

ZIMBABWE HUMAN RIGHTS



ALERT

MARCH 2021
VOL 1/ EDITION 2



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WOMEN CARRYING THE LOAD OF THE COVID-19 PANDEMIC

From surgeons, nurses, human rights defenders, housewives - women have carried the burden resulting from the COVID-19 pandemic. The pandemic has ravaged political and socio-economic systems and exposed women and girls to harsh survival conditions. However, instead of being victims of the pandemic, women have come out victors through sheer hard work, risk-taking and defying the odds. In this regard, March was a befitting period to celebrate Women's month as it also marked one year since the announcement of the first lockdown in Zimbabwe. It was a time to recognise the outstanding leadership of women during the one year of COVID-19 and related lockdown regulations.

"Women in leadership: Achieving an equal future in a COVID-19 world"
#choosetochallenge

Dr Azza Mashumba, a paediatrician at Parirenyatwa Hospital came out was as one of the vocal and passionate voices that advocated for the rehabilitation of the country's health sector. Dr Mashumba was featured in an article in the internationally acclaimed "Guardian" newspaper as an influential Zimbabwean woman. Tanya Muzinda, the teenage motocross sensation who is taking on a male-dominated sport, is thriving and stands as a role model to women and girls across the world. Away from the limelight, women like Eunice Simbaimoyo have occupied leadership positions and chosen to challenge. Simbaimoyo is a wife and a mother of four who decided to take up the traditional role of provider for the family. She had to ensure her children and husband put food in their mouths daily. She ventured into informal brick making in June 2020.



Zimbabwe
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“When the lockdown started in March 2020 we thought it was for a week or two. Reality hit home when we used up my husband’s little savings from his daily jobs and he was not in a position to look for work due to the lockdown,” said Simbaimoyo. “Things were so bad that I could not stock my small market stall then the idea of joining the only available and viable occupation that time came. I joined the farm brick making business which is common here in Mt Hampden.”

Although Mt Hampden is famous for major brick manufacturing giants, Beta Bricks and Willdale Bricks, hundreds of residents from the compounds and surrounding farms have ventured into farm brick making. They occupy pits abandoned by the major brick making companies. Hundreds of men toil in the deep pits and burning ovens but a rare sight is women in the brick moulding area.

“Brick making is a lucrative but labour intensive industry that is why you see very few women. My husband has always shunned brick making but it

was the only viable option during the lockdown. I had to feed the children and also relieve the burden on my husband. Today we can manage to meet our daily needs and the children’s school fees because I decided to use my hands,”

Despite the challenges Simbaimoyo met in the first few weeks in a male dominated industry, she has gained the respect of fellow brick makers. Some of the challenges she encounters include widespread use of obscene language and lack of ablution facilities in the brick making sites. The lockdown regulations have eased but she has made up her mind to continue with brick making while considering hiring permanent help at her market stall. She has become a symbol of strength in her community through her decision to challenge in a male dominated industry.

Forum members issued statements commemorating Women’s Day. Click on the organisation’s name below to access the full statement.

Women's month 2021 #choosetochallenge

 Jestina Mukoko Zimbabwe Peace Project	 Roselyn Hanzu Zimbabwe Lawyers for Human Rights	 Patience Zirima Media Monitors	 Jessica Pwiti Amnesty International-Zimbabwe
 Fadzai Traquino Women in Law Southern Africa-Zimbabwe	 Mavis Kalumbu Zimbabwe Civic Education Trust	 Lynn Walker Tree of Life	 Petronella Nyamapfene Justice for Children
 Abigail Matsvai Zimbabwe Women Lawyers Association	 Jennie Williams Women of Zimbabwe Arise	 Lucia Masuka Legal Resource Foundation	 Dr Francis Lovemore Counselling Services Unit
 Muchaneta Mundopa Transparency International-Zimbabwe		 Madrin Chiku Research and Advocacy Unit	

Women leading the human rights agenda in Zimbabwe

Zimbabwe HUMAN RIGHTS NGO Forum

Zimbabwe Human Rights NGO Forum is a coalition of 22 human rights organisations in Zimbabwe

