

**MA**

**UNDERSTANDING  
& SECURING  
HUMAN RIGHTS**

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**HUMAN  
RIGHTS & THE  
MILLENNIUM  
DEVELOPMENT  
GOALS: “A  
HUMAN  
RIGHTS BASED  
APPROACH TO  
IMPLEMENTING  
GENDER  
EQUALITY IN  
ZIMBABWE”**

**THIS DISSERTATION IS SUBMITTED IN PARTIAL  
FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE  
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## Abstract

This study was triggered by the observation on how human rights can accelerate the process of development more effectively than the solo efforts of giving financial aid, which have been utilised for too long. The main focus of this study is how a human rights base approach can be utilised to implement one developmental goal that of Gender equality and empowerment. How a HRBA can add value to the status of women in most aspects of their lives in order to achieve higher levels of development which will be beneficial to women and the society at large. A case study of Zimbabwe, a country which has for a long time exhibited low levels of development and where gender equity is low will be utilised. This research will seek to highlight that a HRBA to development in Africa can lead to the achievement of the MDG on gender equality. Equality between women and men is both a human rights issue and should be a prerequisite for sustainable development in Zimbabwe.

### Declaration

I declare that my thesis title: “Human Rights & The Millennium Development Goals: A Human Rights Based Approach to Implementing Gender Equality in Zimbabwe” is my own work; that has not been submitted before for any degree or examination in any other university; and that all the sources I have used or quoted have been indicated and acknowledged as complete references.

### Acknowledgements

I would like to acknowledge and express my gratitude to the all the members of Staff at the Institute of Commonwealth Studies for their invaluable knowledge which they imparted on me and for their unwavering support and patience throughout my time at the Institute.

Finally I dedicate this research to my late grandmother the most humble matriarch I've ever known 'GOGO' a true believer in the Empowerment of women.

Konke engi yikho ngaphiwa nguwe Gogo, eDawu

ALUTA CONTINUA MA'AFRICA

## Abbreviations

AIDS	Acquired Immuno Deficiency Syndrome
CCPR	Convention on Civil and Political Rights
CSO	Central Statistical Office
CEDAW	Convention on the Elimination of Discrimination Against Women
DfID	Department for International Development (UK Government)
ECOSOC	Economic and Social Council, United Nations
GAD	Gender and Development
ESAP	Economic Structural Adjustment Programme
GDP	Gross Domestic Product
HDI	Human Development Index
HDR	Human Development Report
HIV	Human Immuno Virus
HRBA	Human Rights Based Approach
ILO	International Labour Organisation
MDG	Millennium Development Goals
NGO	Non-governmental organisation
ODI	Overseas Development Institute
SADC	Southern African Development Community
UNDP	United Nations Development Programme

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**CHAPTER**

**1**

**INTRODUCTION**

In the year 2003, the UN and some of its agencies convened and reached an understanding on mainstreaming human rights into development, this was named the “UN Common Understanding on the Human Rights Based Approach to Development”. This understanding was accompanied by six guiding principles, were said to draw on the normative evolution of human rights and are crucial for how human rights can be promoted, protected and realized through development co-operation activities, they were: Universality and inalienability, Indivisibility, Inter-dependence and inter-relatedness, Equality and non-discrimination, Participation and inclusion and Accountability and rule of law<sup>1</sup>.

MDGs are deeply rooted in international human rights laws; this statement was further confirmed by the UN Secretary General when he asserted that “economic, social and cultural rights are at the heart of the MDGs. Upon further analysis of the MDGs several references to human rights can be identified. MDGs and human rights are both underpinned by international frameworks and have similarities in that they both adhere to a periodic reporting process, at national and international level, an observation could be made that as much as they both have these reporting mechanisms the latter of the MDGs is still not fully regulated in the sense that there is no legal obligation to prosecute any States that are either not complying or those that are falling behind in meeting the deadlines set in place. Specifically explicit references to the Universal Declaration of Human Rights (Universal Declaration article 25), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW article 25), International Covenant on the Economic, Social and Cultural Rights (ICESCR article 12) Convention on the Rights of the Child (CRC article 24), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD article 5 e.) are identifiable.

The Millennium Declaration acknowledges that women as a demographic worldwide are disproportionately affected by poverty and the consequences of it, therefore encouraged the importance of placing gender equality on the agenda in order to strive towards sustainable development. There is no denying that the MDGs are borne from a human rights framework. Zimbabwe is a signatory to the aforementioned Millennium Declaration of 2000 and in analyzing this declaration on a domestic level, Zimbabwe has an obligation to the MDG 3 “Promote Gender Equality and Empower Women” and a HRBA ensures that this obligation is met through the support of national accountability structures, which reinforce progress towards achieving the MDG on gender equality.

<sup>1</sup> <http://web.undp.org/oslocentre/docs06/HRBA%20indicators%20guide.pdf> [ACCESSED 15/07/12]



## 1.1: Rationale of the Study

Since the declaration of the Millennium Development Goals, global awareness of gender equality and empowerment has been growing, however this has not been reflective within the developing nations and Zimbabwe is one, to name a few. This thesis intends to address the inequality faced by women and girls in Zimbabwe and how these inequalities can be breached in order to achieve the developmental goals set about in the Millennium declaration and how and why this group remain a vulnerable group in order to ensure equitable development and a quest for equality and justice by recognising their human rights. As mentioned earlier the empirical focus of this thesis is on gender inequalities that still exist in Zimbabwe, and permeate throughout the all aspects of the society despite having policies in place that should be addressing the inequalities. Zimbabwe still ranks very low on the United Nations Development Programme’s (UNDP) Human Development Index (HDI) Zimbabwe’s HDI is 0.376, which gives the country a rank of 173 out of 187 countries with comparable data.<sup>2</sup> As a signatory of the Millennium Declaration the Zimbabwean government committed itself to achieving the MDGs in keeping in context with this paper the MDG on Gender Equality and Empowerment however based on the HDI rankings Zimbabwe as a country is far from achieving any developmental goals and is scoring below not just the regional level but the global level too.

The political landscape and the declining economy as was first witnessed in the late 1990s have impacted gravely on the livelihoods of ordinary Zimbabwean citizens and it has to be noted that the impact disproportionately affects girls and women. Developmental remedies have been ongoing within the country as implemented by policies and the work of various NGOs and civil society however; these have failed to eradicate the continuing gender inequalities in the country. This thesis aims to utilise a HRBA approach as a framework that can be implemented in order to address gender inequality within Zimbabwe in order to make progress in achieving the MDG.

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<sup>2</sup> <http://hdrstats.undp.org/en/countries/profiles/ZWE.html>

## 1.2: Research Questions

Employing a HRBA to gender equality is becoming increasingly popular in the development sector. Organizations see this as a framework of choice in addressing some of the challenges they face when working within the developing world. However, there is very limited research available in examining the actual impact of a HRBA on the issue of Gender equality within these countries due to the scarcity of funds towards such initiatives. Funds tend to be distributed to the more widely accustomed initiative such as poverty reduction. Therefore this thesis intends to investigate whether a HRBA, in practice can yield better results in achieving the MDG on ‘gender equality & women’s empowerment’. This study will focus on the following sub-questions:

## 1.3: Sub-Questions

- 1) What are the main characteristic features of a HRBA to gender equality?

