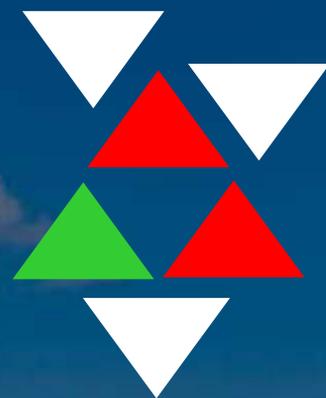


A ZIMBABWE HUMAN RIGHTS NGO FORUM  
NEWSLETTER VOL 2

# UNITED

FOR HUMAN RIGHTS



# Spotlight on Zim rights record

Forum approaches African  
Commission on Human &  
Peoples' Rights

Government ignores calls  
to end abductions and  
torture

**MARCH '22**



Zimbabwe  
**HUMAN RIGHTS**  
NGO Forum

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# Foreword by the Executive Director

Dr. Musa Kika >>>



## I hope I find you well.

I am sure you concur with me that March was a hectic month. Many activities were conducted, and cases of politically motivated human rights violations in the run-up to the 26 March by-elections were reported.

The long-awaited by-elections were finally held after a series of rallies by contesting parties, especially ZANU-PF and Citizens Coalition for Change (CCC). Sadly, the campaign trail saw the murder of one person at a CCC rally in Kwekwe. Some CCC rallies were banned by the police. No other party had any of its campaign rallies banned. The Forum condemns such acts of the selective application of the law. The police should not be weaponised against citizens. Efforts should be made to level the electoral playing field as the country approaches the 2023 general elections.

The violence that rocked the pre-election period shows that the country is still suffering from political immaturity rooted in political intolerance. Hate speech by political leaders was rampant and we strongly believe that it highly contributed to the political polarisation.

Public hearings on the Private Voluntary Organisation (PVO)

Amendment Bill which was gazetted in November 2021 were conducted. The Parliamentary Portfolio Committee on Public Service, Labour and Social Welfare is still to release the report of the findings. We were concerned by remarks made by President Emmerson Mnangagwa on 23 March while addressing rallies in Binga and Chitungwiza where he threatened the closure of NGOs. The statement all but shows that the President's disdain for NGOs is political, not for the reason of curbing terrorism financing as reflected in the preamble to the PVO Amendment. It is unfortunate that the President, for political expediency, is opting to sacrifice the millions of citizens depending on NGOs for social protection.

We will continue to engage the government with the hope it will drop the controversial Bill, or at the very least, bring clarity and amend some sections that pose a threat to the protection of the civic space. We have so far engaged the Financial Intelligence Unit and hope to meet the Ministry of Justice so that we express our worries about the proposed Bill.

We are still worried that the government has shown commitment to only 127 recommendations out of the 264

made by the Member States during the 3rd Cycle Universal Periodical Review (UPR) process on the country on 26 January. We are concerned that the government has deferred and noted most recommendations that have to do with the protection of citizens and human rights defenders from torture and abductions.

The government also deferred the UN Convention Against Torture, protection of all persons against forced disappearance, providing redress to victims of torture as well as the full implementation of the recommendations made in the Motlanthe Commission of Inquiry. We hope that the government will commit itself to the recommendations before the sitting of the Human Rights Council between June and July this year and amend laws that guarantee the protection of civic space in the country.

To human rights defenders, we are challenged to up our game in defending people's rights because the 'silly' season is upon us. We need to work hard to ensure that the rights of all people are respected.

I thank you.

Dr Musa Kika



# Spotlight on Zimbabwe's human rights record

The Zimbabwe Human Rights NGO Forum (the Forum) has approached the African Commission on Human and Peoples' Rights (the Commission) imploring the human rights body to probe the country's deteriorating human rights record. In a communication filed with the Commission on 2 March 2022, the grouping of 22 civic groups said the Zimbabwean government has violated the African Charter, particularly regarding the right to life, torture, cruel, inhuman, and degrading treatment of citizens. The right to security and freedom from arbitrary detention and the right to participate freely in government are some of the violations Zimbabwe was accused of. The Forum was cited as the first applicant and Peter Magombeyi, a medical doctor who was tortured into exile by the government in 2019, as the second. The applicants want the

continental body to make findings and recommendations that victims of such violations be compensated and that an independent regional forum is established to investigate the violations.

