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Zimbabwe

Between a rock and a hard place – women human rights defenders at risk

Introduction

The human rights situation in Zimbabwe has been deteriorating rapidly since 2000. Human rights violations are taking place in a context characterised by a fast-shrinking economy that is being accelerated by government policies. Those policies, particularly on land reform and forced evictions, have contributed significantly to reducing the entire population's capacity to obtain access to their rights to food,¹ health, education and housing.

Zimbabwean women, who are active in dedicated women's rights organizations and in other human rights organizations, are mobilising to confront the government in response to the violation of economic and social rights. They are demanding respect for and protection of their own human rights and the rights of members of their communities.

After the government of Zimbabwe's programme of mass forced evictions in 2005 an estimated 700,000 people lost their homes or livelihoods or both.² The forced evictions drove people not only from their homes, but also from their market stalls, depriving informal traders of their means of earning a living. Women were disproportionately affected by this policy since they constitute the majority of informal market traders and are often the primary providers, not only for their own children but also for other children orphaned by the AIDS pandemic.³ Many women, from both urban and rural areas, are finding it increasingly difficult to buy food, pay for medical care and earn a living.

As economic and social conditions have worsened, the government of Zimbabwe has become increasingly intolerant of critics of its policies. Since 2000, the government has condoned the widespread use by the Zimbabwe Republic Police of excessive force, torture, arbitrary arrest and detention of government critics. These include trade unionists, human rights defenders, media workers, NGO workers, lawyers, students and other perceived opponents of the government.⁴ Since 2005, hundreds of human rights defenders, the majority of them women, have been arbitrarily arrested and detained for engaging or attempting to engage in peaceful

¹ Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

² United Nations: Report of the Fact Finding Mission to Zimbabwe to Access the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe, 22 July 2005.

³ According to UNICEF an estimated 1.1million children had been orphaned by the AIDs pandemic by 2005, http://www.unicef.org/infobycountry/zimbabwe_statistics.html#25

⁴ See Amnesty International: *Zimbabwe Rights Under Siege*, May 2003, AI Index: AFR 46/012/2003.

protest marches or meetings. Most women interviewed by Amnesty International have reported being subjected to beatings and ill-treatment while in police custody. The beatings, in some instances, amounted to torture.

Women, standing up to defend their economic and social rights, face further human rights violations as women and as human rights defenders, including sexist verbal abuse and derogatory accusations. Women human rights defenders have been persistently denied their rights to freedom of expression, association and assembly. In addition, women human rights defenders in rural areas are being denied equal access to necessary cheap maize sold by the Grain Marketing Board (GMB). Since 2000, the government has used the law, in particular, the Public Order and Security Act (POSA), the Miscellaneous Offences Act (MOA) and later the Criminal Codification Act to undermine the ability of human rights defenders to promote and protect human rights. The police have categorized as criminal all legitimate activities of human rights defenders, as recognized in the UN Declaration on Human Rights Defenders⁵ and reaffirmed by the African Commission on Human and Peoples' Rights in their Resolution on the Protection of Human Rights Defenders in Africa.⁶ Women human rights defenders in detention have been humiliated and denied food, water, medical care and access to lawyers. Some have even been detained while pregnant or with their babies or infants. They are held in deplorable conditions which fall far below international human rights standards.

The treatment of women human rights defenders in custody has had dire consequences on them and their families, particularly on children who are often left without care while their mothers or carers are detained for days.

However, in the face of an increasing government clampdown, Zimbabwean women human rights defenders have demonstrated great resilience, bravery and determination to end human rights violations. They are aware of the obstacles and the dangers they face, yet they refuse to be intimidated.

About this report

This report focuses on the circumstances of women human rights defenders in Zimbabwe. It explores their motivations and objectives. It documents human rights violations experienced by women human rights defenders, and the tools of repression used by the government to crush dissent. The report also looks at the government of Zimbabwe's obligations under regional and international human rights treaties, and makes recommendations to the government of Zimbabwe, the Southern Africa Development Community and the international community, particularly the African Union.

⁵ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote Universally Recognised Human Rights and Fundamental Freedoms, adopted by the UN General Assembly in 1998.

