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# (A) Hardships on Zimbabwean Women

## Gender-based violence

Zimbabwean women are likely to face two main types of violence: one that is politically-motivated and one that is domestic. While sexual offences including rape are punishable by life imprisonment, few cases of rape are reported. Gender-based violence was usually handled through customary law in trials by chiefs of local authorities. The 2013 U.S. Department of State reports on gender-based violence:

Approximately three in 10 women over the age of 14 in the country had suffered physical violence. More than one in four women (27 percent) have had forced sexual intercourse, and one-fourth of HIV-affected women were exposed to sexual violence as a child. While almost two-thirds (65 percent) of women who reported domestic violence stated that the perpetrator was their current or former husband, partner, or boyfriend, 48 percent of women interviewed believed that a husband is justified to beat his wife.[[1]](#footnote-1)

According to the 2014 Freedom House report, Zimbabwe’s political rights ratings have improved from level 6 to level 5 (1 = best; 7 = worst) due to reduced harassment and violence against political parties and opposition supporters during the 2013 elections.[[2]](#footnote-2) Nonetheless, female members of the opposition often face particular brutality from security forces. For instance, before the 2013 national election, anti-riot police frequently disrupted protests by the activist organization Women of Zimbabwe Arise (WOZA). At least 200 arrests of WOZA members were recorded, many were beaten, and some sustained injuries.[[3]](#footnote-3)

A 2013 “Violence against Women Baseline Study” published by the Zimbabwean Ministry of Women Affairs, Gender and Community Development found that:

- About a quarter (26%) of women in Zimbabwe experienced some form of violence (psychological, emotional, economic, physical or sexual) perpetrated by an intimate partner in the period 2011-2012.

- Thirteen percent of men in the country admit to perpetrating some form of violence against their intimate partners during the same period.

- Sixty-nine percent of women experienced while 41% of men admitted to perpetrating intimate partner violence (IPV) in their lifetime.

- Over two thirds (68%) of all women interviewed in the study experienced some form of VAW at least once in their lifetime, while 46% of all men said they perpetrated some form of violence.

- Factors affecting the level of violence against women included patriarchal societal norms, male dominance and control, wife ownership, sexual entitlement in marriage, experience of child sexual abuse by boys, and intake of alcohol.[[4]](#footnote-4)

## Discrimination

The U.S. Department of State report finds that even though the law recognizes a woman’s right to own property, patriarchal inheritance rights under customary practice prevent women from owning property. Less than 20 percent of female farmers were official landowners or named on government lease agreements. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights. Women have the right to register their children’s births, although in practice either the fathers or male relatives must be present.[[5]](#footnote-5) The UK Department for International Development’s 2011 Gender and Social Exclusion Analysis Report found that women experienced extensive economic discrimination, including in access to employment, credit, pay, and owning or managing businesses, despite being responsible for 53 percent of all economic activity in the country, including 75 percent of all agricultural labor. As a result three-quarters of households headed by a woman were “poor” or “very poor.”[[6]](#footnote-6)

## Violence Related to Sexual Orientation and Gender Identity

Same-sex marriage and homosexual acts are still prohibited in Zimbabwe.[[7]](#footnote-7) In July 2014, President Mugabe restated that lesbian, gay, bisexual, transgendered (LGBT) citizens are “worse than dogs and pigs,” and threatened to behead them. The new constitution does not explicitly recognize LGBT rights. Constant attacks from police have driven many LGBT people in Zimbabwe underground.[[8]](#footnote-8)

# (B) Hardships on Zimbabwean Children

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## Birth Registration

Birth registration serves as a ticket to access public services including education and health care. It provides citizenship for children born in the country and those receiving it from either parent’s national citizenship. Lacking this information and the birth certificate denies children the right to attend school and increases their vulnerability. The U.S. Department of State reports on Zimbabwean birth registration statistics:

According to the 2012 government-led Demographic Health Survey (DHS), 17.7 percent of children under the age of two had a birth certificate and 39 percent had their births registered. The numbers increased with children’s age: 40.2 percent of children between the ages of two and four had birth certificates, and 56 percent had their birth registered. Children in urban households were more likely to have their birth registered than were children in rural households. The highest proportion of registered births was in Bulawayo and the lowest in Masvingo. Richer households were more likely than poor households to register children’s births.[[9]](#footnote-9)

