted, those amendments were not ultimately made.³⁵

Experts have also noted that the Labour Act limits women's equality by continuing to require employers, rather than the government, to pay women during maternity leave.³⁶ According to one commentator, this has resulted in a lack of implementation of the law in the Zimbabwean private sector as it creates a disincentive for employers to hire women during their child-bearing years.³⁷ This requirement also contravenes the International Labour Organization's Maternity Protection Convention, 2000 (No. 183), which provides that employers, with some exceptions, "shall not be individually liable for the direct cost of . . . monetary benefit[s]" to women during maternity leave.³⁸

EQUALITY IN POLITICAL REPRESENTATION

A. BACKGROUND

Historically, women in Zimbabwe have occupied a low percentage of seats in Parliament when compared to other countries in the region. Prior to the passage of the 2013 constitution, Zimbabwe ranked tenth of fourteen countries in the region for women's representation in its national parliament.³⁹ Between 1997 and 2006, women's representation in parliament hovered around 15%, and in 2012, the proportion of women ministers in the Cabinet was 17.5%.⁴⁰

B. EQUALITY IN POLITICAL REPRESENTATION IN THE CONSTITUTION

The 2013 Constitution contains several provisions that promote and guarantee women's representation in politics. Article 80(1) states generally that "[e]very woman has full and equal dignity of the person with men and this includes equal opportunities in political. . . activities."⁴¹ Article 17(b) establishes that:

"[T]he State must take all measures, including legislative measures, needed to ensure that (i) both genders are equally represented in all institutions and agencies of government at every level; and (ii) women constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under this Constitution or any Act of Parliament."⁴²

Article 104(4) requires the President to "be guided by considerations of regional and gender balance" in appointing Ministers and Deputy Ministers.⁴³ Article 120 dictates the composition of the Senate and requires senators to be elected under a "party-list system of proportional representation . . . in which male and female candidates are listed alternately, every list being headed by a female candidate."⁴⁴ Article 124(1)(b) creates additional seats for women in the first two Parliaments after the effective date of the Constitution.⁴⁵ It states that the National Assembly (also known as the House of Assembly) shall consist of "an additional sixty women members, six from each of the provinces into which Zimbabwe is divided, elected through a system of proportional representation based on the votes cast for candidates representing political parties in a general election for constituency members in the provinces."⁴⁶

C. EQUALITY IN POLITICAL REPRESENTATION IN LEGISLATION, POLICY AND PRACTICE

In the election following passage of the 2013 constitution, there was a marked increase in women's representation in parliament with women occupying 31.5% of the seats in the lower house of parliament and 47.5% in the upper house.⁴⁷ However, these gains were largely due to the additional temporary seats reserved for women in Article 124(1)(b)⁴⁸ for the first two election cycles following constitutional reform.

Following the constitution, a National Gender Policy (2013-2017) was also developed and implemented which required elaboration of "[c]onstitutional provisions with a thrust on gender equality."⁴⁹ The policy aims to "create a supportive environment for gender parity in politics and decision making positions" through, among other things, development of a framework to carry out gender audits on representation and participation of women in politics, and implementation of capacity-building programs for women leaders.⁵⁰

Despite these advancements, the Electoral Act was not amended and has yet to be aligned with constitutional mandates on gender equality.⁵¹ While the Act includes some provisions aimed at promoting women's representation in politics as it stands,⁵² such as prohibiting discrimination on the grounds of sex and gender⁵³, it does not create any mechanism for gender parity in political leadership. Stakeholders have demanded that the Electoral Act be amended to ensure that constitutional mandates on women's representation are realized in all areas of governance.⁵⁴ Female representation, for example, in the country's 92 urban and rural councils still remains below 20%, and the country's new 26-member cabinet has only three female ministers.⁵⁵