[Legal Resources Foundation](#)
[Zimbabwe Lawyers for Human Rights](#)
[Women and Law in Southern Africa](#)
 commemorated with a video

[Zimbabwe Women Lawyers Association](#)
[Zimbabwe Human Rights Association](#)
[Transparency International Zimbabwe](#)
[Catholic Commission for Justice and Peace](#)

WOMEN CALL FOR MINIMUM STANDARDS FOR PUBLIC OFFICE BEARERS AS FORMER VP'S ALLEGED ESCAPADES EXPOSE ABUSE OF POWER

Women in Law Southern Africa - Zimbabwe (WLSA) called on the government and parliament to consider introducing minimum standards of conduct for public office bearers to curb the abuse of women and safeguard the reputation of public institutions. The call follows widespread reports of alleged sexual misconduct against the then Second Vice President of Zimbabwe, Kembo Mohadi and High Court judge, Justice Mabhikwa. The senior officials were allegedly involved in sexual relationships with subordinates in their respective offices.

“These allegations against a state vice president and a High Court judge cannot be taken lightly. The allegations point to a system of abuse of office and power by public officials for sexual advantage. There is an urgent need to introduce minimum standards accompanied by deterring measures such as immediate resignation or dismissal,” said Fadzai Traquino, Director of WLSA.

Former Vice President Mohadi was allegedly involved with more than two subordinate women while High Judge, Justice Mabhikwa was exposed

by an alleged lover who was his subordinate after she discovered his escapades with another female. Mohadi resigned about two weeks after the circulation of his alleged phone call with one of his subordinates while the Judicial Services Commission promised an investigation into the conduct of Justice Mabhikwa.

“Both the former vice president and judge are alleged to have been involved with more than one woman. This exposes signs of deep-rooted issues in public offices. We are aware of these two individuals because they were exposed. How much is happening away from cameras and public view. We need to protect women against powerful men while also protecting the reputation of public institutions and public confidence in them. The continued occupation of the ZANU PF vice presidency by Mohadi after this is puzzling,” quipped Jestina Mukoko, Chairperson of the Forum.

In a statement, the Forum called for investigations into the alleged acts of sexual misconduct to ensure accountability.

SIX YEARS ON, DZAMARA STILL UNACCOUNTED FOR

The disappearance of Itai Dzamari, a journalist and candid critic of the ZANU-PF government continues to cast a dark cloud over his family, friends, civil society and Zimbabwe at large. On 9 March 2015 human rights defenders stand in solidarity with Dzamara's wife, Sheffra, to demand

action from the government and other responsible authorities for his safe return.

Despite the six-year lapse, Sheffra remains optimistic and strong especially for their 13-year old son and eight-year-old daughter. In 2019 she

dispatched a letter to President Mnangagwa requesting action on the disappearance of her husband but the letter has not received a response a year later. This is despite President Mnangagwa, then Vice President in 2016, committing to an active pursuit in search of Dzamara when he spoke at the United Nations Universal Period Review.

Failure by the government to account or at least show sincerity in the search for Dzamara coupled with continued targeted arrests and harassment and unjustified lengthy detention of civil society members and the opposition betrays President Mnangagwa's purported reformist agenda.

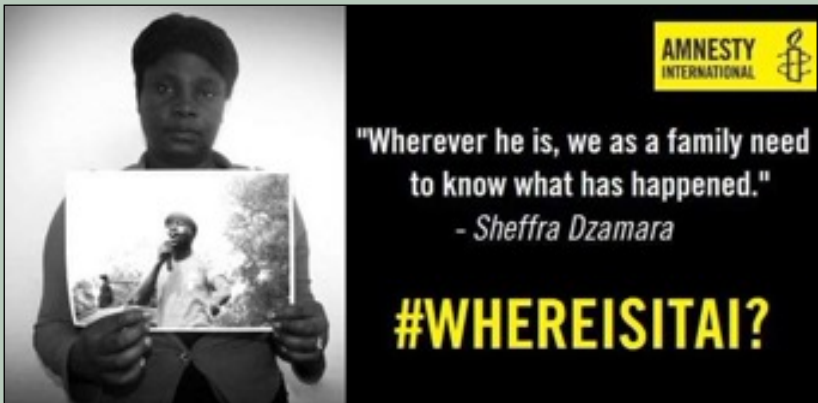
The Forum, Zimbabwe Peace Project, Zimbabwe Lawyers for Human Rights, Amnesty International-Zimbabwe and Zimbabwe Divine Destiny issued

