Ukuchwayisisa kwesithathu kulizwe leZimbabwe okokuhlola impumelelo ngokumayelana lamalungelo oluntu okwaqhutshwa yinhlanganiso yomanyano wamazwe omhlaba

Ugwalo olumemethe umbiko ovela kunhlanganiso ezilwela amalungelo oluntu ezweni

14 Ntulikazi 2021

Kwaqoqwa ngabe:

Zimbabwe Lawyers for Human Rights

National Association Of Non-Governmental Organisation (NANGO)

Zimbabwe Human Rights NGO Forum

Women's Coalition of Zimbabwe

Ngosekelo oluvela ku:

Ambasáid na hÉireann Embassy of Ireland

UN Women Generation Equality

AWLN

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ACRWC	Isivumelwano samazwe eAfrika ngamalungelo lenhlalakahle yabantwana
BEAM	Uhlelo lokuphathisa abantwana abaswelayo ngokubahlawulela indleko zesikolo kumfundo yaphansi
BVR	Ukubhalisa ukuvota kusetshenziswa izidindo zeminwe
CAT	Isivumelwano samazwe omhlaba esenqabela ukuzwiswa ubuhlungu ngokuhlukuluzwa kwabantu ukuze bachaze loba ukuvuma abangakuthandiyo
CCZ	Idale eliphatha indaba ezimayelana leSisekamthetho seLizwe leZimbabwe
CEDAW	Isivumelwano samazwe sokususa zonke indlela zokubandlululwa kwabesifazane
CSOs	Inhlanganiso ezilwela amalungelo oluntu
GBV	Ukuhlukuluzana ngemakhaya kuzimuli phakathi kwabesilisa labesifazane
GFPs	Abantu abakhethwayo ukuze beluse ukulinganiswa kwamathuba phakathi kwabesifazane labesilisa
GoZ	UHulumende weZimbabwe
HCP	Imikhuba yamasiko eyingozi
HRBA	Indlela enanza amalungelo oluntu
HRC	IKhansili ebona ngamalungelo oluntu
HRDs	Abalwela amalungelo oluntu
IECMS	Uhlelo olumanyanisa indlela zokuphathwa kanye lokwaluswa kwendaba eziyabe zilethwe kumadale omthethwandaba
VFUs	Inhlangothi eziphathisa abahlukuluziweyo ukuba bakhululeke ekumangaleni kwabo emthethweni
LAD	Uhlangothi oluphathisa abadinga uncedo ngendaba zomthetho
MDC	Ibandla lezombangazwe-Movement for Democratic Change
MOPA	Umthetho ophatha ukulondolozwa kokuthula kanye lokuzinza ezweni
MWAGCD	Uhlangoti lukaHulumende oluphatha indaba zabomama, ukulinganiswa kwamathuba phakathi kwabesifazane labesilisa kanye lentuthuko ezindaweni
NA	Inkundla yePhalamende
NGO	Inhlanganiso ezimele yodwa engekho phansi kukahulumende
NPRC	IKhomishini ebona ngokuthula kanye lokuxolelana ezweni
PVO	Isahluko soMthetho ophatha inhlanganiso ezizimele zodwa ezizinekela ukunikeza uncedo ezweni
PWDs	Abantu abaphila begogekile
SADC	Inhlanganiso yamazwe asemkhonweni wezansi yeAfrica
SGBV	Udlakela ngendaba zokuya emacansini phakathi kwabesifazane labesilisa
SR	Isithunywa esiqakathekileyo esiqhuba umsebenzi ngokulaya kweNhlanganiso yomanyano wamazwe omhlaba
SRRHR	Amalungelo amayelanalendaba zokuya emacansini kanye lokubeletha
UN	Inhlanganiso yomanyano wamazwe omhlaba
UNCRC	Isivumelwano esimayelana lamalungelo abantwana senhlanganiso yomanyano wamazwe omhlaba
UNCRPD	Isivumelwano esiphatha amalungelo abantu abaphila begogekile
UNHCR	Uhlangothi lomanyano wamazwe omhlaba oluphatha indaba zeziphepheli
UPR	Ukuhlolisiswa komumo wezamalungelo oluntu emazweni okwenziwa ngezikhathi ezabekwayo okuqhutshwa yinhlanganiso yomanyano wamazwe omhlaba
VAW	Udlakela oluqondiswe kwabesifazane
WCOZ	Umanyano wenhlanganiso yabesifazana eZimbabwe

WHO	Uhlangothi lomanyano wamazwe omhlaba oluphatha indaba zempilakahle
ZADHR	Inhlanganiso yamaDokotela aseZimbabwe ephatha amalungelo oluntu
ZEC	IKhomishini ephatha indaba zokhetho kwele Zimbabwe
ZGC	IKhomishini yaseZimbabwe ephatha indaba zokulinganiswa kwamathuba phakathi kwabesilisa labesifazane eZimbabwe
ZHRC	IKhomishini yase Zimbabwe ephatha indaba zamalungelo oluntu
ZLHR	Inhlanganiso yamagqwetha eZimbabwe ephatha indaba zamalungelo oluntu
ZNA	Ibutho lase Zimbabwe
ZRP	Amapholisa eZimbabwe

ISIGABA A: ISINGENISO KANYE LEMBALI

Isifinqo somumo wamalungelo oluntu

1. Loba nje kwabalengqubela phambili ekuqhutshweni kwezinye inkuthazo kusuka kusiGaba sesibili esifezwe ngaphansi kwalolugwalo, kwaba lezehlakalo ezinengi ezingazinhle ngokweyame kumalungelo oluntu ngesikhathi esikhulunywa ngaso lapha.

