

PERCEPTIONS OF WOMEN'S FREEDOM OF MOVEMENT IN THE AVENUES  
SUBURB IN ZIMBABWE

BY

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**DECLARATION**

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Exact wording of the title of the dissertation as appearing on the copies submitted for examination:

“Perceptions of women’s freedom of movement in the Avenues Suburb in Zimbabwe”

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## ABSTRACT

*This study explores perceptions of women's freedom of movement since the 27 May 2015 Constitutional Court ruling CCZ 15/15, outlawing arbitrary arrests of women after dusk on grounds of loitering with intent to solicit for prostitution, focusing on Zimbabwe's Avenues community. It traces issues surrounding women's mobility under patriarchy since colonialism which through the 1960 Vagrancy Act marked the inception of its legal regulation premising stereotypic arrests by state agents. Guided by Pragmatic and Feminist philosophy the researcher adopts a Mixed Method Strategy to gather new knowledge on the complex issue. Employing Radical Feminist Theory under Feminism it critiques government efforts and their efficacy towards ensuring gender equality in mobility. The study argues that while useful legal mechanisms and laws have been adopted to enable women's right to mobility, ideological and physical challenges continue to hamper this realisation. Empowering the Gender Commission with binding powers, ensuring sufficient security in public areas and educating women about their rights are some recommendations proffered to address challenges faced by women in the exercise of their right to movement.*

### **Key terms:**

Freedom of movement; Gender equality; patriarchy, 1960 Vagrancy Act; Zimbabwe's Constitutional Court ruling CCZ 15/15; stereotyping; prostitution; arbitrary arrests of women.

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LIST OF CASES

Chipo Nyamanhindi & Eight others vs. the State Application No. CCZ 15/15

Magaya vs. Magaya [1999] 1 ZLR 100 (Zim)

## LIST OF STATUTES, TREATIES & CONVENTIONS

African Charter on Human and Peoples Rights

Constitution of Zimbabwe

Criminal Law and Codification Act 9.23

International Convention on Civil and Political Rights

Legal Age of Majority Act

The Universal Declaration of Human Rights

The Lancaster Constitution.

Vagrancy Act



## ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ICCPR	International Convention on Civil and Political Rights
LAMA	Legal Age of Majority Act
UDHR	Universal Declaration of Human Rights
WLSA	Women and Law in Southern Africa Research Trust
ZRP	Zimbabwe Republic Police

## DEDICATION

This is dedicated to my siblings and my loving parents who inspire me to reach for the stars.

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## CHAPTER 1: INTRODUCTION

### Introduction

This chapter gives a brief background of the study tracing the onset of the legal regulation of women's mobility from colonialism to independent Zimbabwe. Legal and institutional frameworks adopted after independence in an attempt to correct the imbalances created in the unequal enjoyment of the right to mobility are touched on briefly. Challenges such as police raids posed by the state to women's exercise of their right to mobility are noted within the problem statement. The scopes of the study as well as research objectives are also outlined in this chapter.

#### **1.1: Background to the study**

Between 1890 and 1978, the colonial government in Zimbabwe enforced a series of legislative and administrative measures aimed at controlling the mobility of African women in order to promote the economic interests of the colony and maintain their political order by supporting the African patriarchal system that served as the basis of indirect rule (Schmidt 1992:98). Acts such as the Native Registration Act of 1936, the 1960 Vagrancy Act, as well as the codified African Customary Law through the Native Marriages Ordinances Act of 1901, ushered in the legal regulation that gave both African and European men discretionary power and authority over single and married women's movement, and subordinating them to positions of mere minors.

European administrators who were guided by the Anglo-imperialist norms looked down upon women in the economic and political spheres of life, regardless of race (Gudhlanga 2013:2). This saw them creating an economic system through various pieces of legislation, which favoured the employment of men and their migration to the urban areas and mines,

while women were economically marginalised and strategically left out to remain in the rural areas to fend for the family (Rakodi 1995:4). Pass laws that were controlled the mobility of workers, the majority of who were men, were decreed. The colonial economic system complimented the governance system which aimed to secure control of the Africans and their villages by creating administrative structures that supported male authority over women through the chiefs, headmen and household heads. Politically and socially, the colonial system made women accountable to the male figures in their lives for their movement.

These legal restraints were however resisted and defied by the women who exercised their mobility for various reasons. Barnes (1999:110) observes that historically, women travelled for economic purposes and social reasons. She refers to the latter as “marital migrancy” which women engaged in during agricultural seasons. Women’s mobility was also exercised through their participation in social clubs.

However, whether the colonial administrators’ aims in curtailing women’s mobility were economic or political, both the European and African men’s endeavours were driven by the notion that African women’s freedom of mobility was associated with immorality (Schmidt 1992:118). The notion of associating women’s independent freedom of movement with prostitution, exemplified by the term used to refer to them as the “travelling native prostitute” Barnes (1992:600), subsequently contributed to legislation such as the Vagrancy Act of 1960. This saw the inception of the regular rounding up of women found in urban areas suspected of prostitution (Barnes 1999:98).

The Lancaster House Constitution of 1979, upon which independence was born, had tenets of the colonial rule that encouraged the subjection of women to the position of secondary citizens, coupled with the denial of their rights. This is seen in the absence of women when the Constitution was penned, as well as the continued minority status of women until 1982

when the government promulgated the Legal Age of Majority Act, (L.A.M.A) that sought to raise the legal position of women. The Act bestowed upon women equal rights with men, including that of movement which is the focus of this research. Since then, in a bid to rectify colonially imposed imbalances between men and women, significant strides have been made in terms of legislation, policies and the creation of instruments geared towards addressing the marginalised status of Zimbabwean women.

Since independence, Zimbabwe has enacted various measures aimed at creating gender equality and empowering women legally. These measures included the L.A.M.A of 1982, the Labour Relations Act along with the Matrimonial Causes Act of 1985, the Sexual Discrimination Removal Act of 2001, the Domestic Violence Act of 2007, as well as the National Gender Policy Implementation Strategy and Work Plan of 2008-2012 and 2013-2017 respectively.

Institutionally, the Zimbabwe government created the Ministry of Women's Affairs, Gender and Community Development in 1980 to oversee the coordination of the gender programmes and to expedite gender mainstreaming in all ministries in order to align them with the National Gender Policy. In 2014, the Zimbabwe Gender Commission was established and empowered with the authority of investigating and advising Parliament on measures to take in mitigating challenges to gender equality.

The Zimbabwe constitution itself is laden with clauses that support gender equality and call for the protection of women's rights, particularly those of the right to the freedom of movement that is central to this research. This can be noted in Chapter 1 Section 3 (2) (i) (iii) of the Founding Values and Principles of the Constitution that include the recognition of women's rights, among others, and the need for them to be protected. Chapter 1 Section 17 also highlights the need for enhancing gender equality within Zimbabwe. Other clauses to note are also found in the Declaration of Rights, Chapter 4 Part 3 Section (80) which succinctly recognises women's

rights and their inherent equality to men. Its call for women's equal standing to men clearly accords them the right to freedom of movement accorded all citizens in Chapter 4 Section 66 (2) (a).

These developments were made in fulfilment of various regional, continental and international treaties, declarations and protocols that unanimously called for gender equality and an end to the subjection of women to the position of secondary citizens. Of note are The International Convention on Civil and Political Rights (ICCPR), The Universal Declaration of Human Rights (UDHR), The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), The African Charter on Human and Peoples Rights, The Maputo Protocol and the SADC Protocol on Gender and Development. Each of the above distinctly calls for realisation of gender equality, including women's right to freedom of movement in Harare's Avenues Suburb.

The extent of the efficiency and commitment to the measures adopted in pursuit of achieving gender equality and empowering women discussed in this research are greatly influenced by the motivation behind the changes. This is so as the motivation for the empowerment of women largely reflects on the political will of the state to support the intended change in terms of its commitment, consistency and enforcement of the measures adopted, particularly that of freedom of movement.

Cawthorne (1999:79), among other scholars, argues that the changes in Zimbabwe are largely dependent on the resurgence of the International Women's Movement that contributed to the UN Decade for Women from 1975-1985 that saw numerous international conferences and conventions held to address the marginal status of women worldwide. Some may argue that these social adjustments were largely due to the new Zimbabwe government's Marxist-Leninist approach that called for equal status of women, which resulted in state-driven efforts that were "welfarist" in nature and derived from the people (Essoff 2013: 76). Some however

attributed the changes to the domestic events that unfolded during Zimbabwe's liberation war when women fought shoulder to shoulder and on equal terms, hence the call for the restructuring of gender relations in the country (Hungwe 2006:40).

Zimbabwe made noteworthy progress in enhancing the status of women by signing and incorporating international as well as continental and regional treaties that call for the observance of people's rights, as well as some that specifically call for states to ensure gender equality, including the empowerment of women. Some of these treaties are the Convention on Economic, Social and Cultural Rights, The International Convention on Civil and Political Rights, The Universal Declaration of Human Rights, The Convention on the Elimination of All forms of Discrimination Against Women, The Beijing Declaration and Platform for Action, The African Charter on Human Rights, as well as The SADC Protocol on Gender and People's Rights on the Rights of Women, to name a few.

However, despite having made such progress, concessions made by the Zimbabwean government characterised Liberal Feminist prescriptions as they focused on availing equality in opportunity. These developments have been greatly criticised by Radical Feminist as argued by this paper since they fail to address social structural issues such as patriarchy that undermine any measures adopted in practice. Such can be seen as Zimbabwe has witnessed a spate of discriminatory application of the law in favour of men. This can be seen by the convenient adoption of Customary Law in cases that may seem to disadvantage men and benefiting women. Such is noted in the *Magaya vs. Magaya* [1999] 1 ZLR 100 (Zim) case where the Supreme Court renegaded on rulings made in previous cases that had recognised women's right to inherit property based upon the Legal Age of Majority Act, contrary to prescriptions of Customary Law.

The selective application of the law at the expense of women's rights is also evident in the discriminate arrests of women which characterised the

former colonial rulers' actions as embodied in policies such as the Vagrancy Act of 1960 that saw the frequent rounding up of women suspected of prostitution within the urban and mining areas (Barnes 1999:98). This ideology could be seen as the underlying driver in the post-colonial raids carried out by the Zimbabwe Republic Police (ZRP), as they selectively targeted and arbitrarily arrested women on grounds of soliciting, though in the absence of the curb crawlers. Such operations carried out by the ZRP to note were Operation Clean-Up of 1983, Operation Chinyavada (Scorpion) of 1983, Operation Chipo Chiroorwa (Chipo Get Married) 2007, Operation Chengetedza Hunhu (Maintain Your Dignity) 2011, among many others as well as Operation No to Robberies and Prostitution of 2014 which resulted in the Constitutional Court ruling CCZ 15/15 that is central to this research. The ruling was made on 27 May 2015 in a case involving nine women who had been arrested under the drag net "Operation No to Robberies and Prostitution" on grounds of contravening Section 81 (2) of the Criminal Law (Codification and Reform) Act Chapter 9:23. They were accused of loitering with the intent to solicit for the purpose of prostitution.

Such arrests over the years saw women and human rights groups crying foul over the violation of women's rights to liberty and protection of the law as embodied in the Zimbabwe Constitution, particularly that of movement. Women were still subjected to arbitrary arrests after dusk as their presence in the streets was viewed as soliciting for purposes of prostitution even when there was no reasonable evidence of acts related to soliciting or any male accomplices arrested to give reasonable justification of the existence of the offence.

In light of this, it appears impossible for women to enjoy the right to freedom of movement provided for in Section 66 (2) (a) as their exercise of the right of movement after dusk may be interpreted as soliciting to prostitute themselves, leading to their arrest. The Applicants, Chipo Nyamanhindi & Eight others, when requesting for a referral to the Constitutional Court, noted that the deliberate interpretation of women



exercising their right to movement as amounting to soliciting for money through prostitution indirectly limited women's movement.

When the Applicants appeared before the Magistrate's court, the latter found the women guilty on the grounds provided, although there was clearly no sufficient evidence of the acts which they were purported to have committed to warrant their arrest for soliciting for sex to acquire money from men. The Applicants took the matter to the Constitutional Court which ruled that the prosecution and remand of women on the grounds of allegedly having solicited as per Section 81 (2) of the Criminal Law (Codification and Reform) Act Chapter 9:23 amounted to denial of their right to liberty enshrined in Section 49 (1) (b) of the Constitution. Furthermore, the Constitutional Court highlighted the denial of women's right to the protection of the law as afforded under Section 56 (1). In effect, the ruling outlawed the various ZRP operations that had since post-independence been carried out by law enforcement agents in Zimbabwe which saw the arrests of women perceived to be prostitutes by virtue of exercising their right to movement.

The Avenues Suburb in which the study is based was initially a white residential area before independence (Christopher 1977:18 and Barnes 1999:2). This was mainly due to the colonial government's policies that saw the creation of African urban zones such as Chitungwiza and Epworth, among others, as black residential areas whilst the greater Harare remained predominantly inhabited by whites. This scenario changed after independence when black people moved into previously white residential zones such as the Avenues Suburb of Harare.

Despite there being limited research documenting activities of prostitution in the Avenues Suburb, historically it has been regarded as one of the Red-Light Districts of Zimbabwe. This view is gathered from various newspaper articles that are awash with reports of prostitution and numerous police clamp downs on the trade that were rife in the suburb. Activities of such a

nature could be seen as owing to the composition of business activities, as well as the nature of housing and demographic composition of the area. Popular eating spots, lodges and night clubs are part of the businesses found in the suburb, along with churches and health facilities. The apartments found in the suburb are mostly townhouses, garden flats and bedsitters. Half of the flats are one bedroom or small bachelor's flats which were mostly accommodated by single tenants (Rakodi 1995:211).

## **1.2 Dissertation Structure**

The dissertation comprises of five chapters. Chapter One presents in brief a background of the study, its objectives and the problem statement. Chapter Two reviews literature on the historical perceptions of women's freedom of movement before independence. The Chapter also defines Feminism as applied in this study, taking into account debates surrounding the use of "Western theories" in African studies. It also analyses prescriptions of the Liberal Feminist Theory using the Radical Feminist Theory by assessing the liberal feminist measures adopted by the government in its attempts to improve the socio-legal ranking of women, specifically those geared towards addressing challenges faced by women in the exercise of their right to movement.

Chapter Three introduces the research methodology and explains the rationale for the adoption of a Mixed Method approach as well as the Pragmatic and Feminist worldviews for this study. The sample consisting of men and women comprised of residents, business owners, sex workers and victims is outlined. The rationale of adopting purposive sampling is also explained.

In Chapter Four, the study presents the results of the research. Major findings revealed that;

- (1) The government has made major strides towards legal and institutional provisions in ensuring women's right to movement.

(2) Generally, there is lack of knowledge exhibited by the participants about the legal provisions as well as the instruments put in place to ensure women's right to movement.

(3) The Criminal and Codification Act prohibits the facilitation of prostitution, but there is no law in existence that prohibits the act itself.

(4) Challenges to the exercise of women's right to movement exist in ideological and physical forms; most importantly, illegal arrests are still carried out by law enforcement agents despite the landmark ruling.

Chapter Five analyses research results with reference to literature reviewed earlier on and apply the Radical Feminist framework. Financial constraints are noted as being the major challenge met by the researcher. The need for further research on positive cultural practices which could serve as a base to solve women's struggles is also highlighted. Recommendations made are mainly geared towards the strengthening of the Gender Commission, the need for government to trace the roots of women's challenges dating to colonial Zimbabwe with the aid of women's rights advocates as well as the launch of an inquiry in the security sector, coupled with increased patrols in public areas, among others. Most of all, the need for government to initiate educational programs to teach people about the Constitution and their rights are noted.

### **1.3 Scope of the study**

Zimbabwe, a country in Southern Africa, is encircled by Zambia to the North, South Africa to the South, Mozambique to the East and Botswana to the West. The National Census of 2012 put Zimbabwe's total population at 13 061 239 comprised of 6 780 700 females and 6 280 539 males, according to the Zimbabwe National Statistics Agency. Harare Urban, in which the Avenues Suburb is located, has a total of 768 636 females and

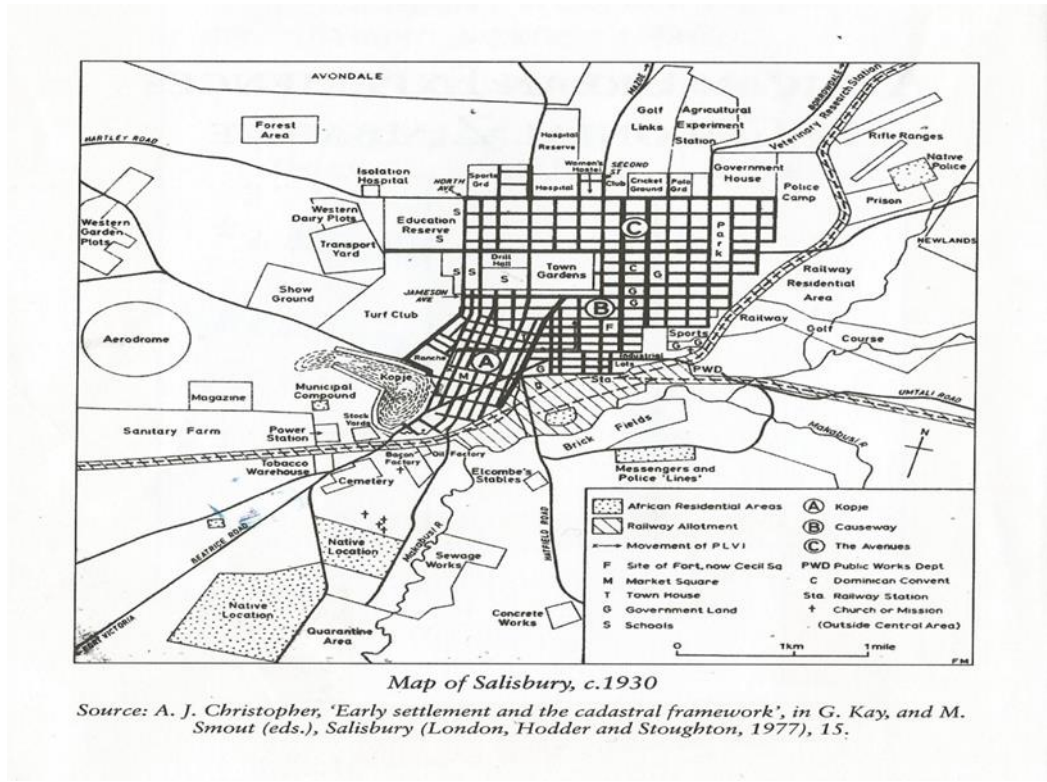
716 595 males which makes a total population of 1 485 231 according to the 2012 National Population Census.

The research is located in Zimbabwe's capital city's Avenues Suburb, a suburb found in the northern part of Harare Urban Ward 6. The Avenues Suburb, which is the main area of study, is bordered by Prince Edward Street to the West, Borrowdale Road and 7<sup>th</sup> Street to the East, Josiah Tongogara Avenue to the North and Samora Machel Avenue to the South, as shown in the map extract of Salisbury, Figure 1.1 by Christopher (1977:15). It is located close to the Central Business District. Josiah Tongogara Avenue was previously North Avenue while Samora Machel Avenue was

The Avenues Suburb first emerged as a white settler suburb in 1891 in Salisbury Township due to colonial settler policies (Christopher 1977: 17). After independence, the Avenues Suburb has become a heterogeneous society made up of people of many races with black Africans being the dominant race. It is comprised of different business activities, apartments, schools, health and religious, as well as recreational facilities. The apartments found in the area are mostly townhouses, garden flats and bedsitters (Rakodi 1995:211). There are also multi storey buildings which house most of the residents (Christopher 1977: 35). The area also has various restaurants and popular drinking halls and night clubs.

The Harare Avenues area is a suitable choice of study as it has a diverse population in terms of race, gender and economic activities. It is one of the main areas that have experienced numerous police raids resulting in the discriminate arrest of women. Of note is that women who contested the infringement of their rights leading to the landmark constitutional ruling were arrested in this suburb. It is also suitable as a case study since it is situated in close proximity to the Central Business District and is easily accessible to the researcher.

Figure 1 Map of Salisbury 1930



#### 1.4 Problem statement

Since independence, Zimbabwe has signed and ratified various international and regional conventions and treaties that call for gender equality, the awareness, appreciation and practice of women's rights, and in particular that of movement, which is the focus of this study. The government has gone on to enact legislation, policies and create bodies to assist in the enforcement of women's rights. Noteworthy is the inclusion of women's rights in the Constitution in a bid to rectify discriminate injustices of the colonial area and transform laws to create a democratic country where women also enjoy their human rights on an equal footing with their male counterparts, particularly that of freedom of movement.

Despite government efforts to protect women's rights, literature and media reports have been awash with stories highlighting the failure of the practical realisation of these rights, especially that of movement. This is

evidenced by the arrests targeting women found in the streets after dusk by the ZRP on grounds of loitering with intent to solicit for prostitution in direct violation of women's right to movement that led to the Constitutional Court ruling of 27 May 2015 outlawing such arrests. Since the court ruling, literature and media coverage have shown gaps in the documentation of subsequent events, as well as people's thoughts on women's right to movement. This research sought to investigate and document the significance of the court decision in the lives of women on the ground, noting any changes in both their treatment by the police and societal perceptions about women's freedom of movement subsequent to the landmark ruling.

Bearing in mind that the Government of Zimbabwe has made significant legal and institutional efforts to award women their right to mobility, the researcher found it important to examine the efficiency and applicability of these efforts. A closer analysis of the legal basis of the violation of women's right to movement and issues surrounding its applicability dating from colonial to independent Zimbabwe from a feminist standpoint is adopted in investigating societal perceptions of this right.

### **1.5 Research Objectives**

The research has four objectives:

1. The primary objective of the study was to investigate and document government efforts towards gender equality in the protection of women's freedom of movement in Zimbabwe with special focus on the Avenues Suburb.
2. Focusing on the Liberal and Radical feminist approaches, the study sought to explore the relevance and efficiency of the measures adopted in addressing the challenges faced by women in exercising their right to movement.

3. It further investigated and documented the legal and social implications of Section 81 (2) of the Criminal Law (Codification and Reform) Act Chapter 9:23 on women's rights and their right to freedom of movement in Zimbabwe.

4. Lastly, it also sought to investigate and explain the perceptions of women's freedom of movement in Zimbabwe in the Avenues Suburb since the 27 May 2015 Constitutional Court ruling, from the perspective of residents in the area, business owners, commercial sex workers, as well as victims of the arrests that led to the landmark ruling.