There are many reasons for failing to register births, such as the birth occurred outside of a hospital, fathers were absent or lacked time to register, parents did not have a national identity card or birth certificate, the cost of registration was high, parents lacked of knowledge about registration requirements, and the distance to a place of registration. Many orphaned children were unable to obtain birth certificates.[[10]](#footnote-10)

## Education & Displaced Children

According to Integrated Regional Information Networks, Zimbabwe’s education was once the best in the continent, but declined due to the economic meltdown in the 2000s relating to hyperinflation. As a result, teacher’s salaries became worthless and funding for school materials and maintenance was impossible.[[11]](#footnote-11)

Currently, primary education in Zimbabwe is not compulsory, free, or universal. The new constitution reinforces that every citizen and permanent resident of the country has a right to a basic state-funded education but adds a caveat that the state “must take reasonable legislative and other measures, within the limits of the resources available to it.”[[12]](#footnote-12) The U.S. Department of State reports:

According to the 2012 DHS, 94 percent of female and 90 percent of male children between the ages of 10 and 14 attended primary school. School attendance was only slightly higher in urban than in rural areas, and enrollment for older children was in decline. According to the 2005-10 UNICEF Situational Analysis of Women’s and Children’s Rights in Zimbabwe, examination pass rates were dropping, and 50 percent of students, primarily girls, ceased attending school after grade seven.[[13]](#footnote-13)

Increasing school fees were the main reason for absences, and girls were more easily able to obtain work as domestic workers than were boys. Despite a directive from the Ministry of Education that no child should be refused education for not paying school fees, there were reports that schools turned away students with unpaid fees.[[14]](#footnote-14)

The Government of Zimbabwe continued Phase II of its *National Action Plan for Orphans and Vulnerable Children*, which also focuses on equity and access to quality education for children. The policy recommended a three-pronged approach to assisting at-risk children, including: (1) providing child protection and health services, (2) delivering conditional cash transfers, and (3) continuing the basic education assistance module (BEAM). Donors fulfilled their pledges by sending money for the plan and BEAM, but the government did not manage to fund the program entirely.[[15]](#footnote-15)

Since the 2005 Operation Murambatsvina that forced the eviction of thousands of children and their families, the Government of Zimbabwe has done little to nothing for them in terms of access to education, healthcare, roads, and means of livelihood. The government did not build a single school through the Operation Garikai resettlement program, which forced the children to attend unregistered, makeshift or backyards schools started by community leaders and individuals. The schools lack books, trained teachers, and buildings, and do not receive government funding.[[16]](#footnote-16) By 2013, the majority of Murambatsvina victims still lack adequate housing and have no way to rebuild their property. Most victims have moved into existing, overcrowded urban housing areas or remained in rural areas.[[17]](#footnote-17)

Customary laws in rural areas tend to undermine women’s civil rights and access to education. Approximately one-third of Zimbabwean girls do not attend primary school and two-thirds do not attend secondary school due to poverty, abuse, and discriminatory cultural practices.[[18]](#footnote-18)

### Displaced Children

A UNICEF report stated that government support of the poor “suffered from a severe lack of human and financial resources in the last decade” and was “in urgent need of review and revival to meet the growing needs of children.” UNICEF’s 2005-10 report estimated that one-quarter of all children had lost one or both parents to HIV or other causes. The proportion of orphans in the country per capita remained very high. The vast majority of orphans were cared for by their extended family or lived in households headed by children.

## Health

In 2010, Amnesty documented a shocking number of reported deaths of newborn babies at the Hopley settlement in Harare. While it is not confirmed, Amnesty International suggests a link between the deaths and the government’s failure to ensure access to essential, life-saving healthcare for Operation Murambatsvina victims.[[19]](#footnote-19)

However, a 2013 UNICEF Annual Report on Zimbabwe highlights the Young Child Survival and Development programme, which is managed by UNICEF through the Health Transition Fund (HTF). There is improved access to quality maternal, newborn, and child health services:

. . . the number of doctors at district level has increased from 70 in 2011 to 126 in 2013 and practicing midwives from 500 in 2011 to 1,500 in 2013. The HTF also provided allowances to all 18,800 health personnel and 3,160 Village Health Workers.[[20]](#footnote-20)

## Exposure to Violence

In the U.S. Department of State report, child abuse includes incest, infanticide, child abandonment, and rape, all of which continue to be serious problems in Zimbabwe. In 2012, Childline Zimbabwe reported counselling more than 9,000 children directly affected by abuse, generally caused by a relative or someone living with the child. Approximately twice as many girls reported abuse as boys. Between January and August 2013, Childline also reported counselling 80 boys and 915 girls specifically for sexual abuse.[[21]](#footnote-21)

The new constitution states that “no person may be subjected to cruel, inhuman, or degrading treatment or punishment,” but the courts have neither interpreted the clause nor determined whether it applied to corporal punishment.