Zimbabwe, the Forum wrote, should also criminalise torture and domesticate the International Convention on Protection of all Persons from Enforced Disappearances. Officials from the Commission and the United Nations should also be allowed to come into the country to investigate cases of violations.

In a more than 100-page dossier detailing gross human rights violations by the Zimbabwean government, the Forum expressed concern over the lack of a mechanism to end the culture of politically motivated violations of peoples' rights in the country.

More worrying, the Forum added,

was the absence of redress or rehabilitation of victims of violations.

"That this complaint satisfies the requirement of admissibility under Article 56 of the Charter, that the complaint is admissible before the Commission," the Forum, which has observer status with the African Commission on Human and Peoples' Rights, said.

Zimbabwe is a Member State of the African Union (AU).

"That the Respondent violated the rights enshrined in the African Charter on Human and Peoples' Rights as already cited and that the prayers cited under each violation be granted.

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# Spotlight on Zim rights record

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“We request that the African Commission recommends that families of those who died during the 2018 and 2019 protests be paid adequate compensation.”

The Forum added: “We also request the African Commission to make a finding that Articles 2,3 and 4 of the Charter have been violated and to direct that an independent regional mechanism or tribunal be set up within a specific period to investigate and adjudicate on these violations as the Respondent State seems unwilling to do so.

“We ask this because there is an unwillingness to investigate and in addition, the judiciary in Zimbabwe is compromised, something that we will support during the merits stage of this

case.”Zimbabwe is currently in the middle of an acute political, economic, and social crisis.

President Emmerson Mnangagwa deployed soldiers to quell post-electoral violence on 1 August 2018. Seven people were killed.

In January 2019, President Mnangagwa again deployed soldiers to silence fuel protests that led to the death of 17 citizens as well as injury and displacement of nearly a thousand. Women were also raped, according to reports by civic groups that included the Forum and its members, Amnesty International, Zimbabwe Peace Project and ZimRights, among others.

President Mnangagwa has also been accused of being complicit in the torture and abduction of citizens including Magombeyi,

Tawanda Muchehiwa, Samatha Kureya, and the Citizens for Coalition of Change (CCC) trio, Johana Mamombe, Cecelia Chimbiri and Netsai Marova.

A probe into the August killings by the Motlanthe Commission of enquiry implicated the army and recommended that they be prosecuted as well as compensation to victims. While the government insists that it has fully implemented these recommendations, the Forum is currently representing Andy Manyeruke who was shot and injured on 1 August 2018. He has gone to court claiming that he is yet to be compensated.

Zimbabwe ratified the African Charter on 21 October 1986. It is therefore subject to the jurisdiction of the Commission.



# Forum engages FIU, govt over PVO Bill

The Zimbabwe Human Rights NGO Forum (Forum) has engaged with the Financial Intelligence Unit (FIU) and government departments to formally present Civic Society Organisations' concerns over the Private Voluntary Organisation (PVO) Amendment Bill.

The FIU was established in 2004 in terms of section 3 of the Bank Use Promotion and Suppression of Money Laundering Act. The Unit monitors, analyses, and reports suspicions of transactions by the private sector.

The meeting, held in Harare on 16 March, sought to promote comprehensive and progressive dialogue between the government, the FIU, and other stakeholders with CSOs and ensure effective consultations in the reform exercise of the PVO law.

Musa Kika, the Forum director said

civic organisations appreciated the government's concerns on combating terrorism financing but had come to the meeting in the spirit of dialogue and seeking to ensure that what is put in place in terms of the regulation of the Non-Profit Organisations (NPOs) sector, is that which complies with the standard made for them.

"This will ultimately allow Zimbabweans to derive maximum benefits," Kika said.