## **1.6 Conclusion**

Women's right to freedom of movement in Zimbabwe was legally controlled during the colonial period under the administration of the colonial government during the years 1890 to 1978. The Native Marriages Ordinances Act of 1901, the Native Registration Act of 1936 and the Vagrancy Act of 1960 became the main instruments which were used to legally regulate women's movement, placing their mobility at the discretion and control of African male heads as well as the Colonial Administration. Women's resistance to clauses that regulated their mobility within the Native Marriages Ordinances Act of 1901 and the Native Registration Act of 1936 resulted in stiffer measures being meted out through the Vagrancy Act of 1960 that saw police embarking on a series of raids targeted at suspected sex workers who were then returned to their rural homes.

Independence ushered in a new era and accorded human rights to all Zimbabwean citizens. Women's rights were thus recognised in a series of legal reforms, notably, the Legal Age of Majority Act of 1982. However, after independence, women remained targets of police raids that mirrored those meted out on women during the colonial time. One such raid, "Operation No to Robberies and Prostitution" in 2014, resulted in the

women arrested in the Avenues Suburb taking up their case to the Constitutional Court which ruled against the arbitrary arrests of women on 27 May 2015.

It is against this background that this research sought to investigate and document the significance of the court decision in the lives of women in reality, noting any changes in attitudes of both and police and society to women's right to movement subsequent to the landmark ruling. Furthermore, it sought to assess government efforts that characterise Liberal Feminist prescription in their measures safeguarding women's right to movement, by employing a Radical Feminist lens. It also aims to explore the societal perceptions on women's right to movement with particular focus on the Avenues Suburb where the women were arrested.

The next chapter defines freedom of mobility as applied in this study. It gives an account of issues surrounding women's mobility prior to independence up to the landmark ruling of 2015. The legal framework of women's right to movement is traced, outlining its source from an international to community levels. Feminism is defined and its application within Zimbabwe is traced and critiqued from a Radical Feminist perspective.



## CHAPTER 2: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

### **Introduction**

Chapter Two begins by defining Freedom of mobility as it is considered by this study. A historical review of perceptions of women's freedom of movement under patriarchy is carried out dating back to the colonial era. The chapter goes on to review women's mobility under independent Zimbabwe noting changes and challenges to its exercise. A legal framework that guides the enabling and practise of women's freedom of movement from international to local level is then review from the inception of independence to date. Chapter two then provides a theoretical framework that introduces Radical Feminist Theory as analytical tool used to asses Zimbabwe's efforts towards safeguarding women's right to movement which is largely seen as stemming from Liberal Feminist prescriptions. The chapter closes with

### **2.1 Freedom of mobility defined**

The concept of freedom of mobility is found in many international treaties and covenants to which Zimbabwe is a signatory. These statutes can be said to be the benchmarks that guide the nature and content of human rights. Article 13 (1) of the Universal Declaration of Human Rights states that: "Everyone has the right to freedom of movement and residence within the borders of each State." Similarly, Article 12 (1) of the International Covenant on Civil and Political Rights states that:

Everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of movement and freedom to choose his residence" (UN General Assembly, International Covenant on Civil and Political Rights 1966).

Another treaty to which Zimbabwe is a signatory is the African Charter on Human and Peoples Rights which states in its Article 12 (1) that “Every individual shall have the right to freedom of movement and residence within the borders of a state provided h abides by the law” (Organisation of African Unity, African Charter on Human and Peoples Rights, 1982).

Consistent and inherent in all these articles is the concept of freedom, coupled with that of mobility that resonates in their delineation of the right to movement. “Freedom”, according to an online dictionary, Merriam-Webster.com (2018), is outlined as

...the quality or state of being free: such as the absence of necessity, coercion, or constraint in choice or action, liberation from slavery or restraint or from the power of another, (that is) independence, ...(and) boldness of conception or execution.

In light of this, freedom thus entails the crux of a choice or action being free of “constraint” or “fear”. When the term freedom of movement is then considered in light of the above, the need for the absence of constraint or fear in the exercise of ones right to movement is brought to the fore. The definitions, which are gender neutral, also give a further element of freedom as being that of independence from influence or “restraint” on the basis of sex. This can be in the form of physical or ideological restraint. Freedom is further characterised as the state of an individual having confidence to exercise her or his rights.

“Movement”, according to Merriam-Webster.com (2018), is “the act or process of moving; especially change of place or position...” Bearing this in mind freedom of movement is a process that occurs as an individual, be they male or female, moves from point A to B, irrespective of time, place, purpose or duration.

Freedom of mobility for purposes of this research is therefore seen as an individual’s freedom to move within the borders of their country,

confidently and independently without fear of reprove or intimidation as a consequence of their choice, physically or ideologically, as long as they act within the purview of the law of that country, irrespective of sex or gender.

## **2.2 Historical Perceptions of women's mobility**

Literature that documents the lives of women in colonial Zimbabwe, as well as images gleaned from accounts of their economic activities, though not written to explicitly address or highlight their experiences in exercising their mobility, indicate that there were a myriad of issues underpinning their exercise of mobility such as the prospect of being exposed to violence as well as legal societal challenges (Barnes & Win 1992: 114; Barnes (1999:98 and Schmidt 1992). Women were shown to have been faced with ideological, physical and legal barriers that challenged their exercise of mobility under the colonial administration and the African patriarchal system combined.

These challenges were consistently resisted as evidenced in the literature reviewed in this study as women moved within the colony for economic or social purposes. This exercise however did not go without attracting perceptions affected and constructed by the socio-political environment of that time. African women's mobility thus existed in this environment under the constraints presented by the African and the coloniser's patriarchal dictates which consistently relegated them to subordinate positions. The perception of women's mobility operated in a complex set up of dimensions that were mutually exclusive and interdependent at the same time through their interaction in different set ups. These dimensions that constantly came into play in regards to the mobility of women at that time are industriousness, immorality, gender-based violence and the use of mobility as a resource relative to the context or the perceiver.

Significant to the lives of women in the perceived identities and roles was the concept of social reproduction as explored by Barnes (1999: xxi) that embodied a process of "...reconsolidations of economic, political and social

identities and power.” Colonialism had come with new ideologies, religion and power structures that challenged and changed the traditional way of life and called for the reorganisation of communities and relations. People’s lives, especially those of women addressed in this study, found new meanings and resources available to them and took new forms.

May (1987:19) refers to “social mobilisation”, in which she says that people move “...from a traditional to modern ways of life.” In light of this, women’s experiences under colonialism as well as the patriarchal structure that was constantly seeking survival and relevance in response to foreign rule significantly echoed feminist traits in their response to environmental changes through the exercise and nature of their mobility.

### **Mobility and Industriousness:**

Literature documenting the early lives of women before colonialism depicts them as industrious as compared to their male counterparts who were seen to be inactive and an idle lot. Women’s mobility during that era was characterised by constant activity in their day to day domestic activities that were naturally ascribed to their roles and position within that society. Describing African women’s activities, Holleman (1958:71) states that “...the casual visitor is struck by the constant industry of women in their dusty kraals..., their toiling in the fields, or fetching water in pots and gourds often from a considerable distance away.” The online Merriam Webster Dictionary states that the term industriousness is a noun that is derived from the word “industrious” and means being “constantly, regularly, or habitually active or occupied”.

The colonialists brought with them new ideas, one of which was the need for emancipation of African women who’s industriousness’ was viewed as slavery under the African men’s rule, amounting to mere labourers (Bourdillon 1976:53). The introduction of a cash economy in the context of

social reorganisation of people's way of life meant changes in some of women's activities while retaining some cultural aspects that gave meaning to their lives and identities within their kinship system. In the new economy, men would have to work in return for money needed for the families upkeep. Women remained the care givers, responsible for domestic issues related to their families. Creation of towns and various industries necessitated the accommodation of the men and their families.

The industrious nature of women found new meaning and form as evidenced in this quotation from Barnes (1992:115) while interviewing one Mai Ndhela which characterised a form of economic activity that most women in colonial Zimbabwe engaged in to subsist their husbands' incomes;

Ha-a, never! They really liked it [saying], "We are being helped," Yes. The one who wasn't doing it, would be encouraged by others saying "look at what other women are doing. You just spend the day seated! They are growing peas; they are growing maize to sell-green mealies - you just spend the day seated!" ...The men really liked it.... They just went to sell. At about this time [noon] they have finished they are returning".

The agricultural pursuits of women had since been viewed as a natural aspect of their gender role evidenced in various literatures that depicts it as a preserve of the woman before and during colonisation (Holleman1958: May 1983 and Weinrich 1979). Mobility within the new administrative framework, however assisted in creating a new site and opportunity open for exploitation by women as they tried to find relevance in an economy that officially had little or no spaces open to them. The selling of wares and agricultural produce, among others, resulted in women travelling to the towns to sell their product by foot and later on by bicycle (Barnes & Win 1992:114), as well as other forms of transport available to them as the years passed. Thus, women's mobility in search of markets resulted in a

new found industriousness in search of money crucial for their survival in the new cash economy (Barnes 1999:21).

Although women’s economic activities were not commercially recognised due to their domestic relationship as well as social position in the family unit, their mobility was recognised by their male counterparts as necessary as evidenced in Barnes’ interview with Mai Ndhela quoted above. A comment on Africans’ vending activities, which mostly comprised women, according to Barnes (1999:8) Godfrey Huggins also indicates that their mobility was a common feature of the colony. Their economic activities, which were not officially traced and documented, were also seen to have contributed substantially to the survival of the family only noted as “other income” as shown in Figure 2 below, quoted from Barnes (1999:46-7).

Figure 2 Sources of Average Legal Income to African Households in Salisbury 1957-1958 and 1963-1964.

Description	1957-58	1963-64
Husbands earnings or wages	£ 12.4.8	£13.9.5
Other income	£1.1.7	£2.10.4

The “1963-64 Budget Survey” (Harare: Central Statistics Office, 1964:24)

This new form of industriousness also took the form of daily, weekly or seasonal journeys between the rural and urban areas as well as white and black urban areas as some women would also travel for employment, education, social clubs, vending or seasonal farming. Jeater (1993:172) further posits that frequent mobility was associated with education, employment or social clubs. Women became involved in social clubs where they learnt various domestic skills from each other, set up recreational events, conducted charity and community services, as well as extended

their assistance to women in the rural areas on various issues, among other activities. One such notable club was The Salisbury African Women's Club which was the first African women's club, formed in 1938 (Yoshikuni 2008:15). Other notable clubs of similar vein were Sunganai Club, Helping Hand Club and the Radio Homecraft Club, among others. Churches had similar clubs in the form of Ruwadzano RweMadzimai which was found in all the churches in the colony.

Seasonal migration was mostly associated with the movement of women between the rural and urban areas when they would return to their rural homes for the ploughing season. One respondent interviewed by Barnes (1992:71-2), Mai Chagaresango, states that, "I would just come [to town] and go back home [to Seke reserve]. I would come occasionally.... I would come when there was not work at home. During the ploughing season I would be at home." Women in such cases were industrious in their attempts to perform their domestic responsibilities of care giving, particularly the provision of food through subsistence farming which greatly depended on their mobility.

Subsistence farming not only played a role in the provision of food, but was also symbolic in the maintenance of tradition and the status of the women's husbands within the kinship system which saw women taking on the role of custodians of culture by acting in ways that were deemed socially acceptable (Smart 1978: 3 and Essoff 2013:80). This was so as traditionally land rights were (and remain) vested in the male figure. (Women and Law in Southern Africa Research Trust [WLSA] 1997:52 and Bourdillon 1976:73), and could only be retained if the land was being utilised (Jeater 1993:131; Schmidt 1992:15 and Bourdillon 1976:73). Women assisted their husbands claim to land in the rural areas by remaining behind and tilling it. On the domestic front, women would travel to perform their care giving roles which were crucial for the survival and perpetuation of the family. The positive impact of this role was recognised in the analysis given by the Howman Committee in 1943 that healthy male

labour force was mostly found in men who had female associations in their lives as they helped in their upkeep in providing nutritious food and healthy living quarters (Barnes 1999:9).The crucial part that women played, though not recognised, also secured the men their status and role as the head of a family unit.

### **Mobility and Violence:**

Women's mobility within a new socio- economic and political environment was also fraught with such evils as gender-based violence. Violence was experienced as an impending threat of physical harm experienced in the course of their mobility. However, one interviewee from Barnes & Win (1992:116) study, Mai Munda, stated that at some point they could travel freely without fear of being robbed. This notwithstanding, some evidence from other studies indicates that women's mobility was not entirely free of violent encounters, though this was limited in nature. The association of women's mobility with perceived possible threat can also be picked in the following quote by one interviewee, Mai Masamba, in Barnes & Win (1992: 114); "...I went [to town to sell vegetables] myself. You didn't go on your own. We would plan: five of us, or six. ...there was nothing but bush. We were afraid of walking on our own...." This showed evidence of the fear of an unnamed possible threat that women were conscious of if found travelling alone. The fear of violence connected to one's biology was most often times propelled and perpetuated by men as a means of controlling and restricting women's' mobility (Smart 1978:99-100 and Saulnier 1996: 38).

The Colonial Administrator's perception of the safety of women was that it was a natural preserve of the male guardians in their lives. This perception is evidenced in the statement by Sir Marshal Clarke, cited by Jeater (1993: 74) when he says,



No native woman is without a protector...If you did away with 'lobolo' and if you did away with polygamy altogether and struck a blow at the root of the native system you would introduce the evils that we feel; you would introduce pauperism and you would introduce prostitution, which their social system has enabled them to avoid up to this time....

In light of this, a woman's safety was perceived to be tied to her association with the men responsible for her well-being, thus bringing out the perception that women were prone to experiencing gender-based violence in the absence of male figures in their lives.

Jeater (Ibid: 195) notes that,

...while the urban environment provided unprecedented opportunities for female independence, at the same time it encouraged their sexual exploitation, without the protection of those negotiating structures found in the villages to mediate between men and women.

We ought to bear in mind that social mobilisation also meant the "eroding" of past structures, whether in conduct, negotiation or social structures (May 1987:19). The ideas inherent in the kinship system that the well-being of others was a direct responsibility of all members of that community (Latham 1973: 35) were constantly challenged by the introduction of foreign ideologies from the very colonisers themselves as well as migrant workers who did not share the same value system.

The independence conferred upon women through the new economic system which necessitated their travelling from home in search of either employment, education, market or for social reasons, coupled with the constraints brought upon the lineage system by distance, is perceived to have made them prone to violence because of their sex. Jeater (1993: 183) states that,

The independence which many urban women enjoyed then, was balanced by their loss of lineage position and status...it was also true that women had little to protect themselves from men who saw them as sexually available.

The association and exercise of women's independence through their mobility with violence is seen through a marked event that saw the rape of women from Carter House; a female hostel, who had exercised their mobility in defiance of the 1956 Bus Boycott (Barnes 1999:144). An analysis by Smart (1978: 93) of causes of rape from this case brings out a need by the perpetrator to prove one's masculinity and exercising dominance as she says,

...rape is seen to be an act of violence and domination in which sexual activity becomes the means to totally debase and dehumanise the victim. Alternatively, rape may serve as a means for proving manhood to other males....

In light of the above, the independence demonstrated by the women from the hostel could have been viewed as an act of defiance resulting in their violation to reduce the victims to the subordinate status that the new emerging African social systems had traditionally relegated them to. Furthermore, the abuse on the women could have been used as a form of restraint or control since the act of rape is viewed as such by Saulnier (1996: 38) when she says, "...rape and fear of rape are used to control women socially and politically". The women's residence in a single sex hostel for women further spelt out their being estranged from their lineage system making them susceptible to violence. The association of sex as being a preserve of the lineage system in regards to women (Jeater 1993:83) may also show the acts of rape and violence as a perceived attack on the male figures within the lives of the women to whom their sexual virtue was their preserve. An earlier demonstration of this view of women could be seen in the 1948 General Strike where men specifically cautioned women not to

take part, and that they instead “...stay inside their homes” (Barnes 1999:108). The emphasis of homes in this statement could be seen as the underlying perception by men of the area where women belonged.

Women are also perceived to be subject to violation by authorities in power as they are considered a vulnerable group that is subordinate to any male authority in power. This vulnerability is perceived as likely to be exploited even by law enforcement agents by virtue of the perceived weakness associated with sex. Such perceptions are shown in the statement that depicts any male as paternalist and prone to violate women due to their overbearing tendencies shown in the statement; “...that respectable African woman in town should not be vulnerable to continuous demands for pass documents from ‘rather overbearing’ African policemen...” (Barnes 1999: 70, 73). The abuse of power that also proves women’s vulnerability is seen in the sexual abuse of women by a bogus policeman whilst travelling with her husband (Jeater 1993:193). This event also brought to light the acceding nature of the colonised to outrageous demands at the hands of white men, which rendered them vulnerable.

### **Mobility as a Resource:**

The perception of mobility as a resource can be seen by the observer as well as be perceived as such by the women who employed it themselves as a means to escape the challenges they faced in their lives. Most cases noted in literature depict women having run away from forced marriages as well as abusive and negligent husbands. The online Merriam-Webster Dictionary (2018) defines the word “resource” as being: “a natural feature or phenomenon that enhances the quality of human life” and “a possibility of relief or recovery”.

Mobility for women in the colonial era took the form of a resource to the women as its exercise had been improved by the introduction of transportation such as trains and buses, as well as the infrastructure itself that made mobility relatively easy (Jeater 1993: 86). The employment of

mobility as an avenue for possible relief assisted women in escaping pledged marriages, abusive relationships, as well as situations of poverty as a result of desertion by their husbands.

Marriages as a result of pledging was common in the African society and widely accepted traditionally as “sex” belonged to the family lineage and not an individual matter. Women who refused to fulfil the family’s’ obligation were subjected to gruesome acts of violence by their family members. Some of the acts of were actually causes for them to flee. A testimony by one Elijah Marwodzi in Schmidt (1992: 113) states that,

If a young girl refused to marry an old man to whom she had been pledged, ...take a very big branch of a tree, split it into two and tie it on her head, screw it...knocking so that it increased the pain...until the daughter says ‘Leave me alone....

In most of these cases, the girls would still consent to marry the proposed suitor after that.

In cases of abuse, it was generally accepted that a man could and should beat his wife occasionally as it was believed to be a sign of affection. In light of this, women had no possibility of receiving assistance from the community when being beaten by their husbands, only until it was now considered “rushusho” or “aggravated assault”. Domestic violence is explained as “...all acts of violence which are seen by those who inflict, endure, or regulate them as being justified by a familial relationship” (Burrill, Roberts & Thornberry 2010). This view was, however, not a part of the African way of life, and determination of “rushusho” was subject to one’s perceptions and judgement. After repeated assaults which clearly amounted to “rushusho”, a woman could seek reprieve from both her family and that of her husbands’, which could attract compensation in any form deemed fit. Thereafter, she would have to return to her husband although there was no guarantee that further abuse or retribution as a

result of this action could be avoided. In many cases of domestic abuse, incidents of murder have been noted.

The perception and use of one's mobility as relief from constant abuse, forced marriage and neglect is prevalent in historic documentaries of African life during the colonial period as it resulted in the promulgation of statutes that attempted to control women's right to mobility in direct response to African men's complaints to the Colonial Administrators. The Native Marriages Act of 1901 and 1912 had clauses that authorised the forced return of women who had fled from their husbands or male guardians, (Jeater 1992: 123). These forms of deterrent were still met with resistance as in 1936 the Native Registration Act was adopted which required women to also have a travelling pass that could however only be obtained through parental approval. The entrusting of children's custody to men after divorce was also adopted by the Colonial Administrators to ensure women would not flee their husbands for whatever reason.

### **Mobility and Immorality:**

Immorality, according to the African perspective, was anything that threatened the well-being and resource base of the lineage, thus making it a family matter. On the other hand, in the European view, immorality stemmed from their religious ideas of sin and morality from an individual's perspective. Needless to say, both African and European men's views of African women's mobility can be seen from an exploitative point of view which sought neither their moral nor bodily well-being, but continual subordination to patriarchal gain, whether from a European or African standing.

The African perception of women's mobility as an act of immorality was characterised in terms of mobility by "good and bad women". Good women as being those that observed their lineage obligations and perceived their biological endowment as a preserve of family dictates. In essence, immorality by women stemmed from actions that prejudiced the family of

any economic gain that could be gained from their sexual activities or the economic losses that could be associated with it as well.

Practices in the customs of the Africans documented by some scholars which were evidence of this are in cases where girls indulged in premarital sex and there were no reservations nor was this deemed immoral according to culture as long as this act would result in a marriage alliance. Marriage alliances would in turn result in not only material or economic gain, but also lineage alliance that ultimately also resulted in numerous benefits to the family. Actual pursuits of prostitution by women who would remit gifts and money gained through acts of prostitution are shown to have been positively received by their families. Those who however took up prostitution and never returned to their rural homes nor gave back material or economic gains of the trade to their families earned the titles 'hure' and 'pfambi' in Shona or 'wule' and 'isifebe' in Ndebele. These titles all mean prostitute in the local languages, (Magaisa 1997:27).

Occasions where women refused to honour pledged marriages with the aid of the Native Marriages Act were also perceived as immoral acts due to their negative economic effects as the family would be in debt and had to pay back any material gains that would have been received from the pledge. Dishonouring marriage acts could only be acceptable if the chosen girls could then pay back the money pledged by the initial suitor (Jeater 1993: 72). Likewise, women who fled their husbands for reasons such as abuse, neglect or infidelity, would cause the family to accrue a fine for damages as part (or all) of the bride wealth would be required to be returned to the husband relative to the time the women had been in the marriage (Ibid: 132). The advent of the capitalist economy under the European view of the person as being an individual created an environment in which women found that they could engage in economic pursuits for money. These pursuits, be they the sale of beer, vegetables, labour or sex, were only negatively viewed in the event that proceeds from these activities did not reach home.

Any acts that were deemed as a threat to lineage economic interests were viewed as immoral and all who acted immorally were labelled prostitutes. This brought out a new form of “commodification of women” where women’s sexual preserve was a preserve of men to be seen as a reserve for economic gains (Barnes 92:594). Women who were economically and socially independent of men, most of who resided in the urban areas, gained the social status of being labelled and perceived to be prostitutes (Barnes & Win 1992:117). Foreign activities mostly associated with masculinity were likewise viewed as prostitution (Magaisa 1997:27). Riding a bicycle (Barnes & Win 1992: 119), becoming educated past basic literacy, among any other activities regarded as a man’s domain, earned a woman the title of prostitute.

