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*African Grandmothers Tribunal—Seeking Justice at the Frontlines  
of the AIDS crisis*

***Zimbabwe:  
Food & Housing Security***

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## FOOD SECURITY

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Food security, defined as a state “when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life”, is an issue facing many Zimbabweans.<sup>1</sup> The lack of food security is due to a variety of factors, chief among them are environmental fluctuations, political and economic instability, and the HIV/AIDS epidemic.<sup>2</sup>

According to the World Food Programme, the food security prospects in Zimbabwe for 2012/2013 are extremely concerning. Data from the Zimbabwe Vulnerability Assessment indicate that approximately 1.7 million people experienced issues accessing food from January to March 2013, compared to 1.3 million the year prior.<sup>3</sup> Adding to this grim picture is a 2010 UNICEF report, which found that roughly 55% of Zimbabweans live below the food poverty line.<sup>4</sup> The “food poverty line” has been defined in various ways<sup>5</sup>, but generally, those below it cannot meet their most basic needs and suffer from chronic hunger.<sup>6</sup> Accordingly, roughly 2.4 million Zimbabweans received food aid in the first quarter of 2010.<sup>7</sup> Unfortunately, the World Food Programme’s July 2013 Global Food Security Update indicates that the number of food

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<sup>1</sup> Godfrey Tawodzera, “Vulnerability in crisis: urban household food insecurity in Epworth, Harare, Zimbabwe” (2011) 3:4 Food Security 503 at 503.

<sup>2</sup> “Zimbabwe: Overview”, online: World Food Programme <[www.wfp.org](http://www.wfp.org)>.

<sup>3</sup> “Zimbabwe: Food Security Overview” (October 2012), online: World Food Programme <[www.wfp.org](http://www.wfp.org)>.

<sup>4</sup> “Zimbabwe: Food insecurity threatens rural villages”, *IRIN* (9 April 2010) online: <[www.irinnews.org](http://www.irinnews.org)>.

<sup>5</sup> “Choosing and Estimating a Poverty Line”, online: The World Bank <<http://go.worldbank.org>>.

<sup>6</sup> *Supra* note 4.

<sup>7</sup> *Ibid.*

insecure people in Zimbabwe continues to increase, despite the efforts of NGO's and other aid-based programs.<sup>8</sup>

## **Environmental Challenges**

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One of the key reasons why food insecurity remains an issue in Zimbabwe is climatic variations. Recurring droughts - especially in the past few years - have resulted in an overall reduction in agricultural output.<sup>9</sup> For instance, in the 2011/2012 season, cereal production was reportedly 33% lower than in the previous season.<sup>10</sup> This decrease is primarily due to an overall reduction in rainfall, issues locating seeds and fertilizer, dry spells, and problematic access to water.<sup>11</sup> As a result, it is predicted that the cost of food will increase to reflect the lower agricultural yields and higher production costs.<sup>12</sup> Due to these environmental factors, it is estimated that 1.6 million rural individuals are presently food insecure for the 2012/13 cycle.<sup>13</sup> Those living in poorer households plagued by poor seasonal crop production are in an even more dire situation and, reportedly, will face greater food insecurity issues from July to September of this year.<sup>14</sup> According to a report by the International Federation of Red Cross and Red Crescent Societies, 2,000 households received food aid support between February and April 2013 in response to this crisis.<sup>15</sup>

## **Economic & Political Instability**

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<sup>8</sup> "Global Food Security Update: Tracking Food Security Trends in Vulnerable Countries" (2013)

<sup>11</sup> Global Food Security Update (UN, World Food Programme).

<sup>9</sup> *Supra* note 2.

<sup>10</sup> *Supra* note 3.

<sup>11</sup> International Federation of Red Cross and Red Crescent Societies, *Emergency appeal operation update, Zimbabwe: Food insecurity* (8 August 2013) at 1.

<sup>12</sup> *Supra* note 3.