The government gazetted the controversial PVO Amendment Bill on 5 November 2021 under the guise of combating terrorism financing. the PVO Amendment will adversely impact on operations of civil society organisations (CSOs) if passed into law.

Speaking during the engagement meeting, an official from the Labour and Social Welfare ministry, Maxwell Chinenga said his ministry

was willing to listen to concerns raised by non-governmental organisations (NGOs) about the PVO Bill that has been widely criticised as draconian.

The meeting was also attended by Financial Action Task Force (FAFT), Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG).

Parliament conducting public hearings on the Bill since February 28.

Chinenga said continuous engagements between the government and the CSOs will provide further opportunities for NGOs to play a role in Zimbabwe's development. He said NGOs have shown commitment to working together with the government towards the country's development in the past decades and in future.

# Forum engages FIU, govt

More meetings, Chinenga said, between the government and CSOs on the PVO Bill will be arranged.

"The government encourages a cooperative approach and positive dialogue on the amendment of the PVO Bill," he said.

He added: "Formal submission of the CSOs' concerns to the government on the amendment of the PVO Bill is welcome. Engagement with the NGOs sector is key to the jurisdiction meets the standards of Recommendation 8." FIU director-general Oliver Chiperesa said his organisation pressured the government to come up with the PVO Bill to comply with FATF regulations.

"Over the years since 2016, through FIU-coordinated multi-stakeholder efforts, Zimbabwe has worked hard to improve its compliance ratings," he said.

"FATF recommendations necessitated the PVO Amendment Bill," Chiperesa said.

He said in 2015 FATF issued a guidance document titled: "Best Practices: Combating the Abuse of Non-Profit Organisations", which explains in detail the vulnerabilities of non-profit making organisations (NPOs) to be abused, knowingly or unknowingly, to raise, maintain or move funds for purposes of

financing terrorists or terrorist activities and proposes measures a country should take to detect and deter financing of terrorism.

Participants however questioned why the NGOs were targeted when they are not listed as a grey area in terms of terrorism financing.

They also wanted to know why the government was targeting the NGOs when the country has been removed from the FATF grey list.

Fiona Iliffan advocacy manager from the Zimbabwe Lawyers of Human Rights, a member of the Forum presented a position paper on behalf of CSOs. She said the PVO Bill, which President Emmerson Mnangagwa's government is pushing to enact into law, will result in over-regulation of operations of the sector, undue targeting, and arbitrary criminalisation of CSOs.

Iliff said civic society was concerned about some sections of the Bill, which give the minister and the Registrar's Office an illegal room to interfere with the work of NGOs.

She said the prohibition of NGOs from supporting or opposing any political party or candidate through the contribution of funds or otherwise does not relate to FATF standards. "That the

minister prescribes additional or special requirements, obligations, or measures means he/she is not subject to parliamentary and judicial scrutiny and is a violation of the right to privacy and interfering in internal affairs.

Excessive powers violate labour laws," Iliff said.

"The Bill gives ministerial powers to make regulations for the disclosure of funding from outside Zimbabwe, in the application for registration, the audit report or both.

"Receipt of foreign funding should not be a negative condition in registration/auditing processes."

The Bill moves powers away from PVO Board to the Registrar's Office, an administrative functionary that Iliff said was not an independent member of Public Service.

Registration and documentation criteria of PVOs, she said, were also unclear. She also said the Bill provides for the suspension of executive committee members by the minister without a court order and that violated the right to administrative justice and the right to a fair hearing.

UNITED

# Govt ignores calls to end abductions & torture



Wilbert Mandinde

**ZIMBABWE** has adopted only 127 recommendations out of the 264 made during the 3rd Cycle Universal Periodic Review (UPR) process on January 26 in Geneva, Switzerland and ignored most recommendations on torture and other human rights abuses. The UPR is a unique process which involves a periodic review of the human rights records of all 193 UN Member States every 4 and a half years.

This came out during a UPR 3rd Cycle review meeting held in Harare on 29 March. A follow-up meeting was held in Bulawayo on 1 April.