The different reasons upon which Colonial Administrators perceived African women’s immorality associated with political stability was shown through the Native Adultery Punishment Ordinance, Natives Registration Act and ultimately the Vagrancy Act which were made in response to African male heads of families’ complaints about women’s exercise of their mobility in fleeing their homesteads. Women’s refusal to return to their husbands also amounted to disregarding their authority which was eventually seen as an assertiveness which they were not initially known to have had. Prostitution in itself, though not alone, also posed a problem for Administrators and was a matter of concern when it was not serving any advantages to the European interest such as in the mining compounds where so-called prostitutes were accommodated to encourage workers to stay (Jeater 1993: 120). This was shown to have been of grave concern, especially also noting how medical check-ups on Africans seeking work were mainly centred on tests and provision of medical help in treatment for venereal diseases versus provision of maternal services as being the most important medical assistance that could be offered (Barnes 1999: 11).

Women’s industriousness in economic activities courted the ire of the colonial administrators, further cementing their perceptions of African

women's immorality. The European perception of immorality was, in most cases driven by the extent to which women's activities undermined the economic activities of the state. This was evidenced through the Colonial Administration's long protracted battle with African beer brewing mostly associated with women. The Administrators' aims to raise money through Municipal Beer Halls were constantly undermined by beer sales by women, most of who travelled from rural areas to sell their beer in the urban areas (Yoshikuni 2006: 47). Statements made by Godfrey Huggins, cited by Barnes (1999:8), that whilst Africans sold their products to the white community, other members of that community should also endeavour to buy from white merchants showed that there was competition for markets which affected the interests of European merchants.

Overall, actions by the African women that courted the ire of the Administrators resulting in being labelled immoral were ultimately those that posed a threat to the colonies political and economic stability. When viewed with a social lens by the colonisers, the apparent 'immoral' acts related to sexual liberty were at times even encouraged with the aim of promoting economic activity in the mining areas as well as being a deterrent for the much feared 'Black Peril'. This was so as sex workers were seen to encourage workforce stability and domestic upkeep of mine workers.

Despite the different reasons that gave rise to the view of women as being immoral, both patriarchal systems coincided in labelling this immorality as prostitution. The label of 'prostitute', according to Magaisa (1997:29), may be accorded to a woman referring to

...disapproved sexual conduct.... It also demonstrates patriarchal intolerance towards women's alternative sexualities so that any sexuality that does not fit the patriarchal moral order is interpreted as women's sexual misconduct and therefore as prostitution.



Magaisa (Ibid: 27) brings to light another dimension to the term when he says that,

...the word prostitute is often used ambiguously and sometimes indiscriminately to mean women whose behaviour and appearance is inconsistent with stereotyped notions of how women ought to sit, dress, and laugh and how they are supposed to relate to men in both sexual and non-sexual matters.

In light of this, women attain the label that eclipses other social, economic or cultural attributes to their person or the interchanging roles they play within the progression of their lives once they act contrary to gendered roles for women informed by men. This is affirmed by women who did not act as expected according to African patriarchal or Colonial Administrators' prescriptions and expectations, thus being inevitably perceived and labelled as prostitutes.

This was evidenced through the women subsequently arrested in raids conducted under the Vagrancy Act. At most times these were innocent girls arrested on suspicion of being prostitutes having been found in urban areas (Barnes 1999: 79). Important to note is that most of these were innocent whilst the women who actually participated in the trade were not arrested. The general stereotype created and perpetuated by law enforcement agents of women exercising their freedom of movement as prostitutes brought with it social stigma.

In the book, *Gender Studies Terms and Debates*, Cranny-Francis, Waring , Waring, Stavropoulos and Kirkby, (2003:140- 150) analyse the issue of stereotypes, notably their causes, structural issues pertaining to their maintenance and reinforcement in society. They note that stereotypes are ways of representing a group of people through a few characteristics, mostly in relation to their physical appearance. The structural nature of stereotypes is seen as mostly perpetuated by a powerful group that has the ability to spread their stereotypical views of the weaker group mostly

employed as an instrument of controlling the less powerful group for their benefit and maintenance of power. The writers argue that, in most instances, the stereotypes created by the powerful in relation to the weak are often negative. In light of the topic discussed in this paper, stereotypes of women who exercise their right to movement were used by police who have the power to brand the women as prostitutes merely by arresting them on those grounds.

The adoption of labels depicting women as immoral also brought to the fore issues of the “good woman and bad woman,” or the “respectable and unrespectable woman”. The state of women being perceived as respectable or unrespectable is analysed dating from the colonial era, the liberation struggle era and the postcolonial era (Hungwe 2006:39). Hungwe (ibid) notes that women who are deemed respectable in society are most often those who are seen as dignified and are venerated in society whilst those who are viewed as being unrespectable are seen as lacking dignity and are abhorred in society. Furthermore, the delineation of “respectability” or “unrespectability” is formed within a parochial viewpoint. In the study, Hungwe (ibid) adopts Gaidzanwa’s (1995) view of prostitutes as being either sex workers or women who tended to enter into what was considered as male territory or acted outside the expected norms and beyond male control. She notes that after independence, the respectability of women was associated with submissiveness on the part of the woman. Those deemed unrespectable were those who exercised their mobility and embarked on cross border trading. In her work, Hungwe (2006: 42) notes that the classification of women as being unrespectable forms a basis for the justification of their stigmatisation and ostracising and violent abuse at the hands of men.

Critical to note is the participation of women in the branding as they provide the contrasts to the unrespectable women in the quest of being acceptable in the eyes of men for marriage, acceptance or veneration. The linking of the term prostitute with that of being unrespectable in Hungwe’s

(ibid) study brings to mind questions on whether the landmark ruling may have served as a sufficient validation base for respectable women to continue viewing themselves respectable in the event of having behaved “in an unrespectable manner” by exercising their mobility. Thus, the critical question would be to establish if the ruling carries more weight as opposed to the social respectable standard.

### **2.3 Independence and women’s mobility**

The attainment of independence from colonial rule entails a break from past unjust practices and unfair treatment of the colonised. In Zimbabwe, it signalled the end of minority rule and the adoption of a Constitution that availed equal rights for all regardless of race or gender. Furthermore, the equal participation of women alongside men in the struggle for liberation can be argued to have raised hopes for equality of men and women after the attainment of independence.

The onset of independence brought with it yet again another era of social mobilisation and social reorganisation of peoples way of life. The existing socio-economic and political terrain of the colonial period was uprooted, or so it seemed to women, by the liberation struggle. The liberation struggle to some was the site where ideologies that negated democracy and values of freedom were “contested and tested” (Gudhlanga 2013). Independence from colonial rule meant equal rights for all Africans regardless of gender. Concepts of women’s freedom and rights had been explored and established during the liberation war and at the front as women participated without being restricted by patriarchal ideas of propriety, whether from African or European ideological standpoints. Women participated in all activities during the liberation struggle taking up positions similar to men (Gudhlanga 2013:2).

The adoption of the Lancaster House Constitution promised a new beginning to all who had been previously oppressed, women included, despite there being no female involvement or representation at the drafting of the constitution (The Women's Coalition of Zimbabwe 2017: 17). In spite of human rights for all offered in the Lancaster House Constitution, a plethora of discriminatory laws against women that served to strip them of any power over their decisions or recognition of legal capacity, including their right to movement, were inherited by the new government and continued to be enforced. Women continued to be viewed as minors legally, and the adoption of a plural legal system posed challenges to women recognising any gains they fought for during the war. Their position, including that of their freedom of movement, had not improved much from that which they had during colonialism. The continued existence of the above situation gave rise to the struggle for women's emancipation.

Women once again took up the fight for their democracy and ventured beyond the familiar church and community-based groups that had existed during colonial times (Ibid: 5). The social reorganisation pioneered by the women's movement sought to recreate the identity of women according to that which had been established along the frontline. The clear indication of this was the involvement of women who had previously served during the liberation struggle such as Joyce Mujuru, who in 1981 was the Minister of Community Development. Other notable women such as Bertha Jambaya, Thenjiwe Lesabe, Evelyn Shava, Sabina Mugabe and Mavis Moyo, to name a few, were also known in the fight for the emancipation of women.

The concerted effort by women in government and within the movement gave birth to a series of legislation such as Sex Disqualification Act of 1980, Minimum Wages Act of 1980, and Equal Pay Regulations of 1980. Despite these laws being passed, women retained their minority status. It was only in 1982 when the Legal Age of Majority Act was passed that the recognition of women as adults once they reached 18 years of age was achieved. A significant stride brought about by the legal status of women was the end

of women's rights being predicated on the basis of their male guardians; ultimately, women were privy to all rights, including that of freedom of movement.

The absence of women's involvement at Lancaster was a clear cause for concern to the unsuspecting women; the struggle for democracy was far from over for women. Patriarchal ideology was evident in the absence of women who had earlier fought alongside them as equals in war. Reminiscent of the 1948 General Strike in colonial Zimbabwe where women were told to "...stay inside their homes", women had been relegated to the domestic sphere, betraying an association of women's identity with a gendered role prescribed by patriarchy. It was not surprising, therefore, that there were dissenting voices within the public sphere when women were granted legal status through the L.A.M.A. Evidence to this were outcries against the right given to women to marry in the absence of their fathers' consent that directly challenged the 'lobola system' which was described in the *Moto Magazine* No.17 (October 1983: 7) by the following statement; "exponents of the roora/lobolo system contend that its abolition would turn our society into a nation of prostitutes".

Women's identity was once more viewed with a patriarchal lens, and any concession on their individual liberty that did not serve the interests of the lineage was viewed as amounting to prostitution, which was immorality. The right for women to move freely was not to be left out as Zimbabwe witnessed renewed attacks on women's mobility through Operation Clean-up of 1983 which saw the rounding up of women on suspicion of prostitution (*Moto Magazine* No.19 December 1983:5). These attacks characterised those carried out during the colonial era and affected more than 6000 women countrywide (Women's Coalition 2017: 18). This attack on women's right to movement was a direct disregard of Section 22 of the Lancaster House Constitution which afforded all citizens the right to freedom of movement which women above 18 years were entitled to as granted by LAMA. The lack of political will on the part of the government to

recognise women's right to freedom of movement enshrined in its Constitution was to be revealed in the years to come through successive similar round ups such as those carried out from 1983 to 2014, notably Operation Clean-Up 1983, Operation Chinyavada (Scorpion) 1983, Operation Chipo Chiroorwa (Chipo Get Married) 2007, Operation Chengetedza Hunhu (Maintain Your Dignity) 2011, which preceded the Operation No to Robberies and Prostitution that led to the Constitutional Court ruling CCZ 15/15 central to this research.

The stereotype placed upon women arrested in such raids that labelled them as prostitutes betrayed an image of them being sexually available and saw many women being sexually abused at the hands of soldiers and police (*Moto Magazine* No.19 December 1983:7). Schmidt (1992:118) documents prostitutes as being portrayed as loose, lustful and immoral beings who are the main agents of spreading venereal diseases by the colonial administrators. Such portrayal of women, as noted by Muzvidziwa (1997:83), carries with it negative social stigma that may often times lead to their expulsion from the family. Generally, the stigma gathered from these literary works associated with prostitution is seen leading to the ostracising and humiliation of women arrested on the grounds of prostitution. Critical to note are the hierarchies in prostitution that commercial sex workers assign to themselves (Ibid: 81).

In his study, Muzvidziwa (1997:83), street prostitution which forms the basis of most arbitrary arrests reviewed in this study, is ranked as one of the lowest form of sex work by commercial sex workers. Street prostitution is sex work involving loitering by women in public places while soliciting for paid sexual favours. Commercial sex workers that operate from pubs and the hotels look down upon street sex workers as filthy and base as they are mostly associated with rowdy behaviour, skimpy dressing, high risks and desperation. This characterisation and view of sex workers in itself brings to light the negativity associated with women in general expressing their right of movement at night. One might actually conclude that due to the historic

reinforcement of the stereotype, women may now view their right to movement at particular times negatively. In light of this, there is need to solicit the views of women in regards to their current expression of their right to movement after the landmark ruling.

The continued association of women's independent movement with prostitution is also present in the literature from newspaper articles that document the arbitrary arrests of women on the premise of intent to prostitute from the time of independence until the landmark ruling. From a Radical Feminist viewpoint, women's right to mobility and the ability to exercise it is greatly connected to the social dictates of gender and the power afforded to each sex by society. This implies that though women are legally empowered to exercise their mobility, social norms regarding the ambit of their movement disempower them from exercising their right. The arrests of women in the absence of sufficient evidence in regards to soliciting for money are also portrayed as sexist as only women are reported to be arrested and not their supposed male accomplices.

The stark contrast of theoretical equality of women and men before the law as well as notable laws that improve the legal standing of women such as The Legal age of Majority Act in relation to the actual practices on the ground is the common outstanding feature in most articles. This brings to the fore the notion that it does not follow that mere promulgation of an act or law automatically results in changes on the desired experiences or outcomes on the ground. Dahl (1987: 14) notes that gaps commonly exist between laws on paper and actual realisations on the ground since in some situations law "runs ahead" of what she terms developments in society. Such practices give rise to various questions such as those that seek to explore the social impact of law as well as those that look into the obstacles that hinder application of laws.

## 2.4 Legal Framework of women's right to movement in Zimbabwe.

Since independence, Zimbabwe has been signatory to various regional, continental and international treaties, declarations and protocols that unanimously call for gender equality and an end to the marginalization of women. The right for women's freedom of movement is recognised within these articles. To note are the Universal Declaration of Human Rights (UDHR) in its Article 13 (1), the African Charter On Human and Peoples Rights in Article 12 (1), International Convention on Civil and Political Rights (ICCPR) in its Article 12 (1), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), The Maputo Protocol and the SADC Protocol on Gender and Development, to name just a few. Each of the above distinctly calls for gender equality as well as for the right of the freedom of movement for all people which is discussed in this study with special focus on Harare's Avenues Suburb.

Treaties and Conventions fall under the class of international law whilst the new Constitution of Zimbabwe is the supreme law of the land according to Chapter 1 Section 2 (1). International treaties to which Zimbabwe is signatory can only be recognised after incorporation according to Chapter 2 Section 34 which states that, "The State must ensure that all international conventions, treaties and agreements to which Zimbabwe is a party are incorporated into domestic law." Shaw (1997: 105) observes that "...the doctrine of incorporation, holds that international law is part of the municipal law automatically without the necessity for the interposition of a constitutional ratification procedure." Treaties and Conventions that Zimbabwe is signatory to are thus enforceable and recognised in domestic law once a state has entered into the treaty.

Zimbabwe has made numerous legislative Acts poised at improving the lives of women in fulfilment to its obligations to the treaties and conventions. Most important to note is the LAMA aimed at elevating the minority status of women from that previously created by the colonial administrators to



that equal to men by giving women legal status once they reached 18 years of age. The Zimbabwean constitution itself is laden with clauses that support gender equality and call for the protection of women's rights, particularly those of the right to the freedom of movement that is of central concern in this research.

The Founding Values and Principles of the new Constitution in Chapter 1 Section 3 (2) (i) (iii) include and buttress the recognition of women's rights among others to be particularly protected. Chapter 1 Section 17 also highlights the need for enhancing gender balance within Zimbabwe based on equality. Women's right to movement is further buttressed by the inclusion of women's rights in Section 80 in the Elaboration of Certain Rights within the Constitution. Part 3 Section 79 (1) states that, "This Part elaborates certain rights and freedoms to ensure greater certainty as to the application of those rights and freedoms to particular classes of people." In light of this, all rights included in Part 3 are deemed important and are seen as necessary to be elaborated for emphasis to aid their recognition and observance by the public and the beneficiaries. The Declaration of Rights, Chapter 4 Part 3 Section (80) also succinctly recognises women's rights and their inherent equality to men. Its calls for the equal standing to men in all pursuits and clearly claims the bases of their right to freedom of movement awarded all people in Chapter Section 66 (2)(a).

These developments were made in fulfilment of international obligations Zimbabwe had acceded to in treaties and conventions. Women's right to movement was first legally controlled under the colonial administrative system under the Native Affairs Act Section 51 Barnes (1992:597) and the Vagrancy Act. Independence saw the government adopting new laws to correct such discriminatory practices against women.

## **2.5 Theoretical Framework of women's right to movement in Zimbabwe.**

This section maps out issues surrounding the theoretical framework of women's rights to movement in Zimbabwe, taking note of global feminist debates and their contribution, opportunities and challenges. Feminism is defined and analysed in context to Zimbabwe situating it within the African and Western feminism debate as the struggle against male privilege and sexist discrimination of women based on sex. The role played by the government in the gendered restriction of women's mobility and subsequent feminist response from women is then explored before and after colonialism with the aid of Liberal and Radical Feminist prescriptions.

### **Feminism Defined:**

As a feminist researcher whose worldview is guided by feminist and pragmatic prescriptions anchored on an African-informed feministic theory seemed as simple as it was commonplace for a study carried out in Africa about Africans. Furthermore, my position as a researcher who is a woman of African descent and a product of my historical, traditional and cultural heritage, prompted me to further analyse the driving point that gave vent to the need for justice and enjoyment of all rights that have been professed to normally accrue to the simple state of being- human.

The reliance on an African feminist theory introduced me to pertinent debates on the need to use home grown theories instead of Western feminist theories generally seen as prescriptive when studying African women's' struggles. An analysis of African feminist theory led me to an array of theories such as Motherism, Social Transformation Including Women in Africa, Africana Womanism, Ubuntu Feminism and Nego-Feminism, among others. In essence, the search for African Feminist theory introduced me to African feminism(s) as there are various approaches that have been written as theoretical lens that cater for the African woman seen to be relevant to her situation.

African feminism(s) are opposed to the adoption of Western feminism as a universal umbrella when in fact it is failing to consider contextual, cultural, historic and political factors as highlighted by leading writers on African women such as Filomena Chioma Steady (2004) and Clenora Hudson-Weems in Al-Harbi (2017), to name a few. When applied to look at Africa itself, a continent with a rich ethnic base, coupled with differing ideologies and cultures adopted through different colonial systems, the fight for cultural relevance or supremacy calls for responsive feminist theory that can identify appropriate methods of redress for women's problems. Common to all themes suggested towards African Feminist Theory is the need to observe and preserve the right to determine the identity of the African woman in relation to her customs and tradition as a way of guarding against cultural imperialism.

However, according to Oyekan (2014: 8);

To purge itself of the universality charge, therefore, African feminism may have to sever itself not only from the Western, but may also need to break itself into pieces and fragments in order to be fairly representative of the plurality of cultures and societies within Africa itself.

This in turn would need to be adopted in Zimbabwe, which is a replication of the African continent. The adoption of an African feminist theory as a lens to Zimbabwean women's situations would then entail an appreciation and identifying of common positive cultural practices that promote the status of women of the different ethnic groups within the borders. Steady (2004:58), a renowned writer on African Feminisms, also points out that there is "...a need for an African feminism that will reflect the paradigmatic complexity of gender research in Africa." This is important as oppression of women based on sex is conducted through gendered roles, and yet gender in some ethnic groupings and cultures is 'fluid' and not of a constant subordinate state as adopted from the colonially imparted one (Steady

2004:49). The failure to employ a representative African Feminist theory would, regardless, see women benefiting from the adoption of concepts such as The Receptor Approach by Zwart (2012: 547) in the formulation of culturally sensitive and relevant solutions to women's problems. The Receptor Approach by Zwart proposes the identification of positive cultural practises that align with human rights laws for the purpose of amplifying and encouraging their practice in order to strengthen the reception of human rights laws. This, however, is another area that is an opportunity for further research in analysing the possible solutions to the marginal position of women in present Zimbabwe.

The different colonial systems themselves bring to play the replication of the Anglo-American and European debate on the stance feminism should take in terms of the adoption of an individualist or relativist stance in feminism (Offen 1988: 124). These historic debates cannot be ignored when navigating the route to establish the suitable theoretical lens with which to view African women's problems as colonial effects to culture, administrative, legal and educational systems prevail as they were suitably adopted by post-colonial governments to their advantage. The issue of colonialism itself is seen to bear largely on the debate of adopting Western concepts in face of the ardent need of Africa's historic bid to "decolonise" itself to the point of negating any good that can be learnt from other women's struggles and experiences. This is reflected by Mkegwe (2006: 11-12) when she says,

African Literature over the past four decades presents itself as an overt exercise in decolonisation, adopting as it does an anti-colonial, anti-father' stance, the development of African feminism becomes propelled towards being anti-Western feminism.

Bearing this in mind, the important task was that of first ascertaining the "what" question before resting on "which" desired end state.

Feminism is defined as:

- “a movement to end sexism, sexist exploitation and, oppression” (Hooks 2015: xii) *feminism is for everybody*
- “It is the struggle to end sexist oppression. Its aim is not to benefit solely any specific group of women, any particular race or class of women. It does not privilege women over men” (hooks 2015: 28) *theory from margin to center*.
- “Feminism is a worldview and way of life of women and men who, as individuals, groups and/or organizations, actively oppose social structures responsible for the discrimination against and oppression of women on the basis of their sex and gender” (Arndt 2002:63)

Drawing from the above definitions, Feminism is thus a movement to end sexism, sexist exploitation and sexist oppression of women to achieve equality with men politically, economically and socially. It is not about being anti-male but it seeks to end domination of women by men and achieve the realisation of an end of exploitation (hooks 2015: xii). “Sexism” in Merriam-Webster.com (2018)) is defined as “prejudice or discrimination based on sex; especially: discrimination against women”. It is the deliberate unequal treatment on the basis of their sex. MacKinnon (1989: 90) notes that, “Sexism is seen to be all of a piece and so much a part of the omnipresent background of life....” In other words sexism has become a status quo.

In light of the above, feminism is the significant effort by women to end the deliberate unequal treatment of women as a status quo that has rendered their disadvantaged position as commonplace and a natural part of life. This continuous process described as a movement is further defined by Molyneux (1998), cited by Essof (2013:2-6) in her interrogation of the tenants of a movement as,

A social or political phenomenon of some significance, that significance being given by numerical strength, but also capacity to effect change in some way or another, be it in legal, cultural, social or political terms.

She posits that a movement may be made up of the whole or some of these tenants. Underpinning this is the ethos of feminism as being a social organisation of women's continuous efforts to end the unequal treatment of women with an aim to bring about change through various means that may be legal, cultural, social or political.

The discrimination of women by society which feminism aims to end is cited by many scholars as stemming from the male-centred reality that ultimately privileges men by subordinating women. Men's epistemology or knowledge of the world in view of women is described as "Woman through male eyes is sex object, that by which man knows himself at once as man and as subject" (MacKinnon 1989: 122). Many feminists contend that it is on this basis that women's oppression stems from or lies. Underpinning this has emerged various theories of feminism attempting to extract the value, worth and identity of woman as a significant other mutually exclusive, independent and self-defining and relevant in the male informed world. Such can be seen in the form of Liberal, Radical, Socialist, Ubuntu Feminism, Africana Womanism and Nego-feminism, among others which are called upon in the attempt to restore women to their rightful selves depending on the feminist premises of the restorer.