2. Inguquko kwezombuso welizwe ngenyanga kaLwezi ku2017, yaba sekungeneleni kwamabutho kundaba zombuso welizwe khona okwabangela ukutshiya ngokufaneleyo, umsebenzi kwalowo owayengu Mongameli, uRobert Mugabe. Isehlekalo lesi siguqule isimo sombuso welizwe okubangele ukuphathwa ngendlela zesibutho kwemisebenzi kaHulumende.

3. Ukhetho lwaqhutshwa mhlaka 30 Ntulikazi ku2018, lona okungathiwa lwalulokuthula, kodwa ke, inhlanganiso ezazizohlola zethula inkuthazo ezingamakhulu ngokumele kuguqulwe kwezokhetho, okunengi kwakhona lokhe kungakaguqulwa, lobanje ilizwe libhekane lokhetho oluzayo ngo2023. Ngesikhathi sokutshengisela kokudinga ukwethulwa kwempumela yokhetho mhlaka 1 Ncwabakazi 2018, abalondoloza ukuthula ezweni basebenzisa amandla edlulisileyo khona okwabangela ukufa kwabantu abayisithupa ngokudutshulwa, njalo inengi lalimala. Inkuthazo eyethulwa yiKhomishini eyachwayisisa lesosehlakalo sodlakela ilokhe ingakagcwalisiswa.

4. Inhlupo kwezemnotho welizwe zabangela ukutshengisela ngoZibandlela 2019, abantu bekhonona ngendlela yokukhweza intengo yamafutha ezimota khona okwabangela ukukhwela kundleko zempilo kunxazonke. Abalondoloza ukuthula ezweni, kakhulukazi amabutho lamapholisa, basuka basebenzisa amandla ngokungahambelani lokwakufanele, kwaba lokubotshwa mahlayana kanye lokuthonisiswa mahlayana.

5. Ngo Nhlolanja ka2020, iZimbabwe yathatha inyathelo lokumisa ukuhamba-hamba kwabantu mahlayana, kanye lokuquma izikhathi zemisebenzi ethize kuyindlela yokumisa ukumemetheka kwegcikwane lomkhuhlane weKHOVIDI-19. Ukubandlulula ngokwezombusazwe kanye lodlakela ekuqhutshweni kwalezo zimiso, kanye lemithetho eyabekwayo ekuqhutshweni kwamalungelo oluntu kanye lokukhululeka kwabo, kwaquma ukukholiseka kwamalungelo oluntu.

6. Ukusebenza ngokukhululekileyo kweNhlanganiso ezilwela amalungelo oluntu kanye lenhlalakahle yazo sokusukekwehla okwesabekayo. Imithetho emitsha ehlelwayo igoqela ukuguqulwa komthetho ophatha iNhlanganiso ezizimele zodwa ngokuzinikela (PVO), leSiqu somthetho weCriminal Law (Codification and Reform) Act, kanye lowe "Patriotic Bill" obophela abantu ukuba baziphathe lokwenza ngendlela ekhomba ukubana abantu bayalithanda lokulimela ilizwe labo. Imithetho le izaphambanisa indlela zokusebenza kwenhlanganiso ezizimele zodwa, kanye lalabo abalwela amalungelo abantu.

7. Kusukela ngo2017, uHulumende usengenise kudale lePhalamende ukukhandwa kwemithetho emibili eletha inguquko ezinengi kusiSekaMthetho selizwe. Inguquko leyo ilempumela engamnandi lakancane kudaba lokutshiyaniswa kwamandla kusimo sikaHulumende, ngokungezelela amandla obukhokheli belizwe ekukhetheni kwabathath izikhundla ezithize kuhlangothi lwabathonisa amacala kumadale omthethwandaba

akuleli, kanye lokukhethwa kweNdunankulu yabaTshutshisi bamacala kuleli. Inguquko lezi ziyalulaza njalo imibono yePhalamende ngokumayelana lezenzo zobuthungameli belizwe ukuba buqhuba umsebenzi wabo ngendlela efanelayo na.

Indlela eyasetshenziswayo ekuqoqeni umbiko lo

Umbiko lo, omayelana lendlela ezakhethwayo ezikhuthazwayo, wabunjwa ngemva kwemihlangano ethize yokuxoxisana kanye lokuphana imibono ngamalunga awenhlanganiso ezilwela amalungelo oluntu amaCSO, wona kusukela ngo2016, abeselusa ukuqhutshwa kwenhlelo zenkuthazo ezisekelweyo lezi. Umbiko lo wanikezwa kanye lokuqoqwa ngamalunga eCSO asebenzela kwele Zimbabwe wona aphiwa amandla okuqhuba inhlelo ezitshiyeneyo, njalo umbiko lo ufeza ubungcitshi kundawolezo. Okunengi ngawo kuyimbiko yawo amalunga la, ngokwawo okwaziwa yiwo, njalo okutholakale ngesikhathi eqhuba imisebenzi yawo. Ngalokho ke, inhlanganiso ezilotshiweyo lezi zigcizelela umbiko lo ngemva kwalokho njengokwethulwa kwawo. Uhlangothi olumela abesifazane kunhlanganiso yomanyano wamazwe omhlaba olwe UN Women, yilo olwaphathisa ngokulotshwa kwalumbiko kanye langemali kumalunga eCSO kunhlelo zonke zokuqoqa uMbiko lo.