DOMESTIC VIOLENCE

A. BACKGROUND

Women in Zimbabwe report high rates of domestic violence. One study found that 68% of women in Zimbabwe have experienced some form of gender-based violence in their lifetime.⁵⁶ Moreover, 41% of men admitted to perpetrating violence against an intimate partner in their lifetime.⁵⁷

B. DOMESTIC VIOLENCE IN THE CONSTITUTION

Article 25(b) of the Constitution declares that the "State and all institutions and agencies of government at every level must protect and foster the institution of the family and in particular must endeavour, within the limits of the resources available to them, to adopt measures for . . . the prevention of domestic violence."⁵⁸ Section 52 also states that "[e]very person has the right to bodily and psychological integrity, which includes the right . . . (a) to freedom from all forms of violence from public or private sources."⁵⁹

C. DOMESTIC VIOLENCE IN LEGISLATION, POLICY AND PRACTICE

The Domestic Violence Act, which preceded the new constitution by seven years, aims to "make provision for the protection and relief of victims of domestic violence and to provide for matters connected with or incidental to the foregoing."⁶⁰ The Act defines domestic violence

broadly and provides for imprisonment and fines for perpetrators.⁶¹ It calls for every police station to be “staffed by at least one police officer with relevant expertise in domestic violence” and provides for protection orders to be granted through a court “[w]here an act of domestic violence has been or is being committed or is threatened.”⁶² The Act also establishes the Anti-Domestic Violence Counsel.⁶³

In 2012, in the midst of the constitutional reform process, Zimbabwe also established a National Gender Based Violence Strategy for the period of 2012-2015 to encourage implementation of the Domestic Violence law and coordination between government bodies.⁶⁴

Despite these efforts, domestic violence continues to be on the rise in Zimbabwe, with a 34% increase of reports in 2015.⁶⁵ Advocates have identified a lack of true government investment in combating domestic violence as the cause of this increase.⁶⁶ Advocates have called for increased awareness raising and training of law enforcement and judicial officials on their respective responsibilities under the Act.⁶⁷

REPRODUCTIVE RIGHTS AND HEALTH

A. BACKGROUND

Maternal mortality rates in Zimbabwe fell from 960 to 614 deaths per 100,000 live births from 2009 to 2014.⁶⁸ In 2014, 80% of live births were attended by a skilled health worker.⁶⁹ According to the most recent national survey, 16% of young married women and 32% of sexually active unmarried women reported having an unmet need for family planning.⁷⁰ In rural areas, about two in five sexually active unmarried women experience an unmet need for family planning.⁷¹ Among married women ages 15 to 24, 31% of pregnancies are unplanned.⁷² Sixty-seven percent of women ages 15-49 used some kind of contraception in 2014, as opposed to 38% in 1984.⁷³ Abortion is not legal in Zimbabwe, although it was debated in both reform processes.⁷⁴

B. REPRODUCTIVE RIGHTS AND HEALTH IN THE CONSTITUTION

Article 76(1) of the Constitution provides that “[e]very citizen and permanent resident of Zimbabwe has the right to have access to basic health-care services, including reproductive health-care services.”⁷⁵ Article 29(1) requires the State to “take all practical measures to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe.”⁷⁶ However, the 2013 Constitution also states in Article (48)(3) that an “Act of Parliament must protect the lives of unborn children, and that Act must provide that pregnancy may be terminated only in accordance with the law.”

These provisions must be interpreted in the context of Zimbabwe’s international commitments. Article 16 of CEDAW states that women must be equal in the areas of marriage and families, including the ability to determine the number and spacing of their children. Article 26 of the SADC Protocol on Gender and Development requires Zimbabwe to address the sexual and reproductive health needs of women and men.⁷⁷