Guided by the Pragmatic Worldview, as well as feminist research methods, one is bound to remember that the issue at hand is that of women and the need to address their problems. The need for a united stand in search for women's problems also requires women to work together globally and identify solutions for women regardless of race. The adoption of an individual or relative stance in which the former would see the exclusion of men and in the later the inclusion of men in attaining the desired ends, may only be reached by a united front. Bearing this background in mind, the researcher settled on adopting a Radical Feminist stance in critiquing government efforts as most African feminist theories tend to weigh in on cultural norms as their foundations whilst it is mostly upon the argument of

preservation of culture that women's right to mobility in Zimbabwe was violated and regulated within the family unit and public realm.

### **Feminism in Zimbabwe:**

A look at Zimbabwean literature and historic writings that document the lives of people during the pre-colonial era brings to the fore the issue of complementarity debated in the existing African gender relations. To some, this is seen as “[T]he need for men and women to complement one another and build one another up” (Arndt 2002:66, citing Walker 1983: XI). Complementarity in this context is witnessed in different aspects of the gendered relations such as in the case of land ownership. Although land rights were vested in and surety of access was naturally guaranteed in men, they could only acquire and retain the land with the aid of women that is in the event they had a family. Women in turn did most of the work on the land, but could also accrue material wealth such as livestock and grains which needed land to be acquired and retained (Jeater 1993:131 and Cheater 1986:66). Though this reciprocal relationship existed, according to some scholars this did not rule out inequality as Blay (2008:67) notes that “The fact of gender complementarity and balance in our ‘tradition’ and worldview does not preclude the imbalance and disharmony we experience today”. Other scholars are of the view that it does not exist. They argue instead that “...complementarity is by necessity based on men's and women's equality in rights and status, a transformation of existing gender relationships must inevitably come first” (Arndt 2002:66).

In some cases in Zimbabwe, however, women were found in positions of power within some ethnic groups such as the female headwomen in Manicaland and Mutoko, as well as the Nehoreka chieftainship in Mutoko (Cheater 1986: 66). Women also held positions of power and played important roles as spirit mediums that were central to the lives of the people. Despite this depiction of the lives of women in pre-colonial times, there is little documentation of feminism, save for individual accounts of

women eloping to avoid pledged marriages. Bearing in mind that feminism, according to this study, is taken as the significant effort by women to end the deliberate unequal treatment as well as sexist exploitation by men, the researcher found little documentation of such.

Colonial Zimbabwe, however, is seen as the era that marked the emergence of Zimbabwean feminist movement (Arndt 2002:25). Historic literature is replete with acts of resistance by women against African and colonial patriarchal systems that had partnered to reduce the African woman to the status of a minor and restrict her mobility. The colonial era also brought with it the creation of the “good- respectable woman” model versus that of the “bad-unrespectable woman” model (Hungwe 2006:39). The “good” or “respectable” woman being one who exercised her mobility within the confines of colonial and local patriarchal lines and the “bad” or “unrespectable” woman was one who defied these lines. Important to note is that, whether falling under the good or bad banner, women’s movement during the colonial era drew upon feminism in essence.

The good woman exercised her mobility within a political, economic and social environment that had been created with little or no spaces for women save for few exceptions with the ultimate benefit accruing to men. Most women travelled to engage in women’s clubs, church organisations and seasonally to cater for their domestic responsibilities ultimately benefiting men. Their mobility is viewed as feminist as it was an avenue created by women in the quest to meet their obligations as wives and mothers for the maintenance of the family unit in the absence of one created by the male run colonial system. Bad women exercised their mobility to escape patriarchal control and meet individual needs. Though their mobility, whether branded good or bad, was evidence of feminist foundations, it was not a marked united act but a replication of coping measures adopted by the women in that era.



After independence, feminism in its various forms can be argued to be the benchmark of women's united struggle for empowerment and equality in Zimbabwe. The different waves of feminism can also be seen as the impetus for the various calls for reform in the journey that Zimbabwe has taken to engage and renegotiate the status of women in regard to their rights, including that of freedom of movement addressed in this research. This was fuelled by the 'rights' discourse that was seen as the central driving force during the liberation struggle (Kezia 2013: 40).

International actors in the form of regional, continental and international organisations that Zimbabwe is a member of, as well as women's organisations guided by feminist principles are outstanding features in the literature on the development of women's rights in Zimbabwe. This can be seen through the rich body of women's organisations that since pre-independence have grown in size and areas of interest, ranging from church and community welfare organisations to law and civic rights organisations all geared towards addressing and availing women different practical and strategic gender needs.

Two years after the liberation struggle had brought forth the desired independence, women in Zimbabwe were still far from reaping the benefits as they were still considered to be minors under law. Social reconstruction discourse by the state was geared towards a more patriarchal stance, following the dictates of a distorted version of customary law that demanded subjugation and submission of women. Essof (2013: 1) in her book, *SheMurenga*, states that;

...in a post-colonial context, women's abilities to form collective identities to articulate their demands are shaped by political processes: these involve shifts in state power, whether they occur through democratic, anti-imperialist or national struggles.

In the Zimbabwean case, the political process saw women taking part in and identifying with the liberation struggle with the belief that all would be

emancipated within an independent country. The liberation struggle however had offered a new shift in dimension when women who would previously be branded “unrespectable” found common ground with their male counterparts by exercising their mobility to join the struggle contrary to established norms. After independence, the subordination and subjugation of women saw former liberation women fighters whose ideas had been informed by the liberation struggle and women from women’s organisations joining hands to try and lobby government to address women’s status through the law. This approach resulted in numerous laws and most significant of which was the L.A.M.A which gave women legal status at 18 years of age, making them enjoy rights legally accorded to all citizens.

The women’s movement over the years has been seen to be fighting to address issues concerning women through the law. This approach which is characteristic of Liberal Feminist principles viewed women’s challenges as stemming from the unequal legal status created during colonialism without taking into cognisance the uneven legal terrain posed by a plural legal system of General Law and Customary Law which is very patriarchal. Women in Zimbabwe have adopted a Liberal Feminist stance in their argument for equal rights between women and men whilst focusing on the state “...as an arbiter of development and bestower of rights.”(Essoff 2013: 69).

In a similar vein, Saulnier (1996: 9) states that “...liberals assign to the state two roles: first, the protection of civil liberties such as property rights...and second, the provision of equal opportunity to individuals...”. The state is seen as the primary agent that can bring about changes in people’s lives in the form of social engineering achieved through a legal route that creates an environment favourable for the improvement of women’s lives (Saulnier *ibid*: 14; Sarikasis 2009:505 and Dahl 1987). This is important as their right to movement was originally restricted through repressive laws introduced under the colonial system.

Liberal feminists have also been known to work towards the elimination of sex discrimination based on race and sexual discrimination (Saulnier (ibid: 13). Liberal feminists are also seen fighting for equality in education as they believe women are capable beings and would naturally excel as men if afforded equal opportunities in education. The liberal view that women's education ultimately ensures their rights is evident in some scholars who view that "...knowledge about the law is a key factor in the empowerment of women...", as this may influence the choices available to them to seek recourse and protection of their rights (Hellum 1998:110). This, among other liberal approaches adopted by women in Zimbabwe, are the focus of analysis in terms of their effectiveness in addressing women's challenges to exercising their freedom of movement from a Radical Feminist standpoint in this research.

Radical Feminists, on the other hand, have critiqued Liberal Feminist prescription of aiming for equality with men as a solution to challenges faced by women as a pursuit that is riddled with various negative effects that may further entrench women's problems to invisibility. The drive for women to have opportunities opened for them to be equal to men when dissected and exposed under a Radical Feminist lens has been seen as being "...fundamentally and unconsciously a feminism of the ruling class" (hooks 1984: 22), that does not address root causes of women's subordination but instead serves to create room at the male dominated table for elite women. Furthermore, liberal prescriptions drive for equality are seen as gradual and not bent on disturbing the status quo which is maintained and co-opts them in the system of women's suppression. This assertion is further evidenced in the Zimbabwean case where influential women who benefited from the equal rights campaign and acquired posts in government became silent on the violation of women's right to movement through arbitrary arrests save for women activists among others such as Women's Action Group until the landmark ruling.

Liberal prescriptions are also seen to drive women's struggles to invisibility when women who conform and uphold exploitative patriarchal subscriptions to maintain positions afforded them by men aid in labelling and violating other women's rights who fail to live within patriarchal social dictates. Such is the case in Zimbabwe where the "respectable" woman was seen through women's clubs and church organisations took part in supporting government drives aimed at arresting 'immoral' women found out and about after dusk as their demonstrations were "... centred on 'the indiscriminate harassment of women' but were not against the discrimination of women tagged as prostitutes or their subsequent relocation..." (Kezia 2013: 42).

Campaigns for equality with men have also been seen to be detrimental to the overall cause of dealing with women's challenges as radical scholars such as hooks (1984) observe that it creates a niche that automatically negates and excludes men's involvement in addressing women's issues. He argues that it robs men the opportunity to realise their responsibility in their sexist actions against women and instead create an atmosphere of conflict and resistance on the part of men by creating a picture that any "...empowerment of women would necessarily be at the expense of men" (ibid: 68).

The drive for state involvement in the address of women's right brings to the fore challenges that Radical Feminists highlight in their view that "the personal is political" meaning that women's lives and experiences were "...shaped by, and influential upon, their broader social context" (Kitzinger 1996: 92) that being their personal lives are greatly affected by the public. In essence, women's challenges are seen as a reflection of the power structures in the body politic bringing to mind the question on what tangible if any, effective solutions could stem from the state which is thereto linked to women's lived challenges. In light of the Zimbabwean government, which since independence up to the landmark ruling had silently witnessed and instigated arbitrary arrests of women, radical

prescriptions are used to assess the efficacy of State measures in availing women their right to movement.

The varied discrepancies and short sights exposed in the irresponsiveness of legal means to address women's plight in enjoying their right to movement served as the basis for the researcher's adoption of radical prescriptions in assessing Zimbabwe's efforts in securing women's right to movement in this research. The Radical Feminist Approach has been further used in critiquing the Liberal Feminist Approaches that have been adopted on the assumption that it has had minimal, if not negative ramifications as it did not address the structural causes that lay behind women's arbitrary arrests.

## **2.6 Conclusion**

Freedom of mobility, in respect to this research, is defined as comprising the character of freedom, independence and absence of fear or coercion in one's exercise of their rights, regardless of sex, gender or time within the ambit of the law. Under this benchmark, the chapter explored the historical perceptions of women's freedom of movement before independence, highlighting poignant themes that are replete in literature documenting Zimbabweans lives and experiences during the colonial era. Themes such as the association of women's mobility with industriousness, violence, mobility employed as a resource as well as issues of morality come to the fore and are discussed in respect to women's freedom of mobility during the time. Women's mobility after independence is explored and highlighted challenges faced by women until the landmark ruling central to this study.

The chapter has also investigated the legal framework of women's right to movement taking note of international treaties and conventions to which Zimbabwe is signatory that guide and inform on the observance of the right as well as form part of the laws of the country. Feminism in the context of

global debates and Africa is analysed to bring the issue of women's right to movement in context. The chapter closes by exploring the operation of Liberal and Radical Feminist theories in the Zimbabwean context, their contribution, opportunities and challenges to women's enjoyment of the right to freedom of movement.

## CHAPTER 3: METHODOLOGY AND ETHICAL CONSIDERATIONS

### **Introduction**

Chapter three begins with an outline of the methodological framework of the study giving insight in the worldview that the researcher subscribes to. It goes further to give an outline of the research design and sample used in the study. An outline of data collection methods and data analysis is then given. The study's reliability, validity and generalizability is visited in section 3.6. Chapter three then goes on to look at the ethical considerations and research limitations encountered in conducting the study. Research limitations are then reviewed before giving a conclusion to the chapter.

### **3.1 Methodological Framework**

The researcher was guided by the Pragmatic Worldview and, whilst taking into cognisance that she was herself a woman exploring issues to do with women's lived realities and struggles, she also borrowed from the Feminist Worldview. The Pragmatic and Feminist Worldviews complement each other in a number of ways that enabled the researcher to maintain her feminist foundations that initially led her to look at women's issues in the research. The Pragmatic Worldview approach also enabled the researcher to explore different ways to deal with issues pertaining to bias that feminist methodologies are associated with. It also encouraged the researcher to adopt a transformative mixed method approach with emphasis on qualitative methods to the collection of information.

Pragmatic Worldview states that "...the individual is constantly reacting to and reflecting on the consequences of the interactions with the environment" (Rylander 2012: 23). Bearing this in mind, the researcher had to take cognisance of the environment in which all subjects engaged in the research fell, its possible opportunities and challenges to each in relation to sex and the subsequent potential impact or influence it was bound to have on the research. This was mainly with the exploration of the environment

that the Avenues Suburb and women's mobility was now functioning under since the landmark ruling central to this research. Though inherently a feminist research in nature and informed by feminist prescriptions, the researcher also adopted pragmatic prescriptions in the quest of gathering 'andro-gynocentric' perspectives on the issue of women's freedom of movement.

Creswell (2009: 10) posits that under Pragmatic Philosophy, "Instead of focusing on methods, researchers emphasise the research problem and use all approaches available to understand the problem." In so doing, this worldview complemented the Feminist Worldview which refutes the need for researchers to adhere to rigid forms of acquiring knowledge which most often times are scientific and seen as androcentric resulting in the invisibility of women's issues in research. Thus, in order for her to reach particular segments of the population, the researcher had to adopt different methods to reach such informants as female sex workers that were accessed through the snowball approach and interviewed through adapted focus group discussions.

The recognition of values under the Pragmatic Worldview complemented the Feminist Worldview as the research was mainly centred on recognising the issue of gender and women's issues addressed through the Radical Feminist approach. Thus, under the transformative mixed method approach the research made use of the Radical Feminist theory to guide and inform the selection and collection of data relevant to the research.

The researcher, guided by the Feminist paradigm which views the researcher as a "subject and a tool" (Sarikakis et al 2009:512), was also able to gather new insights on the issue under study. Being a woman embarking on a study that affects the lives of women enabled the researcher to gain a perspective on the study which she had not previously been aware of. The "outsider-within" aspect brought to the researcher's attention aspects that she had not previously been aware of, nor would have managed to gather



through research instruments such as the existence of “gendered space”. The researcher came across this site in which it was the norm that one’s sex would attract certain expectations from the opposite sex when in areas such as bars or side-walks during a certain time of the day. The research tended to be consciousness–raising in nature as compared to most action-oriented feminist research (ibid:511).

Underpinning both worldviews is the element of the researcher immersing herself into the subject’s context, the issue at hand and establishing relationships that bring her closer to lived realities which are seldom detected under scientific experiments. Knowledge in terms of what we know and how we acquire it is freed from rigorous rules and methods and is borne within the people who have the capacity to create knowledge as opposed to living out expectations and hypothesis.

### **3.2 Research Design**

The study is exploratory and descriptive in nature focusing on the Avenues Suburb as a case study. Exploratory research is defined as a means to “... identify a problem, clarify the nature of it and define the scope of it, to look for insights, develop propositions and hypotheses for further research, to reach a greater understanding of an issue” (Pearson nd: 2). This study is an attempt to explore the perceptions of the suburb’s residents to the court ruling. Descriptive research is “... about finding the answers to the *Who? What? Where? When? How?* and *How many?* questions” (Ibid). In this regard, the study aimed to address sub objectives such as measuring effectiveness of government interventions in ensuring women’s right to movement.

Guided by Pragmatic and Feminist worldviews, it adopted a Concurrent Transformative Mixed approach with great emphasis on qualitative methods. Concurrent Transformative Mixed approach is defined as

“...procedures are those in which the researcher uses a theoretical lens as an overarching perspective within a design that contains both qualitative and quantitative data” (Creswell 2009: 15). In this research, the researcher adopted the method using Radical Feminist Theory as the framework to guide the information to be collected, as well as expectations on what the research would uncover.

Mixed Methods design has met with criticism on its shortcomings in justifying its use or its reporting of results, among other arguments. Basing on O’Cathain, Murphy and Nicholi’s 2008 *Good Reporting of A Mixed Methods Study Framework* (GRAMMS), the researcher has adopted its guideline to answer questions such as (a) The justification for its use, (b) Purpose, (c) Sampling methods and how it was adopted in terms of integration of qualitative and quantitative data in respect of this study.

- (a) Justification: The research objectives encompassed both qualitative and quantitative questions due to its exploratory and descriptive nature. As such, the complex nature of the research which was largely qualitative required applying a mixed methods approach. Some objectives also required numerical capturing versus generalisation of views in presentation of results. The qualitative nature of some responses would most likely result in thematic appreciation which would result in generalisation that could not capture all responses from all respondents in some instances.
- (b) Purpose, priority and sequence of method: The research aimed to add new insights to the existing literature regarding women’s right to movement after the historic landmark ruling. Priority of information to be captured was placed on qualitative data and the data collection tool mainly comprised of qualitative questions.

Qualitative and quantitative data was sought through a questionnaire that had both closed and open-ended questions. The research tool was used on “all” research participants. Integration of data was conducted both on

result compilation and analysis as triangulation of responses was necessitated by the interconnectedness of the questions.

Great emphasis was placed on qualitative data as the research, which was based on a concurrent transformative design with emphasis on qualitative data sought to gain new insights in the form of perspectives of the community of the Avenues Suburb on women's freedom of movement. This was employed in the survey that targeted residents and business owners within the suburb.

### **3.3 The Sample**

The intended target population unit for the study included both sexes of all races from the age of 18 years and above in the Avenues Suburb whose activities are mostly affected by women's mobility after dusk. In all, a total of 100 subjects were expected to participate in the study. Men and women were the target population of this research in order to obtain a balanced perspective on women's right to movement (Hellum 1998:94). These would be derived from four Subgroups purposively selected for the study, namely:

- (a) Residents of the suburb
- (b) Victims of arrest
- (c) Business owners in the area
- (d) Commercial sex workers found in the area who may not be residents.

The researcher found it crucial to include the four groups in the research as they are representative of the community of the avenues that have insights on the issue of women's arbitrary arrests and they were the most affected directly and indirectly by the police raids. The target groups are also of different backgrounds and may give varying views on the topic under study.

Table shows the total number of respondents that were initially targeted at the beginning of the study per each Subgroup as well as the final total respondents engaged in the study.

Table 1 Number of subjects engaged in the research

Subgroup	Initial Target		Actual Respondents	
	Women	Men	Women	Men
Residents	20	20	15	15
Victims of arrest	3	n/a	3	n/a
Business owners	13	14	8	17
Commercial sex workers	30	n/a	26	n/a
Total	66	34	52	32
Total Overall	100		84	

The study had an overall 84% response rate. A few of the targeted participants were not responsive and were unwilling to take part in the study for fear of having their identity revealed in the press. All sex workers were female and the victims of arrest were female.

A complete list of the population of the Avenues Suburb was inaccessible, and including all the members in the research was not feasible resource wise, including financially, as well as in terms of the time available. Bearing this in mind, all subjects that took part in answering the questionnaire in the study were selected through non-probability purposeful sampling. Purposive sampling is defined as "... also called judgement sampling, is the deliberate choice of an informant due to the qualities the informant possesses" (Tongco 2007: 1). As this study was conducted using Mixed Method Design and collected both quantitative and qualitative data, it is

important to note and emphasise that the research tool simultaneously collected both data and since it was largely a qualitative study “all” subjects were purposefully selected. All who answered the questionnaire were then not subject to probability sampling which would have been adopted if quantitative data had not been sought together with qualitative data.

Subjects were selectively chosen upon meeting certain qualities that were necessary for the success of the research. These included occupation for selection of business owners and female sex workers. The other subjects under the resident’s category were selected on the basis of sex, age and having been a resident within the defined borders of the study. The sex workers were selected through snowball sampling in which “researchers use informants to introduce them to other members of their group” (Burgess 1982: 77). The initial point of contact among the sex workers who then introduced the researcher to other participants was purposively selected on the basis of their trade as well as willingness to participate in the study.

The study was carried out in the streets, a public venue or respondents’ place of abode, by their consent while targeted interviews were carried out in the subjects’ places of abode or business premises. Non-people related sampling which Robbins (2011:270) defines as follows; “ The concept[ of sampling] can be further stretched to include units that are not ‘people-related’ at all, for example, populations of situations (e.g. all possible locations in which someone might be interviewed) or of events or times. ”. In this respect, the researcher had to adopt late hours in search of female sex workers. She also had to visit bars, night clubs, lodges, makeshift brothels, residential flats as well as eating houses in search of research subjects.

### **3.4 Data Collection Methods**

#### 3.4.1 Key Informant Interview

The researcher carried out key informant interviews that consisted of semi-structured questions with three of the women who were victims of the 17 March 2014 arrests that culminated to the landmark ruling. In order to reduce internal bias, the interview with the victims of arrest consisted of questions that were of a similar nature in content as those that other subjects in the survey and focus group discussion were subjected to.

The researcher made prior appointments with key informants that were selected for their importance such as victims of arbitrary arrests in person. She had gathered information on how to locate the victims of arrest after having conducted a group discussion with some female sex workers whose trust she had gained. The interview with the three ladies was conducted at what one of the victims referred to as her 'base' or place from which she operated when looking for clients for sex work which was outside a popular bread and breakfast resort.

The researcher explained the purpose and motive of her research and secured the consent of the subjects in the form of a consent form after having assured them of her confidentiality on any information that she would get as well as about their identity.

The researcher also conducted an interview with a prominent lawyer renowned in the field of human rights. His insights, especially on issues pertaining to the rights of sex workers, were very useful.

#### 3.4.2 The Questionnaire

Primary research comprised the administration of structured questionnaires to purposively selected subjects. Distribution of the questionnaires was administered by hand and collected in person by the researcher to minimise loss of data

The study's transformative mixed method approach adopted the use of a questionnaire that consisted of closed-ended questions coupled with open ended questions in order to concurrently gather qualitative and quantitative data. The questionnaire was employed in accessing views mainly from the residents and business owners within the suburb. This was because most subjects preferred to have the questionnaire left in their care to enable them to answer questions at a time convenient to them. Interviewing subjects in this category was also not possible as the researcher did not have a venue at which to interview them.

Selected subjects were males and females 18 years of age and above. These were chosen according to their occupation through purposive sampling. The researcher introduced herself and gave a short explanation of the purpose of her study to each subject who indicated willingness to partake in the research. She also availed a letter of consent which included her contact details, as well as assurance that any information that would be gathered would be kept in confidence.

A great number of the respondents preferred to complete the questionnaire at their preferred time and requested that the researcher return to collect the questionnaire the next day. Some respondents could not be located at their place of abode and others claimed they had misplaced their questionnaires after the researcher had made repeated visits at their places of residency. In all, only 58 questionnaires were retrieved, a response rate was 83%.