<sup>13</sup> *Ibid* at 2.

<sup>14</sup> *Supra* note 11 at 2.

<sup>15</sup> *Supra* note 11 at 3.

Economic and political instability are key factors contributing to a lack of food security in Zimbabwe.<sup>16</sup> One of the key features of economic instability in this nation is its hyperinflation rate and the history preceding its rise.<sup>17</sup> Following a number of economic reforms striving towards national independence and economic liberalization, in 2000, the Zimbabwean government initiated the Fast Track Land Redistribution Programme (FTLRP), which redistributed commercial farms from the predominantly white owners to the black majority.<sup>18</sup> Prior to independence in 1980, Zimbabwe – formerly Rhodesia – was a British colony dominated by white European immigrants, who comprised only 5% of the total population yet owned large areas of prime farmland.<sup>19</sup> The FTLRP sought to remedy this imbalance. Studies suggest that, although approximately 1.2 million black farmers have benefitted from the FTLRP, production levels are stagnant.<sup>20</sup> This has been attributed to the lack of financial resources and knowledge of how to effectively maintain commercial farms, the result being an overall increase in the nation's food imports.<sup>21</sup> Heavy reliance on food imports, as opposed to domestically producing food, renders nations more susceptible to global fluctuations in the price of food commodities. This can be catastrophic for individuals who are financially vulnerable, as it adds a further layer of vulnerability.

The FTLRP, in conjunction with Zimbabwe's political instability - largely rooted in President Mugabe's regime - has resulted in mass economic instability.<sup>22</sup> Between 1998

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<sup>16</sup> *Supra* note 2.

<sup>17</sup> See Jayson Coomer & Thomas Gstraunthaler, "The Hyperinflation in Zimbabwe" (2011) 14:3 Quarterly Journal of Austrian Economics 311 at 318-32 for a historical background of hyperinflation in Zimbabwe.

<sup>18</sup> *Supra* note 1 at 506; *Ibid* at 312; and Eddie Cross, "The Cost of Zimbabwe's Continuing Farm Invasions", online: (2009) 12 Economic Development Bulletin <<http://www.cato.org/publications/economic-development-bulletin/cost-zimbabwes-continuing-farm-invasions>>.

<sup>19</sup> C Howerton, "Zimbabwe's Struggle" (2007) 110:4 Junior Scholastic 8 at 9.

<sup>20</sup> *Supra* note 1 at 506.

<sup>21</sup> *Ibid*.

<sup>22</sup> See Marian L Tupy, "The Breadbasket Is Still a Basket Case", *Foreign Policy* (26 July 2013), online: <[www.foreignpolicy.com](http://www.foreignpolicy.com)> for a discussion of President Mugabe's rule.

and 2008, Zimbabwe experienced a number of economic struggles. In terms of its overall economy, it is reported that the economy contracted, annually, at a rate of -6.09%, whereas its neighbours, Botswana and Mozambique, experienced growth rates between 3% and 5%, annually.<sup>23</sup> Similarly, these neighbouring states experienced per capita income increases: Botswana increasing from \$3,705 to \$4,769, Mozambique rising from \$1,428 to \$2,400.<sup>24</sup> Conversely, Zimbabwe's decreased from \$1,640 to \$661.<sup>25</sup> In the same vein, the nation's unemployment rate dramatically increased to approximately 94% in 2008.<sup>26</sup> Foreign direct investments dropped significantly and Zimbabwe experienced the second greatest hyperinflation in the history of the world. Estimates vary, some sources stating that, at its peak in July 2008, Zimbabwe's inflation rate was 231 million percent<sup>27</sup>, while other sources report a hyperinflation rate of 90 sextillion percent in the same year.<sup>28</sup> As a result, Zimbabweans refused to use domestic currency and, ultimately, the government abolished the Zimbabwe dollar.<sup>29</sup> Today, Zimbabweans use any form of currency, though the South African rand and American dollar are among the most common.<sup>30</sup>

Each of the aforementioned political and economic factors, notably hyperinflation, unemployment, and decreased agricultural output, adversely affects the ability of Zimbabweans to enjoy adequate food security.

