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#Choosingtchallenge

... women lead Zim's human rights struggle despite suffering the worst

HARARE-From fighting for improved service delivery to confronting institutionalised anti-impunity, risking jail to protect and promote civic and political rights and challenging oppressive traditional practices, women in Zimbabwe are defying the odds. They are asserting their leadership in a country where the devastating economic and political effects of corona virus (COVID-19) are taking a toll on many people.

The world commemorates the achievements and challenges faced by women globally this month under the theme 'Women in leadership: Achieving an equal future in a COVID-19 world' while a social media campaign is urging women to #ChooseToChallenge the status quo and provide leadership.

In Zimbabwe women - and even girls - are tackling the bull by the horns by providing leadership under difficult and often dangerous conditions made worse by the use of COVID-19 to escalate violation of economic, social, cultural and political rights abuses.

In Harare, the city council chose to close most of its clinics as the pandemic ravaged the country. Being the major provider of public health services to the capital city's more than many two million residents, the results were fatal with some women losing their babies after failing to access the services of midwives.

Section 76 of the Constitution states that every citizen and permanent resident of Zimbabwe has the right to have access to basic health-care services, including reproductive health-care services. The provision also states that every person living with a chronic illness has the right to have access to basic healthcare services for the illness, while no person may be refused emergency medical treatment in any health-care institution.

Despite these provisions, many people went without basic medical care due to the closure of the clinics. Two pregnant women at that time, Melody Mapani and Aurage Katumbe were victims of the council's dereliction of duty. But they also turned into people's champions after challenging the decision to close the clinics.

Having registered to give birth at Mabvuku Polyclinic, Mapani lost her baby in July last year after she was turned away by staff at the clinic the day she went into labour in July. Medical practitioners told her the clinic was closed.

She rushed to a clinic in Goromonzi but health personnel there told her they could not help her because her blood pressure was high and they were not equipped to deal with

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Defying patriarchy, standing up for her rights

...Plumtree widow challenges eviction from homestead, wins

PLUMTREE-A widow in Plumtree resisted attempts by the local traditional and political leadership to evict her from her homestead and used the law to assert her rights in a case highlighting the challenges facing widows in Zimbabwe's patriarchal society.

High Court Judge Justice Evangelista Kabasa stopped the "primitive" ill-treatment of Manesi Ncube by interdicting a local traditional leader and councillor from evicting her from her homestead in Mpoyi village in Plumtree.

Ncube was in August last year ordered to leave her village after being accused by some community members of neglecting her sick adult daughter.

Aggrieved by the irrational decision, Manesi approached Zimbabwe Lawyers for Human Rights (ZLHR) in pursuit of justice.

ZLHR lawyer Shepherd Chamunorwa subsequently filed an urgent chamber application at the Bulawayo High Court.

At the High Court, Chamunorwa sought an order interdicting Headmen Madlambuzi, also known as Fidzani Ndlovu, and Witness Ncube, the Councillor for Ward 12 in Hingwe, Plumtree, in Matabeleland South province, from evicting Ncube.

It emerged during the court proceedings that Manesi's daughter, who had passed away, was actually an adult person and married to someone who

resided in the same village.

At some point, the husband to Ncube's daughter decided to take his sickly wife back to Ncube's homestead, abandoning his duties as a husband to care for his ailing wife.

Being a widow and having other minor children to look after, Manesi decided to travel to Botswana in search of employment as economic problems deteriorated at home.

The daughter died during Ncube's stay in Botswana, forcing her to return home. On her return home to bury her daughter, Manesi discovered that the burial had already been conducted, with the community already having passed "judgment" that Manesi was irresponsible and should, therefore, be evicted from the village.

A traditional court convened at the beginning of August decided that Manesi should leave the village by August 31. Meanwhile, Ward 12 Councillor, assisted by other villagers, had destroyed one of Ncube's properties.

The High Court also stopped the continued destruction of the widow's home.

The court also barred Ndlovu and Ncube from further harming the widow and her children in any other way. Chamunorwa of ZLHR also went further and assisted Ncube so that her property remains safe while she awaits further police investigations.

In Hwange, police shooting victims fight impunity



ZLHR lawyer Prisca Dube

HWANGE-Amid increasing reports of human rights violations by security agents enforcing COVID-19 lockdown rules, two women in Hwange have stepped up to confront authorities in a bid to hold the perpetrators accountable.

Human rights organisations have raised concern over numerous cases of human rights violations, including killings, perpetrated by security agents who are taking advantage of lockdown rules to spread terror. In Hwange, two women shot by the police are determined to ensure that the perpetrators do not get away with impunity and have demanded action.