ISIGABA B: UKUGCWALISISWA KWENKUTHAZO YESIMO SAKUQALA NGOKUCHWAYISISA OKWENZIWAYO OKUSANDA KWEDLULA OKOHLELO LOMANYANO WAMAZWE

F31 - ABANTWANA: UKUVIKELWA KWABO, UKWENDISWA KWABANTWANA[1]

Okwafezwayo Ngamafitshane:

8. Ngokukhuthazwa yisinqumo sedale eliphatha indaba ezimayelana lesiSekaMthetho seLizwe, kudaba lukaMudzuri luka2016,[2] uHulumende weZimbabwe ukusibanga sokuthatha amanyathelo okulandela umthetho ngokuguqula isigaba somthetho woMtshado ukuze kwesulwe ngokusemthethweni ukungena kumtshado komuntu oleminyaka yokuzalwa engaphansi kwelitshumi lasithoba minwe mibili. Izimiso ngaloludaba, kanye lohlelo lwenkuthazo yamanyathelo okumisa ukutshada kwabantwana kwasungulwa ngoNkwenkwezi ka2021.[3]

9. Ukungena emendweni kwabantwana ezweni leli kulokhu kuluhlupo. Ekuchwayisiseni okwenziwa zinhlanganiso ezinenginengi ezweni ngo2019, kwatholakala ukubana oyedwa phakathi kwabesifazane abathathu (amatshumi amathathu lambili ekhulwini), abeleminyaka engamatshumi amabili kusiya kwengamatshumi amabili lane yokuzalwa babengene emtshadweni beleminyaka yokuzalwa ephansi kwelitshumi lasithoba minwe mibili, emaphandleni kuqathaniswa loyedwa kwabahlanu emadolobheni.

10. Laloba isiSekaMthetho seLizwe sesisenqabela ukungena emtshadweni kwabantwana, akulamthetho ojezisa abantu asebekhulile abengena emtshadweni labantwana. Ngakho-ke, ilizwe lisalele emuva kakhulu ekufikeni kubanga lomhlaba wonke lokuqeda imitshado yabantwana ngo 2030.

11. Inkuthazo yokungenziwa:

a. Ukuphangisa ukugcwalisiswa kwenkuthazo yohlelo lwamacebo okuqeda imitshado yabantwana ezweni.

b. Ukuthatha amanyathelo okubumba umthetho wePhalamende ukuze kubelicala ukutshada lomntwana, ngaphansi kweSigaba esitsha soMthetho omayelana leMitshado leSiqu semithetho eminengi esigoqela izenzo ezokwephulwa kwemithetho. Umkhuba wokutshadisa abantwana, uthathwa njengesenzo esingafanele ngaphansi kwezamasiko kanye lezokholo.

c. Ukungenela lokuphathisa labo bantwana ngendlela ebanikeza impilo entsha kulandelwa umthetho okumele ulandelwe kudaba lokwenqabela ukungena kumitshado kwabasesebancane, wona owagcizelelwa yinhlanganiso yamazwe aseZansi yomkhono weAfrica (iSADC).

F31 - ABANTWANA: UKUFINYELELA INGWALO ZOKUZALWA[4]

Okwafezwayo Ngamafitshane:

12. Kulutshwane osekuthe kwenziwa kusukela ngo2016, ngaphandle kwemizamo lapha lalaphana yokuthuthukisa amathuba la endaweni zemadolobheni kanye, lendlela zokubhoda-bhoda kwalabo abaqhuba lowomsebenzi wokubhalisa, kodwa-ke imizamo leyo ayenelanga. Akulamizamo yokufinyelela iqhinga eligoqela bonke kuhlupo lolu

lwaphakade, kakhulukazi ngenxa yokungenisa ezombangazwe kundaba zokutholisa ingwalo zokuzalwa komuntu kuleli ilizwe.

13. Ngo2019, ngesikhathi sokuqutshwa komhlangano webanga laphezulu kwele Geneva owawuqoqwe nguSibalukhulu weNhlanganiso ephatha indaba zeziphepheli kumanyano wamazwe omhlaba (UNHCR), ngaphansi kohlelo lwenyathelo lokuzama ukuqeda udubo lokuswela indawo yokuhlala njengesizalwane selizwe elithize, uHulumende weZimbabwe wathembisa ukuba, "ngo 2024, uzabe esenze kwabalula njalo esethuthukise indlela zokufinyelela ukubhaliswa kwengwalo zokuzalwa, kugoqela ukunikeza ingwalo zokuzalwa kuzizalwane zalabobantu bangaphandle kwelizwe leli bona abeza ukuzohlala kuleli ngesizatho sokufuna imisebenzi, kanye lokuphathisa labo abadinga ukuvunyelwa ukuhlala kuleli ngenxa yokungazinzi kumumo wezombuso welizwe kumazwe abo, kanye labangaphumelelanga kuzicelo zabo zokuphephela kuleli, ukuze kube lokubhaliswa kokuzalwa kwabantu bonke emhlabeni jikelele".