⁶ Resolution On The Protection Of Human Rights Defenders In Africa 74. ACHPR /Res.69(XXXV)04 <http://www1.umn.edu/humanrts/africa/resolutions/rec74.html>

Amnesty International understands human right defenders to be people who act to promote and protect human rights. They may be victims and survivors of human rights violations themselves, or friends or relatives of victims of human rights violations seeking to redress the violations suffered by their relatives. Alternatively, they may be journalists, lawyers, members of human rights organizations or politicians who speak out against government repression, who are working for the promotion and protection of human rights for all. They are human rights defenders because of what they do, not because of their job or profession.

Article 12 of the UN Declaration on Human Rights Defenders recognizes the right of everyone “individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.” It places an obligation on the state to “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights.”

The bulk of the information in the report was gathered during a three-week mission by Amnesty International to Zimbabwe in February and March 2007. Amnesty International interviewed 59 women in Bulawayo, Insiza district in Matabeleland South province, Masvingo, Chivi district in Masvingo province, Mutare, Chegutu and Harare. Delegates interviewed professional women and student activists, women from townships and rural areas. The women ranged in age from late teens to women in their 60s. Amnesty International also interviewed male human rights defenders who are experiencing similar constraints and violations.

Amnesty International made several requests for meetings with government officials, in writing and in person, but failed to secure a single interview.

Some of the names of the people mentioned in this report have been changed in order to protect their identity.

Context

Zimbabwe is in the midst of what the World Bank has called unprecedented economic decline for a country in peacetime.⁷ The country also has one of the highest prevalence rates of HIV and AIDS cases in the world, and more than a million children have been orphaned by the AIDS pandemic.⁸ The pandemic has also had a serious impact on a large number of households, since many individuals suffering from AIDS are less able to contribute to household income. In addition, erratic rainfall, coupled with shortages of farming inputs such as seeds and fertilizers, have led to a significant reduction in food production, making it difficult for families to find resources to pay for healthcare.⁹ Zimbabwe is ranking 151, out of 177 countries, on the United Nations Development Programme's Human Development Index.¹⁰

The standard of living in Zimbabwe, including average life expectancy (currently 36.6 years) is at its lowest level in over thirty years;¹¹ 45% of the population is malnourished, one of the highest rates in the world.¹²

Zimbabwe is experiencing hyperinflation which translates to daily increases in the prices of basic goods and services. By the end of April 2007 the country's annual inflation rate had reached 3713%.¹³ In contrast, household incomes have remained static.

The majority of the women interviewed by Amnesty International came from households that provide care to children who have been orphaned by the AIDS pandemic. With no assistance from the state or NGOs, the women have to feed and pay for the education of both their own children and of other children under their care. Two thirds of female-headed households care for orphans and vulnerable children.¹⁴

⁷ Hartwig Schafer, the World Bank's representative in Zimbabwe, reported in *Zimbabwe's economic fall unprecedented 'in peacetime'*, Globe and Mail, 27 July 2005 (Reuters News Service).

⁸ UNICEF estimates of children aged 0-17 who have been orphaned by AIDS by 2005. www.unicef.org/infobycountry/zimbabwe_statistics.html#25

⁹ World Food Programme, Where we work – Zimbabwe, http://www.wfp.org/country_brief/indexcountry.asp?country=716

¹⁰ UNDP, Human Development Report 2006, p285. The Human Development Index measures: (i) healthy life expectancy at birth; (ii) knowledge (literacy and education); (iii) a decent standard of living.

¹¹ UNDP, Human Development Report 2006, p290. The Human Development Index measures: (i) healthy life expectancy at birth; (ii) knowledge (literacy and education); (iii) a decent standard of living.

¹² Ibid, p307

¹³ Reserve Bank of Zimbabwe, www.rbz.co.zw/about/inflation.asp

¹⁴ United Nations, Zimbabwe 2006 Consolidated Appeals Process.

Human rights concerns related to access to food and housing

The Zimbabwe government's policies on land reform and mass forced evictions have resulted in a significant reduction in the capacity of many households to access the rights to adequate food, education, healthcare and housing. The fast-track land reform programme,¹⁵ which began in 2000, and the 2005 programme of mass forced evictions known as Operation Murambatsvina (Restore Order), literally wiped out the ability of poor households to meet their basic needs.