This question will examine to what extent a HRBA can provide a new scope on making a positive contribution in the promotion of gender equality.

- 2) To what extent does a HRBA add value towards the achievements of the MDGs and their successful implementation?

This question will address the added value of employing a HRBA to development in general and specifically address how employing HRBA will certainly add value in achieving the MDGs and ensuring their sustainability in the long term.

**CHAPTER**

**2**

**METHODOLOGY**

## 2.1 Methods & Sources

The data that will be analysed in this thesis will be derived from the following:

- i) Case Study
- ii) Literature Review

### Case Study:

Due to the short frame time of the study and the nature of the research secondary methods will be utilized in the form of a case study. Case studies can be particularly revealing and give a fuller picture of the current situation of gender inequality within a country. However, some caution is needed when reviewing case studies as evidence can be weakened in material where there are just a few case studies utilized. They are useful in giving valuable insight but are not necessarily strong as evidence.

This approach is a useful research strategy in enabling me as the researcher to gain better understanding of the gender inequality within the context of a country in this case Zimbabwe. The case study approach can be particularly appropriate for individual researchers because it provides an opportunity for one aspect of a problem to be studied in some depth<sup>3</sup>.

“A case study is an empirical inquiry that investigates a contemporary phenomenon within its real life context, especially when the boundaries between the phenomenon and context are not clearly evident”<sup>4</sup>

A HRBA stresses the importance of civil and political rights and through and as a framework can be utilised adapted in any society in any country. It provides the highest level of normative authority. Political and economic regimes and cultural and religious traditions vary widely around the world, and questions about which system is right and which system is wrong are unanswerable. But common elements from all of these sources were brought together in the development of the international human rights framework.<sup>5</sup> Zimbabwe will be a good case study for analysis due to its pseudo democratic nature.

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<sup>3</sup> Bell, J. (2005) Doing Your Research Project 4<sup>th</sup> Edition, Maidenhead: Open University Press

<sup>4</sup> Yin, R. K (2003) Case Study Research, Design & Methods USA: Sage Publications

<sup>5</sup> [http://www.unifem.org/attachments/products/CEDAW\\_HRBA\\_guide\\_pt1\\_eng.pdf](http://www.unifem.org/attachments/products/CEDAW_HRBA_guide_pt1_eng.pdf)

As a case study, Zimbabwe is quite suited to the research questions in addressing whether or not a HRBA can be employed in enhancing and promoting gender equality. For further investigation, both primary and secondary sources of information will be utilised. Primary sources will consist of semi-structured interviews and secondary sources will consist of literature reviews, published policies or other government documents collected online as well as in Zimbabwe.

## 2.2: Framework of Analysis

As mentioned earlier a HRBA will be utilised to analyse gender inequality in Zimbabwe. This theoretical framework will focus on the following principles of the HRBA:

- Equality
- Participation and Inclusion
- Accountability

A HRBA using the above principles will provide the framework necessary for gender equality and empowerment of women. The framework will enable a coherent analysis of investigating the underlying causes of inequality and discrimination faced by women as well as the associated causes which may include poverty, religion and ethnicity.

This framework will also be useful in identifying which rights girls/women are entitled to in order to promote and influence policy in order to achieve gender equality

This framework allows for the development of the capacity of all the individuals and organisations which are obligated in ensuring that rights holders have access to their rights whilst drawing upon domestic and international human rights instruments.

The framework will ensure that duty bearers are bound by the policies that have been put in place and should be made accountable for non adherence to these policies.

## Literature Review

The purpose of this chapter is to situate this thesis in context with the research, by reviewing various literatures and demonstrating their relevance to the topic at hand. This chapter will be separated into two sections. The first section will explore the literature on gender equality in general. The second section will aim to explore literature on human rights and its links to development.

## Literature Gender Equality

Reviewing the literature on gender equality is necessary in order to understand how it affects development and how it can be achieved in order to meet the MDG and its target. Historically and globally women have been known to have fewer economic resources and opportunities in order to improve their livelihoods and future prospects. Women still find themselves marginalised in most aspects of life such as education, land ownership, property and inheritance rights, wage packets, financial, employment and decision making opportunities both in the family sphere and societal sphere and more recently marginalisation within the political sphere has been noted by academics. It is quite apparent on observation that the marginalisation of women correlates with low levels of development in some countries. In societies where girls and women have equal access to opportunities and resources levels of development within that society tend to be very high. This observation therefore brought to the fore the emphasis on gender equality onto the developmental agenda. Improving the status of women in the developing world became a high priority for professional and academics working within this sector.<sup>6</sup>

Many definitions have been attached to the term gender equality within the development field. Gender equality has often been the subject of great debate in the UN however, it tends to be generalised to ‘affording the same life opportunities to women as have been afforded to men. A good example would be equality of access to education and employment, although this does not always necessarily guarantee an equality of the exact same outcomes.’<sup>7</sup>

International law has framed gender equality as part of global concern on human rights and basic Freedoms for social, economic and political rights. These include claims on access to and control over productive resources like land. The Universal Declaration of Human Rights adopted in 1948 (UDHR, 1948) and international laws and conventions developed afterwards have a number of provisions to address gender equality. The Convention on the Elimination of All Forms of

<sup>6</sup>

[http://www.unifem.org/attachments/gender\\_issues/millennium\\_development\\_goals/MDGsAndGenderEquality\\_1\\_MakingChangeHappen\\_wbm.pdf#nameddest=mdg3](http://www.unifem.org/attachments/gender_issues/millennium_development_goals/MDGsAndGenderEquality_1_MakingChangeHappen_wbm.pdf#nameddest=mdg3)

<sup>7</sup>Reeves, H. & Baden, S. (2000)Gender & Development: Concepts and Definitions  
<http://www.bridge.ids.ac.uk/reports/re55.pdf> [ACCESSED 02/06/12]

Discrimination Against Women (CEDAW) prohibits any distinction, exclusion or restriction on the basis of gender that harms or nullifies women’s human rights and fundamental freedoms (UNCEDAW, 1995:3). It establishes women’s rights on par with those of men to political, economic and social participation and benefit. Articles 7-8, 10-13 and 16 of CEDAW have comprehensive coverage and oblige signatory states to achieve these goals. The Beijing Declaration in its Article 35 states that governments should ensure women’s equal access to economic resources including land, credit, science and technology, vocational training, etc. as a means to further the advancement and empowerment of women (CEDAW, 1995). The United Nations Higher Commission on Human Rights passed resolution on women’s equal ownership access to and control over property and land (UNHCR 2003/22) African Protocol to the African Charter on the Rights of Women in Africa adopted by the then Organization of African Unity called upon all African states to eliminate discrimination against women and to ensure women’s rights as set in international declarations and conventions (OAU, 2003). It stipulates that all African governments to combat all forms of discrimination against women through appropriate legislative and institutional measures. The protocol includes a number of articles on women’s social, economic and political equality and gives particular emphasis to the rights of widows and divorcees. UN agencies and international organizations play significant roles in supporting women’s equal rights on access<sup>8</sup>