14. Kuleli, ngo2019, iKhomishini ebonaa ngezokulondolozwa kwamalungelo oluntu kwele Zimbabwe (ZHRC), yaqhuba uhlelo lokuchwayisisa ngodaba lokufinyelela ukuthola ingwalo lezi, yathola ukubana ithuba lokufinyelela lezongwalo kuhlanganisela ingwalo zokuzalwa komuntu lincane.

15. Ezinye inhlupo kulokhu zihlanganisela ukufinyelela indawo zokubhalisela, indleko zokubhalisa, izinto ezinenge-nengi ezidingakalayo zingumthwalo njalo lokwehluleka ukuqhuba umsebenzi ngendlela kumahofisi akhona, lezinye inhlupo ezikhona.

16. Inkuthazo yokungenziwa:

a. Ukugcwalisisa isithembiso esenziwa kuKhomishini enkulu kumanyano wamazwe Omhlaba ephatha indaba zeziphepheli iUNHCR, zokufinyelela ukubhalisa umuntu wonke ngo 2024.

b. Ukuvula indawo zokubhalisa kuzibhedlela kusiqinti sinye ngasinye.

c. Ukunqinekela ukwesulwa kwemigoqo yonke ekuphathweni kanye lasekuqhutshweni komsebenzi kugoqela inhlawulo zokutholiswa ingwalo zokuzalwa kanye, lezokuphendla ingwalo, khona okusuka kwehlule inengi labantu bemaphandleni kanye leziphepheli.

d. Ukungenisa isigaba somthetho wokuba yisizalwane sakuleli, Isigaba somthetho ophatha ngokubhalisa ukuzalwa kanye lokufa komuntu, kanye leSigaba soMthetho wokungena lokuphuma kwabantu ezweni, ukuze imithetho le ihambelane

e. Ukugcizelela izinqumo zomhlangano owaqhutshwa ngo1961 wokwehlisa udubo lokungabi yisizalwane saloba yiliphi ilizwe, kanye lokwamukela lezozinqumo kuleli ngaphansi kwemithetho yokuba yisizalwene sakuleli, ukuze wonke umntwana akholise ukuba yisizalwane sakuleli.

F13 - UDLAKELA KWABESIFAZANE[5]

Okwafezwayo Ngamafitshane:

17. Njengoba ukuqhela kodlakela kwabesifazane kuzimuli kweleZimbabwe kuku sibanga esiyisilinganiso sokungamatshumi amathathu lanhlanu ekhulwini, [6]kukanti itshumi lane

ekhulwini, labesifazane abaleminyaka yokuzalwa elitshumi lanhlanu, kusiya kwengamatshumi amane lasithoba munwe munye bamangala amacala odlakela kundaba zokuya emacanisini. Njalo amatshumi amabili lanhlanu ekhulwini, bengabamangala amacala odlakela kusukela beleminyaka elitshumi lanhlanu yokuzalwa, uHulumende weZimbabwe uyanconywa kumizamo yakhe yokuthatha amanyathelo okulwisa udlakela oluqondane labesifazane.

18. Imithetho eqakathekileyo ihlanganisela umthetho ophatha indaba zodlakela kwabesifazane ezimulini wona obumba iKhansili elwisa udlakela, umthetho ophatha indaba zokuthunjwa kwabantu besiwa kwamanye amazwe, kanye leSiqu semithetho eminengi esigoqela izenzo ezokwephulwa kwemithetho. Isiqu semithetho siyaguqulwa okwamanje ukuze sibumbe isigwebo okungaqalwa ngaso kusiya kwezinye eziphezulu esingagwetshelwa umuntu oyabe ebambe owesifazane iganyavu, kanye lamanye amacala endaba zokuya emacansini ukuba sisukela kuminyaka emihlanu kusiya kwengamatshumi amabili.

19. Okunye okuncomekayo yizimiso kanye lendlela ezabekwayo zokuphatha indaba zodlakela kwabesifazane (GBV), lezi zigoqela: Uhlelo lwelizwe lonke lokwenqabela udlakela kwabesifizane; uhlelo lokwenqabela kanye lempumela yalo luka 2016 kusiya ku2020;kanye lohlelo lwelizwe lonke lwemizamo yokulwisana lokuthunjwa kwabantu besiswa kwamanye amazwe luka 2019 kusiya ku2021, lona oluhlose ukuqala ukusebenza komthetho omayelena lokuthunjwa kwabantu besiswa kwamanye amazwe njengezigqili kuSahluko 9:25: Indlela yokusebenza kwedale eliphatha indaba zabantwana abancane abahlukuluziweyo, ikakhulu ngendaba zokuya emacansini, khona okugoqela amapholisa kanye labaphathisa labo abahlukuluziweyo; njalo lendlela yokulonda ukuphathwa kwamacala emadale omthethwandaba ukuze kube lokumanyana kumizamo yokuqeda udlakela kwabesifazane (VAW).

20. Udlakela kwabesifazane solubekusimo esibi ngokwethulwa kwamanyathelo okwenqabela ukuhamba-hamba kwabantu, lokuqunywa kwezikhathi zokuqhuba imisebenzi ethize ngenxa yeKHOVIDI-19. Umbiko owethulwa ngo2020, waveza ukuba udlakela phakathi kwabantu abathandanayo lwakhwela ngokulinganayo ngesikhathi sokumiswa kokuhamba-hamba kwabantu mahlayana ezweni, kanye lokuqunywa kwezikhathi zokwenza okuthize kunqatshelwa ukumemetheka kwe KHOVIDI-19, lapho kwamangalwa amacala odlakela kwabesifazane kuzimuli ngenani elifika kumatshumi ayisikhombisa lesiqa sinye ekhulwini, njalo abesifazane abangelalutho, abesifazane abasemaphandleni kanye labesifazane lamankazana aphila egogekile beyibo inenge lalesi sehlakalo.