Zulani Mudenda and Twaboni Nyoni, represented by Zimbabwe Lawyers for Human Rights lawyer Prisca Dube, are demanding answers and recently asked ZRP to investigate the incidents or face litigation. Mudenda was walking home after work on the evening of 25 August 2020 when she was shot. She had just passed a huge white pick-up truck when she noticed three police officers patrolling on foot. They were part of the cops who were on a blitz against vendors, who were mostly women. Without warning, one of the police officers discharged a bullet which hit the 46-year old Mudenda in the stomach.

"As a result of the shooting, Mudenda sustained serious injuries on the stomach, severe loss of blood that, upon admission at a local hospital, she required a transfusion of five pints of blood and the extent of her injuries required specialised treatment at Mater Dei Hospital in Bulawayo," said Dube, the ZLHR lawyer.

Apart from the pain which she endured, Mudenda was left severely traumatised and unable to fully cope with life, while also fearing for her safety and that of her family. In Nyoni's case, she was seated at her homestead in Madumabisa Village 2 on 25 August 2020 when a stray bullet discharged by a ZRP member who was targeting vendors hit her.

Nyoni sustained injuries on one of her breasts and can no longer breastfeed her three month-old son on that particular breast. Dube recently wrote letters of complaint to the Officer-In-Charge of Hwange Police Station protesting against the conduct of the ZRP members and demanding that they be held accountable for their unlawful actions.

Dube asked the Officer-In-Charge of Hwange Police Station to immediately investigate the unwarranted use of force, by the discharging of firearms by ZRP officers, which resulted in Nyoni and Mudenda sustaining injuries and to provide the full details of the perpetrators and full incident reports.

The human rights lawyer also wants the Officer-In-Charge of Hwange Police Station to indicate the steps which ZRP is taking or will be taking to ensure that justice is not only done but is actually seen to be done for Nyoni and Mudenda.

#Choosingtochallenge

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such a situation. They referred her to Marondera Hospital, where she was admitted on July 26. She gave birth the next day, but the baby was dead. Katumbe's baby survived, but after a struggle that included paying a bribe to midwives.

On 22 July 2020, she attended Kambuzuma Polyclinic where she had registered to deliver her baby but she was told by security guards that the clinic was closed. She immediately hired a vehicle and dashed to Mufakose Polyclinic, which was nearest to Kambuzuma. Again, the gates were closed. However, the guards opened the gate for her after realising she was in labour pain. The midwives "flatly refused" to attend to her, before asking her to pay a bribe.

To ensure that more women did not suffer a similar fate, the two women, with the help of Zimbabwe Lawyers for Human Rights (ZLHR), took the matter to court. In October, High Court Judge, Justice Edith Mushore ordered Harare City Council to open clinics. In many homes, women have taken over the role of providing for the family after traditional male breadwinners lost their jobs due to company closures caused by the outbreak of the pandemic.

However, that has also made them targets of brutality by state security agents who overzealously, and often with impunity, enforce lockdown rules. In Hwange, two victims have sought to fight such impunity and are demanding action against perpetrators after they were shot by police officers who were enforcing lockdown rules.

The two women, with the help of ZLHR, are demanding answers and recently asked ZRP to investigate the incidents or face litigation. Political rights have also come under serious attack as the state takes advantage of COVID-19 and is using lockdown rules to clampdown on activists viewed as anti-government agents. "It is worse for female political activists," said Roselyn Hanzu, ZLHR Executive Director.

She gave the example of opposition activists Netsai Marova, Cecilia Chimberi and Joanna Mamombe. The trio has been repeatedly arrested and forced to spend time in prison for insisting on exercising their rights.

"What I find particularly compelling about their repeated arrests is the disrespectful manner in which they are treated. They are continuing to manhandle and even fondle female suspects as shown by complaints against the police placed before court by Joana, Cecilia and Netsai," said Hanzu ahead of International Women's Day.

Despite the risks, the female activists, along with dozens others, are defiantly marching on to demand that government stop using the pandemic to crush dissent. The act of challenging the status quo has not been limited to the so-called "enlightened" urban areas. Rural women, once viewed as lacking awareness of their rights, are standing up to powerful community leaders to challenge patriarchal practices that violate their rights. Take the case of Manesi Ncube.

A widow with children to look after, Ncube crossed the border to Botswana to seek work. Upon returning to Zimbabwe after the death of her daughter, she found that men in her village had already conducted the burial. Led by the local traditional leader and a Councillor, the villagers also accused her of neglecting the deceased adult daughter. They destroyed her homestead before attempting to chase her away from the village. However, Ncube, with the help of ZLHR, stood her ground to challenge such repressive patriarchal practices and won.

