

**THE UNIVERSITY OF ZIMBABWE – SEARCWL
MASTER’S IN WOMEN’S LAW**

STUDENT’S NAME: KENNETH MULIFE

STUDENT NUMBER: R135136T

**GROUP ASSIGNMENT: SECURITY CHALLENGES FACED BY SOME
WOMEN AND GIRLS IN THE CITY OF KADOMA**

**STUDENT’S TOPIC: INADEQUATE URBAN HOUSING AND THE RISK OF
SOME WOMEN AND GIRLS TO SEXUAL PREDATION: A LEGAL AND
SOCIAL PERSPECTIVE OF RIMUKA AND NGEZI SUBURBS IN THE CITY
OF KADOMA**

SUPERVISOR: PROFESSOR STEWART

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DEDICATION

To my Mum and late Dad.

TABLE OF STATUTES

Old Constitution of Zimbabwe

New Constitution of Zimbabwe

Housing Standards Control Act, Chapter 29:08

Regional, Town and Country Planning Act, Chapter 29:12

HUMAN RIGHTS INSTRUMENTS

UDHR

ICCPR

ICESCR

CEDAW

African Charter on Human and People's Rights

Protocol to the African Charter on Human and People's Rights on the Rights of Women

SADC Protocol on Gender and Development

ABBREVIATIONS

CEDAW- Convention on the Elimination of All Forms of Discrimination Against Women

ICCPR- International Covenant on Civil and Political Rights

GBs- General Barracks section

GHs – General Hostels section

ICESCR - International Covenant on Economic, Social and Cultural Rights

SQs – Single Quarters section

UDHR – Universal Declaration of Human Rights

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EXECUTIVE SUMMARY

Women's lives have been topical the world over because of their domination by men in the private and public domains of life. This has led to feminism, a movement which aims to understand the oppression of women and to advocate for gender equality.

This study was undertaken from 22nd to 26th April 2013 with the intention of inquiring into the risk of sexual predation that may be faced by some women and girls in the suburbs of Rimuka and Ngezi situated in the City of Kadoma. It was assumed that there is inadequate housing in the two suburbs leading to overcrowding of occupants a situation which may expose some women and girls to sexual predation.

The problem of overcrowding of occupants in houses has attracted a feminist approach because it affects women and girls more than the opposite sex.

The dissertation comprises five chapters. Chapter one contains an outline of the statement of the problem, the research assumptions and questions and the limitations of the study. Chapter two constitutes the methodological frameworks namely the women's law approach, grounded theory and the human rights approach. Data was collected using in-depth interviews with respondents, informal conversations, and passive observations, engagements with relevant actors and structures and, desk research. Chapter three contains the history of the problem of inadequate urban housing in the cities of Zimbabwe, an examination of the country's housing laws and policies and an analysis of the human rights implications of the problem of inadequate urban housing. Chapter four contains the findings of the study and their analysis. And finally, chapter five is a conclusion and recommendations shall.

It was found that there is overcrowding of occupants in some houses in Rimuka suburb, a situation which is exposing some women and girls to sexual predation and that the overcrowding has been caused by a shortage of houses.

In order to protect some women and girls in Rimuka from sexual predation, the study recommends that relevant authorities should provide adequate housing.

CHAPTER ONE

1.1 STATEMENT OF THE PROBLEM

Everyone has a birth-right to a decent standard of living. A prerequisite to the attainment of this standard and therefore to the enjoyment of a dignified human life, is access to adequate housing. Adequate housing is indispensable to human life because it satisfies physical needs by providing security and shelter from the elements of weather. It meets psychological needs by providing a sense of personal space and privacy. It fulfills social needs by providing a gathering arena and a communal space for the human family (<http://www.hrea.org/index.php>. Accessed on 11 May 2013).

In view of the importance of housing to human beings, the UDHR, under Article 25(1) and the ICESCR under Article 11(1) have recognized the right of everyone, to adequate housing. With reference to women, the right to adequate housing has further been emphasized under Articles 14(2) (h) of the CEDAW and specifically in Africa, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa under Article 16.

Despite the existence of this right, reality reveals wide spread homelessness and inadequate housing among many people in every country. Factors attributed to this position include population growth, migration to urban areas, conflicting interests over existing land and poverty or insufficient financial and natural resources. Additionally, there is lack of robust investment in the housing sector especially in many third world countries because housing is viewed as a non productive investment (Jorge A.G et al. 1995).

The United Nations estimate that, worldwide, over one hundred million people are homeless and that over one billion people are inadequately housed (<http://www.hrea.org/index.php>. Accessed on 11 May 2013).The housing poverty is more acute in the third world than in developed countries with urban areas being more adversely affected because of their ever increasing populations.

Zimbabwe is not an exception to the problem of housing poverty. In particular, the story of the City of Kadoma reveals severe housing shortage particularly in the colonial suburb of Rimuka where part of this study was conducted. The suburb is densely populated. It comprises closely packed single or double-roomed quarters in blocks of flats. Each of these spaces was originally intended to accommodate one person. Currently however, the houses are being occupied by large families. It is common for families of four to six members to occupy a single room. Where space is inadequate, some members of families are compelled to sleep outside of their room, a development which compromises their security. The people sleeping outside of the houses could include women and girls.