21. Inhlanganiso yabesifazane yeMusasa, kucingo lwayo lokwazi ngodlakela kwabesifazane ngemakhaya, yamukela incingo eziyinkulungwane eziyisithupa lamakhulu amabili, kusukela ngokuqala kokumiswa ukuhamba-hamba mahlayana kwabantu ezweni, lokuqunywa kwezikhathi zemisebenzi ethize kunqatshelwa ukumemetheka kweKHOVIDI-19 mhlaka 30 Mbimbitho, 2020 kusiya mhlaka 27 Lwezi 2020, lapho kwaba lokukhwela ngenani eledlula amatshumi ayisithupha (60%) kuqathaniswa lokwakusenzakala ngaphambilini.

22. Kundaba zombuso welizwe, impumela yokhetho lwamalunga eNkundla yePhalamende yatshengisa ukubana abesifazane abaphumelelayo babelinani letshumi lambili ekhulwini kuphela, kuzihlalo ezingamatshumi ayisithupha, ezibekelwe abesifazane bodwa. Lokhu yikubuyela emuva kuqathaniswa lenani letshumi lane ekhulwini yezihlalo ezatholakala ngo2013. Kukhetho lwezabelo inani letshumi lanhlanu ekhulwini, lathola izihlalo. Lakhona nje ngokokuqala abesifazane bencintisa kusikhundla sokuba

nguMongameli, babelinani lokulitshumi lesikhombisa ekhulwini kwalabo ababencintisa, njalo babhekana lamazwi enzondo lokungamukekwa.

23. Inkuthazo yokungenziwa:

a. UHulumende weZimbabwe kumele athungamele inhlelo zokungenela ukuze lezonhlelo ziqheliswe ziphathe lendaba zamalungelo amayelana lezempilakahle kundaba zokuya emacansini kanye lempila kahle kundaba zokuzithwala kanye lokubeletha (SRHR).

b. Ukungezelela isiqu somthetho ukuze sinanze ezinye indlela zodlakela, okufana lokusetshenziswa kwamazwi ephula inhliziyo, ukuncitshwa ngabomo izinto ezidingakalayo empilweni yomuntu, ukuhlukuluzwa emcabangweni kanye lasemoyeni.

c. Ukubeka yonke imisebenzi emayelana lodlakela kwabesifazane (GBV) (kugoqela indawo zokuhlala, imisebenzi yonke yeziphathamandla yokuphathisa abasile kudlakela (VFUs) kanye lencingo zokukhulumanisana), njengemisebenzi okungamelanga imiswe ukuqhutshwa kuzozonke izikhathi ngesikhathi sokumiswa kwabantu ukuhamba-hamba mahlayana kanye lokuqunywa kwesikhathi seminye imisebenzi ezweni kusenqatshelwa ukumemetheka kwegcinkwane leKHOVIDI-19.

d. Ukwenza indlela zokuthola izinqumo zokumiswa kanye lokuvikelwa kodlakela kwabesifazane emadale omthethwandaba zibelula ekuzivikeleni kwabo kulabo abaqhuba lolodlakela.

e. Ukubeka izinqumo ezijonge ukuguqula indlela abesilisa ababona ngayo abesifazane abangena ku kundaba zombusazwe.

F12 - UKUBANDLULULA ABESIFAZANE; UKUPHIWA AMANDLA KWEZENOTHO[8]

Okwafezwayo Ngamafitshane:

24. Ngokugxile kuSigaba samatshumi amahlanu lasithupha kusiSekaMthetho seLizwe kundaba zokulinganiswa kwamathuba phakathi kwabesilisa labesifazane, uHulumende weZimbabwe usehambe ibanga elide ekukhuthazeni ukulingana kwamathuba phakathi kwabesifazane labesilisa kanye lenhlelo zokunikeza abesifazane amandla kwezenotho, lakundaba zokutholiswa imali kusikhathi okukhulunywa ngaso. Kulendlela ezinhle kakhulu ezabekwayo zokubana umsebenzi uhambe ngendlela ngokuphatheka kwamalunga atshiyeneyo agoqela ugatsha luka Hulumende oluphatha indaba zabesifazane, ukulinganiswa kwamathuba phakathi kwabesifazane labesilisa kanye lentuthuko kuzigaba; Abameli bokulinganiswa kwamathuba phakathi kwabesifazane labesilisa; inhlanganiso zabesifazane; iKhomishini yendaba zokulinganiswa; iKhomishini yendaba zokulinganiswa kwamathuba kwabesifazane labesilisa (ZGC), leNhlanganiso yokukhanda leyo mithetho (NGP), kuhlanganisela lezinye inhlanganiso lendlela ezabekwayo ezikhuthaza ukulinganiswa kwamathuba phakathi kwabesilisa labesifazane. Kulemizamo efuna ukwenziwa yokubumba imithetho ngomzamo wokungezelela isikhathi sokufika ku2028, ukuze izihlalo zePhalamende ezabekwa eceleni zimele omama ezingamatshumi ayisithupha, njengokwabekwa yisiSekelo soMbuso weLizwe. Ngokuma kwezinto okwamanje zigcinelwe abesifazane. Lalobakunjalo-nje, okudingakalayo yikugcwalisiswa kweSigaba sesitshumi lasikhombisa seSisekelo soMbuso weLizwe