Experts in many fields have proposed different definitions for gender equality. According to the Vienna Declaration programme of action ‘equality is the cornerstone of every democratic society which aspires to social justice and human rights. In virtually all societies and spheres of activity women are subject to inequalities in law and in fact. This situation is both caused and exacerbated by the existence of discrimination in the family, in the community and in the workplace. While causes and consequences may vary from country to country, discrimination against women is widespread. It is perpetuated by the survival of stereotypes and of traditional cultural and religious practices and beliefs detrimental to women’.<sup>9</sup> Since the year 2000 mentioning gender equality has become very commonplace in most developmental discourses. The promotion of gender equality and empowerment of women is seen as a very essential way of achieving socio-economic and sustainable development in Africa a 2003 World Bank Report clearly illustrates this in the following statement:

<sup>8</sup> <http://ufh.netd.ac.za/bitstream/10353/233/1/Arisunta%20thesis.pdf> [ACCESSED 03/0812]

<sup>9</sup> VIENNA DECLARATION AND PROGRAMME OF ACTION, (part I, para. 18) adopted by the World Conference on Human Rights, Vienna, 25 June 1993 (A/CONF. 157/24 (Part I), chap. III)

“There is now a shared understanding within the development community that development policies and actions that fail to take gender inequality into account and fail to address disparities between males and females will have limited effectiveness and serious cost implications.”<sup>10</sup> What this excerpt suggests is that the longer gender equality is not realised on the development agenda then efforts to create sustainable development will remain stagnant and a very high cost too.

Most literature aligns itself with the notion that most societies where there is a lack of promotion and policies that call for gender equality tends have a negative effects on development. South African author, Klasen (1999) reiterates this point by highlighting that if Sub-Saharan Africa had achieved gender equality in schooling during the period 1960 to 1992 as rapidly as in the East Asian countries; their income per capita could have grown by an additional 0.5 to 0.9 percentage point per year. For Africa, this would imply an almost doubling of per capita income growth.<sup>11</sup> Similar trends are noted in countries where an investment in girls’ education was seen to be lacking.

Developing countries exhibit considerably lower literacy rate where women are the most disadvantaged. Adult literacy rate is 76% and 99% in developing and developed countries, respectively, indicating that the latter contribute only about 1% to the world’s illiterate people and the lowest adult literacy rates are observed in South and West Asia, Sub-Saharan Africa, and the Arab States with respective figures of 58%, 62%, and 62%, respectively. Adult illiterate women account for 55% in Latin America and the Caribbean, 61% in sub-Saharan Africa, and 64% (UNFPA, 2005) From these statistics as released by the UNFPA it is apparent that women are indeed marginalised and access to educational resources in either nonexistent or very limited, these figures clearly highlight that nearly one third of the worlds female population are illiterate. The disparities between men and women continue within the employment sector too, the status of women is characterised by occupational segregation, gender-based wage gaps, and women’s disproportionate representation in informal employment, unpaid work and higher unemployment rates (UNFPA, 2005)<sup>12</sup> Men have historically, have been more at an advantage regarding employment opportunities and wages packages in this appears to b a trend that has continued despite women’s efforts to penetrate the work force, some with the same skills as that of their male counterparts.

<sup>10</sup> World Bank (2003) *Gender Equality and the Millennium Development Goals* Washington, D.C. April.

<sup>11</sup> [http://info.worldbank.org/etools/docs/library/117321/35079\\_wps3285.pdf](http://info.worldbank.org/etools/docs/library/117321/35079_wps3285.pdf) [ACCESSED 02/08/12]

<sup>12</sup> UNFPA (2005) *The State of the World Population (2005)* <http://www.unfpa.org/swp/2005/english/ch1/index.htm> [ACCESSED 02/08/12]



A 2012 World Bank report also proposed its own definition of gender equality in relation to three key elements: the accumulation of endowments, the use of those endowments to access economic opportunities and generate returns, and their application to take actions, or agency, affecting individual and household wellbeing. Endowments encompass education, health, land and other assets such as financial resources that women and men accumulate during their lifetimes.<sup>13</sup>

UNICEF definition is much more straightforward and concise gender equality means that women and men, and girls and boys, enjoy the same rights, resources, opportunities and protections.<sup>14</sup> This definition could have been expanded further in that everyone should be treated equally without leaving any room for discrimination in access and opportunity.

CEDAWs understanding of what counts as equality, often called “substantive equality” or “equality of results.”<sup>15</sup>

The National Gender Policy (NGP) report of Zimbabwe gives its own definition of gender equality “The legal, social and political capacity of women and men to mobilise and manage resources at household, community, national, regional and international levels on an equal basis.”<sup>16</sup>

Another useful publication that was reviewed was one by the Canadian International Development Agency (CIDA) provides a comprehensive perspective on gender equality and most importantly was the way it was in context with the developing world. It provided an extensive analysis of gender policies and linked them with development and provided a best practice toolkit on how gender equality can be promoted using this toolkit.<sup>17</sup>

An invaluable book which was utilised for this research was that by (Fennel & Arnot, 2008) in their book *Gender Education and Equality in a Global Context*, they addressed contemporary issues on gender and equality and highlight the implications of the goals and targets set by the MDGs and how development is impacted upon by the continuing inequalities and disparities between men and women.

<sup>13</sup> World Development Report 2012: Gender Equality and development

[http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/11/03/000334955\\_20101103062028/Rendered/PDF/576270WDR0SecM1e0only1910BOX353773B.pdf](http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/11/03/000334955_20101103062028/Rendered/PDF/576270WDR0SecM1e0only1910BOX353773B.pdf)

<sup>14</sup> [http://www.unicef.org/gender/files/Overarching\\_Layout\\_Web.pdf](http://www.unicef.org/gender/files/Overarching_Layout_Web.pdf)

<sup>15</sup> CEDAW (2007) CEDAW and the Human Rights Based Approach to Programming

<http://sgdatabase.unwomen.org/uploads/national%20gender%20policy.pdf> [ACCESSED 17/08/12]

<sup>17</sup> CIDA's Policy on Gender Equality (2010) [http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/Policy/\\$file/Policy-on-Gender-Equality-EN.pdf](http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/Policy/$file/Policy-on-Gender-Equality-EN.pdf) [ACCESSED 02/08/12]

They allude to the fact that Gender equality, although portrayed as a human right, is now also associated with the new demands of neo-liberal economic globalisation, encouraging national regimes and indigenous cultures to move towards Western versions of modernisation<sup>18</sup>

Another commentator on gender equality highlights the fact that, monitoring gender equality in education is such a straightforward process, especially based on such a large scale agenda, whereas if it was monitored based on individual country policy change it would yield more outcomes. Colclough (2008) argues that based on indicators and interim targets the achievement of gender parity in enrolments risks being too reductionist.<sup>19</sup>

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<sup>18</sup> Fennell, S. & Arnot, M (2008) *Gender Education and Equality in a Global Context* London, Routledge <http://recoup.educ.cam.ac.uk/publications/FennellandArnotBook08.pdf> [ACCESSED 16/07/12]

<sup>19</sup> Colclough, C. (2008) *Global gender goals and the construction of equality Conceptual dilemmas and policy practice* in Fennell, S. & Arnot, M (2008) *Gender Education and Equality in a Global Context* London, Routledge <http://recoup.educ.cam.ac.uk/publications/FennellandArnotBook08.pdf> [ACCESSED 16/07/12]

## Human Rights & Development

For a long time now development has been predominantly based on the premise of economic growth within a given country. Development had been based on the western concept of what it meant to be a developed nation. Western countries had been going through industrialisation and the assumption was that this would be the case in the third world. With time the concept of development has evolved, with focus mainly being on the sustainability of development, according to the UNDP “human development as the process of enlarging the range of people’s choices—increasing their opportunities for education, healthcare, income and employment, and covering the full range of human choices to economic and political freedoms.”<sup>20</sup>

According to Fakuda-Parr (2009) the emergence of human rights into mainstream development discourse became apparent in the late 1990s as a result of the political debates around human rights just after the cold war. The debates concerned themselves with the premise of global poverty being an affront to human dignity and injustice<sup>21</sup> However it is very important to acknowledge that this approach was not as new as most commentators would believe. This approach dated as far back as the UN Charter (1945) and was reinforced by the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966.