Women the world over have been oppressed for a long period of time, yet being humans, they also deserve a life full of justice. The state has to take every action in order to make the world safe for women as well. The study has perceived a problem - inadequate housing - which may be impacting negatively on the lives of some women and girls in Rimuka and Ingezi suburbs. That problem needs to be investigated and solutions suggested.

1.2 OBJECTIVES OF THE STUDY

This study generally aims at contributing towards the feminist debate regarding the security concerns of women and girls through research in Rimuka and Ngezi suburbs. Emphasis shall be placed on the implications of inadequate housing on the security of women and girls against sexual predation. Ultimately, the study shall propose remedial measures.

The specific objectives of the study are to ascertain the following:

1. The adequacy of urban housing in the City of Kadoma,
2. The impact of rural-urban drift on urban housing in the City of Kadoma, and,
3. The appropriateness of the policies, laws and institutions of housing of the Republic of Zimbabwe and the City of Kadoma in providing adequate urban housing for the residents of the City of Kadoma.

Suffice it at this stage to state that one of my assumptions relating to the availability of land for residential purposes was challenged by the available data. My initial assumption was that land for residential purposes in the City of Kadoma, is scarce and therefore that this was one of the factors that is responsible for inadequate housing in Rimuka and Ngezi Suburbs. This assumption was however challenged by information provided by Mr. Clever Kunonga and Mrs. Shylett Dzivai, District Lands Officer for Mhondoro Ngezi and Acting Director of Housing and Social Services for the City Council of Kadoma. Mr.Kunonga's stated as follows:

We have nothing to do with residential plots...the local authority asks for land from us and we give them. As of now, the Kadoma City Council has not asked for land from us because they have not exhausted the land which we allocated to them.

Mrs. Dzivai expressed similar sentiments. This position was corroborated by information obtained from some of the residents of Rimuka. They indicated that the City Council has land available for sale to private developers of residential properties only that the residents have no financial resources either to buy the stands or to construct their own houses. For example, in lamenting the state of insecurity for women in Rimuka suburb, Ms. Bessie Thom, a resident of Rimuka suburb said that

It is not safe for women to go to the toilets outside in the night. There is no electricity around. We fear that men will rape us. I have heard about cases of men raping women... We want to buy land in order for us to construct our own decent houses but it is too expensive for us.

Similar sentiments were expressed by Mr. Manuele Antonio.

1. RESEARCH ASSUMPTIONS AND QUESTIONS

The study was guided by the following assumptions:

1. That women and girls may be exposed to sexual predation because of the inadequate provision of state housing,
2. That rural urban-migration may expose some women and girls to sexual predation because it results in overcrowding in houses, and

3. That poor or lack of urban planning may expose some women and girls to sexual predation.

Each assumption was supported by a research question. Thus, regarding the first assumption, my research question was whether or not the inadequate provision of state housing may expose some women and girls to sexual predation. As for the second assumption, my research question was whether or not rural-urban drift may expose some women and girls to sexual predation as a result of overcrowding in houses. Regarding the third assumption, my research question was whether or not poor or lack of urban planning may expose some women and girls to sexual predation.

As already stated, my assumption regarding the scarcity of land was challenged. It is for that reason that I have not listed it among the foregoing assumptions.

1.4 LIMITATIONS OF THE STUDY.

Firstly, the study was limited by insufficient time. The five days allocated to the excise were inadequate for the study to access a wider group of respondents.

Secondly, the study was limited by difficulties in securing interviews for some of the relevant officials. The specific example here is the District Officer in charge of national housing in the City. The officer was deliberately elusive in giving me an interview. I departed from Kadoma without interviewing him because he was constantly out of office. Even attempts at a phone interview proved futile. After persistent phone calls, the officer finally disclosed to me on 7th May 2013 that I needed the approval of his permanent secretary before I could interview him. Unfortunately, this advice came too late taking into account the due date for the submission of the findings of the study. Under the circumstances, I shall rely on information obtained from desk research and line institutions such as the City Council of Kadoma and the Ministry of Lands.

CHAPTER TWO: METHODOLOGY

2.1 HOW DID I CONDUCT THE STUDY?

This chapter comprises an outline of the various methodologies which I adopted in conducting the study and the methods that I used in gathering the data. The respondents were either residents of the two suburbs or officials in the institutions of housing and criminal justice. Whereas the residents were followed to their homes, the officials were interviewed from their offices. As a starting point, I shall briefly outline the set-up of the two suburbs. This lays a foundation for a better understanding of the ensuing discussion.

Rimuka suburb is vast and densely populated. Its houses were inherited from the colonialists by the City Council of Kadoma and are now being rented by the residents. The suburb is made up of three sections as follows: the Single Quarters section (SQs) comprising single rooms. They were intended to accommodate single male labourers in the colonialists' farms, factories or industries. The Girls Hostels (GHs) consist of single rooms. They were intended to accommodate single maids for the colonialists. The General Barracks (GBs) comprises two roomed houses. They were intended to accommodate single male labourers. From the outset, it is important to state that these houses are no longer serving their original purpose because they are now accommodating large families.