a press statement on 9 March. The message was loud and clear – We demand government action to ensure the safe return of Itai Dzamara. Posters calling on the government to act on the disappearance of Dzamara as reminding citizens of his disappearance were distributed in Harare, Bulawayo, Mutare, Gweru and Masvingo.

“People do not disappear into thin air” – Jessica Pwiti, Amnesty International-Zimbabwe Director
“Our national police are some of the best at investigations. If they are not keen to investigate their hand is probably involved in the disappearance.” – Bishop Magaya, Chairperson of Itai Dzamara Trust.



[Watch the full interview with Bishop Magaya here](#)
[The press statement is available here](#)



The State is using the law to silence opposition members under the guise of COVID-19 measures. Denial of bail is part of the State's shenanigans to punish dissenting voices with pre-trial detention."

Darlington Marange, Public Litigation Specialist at the Forum.

GOVERNMENT SHOWING DESPERATION ON CHILONGA EVICTIONS

The Civil Society Coalition Against Displacement described the government's continued resort to controversial statutory instruments and bungling on laws applicable on the planned Chilonga displacements as desperate. In separate statements, the Coalition called on parliament to take back its law-making function and called for the withdrawal of the statutory instruments.

The government issued Statutory Instrument (SI) 50 of 2021 on 26 February setting aside land in Chilonga for lucerne grass farming. Simultaneously, SI 51 was gazetted converting the land from communal land to state land. On 9 March, SI 63A of 2021 was published to correct mistakes in SI 50 of 2021 which was soon after replaced by SI 72A of 2021 which set aside the land for irrigation.

"Equally offensive is that while government proposes to have set aside the communal land to state land, they have proceeded to invoke the Communal Land Act to set aside the same piece of land for an irrigation project. The Communal Land Act is no longer applicable to this piece of land. This reveals the extent to which government is desperately dabbling in illegalities in the manner it is approaching this issue," remarked the Coalition in a statement.

The planned eviction of the people of Chilonga has been widely condemned as a violation of Section 74 of the Constitution of Zimbabwe. The Constitution requires that there be a court order for one to be evicted from their home. Such order does not exist neither are the people of Chilonga agreeable to be moved from land that they have occupied since the 1830s.

"We do not understand whether the government thinks there are no people in Chiredzi South Constituency. We have tilled this land for years and educated our children from the proceeds. If we move from here how are we supposed to take care of our families? What do they want us to do?"

a tearful widow in Chilonga spoke. "They should look for alternative land to implement their lucerne farming project."

The government gazetted the displacements of land in the Chilonga area and ordered residents to vacate and make way for a lucerne farming project. The land was offered to Dendairy, a mega dairy products company, to grow the grass for animal feed. Media reports indicate that senior government officials have interests in the company.

THE PROPOSED PATRIOTIC BILL IS ALL, BUT PATRIOTIC

by **Musa Kika / Yassin Nhara**

On October 4 2020, an article was published in The Sunday Mail in which it was reported that principles of a proposed Patriot Bill aimed at criminalising private correspondence with foreign governments to the detriment of the national interests, had been drafted, and were to soon be tabled before Cabinet for consideration of legal enactment.

This is the fast-paced consummation of an intent originally revealed by Information minister Monica Mutsvangwa on 4 August 2020 in her reading of the 27th Post Cabinet Press Briefing. At that point, it was reported that the proposed Patriot Bill was recommended to Cabinet by the National Peace and Reconciliation Commission (NPRC), in its 2018 and 2019 annual reports. It was highlighted that the NPRC had recommended that "campaigning against one's country" should be legislated at law and "criminalised".