#### 3.4.3 Focus Group Discussions

Adapted Focus group discussions were employed to interview female sex workers for the research due to the nature of the areas in which they were located as well as the time they selected to avail themselves for the study. Sex work is negatively viewed in Zimbabwe and those who engage in it are

most often stigmatised and ostracised. It was therefore not easy to gain access to sex workers, especially being a female researcher. The researcher thus adopted snowball sampling. After having managed to establish a relationship and trust with some female sex workers, the researcher managed to secure audience with other female sex workers within the different sections of the suburb.

The researcher being guided by feminist research prescriptions attempted to gain the trust of the women and not to offend the ladies during the course of the discussion. The researcher encountered various constraints in interviewing this target group. Establishing a relationship of trust and accessing the ladies was the first great challenge followed by the suitable method of gathering information from them.

In his analysis of field experiences, Burgess (1982: 15) quotes Wax (1971) who states that,

...strict and rigid adherence to any method, technique or doctrinaire position may, for the fieldworker, become like confinement in a cage. If he is lucky or very cautious, a fieldworker may formulate a research problem so that he will find all the answers he needs within this cage. But if he finds himself in a field situation where he is limited by a particular method, theory, or technique, he will do well to slip through the bars and try to find out what is really going on.

Faced by varied challenges in regards to this group, the researcher had to adjust her methods of approach and adapted the Focus Group Discussion where necessary to accommodate the preferences of the sex workers. In many cases, the female sex workers were not prepared to devote a lot of time with the researcher as they had expected a lot of material rewards for their participation which the researcher could however not give. Female sex workers in the area stated that they were used to having occasional workshops with organisations that assist women and in return they were



given medical treatment, food, contraceptives or lubricants, among other things.

Due to the form of their trade, the women were not prepared to have their conversations digitally recorded through use of video or audio means as they cited instances where they had been violated by journalists who at times posed as researchers only to black mail them for money or sex in return to keep their identity safe. The researcher failed to employ a co-facilitator who would aid in taking down responses due to financial constraints as well as fear of losing confidence in the sex workers through the introduction of an external actor not previously agreed upon. She also faced financial constraints in trying to access material such as whiteboards to use as a central visual aid where topics and responses could be written. In order to overcome these challenges, the researcher had to employ the use of questionnaires where the women would fill in their answers while the discussions were being carried out in order to save time. The adoption of these changes are not the conventional methods by which focus group discussions are carried out, but were necessary as sex workers requested discussion with the researcher to get clarity on the questions which they were not confident to complete unaided.

Hesse-Biber (2012: 16) notes that, "Increasingly, feminists are tweaking old methods and inventing new methods to get at women's experience." This is mostly done with the end in mind as environmental contexts do not always allow for a scientific application of collection of data. The changes adopted by the researcher to the conventional focus group structure were also made because she discovered that the sex workers were highly mobile with most plying their trade across towns. As such, the possibility of getting all those she would have initially identified would be quite small. The opportunity to retrieve questionnaires where the subjects would not benefit materially would also be unlikely. Apart from that, the sex workers felt they would need assistance in understanding some questions and chose to be addressed in groups. Thus, in order for the researcher to be able to

interview the ladies and capture their views, she had to adapt the focus group discussions to suit the environment.

The researcher managed to access three groups of female sex workers. The discussions were carried out in the rooms that the ladies used to entertain their clients whilst one group was conducted with them whilst sitting on the side-walk. The groups comprised mostly of 9-12 women. These women were located through the snowball technique as the researcher had requested the contact whose faith she had managed to gain, to request others to partake in the discussion. The discussions proved to be fruitful and resulted in other discussions on some problems that the women were encountering in their trade. The focus group discussions yielded 26 subjects.

### **3.5 Data analysis**

Data analysis was carried using the overarching Radical Feminist theory central to the research guiding on the knowledge to be collected. Exploratory data analysis and thematic analysis were adopted to analyse the data with quantitative data analysed in the former and qualitative data analysed in the later. The data collected was analysed after collation in order to assess the findings of the study and the main objectives and assess possibilities of new knowledge and areas of study. Secondary data encountered in literature review also went through analysis for new insights relevant to the topic as well as information necessary to meet objectives. The iterative process of analysing the data assisted the researcher to remain focused on the main objectives of the study.

Qualitative data was analysed through thematic analysis which is defined as “... one that looks across all the data to identify the common issues that recur, and identify the mains themes that summarise all the views you have collected.” (Bricki et al 2017: 23). The researcher used priori codes set

during the literature review as well as emergent codes which she gathered while going through the subjects' responses. The process of triangulation aided the researcher to corroborate information and assist in setting codes for analysis.

Quantitative data was analysed through exploratory data analysis according to Tukey 1977 cited by Robson (2011:419) to capture the frequency and distribution of common ideas within each target group of the subjects. The information was analysed as to how it was representative of the target samples and not the population of the Avenues Suburb. Data collected was then assessed in line with the objectives of the study in order to identify and group relevant information that will be further analysed in regards to the input to the study. The data once processed was used to strengthen qualitative data gathered. The data collected was presented using graphs as they give visual representation of information that can be understood. A summary of the views gathered from the key informant interviews was also compiled.

### **3.6 Reliability, Validity and Generalizability**

The following are ways to ensure validity and reliability:

Construct Validity: This was addressed through ensuring that qualitative information analysed in the literature was peer reviewed. The interviews were coupled with questionnaires in order to ensure collection of similar qualitative and quantitative data in all Subgroups. Triangulation of different data sources such as literature and responses given by the subjects aided to the construction of themes brought out in analysis of the findings.

External validity: The researcher ensured that she interviewed both men and women apart from the women who were arrested prior to the landmark ruling.

Reliability of the research is ensured as the Constitutional Court ruling applies to the whole of Zimbabwe as the court rulings are binding to all courts and rest upon the supreme law of the land.

### **3.7 Ethical Considerations**

The researcher ensured that all reviewed and cited literature was cited correctly to avoid plagiarism. She also made an effort to look for primary documents to corroborate information from some literature and understand it in context. She further made an effort to be honest with the participants on the study's intentions. All participants and respondents were given a thorough explanation of what the study was about, methods of collection of information, use of the information gathered and their right to consent or decline participation in the research before being presented with the consent form.

The study was carried out with the consent of the subjects who were informed that they were entitled to refuse participating in the survey at any stage of the interview or questionnaire. A privacy clause that protects any personal details of the participants in the event that they disclose their identity was availed in each of the questionnaires to be voluntarily filled before the interview. The provision of conducting the research in the participants' place of choice saw most participants choosing to be engaged in their homes. This in turn increased the participants' trust and ensured their privacy and confidentiality which adds to the quality of responses to the study.

Victims of arrest or those negatively affected by the research were informed of the possible danger that the research might pose to them and they were advised by the researcher of organisations that assist women and could assist them. Personal details pertaining to participants' name and residence were kept confidential and were not included or published in the research findings. All information gathered from the study was solely used for academic purposes. The researcher and supervisor's contact details

were made available to the participants in the event that they may want to contact them for any personal reason pertaining to the study.

The feminist prescription of the researcher becoming a tool and establishing a relationship when adopted by the researcher resulted in her establishing trust among sex workers and being exposed to challenges faced by sex workers which aroused negative emotions. Most sex workers contacted the researcher and asked for legal advice when faced with trouble. This was challenging as most often times the assistance needed was not one amounting to lawful actions.

The researcher herself was at one point subjected to aggressive behaviour by a man while she was conducting a discussion with sex workers by the side walk. The man claimed to be a 'handler' or a 'pimp' who catered for the welfare of all sex workers and demanded to be included in the research process. Sampling of male subjects was also problematic for the researcher as she often encountered men who tried to have the researcher interview them in their homes

The researcher's positionality in terms of educational background, understanding of the topic being feminist and pragmatic was constantly brought to junctures where she was at crossroads in bringing the topic at hand to bear with cultural considerations. This was often so when she was at times brought to bear upon questions posed by the participants themselves, mostly men who assertively decried the court ruling as a negation of the very existence of Zimbabweans themselves. Hesse-Bibier (2012: 16) highlights in her work that the feminist researcher brings together perceptions from feminism and postmodernism with the aim of 'emancipatory' knowledge building, during which the researcher and researched cocreate meaning through "reciprocity and negotiation."

Hesse-Bibier (Ibid) further notes that the researcher is interested in the resultant 'liberatory knowledge' and 'empowerment' of the researched produced by the research designs chosen and teaching practices employed.

Bearing this in mind, she was constantly made conscious of the reactions prospective subjects would make when accosted with the idea of having their knowledge assessed and when they felt the need to demonstrate knowledge by asking leading questions and eventually declining to participate or complete the questionnaire. This necessitated the researcher finding suitable means of engaging the sex workers without diminishing their confidence.

### **3.8 Research Limitations**

The researcher had to leave questionnaires with resident and business owner respondents as the majority of them requested to fill them in their spare time. This may have compromised responses as reactive effects of measurements may arise stemming from residents having discussed the topic with family and friends and gaining ideas that they had no prior knowledge of.

The researcher had to abandon interviews of sex workers after having been accosted by a man who claimed to be a 'handler' or 'pimp' and demanded to be included in the research during one focus group discussion with sex workers. Sex workers present advised the researcher to be wary as they felt that the man could stalk her within the suburb.

The researcher faced financial challenges which affected her capacity to capture other broad gendered challenges that could affect women's mobility, such as the current challenging economic situation which may bring different dimensions to their need to be mobile at certain times. The lack of finances also limited her ability to conduct focus group discussions as commonly prescribed in research as this required employing a co-facilitator, resources such as whiteboards, a venue as well as refreshments for the participants targeted in focus group discussions.

### **3.9 Conclusion.**

The researcher employed the Pragmatic and Feminist Worldview in her approach to the study and adopted methods focused on gathering the needed information as she saw necessary. She also employed mixed method approach that simultaneously gathered qualitative and quantitative data, emphasising qualitative information with the aid of a questionnaire as the central tool of data collection.

The research participants were made up of 32 men, 23 women, 26 sex workers and 3 victims of arrest. The methods of data collection comprised of literature reviews and administration of a questionnaire through hand delivery and focus group discussions. Data analysis consisted of exploratory and thematic data analysis guided by the overarching Radical Feminist theory. Though the research had some limitations in the administering of questionnaires the researcher managed to get sufficient subjects for the study. The researcher took note of ethical considerations such as citing authors she had reviewed as well as securing primary documents where she could. She also made sure that she attained the consent of subjects as well as ensuring their confidentiality pertaining to personal details.

The following chapter outlines the qualitative and quantitative findings of the study which were collected simultaneously to strengthen the study.

## CHAPTER 4: RESEARCH RESULTS

### **Introduction**

Chapter Four mainly outlines results of the study. It begins by giving pilot study results. Research results are then presented under Section 4.2. An outline of the demographic results is given under Section 4.2.1. Chapter Four goes on to give an outline of results for Primary Objective 1, 2, 3 and 4. Section 4.3 concludes the chapter giving a brief summary of all sections.

### **4.1 Pilot study results**

A pilot study was carried out to assess the average time respondents may require to answer questionnaires as well as the average time an interview may take so as to enable the researcher to adjust her instruments appropriately to ensure meeting of deadlines. The pilot study was also conducted on a few individuals before the actual survey to ensure clarity of the questions in the interview and questionnaire as well as to assess the possibility of capturing information intended to be collected by the study. The pilot study was also carried out in order for the researcher to identify any possible challenges that could hinder the collection of information in relation to the target population, the availability of respondents or the potential of harm to the researcher in the case of accessing respondents after dusk. The results were not incorporated in the research findings.

### **4.2 Research Results**

The researcher, having been guided by Radical Feminist and Pragmatic worldviews, was focussed on exploring the context of the problem at hand and employs various strategies to access the different elements that represent the population of the Avenues Suburb. The researcher also employed different methods of collection coupled with the questionnaire in relation to the different sub groups targeted in the research.



#### 4.2.1 Demographic Results

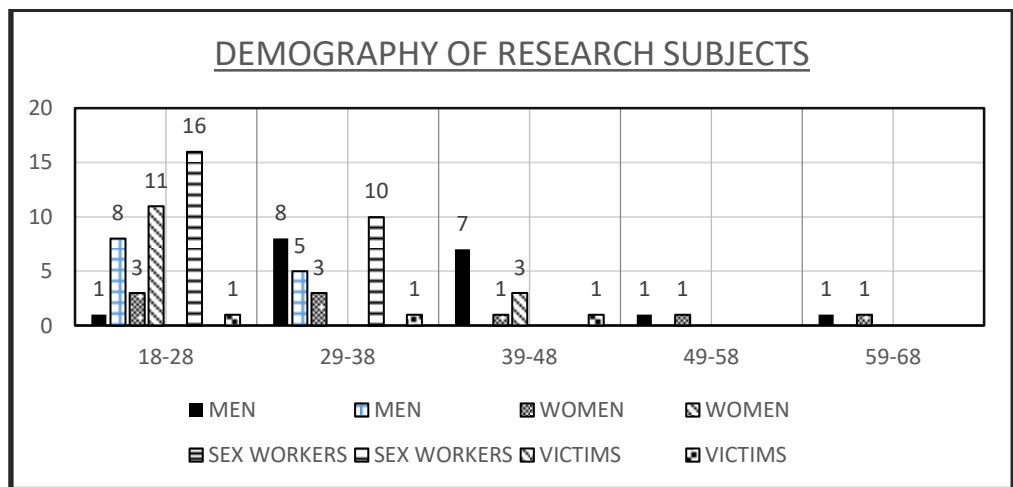
The researcher captured and compiled demographic results for all subjects that took part in the survey as well as those that took part in the focus group discussions. Information captured which was essential was the sex, age, marital status as well as the educational background of the subjects. The research subjects numbered 84 in total and are shown in Fig 1.3 as well as the demographic results in Fig 1.4 below.

Table 2 Percentage of subjects engaged in the research.

DESCRIPTION	SUBJECTS ENGAGED	% OF THE TOTAL NUMBER OF SUBJECTS
Women (residents & business owners)	23	28.2
Men (residents & business owners)	32	37.7
Female sex workers	26	30.6
Victims of arrest	3	3.5
Total	84	100

The representation of the total number of subjects engaged in the research is also shown below according to their marital status.

Fig 3 Demography of Research Subjects.



The researcher combined subjects from the residents and business owners Subgroup by sex in order for her to analyse results according to gender throughout the coalition and analysis of data. Women who were in the sex workers and victims Subgroup were excluded from the women’s category as the researcher wanted to capture their perception exclusively as they are the ones mostly labelled socially for their freedom of mobility. The majority of subjects engaged in the entire study mostly comprised of those aged 18 to 30 years who made up 61% of the total research. Those who were 31 to 42 years of age made up 26% and those falling within the 43+ years of age made up 13% of the total subjects. All participants were made subject to the same questions through different methods so as to reduce bias and collect information that is comparable.

Age: The average age for all female subjects engaged in the entire research from the three Subgroups was 29 years of age. The mean age group of the women’s Subgroup who comprised of residents and business owners was 30 years of age while that of men comprised of residents and business owners was 35. The mean age group within the Subgroups for female sex workers was 27 years of age whilst that of the victims of arrest was 36 years of age.

Marital Status: In the men's category, 19 were married whilst 13 were single men. In the women's category, 9 were married and 14 were single. All the female sex workers as well as the three victims of arrest were single.

Educational background: Subjects engaged in the study who had acquired primary education up to secondary advanced level made up 61% of the total 84 subjects. The remainder of the subjects that had attained or were undergoing tertiary education in the form of professional diplomas or university degrees made up 31% of the total 84 subjects.

**4.2.2 Primary objective 1:** Investigating and documenting government efforts towards gender equality in the protection of women's freedom of movement in Zimbabwe focusing on the Avenues Suburb.

In her exploration of government efforts towards gender equality in the protection of women's freedom of movement in the area, the researcher undertook secondary research as well as primary research in the form of acquiring information from subjects.

Secondary research poised at exploring the established mechanisms ensuring gender equality in the protection of women's right to movement was conducted through the review of literature in libraries and over the internet. The researcher's desk research revealed that the Government of Zimbabwe had made numerous efforts in the protection of women's freedom of movement in the form of legal and institutional efforts. Legally, the right to movement has been included in the new in Section 66 (2) (a) under the Fundamental Human Rights and Freedoms found in the Bill of Rights recognised in Zimbabwe. The granting of women's legal status through the Legal Age of Majority Act of 1982 made Zimbabwean women legal heirs to all rights and privileges granted any legal person recognised by the state. In light of this, women are also entitled to freedom of movement

afforded in the supreme law of the land which is the Constitution, according to Chapter 1 Section 2 of the 2013 Constitution.

The inclusion of gender equality issues in the new Constitution found in Section 56 which emphasises that all people regardless of sex are equal before the law and have a right against any discrimination on such grounds, also protects women's right to movement which was denied them based on sex. The new Constitution goes further to include women's rights as a special right in need of elaboration under Part 3 Section 80 of the Bill of Rights. The Constitutional Court Ruling of 2015 is another significant legal development to set a precedent and outlaw arbitrary arrests of women found exercising their right to freedom of movement after dusk as its judgements are binding to all courts according to Section 167 (1) (a) of the Constitution. Over and above all, the supreme law of the land in Chapter 1 Section 7 tasks the State to ensure that knowledge of the Constitution is ensured through its dissemination in all languages recognised in Zimbabwe. As such, women and men would be enlightened about their human rights, particularly the right of women's freedom of movement discussed in this research.

Zimbabwe also established a Gender Commission which, under Section 246, has the mandate "to monitor issues concerning gender equality to ensure gender equality as provided in this Constitution ...(and) to recommend prosecution for criminal violations of rights relating to gender;". The commission is also empowered to lobby for redress regarding violations of rights done on the basis of gender as well as recommend prosecution for any abuse of rights on the basis of gender. The establishment of this body and the duties granted to it in relation to women's right to movement indicate that gross, consistent abuse of any ones rights on the grounds of gender by public or private authorities may see the commission stepping in to secure redress of any violations and bring the matter to the attention of the parliament if needed be for legislative intervention.

Primary research directed to residents, business owners and sex workers involved questions relating to their interpretation of the right to movement, an assessment of their knowledge of gender equality as well as their awareness of its address in the Constitution. All subjects from the study demonstrated some knowledge of the meaning of the right to freedom of movement. Generally, all subjects cited freedom of movement as being ones right to move from place to place without hindrance, fear, or harassment regardless of time or gender.

Some responses given stated that:

“Every person has the right to move from one place to another freely without being monitored.”

“All people have a right to move about freely without harassment.”

“Moving from point A to B without hindrance.”

**4.2.3 Objective 2:** Exploring the relevance and efficiency of the measures adopted in addressing the challenges faced by women in exercising their right to movement focusing on the Liberal and Radical feminist approaches.

Primary research on the relevance and efficacy of measures adopted by the government entailed questions on legal attempts made by the State in addressing challenges faced by women in enjoying their rights such as that of movement identified in response to Objective 1 of this research. The issues assessed were about the community’s knowledge of issues such as gender equality, the Bill of Rights, LAMA and women’s rights in the Constitution. The researcher also explored women’s knowledge of the landmark ruling and perceived challenges that they faced in the exercise of their freedom of movement. Table 3 shows the responses given by the subjects on a range of issues geared towards ascertaining their knowledge of legal instruments put in place by the government to protect women’s rights as a percentage of the total subjects engaged with-in the particular Subgroup they belonged.

Table 3 Awareness of legal instruments protecting women’s rights.

QUESTION	MEN		WOMEN		SEX WORKERS		VICTIMS	
	Yes	No	Yes	No	Yes	No	Yes	No
1. Knowledge of gender equality.	84%	16%	78%	22%	65%	35%	67%	33%
2. Knowledge of Bill of rights.	37.5%	62.5%	13%	87%	38%	62%	0%	100%
3. Knowledge of Legal Age of Majority Act.	66%	34%	57%	43%	46%	54%	67%	33%
4. Knowledge of special women’s rights section in Constitution.	47%	53%	52%	48%	73%	27%	33%	67%
5. Awareness of Constitutional Court ruling	87.5%	12.5%	57%	43%	85%	15%	100%	0%

*Results as a percentage of responses given by the total subjects in the respective Subgroup.*

In response to knowledge about gender equality issues, both the female and male subjects had over 50% who indicated that they had knowledge about it. These subjects stated that it was when women were afforded equality in accessing opportunities, resources and treatment before the law, with rights just as men had. This can be discerned in one subject’s response that resembled others which stated that, “It’s a state of equal access to resources and opportunities regardless of gender.”

The resonating theme of women being equated to men was evident in all responses. One male subject stated that it was that women could now “...do what men do without discrimination as they are also people.” Some respondents noted that it was the actual practice of this equality whilst some pointed out that it was the pursuit of government to realise equality that was yet to be achieved. To one subject, the pursuit of this equality was more women centred with women being the drivers of the end in mind.

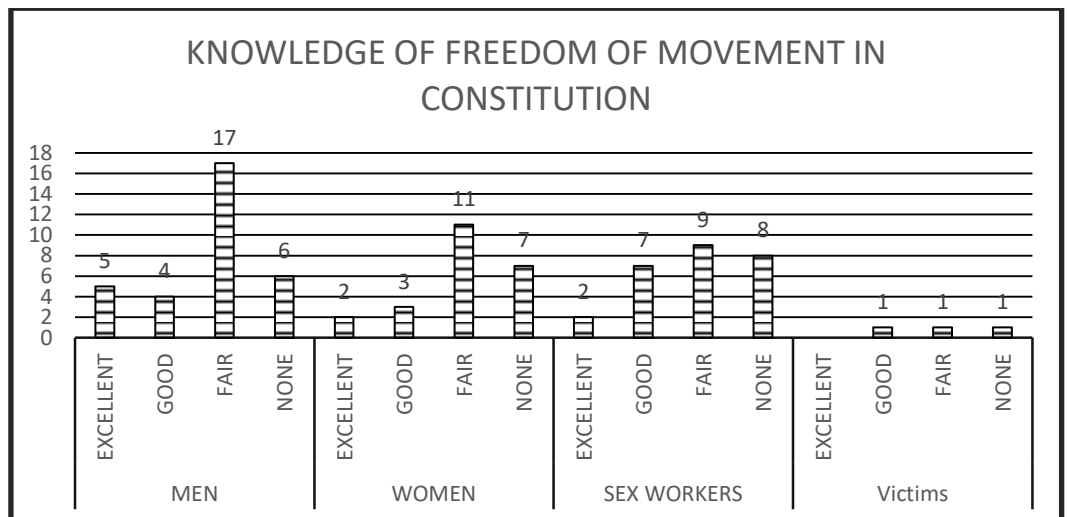
Responses given to the question on the subject’s knowledge of what the Bill of Rights contains received very low responses throughout all Subgroups as all did not meet 50% of their Subgroup and above. Most subjects indicated that they had no knowledge of the Bill of Rights as shown in Table 3. Few subjects who indicated that they had knowledge stated that it was an act that spelt out the fundamental rights of people outlining rights to education, shelter and health.