The structural design of the three sections is similar. They are all made-up of rooms partitioned from many blocks of buildings. The rooms share a common verandah and are visibly unsuitable for habitation, floors and walls being built with a soft mortar which allows crevices forming a refuge for ticks, bugs and all sorts of pests. Ventilation consists primarily of the door which must usually be kept open owing to the heat generated by low roofs. The buildings form a squalid courtyard. Toilets are situated outside the houses and consist of filthy communal pit latrines. These are mostly used during day time. During the night, most residents resort to the unsuitable bucket system which they empty in the morning as they fear to be attacked by criminals if they venture outside their rooms.

The suburb has no bathrooms so that occupants either bath from basins in from their rooms or wait for dusk in order for them to bath in the open space within their premises. Water is not only scarce but also has to be fetched from distant taps. The suburb is poorly or not lit.

I accessed the residents in Rimuka with the assistance of a Mr. George Nyamurira, also a resident there, whom I had shared a seat with, on the Kombi to the suburb. I seized the occasion to establish friendship with George during the 15 minutes journey to Rimuka. After introducing my mission to him, George offered to become my public relations officer and to take me around the households for the rest of my research in Kadoma. This made my interaction with the community easy because George is well known in that community.

Much as George made my access to the households easy, I was cautious with the manner in which we selected the households. In order to avoid being led to pre-determined households, a position that may have led to the collection of pre-determined data, I took up the role of choosing the households at random. George's role was to introduce me and my mission to the respondents whose households I had selected. That gave the respondents an opportunity either to accept the interview or to turn down my request for the interview. Based on the selection criteria of the respondents, I was assured that the data I was collecting was not pre-determined.

Regarding Ngezi suburb, it is also densely populated. It is situated about 13 kilometers to the west of the Central Business District of Kadoma. The suburb is made up of three sections namely Old Ngezi, the Cold Storage and New Ngezi. The Old Ngezi section comprises two bed roomed houses with a living room and a kitchen. Here, the toilets are communal and situated outside the houses. The toilets also serve as bathrooms. Houses in Old Ngezi are owned by the Kadoma City Council from whom the residents are renting. The Cold Storage section used to be owned by the defunct Cold Storage Company. The houses have since been sold to the residents. They comprise two bed rooms, a living room and a kitchen. Each house is fitted with its own sanitary facilities. Regarding the New Ngezi Section, the houses were and are still being constructed by

private individuals who have purchased plots of land from the Council. The houses are large and modern.

Between the two suburbs, Ngezi did not seem to experience the problems which form the subject matter of my study. The suburb has fairly big houses, some of which have sanitary facilities fitted inside; its population is not as high as that of Rimuka and the security challenges are very minimal. Rimuka suburb, particularly the GHs, GBs and SQs, proved to be ideal for my study because of their small houses and high population density. Based on this finding, I concentrated my research on Rimuka suburb.

I shall now discuss the methodologies.

2.1.1 THE WOMEN'S LAW APPROACH

The women's law approach takes the woman as a starting point and seeks to understand her lived experiences and realities as the basis of the research process.

This approach calls for a cross-cut through different legal, social, political, customary and economic disciplines to reveal otherwise hidden, unacceptable, unacknowledged or unexplored gender-related effects. In testing the validity of my assumption as to the adequacy of housing and how that position is impacting on the security of women against sexual predation, the women's law approach prompted me to engage with women in the high density suburbs of Rimuka and Ngezi. The approach further enabled me to extend my interviews to the male residents of the two suburbs. This undertaking gave me an understating of the status of urban housing and the implications for the security of women against sexual predation.

Because of its cross-cutting nature, the women's law approach offered me a variety of tools to engage with in establishing factors underlying the inadequate provision of urban housing. Relying on this flexibility, relevant feminist stand points, particularly the Women and Development (WAD) Approach, were relied upon in this exploration. This approach receives its inspiration from law and under-development theories which are themselves inspired by Marxism. The approach adds a feminist perspective to economic dependence and further seeks to unify Marxism and radical feminism in the analysis of

class, gender and relations. Class analysis is a feminist variant of Marxism which seeks to explain women's de facto social positions and their formal legal status in terms of capitalist dynamics which determine the social division of labour in favour of capitalist production (Dengu-Zvogbo et al, 1994).

According to the WAD approach, women's subordinate positions are a function of capitalist exploitation which is sustained by exploitative class divisions of society. Capitalism is seen as militating against the recognition and due valuation of the reproduction and domestic responsibilities performed by women.

The WAD approach was seen as important in designing the sampling of the research population based on the realization that it is vital to have a class focus so as to identify the effects of socio-economic groupings vis-a-viz the situation of urban housing.

Another feminist theory that I utilized is the Relational feminist theory. Relational feminists celebrate the value of traditionally feminist qualities including in particular, caring for others and valuing relations. I made use of this theory based on the assumption that because of their feminist qualities and practices, women are usually willing to share their small houses with relatives and visitors even if it would result in overcrowding.

Further, the women's law basket enabled me to use the dominance feminist theory to inquire into the exposure to sexual predation, of women and girls living under crowded conditions. Dominance theorists attribute violence against women by men to patriarchal tendencies. They argue that society and the law reflects a way of thinking by which masculinity means strength, forcefulness, aggressiveness and dominance whereas femininity means delicacy, persistence, submission and subordination (<http://plato.stanford.edu/entries/feminism-law>. Accessed on 13 May 2013 at 11 pm)

I adopted the women's law approach because it facilitates a bottom-up approach which leads to the qualitative participation of women in the study.