### Forced and Early Marriage

Under the new constitution, anyone under the age of 18 is a child and the legal age for a civil marriage is 18, but girls who are 16 and 17 can marry with parental approval. The criminal code also prohibits sexual relations with persons younger than age 18. Unfortunately, the new laws has had little effect because the Customary Marriages Act has not been amended to reflect this change and it still does not have a minimum age requirement for boys or girls. Consequences of underage marriage include school drop outs, economic dependence, illiteracy, disempowerment, vulnerability to violence, and greater risk to HIV infections.[[22]](#footnote-22)

1. U.S. Department of State, “Country Reports on Human Rights Practices for 2013: Zimbabwe,” <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220176>. [↑](#footnote-ref-1)
2. Freedom House, Freedom in the World 2014 - Zimbabwe, 22 August 2014, available at: http://www.refworld.org/docid/53fc35fd5.html [accessed 29 January 2015]. [↑](#footnote-ref-2)
3. Amnesty International, “Annual Report 2013: Zimbabwe,” accessed January 29, 2015. <http://www.amnesty.org/en/region/zimbabwe/report-2013>. [↑](#footnote-ref-3)
4. Asylum Research Consultancy (ARC), Zimbabwe Country Report, 15 January 2015, available at: http://www.refworld.org/docid/54b691994.html [accessed 24 January 2015] at page 170. [↑](#footnote-ref-4)
5. U.S. Department of State, *supra* Note 1. [↑](#footnote-ref-5)
6. U.S. Department of State, *supra* Note 1. [↑](#footnote-ref-6)
7. Government of Canada, “Travel Advisories: Zimbabwe,” accessed January 27, 2015, <http://travel.gc.ca/destinations/zimbabwe>. [↑](#footnote-ref-7)
8. Human Rights Watch, “World Report 2014: Zimbabwe,” accessed January 29, 2015, <http://www.hrw.org/world-report/2014/country-chapters/zimbabwe>. [↑](#footnote-ref-8)
9. U.S. Department of State, *supra* Note 1. [↑](#footnote-ref-9)
10. U.S. Department of State, *supra* Note 1. [↑](#footnote-ref-10)
11. ARC, *supra* Note 4. [↑](#footnote-ref-11)
12. Constitution of Zimbabwe Amendment (No. 20) Act, 2013 [Zimbabwe], *Chapter 4, Part 2 (4),* 22 May 2013, available at: http://www.refworld.org/docid/51ed090f4.html [accessed 29 January 2015]. [↑](#footnote-ref-12)
13. U.S. Department of State, *supra* Note 1. [↑](#footnote-ref-13)
14. U.S. Department of State, *supra* Note 1. [↑](#footnote-ref-14)
15. U.S. Department of State, *supra* Note 1. [↑](#footnote-ref-15)
16. Amnesty International, “Zimbabwe: Human rights agenda for the government, 2013-18,” <http://www.amnesty.org/en/region/zimbabwe/report-2013>. [↑](#footnote-ref-16)
17. Freedom House, Freedom in the World 2014 - Zimbabwe, 22 August 2014, available at: http://www.refworld.org/docid/53fc35fd5.html [accessed 29 January 2015]. [↑](#footnote-ref-17)
18. Freedom House, Freedom in the World 2014 - Zimbabwe, 22 August 2014, available at: http://www.refworld.org/docid/53fc35fd5.html [accessed 29 January 2015]. [↑](#footnote-ref-18)
19. Amnesty International, “No Chance to Live, Newborn Deaths at Hopley Settlement, Zimbabwe, Index:

AFR 46/018/2010,” December 2010, <http://www.amnestyusa.org/sites/default/files/nochancetolivereport.pdf>. [↑](#footnote-ref-19)
20. UNICEF, “Annual Report 2014: Zimbabwe,” accessed January 30, 2015, <http://www.unicef.org/zimbabwe/Annual\_Report\_Webpages\_layout\_2014.pdf>. [↑](#footnote-ref-20)
21. U.S. Department of State, *supra* Note 10. [↑](#footnote-ref-21)
22. U.S. Department of State, *supra* Note 10. [↑](#footnote-ref-22)