## **HIV/AIDS**

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<sup>23</sup> *Ibid.*

<sup>24</sup> *Supra* note 22.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Supra* note 23.

<sup>27</sup> *Supra* note 1 at 506.

<sup>28</sup> *Supra* note 23.

<sup>29</sup> "Zimbabwe dollar 'not back soon'", *BBC* (12 April 2009) online: <news.bbc.co.uk>.

<sup>30</sup> *Ibid.*

Those suffering from HIV/AIDS often experience an increased risk of food insecurity in Zimbabwe. Individuals coping with HIV/AIDS related illnesses are often unable to provide for themselves economically, and/or have families who struggle to provide for them, which thus renders them more susceptible to food insecurity.<sup>31</sup> In terms of rural communities, the ability for individuals to obtain income from non-agricultural forms of work, such as wage work in urban industries, is compromised. For families whose primary source of income is from the agricultural sector, HIV/AIDS infection can translate into a loss of labour, as sick family members often cannot work and require care from other family members.<sup>32</sup> Similarly, the financial burden of HIV/AIDS limits a household's ability to purchase necessary agricultural technologies, such as seeds and fertilizer, which affects both income security and food security.<sup>33</sup> In terms of urban settings, where poverty is rampant, HIV/AIDS infection decreases worker productivity and results in greater absenteeism from work.<sup>34</sup> Those suffering from the effects of HIV/AIDS tend to rely heavily on food aid, as do the elderly and disabled.<sup>35</sup>

## HOUSING

### Background & Operation Murambatsvina

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Zimbabwe is a nation plagued by extensive housing security issues, largely due to high unemployment rates, rapid urbanization, high inflation rates, and overall poverty, as discussed above.<sup>36</sup>

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<sup>31</sup> *Supra* note 4.

<sup>32</sup> *Supra* note 1 at 5.

<sup>33</sup> *Supra* note 1 at 7.

<sup>34</sup> *Supra* note 1.

<sup>35</sup> *Supra* note 4.

<sup>36</sup> UN Special Envoy on Human Settlements Issues in Zimbabwe, *UN Report of the fact-finding mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina*, UN Doc (July 2005).

In May 2005, the Zimbabwe government initiated Operation Murambatsvina, a program which effectively resulted in the mass forced evictions and demolitions of homes and “informal businesses”, largely targeting urban poor and surrounding areas of the nation.<sup>37</sup> These evictions occurred without court orders, adequate notice, legal protection, and opportunities for relocation - all acts in violation of Zimbabwe’s international human rights law obligations, particularly the right to an adequate standard of living and adequate housing.<sup>38</sup> Additionally, many victims of the operation were subject to police brutality and other human rights violations.<sup>39</sup> As a direct result of Operation Murambatsvina, approximately 700,000 people lost their homes, livelihoods, or both between May and July of 2005 - approximately 92, 460 housing structures were destroyed.<sup>40</sup> Those affected by Operation Murambatsvina were the state’s most economically and socially disadvantaged.<sup>41</sup> The loss of their homes directly resulted in increased poverty, vulnerability, and a loss of livelihoods and belongings.<sup>42</sup> In terms of livelihoods, it is important to note that tens of thousands of individuals, especially poor women, were especially disadvantaged, since many were informal traders and vendors.<sup>43</sup>

In June 2005, the government proposed to build thousands of new homes and housing stands through Operation Garikai/Hlalani Kuhle.<sup>44</sup> This operation has been widely criticized by human rights organizations, as it failed to acknowledge the human rights violations that occurred as a result of Operation Murambatsvina and, to some

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<sup>37</sup> Amnesty International, *Zimbabwe: No justice for the victims of forced evictions*, AFR 46/005/2006 (7 September 2006) at 1.