2.1.2 GROUNDED THEORY

The women's law researcher who wishes to explore the lived reality of different women's lives in different social contexts and investigate the efficacy or relevance of the law to those lives, must handle this task exploratorily. Based on her findings the researcher must try to develop theories that will be appropriate tools for the analysis of women's social and legal status. Such theories from an action perspective should facilitate the improvement of women's status (Bentzon A. W., 1998: 177)

From the above quotation, grounded theory aims at using empirical data to define a problem and to propose appropriate interventions.

Using grounded theory, I embarked on the study without a rigid pre-conceived or imposed theory. This position afforded me the flexibility, when challenged by empirical data, to revise my original ideas and questions that influenced my initial formulation of the study. My assumption already alluded to regarding the scarcity of land for residential purposes is an example of this position.

Based upon my findings, grounded theory approach has further prompted me to propose remedial measures that may help facilitate the improvement of not only the affected women and girls in Kadoma but other women and girls elsewhere faced with similar living conditions.

2.1.3 THE HUMAN RIGHTS APPROACH

The human rights approach views individuals as bearers of human rights and states as duty bearers of the rights. This approach provide a standard set of measures that keep us informed on minimum rights that women are entitled to and also specifies state obligations towards women's rights .

The rights discourse is important because if the welfare of the women and girls affected by the overcrowded living conditions in Rimuka suburb is raised through a rights-based approach, it may prompt the government and the international community to be more inclusive in their conceptualization of entitlements.

This approach also signifies the interconnectedness of women's rights. In this regard, I was mindful of the fact that without access to adequate housing, women and girls' right

to a decent standard of living enshrined in the UDHR and other relevant human rights instruments shall not be realized.

Using this approach, I was able to assess the level of compliance of the state to its obligations of providing housing and ensuring the personal security of women and girls in Rimuka suburb.

2.2.0 METHODS OF COLLECTING DATA

Various methods of collecting data were used in this study. These are in-depth interviews with respondents, conversations, perception of actors and structures, desk research and observations.

2.2.1 IN-DEPTH INTERVIEWS

In conducting in-depth interviews, I administered semi-structured questions to the respondents. This technique allowed the interviewees to express their views freely on the issues under research thereby enabling me to gain an understanding of the inadequacy of urban housing in some high density suburbs of Kadoma and how residents are coping with the situation.

2.2.2 CONVERSATIONS

I held informal conversations with some residents of Rimuka and Ingezi during rides on kombis to the research sites. The conversations validated some of the data obtained through other methods. I had this manner of conversation with George when I initially met him on the kombi. As such, when he took me around the households, a large portion of the information which I had gathered from him was corroborated by the residents.

2.2.3 PERCEPTION OF ACTORS AND STRUCTURES

This approach helped me to ascertain the perspective of relevant authorities to the problem of inadequate housing and the dangers of sexual predation that women and girls may be exposed to in Rimuka suburb. I found that the authorities are aware about both the shortage of houses and the sexual predation to which the women and girls are exposed as a result. I also learnt that the local authority in particular, has impressive

plans regarding the provision of state housing to the urbanites in Kadoma but the implementation of the plans is constrained by lack of funds.

2.2.4 OBSERVATIONS

Observation was another important method that was used in collecting vital information. This method entails gathering information for scientific study by noting facts or occurrences. This can be done passively or actively. Passive observation is one where the researcher is just a by-stander but noting how certain events occurs. Active observation on the other hand entails that the researcher is an active participant in the activities of the phenomenon under investigation but at the same time noting the occurrences. I was a passive observer.

I obtained a lot of vital information using this method. Such information mainly related to the actual spaces in the houses, the extensions in form of shacks and the number of occupants. Some respondents voluntarily invited me into their houses and even to take photos in order for me to verify their information. Truly in many instances, the spaces in the houses were too small for the sizes of families.

2.2.5 DESK RESEARCH

Using this method, I accessed vital information from secondary sources of data such as text books, the internet, relevant domestic laws and policies.

CHAPTER THREE: PROVISION OF HOUSING

This chapter outlines the general background to inadequate state housing in the cities of Zimbabwe. The housing policies and laws adopted at various phases of the country's development shall also be examined. It concludes with a human rights perspective regarding access to adequate housing.

3.1.0 URBANISATION

The current state of urban housing in the cities of Zimbabwe has its genesis in urbanization and ultimately in colonialism.

During colonialism in Zimbabwe, the mission of the settlers was to occupy the land and exploit the available resources. In pursuing this goal, the settlers created a supportive administrative system and infrastructure such as urban centres (Munzwa, K and Jonga W. 2010). The new administration also exploited prime land from the indigenous people forcibly moving them to the marginal areas. As at 1979 for example, the whites, never more than 5% of the national population, owned 70% of the most fertile land (<http://en.wikipedia.org/wiki/land-reform-in-zimbabwe>. Accessed on 14 May 2013).

Munzwa and Jonga (1995) outline distinct phases of urban development in Zimbabwe. The first stage (1890 and 1939) comprised the colonial domination with a surge of settler speculation in terms of investment opportunities. Investment prospects lay in mining and in farming. Most urban settlements of this era served as service centers for miners and farmers. They included Kwekwe, Radcliff, Kadoma, Chegutu, Chinhoyi, Bindura, Shamva and Marondera.