In the article, the permanent secretary in the ministry of Justice, Legal and Parliamentary Affairs, Virginia Mabhiza, was quoted as stating the following to the publication:

“The Bill is premised on the constitutional provision on the foreign policy of our country, which values the promotion and protection of the national interests of Zimbabwe. It is the duty of the state to engage other sovereign nations on issues pertaining to foreign relations and not self-serving citizens.”

Expanding on the implications of the proposed Bill, the permanent secretary indicated that acts which would be criminalised under the proposed law would include private correspondence with foreign governments or any officer or agent thereof, including false statements influencing foreign governments or any other such conduct aimed at undermining the country. It was further stated that conviction in relation to such charges would result in the imposition of stiff punitive measures.

Aside from generalised references to the scope of the Bill, it was mentioned that the proposed Bill drew from similar legislation in other jurisdictions, such as the Logan Act in the United States of America.

Seeing the bizarre false comparative the executive seeks to make with the American statute, it is necessary for context, to consider the adoption of principles related to the Logan Act.

The Logan Act was promulgated in the United States of America in 1799, more than 220 years ago. The Act was a direct response to the private efforts of a Quaker politician, George Logan, to negotiate peace between America and France during an undeclared naval war between 1798 and 1800. Logan reportedly did not claim to represent the United States or President John Adams on his mission, and it is unascertainable how much influence he had on the peace process if he had any at all. However, Logan’s efforts embarrassed the Federalists, who had control of Congress at the time. Consequently, the Logan Act was enacted to punish perceived political adversaries for attempting to get involved in international politics.

The Logan Act makes it a federal crime for a private American citizen to engage in any communication or correspondence with a foreign government

that intervenes in a dispute with the United States in order to “defeat” any measures by the US. Similarly, it has been reported that the proposed Bill is intended to protect citizens from “the vagaries of interference into their internal affairs and systematic as well as sustained economic warfare”.

The concept of national interest considerations is common to sovereign nations. Every sovereign nation is entitled to protect its domestic integrity from external interference. The danger, as with all things, however, lies in the blatant abuse of the law to meet individualistic and self-serving goals under the guise of promoting the national interest. Given the track record of the Zimbabwean government, herein lies the crux of the matter.

The government has a consistent record of promulgating laws that are specifically designed to crack down on any form of perceived dissent in the country. It is against this backdrop that the proposed Bill seeks to be enacted. The Patriot Bill, as it has been termed, is anything but. The tenets that underpin the Bill belies the fact that it is not intended to prevent fraud, or treason, or subversion of the government. Instead, it is the latest in a long line of legal instruments designed to punish citizens, civil society organisations and political adversaries for exercising the right to expression, particularly in relation to the state of the nation. The remarks of political analyst Godwine Mureriwa, which were quoted in the article, are both ironic and illuminating, in that they make no qualms about the fact that the proposed Bill ought to be viewed as targeting perceived political opposition from politicians and civil society leaders.

There can be no room for a law such as the one proposed in a democratic society. The Logan Act, which has been extensively referred to in the formulation of the proposed Bill, has only been utilised in two indictments and not a single successful prosecution in the past two centuries. In other words, it is obsolete.

In the two circumstances where it was invoked, it was done so purely to penalise political speech. The general and sweeping nature of the proposed bill is a cause for concern as it appears that it would be applicable to any citizen, civil society organisation and political opponent/party. There does not appear to be a delineation

of what would constitute unacceptable private correspondence with foreign governments, save for what is determined by the government. This is particularly of concern to the work of human rights-related organisations, whose mandate is to observe, bring attention to and seek redress for human rights violations. A simple consideration of the fact that only the government would be permitted to decide what violations could and could not be revealed to the world, reveals the absurdity of the proposed law. This is more so, given the fact that the government is predominantly the perpetrator of said human rights violations in the country. It goes without saying that the direct conflict of interest would effectively result in the death of human rights activities in the country.