The right to development (RTD) does not concern itself with the financial aid driven agenda that focuses on the growth of the economy based on trade and other financial gains (Sengupta, 2003) rather it focuses on certain processes within development which allows for fundamental freedoms and rights to be realised. According to some practitioners the RTD on which the HRBA is borne is heavily debated within the UN system (Sengupta: 2003) The Right to Development (RTD) focuses on resource transfers, trade, and financial markets and aims to uncover inequalities between countries through its link to the dependency theory<sup>22</sup>

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<sup>20</sup> UNDP Human Development Report 2 (1992)

<sup>21</sup> Fakuda-Parr, S. (2009) Human Rights and Politics in Development in Goodhart, M. (Ed.) *Human Rights: Politics & Practice* (pp:164-181) Oxford: Oxford University Press

<sup>22</sup> <http://www.cdhr.org.in/Images/PDF/HILARY%20RTD%20Lit%20Review.pdf> [ACCESSED:23/07/12]

Two arguments have been made for why the rights based approaches are good for women. One of them is that the norm of gender equality is central to the rights based approaches not "as an add-on" because "equality and non discrimination are central tenets of human rights and are included in most conventions". Secondly, since HRBA focus on the most marginalised in society, women are a natural constituency.<sup>23</sup>

So far this literature review has listed all the positives on employing a HRBA to the MDGs; however, scholars and professionals alike in the development sector have voiced out some criticisms. Human rights are deemed to be very legalistic and technical. Development writers see rights as the “globalization of policy making”<sup>24</sup> (Kennedy, 2004:111). Human rights are seen as an international agenda enforced the elite powers of the west and imposed upon states. They are viewed as political and would be a hindrance to some developmental practices which have been in place for a long time. For some critics, they believe that if applying HRBA in development then the transition from rights rhetoric to actualization and realization of rights should be implemented. Also recognition of whose rights are being addressed at any given time and the assurances are put in place to ensure that women will feel empowered to engage and participate and if women see themselves as powerless, as unable to act or respond in alternative ways, then the rights of the dominant communities will always be upheld and asserted<sup>25</sup>.

This review has highlighted MDGS’s have plenty in common with human rights. They share certain principles, such as ensuring the accountability of states, the empowering of rights holders in accessing and claiming their rights. Although MGDs stem from a developmental background they are very entrenched in human rights. It is always the hope that certain if not all human rights instruments positively shape the behaviour of all governments globally when it comes to their obligations to the rights holders.

<sup>23</sup> AWID (2002) "A Rights-based Approach to Development" Briefing Paper, Association for Women's Rights in Development, Toronto

<sup>24</sup> Kennedy, D. (2004) The Dark Sides of Virtue: Reassessing International Humanitarianism: Princeton: Princeton University Press

<sup>25</sup> ANANDI-TISS. 2005. “Rights-Based Development for Women: Moving from Theory to Action. An engagement with an Empowerment Approach to Sustainable Livelihoods and Food Security.”

### 2.3: Ethical Considerations

Most studies and research projects require the researcher to make ethical considerations and due to the type of research methodology employed here, human subjects are involved therefore ethical considerations have to be made. As I will be conducting semi-structured interviews it is important to attain informed consent from the interviewees this involves briefing them on the nature and purposes of the research being carried out. The individuals that I will be interviewing need to feel assured that their personal data will be used for its intended purposes and will be kept confidentially and securely in line with any Data Protection policies.

**CHAPTER**

**3**

**MILLENNIUM DEVELOPMENT GOALS**

### Millennium Development Goals (Mdgs)

In the year 2000, UN member States agreed upon a Millennium Declaration and through this declaration, adopted a set of eight international developmental goals which would be aimed at improving the social and economic conditions of the world’s poorest and developing nations. The goals were given the following title ‘The Millennium Development Goals’ (MDGs) as the name suggests they coincided with the birth of the new millennia and were seen as a step forward in the international development arena. The goals were tasked with setting time bound and measurable targets which are to be met by the year 2015 by member states and their governments, the MDGs consist of the 8 goals accompanied by 21 targets and 60 indicators. The 8 MDGs are as follows:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development

Initially, as a starting off point it is important to understand what the Millennium Declaration was mandated to achieve; it set out to enhance the protection and promotion of rights namely; civil, cultural, economic, social and political rights for all human beings (UNITED NATIONS, 2000). It is apparent that the MDGs from the onset embody numerous human rights standards school of thought, therefore in order to fulfil the mandate of the millennia declaration a human rights based approach would have to be implemented, this however would prove to be a contentious issue for scholars in both the human rights field and that of the development field. This issue will be further discussed in this paper at a later stage.

The Millennium Project Task Force Report on Children and Women’s Health in its mandate recognises the failures of the development sector in addressing maternal mortality rates and reinforces the significance of human rights in order to achieve MDG 3. A key human rights document that reaffirms this position is CEDAW on the issue of women and health states that “women should have the right to the highest attainable standard of health”. CEDAW acknowledges that States must fulfil the obligations that they signed up for in various treaties in this case the State has an obligation to meet in the provision of appropriate ‘obstetrics’ care for women who are pregnant right through to childbirth. The Millennium Declaration acknowledges that women as a demographic worldwide are disproportionately affected by poverty and the consequences of it, therefore encourages the importance of placing gender equality on the agenda in order to strive towards sustainable development. Therefore there is no denying that the MDGs are borne from a human rights framework and in keeping within the context of this paper, goal 3 is linked with sexual and reproductive health and rights and all of the human rights treaties which are associated with it. Sexual and reproductive rights are built upon the fundamental right to life, health, and freedom from discrimination, self determination and access to information. The International Conference on Population and Development (ICPD) which took place in Cairo Egypt in 1994 created a ‘Programme of Action’ whereby all participating States recognised the importance of sexual reproductive rights as being fundamental to the social and economic development of all individuals and societies globally.