The second phase of urban development (1940-1952) saw a boom of the manufacturing sector. It was at this time that, Kadoma was also transforming into an industrial town as a result of investments in cotton farming and processing.

The third phase of urban development (1953 to 1965) was during the federation period. As the federal capital, Zimbabwe received a bulk share of the productive sector. Major

urban developments such as Kariba Dam, the University College of Rhodesia and Nyasaland, Harare and Mpilo Hospitals can be attributed to this period. Private housing gained a lot of benefits from the enactment of the Building Societies Act in 1951 at the same time as the demand for houses was growing due to the bursting urban population.

The fourth phase of urban development (and the final stage with respect to the colonial period) took place between 1965 and 1979, during the period of the Unilateral Declaration of Independence (UDI). This phase was marked by inward-looking and introspective approach to economic development. The planning of the economy was based on the import-substitution strategy. Munzwa and Jonga (ibid) also postulate that the country experienced the highest rate of increased housing stock due to robust stand development between 1965 and 1971. It was during this period that housing for Africans was seriously embraced.

The post-independence era (1980 to date has been marked with vigorous deracialisation of the systems including the urban and rural settlements (Munzwa and Jonga, ibid).

3.1.1 DEMOGRAPHIC ASPECTS OF URBANISATION

As urbanization grew, the urban populations also grew. With the lifting of controls, for example on population movements, especially on the part of the indigenous people at independence, urban populations grew even more rapidly characterized by rural- urban drift. For example, the population of Kadoma grew from 1,718 in 1936 to 76,173 in 2002(Munzwa and Jonga, ibid).

Urban areas were very attractive because they offered better job prospects and social amenities as opposed to rural areas (Auret D. 1995).

3.2.0 POST-INDEPENDENCE POLICY DEVELOPMENTS

The colonial policies restricted population movements for the indigenous people. Such measures helped in controlling the growth of urban populations. At independence, similar efforts though taking a different form were part of the new government's agenda. Because rural-urban drift was propelled by the absence of urban incentives in the rural areas, the government was of the view that the drift could be curbed by taking

development to the rural areas. In that view, the Department of Physical Planning was tasked, as a matter of urgency, to identify focal points of urban development by making provision for infrastructure development visible to the rural population (GoZ, 1992). This was the growth point strategy. Munzwa and Jonga (2010) defines a growth point as

...a centre with identifiable resource base capable of stimulating specific production and marketing activities.

Growth points can be either rural or urban and that rapid and sustained growth should be its trade mark. However, Munzwa and Jonga (ibid) laments that the growth points have however remained theoretical mechanisms since many of them were created without resource bases thus making them stagnant and unattractive.

Failure of the growth point strategy means continuation of the rural-urban drift because there is no incentive to keep people to the rural areas. Correspondingly, urban populations will continue to swell and in doing so pressure on the limited urban housing stock shall also continue to increase.

3.2.1 LAND REFORMS IN ZIMBABWE

The land reforms in Zimbabwe officially began in 1979 with the signing of the Lancaster House Agreement, an effort aimed at equitably distributing land between the majority indigenous people and minority whites. Pursuant to the agreement, the British government promised to disburse a total of 44 million pounds between 1980 and 2000 to the government of Zimbabwe to facilitate the land reforms (<http://en.Wikipedia.org/wiki/land-reform-in-Zimbabwe>. Accessed on 14 May 2013). The reforms were such that the new government of Zimbabwe would be buying land from the whites and resettle the displaced blacks.

The British government declined to provide any more financial assistance when the initial grant expired in 1996. This development resulted in the commencement of the fast-track land re-settlement program in 2000. In implementing this program, the War Veterans Association organized people to march onto and take occupation of the white-owned farmlands. The white owners were forced off the land without compensation, together with their farm workers who were often of regional descent. As of 2011, there

were less than 300 white farmers remaining in Zimbabwe (wiki pedia.org. /wiki/land-reform-in-zimbabwe. Accessed on 14 May 2013).

3.2.2 OPERATION MURAMBATSVINA

The Operation Murambatsvina (hereinafter referred to as the “Operation Restore Order”) left some 700,000 people in cities across the country homeless (Kajumulo T. 2005)

The Operation Restore Order which started in Harare on 19th May 2005 was a nationwide demolition and eviction campaign carried out by officials of the local authorities, the Zimbabwe Republic Police and the Army. It was a clean-up exercise of the cities and towns of Zimbabwe. It involved the demolition of informal houses apart from other forms of illegal activities in the cities of Zimbabwe. The Operation was intended to enforce the by-laws of the local authorities in order to cleanse the cities and towns of Zimbabwe of all manner of illegal activities.

3.3.0 DOMESTIC LAWS AND POLICIES ON URBAN HOUSING

The responsibility to deliver state housing has been placed under the Ministry of National Housing and Social Amenities and the various local authorities. The other line institution is the Ministry of Local Government and Lands although its role is primarily limited to the provision of state land to the local authorities for onwards development into residential plots. The Ministry of Local Government and Housing plays no direct role in the provision of housing.