Human rights lawyers who have been assisting such women in standing up for their rights say the tenacity of female HRDs is worth celebrating. By refusing to give in to the violation of their rights even though they are the most affected by COVID-19, women in Zimbabwe are showing "remarkable efforts in shaping a more equal future" said ZLHR in an International Women's Day statement.

From victims to champions

...Pregnant Harare women who suffered after council closed clinics fight for improved service delivery

HARARE-Following the intervention of two Harare women, the High Court ordered the Harare City Council to open clinics whose closure had put the lives of more than two million residents, including pregnant mothers, at risk.

Without due regard to citizens' right to health and in the midst of the COVID-19 pandemic, council authorities closed many of its 42 clinics after nurses went on strike demanding better pay and provision of Personal Protective Equipment (PPE).

Melody Mapani and Aurage Katumbe were pregnant at the time and became victims of the decision to close the clinics. Mapani lost her baby, while Katumbe was forced to pay a bribe to get the services of midwives before it was too late. Determined to ensure that other women did not experience similar trauma, they teamed up, approached Zimbabwe Lawyers for Human Rights and took the matter to court to force the council to reverse its decision.

Following an application filed by Tonderai Bhatasara and Webster Jiti of ZLHR on behalf of the women, Justice Edith Mushore ordered council authorities to open clinics late last year.

In her ruling, Justice Mushore compelled city authorities to immediately ensure that all pregnant women receive emergency medical service and that all council clinics are operational. Patients with other conditions would also benefit from the opening of the clinics.

ZLHR took up the case to protect the right to health care as enshrined under section 76 of the Constitution. Before the order, the council had only opened 15 of its clinics, following pressure from residents but this was hardly adequate in a city where most residents rely primarily on public funded health facilities because they cannot afford the prohibitive charges at private institutions.

The closure of the clinics violated the right to life as well as the right to health-care, including crucial reproductive health care services, the lawyers argued.

"The violation of rights is ongoing and any delay in arresting it puts lives of Harare residents at grave danger, especially pregnant women, diabetes patients, those with High Blood Pressure, those on ARV treatment, the elderly and children," said Jiti while asking the court to hear the matter on an urgent basis.

He noted that "lives have been lost, especially of babies during birth, or some dying just before birth owing to delayed or non-attendance by health-care workers at these clinics."

The lawyers noted that it was extremely urgent for the council to open the clinics because "the right to life is at stake, given that it is linked to the right to access health-care services. The time to act is now".

The council, through its acting Town Clerk and Health Services Director, Dr Prosper Chonzi, opposed the matter, saying it was not urgent as the residents could access services at other facilities. This was despite submissions to the court by affected residents that the few clinics that are open are overwhelmed to the extent that some people were turned away without being attended to and some pregnant women ended up giving birth while waiting in long queues.

Chonzi also raised the issue of resources, claiming that lack of funds made it impossible to ensure that residents fully enjoyed the right to health-care, a curious argument given the huge amounts of money frequently splashed by the council on luxury cars and other perks for top officials amid repeated reports of deep-rooted corruption costing the council millions of United States dollars.

Women HRDs take lead as govt uses pandemic to crush political rights



Harare West constituency legislator Hon. Joana Mamombe and MDC Alliance youth leader Cecilia Chimbi

HARARE-As millions across the world celebrated International Women's Day, political activists **Netsai Marova, Cecilia Chimbi** and **Hon. Joana Mamombe** were languishing in prison. They are not new to jail, having been repeatedly arrested and detained for their political activism.

Their story shows the dangers that women activists still face in Zimbabwe, seven years after adopting a progressive Constitution and three years after a new government promised that democracy would flourish after decades of repression.

Yet, the trio's tribulations, including at one time being kidnapped and sexually assaulted, also tell another story: that of determined female activists willing to risk life and limb to assert civil and political rights enshrined in the Constitution at a time the state is using the cover of COVID-19 to block people from exercising those rights. The activists have vowed to continue with their fight for human rights and two of them have gone further to take steps to make the state pay for violating their rights.

Chimbi and Mamombe are suing Minister of Home Affairs Hon. Kazembe Kazembe and Police Commissioner-General Godwin Matanga for RTGS\$15 million over "unlawful" circulation of their naked pictures that had been taken by a police officer investigating the case. The photos were taken while the women were admitted at a hospital in Harare, following their abduction and sexual assault last year.

Chimbi is demanding RTGS\$5 million, saying she suffered embarrassment after the photos were leaked and circulated widely on social media. Mamombe, the opposition MDC Alliance party legislator for Harare West, is claiming RTGS\$10 million. ZLHR is representing both women who say the state should be held accountable and pay for circulating the "sensitive photographs without reasonable grounds and the states' actions were negligent, malicious and unlawful."