In 2004 Amnesty International concluded that the government of Zimbabwe's fast-track land reform programme had contributed to a drastic reduction in domestic production of food and food security.¹⁶ The land reform programme also left some 70% of farm workers without jobs, greatly reducing their ability to pay for food, healthcare, and education. Three years later, Amnesty International found that the situation of former farm labourers has further deteriorated. The few farm labourers who are still in employment are now more vulnerable to exploitative forms of employment by the new settlers who pay the labourers very low wages.¹⁷ The General Agriculture and Plantation Workers Union (GAPWUZ), a trade union representing farm labourers, reports that its membership was significantly reduced to 55,000 from 300,000 before the government's fast-track land reform programme. The majority of the trade union's former members are now unemployed or can no longer afford to pay membership fees. An estimated 150,000 former farm labourers were in need of food aid because they had lost their livelihoods as a direct result of Zimbabwe's fast-track land reform between 2000 and 2002.¹⁸ Farm evictions were still being reported during the first quarter of 2007.

In March 2007 the minimum wage for general farm labourers was Z\$32,000 per month, a wage that would barely buy six loaves of bread. Members of GAPWUZ told Amnesty International that many labourers are paid significantly below this minimum wage. For example, Iris, a farm labourer from the farming town of Chegutu in Mashonaland West province, told Amnesty International that she is paid Z\$4,000 a month. She is the mother of two school-age children and pays a monthly rent of Z\$30,000. Such low incomes often force women to engage in commercial sex work to supplement their incomes, thereby exposing them to HIV infection.

The government of Zimbabwe's programme of mass forced evictions in 2005 contributed significantly to reducing the capacity of urban and peri-urban households to obtain food,

¹⁵ The majority of former farm workers were not allocated land under the government's fast-track land reform.

¹⁶ Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

¹⁷ Interview with Juliet Sithole, Gender Coordinator with the General Agriculture and Plantation Workers Union of Zimbabwe, February 2007.

¹⁸ United Nations, Zimbabwe 2006 Consolidated Appeals Process.

healthcare, education and housing.¹⁹ With unemployment in Zimbabwe standing at 80%, this had a drastic effect on the capacity of households to earn a decent living. The mass forced evictions targeted flea markets and vegetable vendors among other businesses in the informal sector. Because of their preponderance as vendors and informal traders, women were disproportionately affected by the government's destruction of small businesses. The Zimbabwe Congress of Trade Unions (ZCTU) notes that by 1998 women accounted for 67% of all micro-enterprises (77% of those in urban areas and 62% of those based in rural areas).²⁰ Operation Murambatsvina dealt a severe blow to households headed by women, and undermined women's ability to provide for their families as their source of income was eroded.

The informal sector is the only source of employment and livelihood for a significant proportion of the population in Zimbabwe. By 2004, the informal economy was estimated to account for 40% of all forms of employment, and had effectively become the mainstay of the majority of the urban population.²¹

Amnesty International has documented how Operation Murambatsvina resulted in the destruction of at least 32,538 small and micro-businesses across the country, creating a loss of livelihood for 97,614 people (mostly women) who were targeted indiscriminately.²²

In February and March 2007, Amnesty International delegates witnessed daily increases in the prices of basic goods such as food and transport, while most people's wages remained static. Throughout the places visited by Amnesty International, women were desperately trying to sell their goods, including crafts, sweets, fruit and vegetables. At the same time they were attempting to avoid being arrested and having their goods confiscated by police, and sometimes were fined for contravening onerous municipal vending by-laws that require vendors to be registered and to sell only at designated points.

Some of the vendors were operating legally before Operation Murambatsvina. However, they are now deemed illegal because they have not been able to complete the "vetting" and re-licensing process introduced by the government after Operation Murambatsvina. Most women vendors fail to complete the "vetting" process because they cannot afford the fees, or because, even with a vending licence, they have not been allocated a site for vending. Where vending sites have been allocated, they are often badly positioned, and vendors struggle to sell anything.

¹⁹ In May 2005, the government of Zimbabwe embarked on a programme of mass forced eviction known as Operation Murambatsvina (Restore Order) which left an estimated 700,000 people without homes or livelihoods or both. Operation Murambatsvina first targeted informal businesses.

²⁰ Zimbabwe Congress of Trade Unions, *The economic impact of the clampdown on the informal economy, code named Operation Restore Order/Murambatsvina*, 28 June 2005.

²¹ Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlement Issues in Zimbabwe, 22 July 2005, p24.