<sup>38</sup> *Ibid.*

<sup>39</sup> Amnesty International, *Zimbabwe: no home, no work, no justice*, AFR 46/016/2006 (2006).

<sup>40</sup> *Supra* note 37 at 1, 11.

<sup>41</sup> *Supra* note 37 at 17.

<sup>42</sup> *Supra* note 37 at 17.

<sup>43</sup> Amnesty International, Press Release, AFR 46/015/2006, “Zimbabwe: Housing policy built on foundation of failures and lies” (8 September 2006) online: Amnesty International <[www.amnesty.org](http://www.amnesty.org)>.

<sup>44</sup> *Supra* note 37 at 8.

extent, appears to justify the forced evictions resulting from the operation.<sup>45</sup> To date, it appears that Operation Garikai/Hlalani Kuhle has largely been a failure – few houses have been constructed and those deemed “built” are inadequate due to a lack of access to water or sanitation facilities.<sup>46</sup> Most of these housing structures are uninhabited. Additionally, the cost is largely prohibitive for the majority of those rendered homeless as a result of Operation Murambatsvina, since individuals must first pay a deposit in order to access Operation Garikai/Hlalani Kuhle housing, followed by monthly payments for 25-30 years until land title is transferred.<sup>47</sup> Given the extremely high inflation rates in Zimbabwe, these costs made the housing simply inaccessible for the majority of Zimbabweans in need.<sup>48</sup>

## **Forced Evictions**

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According to the UN Committee on Economic, Social and Cultural Rights’ General Comment 7 on forced evictions<sup>49</sup> and the UN Special Rapporteur on adequate housing’s Basic Principles and Guidelines on development-based evictions and displacement<sup>50</sup>,

All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites must be consistent with internationally recognised human rights principles and completed before those who are to be evicted are moved from their original areas of dwelling.<sup>51</sup>

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<sup>45</sup> *Ibid.*

<sup>46</sup> *Supra* note 37 at 10.

<sup>47</sup> *Supra* note 37 at 17-8.

<sup>48</sup> *Supra* note 37 at 18.

<sup>49</sup> *The right to adequate housing (Art. 11.1): forced evictions: General comment 7*, UNCESCR, 16th session, (1997).

<sup>50</sup> *Basic Principles and Guidelines on Development-Based Evictions and Displacements*, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, UNHRC, Annex 1, A/HRC/4/18.

<sup>51</sup> *Supra* note 37 at 10.



Similarly, the UN Committee on Economic, Social and Cultural Rights has noted that the right to adequate housing “should not be interpreted in a narrow or restrictive sense of...merely having a roof over one’s head”.<sup>52</sup> Rather, adequacy of housing must be determined with reference to “legal security of tenure; availability of services, materials, facilities and infrastructure; affordability and habitability”.<sup>53</sup>

Despite the above principles and comments, forced evictions remain a common practice in Zimbabwe. Due to the prevalence of forced evictions, many individuals are forced to dwell in inadequate, makeshift shelters and in unsafe conditions.<sup>54</sup> As of 2012, tens of thousands of individuals affected by Operation Murambatsvina still lived in makeshift settlements and slums, without access to schools, health care, water, sanitation, or roads.<sup>55</sup> Additional displacements have recently been documented among female political activists in the nation, who have been forced to flee their homes for refusing to vote in support of Robert Mugabe’s party – the current President of Zimbabwe.<sup>56</sup>

### **Inadequate access to legal remedies**

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According to the *International Covenant on Civil and Political Rights*,<sup>57</sup> the *African Charter on Human and Peoples’ Rights*,<sup>58</sup> and the Committee monitoring compliance with the International Covenant on Economic, Social and Cultural Rights<sup>59</sup>, individuals

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<sup>52</sup> *Supra* note 30 at 10.