The meetings were co-hosted by Zimbabwe Lawyers for Human Rights (ZLHR), Zimbabwe Human Rights NGO Forum (Forum), Women's Coalition of Zimbabwe (WCOZ) and the National Association of Non-Governmental Organisations (NANGO) with the support from UN Women. Speaking during the Harare meeting, Mercy Jaravani, WCOZ programmes manager said of the total 264 recommendations made on Zimbabwe at the 3rd Cycle UPR process, Zimbabwe has accepted 127, representing 48%. Zimbabwe deferred 98 recommendations, about 37% and noted 39, which represents 15%. Jaravani also said the government reported that it was

not yet ready to accede to the UN Convention Against Torture (CAT).

"The top 11 deferred recommendations by the government included the adoption of necessary measures to guarantee the protection of journalists and human rights defenders," Jaravani said.

"The government also deferred amending laws that guarantee the protection of civic space.

"Government committed to addressing increasing measures to mitigate change and over-reliance on climate-sensitive sectors as key to reducing the country's vulnerability, providing citizens birth certificates and national identity cards to ensure access to education, government services, voter rolls and many more."

Most of the recommendations deferred by the government were made by western countries.

Deferring means Zimbabwe did not commit to attending to the recommendations. That means the government will provide its position before the sitting of the Human Rights Council from June to July. Noted or rejected recommendations included an amendment to the Freedom of Information Act, separation of powers, a proposal for

self-regulation of Private Voluntary Organisations and the end of impunity on human rights violations.

NANGO regional coordinator Charity Terera said the UPR process is less understood by citizens.

She challenged Civic Society Organisations to continuously create awareness of the process, and not wait to talk about it after 4 years when the country goes under review.

The government will provide its position before the sitting of the Human Rights Council between June and July 2022.

Phillip Fungurai, Forum monitoring and evaluation specialist presented the UPR recommendations tracker to monitor govt actions & progress in implementing accepted recommendations from the UPR process.

He noted that the tracker will help promote targeted and issue-based advocacy.

In his welcome remarks, Wilbert Mandinde, the Forum programmes coordinator said the meetings should engage in fair discussion, praise the government for what it has done and comment on what has not been done.

# Give victims a platform to tell their story – Kuhudzehwe

Fortune  
Kuhudzehwe

The National Transitional Justice Working Group (NTJWG) on 18 March screened a documentary in which victims of State-sponsored violence, including Gukurahundi and the campaign for the 2008 presidential run-off survivors, narrated their traumatic experiences at the hands of State security agents.

The documentary; “Untold truths in Zimbabwe: Stories of Injustice Through the Eyes of Survivors” encouraged the provision of a platform for victims of human rights violations to be given a platform to tell their stories as part of national healing and reconciliation.

The event came before the country joined the rest of the world in commemorating the International Day for the Right to the Truth concerning Gross Human Rights Violations and the Dignity of Victims on March 24.

NTJWG co-ordinator Fortune Kuhudzehwe said Zimbabwe has had a long history of violence, but the written epochs of violence mostly went unacknowledged and very little has been done to address the victims’ plight, denying the country an opportunity for building sustainable peace.

“The atrocities will remain fresh in the minds of the victims until they are given a platform to share their

stories,” Kuhudzehwe said.

“Peace and reconciliation can only be achieved if the victims publicly share their traumatic experiences. The survivors we are about to witness are just about a few of the thousands of people facing traumatic experiences and clamouring for the truth.”

ZimRights director, Dzikamai Bere, speaking at the same event, said there was no political will in the country to promote healing.

“There is no political will to promote peace and reconciliation for past violence,” Bere said.

“As far as I am concerned, the government has not yet moved a single stride towards that. As the civil society, we should put in place measures to make sure invisible activists in marginalised communities are protected.”

Zimbabwe Lawyers for Human Rights (ZLHR) executive director Roselyn Hanzi said the right to truth can never be understated in Zimbabwe, with a gory human rights past.