²² Amnesty International, *Zimbabwe: No justice for the victims of forced eviction*, 8 September 2006, AI Index: AFR46/005/2006.

The majority of those affected by government's clampdown on the informal sector were poor women. One organization providing credit to micro-businesses, including many of those involved in street vending and trading, described the impact: "Our business has totally changed. We do not work with the poorest anymore. They are gone; 85% of our clients were poor women, and they have been driven out of business by Operation Murambatsvina."²³

In February 2007 women from townships reported being concerned about the government's policy of arresting street vendors. Amnesty International has documented patterns of human rights violations, including police harassment and ill-treatment of informal traders.²⁴

Amnesty International believes that the arbitrary arrest and harassment of informal traders is taking away their only source of livelihood, and constitutes a violation of the right to work.²⁵

In Zimbabwe women are often not only responsible for their immediate family, they also support members of the extended family by buying food and paying for education. Female-headed households are extremely vulnerable to food insecurity. For example, in 2003 about 70% of female-headed households required food aid (compared with 58% of male-headed households).²⁶ In June 2007 it was reported that an estimated 4.1 million people in Zimbabwe would experience food shortages.²⁷

In 2004, Amnesty International expressed concern about the politicisation of food relief programmes in rural areas, particularly of maize distribution by the GMB.²⁸ The government of Zimbabwe closely controls the management and distribution of the country's strategic grain reserves through the state-run GMB.²⁹ Amnesty International also documented a range of human rights violations in the response to the food crisis. These included discrimination on

²³ Amnesty International interview with micro-lending organization in Masvingo, April/May 2006.

²⁴ Amnesty International, *Zimbabwe: No justice for the victims of forced evictions*, 8 September 2006, AI Index: AFR 46/005/2006.

²⁵ See UN ICESCR, General Comment No 18, paragraph 20.

²⁶ Zimbabwe National Vulnerability Assessment Committee, *Zimbabwe Emergency Food Security Assessment*, April 2003.

²⁷ *More than one-third of Zimbabweans face food shortages – drought and economic crisis to blame*, FOA/WFP report says, World Food Programme, 5 June 2007, <http://www.wfp.org/english/?ModuleID=137&Key=2511>.

²⁸ Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

²⁹ The Grain Market Board manages the country's strategic grain reserve. In areas experiencing acute food shortage the GMB sells grain to the most vulnerable households. GMB grain is subsidized by the state and is generally affordable to many poor households. However, because of the monopolistic nature of the programme, it has been susceptible to political manipulation. The government has encouraged and allowed ruling party officials at local level to discriminate against outspoken human rights defenders, members of the Movement for Democratic Change (MDC) and members of civil society organizations. The selection for beneficiaries is usually done by local councillors, many of whom are members of Zimbabwe African National Union – Patriotic Front (ZANU-PF), and traditional leaders who are either forced by the local ruling party officials to leave out perceived opponents of the party or are willing to cooperate.

the basis of perceived political opinion, denial of access to justice, lack of independence of the judiciary, failure to protect the rights of the most vulnerable people (including farm workers) and unreasonable restrictions in the distribution of necessary food aid. Finally, Amnesty International documented the political manipulation of food aid, noting that food aid was often withheld from those who did not hold a ZANU-PF loyalty card, and was used in attempts to influence election results. In 2007 Amnesty International found that the manipulation of food distribution persists, particularly of GMB maize sold in rural areas.

Impelled to act to defend their rights

If we follow what the ruling party wants the whole country will die.
Rural activist from Matabeleland South province, February 2007

This [activism] is not about students [alone]. It is also about our mothers who cannot afford to feed their families. Our silence results in more violations.

Student activist from Harare, February 2007

It is not a new phenomenon for Zimbabwean women to take up human rights activism. Since the country gained independence in 1980, women in Zimbabwe have been active in lobbying the government to adopt laws and policies that promote and protect their rights. Of particular significance has been the women's movement's success in lobbying for the Legal Age of Majority Act, which was passed in 1982. This gives legal recognition to women as majors when they reach the age of 18. Most recently, women's organizations such as the Zimbabwe Women Lawyers Association (ZWLA), the Women's Coalition and Women Action Group (WAG), among others, have lobbied for the enactment of laws against domestic violence. In November 2006 the Domestic Violence Act was passed by the lower house of parliament. Women have also lobbied against discriminatory inheritance laws, for reform of marriage laws and on other issues affecting women.