<sup>53</sup> *Ibid.*

<sup>54</sup> “Slum dwellers across Africa urge governments to respect housing rights”, *Amnesty International* (20 March 2012) online: Amnesty International <[www.amnesty.org](http://www.amnesty.org)>.

<sup>55</sup> “Annual Report 2013: Zimbabwe” (2013) online: Amnesty International <[www.amnesty.org](http://www.amnesty.org)>.

<sup>56</sup> Amnesty International, Press Release, PRE01/396/2013, “Zimbabwe: Women forced to flee their homes for refusing to reveal their vote” (6 August 2013) online: Amnesty International Media Centre <[www.amnesty.org](http://www.amnesty.org)>.

<sup>57</sup> *International Covenant on Civil and Political Rights*, Adopted by the General Assembly of the UN, 19 December 1966, Vol 999 I-14668.

<sup>58</sup> *African (Banjul) Charter on Human and Peoples’ Rights*, 27 June 1981, OAU Doc CAB/LEG/67/3 rev 5, 21 ILM 58 (1982) (Entered into force 21 October 1986).

<sup>59</sup> *Supra* note 37 at 5-6.

are entitled to effective legal remedies and procedures for violations of rights stemming from forced evictions.<sup>60</sup> Despite this, post-Operation Murambatsvina, victims have largely been prevented from accessing legal protection and have been denied due process.<sup>61</sup> Organizations such as Amnesty International have repeatedly documented cases where authorities have failed to adhere to court orders prohibiting evictions.<sup>62</sup> This directly contravenes Zimbabwe's obligations under article 2(3)(c) of the *International Covenant on Civil and Political Rights*, which states that nations must "ensure that the competent authorities shall enforce such remedies where granted".<sup>63</sup> Without actual implementation of court remedies, victims of human rights violations are subject to further injustices.<sup>64</sup> Similarly, Amnesty International has documented incidents wherein victims of Operation Murambatsvina have been prevented from accessing courts all together, where courts have refused to hear cases by lawyers representing Operation Murambatsvina victims.<sup>65</sup>

### **Health Implications & HIV/AIDS**

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It has also been reported that the mass housing crisis in Zimbabwe has negatively affected the health of Zimbabweans.<sup>66</sup> Given the lack of sanitation facilities and running water, many individuals report having to find alternatives to toilets, among them being plastic bags and makeshift "bush toilets".<sup>67</sup> The lack of sanitation facilities has resulted in an increase of typhoid, which is often a precursor to cholera. Accordingly,

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<sup>60</sup> *Ibid.*

<sup>61</sup> *Supra* note 37 at 6.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Supra* note 37 at 6.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Supra* note 37 at 7.

<sup>66</sup> "Housing crisis threatens health in Zimbabwe", *IRIN* (8 February 2013) online: <[www.irinnews.org](http://www.irinnews.org)>.

<sup>67</sup> *Ibid.*

there have been reports of typhoid outbreaks and, in 2008, a year-long cholera epidemic occurred, causing over 4,000 deaths and almost 100,000 infections.<sup>68</sup>

Similarly, the ill effects of Operation Murambatsvina have been particularly pronounced among HIV/AIDS afflicted individuals, who are often victims of discriminatory attitudes and experience social stigma.<sup>69</sup> Overt and subtle discrimination towards HIV positive individuals makes it increasingly difficult for afflicted persons to locate adequate accommodation.<sup>70</sup> An account from Amnesty International succinctly evidences this challenge: a mother of four, rendered homeless due to Operation Murambatsvina, was forced to live under plastic behind her parents' home because they were fearful of contracting her illness.<sup>71</sup> Despite the presence of this issue, the Zimbabwean government has failed to protect or assist people living with HIV/AIDS.<sup>72</sup>

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<sup>68</sup> *Supra* note 63.

<sup>69</sup> *Supra* note 37 at 2.

<sup>70</sup> *Supra* note 37 at 3.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*