Evidently, when an Act is relegated to the dustbin of history, there are cardinal failings related to its existence and operation. It defies logic, that a developing country such as Zimbabwe, would be eager to bring into operation a law that is influenced by principles that are misplaced; not only in the first world but particularly, in a country such as Zimbabwe. In America, the disuse of the Act has been predominantly attributed to two considerations. The first is that the Act undermines the right to freedom of expression, with the adoption of the First Amendment to the American constitution. The principle of constitutional supremacy renders the constitutional provision supreme. The second is that the Act was created as a political tool between two opposing political ideologies, as opposed to nationalistic considerations. In this light, the “Patriot Bill” creates a sense of alarm and discomfiture in that it affirms the general trend by the government to weaponise the law against its citizens in order to control, intimidate and stifle the people.



Selective distribution on food aid borders on vote-buying. We need to ensure that food politicisation is criminalised.

Jestina Kukoko, Zimbabwe Peace Project Director.

PEOPLE SHOULD NOT CHOOSE BETWEEN FOOD AND THE RIGHT TO CHOICE

The Zimbabwe Human Rights NGO Forum (the Forum) and the Zimbabwe Peace Project (ZPP) launched a report on the abuse of food aid distribution for political gain in Zimbabwe. The report exposes the blatant abuse of government and traditional leadership structures by the ruling ZANU-PF party to exclude members of the opposition from accessing food aid sourced by government and humanitarian organisations.

The report highlights the strong connection between the right to food and a broad range of socio-economic and political factors. It concludes that the right to food is equally tied to other civil and political rights such as the right to free political association, freedom of expression, the right to vote for a political party or candidate of one's choice.

“Human rights are indivisible and interdependent such that the rights to food cannot be isolated. Citizens can never be asked to choose between access to food and the right to belong to a political party of their choice. When this happens then Zimbabweans become captive to those wielding political and State power and the State's responsibility to protect human rights loses meaning,” said Jestina Mukoko, Director of Zimbabwe Peace Project and Chairperson of the Forum.

The report reveals that despite the government's efforts to put in place several food and nutrition policies, setting up institutional frameworks to facilitate food and nutrition security, food self-sufficiency remains elusive for millions of people and for the nation at large. It notes that most policy interventions have not been successful in ensuring food security due to weak policy implementation, climatic shocks and natural hazards, economic challenges and extreme poverty.

Zimbabwe will be going to elections in two years and reports of politicisations of food aid will be on the rise. Recommendations of the report position civil society as a key player in the advocacy for the protection of the right to food. Calls to action include advocacy for the criminalisation of food aid

politicisation, capacity building and strengthening of rural development institutions to guard against politicisation and demand for the dismantling of structures of violence and intimidation in rural areas.

To access the full report, [click on this link.](#)

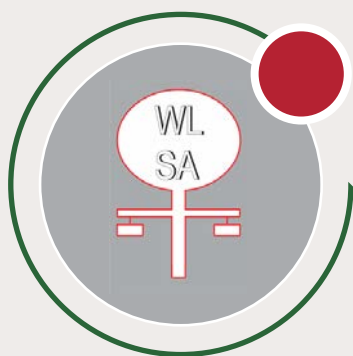
ACTION ALERTS

The Forum raised a red flag with the Ministry of Home Affairs following several incidences of selective application of the laws regulating the COVID-19 lockdown restrictions. The ruling ZANU PF party has been at the forefront of conducting internal elections and related activities in violation of lockdown regulations. President Mnangagwa addressed gatherings of crowds while some Members of Parliament held their own rallies. This transpired in public glare with impunity while similar activities by the opposition MDC Alliance have led to arrests. The letter dispatched to the minister demanded the equal application of the law.

The Forum is representing the family of Tatenda Pasinyore who was allegedly assaulted by police and passed away at Mutapa Police Station. Pasinyore, who was arrested for violating COVID19 lockdown regulations, was brutally assaulted by the arresting officers. His family confirmed he sustained broken ribs, a broken arm and bruises. The Forum has filed an intention to sue the police on behalf of the family. Meanwhile, the police arrested 76 mourners arrested at Pasinyore's burial for breaking COVID-19 regulations. They were released after paying admission of guilt fines following intervention by the Forum.

