



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Fifty-first session**

Summary record (partial)* of the 1030th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 21 February 2012, at 3 p.m.

Chairperson: Ms. Pimentel

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Consideration of reports submitted by States parties under article 18 of the Convention
(*continued*)

Combined second to fifth periodic reports of Zimbabwe (continued)

* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined second to fifth periodic reports of Zimbabwe (continued)
(CEDAW/C/ZWE/2-5; CEDAW/C/ZWE/Q/2-5 and CEDAW/C/ZWE/Q/2-5/Add.1)

1. *At the invitation of the Chairperson, the delegation of Zimbabwe took places at the Committee table.*

Articles 10 to 14 (continued)

2. **The Chairperson** invited the delegation of Zimbabwe to continue its replies to questions raised by the Committee members at the previous meeting.

3. **Ms. Muchena** (Zimbabwe) said that the Government's position on equal pay for equal work was that it considered the International Labour Organization (ILO) definition of equal remuneration to be too restrictive and not representative of the diversity of work carried out by men and women. However, the principle of equal pay was being taken into account as part of the ongoing reform of the Labour Act and legislation would be amended to give full effect to the provisions of the Convention in due course.

4. **Ms. Murillo de la Vega** asked whether sexual harassment in the workplace had been defined as an offence in the Labour Code and the Criminal Code. She requested more information on the entitlement to statutory maternity leave. She enquired about the provision for the rehabilitation of prostitutes following imprisonment. She sought clarification as to why the Small Enterprise Development Corporation (SEDCO) allocated less than a third of its funding to rural women, even though they accounted for most of the people working in the informal and microenterprise subsectors.

5. **Ms. Schulz** asked whether the provision allowing legal abortion when the woman's life was at risk or in the case of rape and incest was interpreted differently for women living in rural and urban areas. She wished to know how many legal abortions were carried out each year because the physical health of the woman was deemed to be in danger and whether abortion was ever allowed on the grounds of mental health. She asked whether women who were hospitalized due to complications following illegal abortions were reported to the authorities and how many persons were prosecuted and sentenced for illegal abortions each year, including the perpetrators of and accomplices to the offences. Were there any plans to decriminalize abortion?

6. **Ms. Bailey** asked how many girls returned to school after pregnancy and how issues such as societal pressures, stigmatization and the demands of motherhood were addressed to facilitate their re-entry into education. She sought clarification regarding the State party's contradictory response to the Committee's questions on sexual harassment and sexual violence in schools. Were cases of rape, which was a very serious offence, reported to the police, or were they dealt with as internal disciplinary matters and left to the victim or the victim's parents to report?

7. **Ms. Zou** Xiaoqiao asked whether the Medium-Term Plan included specific targets to reduce and alleviate poverty and whether there was a focus on single-parent families headed by women.

8. **Ms. Patten**, noting the State party's concern about occupational segregation, asked what measures had been adopted to encourage and ensure the equal access of women to training and employment in non-traditional sectors and to support the career development of women and their access to highly-skilled, senior and well-paid jobs. What policies and programmes were in place to address the systemic discrimination against women in the

labour force, in particular vulnerable groups of women such as the elderly, women with disabilities and other disadvantaged groups?

9. **Ms. Makarati** (Zimbabwe) said that both the Labour Act and the Public Service Act defined sexual harassment in the workplace as an offence; moreover, in the case of non-consenting adults it was treated as a criminal offence. Statutory maternity leave was 98 days on full pay, in line with ILO regulations on maternity leave.

10. **Ms. Matongo** (Zimbabwe) said that, in considering cases for legal abortion, Zimbabwe followed the guidelines of the World Health Organization, which meant taking physical, social and psychological health into account. When women were hospitalized with abortion-related complications, it was sometimes difficult to distinguish between illegal or spontaneous abortion, so women in such circumstances were not necessarily reported to the police.

11. **Ms. Shambare** (Zimbabwe) said that abortion was illegal in Zimbabwe and anyone reported to the police for abortion was arrested. Exceptions to the rule were where rape was involved and where the woman was mentally challenged.

12. **Ms. Muchena** (Zimbabwe) said that no statistics were available on the number of legal abortions per year. There were no plans to decriminalize abortion and the law would remain unchanged, with provision made for the aforementioned exceptions. SEDCO had recently increased its lending to rural women from 30 to 50 per cent in recognition of the fact that half of its clients were women.

13. **Mr. Ndlovu** (Zimbabwe) said that, while pregnancy was prevalent among schoolgirls, it was not the primary reason for the high female dropout rate. Rape cases in schools were handled according to the established practice, which was victim-friendly and, if the rape happened on the school premises, school staff were *in loco parentis* and would not wait for the parents to be called into the school, but would take the girl directly to the police station. Returning to school after pregnancy was the norm, but was not always immediate or to the same school because each case was handled on a case-by-case basis.