C. REPRODUCTIVE RIGHTS AND HEALTH IN LEGISLATION, POLICY AND PRACTICE

The 2013-2017 National Gender Policy, which as noted above was contemporaneous with 2013 constitutional reform process, set a strategy to “[s]upport efforts to develop relevant and robust national policies and strategies for addressing high levels of maternal . . . mortality.”⁷⁸ The National Family Planning Council Act, which preceded the constitution, established the National Family Planning Council.⁷⁹ The Council is responsible for, among other things, promoting the “provision of adequate and suitable facilities . . . for child spacing and family planning,” and formulating and implementing programs related to family health.⁸⁰ The Termination of Pregnancy Act, which also preceded the Constitution, establishes that pregnancies may only be terminated to protect the woman’s life or physical health, where there is a serious risk that the child will suffer from “physical or mental defect of such a nature that he will permanently be seriously handicapped,” or when there is a “reasonable possibility” conception was the result of “unlawful intercourse.”⁸¹

Women’s advocates note that the National Family Planning Council Act and the Termination of Pregnancy Acts have yet to be realigned with the new Constitution.⁸² They also express concern about the discrepancy between the age of consent for sexual intercourse (16) and the age of consent for marriage (18), the latter having recently been established by the Constitutional Court of Zimbabwe.⁸³ This discrepancy often means that sexually active girls ages 16 and 17 have decreased access to contraceptives, especially given the taboos of pre-marital sex and misconceptions of legal restrictions.⁸⁴

EQUAL ACCESS TO PROPERTY OWNERSHIP

A. BACKGROUND

The right to acquire and hold property at law exists, but in reality it is limited by gender inequalities that minimize women’s access to resources.⁸⁵ The 2010-11 Zimbabwe Demographic and Health Survey showed that women’s ownership of assets, which determines access to collateral, was low; for example, more than three out of five women did not own a home (63%) or land (64%).⁸⁶ In addition, only 9% of women owned a house alone and 9% owned land alone.⁸⁷

Women’s lack of property ownership was also apparent in agricultural lands. Following the Land Reform Program in 2000, men owned 54.8% of the communal farming sector compared to 45.2% owned by females.⁸⁸ Male ownership of small-scale personal farms (A1 farms) was 69.3% compared to 30.7% for females.⁸⁹ For larger-scale personal farms (A2 farms), male ownership was 84.2% compared to 15.8% for females.⁹⁰ For small-scale and large-scale commercial farms, the ownership disparity was still an issue as the male ownership was at 63.4% and 80.5% respectively, while female ownership was 36.6% and 19.4%.⁹¹

B. EQUAL ACCESS TO PROPERTY OWNERSHIP IN THE CONSTITUTION

The 2013 Constitution establishes robust protections for women’s property rights. Article 71 establishes the right of every person “in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property.”⁹² Article 17 requires “all

institutions and agencies of government at every level” to take “practical measures to ensure that women have access to resources, including land, on the basis of equality with men.”⁹³ According to article 289(c), “the allocation and distribution of agricultural land must be fair and equitable, having regard to gender balance and diverse community interests.”⁹⁴ Article 297 requires the Zimbabwe Land Commission to make recommendations to the government regarding the “elimination of all forms of unfair discrimination, particularly gender discrimination.”⁹⁵ In accordance with article 296, the Land Commission itself must “reflect the diversity of Zimbabwe's population, in particular its . . . gender balance.”⁹⁶

C. EQUAL ACCESS TO PROPERTY OWNERSHIP IN LEGISLATION, POLICY AND PRACTICE

A series of laws and policies implicate women’s equal access to property ownership. The Administration of Estates Act, which preceded the Constitution, provides for the rights of wives and daughters to inherit from deceased husbands and fathers.⁹⁷ The Maintenance Act establishes the right of women to claim maintenance for children born in or out of wedlock,⁹⁸ and the Matrimonial Causes Act provides for distribution of property upon divorce, subject to judicial discretion.⁹⁹ The Deeds Registries Act, on the other hand, requires a married woman to “be assisted by her husband in executing any deed or document required . . . if, by virtue of her marriage, she has no legal capacity to execute such deed or document without the assistance of her husband.”¹⁰⁰