The striking position however, is that until the enactment of the new Republican Constitution in May 2013, there has been no law that compelled the institutions of housing to provide housing to the people of Zimbabwe. In fact, a perusal of the repealed Constitution reveals a complete absence of economic rights of which the right to housing forms part. In as far as housing is concerned, the available legislation relate to peripheral issues such as town planning and abatement of overcrowding of occupants in houses. The Regional, Town and Country Planning Act, Chapter 29: 12 and the Housing Standards Control Act, Chapter 29:08, respectively, are an example.

The absence of legislation to compel the institutions of housing to provide housing could have contributed significantly to the shortage of the urban housing stock in the towns and cities of Zimbabwe. Hon. F.G. Mhashu (PM), Minister of National Housing and Social Amenities, in his welcome address to the delegates to a symposium convened by his Ministry in Harare on 28th May 2009, disclosed that as at that date, the country had a housing backlog of more than 500,000 in major cities and an unknown amount in smaller local authorities. The Minister attributed the housing shortage to lack of funds on the part of the government, a condition he further attributed to among other factors, the economic sanctions which the country is currently facing.

Lack of funds as a basis for the failure by the authorities to facilitate the provision of housing was similarly advanced by Mrs. Shylett Dzivai and Mr. Harrison Hatinama, Acting Director for Housing and Social Services and Water Works Foreman, respectively under the City Council of Kadoma. Mr. Hatinama's position is expressed in the following words:

The Council plans to demolish old structures for example in Rimuka and to construct standard new houses. But funds are a problem.

In terms of law however, the new Constitution of the country contains progressive provisions on housing. The document provides for the right to shelter under Article 28. According to Articles 11 and 44, the right to shelter should be respect and implemented by the state. Article 85, provides that economic rights shall be justiciable.

Article 13 (1) (d) of the Constitution intends to curb the rural-urban drift by taking development to rural areas in the same measure as urban areas.

In terms of policy, the housing policy for the City of Kadoma is similarly progressive. The policy aims at facilitating the provision of housing to the resident of Kadoma on a sustained basis. In pursuit of this aim, the policy stipulates that in its annual budget, the City of Kadoma has to create a provision for funding of a minimum 1,000 serviced stands and 500 housing units (City of Kadoma Housing Policy for 2012).

3.4.0 THE HUMAN RIGHTS PERSPECTIVE

The right to adequate housing is an entitlement of everyone and is well enshrined at international human rights law. This right is very important because it is a prerequisite for the enjoyment of a host of other basic human rights. In recognition of this position, various human rights fora have given prominence to the right to housing. For example, at the UN Habitat¹ meeting held in Istanbul in 1996, the right to adequate housing was a key issue. It actually emerged as a main theme in the Istanbul Agreement and Habitat Agenda. This Agreement was re-affirmed further at the 2001 UN Habitat meeting known as Istanbul +5 held in 2001 in Istanbul. The 2001 meeting went a step ahead to establish the United Nations Settlement Program aimed at promoting the right to housing in co-operation with the Office of the High Commissioner for Human rights. ([http://en.wikipedia.org/wiki/right to housing](http://en.wikipedia.org/wiki/right_to_housing). Accessed on 13th May 2013).

In relation to this study, the right to adequate housing has been enshrined under the UDHR- Article 25(1), the ICESCR- Article 11(1), the CEDAW-Article 14(2) (h), the Protocol to the African Charter on Human and People' Rights on the Rights of the Women in Africa –Article 16 and of the SADC Protocol on Gender and Development- Article 18(a). The government of Zimbabwe being a state party to these human rights instruments has an obligation to guarantee its people the enjoyment of the right to adequate housing. The government's compliance to this obligation shall be assessed in the next chapter.

¹ The UN-Habitat program is the most important international forum for the right to housing. It is tasked with the promotion of the housing rights, through awareness campaigns, and to develop bench marks and monitoring systems.

CHAPTER FOUR: FINDINGS OF THE STUDY AND THEIR ANALYSIS

4.1.0 INADEQUATE STATE HOUSING AND THE PERSONAL SECURITY OF WOMEN

This chapter comprises the findings of the study, the analysis thereof and the gender implications which the housing situation poses on women and girls. As already stated, the thrust of the study was to ascertain whether or not there is overcrowding of occupants in the suburbs of Rimuka and Ngezi and the implication thereof, if at all, on the security of women and girls against sexual predation. In order to acquire an understanding of the phenomenon, the study also inquired into the causes of the overcrowded living conditions in the two suburbs.

In seeking to establish the situation on the ground, I interviewed 15 residents of Rimuka suburb and 2 residents of Ngezi suburbs, all from different households. The two respondents from Ngezi suburb are female. Both of them stated that they do not experience the problem of overcrowding of occupants in their houses because their houses are large and therefore that they are not experiencing any danger of sexual predation. They added that incidents of sexual violence in Ngezi suburb are rare because of a prison which is situated in the neighbourhood. According to the two respondents, even though prison officers are not responsible for arresting criminals, the prison nonetheless scares men in violating women and girls because it symbolizes the presence of the state.

I also observed that the houses in Ingezi are large².

The photo below shows one of the houses located in the Cold Storage section of Ingezi Suburb. The house comprises two bedrooms, a living room, a kitchen and sanitary facilities fitted inside.