As mentioned previously the aim of the MDGs was to improve social and economic conditions of the world’s poorest people, by eliminating poverty. Women and girls as a demographic are disproportionately affected by poverty worldwide, a fact that is hard to grasp is that of the 1.3 billion people living in the world a staggering 70% of those are women. The MDGs by their very virtue have pledged to address this problem; however for purposes of discussion, this thesis aims to focus mainly on MDG number 3: **‘Promote Gender Equality & Empower Women’** and the ‘targets’ set out in this goal are:

- 3a) ‘Eliminate gender disparity in primary and secondary education, preferably by 2005 and in all levels of education no later than 2015’

According to decision to create a target focused specifically on girls’ education and equality is “justified by the strong evidence that investing in girls’ education yields high returns for girls themselves and high returns for development.”<sup>26</sup>

<sup>26</sup> <http://www.unmillenniumproject.org/documents/Gendercomplete.pdf>



The progress of the above mentioned targets were to be measured by 3 indicators:

- 3.1 Ratios of girls to boys in primary, secondary and tertiary education
- 3.2 Share of women in wage employment in the non-agricultural sector
- 3.3 Proportion of seats held by women in national parliament

### Critique of MDGs

As has been mentioned earlier the MDGs were and are still a global agenda that is being pushed for implementation in the developed and developing world with targets which some academics deem to be unrealistic. Some commentators are sceptical of this global agenda and how it can be imposed at a more local level within differing societies of the world, this scepticism is expressed in many ways, some seeing the MDGs as having colonial undertones to them such universal gender targets also carry with them imperial and colonial legacies of international interference in nation building and national educational systems<sup>27</sup>

Colclough (2008) asserts that at the time of setting the MDGS it was already apparent that the goal on equality in education could not be achieved, more so in its first 5 year review stage of 2005, the indicators were not looking positive and the targets were clearly not being met. The international community has made a habit of setting unrealistic target dates for the achievement of its educational goals.<sup>28</sup>

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<sup>27</sup> Fennell, S. & Arnot, M (2008) Gender Education and Equality in a Global Context London, Routledge <http://recoup.educ.cam.ac.uk/publications/FennellandArnotBook08.pdf> [ACCESSED 16/07/12]

<sup>28</sup> Colclough, C. (2008) *Global gender goals and the construction of equality Conceptual dilemmas and policy practice* in Fennell, S. & Arnot, M (2008) Gender Education and Equality in a Global Context London, Routledge <http://recoup.educ.cam.ac.uk/publications/FennellandArnotBook08.pdf> [ACCESSED 16/07/12]

**CHAPTER**

**4**

**ZIMBABWE**

## Overview of Gender Inequality in Zimbabwe

This chapter aims to identify the roots of gender inequalities in Zimbabwe which stem from patriarchal ideologies of the pre-colonial and postcolonial eras and in turn have manifested themselves and are now firmly entrenched in modern day Zimbabwe's social and cultural practices and attitudes. Some writers argue that colonial patriarchy reinforced the discrimination of women and dominance of men which have remained inherent in most post colonial African countries today, Colonialists worked hand in hand with African patriarchs to develop inflexible customary laws that evolved into new structures and forms of domination.<sup>29</sup> Scholars agree that patriarchal attitudes grew in strength during the colonial period. Patriarchal assumptions have inhibited women's ability to achieve in male-dominated sectors of the economy and the government<sup>30</sup> Patriarchy is embedded in men's control over women's labour power. This control is maintained by excluding women from access to essential productive resources<sup>31</sup>

Zimbabwe is a landlocked country situated in Southern Africa, previously known as Rhodesia during the colonial era. Zimbabwe then gained its independence from the British colonial rule in 1980, the role of women's input during the struggle for liberation was acknowledged in legal instruments such as the Legal Age of Majority Act of 1982 (LAMA) this was an act that gave women full rights by the time they turned 18. Another was The Matrimonial Causes Act and the Sex Disqualification Act of (1985) this gave women the right to no fault a divorce many various other Acts were introduced and on the surface of it all appeared to be affording women some rights within the country probably the most contentious even to date was the legal instruments named Deceased Persons Family Maintenance Act which was introduced to ensure that women have an entitlement to any inheritance and property left by their dead husband.<sup>32</sup> Several other legal instruments can be named here but for purposes of discussion in this thesis only instruments relating to gender equality will be noted with emphasis on educational disparities as this is keeping in context with the purpose of this research.

Zimbabwe has been described as a country exemplified by an unequal society, in relation to access, control and ownership of resources and the Government of Zimbabwe is obligated under both domestic and international law to address all matters relating to the perpetuation of gender inequality within the society.

<sup>29</sup> Schmidt, Elizabeth. 1991. "Patriarchy, Capitalism, and the Colonial State in Zimbabwe." *Signs: Journal of Women in Culture and Society* 16(4): 732-56.

<sup>30</sup> [http://gencen.isp.msu.edu/documents/Working\\_Papers/WP254.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP254.pdf)

<sup>31</sup> Connell, D. 2000. Interviewing Women: Issues of Friendship, Vulnerability, and Power, in *Women's Studies International Forum: Journal of Social Science* 15 (5/6): 593-606.

<sup>32</sup> [http://gencen.isp.msu.edu/documents/Working\\_Papers/WP254.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP254.pdf) [ACCESSED 03/0812]

These obligations are mainly derived from the international treaties which Zimbabwe is party to and some which have been adapted into the constitution as well as domestic legislation. Since its Independence, Zimbabwe formerly Rhodesia has sought to achieve not just racial equality but gender equality. However, over 30 years since then, many forms of gender discrimination still exist within the society, despite the Government signing up to several domestic and international gender declarations and conventions. Namely; the Convention on the Elimination of all Forms of Racial Discrimination (CERD) in 1965; and the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979 (National Gender Policy, 2004:1) Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003); Southern African Development Community (SADC) Gender and Development Declaration (1997). Domestically, the international treaties were adapted and saw the creation of gender equality policies such as the ‘Gender Affirmative Action Policy (1992), the Nziramasanga Commission (1999) & the National Gender Policy (2004) and despite all these legislation, gender disparities still remain. The main goal and objective of the National Gender Policy (2004) was to “eliminate all forms of negative, economic, social and political policies, cultural and religious practices that impede equality and equity of sexes<sup>33</sup>. However in spite of this policy document, attempts to reduce gender inequality remain futile.

According to the Central Statistical Office (CSO) of Zimbabwe these are the following gender equalities that exist in the country:

1. Customary laws, practices and beliefs especially those related to inheritance, continue to abrogate women’s rights as well as exposing them to all forms of discrimination;
2. Women and men not equally represented in judiciary and quasi-judiciary structures including traditional and customary courts;
3. Although women constitute the majority of labour force in agriculture, they own very little commercial land, and most of them have secondary rights to communal land;
4. Women dominate the marginalized low income earning informal sector which is not linked to mainstream macro and micro economic policies and programmes;
5. The current national economy accounting system do not recognize women’s contribution to GDP and GNP, thereby continue to marginalize women’s contribution to the economy through their unpaid domestic labour and community support;
6. Women are very little represented in the formal sector employment;

<sup>33</sup> National Gender Policy in Zimbabwe 2004. Harare: Government of Zimbabwe