“The enjoyment of this right is pivotal to the success of the nation’s reconciliation efforts,” Hanzi said. “Given the isolation of victims and survivors, the motion picture is also dedicated to the countless victims of violence who

cannot speak out or demand the truth as to significant life changes, they experienced due to violence.”

Zimbabwe Human Rights NGO Forum director Musa Kika concurred with Bere, saying the country’s transition to peace was being threatened by a lack of political will to address the government’s past transgressions and promote a culture of truth-telling and truth-seeking.

“As victims, we incessantly pursue the truth about past atrocities and human rights abuses as they are critical steps towards gaining a semblance of peace and justice. Knowing the truth about the past is a recognised human right all victims and survivors are entitled to,” Kika said.

“We are reminded of the importance of truth-seeking and truth-telling as conduits of reinforcing other transitional justice pillars, such as memorialisation, reparations, and institutional reform. As a foundation, truth-seeking measures provide an essential platform for victims to share their experiences and demands,” Kika added. The documentary was premiered on the NTJWG Facebook page on 24 March to commemorate the day of truth-telling.

# Kwekwe mine wrangle: Victim recounts horror



Tryphine Shoko (pictured) sat on a rock under a tree in front of her house, clutching her four-year-old daughter, Tafadzwa Makweza to her bulging belly, with her orange dress beaming to the gentle kiss of sunset.

The 25-year mother of two looks at her daughter with the legendary affection of a mother, her eyes telling a story of a haunted woman struggling to cope with the unrelenting weight of emotions.

She feels like someone in a restriction cell where no lullaby could soothe the seething mass of the excruciating pain piercing through her heart. The pain of seeing her jewel's swollen face, with bloodshot eyes, was bitter pill for her to swallow.

"That was the worst encounter of my life," Shoko, who stays in Zhombe, Gokwe near Tita Mine, explained.

"My daughter was trampled by police and sustained a scar on the top of her right eye. She bled profusely and since then, her eyes have been bloodied."

According to Shoko, she went to bed on the night of 8 February 2022. Everything looked like a normal day until disaster struck.

"They (police officers) kicked my door open and stormed into my house.

Initially, I thought it was my husband who had just come back, but alas, I was wrong. They first checked under the bed and proceeded to where I was sleeping.

"They removed my blankets, leaving me naked. I was only wearing a bra. I realised there were three armed police officers, one had a gun while the others had baton sticks.

"I tried to cover myself in the faint light of a torch they were holding, but before I could do that, a thunderous voice, in my fear, resembling a roaring lion, echoed throughout the whole room.

"Where is John Makweza?" he asked. Makweza is my husband.

"I don't know, he is not yet back from work," I responded with a shaky voice, pregnant with confusion and fear.

He opened the wardrobe looking for Makweza and peeped under the bed but found nothing.

They immediately left the room and went straight to where my cousin, Lazy, was sleeping. They forced him out and took him to the car that was parked at a gate about 50 metres from the yard, beating him.

That was the moment her daughter started crying and using a torch, she

could not believe what I saw. Tafadzwa was bleeding heavily from the top of her right eye. She told me she had been stepped on by the men who were in the room.

"I have not taken her to the doctor, I don't have the money," the expecting mother told The Forum on 26 February, two weeks after the attack.

Shoko also narrated how she heard some youths from the community crying for help while police whipped them to get into their car at the gate during the dreadful night raid.

"Just down there, they (police) arrived at home and asked the wife where her husband Brian was. She didn't know. They beat her until they dislocated her hand," Shoko added.

Eleven youths were arrested that night. They languished in remand prison for a whole month and only secured bail after the intervention of the Zimbabwe Human Rights NGO Forum.

Makweza (29) later surrendered himself to the Kwekwe police who told him that they would pursue his case by way of summons.

Everything had been turned upside-down by a mine wrangle that had gone awry.



## Violent by-elections a pointer to bloody 2023 polls

Zimbabwe Human Rights NGO Forum (The Forum) director Musa Kika said the violence that rocked the just ended by-elections is an indicator that the country could be heading for a bloody 2023 plebiscite.

The country held by-elections to fill in 28 vacant seats in Parliament and 122 wards.