sokuthi ingxenye yaphakathi-laphakathi yezihlalo ezingamakhulu amabili letshumi, zibekelwe abesifazane. Inani labesifazane abakhethelwa imisebenzi emahofisini limi kanje: Kubukhokheli beNgatsha zikaHulumende, baphezu kwamatshumi amabili lambili leziqa eziyisithupha ekhuliwini. Abavotelwa ukubangamalunga ePhalamende bangamatshumi amathathu lanye ekhuluwini. Abavotelwa ukuba ngamaKhansila bakunani eletshumi lantathu leziqa zokuthathu kukhulu. Abakhethelwa ukuba ngabameli bakuleli kwamanye amazwe, baphezu kwamatshumi amabili lanhlanu leziqa eziyisithupha ekhulwini. Njalo inani lamatshumi amathathu lathoba munwe munye yilo elakhethelwa kuzikhundla zokuthethwa kwamacala kumadale omthethwandaba akuleli.

25. Kwezokhetho, phakathi kwamabandla ezombuso welizwe angamatshumi amane lasikhombisa amabandla, angamatshumi amabili lasikhombisa, yiwo kuphela akhetha owesifazane oyedwa kusiyaphambili kukhetho luka 2018. Inani elingafika kutshumi lanhlanu ekhulwini, (abantu abangamakhulu amabili lamatshumi amane lantathu) phakathi kwe nkulungwane eyodwa lamakhulu ayisithupa alamatshumi amahlanu lambili, lalabo ababencintisa ukungena ePhalamende babengabesifazane, njalo abesifazane abalikhulu lamatshumi amane lasithupa, phakathi kwabantu abangamakhulu amabili lamatshumi athobamunwemunye, yibo ababencintisa kudale leSenethi.

26. Kwezemfundo, laloba abantwana abafika kumatshumi ayisikhombisa lathobaminwemibili ekhulwini, besenelisa ukuphutsha izifundo zeprayimari, kuselodubo ukuba amantombazane adlulele phambili kuzifundo zaphezulu zeSekondari, njengoba abantwana abayisilinganiso sokungamatshumi amane lathobaminwemibili ekhulwini besenda ngokuphangisa kumbe ukuzithwala

27. Amantombazana atshiya njalo isikolo endleleni ngenxa yokuswelakala kwempahla yokusebenzisa efaneleyo e besesikhathini sabesifazane, loma-nje umthetho we Education Act usithi kumele batholiswe leyo mpahla.[9]

28. Kundaba zokuthuthukisa abesifazana kwezenotho, kuleBhanga labesifazane kweleZimbabwe. Lavulwa ngo2018, Abesifazane abafika kunani lamatshumi amabili lesikhombisa kukhulu, yibo kuphela ababefinyelela ekutholeni ithuba lokuthola uncedo ngendlela ezabekwayo, njalo bebumba inani lokulitshumi ekhulwini, kusilinganiso sabobonke abantu abafinyelela izikwelede (UN, 2018). Kusiya kunyanga kaLwezi, 2018, iBhanga leli lanikeza izikwelede ezifika kukhulu elilodwa elilamatshumi amane lathobamunwemunye ezibiza imali efika kusigidi esisodwa samadola aweAmerica.

29. Inkuthazo yokungenziwa:

a. UHulumende wase Zimbabwe kumele athungamele uhlelo lokuqhutshwa kwendaba eziphatha ngokuchwayisiswa kwamathuba phakathi kwabesifazane labe silisa ezweni, ngokunikeza imali eyenelayo yokuphatha lolohlelo ngenhloso yokuthuthukisa, kanye lokugcwalisiswa kwamathuba phakathi kwabesifazane labesilisa kunhlangothi zonke eziqakathekileyo ezweni.

b. Ukutshetshisa imizamo yonke yokwamukela lokusebenzisa kuleli iziqokoqela zezi vumelwano eziphatha ngamalungelo esifazane.

c. Ukugcwalisisa izimiso zesiSekaMthetho esidinga ukuba lengxenye yaphakathi-laphakathi yabesifazane belingane labesilisa kuzikhundla ezinikwa kuHulumende kanye lakwezinye ezokukhethelwa.