7. Women have limited participation in decision making structures in all sectors and at all levels of the society.
8. Imbalance in enrolment of girls and boys at secondary and tertiary levels. Female enrolments in science/mathematics and technical fields are small, while they dominate in fields leading to traditional female occupations
9. Female dropout rate is higher than that of males especially in higher grades
10. The boy child receives preferential treatment in education, due to important role played by cultural and religious factors
11. Health delivery and services not accessible to all
12. Some of the socio-economic, cultural, religious, legal, political and customary issues and practices impact negatively on health including HIV and AIDS and mental diseases;
13. Maternal mortality increasing at alarming rate-now four digits;
14. There are gross gender imbalances in the distribution of, ownership of and access to resources in agriculture
15. Women have limited access to financial resources and markets for their agricultural produce
16. Fewer women access land through the various land resettlement schemes
17. There is lack of information on issues that would promote the full participation of women in power structures which can enhance their advancement at all levels.
18. Most of the information developed in Zimbabwe is still heavily biased against women
19. Women spend most of their time doing reproductive work, and these results in time poverty as they cannot.<sup>34</sup>

Significant levels of gender disparities exist in Zimbabwe, these are in literacy, educational attainment, types of occupation, employment status, salaries, age of consent for marriage, access to information and access to options on family planning and decision making privately and publicly. It is these aforementioned variables that leave women in the disadvantaged position and continued marginalisation. These variables also seem to have a knock on domino effect on each other for instance lack of education or access to adequate educational resources leads to low literacy rates, which in turn lead to low or nil opportunities of employment and therefore lack of financial independence which can also affect decision making. Decision making plays a vital role in the lives of women, decisions such as when and how many children to bear and without this, women are not able to make informed choices.

<sup>34</sup> <http://unstats.un.org/unsd/demographic/meetings/egm/genderstats06/DOC%2014.2%20Zimbabwe.pdf>

In any type of research relating to development it is very important to mention the effects of the epidemic which has been ravaging Zimbabwe for the past three decades at a very fast pace. Gender inequality is further compounded by HIV/AIDS, which has been documented as disproportionately affecting certain groups of people in this nation ‘women’. The ramifications faced by the women during as a result of this disease are insurmountable and very challenging to remedy despite the international and local efforts to manage the spread. Women are faced with the burden of discrimination in many forms; healthcare, limited socio-economic opportunities, unequal access to education, and limited land and property rights. A country like Zimbabwe, which was considered the bread basket of Africa post Independence, has witnessed deterioration in its political, economical systems. Its infrastructure, education, health systems have suffered greatly due to the socio-political-economic situation at hand, a combination of all these factors having a domino effect on the other have facilitated the intersectional relationship between gender inequality and the spread of HIV/AIDS. Certain behaviours tend to occur as a culmination of these factors this is illustrated in the UNDP report by Cohen, where he states: Secondly, many of the poorest are women who often head the poorest of households in Africa. Inevitably such women will often engage in commercial sexual transactions, sometimes as CSW but more often on an occasional basis, as survival strategies for themselves and their dependents. The effects of these behaviours on HIV infection in women are only too evident, and in part account for the much higher infection rates in young women who are increasingly unable to sustain themselves by other work in either the formal or informal sectors.<sup>35</sup>

In 2002 the Government of Zimbabwe introduced a new Ministry aptly named the Ministry of Women’s Affairs, It was introduced as a response to the continuous marginalisation of girls and women in the country. Its mandate was to focus on women’s issue and policy creation could be utilised in responding and addressing issues face by women in the country. This would be illustrated in National Gender Policy (NGP) whose main objectives entailed a realisation of women’s rights and the role women could play in enhancing development through the promotion of education, empowerment and participation within the economy and political spheres of the Zimbabwean society as a whole.

Here is an excerpt from the NGP regarding policy detailing strategies on how the gender inequality will be curbed within the education sector:

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<sup>35</sup> Cohen, D. (1997) POVERTY AND HIV/AIDS IN SUB-SAHARAN AFRICA  
<http://www.undp.org/hiv/publications/issues/english/issue27e.html> [Accessed: 27/02/12]

### Strategies:

1. Amend all relevant education and legal instruments to promote gender equality and equity.
2. Incorporate gender issues in all curricula at all levels of education.
3. Provide equal and equitable educational resources to women and men at all levels.
4. Appoint more competent women at decision-making levels in the education sector to create equitable representation of the sexes.
5. Educate and encourage parents to treat boys and girls equally.
6. Introduce measures which abolish or discourage the traditional harmful practices which affect the health and even the future of the children, especially girls.
7. Eliminate all forms of discrimination against boys and girls in education and skills training which includes science and technology.
8. Enact statutes to punish perpetrators of child abuse including teacher/student lover affairs.
9. Provide facilities and a policy framework to enable girls who fall pregnant to continue with their education.
10. Provide information on alternative career paths especially for women.
11. Support gender studies and research activities that will provide disaggregated data for planning purposes.
12. Provide greater support and encouragement to women, girls and the disabled to participate in sport and culture.
13. Promote and encourage girls to take on science, mathematics and technology at all levels of education.
14. Introduce gender awareness programmes to pre- and post-training teacher courses<sup>36</sup>

Although, policies have been created by the government of Zimbabwe, the measures put in place are not fully implemented throughout the country. Gender promoting policies have not had the desired full impact in order to promote chances of access to education by girls and break down the barriers to their full participation, gender equality is yet to be realised as this vulnerable group of the population continues to be marginalised.

<sup>36</sup> <http://sgdatabse.unwomen.org/uploads/national%20gender%20policy.pdf> [ACCESSED 17/08/12]

**CHAPTER**

**5**

**HUMAN RIGHTS BASED APPROACH**



### Human Rights Based Approaches to Development

The key principles of a human rights based approach effectively are outlined in human rights documents, as mentioned earlier in a previous chapter a HRBA framework comprises the following elements, aligned with UN Country Guidelines

- **Universality and inalienability:** Human rights are universal and inalienable. All people Humans are entitled to these rights and cannot voluntarily give them up. Nor can others take as is stipulated in Article 1 of the UDHR: All human beings are born free and equal in dignity and rights
- **Indivisibility:** Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person
- **Inter-dependence and Inter-relatedness** The realization of one right depends wholly or in part, upon the realization of others. For instance, realization of the right to health may depend, in certain circumstances, on realization of the right to education or of the right to information.
- **Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.
- **Participation and Inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social cultural and political development in which human rights and fundamental freedoms can be realised
- **Accountability and Rule of Law:** States and other duty-bearers will be accountable for the adherence of human rights.<sup>37</sup>

<sup>37</sup> UNDG, 2009 Guidelines for UN Country Teams On Preparing A CCA & UNDAF, UNDG and Office of the High Commissioner for Human Rights, 2006 FAO On A Human Rights-Based Approach To Development Cooperation

Historically, development approaches align themselves with the handing out of charity and aid, whereas a HRBA is about empowering all rights holders and duty bearers. A HRBA allows for all stake holders to be involved in the process of engagement and influence, the social actors which include the primary beneficiaries, secondary beneficiaries and the duty bearers each have their part to play in achieving this goal. Secondary beneficiaries, who also have the capacity to significantly influence the enforcement of rights, as stakeholders they hold a key role in ensuring and facilitating engagement between the duty bearers and the rights holders. They have the capabilities of approaching duty bearers such as the state as and when they deem that the state is not fulfilling its responsibilities to protect and respect the rights of its people. In instances where the state is not fulfilling its mandate it is the following beneficiaries our project will consult with to collaboratively intervene to ensure the rights of the people. The UNDP issued a “Statement of Common Understanding” in May 2003, explaining that “in a human rights-based approach, human rights determine the relationship between individuals and groups with valid claims (rights-holders) and State and non-state actors with correlative obligations (duty bearers). It works toward strengthening the capacities of rights-holders to make their claims, and of duty bearers to meet their obligations (UNDP 2003) States have to fulfil certain obligations in order to meet the stipulations of human rights and in this instance ‘the promotion of gender equality’. Respect: States must not interfere with these rights for example by adopting discriminatory policies or laws, Protect: States must ensure that third parties do not infringe the enjoyment of these rights. Fulfil: States must take positive steps to realise these rights such as policy, legislative, budgetary and administrative measures.