Nineteen of the 28 seats fell vacant due to recalls on MDC Alliance MPs by the Douglas Mwonzora-led MDC-T following a March 2020 Supreme Court ruling nullifying Nelson Chamisa as the bona fide leader of the MDC-T.

The death of sitting MPs created 8 vacant seats while Gokwe Central became was left vacant after the appointment of Victor Matemadanda by President Emmerson Mnangagwa to public office.

The controversial recalls left various constituencies and wards in the country unrepresented, with at least 20% of the citizens without representation in Parliament and local authorities.

Cases of violence were recorded across the country soon after political parties, mainly ZANU-PF and Citizens Coalition for Change (CCC) launched their election campaigns in February. The country witnessed the arbitrary arrest of CCC supporters, torture, and abductions, among other violations. Kika said the violence that characterised the by-elections held on 26 March showed that Zimbabweans were still far from being

political tolerant and the country cannot guarantee a free and fair 2023 general poll. "If no action is taken now, the violence we witnessed during the by-election campaigns, although of grave proportions, could be nothing to what is likely going to happen during next year's general elections," Kika said.

"We have observed that ZANU-PF has been the biggest perpetrator of violence. In this country, we have enough laws to ensure that whatever atrocities or acts of violence that are committed are dealt with. "Unfortunately, we are not seeing the law enforcement agencies doing what they need to do. "This suggests a lack of political will to confront the use of violence in elections. It suggests that there are parties or political functionaries that are benefiting from political violence, which is unfortunate."

He added: "You will realise that since the run-up to the by-elections, many acts of violence have been committed, yet not a single person has been convicted as we speak. Courts must deal with issues of political violence without fear and favour.

"The National Peace and Reconciliation Commission and the Zimbabwe Human Rights Commission also have a duty to investigate and proffer meaningful remedial propositions to the situation. Without doing this, we are heading for a violent 2023 polls." Information gathered through the by-election weekly monitoring reports by the Forum points to grave violations of the civil and

political rights guaranteed under the 2013 Constitution of Zimbabwe. These ranged from arbitrary arrests, abductions, assaults, and torture as well as extrajudicial killings.

Arbitrary arrests and unlawful assaults formed the largest cases recorded. On 27 January 2022, six CCC members were arrested in the Harare central business district for simply wearing yellow t-shirts.

On 18 February 2022, 13 CCC members were arrested during a car rally in the Harare central business district. Disturbing video footage circulated online showing the 13 sprawling on the floor screaming in agony while police officers mercilessly whipped and viciously kicked them with booted feet.

On 27 February 2022, CCC supporters were brutally attacked by ZANU-PF supporters during the opposition's campaign rally at Mbizo 4 Shopping centre in Kwekwe. The ZANU-PF supporters used spears and machetes to attack the CCC supporters, leaving one, Mboneni Ncube dead from injuries sustained during the attack.

During the campaign period, police practised partisan application of the law, banning five CCC rallies. The opposition had to turn to the courts to overturn the bans.

Kika said the use of hate language by political leaders was fuelling violence.

## **Former ZMC registrar acquitted**

Freelance Journalist and former Registrar of the Zimbabwe Media Commission (ZMC) Farai Thabang Manhika has been acquitted on charges of violating immigration laws. Manhika was arrested together with New York Times freelancer Jefferey Moyo in May 2021 accused of misrepresenting to immigration officials about the accreditation of two New York Times scribes, in contravention of section 36 of the Immigration Act.

Manhika was acquitted by Bulawayo Magistrate Mark Dzira on 10 March 2022. He was represented by Lison Ncube who was instructed by the Zimbabwe Human Rights NGO Forum.

## **ZESA pays electrocution victim \$976k**

ZESA, through its insurer, has agreed to pay Susan Chinyango ZWL 976 200.00 as damages for the pain and suffering she experienced after losing her three-year daughter in September 2021 to electrocution. Chinyango's daughter stepped on a naked electrical wire in Chisumbanje. ZESA initially paid Chinyango ZWL60 000.00 for funeral expenses but had initially resisted her claim for pain and suffering. Darlington Marange of the Zimbabwe Human Rights Forum intervened in October 2021 and after numerous engagements, ZESA agreed to compensate the victim's family.