Many other female activists are also campaigning against lockdown induced violations of human rights which have also led to their arrest by authorities.

One of them is 22 year-old **Namatai Kwekweza**, who founded a youth organisation called WeLead in 2017 when she was just 18. She has been

repeatedly arrested and spent time in detention during the period of the pandemic for resisting efforts by the ruling party to effect controversial changes to the Constitution without adequate consultations. Kwekweza marched on more than one occasion protesting the conducting of public hearings by Parliament at a time when most youths could not attend the constitutional amendment hearings due to COVID-19 restrictions.

Despite the arrests, she has refused to be silenced and continues to campaign for human rights. When she is not in detention, Kwekweza visits prisons or attends court hearings in solidarity with fellow activists and campaigning for their release. She seems to be prepared for the costs of her activism, tweeting in February: "Real activism of showing up in real life is hard, expensive and taxing. That's the activism that works."

Rallying young people to defend their future, she said: "Being young in Zimbabwe means you have to forget about following your dreams and become an activist or freedom fighter."

Tsitsi Dangarembga refuses to enjoy the comforts of being a celebrated author, instead choosing the risks associated with challenging Zimbabwe's oppressive system. On 31 July 2020, activists promised a massive street protest to push the government to improve its human rights record. Even before the protests could get underway, security agents were heavily deployed and warned people against breaking lockdown rules by participating in the protest. The majority of people, out of fear, listened and stayed at home.

Dangarembga was one of the few who defied. After all, this was not new to her. Almost daily and alone for several months before the planned July protest, Dangarembga would leave her house in one of Harare's leafy suburbs, carry a placard and march in her neighbourhood. She spent a night in detention after her arrest in July but remained unshaken.

"I think that is a very right motive to have, it is a good thing to live by and work for. The government is making it hard for us to enjoy basic rights. Section 59 does exist and does (allow for) the right to demonstrate and petition peacefully. But it seems it is very difficult to do that practically because you run the risk of being arrested," she said after her release on bail in August 2020. **Her motto: "If you want your suffering to end, you have to act."**



ZLHR Statement on International Women's Day



ON International Women's Day, Zimbabwe Lawyers for Human Rights (ZLHR) pays tribute to women who are at the forefront of contributing to combating the spread of the Coronavirus (COVID19) pandemic and shaping a more equal future.

Commemorated every year on 8 March, International Women's Day offers an opportunity to reflect on progress made, to call for change and to celebrate acts of courage and determination by all women, who have played an extraordinary role in their communities and countries.

The 2021 theme "Women in leadership: Achieving an equal future in a COVID-19 world" is timely and its importance cannot be over-emphasised.

This year, we celebrate the remarkable efforts by women and girls around the world in shaping a more equal future and recovery from the COVID19 pandemic. It stresses on women's full and effective participation and decision making in public life, elimination of violence and the need to achieve gender equality and the empowerment of all women.

It is heartening that in the midst of the deadly COVID19 pandemic, women are at the front line in national and global policy responses

and in various sectors as leaders, health care workers, care givers community leaders, organisers and as innovators in combating the pandemic. ZLHR pays tribute to women leaders contributing to the national response to the COVID19 pandemic and women's organisations that have demonstrated their skills, knowledge and networks to effectively lead in curbing the spread of virus.

While women are battling to stem the tide of the virus, it is worrying that social and systemic barriers to women's participation in all spheres of life continue to exist including increased gender inequality, domestic violence, poverty, unemployment and perpetuation of patriarchy among other challenges.

While the Constitution provides for full participation of women in all spheres of the Zimbabwean society on the basis of equality with men, it is disconcerting that women remain marginalised and excluded from economic, social and political spheres of society.

The Constitution also explicitly provides that women must have access to resources including land and it is disheartening that government and its agencies continue to evict women and girls from their ancestral land in villages across the country such as Chiredzi and Honde Valley. Such callous actions have the effect of disenfranchising and undermining the potential of women and their families.

Of concern to ZLHR too, is the persistent targeting of women human rights defenders through arrest, detention that exposes them to contracting COVID19, harassment, persecution, and prosecution and sexual assault.

To achieve an equal future in a COVID19 plagued world, ZLHR calls upon government to;

- Ratify all outstanding treaties and optional protocols such as the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination Against Women;
- Guarantee the rights of women to freedom of expression, association and assembly without fear of arrest, intimidation, persecution and prosecution;
- Enforce the outlawing of child marriages in Zimbabwe;
- End marginalisation and exclusion of women from economic, social and political spheres of society through implementing legislative and administrative measures to outlaw discrimination against women and promote their status as undertaken during the United Nations Human Rights Council-led Universal Periodic Review Mechanism.