These obligations mean that States must take steps to ensure women can access maternal health care and other relevant sexual and reproductive health services (Hunt & Mesquita 2008: 9)

Applying human rights based approach toward the promotion of gender equality does add value to the efforts made by the development sector in implementing the MDGs. By ensuring that actors, such as the State are held accountable if found to be lacking in fulfilling their obligations towards the rights holders. Mary Robinson reinforced this by stating “A human rights approach adds value because it provides a normative framework of obligations that has legal power to render governments accountable. (World Summit on Sustainable Development, 2002) ‘A rights-based approach thus assumes the creation of an enabling environment in which human rights can be enjoyed.’<sup>38</sup>

<sup>38</sup> Goonesekere, R. (2002) *A Rights-based Approach to Realizing Gender Equality*, DAW

If the states fail to adhere to the measures as is stipulated in the treaties they are ratified to and as long as compliance is observed through the promotion and protection of the right to gender equality then target 3a is achievable. A human rights-based approach explicitly integrates human rights norms, standards and principles into programmes, plans and policies toward the promotion of gender equality. A HRBA on promoting gender equality and the empowerment of women by 2015 on the basis of the attainment of minimum requirements for all humans to live with dignity can be very effective. A HRBA lays the foundations for State accountability and participation by all including civil society and all other actors. Rights-based approaches promote principles of ‘constructive accountability’ (Freedman, 2003). A HRBA is able to identify the rights holder’s in this case girls/women who have been marginalized in education and helping them secure all their rights and strengthen their participation in the communities to which they belong in order to have the capacity to negotiate and improve their daily living conditions, rights-based approaches highlight the need to address policy and law beyond the health sector, to include, for example, education and age of marriage.

According to DFID a HRBA adds value on three levels; normative, analytical and operational levels. Normative level value is provided through a conceptual framework which sets out international standards. Analytical level a rights-based approach can help to set programme objectives. Operational level a rights-based approach shares the principles of what is currently considered to be ‘good development practice’, especially ensuring equity and stakeholder participation.<sup>39</sup> A HRBA allows for gender equality and the empowerment of women from the grass root levels on knowing about their right to equality and empowerment through education and participation. For example, human rights principles can inform analysis of education and employment reform and its impact on equitable access to opportunities and services and resources. The Operational level a rights-based approach shares the principles of what is currently considered to be ‘good development practice’, especially ensuring equity and stakeholder participation.<sup>40</sup> Participation is a term that is central to HRBAs and is firmly rooted in human rights standards.

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<sup>39</sup> Piron L-H and Watkins F (2004) DFID Human Rights Review: A review of how DFID has integrated human rights into its work. ODI: London.

<sup>40</sup> Piron L-H and Watkins F (2004) DFID Human Rights Review: A review of how DFID has integrated human rights into its work. ODI: London.

Some advantages to employing a HRBA for development are:

- This approach Identifies rights and duties holders thereby enhancing accountability.
- Strategies are directed at redressing injustice rather than the short term measures of donor driven aid
- The approach relies on a normative position regarding vulnerable groups whose rights should be recognised
- This approach reinforces that rights are inalienable, universal, inalienable, indivisible and interdependent
- HRBA focuses on embedded structural injustices rather than effects of the injustices
- A HRBA promotes institutional changes in contrast to the traditional developmental stance of donor based charity which was derived from a needs point of view.

The added value of HRBA approach to the MDG on gender equality in this paper is that a HRBA allows for empowerment of women from the grass root levels on knowing about their right to equal opportunities and adequate educational, employment and political opportunities. Accountability is also seen as added value. This ensure that duty bearers i.e. governments, to fulfil their obligations in order to reduce the inequity rates and ensure that women have safe pregnancies and safe child birth. Human rights law which is found in the international instruments that states are party to, encourages compliance of the duty bearers to make the all the necessary educational provisions for girls and women. The states will have respect, protect and promote the rights of women and their rights to in order to have sustainable development of women. Finally participation, HRBA seeks for the participation of all civil society, community leaders, women and political leaders to participate in the formulation of policies and programmes that will help to meet MDG on gender equality and its target to eliminate gender disparity in primary and secondary education by 2015 and hopefully within the long term. This participation must be in accordance with international human rights law must be ‘free and meaningful’.

So far this paper has listed all the positives on employing a HRBA to the MDGs; however scholars and professionals alike in the development sector have voiced out some criticisms. Human rights are deemed to be very legalistic and technical. Development writers see rights as the “globalization of policy making”<sup>41</sup>(Kennedy, 2004:111). Human rights are seen as an international agenda enforced the elite powers of the west and imposed upon states. They are viewed as political and would be a hindrance to some developmental practices which have been in place for a long time. For some critics, they believe that if applying HRBA in development then the transition from rights rhetoric to actualisation and realisation of rights should be implemented. Also recognition of whose rights are being addressed at any given time and what assurances are in place to ensure that women will feel empowered to engage and participate If women see themselves as powerless, as unable to act or respond in alternative ways, then the rights of the dominant communities will always be upheld and asserted<sup>42</sup>.

### Added Value of HRBA for Zimbabwe

Using a HRBA in order to achieve gender equality NGOs and civil society need to support the implementation of the local and national laws, policies and action plans that address gender inequality. A HRBA brings attention to how these laws can address the intersection between Gender inequality and development. The HRBA will be employed in order to fulfil the aims and objectives of any programme on the development of women. Addressing gender equality using a HRBA will ensure that all empowering and educating women and girls are followed through from a very early age. The HRBA will seek to engage and influence various stakeholders these include state and non-state actors. This will also entail an engagement with the duty bearers as by using certain mechanisms to influence change. The following objectives could be suggested:

In order to achieve equality and empowerment and reduce gender disparities using a HRBA this would:

- Strengthen and build the capacity of all stakeholders involved in reaching the common goal of promoting gender equality within the education system from primary level to secondary level, a HRBA can inform and change policy and practice that will promote the rights of the girl child and woman

<sup>41</sup> Kennedy, D. (2004) The Dark Sides of Virtue: Reassessing International

Humanitarianism: Princeton: Princeton University Press

<sup>42</sup> ANANDI-TISS. 2005. “Rights-Based Development for Women: Moving from Theory to Action. An engagement with an Empowerment Approach to Sustainable Livelihoods and Food Security.”

