

# Learning Workshop on Women, Land and Housing Rights: Assessing the impacts of dispossession

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Zimbabwe Peoples Land Rights Movement



Housing and Land Rights Network •  
Habitat International  
Coalition





Zimbabwe's human rights  
legislative framework and  
protection mechanisms in relation  
to women's land rights

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Legislative  
framework of  
human rights  
concerning  
gender  
equality,  
women, non-  
discrimination

- Lancaster House Constitution
- Legal Age of Majority Act
- Constitutional Amendments 16 and 17
- 2013 Constitution
- Marriages Act
- Administration of Estates Act

# Legislative Framework (cont'd.)

## Lancaster House Constitution

-Land reform in Zimbabwe began after the signing of the Lancaster agreement in 1979 to equitably distribute land between the historically disenfranchised blacks and the minority whites.

Government-orchestrated land invasions began in February 2000.

-Amendment No. 16 limited such 'unjustifiable' compensation to improvements on land. Ultimately, Amendment No. 17 was promulgated to oust entirely the jurisdiction of the courts over cases of acquisition of land by the state, thus rendering impotent national and international protections of the fundamental right to protection of the law, a fair hearing, and the independence of the judiciary.

# Legislative Framework (cont'd.)

- Amendment 17 (14 September 2005) to vest ownership of certain categories of land in the Zimbabwean government and to eliminate the courts' jurisdiction to hear any challenge to land acquisition
- Amendments ushered in dispensation of the 2,000 farm invasions, but not properly done, and they led to various human rights violations, physical harm and loss of property.

**People got land without title deeds in a chaotic way.**

# 2013 Constitution

- Section 71: The right to property
- Section 72: The right to Agricultural Farm Land

These two sections state that land can be compulsarily acquired with compensation, and establish the fact that no court has jurisdiction to hear matters of land. even on such cause as discrimination.

# Violations

2,000 chaotic farm invasions characterised by physical violence as well as loss of property.

The problems are ongoing, yet the process is irreversible



# Violations continue

- Well after farm occupations, Zimbabwean citizens continue to victimize and evict each other, without security of tenure
- Allocation with multiple offer letters for same land;
- Malicious damage to property is common in resettlement areas.





Economic, social and  
cultural rights, non-  
discrimination, gender  
equality and women



# Women's Rights from independence to present

- Women still did not own land or properties: Former Constitution allowed discrimination on women based on the difference between customary law and statutory law;
- 1980: Legal age of majority gave women rights as majors at the age of 18;
- Still customary law discriminated against women in inheritance and marriage;
- Difficult for women to inherit land customarily if their husband passes on.



# Marriage

- Properties not jointly owned, yet most women are under the impression that being married automatically means property is co-owned;
- Property is only shared upon separation or divorce and, during marriage, either party can sell a property registered in their own name;
- Property sharing also under inheritance when one spouse passes on.

# Inheritance

Customarily women never used to inherit properties (*Magaya vs Magaya*). Now allowed, but “culturally inappropriate.”



# Conclusion

Nothing has changed much in property and land ownership, because land ownership is a political issue in Zimbabwe and, in most cases, citizens are left without security of tenure so that the land issue is used to whip the citizens in line for political reasons.

# The End