Following constitutional reform, however, there has been no significant legislative or policy reform promoting women’s equal access to land. Women continue to experience inequality in land ownership in rural areas despite providing a majority of labor on farms.¹⁰¹ Despite clear constitutional supremacy, customary systems continue to prevail in rural areas and severely restrict women’s access to land through inheritance and property transfer.¹⁰² These and other inequalities, in turn, have a disparate impact on widows and disable women, who have difficulty finding sources of economic sustenance without access to farmland.¹⁰³

¹ *Zimbabwe Profile – Timeline*, BBC (Aug. 10, 2016), available at <http://www.bbc.com/news/world-africa-14113618>.

² *Zimbabwe Profile*, *supra* note 1.

³ Richard Lee, *SADC’s Role in Zimbabwe*, Open Society Initiative for Southern Africa (Jul. 13, 2011), available at http://www.osisa.org/sites/default/files/sup_files/SADC%27s%20Role%in%20Zimbabwe.pdf.

⁴ Lee, *supra* note 3.

⁵ *Zimbabweans Say Yes to New Constitution Strong on Gender Equality and Women’s Rights*, U.N. Women (Apr. 19, 2013), available at www.unwomen.org/en/news/stories/2013/4/zimbabweans-say-yes-to-new-constitution-strong-on-gender-equality-and-womens-rights.

⁶ Knocks Tapiwa Zengeni, *Zimbabwe: A Country Profile*, 7 *JOURNAL OF INT’L STUD.* 157, 167 (2011).

⁷ *Work of Human Development: Zimbabwe*, U.N.D.P. Human Development Report 2015, available at http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/ZWE.pdf.

⁸ *Zimbabwe*, World Bank, available at <http://data.worldbank.org/country/zimbabwe>.

⁹ *Country Reports – Zimbabwe*, IHS Global, Zimbabwe Country Monitor, at 22 (Sep. 13, 2016).

¹⁰ *Human Development*, *supra* note 7.

¹¹ *Human Development*, *supra* note 7 at 5.

¹² *Human Development*, *supra* note 7.

¹³ *Human Development*, *supra* note 7.

¹⁴ *Ratification Status for Zimbabwe*, U.N. Human Rights, Office of the High Commissioner, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx.