In regards to knowledge of issues found in the new Constitution, subjects cited issues on women’s rights, gender equality, human rights, rights of the accused, equal pay and marriage laws to name a few. The sources of this knowledge they had gained about issues found in the new Constitution were mostly from the media, namely, radio, television and newspapers; and also, non-governmental organisations and churches.

Subjects that indicated having some knowledge about the LAMA saw the men, women and victims of arrest indicating that over 50% in each subgroup had knowledge of it. These subjects stated that it was a law that indicated the legally recognised age when one could vote, be recognised as an adult or marry. The varied responses however showed that those who responded had different ideas about the legal age, with some stating that it was 16 years while others stated that it was 18 years. Most responses stated that it was the legal age that a girl could marry or engage in sexual liaisons.

On the question of the awareness of a section on women’s rights in the new Constitution, some subjects indicated having no knowledge of it, with most of those being male subjects. Subjects from both the residents and the sex workers that indicated having knowledge of a special section on women’s rights stated that these rights covered issues to do with domestic violence, sexual abuse, equal rights of women to participate in all spheres of life. Fig 1.6 below shows numbers of respondents per each Subgroup who indicated that they had knowledge of a section on women’s rights in the Constitution as well as their level of knowledge on what the Constitution says.

Fig 4 Knowledge of Freedom of Movement in the Constitution



In respect to knowledge of the landmark ruling, men and women had differing views on what the court ruling stated. The women who indicated having some knowledge of the ruling cited their source of knowledge as coming from the television, newspapers, research work, people, as well as police officers. The male respondents cited newspapers, law reports, television and people as their source of information.

The female respondents’ understanding of the court ruling was that women should not be arrested when found loitering after hours and should be able to exercise their liberty just like men. One of the respondents was of the view that prostitutes had been branded as biblical and thus could proceed



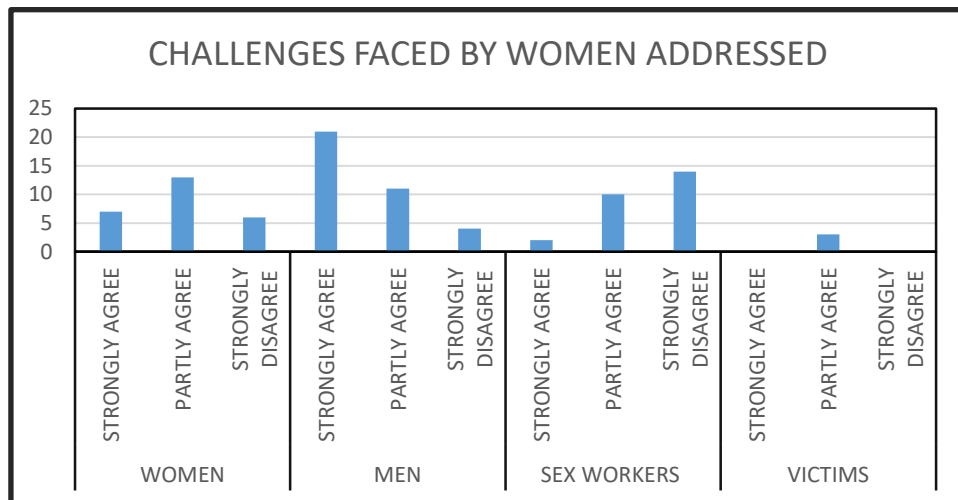
with their line of work in order to make a living as the then First Lady had stated this. Their male counterparts' understanding of what the courts said was that women were not to be arrested for loitering on assumption of prostitution as well as that police were not to harass prostitutes. Other men stated that their understanding was that women were now free to walk about naked soliciting as the ruling did not outlaw prostitution.

When asked about their knowledge concerning the Constitutional court ruling, all Subgroups had high scores indicating they knew of the ruling. The sex workers who indicated having some knowledge of the ruling cited their source of knowledge as coming from their friends, having been arrested and represented in court by a lawyer, statement by the First lady, people and media such as newspaper, radio and television.

The various responses on the understanding of the ruling were that everyone had rights; women were free to move and not be harassed or arrested by police. Others stated that police ought to arrest both women and men caught in prostitution and people should travel as they want, but should be arrested if found in a dubious position having sex. Some sex workers said the ruling stated that the former First lady had said prostitutes were trying to earn a living and so should be free from police harassment and not arrested because they were her friends. Victims of arrest and all women indicating knowledge of the arrests from their experience and their understanding was that the court said they were free to move at any time to make money in order to fend for their families.

Responses given by all subgroup in response to whether they thought that challenges previously faced by women in their exercise of their freedom of movement had been addressed received varied responses with men being the most to indicate that these challenges had been addressed. The table below shows the number of responses given by different subjects within their respective Subgroup on whether challenges previously faced by women had been addressed.

Figure 5 Challenges faced by women addressed or not addressed.



Responses pertaining to the challenges women face in enjoying their right to movement indicated that women’s mobility after dusk is still riddled with problems. This is despite the fact that some subjects do believe that women and men enjoy exercising their right to movement equally as they cite seeing women out and about in the late hours of the night. Subjects from the women’s Subgroup noted that women encountered challenges such as that before the ruling they met challenges such as rape and harassment by men. Some also raised issues of rape, physical and verbal harassment by civilians. Those in the sex workers Subgroup noted similar challenges, as well as arbitrary arrests and extortion by police officers. They further noted that some of these challenges had not been resolved as women were still harassed as well as labelled prostitutes, although from men instead of police when found walking about late.

Most women acknowledged that arrests were no longer exercised. They strongly felt that these challenges had been addressed as women were no longer arrested; they could work late shifts and not fear being arrested and that there were no longer police raids at lodges. Male respondents also noted that before the ruling, women were subject to arbitrary arrests and sexual assaults by police officers while some noted that women used to be

mugged or kidnapped. Since the ruling, they noted a decrease in arbitrary arrests.

Other respondents however indicated that challenges faced by women were not addressed as women were still mugged due to the absence of police on the streets. Some indicated that women were still harassed by police officers. The male business owners stated that women were subject to arbitrary arrests, police used to break into client's residence in lodges and apartments, women were raped by street kids and any woman was labelled a sex worker for walking late. Some felt that challenges were partly addressed as women were still arrested in the streets or at the gates of the lodges or were still vulnerable to being mugged.

Sex workers noted that before the ruling, they were subject to being mugged in the streets and being robbed by fake police. The majority of the sex workers cited issues of being subjected to, arbitrary arrests, having their houses broken into, extortion and sexual abuse and infection of sexually transmitted diseases at the hands of police officers who raped them without the use of protection even within police cells. Other sex workers felt that these challenges had been partially addressed as there were fewer police raids and women could walk freely some of the time. Some however stated that although they were freed from constant arrests, there were more robberies because of the absence of police. Some noted an increase in street urchins who would occasionally rob them. The majority of the sex workers stated that the challenges had not been fully addressed as they were still subject to arrests from police and were being beaten by soldiers occasionally.

Significant changes and experiences the female respondents noted after the landmark ruling among the residents were that they thought that the ruling was being abused by most women, especially sex workers who tended to walk about naked during the day. The female respondents also noted that there was an increase of sex workers and that there was now an

absence of any police in the area. Other respondents noted being harassed by men on assumption that they were sex workers.

The male respondents noted that things were still the same although there was an increase of movement in the area, especially by sex workers. Cases of skimpily dressed women flashing their bodies at men and some physically and verbally harassing men while trying to solicit were also raised. Some of them noted that there was misinterpretation of the ruling as there was an advent of younger sex workers than usual, incidents of older sex workers pimping out younger girls as well as an increase of an increase in cases of extortion of curb crawlers and innocent men by sex workers. The men also noted that there was an increase in men prowling the area in search of sex workers resulting in the harassment and even rape of women though men's responses in this subgroup felt that women's challenges had been addressed as shown in Fig 5.

**4.2.4. Objective 3:** To investigate and document the legal and social implications of Section 81 (2) of the Criminal Law (Codification and Reform) Act Chapter 9:23 on women's rights and their right to freedom of movement in Zimbabwe.

In order to gather information in regards to the Criminal Law and Codification Act, the researcher had to embark on desk research coupled with field research. Desk research involved primary research of analysing the act as well as an interview with a lawyer in the field, Mr K. Phulu, a Senior Partner at Phulu and Ncube Legal Practitioners. Questions on the Act were also posed to the subjects engaged in the research.

The Criminal Law and Codification Act 9:23 is an Act put in place to delineate all acts deemed to be crimes in Zimbabwe, their profile, as well as sentences accruing from having committed those crimes. It came in force to repeal the Roman-Dutch Criminal Law. Part 3 of the Act Division E deals

with Sexual Crimes which are central to this research as they are the basis upon which women in Zimbabwe and those in the Avenues in particular have had their right to movement violated. Part 3 of the Act Division E does not directly contain a clause that outlaws prostitution, but it explicitly outlaws its facilitation in Section 82, procurement of women for such purposes in Section 83 among other related ideas.

Section 81 prohibits soliciting as it states that:

“(1) In this section- ‘publicly solicits means-

- (a) Solicits in a public place or any place to which the public or any section of the public have access; or
  - (b) Solicits by publication of the solicitation in any printed or electronic medium for reception by the public.
- (2) Any person who publicly solicits another person for the purposes of prostitution shall be guilty of soliciting and liable to a fine...”

Soliciting is not defined in any manner that deliberately acts against women enjoying their right to movement. Furthermore, acts of prostitution within Part 3 are defined through gender neutral language pertaining to persons that are referred to as ‘him’ or ‘her’ do not directly single out women as the actors.

The researcher also reviewed issues relating to the act to subjects engaged in the survey and focus group discussion. When asked about the knowledge of the Criminal Law and Codification Act, a majority of the subjects from all the Subgroups indicated they had no knowledge of the act. Women who indicated they had knowledge of the act stated that they understood that it was the act that outlawed loitering or breaking of the law. Some stated that it spoke about the arresting of thieves and unscrupulous people.

The male respondents who indicated knowledge of the act noted that it was the codification of all previous common law crimes. Other respondents stated that it was an act that outlaws loitering while another stated that it stipulates that those who broke the law ought to be arrested. The male respondents stated that it dealt with infringement of the law which constituted a crime, criminal law or legislation that composed an area of criminal law. The sex workers and victims of arrest indicated that they were not aware of the act and had no knowledge of its contents. The table below summarises the percentage responses per each Subgroup.

Table 4 Knowledge of Criminal Law and Codification Act

SUBGROUP	QUE: Do you know about the Criminal Law and Codification Act?	
	Yes	No
Men	28%	72%
Women	13%	87%
Sex workers	0%	100%
Victims	0%	100%

With regards to the subjects' understanding of the term soliciting, a majority of the subjects in all four Subgroups indicated that they had no knowledge of the Act. When asked about their knowledge of the term soliciting, those in the women's Subgroup who indicated that they understood the term stated that it was the actual practicing of prostitution, loitering to get clients for prostitution, being found out after dusk, and advertising sex; all responses being practiced by women. When asked about their understanding of the word 'soliciting', the sex workers who responded gave varying explanations such as that it was being seen in the company of

a man, asking for money in exchange of sexual favours, whilst some stated that it was when both men and women were arrested for prostitution. The male respondents indicated that it was when women sold their bodies or gained money through sex. Other respondents stated that it was the asking of sexual favours, loitering or advertising by a person for money in exchange for sex by an individual.

**4.2.5. Objective 4** To investigate and explain the perceptions of women’s freedom of movement in Zimbabwe in the Avenues Suburb since the 27 May 2015 Constitutional Court ruling from the perspective of residents in the area, business owners, commercial sex workers as well as victims of the arrests leading to the landmark ruling.

Responses in regards to how the subjects viewed the importance of women’s right to movement as well as whether women should be afforded their right to movement received varied responses within the different Subgroups. The table below indicates responses by people calculated as a percentage of the total responses given within that Subgroup.

When asked how subjects viewed the importance of the right of women’s freedom of movement, the responses in the Subgroups were as follows as shown in the Figure 6 and Table 5 respectively.

Fig 6 Importance of women’s right to movement

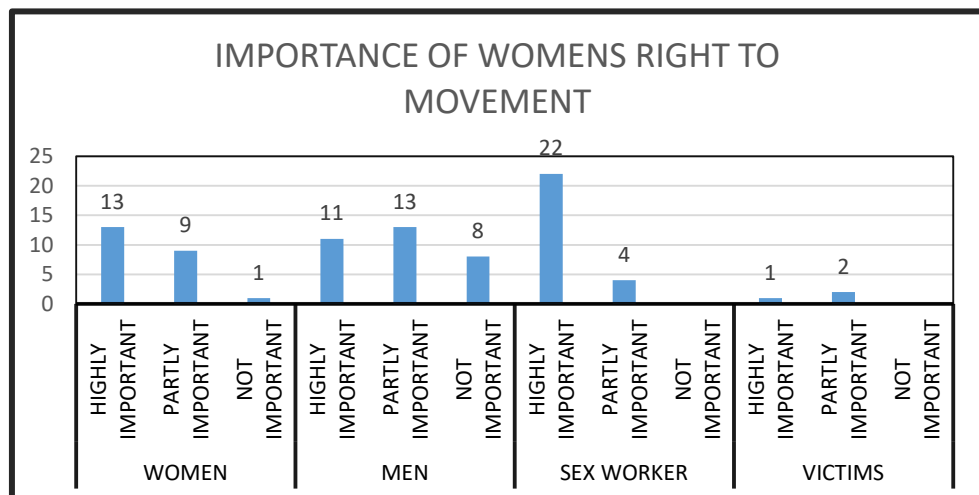


Table 5 Percentage responses on the importance of women’s right to movement.

SUBGROUP	QUE: How important is women’s right to movement.		
	Very High	Partly Important	Not Important
Men	34%	61%	25%
Women	57%	39%	4%
Sex worker	85%	15%	0%
Victims	33%	67%	0%

Subjects within the women’s Subgroup made up of female residents and business owners who felt it was very important, as well as those who felt it was partly important, making up 96%, gave varied social and economic reasons for its importance. Some of the reasons were that women were not 9 am to 5pm creatures and that restriction of movement on gender basis was a violation of rights. Women indicated that they required their right to movement in order to go to churches, hospitals, and work and noted most importantly that women now also took up jobs that ended at odd hours. Women who felt that the importance of women’s movement was not important at all, who made up 4% of the women’s Subgroup, felt it was not important as women were negatively labelled by police as prostitutes.

Women from the sex workers Subgroup who felt that the right was very important as well as partially important made up 100% of the sex workers Subgroup. All the women from the victim’s Subgroup indicated that women’s movement was important though to varying degrees of



importance. Their reasons for their responses cited civic, economic and political reasons for the protection of women's right to movement.

Men from the male Subgroup made up of residents and business owners had a total of 34% indicating that women's right to movement was important while 61% stated that movement was partially important. Reasons for their views on the importance were that it was very important as everyone was equal, people had different obligations leading to one travelling late; it was necessary for development as women were also breadwinners while some thought people ought not be judged by the way they dress or move. Those who felt it was partly important stated that it was important if one moved for an important reason; some shifts ended late and that not many of the arrests were unlawful. Those that felt it was partly low indicated that women had a social time limit for them to travel as they could be kidnapped. Subjects who felt it was not important at all stated that women were vulnerable and not safe travelling late. Some indicated that a real woman would travel during what they termed "good time" and only loose women could be found walking around after dusk.

The views gathered by the researcher on whether there was a socially stipulated time which, though not legally recognised, was socially accepted and recognised within the community indicated that most Subgroups believed that the social time existed among the men, sex workers and victims Subgroup. Each of these Subgroups indicated that 50% and over believed that the social time existed. The women's Subgroup was the only Subgroup where less than 50% of that Subgroup believed that a socially stipulated time existed. Those who believed the time existed from the three Subgroups showed that women believed it was between 6-8 pm whilst sex workers indicated that it was between 12pm to 1am. Men indicated that the social time was, 8pm for married women, 9pm and 12pm or 1pm. Some stated that the time was subject to fathers and husbands who would dictate to their daughters and wives while another stated that according to

Ubuntu or moral law it was socially agreed that women ought to be home before dusk.

Common to all subgroups was a further qualifying factor that subjects indicated as justification for this time. Such factors cited that gave rise to this time were the need to avoid abuse, the need for an escort, dress code issues as well as a woman’s marital status. The theme that this time was necessary was also associated with the need for women to be home because of cultural reasons as well as for them to be able to render care for their families.

Table 6 below shows the responses given on the subjects’ awareness of the existence of a socially stipulated time with calculations made as per the total subjects within that Subgroup.

Table 6 Awareness of a social time limit on women’s movement.

SUBGROUP	QUE: Is there a socially recommended time limit that women should move about?	
	Yes	No
Men	50%	50%
Women	48%	52%
Sex workers	65%	35%
Victims	67%	33%

With regards to the societal perceptions of women who travelled late, women in the women’s Subgroup showed that they perceived women who exercised their right to movement after dusk as being prostitutes. Another

theme revealed in the responses within this Subgroup were that such women were brave or would need to do so once escorted for safety. Some indicated that these women should do so after considering what was important if they were married or had families. Sex workers, however, mostly responded that they viewed the importance of their movement in high regard as it was a right due to them by virtue of being Zimbabwean and that it was a free country. Some cited reasons such as their being equal to men and the need for movement to enable them to fend for their families. Those who indicated that it was partly high in importance stated that women also needed to work late shifts for their families.

Male respondents indicated various views such as that women could end up in danger of being raped, robbed or kidnapped and could do so at own risk. Some indicated that such women were prostitutes because women were expected indoors, especially in an area where prostitution was rife. Others stated that it was their right; it was ok as no person moved about for no reason while another felt that the government needed to enact a law that stipulated times that women could travel.

Table 7 Women’s right to movement rated in association with prostitution.

SUBGROUP	QUE: Women who exercise their right to movement do so for purposes of prostitution.		
	Strongly Agree	Partly Agree	Strongly Disagree
Men	19%	56%	25%
Women	21.73%	56.52%	21.73%
Sex workers	19%	50%	31%
Victims	0%	67%	33%

The responses of subjects from the women's Subgroup to changes they have seen since the landmark ruling indicated that women were still walking about skimpily dressed or near naked during the day. They also stated that there was a marked absence of police presence. Other women noted that there were no more arbitrary arrests of women, although harassment by men on assumption that they were sex workers was now common. Subjects also cited that there was an increase of littering of the business area with used condoms as well as young sex workers, e.g. below 20 years. One subject said there were cases of school boys in uniform frequenting sex workers' residences during school times.

Female sex workers noted that since the court ruling, there were lesser raids by police than before and no more reports of sex workers being jailed or taken to court for prostitution. However, they stated that there were still occasional raids where police would arrest you and instead of taking you to the station, they could keep you and drive around with you into the wee hours of the morning unless you paid them in the form of money or unprotected sex. Soldiers making rounds and beating up sex workers were also on the rise with more robberies being noted as there were no police patrols. Some sex workers said there had been a change briefly after the ruling but police still made raids and arrested women although they were never taken to the police station. Another subject stated that men were no longer paying as much as they used to and that they were subject to verbal abuse by pedestrians. Some cited harassment from a journalist (name supplied) from a popular paper, The H-Metro, as well as being blackmailed for sex by this journalist.

### **4.3 Conclusion**

The research's main objective revealed that the government of Zimbabwe has made significant legal strides towards availing women their right to freedom of movement. Legally, issues pertaining to inclusion of the right

within the Bill of Rights, gender equality and a special section geared towards elaborating women's rights within the Constitution are significant in the pursuit of this end. The government also enacted LAMA and put in place the Gender Commission aimed at buttressing women's rights, as well as that of movement central to this research. Under Objective 2, the effectiveness of these strides which are characteristic of Liberal Feminist prescriptions was reviewed in terms of their effectiveness by assessing the knowledge of these instruments by the subjects. The majority of subjects had little or no knowledge of these instruments.

Another revelation made by the results was that the court ruling was greatly misunderstood as legalising the trade of prostitution. It also emerged that women's exercise of movement was still challenged by issues of violence as well as ideological issues. Objective 3 results indicated that the Criminal Law and Codification Act is geared towards protecting women from issues related to prostitution by mainly prohibiting its facilitation. It also emerged that there is no definite law against prostitution. Responses by the subjects revealed that the majority of them had no knowledge of the Criminal Law Act and viewed the term "soliciting" as mainly a female activity. Objective 4 revealed that women's movement after dusk is mostly seen as being for purposes of prostitution. Although women's movement is mostly seen as necessary for socio-economic reasons across the board, it is still subject to a social curfew and riddled with challenges.

To sum it up:

1. The government has made major strides towards legal and institutional provisions in ensuring women's right to movement.
2. Generally, there is lack of knowledge exhibited by the participants about the legal provisions as well as the instruments put in place to ensure women's right to movement.
3. The Criminal and Codification Act prohibits the facilitation of prostitution, but there is no law in existence that prohibits the act itself.

4. Challenges to the exercise of women's right to movement exist in ideological and physical forms; most importantly, illegal arrests are still carried out by law enforcement agents despite the landmark ruling.

The following chapter analyses, within Radical Feminist prescriptions, these research findings in light of existing literature on women's right to movement.

## CHAPTER 5: DISCUSSION

### 5.1 Introduction

#### **Justification of research topic**

The Universal Declaration of Rights in its preamble highlights how all should be afforded rights equally and that human rights are inalienable and therefore should see all people enjoying their rights regardless of sex. The clarion call that all rights are further deemed to be indivisible, interrelated and interdependent has been further echoed in human rights discourse. In light of this, a right is only enjoyed through the observance and availing of all other rights. Thus, the provision of women's right to movement is seen as a crucial component in the enjoyment of all rights by women as they should be free of ideological, physical and legal barriers to the exercise of their right to movement.

The study aimed to document and provide an assessment of the efforts made by Zimbabwe to ensure the protection of women's right to freedom of movement whilst looking at the shortcomings of these efforts as well as the obstacles that have hampered the understanding and practice of these rights at the hands of law enforcement agents. In so doing, it sought to look at the gap that exists between law and the actual practical application and realisation of law in the society in relation to women's right to freedom of movement, its causes and how best social scientists and formulators of law can address these problems.

It also creates awareness on the need to remove the negative social stigma associated with gender in relation to the right to freedom of movement for women in society and bring to light the need for government and non-governmental organisations to realise the need to assist in this exercise.