E41 - AMALUNGELO KWEZEMPILAKAHLE – IMPAHLA LENDAWO ZOKWELATSHELWA: UKUFUNDISWA KWABELAPHAYO [10]

Okwafezwayo Ngamafitshane:

30. Uhlupho lomkhuhlane weKHOVIDI-19 lubangele ukulungisiswa kwezinye indawo ezaziyekelelwe ukuze ziphathise abahlaselwe ngumkhuhlane, ukubunjwa kwendawo ezintsha, ukudingwa kwempahla zokuvikela ukuhlaselwa ngumkhuhlane, impahla zokusebenzisa ekuhloleni ukuba umuntu angabe elomkhuhlane lo kumbe hatshi, kanye lemithi yokuhlaba ukuvikela igcikwane leli, phezu kwamanye amanyathelo. Imithi yokuhlaba ukuvikela lumkhuhlane yayivele isikhona kungela mbadalo kusiya ekupheleni kukaNkwenkwezi, 2021, kodwa khathesi ayisatholakali lula. Ngosuku luka 30 Nhlangula, 2021, besekule nani labantu abafika izinkulungwane ezingamatshumi amane lathobaminwemibili ezilamakhulu amahlanu lamatshumi amathathu lantathu abasebetholakale belomkhuhlane weKHOVIDI-19, kwafaabafika inkulungwane eyodwa elamakhulu ayisikhombisa lamatshumi ayisithupha lanye, ngokwethulelwe kuNhlanganiso yezimpilakahle emhlabeni (WHO). Njalo ngosukuluka 28 Nhlangula, 2021, amathonsi omuthi wokuhlaba kuvikelwa afika kusigidi esisodwa lenkulungwane ezilikhulu elilodwa elilamatshumi amane lasithupha lamakhulu amathathu alamatshumi ayisikhombisa lathobaminwemibili aye esesetshenzisiwe. [11]

31. Lomakunjalo-nje, uncedo lwemali kuhlangothi lokwelatshwa solwehle okwesabekayo lusuka kunani elejeyekileyo lezigidi ezingamakhulu ayisikhombisa lamakhulu amahlanu alamatshumi amane lanhlanu amadola eAmerica ngesikhathi esiphakathi kuka 2016 lo 2018, kusiya kuzigidi ezingamakhulu amahlanu amadola eAmerica ngo 2020. Inani yemali ebikhangelelwe ukusetshenziswa ngo 2020 kuhlelo lwezempilakahle, yasilela kulokho okwaku khangelelwa mayelana ngeSiqiniseko esenziwa eAbuja ngenani letshumi lanhlanu ekhulwini, loba nje kwaba lobungcono kancane bokusuka kunani lo kuyisikhombisa ekhulwini, ngo 2019, kusiya kutshumi ekhulwini ku2020.[12]

32. Kunhlalakahle yezisebenzi zempilakahle, izehlakalo zokungaphathwa kahle lokwethuselwa nguHulumende weZimbabwe zilokhu ziluhlupho, lokhu kuvezwa yikuqhubeka kwezisebenzi zikhalala umsebenzi wazo.

33. Inkuthazo yokungenziwa:

a. Ukuqhubekela phambili ngokuqinisa inhlelo zezempilakahle ngokuthuthukisa indawo zokuqhubela umsebenzi (ukuphathwa komsebenzi), ukuphathisa abaqhuba umsebenzi ukuba babe lempahla yokusebenzisa (ikakhulukazi labo abaqhuba le imisebenzi bephathisa abantu abakuzindawo lapho behlala khona), kanye lokulungisisa inhlupo ngokusilelayo kulo umsebenzi.

b. Ukuthuthukisa indaba eziphathelane lenhlalakahle yezisebenzi ukuze kwenqatshelwe ukukhalalwa kwemisebenzi khona okubuyisela emuva umsebenzi.

c. Ukulandela indlela ezeyame kundaba zamalungelo oluntu (HRBA) ekuhleleni imali ezizasetshenziswa kulokho ukwenzela ukubana imali isetshenziswe ngokuqondane lemisebenzi eqanjiweyo, njalo ebhekane lendaba zamalungelo oluntu.

d. Ukwenza ukuthi ingcitshi zezempilakahle zitholakale ezibhedlela zemaphandleni.

e. Ukunxusa umuntu ozacubungula indaba ezimayelana lamalungelo kwezempilakahle (SR), ngokwalusa lezondaba kanye lokwethula imbiko ngalezondaba.

hweveruzhinji nekurikidza nekuvandudza mafambisirwo ebasa panzvimbo dzinechekuita nekuwaniswa kwehutano, kusimudzira vashandi kuti vave nezvakakwana (kunyanya vanoita mabasa ezveutano munharaunda mugere vanhu), nekugadzirisa matambudziko ekushaikwa kwezvivakwa nezvokushandisa.

b. Kusimudzira nyaya dzinechokuita nezvehupenyu neugaro hwakanaka hwevashandi varimunezveutano kudzivirira kuti vasaramwe mabasa izvo zvinozokanganisa zvakanyanya mafambiro ebasa.

c. Kukoshesa hurongwa hwekuisa kodzero dzavanhu mberi panoitwa hurongwa hwemashandisirwo achazoitwa mari panezvinechokuita neveruzhinji munyika kuti pave nechokwadi chokuti mari dzashandiswa mabasa akakosha akatojekeswa nechekare anechokuita nekodzero dzavanhu.

d. Kuendesawo mabasa anoda vanamazvikokota kuzvipatara zvemadhisitirikiti munyika yose.

e. Kukoka nhume inoongorora nezvekodzero dzinechokuita nezveutano.

E22/E26 - ILUNGELO LOKUTHOLA AMANZI OKUNATHA, INDABA ZOKUHLANZEKA, KANYE LOKUDLA[13]

Okwafezwayo Ngamafitshane:

34. Inhlelo zokungezelela inani lamanzi ziqhubekela phambili, kugoqela uku lungiswa kutsha kwendlela yokuhamba kwamanzi kwezinye indawo zase madolobheni okufana lemitshina yamanzi endaweni ehlanzwa amanzi yeMorton Jaffray eHarare ngo2019. Izinto ezidingakalayo ekwakhiweni kwendawo zokugcinela amanzi njengama damu kundawo ezitshiyeneyo zelizwe kuhlanganisela idamu leKunzvi-Musami, ledamu leGwayi-Shangani sezithe zanikezwa.