- ¹⁵ *Ratification Status*, *supra* note 14; Lovemore Madhuku, *Gender Equality in Employment: The Legal Framework in the Case of Zimbabwe*, International Labour Organization (2001).
- ¹⁶ CLAUDIA FLORES & PATRICIA A. MADE, *THE POLITICS OF ENGAGEMENT: WOMEN'S PARTICIPATION AND INFLUENCE IN CONSTITUTION-MAKING PROCESSES* (2013), U.N. Women.
- ¹⁷ *POLITICS OF ENGAGEMENT*, *supra* note 16 at 10.
- ¹⁸ *POLITICS OF ENGAGEMENT*, *supra* note 16.
- ¹⁹ *Zimbabwe Approves New Constitution*, British Broadcasting Corporation (Mar. 19, 2013), available at <http://www.bbc.com/news/world-africa-21845444>.
- ²⁰ *POLITICS OF ENGAGEMENT*, *supra* note 16 at 12.
- ²¹ *POLITICS OF ENGAGEMENT*, *supra* note 16 at 18.
- ²² ZIM. CONST. art. 17.
- ²³ ZIM. CONST. art. 80.
- ²⁴ ZIM. CONST. arts. 245 & 246.
- ²⁵ *Human Development*, *supra* note 7 at Table E.
- ²⁶ LABOUR ACT, Acts 16/1985, 12/1992, 22/2001, 17/2002, Chapter 28:01. The Public Service Relations Act also legislates maternity leave for civil servants.
- ²⁷ LABOUR ACT, *supra* note 26 at sec. 18(1).
- ²⁸ LABOUR ACT, *supra* note 26 at sec. 18(7).
- ²⁹ LABOUR ACT, *supra* note 26 at sec. 18(1).
- ³⁰ ZIM. CONST. art. 65(7).
- ³¹ ZIM. CONST. art. 80(1).
- ³² LABOUR ACT, *supra* note 26; Labour Amendment Act (Jul. 17, 2015), available at <http://www.zimlil.org/zw/legislation/num-act/2015/5/2015/Labour%20Amendment%20Act,%202015.pdf>.
- ³³ Interview with Prof. Julie Stewart at University of Zimbabwe (Mar. 23, 2016), Harare; Meeting with U.N. Women (Mar. 24, 2016), Harare. See Lovemore Madhuku, *LABOUR LAW IN ZIMBABWE*, at 76 (Weaver Press 2015).
- ³⁴ Daniel Nemukuyu, *Maternity Leave Law Challenged*, THE HERALD (Jul. 8, 2016), available at <http://www.herald.co.zw/maternity-leave-law-challenged/>; Daniel Nemukuyu, *Maternity Leave Challenge Withdrawn*, Nehanda Radio (Oct. 28, 2016), available at <http://nehandaradio.com/2016/10/28/maternity-leave-challenge-withdrawn/>.
- ³⁵ Nemukuyu, *Maternity Leave Law Challenged*, *supra* note 34; Nemukuyu, *Maternity Leave Challenge Withdrawn*, *supra* note 34.
- ³⁶ *LABOUR LAW IN ZIMBABWE*, *supra* note 33, at 74-75.
- ³⁷ In-country stakeholder engagements, Zimbabwe March 2016, information on file with researchers.
- ³⁸ Prof. Julie Stewart, *supra* note 33; In-country stakeholder engagements, Zimbabwe March 2016, information on file with researchers; Convention No. 183, International Labour Organization (2000), available at http://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/genericdocument/wcms_114195.pdf.
- ³⁹ *Women in Politics and Decision Making Positions*, Southern African Development Community Gender Unit (2013), at 25, available at <http://www.sardc.net/books/SADC-Gender-Monitor-english.pdf>.
- ⁴⁰ *Women in Politics and Decision Making Positions*, *supra* note 39 at 25.
- ⁴¹ ZIM. CONST. art. 80(1).
- ⁴² ZIM. CONST. art. 17(b).
- ⁴³ ZIM. CONST. art. (104)(4).
- ⁴⁴ ZIM. CONST. art. 120.
- ⁴⁵ ZIM. CONST. art. 124(1)(b).
- ⁴⁶ ZIM. CONST. art. 124(1)(b).
- ⁴⁷ *Women in Parliament in 2013*, Inter-Parliamentary Union (2014), available at <http://www.ipu.org/pdf/publications/WIP2013-e.pdf>.
- ⁴⁸ ZIM. CONST. art. 124(1)(b).
- ⁴⁹ *National Gender Policy (2013-2017)*, Section 5.3, at iv, available at http://www.zw.undp.org/content/zimbabwe/en/home/library/democratic_governance/national-gender-policy.html, Gender, Politics and Decision Making, at iv.
- ⁵⁰ *National Gender Policy*, *supra* note 49.
- ⁵¹ *Zimbabwe: Electoral Law Alignment With Constitution Not Fully Addressed*, THE HERALD, (March 7, 2016), available at <http://allafrica.com/stories/201603070582.html>.