14. **Ms. Muchena** (Zimbabwe) said that statistics on the number of girls returning to school after pregnancy were not available. However, even though some girls might not wish to re-enter the education system immediately, the appetite for education was so high in Zimbabwe that a flourishing evening class system was available and very popular among mothers. No information was available as yet on the targets included in the Medium-Term Plan to reduce and alleviate poverty.

15. With regard to occupational segregation, Zimbabwe had been experiencing a serious economic downturn and the majority of workers were self-employed in the informal sector. As the formal economy recovered, the Government would step up efforts to provide equal training and employment opportunities for women. No specific policies or programmes had been adopted to support elderly women, women with disabilities and other vulnerable groups in the formal sector, although an interesting initiative had been instigated by elderly women in the informal sector to help one another set up businesses in the community.

16. **Ms. Utete** (Zimbabwe) said that the Ministry of Women's Affairs, Gender and Community Development covered all sectors of the population in its programmes to promote economic empowerment, including older women and vulnerable groups. For example, it was currently looking at programmes to help older women generate income, as the responsibility of looking after orphans increasingly fell to them and they consequently needed to find ways of paying for school fees and other costs.

17. **Ms. Muchena** (Zimbabwe) said that while there was no specific programme for the rehabilitation of prostitutes, the Women's Development Fund was currently considering ways to help them find alternative employment.

18. **Ms. Schulz**, reverting to her question on the number of illegal abortions, asked whether the State party had statistics on the number of cases prosecuted and sentences handed down. She also wished to know what penalties were imposed for illegal abortion. She sought assurance that when a woman arrived at hospital with complications as a result of abortion, the police would not be called and there would be no arrest or charges even if it appeared to be an illegal abortion.

19. **Ms. Murillo de la Vega** said that it was important to ensure that cases of sexual harassment in the workplace and in schools were dealt with under the law; it was not enough merely to define sexual harassment as an offence in the Criminal Code. She asked what provision for maternity leave was made for women in the informal sector.

20. **Ms. Patten**, while appreciating the fact that most women worked in the informal sector and were self-employed, said that it was crucial to have a policy in place to address occupational segregation because it was a major problem and would take time to remedy. With policies in place and when the economy improved in the future, the State party could reap the benefits of its efforts. She asked whether the State party was reviewing its programmes and policies to give greater recognition to and strengthen rural women's vital role in areas such as food security, as well as to provide women producers with equal access, inter alia, to appropriate technologies, transportation, marketing and credit facilities at the local and community levels.

21. **The Chairperson**, speaking in her capacity as an expert, expressed her concern that women were being reported, arrested and imprisoned for alleged illegal abortions. She asked how many women in Zimbabwe were prosecuted and sentenced for illegal abortions per year.

22. **Ms. Muchena** (Zimbabwe) said that the majority of people worked in the informal sector, not only women. Employment policies were being devised to address the issue of occupational segregation. Furthermore, a policy on the organization and administration of small and medium enterprises, including in the informal sector, drawn up by the Ministry of Small and Medium Enterprises had been approved by the Cabinet. Gender-disaggregated data were also being gathered on the working conditions and workforce of the informal sector. No statistics were currently available regarding the cases raised by Ms. Schulz, but they would be submitted to the Committee if and when they became available.

23. Protection for pregnant women in the informal sector was a concept that was difficult to define. The Ministry of Health and Child Welfare ran programmes aimed at ensuring that women attended medical centres to be monitored throughout their pregnancy; such programmes were also open to workers in the formal and informal sectors.

24. **Ms. Matongo** (Zimbabwe) said that there was no discrimination with regard to antenatal or post-natal care. The fee that had formerly been charged for care had been replaced by the Health Transition Fund, which meant that treatment was now free, regardless of whether a woman worked in the formal or informal sector.

25. **Ms. Muchena** (Zimbabwe) said that boys and girls were taught all subjects, and then specialized in the last two years of secondary school according to their individual strengths. Thanks to exposure to the subjects and career guidance, the number of girls studying in previously male-dominated domains, such as the sciences and engineering, was on the rise.

26. The economy of Zimbabwe was based on agriculture and the majority of women lived in rural areas. That had been the case since the 1980s, when men had migrated to the cities from the communal areas, where the majority of the black population lived, leaving the women behind. Those women, and not the white commercial farms, had produced 70 per cent of the staple diet of Zimbabwe and had therefore had access to credit and extension

services. However, since the introduction of the land reform programme and the imposition of sanctions on Zimbabwe, the Government had been constrained in its ability to provide such services, although women still benefited from credit and extension programmes.