² I wish to disclose that the study afforded me an opportunity to see the house in which I was born. It is house number I-29 situated in the Cold Storage section of Ngezi suburb. My late father was allocated the house by his employers then, the Cold Storage Company. Dad and the entire family relocated back home to Zambia during the early 1970s when I was still a baby. On that account I had no slight picture of the house or the town from whence I was born. The day I saw house number I-29 shall remain memorable in my life because I had little or no hope of ever having sight of the house. I am indebted to SEARCWL for this discovery because it is the research that facilitated the easy discovery of the house.



Regarding the 15 respondents from Rimuka suburb, three of them were male. Out of the 15 respondents, 2 stated that they were not experiencing the problem of congestion of occupants in their houses whereas the other 13 respondents stated that they are experiencing the problem of overcrowding. However, all the 15 respondents stated that women and girls in Rimuka suburb are faced with the danger of sexual predation because of the general condition of congestion in the suburb. In explaining the problem of congestion in the houses and the danger of sexual predation to which women and girls are exposed as a result, the sentiments of two respondents, Mr. Antonio Manuele and Ms. Muchema are representative of those for the 13 other respondents. Mr. Antonio Manuele is in his late 70s and has lived in Rimuka suburb for about 56 years at the time of the interview. He came to Rimuka from Mozambican in pursuit of job prospects. Mr. Antonio shares a two roomed house in the in GBs with his wife, three grown-up children (one son and two daughters) plus two female grand children. His sentiments were as follows:

It is highly demeaning for an elderly man of my age, to share the same space with my mature children. In fact, this is what makes them promiscuous because they hear and see their mother and father make love...

Mr. Antonio added that:

A single or double- roomed house is sometimes occupied by more than one family which is a recipe for sexual predation of the women and girls.

Ms. Muchema, a widow, shares a single room together with her two sons (aged 13 and 4 years) and two daughters (aged 2 and 15 years). She began living in Rimuka when she got married to her deceased husband who used to work within the City of Kadoma. In commenting on the problem of overcrowding and the dangers of sexual predation to which women and girls may be exposed as result of the overcrowding, Ms. Muchema stated as follows:

It is a big problem here. Some families are quite large so that parents sleep outside of their house on the verandah leaving the children to sleep inside the room. In that case, the children are exposed to many dangers including sexual promiscuity. It is really difficult. If a husband and a wife want to have sex from the room, they have to tell their children to go and play outside. But, quite often, children utilize such occasions to engage themselves in promiscuous activities.

The indication by Ms. Grace Chigwaru and Ms. Tatenda Judge that they are not affected by the congestion is striking. Ms. Grace Chigwaru shares a two roomed house in the GBs with her mother, sister and two young daughters. Ms Tatenda Judge on the other hand shares a single room in the SQs with her sister and niece aged 18 and 10 years, respectively. Could the reason be that where the occupants are female, there is no overcrowding? I ask this question because a family of similar size occupying a house of similar size would complain that they are overcrowded where that the occupants comprise both males and females. Mrs. Catherine Mwale is an example. She complained of overcrowding in her single room which she shares with her husband and two daughters aged 7 and 15 years. If sex is the important factor in determining the congestion in houses, then the radical feminist theory becomes valid because it would appear that for some women, the problem of overcrowding becomes an issue only if the

male sex is involved. Radical feminist theory postulates that patriarchy with its characteristic features of power, dominance and hierarchy is the woman's source of oppression and that this oppression can be stopped only by reshaping patriarchy (Tong R.M., 1994:2)

The 15 respondents' information was corroborated by information obtained from relevant authorities, particularly Council officials, the Police, the Area Public Prosecutor and the Resident Magistrate. The information regarding overcrowding was corroborated by two officials working under the Kadoma City Council; Mr. Harrison Hatinahama and Mrs. Dzivai Shylett under heading number 3.2.3 above. Further, based on my observation, I established that the houses in Rimuka suburb are too small for some families. The photo below is an example. It shows a family standing in front of its single quarter measuring about nine square meters. The other photo shows the hind side of a block of SQs.





Information relating to the link between the overcrowding living conditions and the possibility of sexual predation of women and girls was corroborated by officials in the institutions of criminal justice. For example, in expressing his position, the Area Public Prosecutor observed that

there is a big [sic] relationship between the conditions of congestion in homes and the occurrence of sexual offences against women and girls. Girls sometimes are raped by step fathers...sexual offences are more prevalent in high density areas.

Based on the foregoing, it appeared to me firstly that there is a shortage of houses in Rimuka suburb. Secondly, that as result of the shortage, some families are overcrowded in their quarters. And thirdly, that as a result of the overcrowding of occupants in houses, some women and girls are exposed to the danger of sexual predation.

4.2 ANALYSIS OF THE FINDINGS

Regarding the shortage of housing in Rimuka, the underlying causes that have been unearthed from the study are various. First, it is the upsurge in the urban population arising from the rural-urban drift. The population surge created pressure on the available urban housing stock. Second, it is the Fast Track Land Resettlement scheme. The scheme left homeless many black employees who were

accommodated by their employers on farms that have been invaded. The displaced employees therefore increased the demand for housing. And thirdly, it is the Operation Restore Order since it similarly left hundreds of thousands of urbanites homeless. As well, this led to an increase in the demand for housing.