Like women human rights defenders elsewhere in the world,³⁰ those in Zimbabwe often endure grave violations themselves as they are subjected to all forms of attacks and ill-treatment by governments in an attempt to undermine their causes.³¹

While this report focuses on the situation of human rights defenders as they seek to exercise their right to peaceful assembly and freedom of association, Amnesty International acknowledges that the women human rights defenders are themselves victims of persistent violations of economic and social rights. All women human rights defenders interviewed by Amnesty International from across Zimbabwe repeatedly noted the difficulties they faced in feeding their families, meeting school fees and paying for medical care for themselves and other family members. Zimbabwe is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) which recognizes the rights to food, education and health. It is often the denial of these rights which motivates women in Zimbabwe to become human rights defenders and to confront their government in demanding the respect and protection of these rights.

Other women become involved in activism due to personal or family tragedies which they attribute to ill-considered government policies. Amnesty International spoke with many

³⁰ One such women's organization is the Mothers of Plaza de Mayo in Argentina, a human rights organization set up to campaign for justice on behalf of their children and other relatives who "disappeared" during the years of military rule (1976 - 1983). They have earned international recognition for their activism.

³¹ See Amnesty International, Urgent Action, AI Index: AMR 13/013/2001.

women who have become human rights defenders following repeated violations of their human rights by the government of Zimbabwe.

Case studies

Grandmother denied access to food

Costa is a 64-year-old widow from Matabeleland South province. She is a carer of six orphaned grandchildren aged between three and 18. She survives by subsistence farming and by working in other people's fields. Since 2002 she has been denied access to GMB food by local politicians who suspect her of being an MDC supporter. She has repeatedly appealed to the local councillor in the area and has been told on each occasion that she cannot be registered to buy GMB maize because she criticises the ruling party. Costa decided to join the activist organization Women of Zimbabwe Arise (WOZA) to protest against her victimisation. WOZA campaigns on social justice issues including equal access to food, healthcare and education.

Widow waits three years for state pension

Sidumiso (36) is the mother of two children. She is an activist with the Zimbabwe Civic Education Trust (ZIMCET), a national NGO which campaigns against political violence. She told Amnesty International that she decided to become a human rights defender after the death of her husband in the Democratic Republic of Congo in March 2000. Her husband was serving with the Zimbabwe National Army. The army did not tell her of her husband's death until two weeks after he had died. When his body was repatriated to Zimbabwe, the family was not allowed to view it – which contravenes local custom. After the death of her husband, Sidumiso had no other source of income to support her family. She did not receive her first widow's pension from the army until August 2003, more than three years after her husband's death. Her grief for the loss of a husband in a war which she feels was unnecessary, and the manner in which her family was treated by the army, led her to join a human rights organization as a platform to demand justice and campaign for an end to violence.

Women farm labourers working for pittance

Women who work on farms are routinely denied a wage which would secure them a decent living and are vulnerable to other rights abuses.

A woman farm labourer from the farming town of Chegutu told Amnesty International that she earns Z\$4,000 per month. "I cannot buy anything with that except a soft drink," she told Amnesty International. She has one child and cannot afford education fees. She decided to join the GAPWUZ to mobilise other farm labourers and campaign for better wages.

Survivor of repeated forced evictions and police brutality

Irene's family was forcibly evicted from a farm in Matabeleland North province in 2002 during the fast-track land reform programme, when the farm where she lived with her grandfather, a farm labourer, was taken by the government and given to a supporter of the ruling party. The family relocated to Bulawayo. Soon after that, her father died (her mother was already deceased by the time), and Irene was left to fend for herself and six siblings. She became a vegetable vendor in order to earn money to buy food, pay rent and support her siblings' education. In 2005 her rented home in Bulawayo was destroyed during Operation Murambatsvina, when the government demolished backyard structures without providing alternative shelter for the affected people. She now lives in a single room with all her siblings in a high density suburb in Bulawayo. She finds it increasingly difficult to sell vegetables – her sole source of income – as she and other vendors are repeatedly arrested by the Zimbabwe Republic Police and Bulawayo municipal police. The vendors have their goods confiscated and are at times made to pay fines. She decided to join other women in her community, and takes part in peaceful demonstrations organised by WOZA. Irene has been arrested at least eight times after engaging in peaceful protest as a member of WOZA.