# **ZimRights in voter education drive**



Zimbabwe Human Rights Association (ZimRights) conducted roadshows to educate communities on voter registration and as well as the voting process ahead of the 26 March 2022 by-elections.

ZimRights has also been running peace campaigns in various communities across the country.

On 18 March, ZimRights had a roadshow at Mkoba 6 in Gweru where members of the community received edutainment on voter registration and the voting process in preparation for the by-elections and the 2023 general elections.

The rights group had a voter mobilisation campaign at Sisk Business Centre in Masvingo, on 15 March.

ZimRights director Dzikamai Bere said the activities were aimed at promoting peace, elections, and democracy. His organisation has established eight human rights action zones that include civic education, human rights monitoring and response, women and human rights, elections and democracy, youths' zones, media and advocacy and mobilisation.

He said ZimRights has peace champions who operate at the regional level.



# RESURRECT EDUCATION SECTOR

For the past two years, Tatenda (7), has not interacted with the school regularly.

It all started in early 2020 when the government announced a lockdown to contain the COVID-19 pandemic which was spreading across the world.

Between now and then, schools have not operated within the normal school term timelines, leaving Tatenda and thousands of other school-going children missing out and lagging.

But for Zimbabwe, the situation is worse as the country is battling a much broader crisis in the education sector, fuelled by low remuneration for educators and a lack of investment in education infrastructure, facilities, and tools.

While the government has pronounced sustained increased remuneration packages for teachers, this has been largely inadequate, and the paltry increments have continued to show how the government is out of touch with the depth of challenges in the entire sector.

The Zimbabwe Peace Project (ZPP) has continually registered concern over a plethora of critical issues, which it believes are some of the greatest hindrances to children's right to education as enshrined in the Constitution of Zimbabwe.

The Zimbabwe Constitution provides and protects the right to education as highlighted in the National Objectives, Section 27, and is further emphasised and expounded under the Fundamental Human Rights and Freedoms, Section 75, as an explicit right.

Zimbabwe has adopted the Education Amendment Act, 2020, to align its Education Act with the country's Constitution and this Act has several provisions to protect, respect, and fulfil the right to education for all children and seeks to address issues pertinent to education, including the prohibition of expelling pregnant girls from school, free and compulsory education, sexual

and reproductive health issues, and the rights of learners with disabilities. ZPP believes that while the amendment is progressive, the current socio-economic crisis in the country poses a threat to the effective implementation of the Act.

The education sector, which is suffering from years of neglect, has left many schools with inadequate or dilapidated infrastructure, and in some instances, learners do not have access to educational materials and teaching staff.

The State must provide learners with resources and facilities for learning, but this is all subject to the availability of state resources and with the government's legacy of not prioritizing the social sectors, there has been little effort to support children to access quality education.

What has instead obtained, is that parents and guardians, who are already hard-pressed by the economy, have had to subsidise the government by providing significant learning resources.

Meanwhile, the government has always gotten away with the technicality that they have not acquired funds.

Section 4 of the Education Amendment Act declares that the state must ensure the provision of sanitary wear and other menstrual health facilities, and these include water and sanitation in all schools.

While this initiative has been greatly supported by non-government actors, ZPP notes with concern that the government has not shown effort to provide the resources.

Even when Finance minister Mthuli Ncube announced last year that the government was allocating funds for the purchase of sanitary wear for girls, the pledge is yet to be fulfilled. In many rural schools, clinics or health facilities are not easily accessible and government must take practical steps to ensure the provision of adequate sexual and reproductive health (SRHR) facilities

at every school and the appointment of the SRHR point person at every school as stipulated by the Act.

The Education Amendment Act provides for the rights of pupils with any disability, and it places the responsibility on every registered school – not the state – to provide infrastructure for learners with a disability and again, this is subject to the availability of resources.