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- ⁵² ELECTORAL ACT, Act 25/2004, 17/2007, 1/2008, 3/2012, Chapter 2:13, available at http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=85404.
- ⁵³ ELECTORAL ACT, *supra* note 52, at Part 1(3)(b)(i), General principles of democratic elections and Section 160A(6)(b), Prohibited conduct: other prohibited acts.
- ⁵⁴ *Women Make Up More than a Third of Zimbabwe's New Parliament*, UN WOMEN (September 4, 2013), available at <http://www.unwomen.org/en/news/stories/2013/9/zimbabwe-women-mps-sworn-in>.
- ⁵⁵ *Zimbabwe Women's Parliamentary Caucus*, Parliament of Zimbabwe, available at <http://www.parlzim.gov.zw/about-parliament/womens-caucus>.
- ⁵⁶ *Peace Begins @ Home: Violence Against Women Baseline Study Zimbabwe*, Gender Links (2013), available at <http://genderlinks.org.za/programme-web-menu/publications/violence-against-women-baseline-study-zimbabwe-2013-11-20/>.
- ⁵⁷ *Peace Begins @ Home*, *supra* note 56.
- ⁵⁸ ZIM. CONST. art. 25(b).
- ⁵⁹ ZIM. CONST. art. 52.
- ⁶⁰ DOMESTIC VIOLENCE ACT, Act 14/2006, Chapter 5:16; The National Gender-Based Violence Strategy (2012-2015) of the Ministry of Women Affairs, Gender and Community Development has recently expired.
- ⁶¹ DOMESTIC VIOLENCE ACT, *supra* note 60 at 3(1) and 4.
- ⁶² DOMESTIC VIOLENCE ACT, *supra* note 60 at 5(1) and 7(1).
- ⁶³ DOMESTIC VIOLENCE ACT, *supra* note 60 at 15.
- ⁶⁴ *National Gender Based Violence Strategy 2012-2015*, Ministry of Women Affairs, Gender and Community Development (2012), available at http://www.veritaszim.net/sites/veritas_d/files/Zimbabwe%20National%20Gender%20Based%20Violence%20Strategy%202012%20-%202015.pdf.
- ⁶⁵ The Vice President of Zimbabwe, Joice Mujuru, has stated that cases of domestic violence have "drastically increased," with 1,940 cases reported in 2008, 3,193 in 2009, 7,628 in 2010, 10,351 in 2011, and 10,871 cases in 2012. *Zimbabwe, Domestic Violence, Including Legislation; State Protection and Support Services Available to Victims*, Immigration and Refugee Board of Canada (Jun. 3, 2015), available at <http://www.refworld.org/docid/5587b7144.html>; *Domestic Violence on the Rise*, Zimbabwe Broadcasting Corporation (Jan. 15, 2016), available at www.zbc.co.zw/news-categories/top-stories/64573-domestic-violence-on-the-rise. <http://www.refworld.org/docid/5587b7144.html>.
- ⁶⁶ See Jessie Majome, *International Women's Day National Assembly Speech*, Mar. 8, 2016, available at http://www.jessiefmajome.org.zw/index.php?option=com_content&view=article&id=63:my-international-womens-day-national-assembly-speech&catid=3:blog&Itemid=4.
- ⁶⁷ In-country stakeholder engagements, Zimbabwe March 2016, information on file with researchers.
- ⁶⁸ Trishula Patel, *Maternal Death Rates Fall in Zimbabwe, With Outside Support*, UNFPA Zimbabwe (Mar. 19, 2015), available at <http://zimbabwe.unfpa.org/news/maternal-death-rates-fall-zimbabwe-outside-support>.
- ⁶⁹ *Births Attended by Skilled Health Staff (% of Total)*, World Bank, available at http://data.worldbank.org/indicator/SH.STA.BRTC.ZS?order=wbapi_data_value_2014+wbapi_data_value&sort=asc.
- ⁷⁰ Zimbabwe Demographic and Health Survey (DHS) 2010-2011 (Harare, Zimbabwe and Calverton, MD: National Statistics Agency, Zimbabwe and ICF International, 2012).
- ⁷¹ Zimbabwe Demographic and Health Survey 2010-2011, *supra* note 70.
- ⁷² *Zimbabwe: Youth Reproductive Health: Satisfying Unmet Need for Family Planning*, Population Reference Bureau (Sep. 2015), available at <http://www.prb.org/pdf15/unmetneed-factsheet-zimbabwe.pdf>.
- ⁷³ *Contraceptive Prevalence, Any Methods (% of Women Ages 15-49)*, World Bank, available at <http://data.worldbank.org/indicator/SP.DYN.CONU.ZS?locations=ZW>.
- ⁷⁴ THE POLITICS OF ENGAGEMENT, *supra* note 16 at 34.
- ⁷⁵ ZIM. CONST. art. 76(1).
- ⁷⁶ ZIM. CONST. art. 29(1).
- ⁷⁷ *SADC Protocol on Gender and Development*, Southern African Development Community (2008), art. 26, available at http://www.sadc.int/files/8713/5292/8364/Protocol_on_Gender_and_Development_2008.pdf.
- ⁷⁸ *National Gender Policy*, *supra* note 49 at sec. 5.4.
- ⁷⁹ ZIMBABWE NATIONAL FAMILY PLANNING COUNCIL ACT, Acts 1/1985, 29/1990, Chapter 15:11.
- ⁸⁰ FAMILY PLANNING ACT, *supra* note 79 at Part IV 22(a,c).
- ⁸¹ TERMINATION OF PREGNANCY ACT, Acts 29/1977, 6/2000, 8/2001, 22/2001, Chapter 15:10, section 4(a-c).
- ⁸² In-country stakeholder engagements, Zimbabwe March 2016, information on file with researchers.