Most importantly, it reveals the need to involve women and men, as the former are the end targets of law that is mostly created and strongly influenced by the latter in the formulation and reformation of laws that seem to serve their needs at the surface, but actually serve to further isolate and disempower them legally and socially. This is crucial in order to transform the laws and society towards the appreciation and acceptance of gender equality.

### **Recap of literature review and methodology**

Women mobility has since before colonialism been riddled with legal, physical and ideological challenges owing to different ideological reasons directly related to patriarchy. Laws such as the Native Marriages Ordinance, Native Registration Act, as well as the Vagrancy Act, sought to regulate and control women's mobility which was perceived to be synonymous with immorality. Since the inception of the Vagrancy Act, women were frequently arrested through police raids on the grounds of loitering for purposes of prostitution until the 2015 landmark ruling that ruled against such acts as amounting to depriving women their right to liberty and freedom of movement.

The inception of independence saw with it the Zimbabwean government trying to correct the injustices of the colonial period through availing women rights through legal mechanisms characteristic of Liberal Feminist prescriptions. These attempts were seen in the form of the introduction of gender equality, removal of discrimination, as well as inclusion of women's rights in the Constitution, and most notably the Legal Age of Majority Act. This research focused on investigating the measures employed by the State and assessing their effectiveness basing on the Radical Feminist theory. Furthermore, it focused on capturing the views of those in the Avenues community on their perception of women's right to movement since the court ruling that is central to this research.



This exercise was pursued within the Pragmatic and Feminist Worldview prescriptions as it was an exploratory research geared towards discovering new information about perceptions relating to women's right to movement. The adoption of the worldviews influenced the methods adopted by the researcher as she chose a transformative mixed methods approach at gathering information from the subjects. This involved the use of a questionnaire administered to residents and business owners in the suburb, focus group discussions with sex workers and interviews with victims of arrest to gain insights on their views on the subject under research.

### **Justification of sample**

The sample was chosen purposefully based on key attributes such as residency, business owners and health practitioners; female sex workers and some of the victims of arrest. These were considered to be the main stakeholders in the Avenues Suburb. The large number of sex workers was selected in order to enable the capturing and accommodation of views from sex workers mostly found in different areas. The number was also arrived at as a way to maximise on collecting varied views from this Subgroup as the subjects had been acquired through the snowball method which is usually critiqued for its propensity to collect similar information as subjects who know each other are bound to have similar experiences.

### **5.2 Brief recap of objectives and major findings**

The results of the research yielded various insights on the issues surrounding women's right to movement.

**Objective 1:** Investigate and document government efforts towards gender equality in the protection of women's freedom of movement in Zimbabwe.

- The inclusion of freedom of movement as a right in Section 66 (2) (a)

- The government introduced gender equality, special section on women’s right in the Constitution, Bill of Rights, as well as LAMA.
- State creation of institutional instrument geared towards enhancing gender equality in the form of the Gender Commission.

**Objective 2:** Exploring the relevance and efficiency of the measures adopted in addressing the challenges faced by women in exercising their right to movement focusing on the Liberal and Radical feminist approaches.

- Level of subject’s knowledge of legal instruments towards securing women’s right to movement.

**Table 3 Awareness of legal instruments protecting women’s rights.**

QUESTION	MEN		WOMEN		SEX WORKERS		VICTIMS	
	Yes	No	Yes	No	Yes	No	Yes	No
1. Knowledge of gender equality.	4%	16%	8%	2%	65%	35%	67%	33%
2. Knowledge of Bill of rights. *	37.5%	62.5%	13%	87%	38%	62%	0%	100%
3. Knowledge of Legal Age of Majority Act.	66%	34%	57%	43%	46%	54%	67%	33%
4. Knowledge of special Women’s rights section In Constitution.	47%	53%	52%	48%	73%	27%	33%	67%
5. Awareness of Constitutional Court ruling	87.5%	12.5%	57%	43%	85%	15%	100%	0%

Calculated as a percentage of responses given by the total subjects in the respective Subgroup.

- Gender Commission has limited advisory powers.
- Misrepresentation of Constitutional Court ruling by people of note, resulting in misinformation regarding women's right to movement.
- Women's movement still challenged by fears of gender-based violence, actual verbal and physical violation of women, as well as continued arrests of women by police leading to extortion and abuse.
- Women's movement hampered by absence of police patrols in the area.
- Women's movement hampered by violence from street urchins and robbers.

**Objective 3:** Investigate and document the legal and social implications of Section 81 of the Criminal Law and Codification and Reform Act Chapter 9:23 on women's right to freedom of movement.

- Criminal Law and Codification Act geared towards protecting women from issues related to prostitution.
- No definite law prohibiting prostitution but focussed on prohibiting its facilitation.
- Majority of the subjects are not aware of the Criminal Law and Codification Act.
- Responses on the term "soliciting" largely show that it is understood as an act conducted by women.

**Objective 4:** Investigate and explain the perceptions of women's freedom of movement in Zimbabwe's Avenues Suburb since the Constitutional Court ruling.

- A woman's right to movement not seen as an important exercise.
- A woman's right to movement largely seen as necessary for socio-economic reasons.
- Women's movement after dusk seen as amounting to reasons for prostitution.
- Challenges facing women in their exercise of the right to movement not resolved.

### 5.3 Analysis of results

#### 5.3.1 Primary objective: Investigating and documenting government efforts towards gender equality in the protection of women's freedom of movement in Zimbabwe focusing on the Avenues Suburb.

Government efforts adopted to protect women's right to movement have been adopted with a Liberal Feminist Perspective. Liberal Feminists believe that women's inequalities are a result of unequal legal opportunities. Availing women legal rights to movement enables them the opportunity to approach the courts as a measure to secure their right to movement when violated, such as in the court ruling central to this research. Thus, under Liberal Feminist prescriptions, women enjoy the same rights as men and their subordination is addressed (Saulnier 1996: 14).

Liberal prescriptions also place emphasis on legal reforms and in turn place the state at the centre of the rights discourse as the central agent for "social engineering". Some scholars say Liberal Feminists' aims are to reform the existing norms and systems in order to include women instead of changing the status quo and this is to be achieved on the assumption that equal opportunities would result in more women taking up roles that were previously exclusive for men only. In the light of this research, the availing of equal right to movement would, according to Liberal Feminist

prescriptions, result in women equally enjoying their right to movement on the same plane as men do. The research revealed that the state has made various legal concessions, noteworthy being inclusion of the right in the Constitution as a way of legally ensuring women their right to movement.

Radical feminists, however, critique the over emphasis of the state being the sole means of addressing women's oppression whilst maintaining the very state of affairs as they view the state as being a parochial tool. Such legal attempts are seen as resulting in the maintenance of structural foundations of oppression such as norms that are retained and remain operational, thereby rendering women's problems invisible in the face of conciliatory legislation that appears to solve women's oppression. Liberal feminists are known to "...focus on the centrality of an ideal state that respects all its citizens, thereby granting and protecting equal rights and opportunities for women and men" (Sarikakis 2009: 505), and yet this is an ideal which may not be feasible when patriarchy reigns supreme and all processes are dictated according to patriarchal perceptions. This can be seen in the continued arrests of women since independence on the instruction of the very State by law enforcement agents. This state of idealism is also seen through the failure of the lower courts to purposefully interpret women's movement as being legal and not a criminal offence as the Constitution prescribes. Dahl (1987) identifies such shortcomings in the use of law as a tool of socio-engineering which she refers to as social lag, which according to her is a situation in which the law precedes development in reality or when rights on paper advance women as opposed to lived realities.

Liberal Feminist prescriptions also go in tandem with the recognition of the intellectual ability of women as they see women as being equally capable in intellectual pursuits. Access to opportunities in acquiring knowledge are thus an important aspect raised in Liberal Feminism, similar to the legal tasking of the State to educate the citizens, women included, of their rights and opportunities as outlined by the Constitution in Chapter 1 Section 7.

This research investigated fulfilment of this mandate through the assessment of the Avenues Community's appreciation of the Constitution in regards to what it says in respect of gender equality, its understanding and knowledge of the landmark ruling judgment, and moreover, knowledge and accessibility of the supreme law of the land itself. An analysis of responses given in line with the above is crucial to understand whether government is fulfilling its constitutional role or not.

Most respondents exhibited lack of proper knowledge, as well as the inability to access the Constitution. Women's right to movement is also only feasible in as much as the community is aware of the opportunity offered to women in terms of the protection of their right in reality. The majority of the subjects engaged in the study that made up 61% of the total subjects indicated that they attained primary education to advanced level education with most of them indicating their sources of information about the Constitution as being the media which may be subject to interpretation of journalist's choice of information to relay. A further assessment of the educational background of all individuals who took part in this survey indicate that they are all educated at least to the level of Zimbabwe Junior Certificate in Secondary education, and yet none of the respondents cited school as being the source of their information in regards to constitutional matters. Sources cited by the respondents indicate that the government's mandate according to Section 7 subsection (b) and (c) is not being adequately met in light of the above. Most respondents cited friends, churches, non-governmental organisations and the media as being their sources of information. This is particularly important in assessing shortfall in government efforts 5 years after the adoption of the new Constitution in 2013. There is great need for the State to take up the task of educating people about their rights as well as being directly identified in the course of doing so as per its mandate pointed out within the Constitution.

+Legal reforms that are State-centred as per Liberal Feminist prescriptions such as the creation of the Gender Commission operating under a biased

system are seen through a Radical Feminist lens as ineffective since the State is seen as a patriarchal tool that perpetuates these inequalities. The Research and Advocacy Unit in its study on the Gender Commission identifies shortcomings inherent within the Commission which they see as emanating from the nature of the mandate awarded to the Commission itself. They note that the Commission can only recommend any issues, but do not have binding power to make their recommendations acted upon. When viewed through a Radical Feminist lens, shortcomings that the researcher identifies are as a result of lack of will power on the State which is patriarchal in nature with a large male leadership and few women who enjoy the few opportunities availed to women created by legal adjustments that preserve the status quo of women's oppression.

A further analysis of responses given by both sexes in regards to government efforts in relation to its mandate to advance public awareness of the Constitution as per Chapter 1 Section 7 shows that a significant portion of society has a general appreciation of gender equality. When individuals indicated knowledge of the concept and having a general idea of it, the researcher categorised their responses as adequate knowledge of the term. An analysis of responses indicate that the main theme brought out in their understanding of gender equality is that it is a pursuit of the state of equality between men and women in terms of material gains, e.g. equality in having access to resources and availability of opportunities. These prescriptions are characteristic of the "welfarist" approach adopted by the government of Zimbabwe through the Women in Development and Women and Development approaches to address gender disparities noted by Essof (2013:76).

Responses further indicate an understanding of gender equality as being a state where women are elevated to be "like" men and do what "men" do. Thus, men are the supreme standard whose attainment would better the position of women, which all responses saliently recognise as being subordinate and inferior. Some scholars have critiqued the understanding

of gender equality as an end where women are offered material gains such as found in these responses. This is so as they view them as being liberal demands sought within the parameters of patriarchy that do not address structural power relations in society, which affect women's gender needs.

### **5.3.2 Secondary objectives 2: Exploring the relevance and efficiency of the measures adopted in addressing the challenges faced by women in exercising their right to movement within the Liberal and Radical feminist approaches.**

In assessing the relevance and efficacy of measures adopted in addressing challenges faced by women in exercising their right to movement, research questions looked at the communities' knowledge of the Bill of Rights, Legal Age of Majority Act, knowledge of elaboration of women's rights in the Constitution and explored changes that have been noticed since the court ruling.

Liberal reforms that the government has established as identified in the first objective of this research have proved to have some shortcomings when analysed with a Radical Feminist lens. Legal provisions such as enshrining women's rights, issues of gender equality, as well as the LAMA within the Constitution, have clearly failed to address all challenges that women are experiencing. Proof of this are the existing challenges identified in the responses given by the subjects from all subgroups. Both women and men identified issues pertaining to women's susceptibility to attacks or rape as some of the major challenges women face in exercising their mobility. In light of this, the impending threat is forever saliently present in women's lives, acting as a deterrent to one's exercise of their right as happened in colonial Zimbabwe.

Responses in regard to LAMA indicate that those who have an understanding of the Act know about its relevance in the area of legal age of marriage and consent to sexual activity for women. Liberal prescriptions



adopted in legislating Acts such as the LAMA in addressing the legal minority status of women in all spheres of life, including that of right to movement after independence, have proved to be ineffectual as a significant portion of all subjects of the research have no knowledge of the Act. Furthermore, women are still viewed as minors through the existence of social norms that are contra to general law and appear binding in the Avenues community. This is evidenced by the socially prescribed time limit that women are expected to move, ranging from 7- 11 pm that is indicated by the majority of respondents in all Subgroup. The efficacy of the numerous Acts and laws that protect women's right to movement can be further challenged by the existence of this social norm that restricts women's movement after dusk as it acts as a deterrent to women who, though knowing the laws, may choose to follow the binding social norms due to the identity conferred upon them by society (Hellum 1998:111). This may also be seen to be done in order to fit into the "good", "respectable woman" imagery set as a model by the patriarchal system. Socio-engineering as prescribed by May (1983) clearly has failed in the elevation of women to adult status in practice.

Liberal prescriptions are seen to fall short in the promotion of women's right to movement when one analyses the community's appreciation of the Bill of Rights. Analyses of responses indicate that the community has little or no knowledge of the Bill, most significantly women in the residents and business owner's category, sex workers and victims of arrest. Women can thus not claim rights that they are not aware of, nor can they defend themselves when these rights are violated.

Responses in regards to the respondent's knowledge of the new Constitution indicate that more women from the residents and business owner's category as compared to the men's category had some general knowledge of the Constitution. In regards to sources to that knowledge, very few respondents cited having had access to the Constitution itself and requested knowledge on where they could acquire it. The majority of sex

workers indicated having no knowledge of, let alone access to, the Constitution which is inundated with provisions that aid to safeguard women's rights, and that of movement discussed in this research, and buttress their claims to rights owing to them as well as recourse in the event that their rights are violated.

The theme of police being forbidden to arrest women at night for walking late resonates in the responses regarding the ruling in all Subgroups. However, an analysis of responses regarding details on the landmark ruling clearly show that there has been a gross misunderstanding of what the ruling stated in all Subgroup. Most poignant is the theme of the legalisation of prostitution in the male respondents and the sex workers Subgroup which mainly shows the direct relation or interpretation of the right to movement as that of being synonymous to sex work. Understanding of the right to liberty as stated in the judgment is thus not put in the context of its ambit afforded people. The Constitution clearly limits the exercise of this right in Section 86 2 (b) and (d) of the Declaration of Rights in as far as the right does not affect public morality or infringe on other people's rights. Overall in all responses, the crime of prostitution and conditions resulting in the arrest thereof, are shown to be highly associated with the right to movement of women in all Subgroup. An underlying theme of the landmark ruling as being directly linked to the rise of prostitution is thus also brought out in all Subgroup. In light of this, government efforts in improving the knowledge of women's right to movement falls short of educating the population about rights and the responsibility to the right.

Another significant theme in investigating government efforts brought out mostly in the Sex Workers Subgroup as well as other Subgroups is that of arms of government being synonymous with public figures such as the former First Lady Grace Mugabe in this case. This is shown by all sex workers attributing utterances by the former First Lady, Grace Mugabe, as being the sole impetus for the outlawing of arbitrary arrests of women as well as eclipsing of the Judiciary. In the *News Day* newspaper of 14 August

2015, she is quoted by Samukange as having said men must go for sex workers as they had been given the green light to carry out their trade in reference to the ruling earlier that year when she says, “Don’t rape minors, prostitutes are there. Isn’t prostitutes have been allowed to freely do their work”? Unfortunately, her understanding of the court ruling which also falls short of the official judgement appeared to have held sway and distorted what the judges communicated in the ruling.

Furthermore, her utterances which directly place women’s freedom of movement as being in tandem with prostitution eclipse government efforts in ensuring gender equality in the right to movement through the landmark ruling. Such responses indicate the absence of government declarations being made, appreciated and mediated to the public as “government” initiated. This brings more questions in the most efficient modes of communication that government may employ to reach the population. In addition, it raises questions on the understanding of what constitutes government by the public which may require more research as it proves to have a bearing on people’s rights.

Radical Feminists believe in what they term, “the personal is political” in which they view women’s individual personal experiences as reflecting the socio-political environment .In light of this, women’s challenges that were revealed in the research are thus seen as a depiction of the political landscape which most Radical Feminists see as patriarchal in nature, culminating from structural inequalities embedded in gender roles ascribed by society (Saulnier 1996:32). Thus, the personal challenges that are cited as being still experienced by women are evidence of the political stance towards women as well as the landscape that they have to continually negotiate to enjoy their right to movement.

The relevance and efficiency of laws pertaining to women’s movement are not realisable as much as there is a strong indication of an unsuitable environment being present that does not allow comprehension and

practice of the right. Such can be noted in the prevalent theme of there being little or no protection of women to exercise their right by the absence of police in the area to safeguard women from falling prey to muggings and attacks on their person. The lack of an enabling environment as well as the unresponsiveness of police to women who are attacked after dusk brings to mind questions about the political will of the government in ensuring women's rights are realised since the security sector itself, comprising police and soldiers, is cited as the main threat and instigators of violence against women. The relevance of the ruling has not done much to address the structural inequalities that render women incapable of exercising their right to movement as far as the actual practice is concerned in terms of women's safety. The lack of an enabling environment and the apparent vulnerability of women cited by the majority of respondents is portrayed as an important and relevant factor in the regulation of women's right to movement.

The consistent perception that women are subject to suffer violence if they travel late is viewed as being evidence of superficial protection of women's right by the State. Smart (1978:99-100) raises the issue of vulnerability of women and impending threat of violence upon women as beings used as an indirect way of retaining a stronghold or control of women. Issues of possible rape of those who exercise their right to movement after dusk is shown to be a tool of control. This is echoed by Susan Brownmiller, cited by Saulnier (1996: 38) when she says, "...rape and fear of rape are used to control women socially and politically." In the case of responses given, the absence of police as well as the biology of women is brought out as conditions that may give rise to their violation and indirectly stigmatises women's right to movement after dusk.

**5.3.3 Objective 3: Investigate and document the legal and social implications of Section 81 of the Criminal Law and Codification and Reform Act Chapter 9:23 on women's right to freedom of movement.**

Zimbabwe has no definite law that outlaws prostitution. It, however, prohibits the facilitation of the trade and criminalises the facilitation thereof. A prominent lawyer who was interviewed stated that “The Act, while frowning on prostitution (sex work) as immoral and seeking to criminalise any act that facilitates it, does not criminalise transactional sexual intercourse itself.” He adds that the law mainly centres on the criminalisation of facilitating prostitution, labelling any place where such activities are practiced and their owners as brothels and pimps, respectively. In a sense, the law seeks to act as a deterrent to prostitution and in an attempt to do this, the government has criminalised any proceeds from the trade. The act also outlaws the act of soliciting; however, the act is not defined in relation to the movement of people.

The lawyer adds that the legal framework on prostitution is geared towards the protection of women who are viewed as the victims within this trade. In light of this, whilst looking at the attempts within this chapter, he says,

...this approach of the legislature was intended to be protective of women; it is submitted that these provisions have only served to stigmatise sex work without actually criminalising transactional sex. It is argued that these provisions are the basis of the stigma that is directed towards sex workers in Zimbabwe and are in fact the drivers of the violence and prejudice that they experience from the public and national institutions such as the police.

it can be concluded that the new Act was meant to protect women through stigmatising prostitution as an abhorrent and immoral trade that takes advantage of women, but this has not been realised. When viewed within a Radical Feminist lens, the Chapter clearly perpetuates women’s oppression as it maintains the ideal that “Women’s personalities and their sexuality are seen by Radical Feminists as having been constructed to meet men’s needs, rather than women’s” (Tong 1989). This is because the Chapter aims to protect the sex workers who are considered to be women. Women in turn

are seen as naturally prone to satisfying men's needs by virtue of their sexuality and are in turn deemed as vulnerable due to this sexuality without actually bringing the very men or curb crawlers to book for their role in the trade. Though gender neutral in its wording, sex work or prostitution in Zimbabwe has always been, and continues to be, seen as associated with women. The term for prostitute in local vernacular languages are all defined in the feminine sense. The continued stigmatisation of prostitution as a negative act without clearly defining "soliciting" with its association with mobility leaves it vague and prone to abuse by law enforcement officers.

An analysis of the society's knowledge of the act of soliciting shows that in all Subgroup, more than 50% of the respondents have little or no knowledge of the act with 100% of respondents among sex workers and victims of arrest not being aware of this act. In light of the responses given in this research, the freedom of movement granted by the courts has resulted in loitering which is seen as synonymous with prostitution. This indicates that law is above and beyond people as the new amended Act does not include loitering in the definitions of "soliciting" which is shown to be the driving factor to prostitution according to what people understand in this study.

The concept of soliciting is constantly defined as an act carried out by a woman as seen by responses given in all Subgroups unlike the interpretation in the Act. This shows the social views regarding women's sexuality that are often labelled unlike those of their male counterparts. Liberal prescriptions in the elevation of women's position through equality as demonstrated in the interpretation of soliciting according to the act as being an act carried out by a man or a woman are however not mirrored in people's understandings on the ground as the issue of prostitution is mainly explained as that of a woman seeking monetary gains through sexual favours. Historically, in Zimbabwe this is also evidenced by raids carried out

in pre and post-independent Zimbabwe where women are the subjects of arrest in the absence of their male counterparts.

The Criminal Law and Codification Act Chapter 9:23 codify the crime of prostitution as a crime against morality as compared to a crime against the individual or state. This in itself gives a mental picture of how the state continues to place individual processes regarding women as the property of men or accruing to communal control. One might be persuaded to ask; if it is regarded a crime against morality, whose morality is under scrutiny? Is there a yardstick of morality, especially considering that the Constitution in Chapter 1 Section 3 (1) (d) states that there is recognition of diverse cultural, religious and traditional values? Smart (1989: 88) is of the view that law “is grounded in patriarchy” and, as such, the patriarchy can be seen as the yardstick and impetus for arrests carried out on only women by only “men”. In light of this, one is left to question the justification of public bodies to assume that every woman in the street moving after dusk does so for prostitution and why only women’s movement has been interpreted as such.

The prescriptions of the act itself which can be viewed through a radical lens as a reincarnation of structural processes bent on reinforcing male power can be seen as oppressive as it calls for the arrest of the sex worker who, according to the majority of respondents, is the woman without the curb crawler being arrested. This “double standard of morality”, according to Smart (1978:4), discriminates against the girl for behaviour seen as unacceptable while shielding the man who is the buyer of sex. Labelling of women as immoral or promiscuous is seen as a tool of controlling women to fit into a mould largely seen through radical prescriptions as that which is a creation of men.