In August 2006 Irene was arrested in Bulawayo during a peaceful march to the offices of the Reserve Bank of Zimbabwe (RBZ). The march was organised by WOZA to protest against the abuse of women and the arbitrary seizure of money by police and youth militia at road blocks established by the RBZ and police to enforce the new currency switch. Irene was kicked above the navel by a police officer during the arrest. At the time she was two months pregnant. She was later detained overnight at Bulawayo Central police station, where she noticed that she was bleeding. Other women protesters detained with her alerted the police officer on night duty that Irene was bleeding and that they feared she could miscarry. The police officer reportedly told the detained women that "that would serve her [Irene] right as she was doing things [demonstrating] she should not be doing." The following morning Irene requested to be given water to clean herself but she was refused. She also asked to be taken to hospital and was reportedly told that she should wait for her lawyer. When the lawyer came she was unable to see him because she had been taken for questioning in another room. The lawyer was not allowed to consult with each of the detained women. Only after her release did Irene receive medical care through a private hospital with the assistance of WOZA. She had miscarried so her womb was cleaned and she spent a week in hospital before being discharged.

Women from locations visited by Amnesty International relayed similar experiences. Amnesty International observed that the Zimbabwean women human rights defenders were motivated to become activists in order to demand changes to government laws and policies that cause and exacerbate their daily hardship in obtaining food, and gaining access to healthcare and education for their families. All these have become increasingly unaffordable to most households.

Denial of access to subsidised maize in rural areas

We cannot afford to continue to feed the enemy because they are sell outs.

Chief Fortune Charumbira, President of the Zimbabwe Council of Chiefs, January 2007

The government of Zimbabwe has permitted discriminatory distribution of maize in the rural areas as part of its strategy to retain its political support base since the emergence of the main opposition party, the Movement for Democratic Change (MDC).³² Over the last seven years, Zimbabwe African National Union – Patriotic Front (ZANU-PF) politicians have used maize sold through the state-owned Grain Marketing Board (GMB) as a tool to silence perceived opponents.³³ In order to buy maize from the GMB, needy households in rural areas are registered at the local level. The registration process is conducted by councillors who are, in the majority of cases, members of ZANU-PF. These councillors omit names of perceived and known MDC supporters, reportedly stating that the “government should not be feeding its enemies.” Women human rights defenders have been labelled MDC supporters and are also discriminated against in the sale of GMB maize.

Amnesty International interviewed women human rights defenders who were excluded from buying maize from the GMB because they belong to human rights organizations or speak out against discrimination and other human rights violations in their communities. The decisions of the local ruling party officials are rarely challenged. People who do challenge them are often threatened with being beaten or evicted from their homesteads.

In Matabeleland South province, several WOZA members told Amnesty International they had been informed by local ruling party officials that they cannot buy GMB maize because they belong to an organization which criticizes the ZANU-PF government. In February 2007, Amnesty International spoke to 15 women from one district who had been stopped from buying GMB maize in 2002. Only four of the women were eventually allowed to buy the subsidized maize, after appealing to the local chief of the area who acted as a mediator.

Case studies

Eleven women targeted since 2002

Thami is a 45-year-old member of WOZA from Matabeleland Province. In 2002 she and 14 other women were blocked from buying GMB maize on the grounds that they were suspected to be supporters of the MDC. Thami mobilized some of the women who were affected, and approached the local chief to demand access to GMB maize. Prior to going to the chief, the women had lodged a complaint with the police, who refused to intervene. The village head and his secretary were summoned by the chief. The village head reportedly admitted to the chief that he had been given instructions by ZANU-PF officials not to allow opposition

³² In February 2000 the government lost a referendum on a new constitution. In the same year the ruling party ZANU-PF narrowly won the parliamentary election; this triggered a wave of violence which targeted members of the main opposition party, the MDC.

³³ Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

supporters to buy maize from the GMB. The chief could not help the women. On returning from the chief's court, Thami was summoned to a community meeting where she was accused of making the police report and making false accusations against ZANU-PF officials. When Amnesty International spoke to Thami in February 2007 she was still not being allowed to buy GMB maize. Four of her colleagues were later allowed to buy the maize.