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- ⁸³ *Mudzuru v. Minister of Justice*, Judgment No. CCZ 12/2015.
- ⁸⁴ In-country stakeholder engagements, Zimbabwe March 2016, information on file with researchers.
- ⁸⁵ See Sithokozile Nyaradzo Thabethe, *SADC Gender Protocol Barometer Baseline Study Zimbabwe 23*, available at http://www.safaids.net/files/10142_zimbabwebarometerreport_nw_0909.pdf.
- ⁸⁶ Southern Africa Gender Protocol Alliance, *SADC Gender Protocol 2015 Barometer Zimbabwe 70*, available at <http://www.genderlinks.org.za/article/sadc-gender-protocol-barometer-2015-zimbabwe-2015-05-05>.
- ⁸⁷ *2015 Barometer Zimbabwe*, *supra* note 86.
- ⁸⁸ *2015 Barometer Zimbabwe*, *supra* note 86.
- ⁸⁹ *2015 Barometer Zimbabwe*, *supra* note 86.
- ⁹⁰ *2015 Barometer Zimbabwe*, *supra* note 86.
- ⁹¹ *2015 Barometer Zimbabwe*, *supra* note 86.
- ⁹² ZIM. CONST. art. 72(2).
- ⁹³ ZIM. CONST. art. 17.
- ⁹⁴ ZIM. CONST. art. 289(c).
- ⁹⁵ ZIM. CONST. art. 297.
- ⁹⁶ ZIM. CONST. art. 296.
- ⁹⁷ ADMINISTRATION OF ESTATES ACT, Ord. 6/1907, Act 16/1998, Chapter 6:01.
- ⁹⁸ MAINTENANCE ACT, Act 51/1971, 9/1997.
- ⁹⁹ MATRIMONIAL CAUSES ACT, Act 33/1985, 2/1990, Chapter 5:13.
- ¹⁰⁰ DEEDS REGISTRIES ACT, Acts 10/1959 ... 14/1999, Chapter 20:05, sec. 15.
- ¹⁰¹ *Zim Women Call for Land Rights Now*, OXFAM ZIMBABWE (October 6, 2016), available at <http://oxfaminzimbabwe.org/index.php/2016/10/06/zim-women-call-for-land-rights-now/>.
- ¹⁰² *Zim Women Call for Land Rights Now*, *supra* note 101.
- ¹⁰³ *Women Sidelined in Land Ownership*, NEWSDAY ZIMBABWE, (July 15, 2015), available at <https://www.newsday.co.zw/2015/07/15/zim-women-sidelined-in-land-ownership/>.