This brings forth the ideals of custom and the underlying ethos of ideologies such as Ubuntu from which society moulds parallel structures of laws that

are binding regardless of how they align to the general law or supreme law of the land

#### **5.3.4 Objective 4: Investigate and explain the perceptions of women's freedom of movement in Zimbabwe's Avenues Suburb since the Constitutional Court ruling.**

In trying to gather perceptions of women's freedom of movement in Zimbabwe's Avenues Suburb, the researcher explored the respondent's views regarding their view of the importance of women's right to movement, social dictates on women's movement as well as the experiences they have had or seen since the court ruling.

Responses regarding the importance of women's movement after dusk showed that it is not awarded much importance as the majority of respondents view it as partly important. This is despite the fact that the women's Subgroup responded highly in their view that they should be free to move freely after dusk. This may be seen as a case where women face "tensions" and "multiple identities" in decision-making when their knowledge base of rights and norms are in conflict. This is brought up by scholars such as Hellum (1999:175-6) when she discusses the ambiguity of female identity in procreative issues when they have rural and urban influences in their lives. Women in such instances are torn between the dictates of their different knowledge bases that inform the decisions they make in their daily lives. Sex workers however responded highly in their opinion that women's movement was very important.

The importance of the right to movement however shows a constant theme that is found in all responses when it is associated with socio economic activities such as work, health, education or church purposes that may require women to travel late. Responses from men also resonate with this perception which characterises women's industrious nature in the manner they employ their right to mobility. Some women however feel it is not important at all as women tend to be labelled prostitutes because of their



exercise of this right. Women's vulnerability is also raised as another reason that renders their mobility not important to men in the research.

Women are depicted as weak and vulnerable individuals in need of protection from rape or theft and are never portrayed as the possible perpetrators of such crimes against men. Such is evident in the interpretation of rape according to Zimbabwean law, in particular the Criminal Law and Codification Act, which clearly states that rape is an act perpetrated by a male on a female as per prescriptions of. Such depictions of women can be seen as projections of salient structural power relations where a woman is still rendered weak, meek and in need of male protection and direction.

In respect of its contribution to development, women's mobility is seen by most as having negative repercussions on development through the sighting of the spread of diseases, breaking of marriages, loss of lives and economic downfall through death of skilled workers. All these are attributed to being caused by the spread of HIV by women who move about after hours and are automatically viewed as prostitutes.

Interesting to note is that both the promotion and suppression of women's right to movement ultimately serve and sustain the interests of men. This is seen through the promotion of women's right to movement resulting in women being economically independent and being able to sustain their families and sustaining the capitalist system that is seen as male centred. The suppression of women's mobility is presented as necessary in the majority of responses that indicate the need for women to be at home early for them to cater for their family's needs which also constitute the men in their lives. This can be seen as a new form of the "commodification of women" (Barnes 1992:594) by African patriarchy for survival in the new economic, capitalist system in which women's economic contribution is not valued.

Responses to the socially prescribed time limit in which women are expected to move depict women as being the custodians of morality and culture by acting within the confines of what is socially accepted (Smart 1978:3 and Essoff 2013:80). This comes about when women behave in a socially acceptable way and create continuity in the power relations as well as what is expected of men and women in society.

The majority of responses to perceptions on women who exercise their movement indicate that there was a general perception of their being prostitutes or women of loose morals among the women and men's responses. This underlying theme is brought out on the question of challenges met by women walking after dusk as they are harassed by men who assume they are prostitutes for walking late.

The researcher, having been informed by the feminist research prescriptions, was open to being a subject as well as a tool of gathering data pertaining to the research (Sarikakis 2009:512). In light of this, the researcher identified what she termed 'male zones' in which she was subjected to particular treatment by men, which was recurring each time she was in the Avenues Suburb which she did not experience when she was in other parts of town. When the researcher entered pubs, she was often accosted by men who behaved in a manner that expected them to respond favourably to their advances, possibly because it was commonplace for women to do so. The same behaviour was evident from men in the streets when the researcher was moving about at night.

#### **5.4 Recommendations**

Though limited in appreciation by the public in instances that it clashes with custom or social norms, liberal prescriptions can help in creating a guideline which society may aspire to attain as the ideal to work towards. Some scholars are of the view that laws and policies created with an aim to alter

structural imbalances may be rendered responsive if guided by feminist prescriptions which recognise the social norms and customs that continue to deny women their rights.

- The Gender Commission must be empowered with binding powers in advising arms of government in their gender mainstreaming programmes to encourage training in the area of rights as well as adherence to prescribed recourse on issues regarding gender violation.
- Women's rights advocates should engage the government to revisit the trajectory of women's rights and status from pre-colonial, colonial to independent Zimbabwe in order to meaningfully address the source and perpetuation of women's marginalisation. This journey can only be spearheaded by women themselves in order for them to stand as a united front in identifying and articulating their problems.
- Education on people's rights and courses of action to protect their rights must be availed to both women and men in regards to women's right to movement through the media, school and tertiary programs.
- Government should launch an inquiry in the conduct of the law enforcement institutions as well as reinstate security patrols in communities to demonstrate political will in solving challenges bedevilling women's right to movement.
- Legal reforms aimed at bettering the lives of women must involve women at its formulation and inception in order to be relevant to them.

### **5.5 Limitations of the study and suggestions for further research.**

The major limitations that the researcher encountered were financial constraints. This in turn affected the scope of the study as well as area that

she could cover. In relation to scope, financial challenges limited her capacity to capture other broad gendered challenges that could affect women's mobility such as the current economic meltdown which may bring different dimensions to their need to be mobile at certain times. Furthermore, it compromised the researchers' ability to engage a co-facilitator who could assist in group interviews as well as source qualified monitoring and evaluation assistance and software such as SPSS.

The lack of security and transport also affected the time that the research was conducted. The researcher had to abandon interviews of sex workers after being accosted by a man who claimed to be a 'handler' or 'pimp' and demanded to be included in the research during one focus group discussion with sex workers. Sex workers present advised the researcher to be wary as they felt that the man could seek to stalk her within the suburb.

The issue of the need to advance an African Feminist theory and the accommodation of positive customs and traditions that promote the status of women stands out as an area that needs to be further researched. The issue of what outcome women in Zimbabwe should strive for is crucial as it may bear weight upon the multiple approaches adopted to date that have resulted in an array of different organisations fighting for a women's cause based on different feminist theoretic foundations. This may call for further research on customs and traditions of different ethnic groupings found within the borders of Zimbabwe.

## **5.6: Conclusion**

Although equality is guaranteed for women on paper, even in the supreme law of the land, it does not accrue to the value and status of women on the ground who are continually relegated to secondary citizens in social processes, thus rendering the legal efforts useless. As such, the issue of regulating women's movement can be seen as interplay of power relations

with patriarchy fighting to maintain a hold on women just as the colonial administrators tried to regulate women's movement through various pieces of legislation. The parochial adherence to socially prescribed and accepted movement is seen as aiming to maintain a social order where woman's identity accrues to value and unremunerated gains from woman's work in the domestic circle as well as monetary gain from bride wealth. In light of this, women's challenges to enjoying their right to movement stems from the perpetuation of an identity created by the colonial administrator which has not been adequately deconstructed by the new administrative system through the legal attempts to elevate women from a minority status legally.

Legal efforts that do not weigh in on structural issues resulting in the negation of the end in mind thus leading to resistance, e.g. gender equality, are largely seen as women fighting to be equated to men in status. This in actual fact is bound to create a disparity in the cultural processes as people try to cling to a way of knowing and identity they recognise with. Gender equality efforts should, however, attempt to address structural issues by recognising women's rights as rights relevant to all human beings by virtue of their being human. Furthermore, efforts should be made to establish positive cultural norms that supported women's right to movement prior to colonisation and these can be used with the aid of concepts such as the Receptor Approach by Zwart (2012) to strengthen social observance of that right.

African women scholars must unite in the quest to establish theories that represent them and address their realities. Feminism as it is said is about possibilities, therefore ascribing to global notions of establishing theorems and solutions should not necessarily follow dictates of global and traditional standards as they have been set by men who pioneered in the field and furthermore by an imperial order before democracies. Unison of effort is needed in the identification and appreciation of African women's problems. New forms of research relevant to the African should also be adopted notwithstanding appreciation of issues of literacy on the continent that may

hamper certain forms of traditional research. The journey to establishing the existing theories in the Feminist world today equally show that it was not a single trial but it was a process of evaluation and transformation of the old until new theorems were established.

Perceptions of women's movement after dusk have revealed that it is a practice negatively construed by society as ultimately equal to prostitution and immorality through loss of virtue by possible rape. In light of this, one may conclude that women are solely identified by what Smart (1989:95) terms "bits of their bodies", which in this case their value and worth is determined by their sexual organs. Once again, the subordinate and inferior status of woman comes into play in the identity created by society as the unequal power relations between women and men transcend social objectification and inform the denial of women's right to movement. The appreciation of women as human beings with the full entitlement to the right to movement within the confines of the law is crucial. Furthermore, campaigns against the sexual objectification of women should be carried out within the Avenues Suburb as well as social campaigns to reclaim the status of the suburb as a residential area.

## DEFINITION OF KEY TERMS

- I. Discrimination: Discrimination is differentiation in treatment of men or women on illegitimate basis.
- II. Freedom of movement: The ability of one to move freely within the confines of the governing authority without fear or restriction regardless of time without infringing other people's rights under the full protection of the law.
- III. Gender: These refer to the socially accepted and ascribed roles to men and women due to culture which are not biological due to their sex.
- IV. Gender equality: It is the identical treatment of men and women in relation to laws, policies and being privy to resources in order to achieve a state where women and men share the same opportunities and constraints.
- V. Human rights: Any basic right or freedom that every person is entitled to by virtue of being human under the protection of the state.
- VI. Patriarchy: For this study, is "a social system in which men appropriate all social roles and keep women in subordinate positions" (Kambarami 2006)
- VII. Sex: This is the biological state of being male or female.
- VIII. Stereotype: A socially ascribed and generally accepted preconceived notion about a group of people, mostly based on physical characteristics that are fixed.

## REFERENCES

- Al-Harbi, A. 2017. Africana Womanist Perspectives in Reading Dangarembga's Nervous Conditions. *AWEJ for translation & Literary Studies Volume, 1 Number 4*. Pp.119 -128
- Agersnap, T, Bentzon, A, Hellum, A, Ncube, W, & Stewart, J. 1998. *Pursuing Grounded Theory in Law South – North Experiences in Developing Women's Law*. North-South Legal Perspectives Series No.1. Harare. Mond Books Publishers.
- Arndt, S. 2002. *The Dynamics of African Feminism: Defining and Classifying African- Feminist Literatures*. Asmara Eriteria. Africa World Press Inc.
- Barnes, T.A 1992. *The Fight for Control of Women's Mobility in colonial Zimbabwe, 1900-1939* 17(3). The University of Chicago Press.
- Barnes, T.A 1999. "We Women Worked so Hard" *Gender, Urbanisation and Social Reproduction in Colonial Harare, Zimbabwe, 1930-1956*. Harare. Baobab/Academic.
- Barnes, T.A 1999. Chapter 3 "We are afraid to command our children": responses to the urbanization of African women in colonial Zimbabwe, 1930-4. *In Sites of Struggle: Essays in Zimbabwe's Urban History*, B Raftopoulos & T Yoshikuni. (Eds). Harare. Weaver Press. pp.98
- Barnes, T.A & Win, E. 1992. *To Live A Better Life*. Harare. Baobab Books.
- Bourdillon, M.F.C. 1976. *The Shona Peoples: Ethnography of The Contemporary Shona with Special Reference to their Religion*. Gwelo. Mambo Press
- Bricki, N. & Green, J. 2017. *MSF Field Research A Guide to Using Qualitative Research Methodology*.
- Burgess, R.G. 1982. *Early Field Experiences In Field Research: a Sourcebook and Field Manual*, Burgess, R.G Ed. London. Routledge.



Burrill, E. Roberts, R. & Thornberry, E. 2010. *Domestic Violence and the Law in Colonial and Postcolonial Africa*, Athens. Ohio University Press

Cawthorne, M.1999. *Third Chimurenga*. In *Reflections On Gender Issues in Africa*, P McFadden(Ed). Harare. Sapes Books. pp.

Christopher, J.A. 1977. Early Settlement and the Cadastral Framework in Salisbury A geographical Survey of The Capital of Rhodesia. George, K. & Smout, M. (Eds.) Great Britain. Hodder & Stoughton

Cranny-Francis, A, Waring,W, Stavaropoulos, P & Kirkby, J. 2003. *Gender Studies Terms and Debates*. Hampshire: Palgrave Macmillan

Creswell, J. W, 2009. *Research Design Third Edition*. California. Sage Publications Inc.

Dahl.TV, 1987.*Womens Law: An Introduction to Feminist Jurisprudence*. Denmark. Norwegian University Press.

Eichler, M. 1988. *Non-sexist Research Methods- A Practical Guide*. London, Routledge.

Essof, S, 2013. *Shemurenga The Zimbabwean Women's Movement 1995 – 2000*. Harare. Weaver Press.

Hellum, A, 1999. *Women's Human Rights and The Dynamics of African Customary Laws In a Changing World: Three studies of procreative problems, patrilineal; continuity and gender equality in Zimbabwe family Law and practice*

Holleman, J.F. 1958. Africa in Transition.

hooks, b, 2015. *Feminist Theory from Margin to Center*. New York. Routledge.

hooks, b, 2015. *Feminism is for Everybody Passionate Politics*. New York. Routledge

Hungwe, C. 2006. Putting them in their place "respectable" and "unrespectable" women in Zimbabwean gender struggles in *Feminist Africa 6: Subaltern Sexualities* Salo E & Gqola P,D (Eds) South Africa: African Gender Institute: pp.33-47

Jeater, D. 1993. *Marriage, Perversion, and Power The Construction of Moral Discourse In Southern Rhodesia 1894-1930*. Oxford. Clarendon Press.

Kambarami, M, 2006. *Femininity, Sexuality and Culture: Patriarchy and Female Subordination in Zimbabwe*. University of Fort Hare South Africa. Africa Regional Sexuality Resource Centre.

Kezia, B. 2013. *Body politics: - an illumination of the landscape of sexuality and nationhood? Re-seeing Zimbabwe through elderly women's representations of their sexual and gendered lives*. University of Capetown.

Kitzinger, C. *Therapy and How it Undermines the Practice of Radical Feminism in Radically Speaking: Feminism Reclaimed* Bell D & Klein R. U K. Zed Books pp92-102

Latham, C.J.K. *The Social Organization of the Mashona in NADA Vol. X No. 5* 1973

MacKinnon, C.A 1989. *Towards a Feminist Theory of the State*. Cambridge, Harvard University Press

Magaisa, I.T. 1997. *Prostitution In Zimbabwe: A case Study of Black Female Heterosexual Prostitutes in Harare*. A Thesis.

May, J.1983. *Social Aspects of The Legal Position of Women in Zimbabwe-Rhodesia* .B.A.C.S.A Research Fellow Centre for International Racial Studies, University of South Africa

*Moto Magazine* No. 17. October 1983 –Lobola Twisting Culture into Business p. 7-8

*Moto Magazine* No. 19. December 1983 –Operation Clean-Up takes Women One Step back p. 5-9

Muzvidziwa, V, 1997. Prostitutes: Vendors of Another Type. *Journal of Social Development in Africa* (1997), 12, 2: 75-89.

Rakodi, C. 1995. *Harare inheriting a settler-colonial city: Change or continuity*, England. John Wiley & Sons.

Robson, C. 2011. *Real World Research: A resource for users of social research methods in applied settings* Third Edition. Padstow. John Wiley and Sons, Ltd, Publication

Rylander, A. 2012 *Pragmatism and Design Research- An Overview*. Ingar Designfakultetens serie kunskapssammanställningar, utgiven

Sarikakis, K, Rush, R.R, Grubb-Swetnam, A & Lane, C. 2009. *Feminist Theory and Research. In An Integrated Approach to Communication Theory and Measurement*. Stacks, D.W, & Salwen, M.B (Eds.) New York: Taylor & Frances

Saulnier, C. F. 1996. *Feminist Theories and Social Work. Approaches and Applications*. London. The Haworth Press.

Schmidt, E. 1992 *.Peasants, Traders and Wives: Shona Women in the History of Zimbabwe 1870-1939*. Portsmouth: Heinemann.

Shaw, M. N. 1997. *International Law Fourth Edition*. Cambridge. Cambridge Press.

Smart, B, & Smart, C. 1978. *Women, Sexuality and Social Control*. London. Routledge & Kegan Paul Ltd.

Smart, C, 1989. *Feminism and The Power of Law*. London. Routledge

Steady, F.C. 2004. An Investigative Framework for Gender Research in Africa in the New Millennium. In: Oyewumi O eds *African Gender Studies A reader*. Palgrave Macmillan, New York.

The Women's Coalition of Zimbabwe co-eds. Gaidzanwa, R & Matambanadzo, I. 2017. *A Beautiful Strength A Journal of 80 Years Of Women's Rights Movements and Activism in Zimbabwe Since 1936*. Harare. The Women's Coalition.

Tongco, M.D.C 2007. Purposive Sampling as a Tool for Informant Selection. *A Journal of Plants, People, and Applied Research*

Watson, P. 1998. *Determined to Act: The First 15 Years of the Women's Action Group (1983 to 1998)*, The Publisher

Weinrich, A.K.H. 1979. *Women and Racial Discrimination in Rhodesia*. UNESCO

Yoshikuni, T. 2006. *African Urban Experiences In Colonial Zimbabwe: A Social History of Harare before 1925*. Harare. Weaver Press.

Zwart, T. 2012. Using Local Culture to Further the Implementation of International Human Rights: The Receptor Approach, *Human Rights Quarterly, Volume 34, No. 2*, pp.546-569.

## ONLINE SOURCES

African Feminism: Some Critical Considerations. Volume 15:1

Oyekan, A. 2014 Lagos State University, Nigeria Available at:  
<file:///F:/African%20Feminism/QUOTE!/AF%20Feminisim,Some%20critical%20considerations/AFRICAN FEMINISM SOME CRITICAL CONSIDERA.pdf>  
[Accessed on May18 2019]

All the 'Africans' are Men, all the "Sistas" are "American," but Some of Us Resist: Realizing African Feminism(s) as an Africological Research Methodology. Blay, Y. 2008. Accessed at:  
<file:///F:/African%20Feminism/QUOTE!/All theAfricans are Men all the Sistas a.pdf> [ accessed on May 2019]

Cheater, A. 1986. The Role and Position of Women in Pre-Colonial and Colonial Zimbabwe. Michigan State University accessed at:  
<http://digital.lib.msu.edu/projects/africanjournals/> [accessed on February 20 2018]

Designfpragdesignrapport\_18.4.pdf

Designs For Mixed Methods Research. Chapter 3. Kroll, T, Neri, M. 2009. Available at:  
<file:///F:/Mixed%20methods/Chap%203%20quotes/16 Mixed Methods Kroll Neri 2009b.pdf> [Accessed on May 19 2019]

Defining Feminism: A Comparative Historical Approach

Karen Offen, 1988. University of Chicago Available at:  
<file:///F:/African%20Feminism/QUOTE!/Offen/whatisfeminism.pdf>  
[Accessed on May 20 2019]

Definitions\_of\_Branches\_of\_Feminism.pdf. Available at:  
[http://www.sascwr.org/files/www/resources\\_pdfs/feminism/](http://www.sascwr.org/files/www/resources_pdfs/feminism/) Accessed on  
February 15 2018

Faculty.ycp.edu/-dweiss/phl380\_feminist\_thought/what is feminist....pdf  
FEMINIST RESEARCH Exploring, Interrogating, and Transforming the  
Interconnections of Epistemology, Methodology, and Method

Hesse-Biber, S. 2012 Available at:  
[https://methods.sagepub.com/book/handbook-of-feminist-  
research/n1.xml](https://methods.sagepub.com/book/handbook-of-feminist-research/n1.xml) [ accessed on May 17 2019]

Go for sex workers: Grace Mugabe by Samukange, T. August 14 2015  
Newsday Available at: [https://www.newsday.co.zw/2015/08/go-for-sex-  
workers-grace-mugabe/](https://www.newsday.co.zw/2015/08/go-for-sex-workers-grace-mugabe/) [Accessed on May 24 2019]

Gudhlanga, E. 2013. Shutting them out: opportunities and challenges of  
women's participation in Zimbabwean politics-a historical perspective.  
Available at:  
<http://www.freelibrary.com/shutting+them+out+opportunities+>  
Accessed on 28 October 2015

"Freedom" in Merriam-Webster.com(2018). [https://www.merriam-  
webster.com](https://www.merriam-webster.com) (7 May 2018)

"industrious" in Merriam-Webster.com(2018). [https://www.merriam-  
webster.com](https://www.merriam-webster.com) (7 May 2018)

Lessons from the field: Applying the Good Reporting of A Mixed Methods  
Study (GRAMMS) framework. Ahmed, E Cameron, R. Dwyer, T Richardson,  
S accessed at:  
[file:///F:/Mixed%20methods/Mixed%20methods,%20GRAMMS%20framew  
ork/ejbrm-volume11-issue2-article316.pdf](file:///F:/Mixed%20methods/Mixed%20methods,%20GRAMMS%20framew) [ on May 18 2019]

“Movement” in Merriam-Webster.com(2018). <https://www.merriam-webster.com> (7 May 2018)

“resource” in Merriam-Webster.com (2018).<https://www.merriam-webster.com> (11 May 2018

“Sexism” in Merriam-Webster.com (2018).<https://www.merriam-webster.com> (9 May 2018)

Organization of African Unity (OAU), African Charter on Human and Peoples Rights (“Banjul Charter”), 1982, available at: <file:///E:/Masters%20Research/jk/African-Charter-onHuman-and-Peoples-Rights.pdf> [accessed 10 August 2016]

Theorizing African Feminism(s) the ‘Colonial’ Question. An African Journal of Philosophy. Mekgwe, P 2006. Available at: <file:///F:/African%20Feminism/QUOTE!/Quest XX Megwe.pdf> [ accessed May 19 2019]

UN General Assembly, Universal Declaration of Human Rights 1948 available at: [www.un.org/en/universal-declaration-human-rights/](http://www.un.org/en/universal-declaration-human-rights/) [accessed 14 October 2017]

UN General Assembly , International Covenant on Civil and Political Rights, 16 December, United Nations Treaty Series, vol.999, p. 176 available at: [treaties.un.org/doc/publication/unts/volume%2099/volume-999-i-14668-english.pdf](http://treaties.un.org/doc/publication/unts/volume%2099/volume-999-i-14668-english.pdf) [accessed 10 August 2016]