The Forum is offering legal assistance to Victor Masunga who was shot and injured by suspected state security agents who mistook for an alleged criminal who is on the run. Masenga was shot in the ankle and indiscriminately assaulted at Machipisa Police Station before being dumped near his house. On three occasion, the police refused to accept his report leading to the Forum filing an urgent chamber application. High Court Judge, Justice Tagu, ordered the police to accept the report and institute investigations into the shooting and assault.

Residents of Nyatsime in Chitungwiza received legal advice from the Forum following threats by the local council to demolish their homes. Chitungwiza Town Council has been embroiled in a legal battle with residents of Nyatsime who occupied residential stands and constructed houses without council permission. The residents settled in the area under dispute following a lengthy delay by the council to allocate them residential stands they have fully paid for. Following the Forum intervention, council officials undertook to regularise the settlement of the residents.



Women in Law Southern Africa Zimbabwe (WLSA) resumed its Help Desk sessions at the courts across Zimbabwe. The sessions are held thrice a week to offer free legal support to citizens free of charge. Beyond the legal support programme offered on site at the courts, WLSA is also running a virtual legal aid series that started with unpacking the marriage laws in Zimbabwe and their implications.



Zimbabwe Human Rights Association (Zimrights) published a comprehensive commentary on the government's latest economic blueprint, the National Development Strategy 1. The commentary exposes the government's false excuses for poor economic performance blamed on natural occurrences such as COVID19 and Cyclone Idai. The commentary recommends that government should take the NDS1 stakeholders for proper consultations. Equally loud has been Zimrights' leading voice demanding the repeal of laws gazetted to evict the people of Chilonga from their homes.

An injustice targeted at the people of Chilonga is an injustice targeting every Zimbabwean because tomorrow they are coming for all of us. How will the families of Chilonga survive away from a place they have called home for decades?" - Dzikamai Bere, Zimrights Director.



Veritas Zimbabwe published a detailed and insightful timeline of the developments in Chilonga relating to the government's decision to evict the residents. The timeline captures developments between 26 February when the first statutory instrument was gazetted and 18 March when the government responded to a court challenge on the planned evictions. The timeline highlights clear illegalities on the application of laws on the Chilonga evictions. Access the full timeline on [this link](#).



Women of Zimbabwe Arise (WOZA) launched a pink-print for the women's development journey titled 'Umchilo wamakhosikazi', the rainbow, signalling the diversity of women united behind the cause. The working paper is a call for afro-feminists to regroup around new narratives and work to increase women's self-confidence, amplify her voice as she SPEAKS OUT, and give her solidarity as she ACTS collectively and non-violently to overcome poverty, while also highlighting the need for a change of narrative on priorities for women.



Amnesty International - Zimbabwe facilitated the holding of a radio series on how gender-based violence can be curbed. COVID19 lockdown restrictions and the government’s failure to ensure the provision of basic needs have left women and girls exposed to gender-based violence in the home as well as places such as community water sources. The radio programmes tackled how the abuse of women and girls can be halted.



Legal Resources Foundation facilitated discussions and awareness campaigns on human rights through social media platforms. A webinar of Responses to COVID-19 in Prisons brought to the fore threats to prisoners right to health. LRF also celebrated women and the impact of its programming through videos and a dedicated webinar on 8 March.



Research and Advocacy Unit (RAU) hosted a leader workshop for 25 young women belonging to Kadoma Young Women for Devolution. The workshop brought to the fore challenges faced by young women and how they can confront them including economic hardships enforced by COVID19.

“After today’s Research and Advocacy Unit workshop, I am no longer afraid to throw in my name for a leadership role within the community, I have been capacitated to challenge for any position and I am actually going to challenge for a local authority seat in my ward.”

Tamanda Amos, a workshop participant.

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