These significant events also occurred in the City of Kadoma and therefore their impact on urban housing in the City should not be under-estimated. It is also important to note that the effects of these events have not been met with a corresponding robust increase of the housing stock. In fact in Rimuka suburb, there is nothing to show for any latest development in housing investment on the part of the institutions of housing. Instead, it is the same colonial structures which are still being relied upon. In addition, the catalytic events for rural-urban drift have not been suppressed. This is true following the failure of growth-points. Under the circumstances, the rural-urban drift and its population implications may still continue yet the urban housing stock is static.

The housing shortage being experienced in Rimuka has human rights implications. These stem from the obligations of the government flowing from the human rights instruments that have been discussed under chapter 3 relating to the right to adequate housing. As noted further, lack of resources has often been raised by relevant authorities as a justification for their failure to provide housing for the inhabitants³. Much as this reason may sound plausible, it ought however, to be realized that lack of resources cannot justify the perpetual suspension of the enjoyment of the right that forms the basis of human dignity.

The study also notes that the reluctance on the part of the government to find money to provide adequate housing for the people of Rimuka could have been exacerbated in the recent past, by the absence of legislation that imposes the duty of providing housing, on

³ See the sentiments of the Minister of National Housing and Social Amenities and those for Mr. Hatinahamba under heading number 3.3.0 above.

institutions of housing. Had such law been put in place throughout, I am of the view that the state would have been innovative in sourcing the money.

Thus by failing to provide housing to the residents in Rimuka suburb, the government is breaching its obligations under the UDHR, the ICESCR, the CEDAW, the Protocol to the African Charter on Human and People's Rights on the Rights of Women and the SADC Protocol on Gender. These instruments enjoin the government of Zimbabwe to adopt measures aimed at ensuring the enjoyment of the right to adequate housing.

The other significant dimension of the problem of shortage of housing relates to the risks of sexual predation to which some women and girls are exposed as a result of the overcrowding living conditions for some families residing in Rimuka suburb. The problem has a gender dimension because it is impacting on women and girls more negatively than it is on the opposite sex.

The sexual predation about which women are expressing concern is part of the oppression which the authorities should endeavour to eliminate by undertaking appropriate measures. The state should not be seen to be complicit in patriarchal practices. Women are not demanding for anything more than a share of their freedom, justice and equality.

The study discloses no evidence of an actual incident of sexual predation of a woman or girl. However, the women are expressing fear of their vulnerability to sexual predation because of the hostile living conditions. It is these expressed fears that should prompt the authorities to act appropriately. The duty of the state to ensure the security of its people does not arise only after a security incident has occurred. It arises even when a security threat has been perceived. No individual has to live in fear. This is one of the uncontroversial principles accepted in all moral systems (<http://plato.stanford.edu/entries/feminist-law>. Accessed on 13 May 2012 at 11pm).

The obligation of the government to ensure that women and girls in Rimuka are safe from sexual predation arises for Articles 2 of the ICCPR, the CEDAW and the Protocol to the African Charter on Human and People's Rights on the Rights of Women and

Article 1 of the African Charter on Human and People's Rights. These provisions urge states to undertake legislative or administrative measures aimed at ensuring the security of women and girls in general. Taking into account the cause of the insecurity, the appropriate measure for the state to adopt is to construct adequate houses in Rimuka suburb. Lack of resources should not be accepted as justification for women to continue living in misery and under constant fear of sexual predation.

CHAPTER 5: CONCLUSION

5.1.0 CONCLUSION

The study has unearthed pertinent issues that have a significant bearing on the welfare and lives of some women and girls in Rimuka suburb. In particular, it has now been highlighted that the condition of overcrowding in houses for residents of the suburb, is exposing some women and girls to the danger of sexual predation.

5.2.0 RECOMMENDATIONS

The underlying factor to the oppressive conditions in which some women and girls in Rimuka suburb are living is shortage of houses. Accordingly, the recommendations of the study focus on the elimination of the problem of shortage of housing. The following are the recommendations:

1. We applaud the provisions of the new Constitution regarding the right to housing. However, a specific piece of legislation should be enacted to outline the detailed mechanisms by which housing shall be delivered by institutions of housing.
2. The government should vigorously and practically pursue policies that will curb rural-urban drift because the resulting increases in the urban populations add pressure on the available accommodation. The urban growth points should be revived. This will take development to rural areas thereby curbing the rural-urban drift.
3. The local authority for Kadoma must implement its housing policy because it is a progressive policy. Emphasis should be placed on giving incentives that promote the growth of housing co-operatives and also encourage commercial property developers to invest in housing and employers to acquire stands for their employees.
4. Construction of houses by individuals must be encouraged as this can increase the housing stock. This can be done firstly by relaxing the high building standards prescribed by regulations under the Regional, Town and Country

Planning Act, Chapter 29:12 for suburbs where there is a shortage of houses. However, in those suburbs, the Local authority should nonetheless provide technical advice to the developers so that the resulting houses are habitable and do not create a nuisance or eye-sores. And,

5. The government should promote the use of local building materials for example wooden and thatched houses which are culturally appropriate. The important consideration should be compliance with the minimum standards of safety.

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