- Advocate for change within existing g communities and institutions in order to change deeply entrenched attitudes, behaviours and harmful cultural practices that perpetuate the cycle of marginalisation.
- Create an environment that is supportive of rights women and equal access to resources and opportunities
- Empower girls and women to advocate for their rights to: education, reproductive, social, economic and political so that they have the capacity to empower themselves and the rest of the community

## STAKE HOLDERS

### Primary Beneficiaries: Engagement

These are the intended beneficiaries of implantation of HRBA these are the people whose rights are being violated young girls and women. As mentioned earlier a HRBA recognises that the rights holders in this case the ‘girl child’ who is entitled to claim her rights, and therefore should hold accountable the duty bearers of those rights, respects the right of others and in turn work with others in order to realise their rights for the benefits of everyone else in the community. By doing so this engages with and changes the lives of the following primary beneficiaries marginalised girls and women. The main characteristics of the beneficiaries are girls and young women between the ages of 0-19, ranging from all socio-economic backgrounds located both in urban and rural Zimbabwe.

## Duty Bearers

This project seeks to influence and engage with the following stakeholders whose responsibilities include the promotion and protection of the rights of the rights holders. It is also their responsibility ensure these human rights are fulfilled according to the relevant legal frameworks and conventions. These stakeholders are also known as the duty bearers, they are required to put in place measures that will realise human rights. They are also mandated to ensure that violations are not carried out by various parties as well as to ensure that even they, as duty bearers are not violators of these rights themselves. The duty bearers we have identified as a project include the following:

- The State: Government, parliament, the military, judiciary, the police
- Non State Actors: Opposition groups: armed and non-armed

The relationship between the duty bearers and the rights holders is extremely important to the HRBA in that it enables the rights holder to claim their rights from them and in turn the duty bearers have a duty of care and compliance with the relevant national and international legal frameworks and conventions that they have signed up to. Enlisting the HRBA in the situation of promoting gender equality enables both parties to expand their capacities in taking the necessary steps in the journey to see an end to the gender disparities.

## Secondary Beneficiaries: Influence

A HRBA looks to work with the following secondary beneficiaries, who also have the capacity to significantly influence the enforcement of rights. As stakeholders they hold a key role in ensuring and facilitating engagement between the duty bearers and the rights holders. They have the capabilities of approaching duty bearers such as the state as and when they deem that the state is not fulfilling its responsibilities to protect and respect the rights of its people. In instances where the state is not fulfilling its mandate it is the following beneficiaries our project will consult with to collaboratively intervene to ensure the rights of the girls and women are met to their fullest potential.

- UN bodies
- NGOs (national and international)
- Religious Institutions/Faith based organisations
- Media/Other governments/Other civil society institutions/Corporations

## Collaborators

Our project seeks to work collaboratively in conjunction with other women’s rights activists Networks and various NGOs involved in our line of work or associated projects. These organisations have been selected due to the vast areas of expertise that each hold. The location of most of these organisations is also a key factor as to why they we have selected them as collaborative partners. From our list of collaborators we also enlisted international organisations mainly due to the complementary skills they are able to offer our project as well as their strengths and capacity to enable the voices of the girls affected by inequality to reach a wider audience and hopefully create a wider response on the plight of these girls and women. Working with the international organisations maximises the impact of the work the Zimbabwean policy makers and civil society and this means therefore that certain mechanisms can be utilised using this strategic advocacy tool in that it informs the international audience, who in turn are able to persuade international policy makers to make act and make steps towards changing policy and promoting the rights of women.

- African Network for the Prevention and Protection against Child abuse and Neglect
- Ministry of Health and Child Welfare
- National Association of Non Governmental Organisations
- Save the Children UK - Zimbabwe
- Zimbabwe Lawyers For Human Rights
- Zimbabwe National Council for the Welfare of Children
- African Commission on Human and People's Rights
- Amnesty International Children's Human Rights Network
- Pan African Organisation for Research and Protection of Violence on Women and Children
- UNICEF/UNIFEM./UNAIDS



## Limitations

- A HRBA allows for all stake holders to be involved in the process of engagement and influence, the social actors which include the primary beneficiaries, secondary beneficiaries and the duty bearers each have their part to play in achieving this goal.
- According to our risk assessment we acknowledged that some challenges and hurdles will arise these are mainly in the form of non compliance by the state and non-state actors in changing policy, in most cases this is due their political persuasions. Another challenge that we highly anticipated is that having to change, alter or eradicate cultural and traditional practices which are deeply entrenched in the communities where most women are marginalised.

**CHAPTER**

**6**

**CONCLUSION**

## Conclusion

Human rights violations globally are caused by poverty and its consequences; however it is important to note that along with poverty gender inequality is an important factor that contributes to a decline in development. As this paper has highlighted MDGs have plenty in common with human rights. They share certain principles, such as ensuring the accountability of states, the empowering of rights holders in accessing and claiming their rights. In particular the MDG on Gender equality and its targets are linked to the right to education and various international legal instruments. Although MDGs stem from a developmental background they are very entrenched in human rights. It is always the hope that certain if not all human rights instruments positively shape the behaviour of all governments globally when it comes to their obligations to the rights holders. What tends to be of most concern is the varying degrees of compliance to these instruments, as much as the MDG targets are in place and the aim is to make sure that by 2015 gender disparities in the education would have significantly reduced, then a lot more work is needed. Human rights and International development would need to work in full conjunction to meet this deadline. The promotion of human development and the fulfilment of human rights share a common vision. The combination of two perspectives gives us something that neither can provide alone (UNDP, HDR: 2000).

According to progress reports thus far on the MDGs and their targets, it appears there is still a long way to go in meeting them in the timeframe mentioned 2015 being three years away, progress is still well short of the 5.5 per cent annual decline needed to meet the MDG targets by 2015 (UN Summit, 2010). Applying a HRBA will certainly add value in reaching these goals which will be sustainable in the long term and encourage influence and engagement of all who want to promote gender equality and empowerment of women not just in Zimbabwe but globally.

Human rights are absolutely essential in order to promote and achieve gender equity and equality and the empowerment of women in Zimbabwe and enhance the development of the continent of Africa. This thesis has highlighted how scholars and professionals as individuals or as part of organisations have contributed to that understanding. It is very possible to marry the human rights and developmental strategies together in order to achieve gender equality. This thesis aimed to disprove and highlight that the longstanding history of giving ‘AID’ to the developing world as a means of achieving gender equality is just not sufficient. It is apparent that in recent times there is broad consensus that donor driven agenda of ‘financial aid’ alone is not adequately able to meeting the deadlines and targets set by the millennium declaration and that much more needs to be done in order to realise some of those goals. Gender equality certainly as mentioned earlier cannot be achieved without realising that human rights are essential component of achieving not just the goal in itself but all of the MDGs, In saying all of this it is very important for developmental and human

rights practitioners to question whether indeed having a global agenda to in addressing local inequalities such as gender is realistically feasible based on the targets set at on the global stage. Using the HRBA framework can add a lot of value towards meeting the deadline, It would be too presumptuous to expect that human rights alone can do this but certainly they do have a major role in the process. Gender inequality, discrimination and marginalisation will impede on development and failing to acknowledge a HRBA will always provide a barrier to the growth and development of societies as a whole.

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