Protester charged with “being disrespectful to men”

Clara is a 60-year-old widow from Chivi district in Masvingo province. She is a member of the Women's Coalition, a national women's human rights organization. In 2003 Clara spoke out at a community meeting to challenge discrimination against perceived supporters of opposition parties in the distribution of GMB maize in her village.³⁴ Local ZANU-PF officials accused her of being a member of the MDC – an accusation which put her at risk of being assaulted, abducted or even killed by war veterans and ZANU-PF youth militia.³⁵ Clara was also summoned to the chief's court and was accused of “being disrespectful to men” – a charge grounded in pervasive gender stereotypes according to which women should not challenge men and women may have no say in public life. In August 2006, the chief's court found Clara “guilty of being disrespectful to men” and she was fined a goat. She refused to pay because she did not accept that she had committed any offence and told her accusers that the “charge” had no basis. By February 2007 Clara was still not being allowed to buy GMB maize.

Violations of the right to food

Amnesty International is concerned that women human rights defenders are being discriminated against in sales of GMB maize, thereby violating their right to adequate food. The right to adequate food and to be free from hunger is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR, Articles 11(1) and (2)), to which Zimbabwe is party. This right is to be respected, protected and fulfilled for the whole population, without discrimination, including on the basis of “political or other opinion” (ICESCR, Article 2(2)). As a state party to the ICESCR, Zimbabwe must also ensure the equal right of men and women to obtain adequate food (ICESCR, Article 3). Furthermore, the UN Committee on Economic, Social and Cultural Rights (CESCR), which is responsible for monitoring states' parties compliance with the ICESCR, has noted that violations of the right to food include the “denial of access to food to particular individuals or groups, whether the discrimination is based on legislation or is proactive.”³⁶

Zimbabwe, as a party to the ICESCR, has an immediate obligation to take the necessary action to mitigate and alleviate hunger as provided for under the ICESCR, even in times of

³⁴ Amnesty International, *Zimbabwe: Power and Hunger – violations of the right to food*, 15 October 2004, AI Index: AFR 46/026/2004.

³⁵ Amnesty International, *Zimbabwe: Toll of impunity*, 25 June 2002 AI Index: AFR 46/034/2002.

³⁶ UN Committee on Economic, Social and Cultural Rights, General Comment No. 12, The Right to Adequate Food, E/C.12/1999/5, para 19.

economic recession.³⁷ States must take steps to achieve progressively the full realization of the right to adequate food. Achievement of this objective is subject to resource availability, but the ICESCR requires that states immediately prioritise the duty “to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger.”³⁸

The African Commission on Human and People’s Rights has also upheld the right to food, stating:

*The African Charter and international law require and bind [states] to protect and improve existing food sources and to ensure access to adequate food for all citizens. ... the right to food requires that the [government] should not destroy or contaminate food sources. It should not allow private parties to destroy or contaminate food sources, and prevent peoples’ effort to feed themselves.*³⁹

Under the ICESCR women human rights defenders have a right to be protected from discrimination in accessing the right to food and other rights enshrined in the treaty.

The ICESCR provides in Article 2(2) that:

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Thus, the Committee on Economic, Social and Cultural Rights, which is responsible for ensuring states parties’ compliance with the ICESCR, has stated that any discrimination in access to food, as well as to means and entitlements for its procurement, on grounds such as political or other opinion, national or social origin or other status, with the purpose of nullifying or impairing the equal enjoyment of economic, social and cultural rights, including the right to adequate food, constitutes a violation of the Covenant.⁴⁰

The International Covenant on Civil and political Rights (ICCPR), which Zimbabwe has ratified, provides in Article 26, that all persons are equal before the law and are entitled to equal protection of the law without discrimination. The human rights committee has clarified that this extends to all human rights – economic, social and cultural as well as civil and political.⁴¹

Amnesty International believes that, by allowing the local ZANU-PF officials in rural areas to refuse permission to women human rights defenders to buy GMB food on the basis of their

³⁷ Ibid, para 28.

³⁸ Ibid, para 14.

³⁹ African Commission on Human and Peoples’ Rights, *The Social and Economic Rights Action Center for Economic and Social Rights v. Nigeria*, Communication No. 155/96, October 2001.

⁴⁰ General Comment 12, para. 18.

⁴¹ Human Rights Committee, General Comment 18, Non-Discrimination, UN Doc. HRI\GEN1\Rev.1 at 26 (1994).