27. Zimbabwe was a law-abiding nation that observed its laws. Thus, even though women who had undergone illegal abortions had committed a criminal offence, they nonetheless received medical attention.

Articles 15 and 16

28. **Ms. Hayashi** said that according to information from alternative sources, most cases involving property rights were heard in the High Court and therefore required the presence of lawyers – an expense which most women could ill afford. Noting that the High Court sat in two major cities only and, given the importance of providing women with access to justice, she asked whether the establishment of provincial family law courts was on the agenda of the family law reform under way.

29. Despite the fact that bigamy was a criminal offence, the Committee had received reports that men in civil marriages continued, unofficially, to take second wives. It would be interesting to learn how such women accessed maintenance when the unofficial relationship broke down and what action the Government could take in such situations. She would welcome more information on the specific time frame for the marriage law reform, since alternative sources indicated that no bill had yet been drafted, only a concept paper. How would the latter be translated into draft legislation?

30. Regarding women's surnames, she asked whether women were allowed to keep their surname after marriage, transfer it to their children and acquire passports for them. Moreover, were women able to obtain the documents required to take such steps? Were the relevant Government agencies taking concrete measures to remove any obstacles and to guarantee women their right to obtain such documentation?

31. **Ms. Makarati** (Zimbabwe) said that family law courts were currently under the High Court. However, multisectoral consultations, including with members of civil society, were under way to establish a framework to expand the network of courts geographically and across the court system. Although the High Court was described as being located in two main cities, those were the locations of the High Court buildings. The High Court was a circuit court and held hearings in different areas using the magistrates' courts, which were widespread throughout the country.

32. A bill on marriage law reform based on the concept paper had been submitted to the Cabinet prior to the establishment of the inclusive Government, although it had not been available for public scrutiny. It had been returned to the Ministry of Justice in order to collect empirical data on the prevalence of each type of marriage and its impact on women, as well as to research issues such as awareness about the unlawfulness of child marriages before further drafting.

33. In a recent case the Supreme Court had ruled that women should not be compelled to produce evidence of who the father of their child was in order to obtain civil documents, and a circular had been issued to governmental departments to that effect.

34. **Ms. Muchena** (Zimbabwe) said that the research being carried out for the purpose of family law reform was due to be completed in 2012. The law on access to maintenance obliged men to support children resulting from both official and unofficial partnerships. Women were also obliged to pay maintenance if they were the offending party.

35. **Ms. Halperin-Kaddari** said that she would like to know more about the rights of the woman who was the second wife of a man already in a civil marriage, in particular whether by law she was entitled to alimony or property on separation.

36. **Ms. Hayashi** said that the news that the judiciary had granted women their rights with regard to access to documentation was most welcome. Information available to the Committee indicated that women suffered from discrimination concerning custody of their children. It would be useful to know what women's rights were in that domain and whether the issue would be taken up as part of the family law reform process. Pending the enactment of appropriate legislation, information on interim measures to rectify the situation would also be welcome.

37. **Ms. Šimonović** said that the Committee's general recommendations could provide useful guidance on the amendments intended to bring domestic law into conformity with the Convention. In conformity with general recommendation No. 28, the advice given by the Committee was not to criminalize women who had undergone an illegal abortion in order to prevent the maternal deaths that could occur when women were unable to receive appropriate care.

38. **Ms. Muchena** (Zimbabwe) said that due note had been taken of the Committee's advice. It should be noted that women were allowed to keep their surname in Zimbabwe.

39. **Ms. Makarati** (Zimbabwe) said that there were two marriage regimes in place in Zimbabwe: a civil regime and a customary regime. Any man who took a wife under civil law could not also take a wife under customary law and no second wife would be legally recognized in that situation. In Zimbabwe, marriage did not result in community of property: each spouse brought his or her own property into the marriage under both the civil and customary regimes. Many problems relating to marriage were not due to a lack of rights, but due to a lack of awareness of those rights. Nonetheless, there were plans to do further research into different aspects of marriage regimes, including custody rights, from a broader human rights perspective. The right to custody generally lay with the father, although it depended on the type of marriage. The family law reform was aimed at bringing family law into compliance with the rights of women and children, and any new marriage law would also be in conformity with those rights. Financial support following separation was considered by the courts and a dependent spouse of either gender could submit an application for maintenance.

40. **Ms. Muchena** (Zimbabwe) thanked the Committee for the opportunity to hold an open and constructive dialogue, and said that the questions raised were helpful in advancing thinking on a number of issues. Despite strides made in legislation, women in Zimbabwe still needed to be empowered through education and information campaigns.

41. **The Chairperson** thanked the Zimbabwean delegation for offering the Committee further insight into the situation of women in the country and, commending the efforts already made, encouraged the State party to implement all necessary measures to address the Committee's concerns.

The discussion covered in the summary record ended at 4 p.m.