With the government having long stopped giving funds to schools, many institutions are financially strained as they must rely on levies paid by parents.

This has resulted in many schools having to prioritise other areas and learners with disabilities often must wait until there are resources to give them access to educational infrastructure and services.

The government has continued to provide poor remuneration to teachers, and this has impacted the quality of education.

ZPP stands in solidarity with labour unions that are advocating for a living wage for teachers because workers' rights are human rights and thus condemns attempts by the government to instil fear in teachers who lawfully express their displeasure over their salaries.

The permanent secretary in the Ministry of Primary and Secondary Education, Tumisang Thabela recently said teachers who went on strike would not receive their salaries in direct contradiction with the labour laws that allow workers to take job action to push for better remuneration.

ZPP therefore, calls on the government to move away from using command tactics on the education sector and to provide the necessary resources so that children in any part of the country can enjoy quality and accessible education.



# UPR Reflections:

## The State of Media Freedom in Zimbabwe

Section 61 of the Constitution of Zimbabwe provides for freedom of expression and media freedom, which freedom includes the right to seek, receive and impart information. It also includes the protection of the confidentiality of journalists' sources of information.

During the Universal Periodic Review for Zimbabwe, which happened on the 26th of January 2022 several countries made recommendations to Zimbabwe on the need to guarantee the full enjoyment of rights, particularly freedom of expression and association. These included Spain, Brazil, Italy, Costa Rica and Norway, which countries recommended that Zimbabwe should stop arresting journalists and instead should ensure that they are free to work. In response to these recommendations, the Zimbabwean delegation, led by the Honorable Minister of Justice, Legal and Parliamentary Affairs raised critical issues around the state of media freedom in Zimbabwe. Reference was made to the alignment process, which is aligning legislation to the Constitution and which process resulted in the repealing and unbundling of the Access to Information and Protection of Privacy Act (AIPPA) and the enactment of the Zimbabwe Media Commission Act and the Freedom of Information Act.

Other notable achievements for the media industry include the licensing of

community radio stations in 2021 which continues to contribute to media plurality and media diversity.

Of note, however, was the feedback on record by the Permanent Secretary of the Ministry of Justice, Legal and Parliamentary Affairs, wherein she indicated that assertions that freedom of the press is restricted in Zimbabwe are without merit. Further, she also highlighted that no single journalist has been arrested for practising journalism.

Unfortunately, the perspective of policymakers on the state of media freedom in Zimbabwe is ideal, while on the ground the practice of journalism is under threat. Journalists have been unjustifiably arrested and detained for doing their work, assaulted, censored, or barred from covering an event and harassed and threatened and in other instances.

The State of the media report by MISA Zimbabwe for 2020, aptly details the experiences of journalists in Zimbabwe, with 28 media practitioners having been either arrested or detained, assaulted, or injured during that period with 4 having been arrested and detained in 2019. In 2020, 52 media practitioners experienced the same, with 7 having been arrested and detained. Journalists have been arrested for taking pictures of police raids and in other instances of covering demonstrations or protests. Such arbitrary arrests continue to prevail

even though media freedom is a constitutional right. MISA Zimbabwe even had to approach the High Court of Zimbabwe, to which an order was granted interdicting the police and other law enforcement agents from unjustifiably interfering with the work of media practitioners.

More recently, in January 2022, a journalist was arrested for covering a demonstration by teachers at the National Social Security Authority yet that is the crux of journalism work, to seek and receive information. Other journalists, Like Hopewell Chin'ono, have been arrested based on their posts on social media platforms like Facebook and Twitter, which posts, for all intents and purposes were disseminating information to the public on the state of corruption in Zimbabwe.

It is high time that wide and vague provisions in our statute books that continue to infringe on freedom of expression and media freedom were repealed and or amended. Insult laws should also be repealed. Further, new laws that are being enacted should not take back the gains of the alignment process, for example, the Data Protection Act. Going forward, it is critical that all stakeholders jealously guard media freedom and freedom of expression. Access to accurate, credible, and substantive information by members of the public rests on a media sector that is truly free.

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