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ENSURING RIGHTS MAKE REAL CHANGE



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ESR Review

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Families, some with young children and expectant mothers, were forced to sleep in the cold despite the fact that it was the rainy season, thereby making them vulnerable to disease. Zimbabwe Lawyers for Human Rights (ZLHR) and CHRA initially mobilised partners to provide temporary shelter and food packages to some victims.

Rodger Owiso

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From the editor:

This is the third issue of the ESR Review in 2016. It includes two feature articles that discuss various areas of socio-economic rights. It also contains updates on General Comments 3 and 4 of the Committee on the Convention on the Rights of Persons with Disabilities relating to women and girls with disabilities and inclusive education.

The first feature is by Teddy Namatovu, who assesses Mozambique's performance on the reduction of the (MMR). Mozambique is still grappling with one of the world's highest MMRs. According to the World Health Organisation (WHO), Mozambique has made significant progress concerning maternal health over the last 10 years. The Demographic and Health Surveys (DHS) Program has shown some improvement of the national indicators related to the use of reproductive health services. This article seeks to review the reasons for the persistence of Mozambique's high MMR, while also making recommendations to facilitate its reduction. The assessments made by this article are based on a field study conducted in Maputo, Mozambique between 11–15 April 2016.

The second feature by Rodger Owiso, addresses the right to adequate housing in Zimbabwe. He focuses on arbitrary demolitions of houses in Arlington Estate in Harare and its implications for the enjoyment of the right to adequate housing. According to him, Zimbabwe is obligated under international and national law to secure the right to adequate housing for its citizens. However, findings from a field research in Arlington in Harare shows that the Zimbabwean government has continued to engage in demolitions and evictions in contravention of its obligations. He noted that while the section 74 of the Constitution guarantees the right to adequate housing, some of the challenges regarding the effective implementation of this right include ambiguities in Zimbabwe's domestic legal framework, an unregulated land allocation

system, political indiscipline, and government bureaucratic inefficiencies. He concludes by suggesting that The article concludes by making important suggestions such as the need for the parliament to strengthen its oversight function to harmonise different laws on land/housing and the for the government to conduct a comprehensive assessment of housing need in the country.

This issue was compiled as the Fees Must Fall student protest movement engulfed many South African universities. As Khaya Tyatya observes in his article, 'The second revolution – the struggle for social transformation in South Africa' (available at news24.com, 16 November 2015), some of the challenges that besiege students are issues of access, equity, redress, success and participation in higher education. Some student leaders 'assert that the constitution is a neo-colonial construct imposed on South Africa' (Richard Calland 'South Africa's constitution is under attack' Mail & Guardian 20 March 2017).

Clearly, the student protests are intended 'to remind our consciousness that transformation is not taking place at a pace which meets the expectations of our young people'. The debates and media reports that ensued raised a number of large questions: Who is responsible for transformation? Democratic transition is embedded in our constitution, but why is it under attack? With the nation-building project being contested every day, it is important to reflect on how far South Africa has come and where we want to be.

Gladys Mirugi-Mukundi, Co-Editor