35. Loba kunjalo nje, ukuswelakala kwamanzi ahlanzekileyo emadolobheni lase maphandleni lokhe kuludubo olukhulu, khona okubangela ingxabano kanye lodlakela kundawo zokukhela amanzi emadolobheni, kakhulukazi kuqondiswe kwabesifazane, amankazana, lalabo abaphila begogekile, kanye lalabo asebeluphele. Ukwakhela kundawo ezingama xhaphozi okuthe kwamemetheka kwala lokhe kufaka engonzini indawo zemvelo zona ezingumthombo wamanzi ahlanzekileyo.

36. Umbiko womcubunguli Omkhulu wemisebenzi kaHulumende lokusetshenziswa kwemali ubika ukubakhona kokumemetheka kokungcoliswa kwendawo eziyimithombo yokutholisa amanzi kanye lokuvuzela kwengcekeza kuzikhotsho, khona okubuyisela emuva imizamo yonke yokufinyelela amanzi okunatha ahlanzekileyo.

37. Ngokumayelana lokugcinakala kokudla ezweni, isithunywa esalusa indaba zokubona ukuba ukudla okwenelayo kukhona, esavakatshela eleZimbabwe ngo November ka 2019 safumana ukubana, lakhona ilungelo lokutholakala kokudla okweneleyo lisekelwa yisiSekaMthetho kanye lezimiso ndawonye lemithetho eminengi-nengi, "indlala yokubangelwa yikwenza kwabantu iyangena kancane-kancane ezweni. Abantu abedlula amatshumi ayisithupa ekhulwini abala kudla okweneleyo ngenxa yesimo sobuyanga obukhulu, ukukhwela kwentengo yezinto elizweni, kanye lenzuzo ephansi kwezokulima, kuhlanganisela ezinye imbangela".[14]

38. IKhomishini emayelana lokunanzwa kwamalungelo oluntu, ZHRC, ngokuchwayisisa, isithole ukubana ukuholiswa kokudla ezweni kwande ukwenziwa ngokweyame kundaba zombuso welizwe kakhulukazi kundawo zemaphandleni khona okuyikho okuhlala abantu abanengi abayibo abasengozini.[15]

39. Inkuthazo yokungenziwa:

a. Ukuhlela lokunikeza imali eyeneleyo ezasetshenziswa ngokulandela indlela eyame kweza malungelo oluntu ekutholisweni kwamanzi ahlanzekileyo.

b. Ukugcwalisa yonke inkuthazo eyenziwa yiSithunywa eseza kuleli esendaba zamalungelo ezokudla, yona eyethulwa ngemva kokuvakatshela kwaso kwele Zimbabwe.

c. Ukunxusa isithunywa esiphatha ngendaba zamalungelo okutholiswa amanzi okunatha kanye lokuhlanzeka.

E51 - ILUNGELO LOKUTHOLA IMFUNDO YEPRAYIMARI - KUNGELAMBADALO[16]

Okwafezwayo Ngamafitshane:

40. Isigaba sesimatshumi ayisithupha lane SoMthetho wezemfundo (esaguqulwa ngo 2020), okwakhathesi sinekeza imfundo kungela mbadalo yona okumele itholiswe wonke umuntu yebanga lakuqala, yephurayimari. Umthetho lo uthembisa amankazana impahla yokusebenzisa umabesesikhathini sabesifazane kungela mbadalo ukuze baqhubeke besesikolo, njalo iyalisa ukutshaywa kwabantwana ezikolweni.

41. Loba kunjalo nje, akula manyathelo asethe abakhona okuqhuba loluhlelo lwemfundo yebanga laphansi yepurayimari kungela nhlawulo, njalo ingekhangelelwe ukufinyelelwa ngumuntu wonke njenga lokhu okutshiwoyo. Uhlelo lokuphathisa kumfundo yamabanga aphansi lweBEAM lwethulwa ngo2021 ukuphathisa abaswelayo, kodwa izifundi ezinengi zilokhe zingatholi uncedo ngenxa yokusilela koncedo olukhona (okwakhathesi isigidi esilengxenye, phakathi kwenani lezigidi ezine lengxenye, labantwana abafanele ukuphathiswa yilo oluthola uncedo lolu), ngenxa yokusilela kwemali kanye lendlela ezingabalulekanga zokuqhuba umsebenzi.

42. Umkhuhlane weKHOVIDI-19 usungezelele uhlupho ngokwethula uhlelo lokufunda ngendlela yeintanethi njengendlela entsha yokuqhuba izifundo, yona efinyelelwa ngabantwana abalutshwane kuphela abavela kumuli ezitholayo. Abantwana abasemaphandleni kuzikolo ezithola imali ephansi, kakhulukazi izikolo zase maphandleni, abenelisisi ukufinyelela kuzifundo eziqhutshwa ku intanethi ngayo yonke indlela ngenxa yenswelo kanye lokuswelakala kwemali yokuphathisa indlela zokusebenzisa (okunje ngamakhompiyutha lamagagasi akhona).

43. IKHOVIDI-19 isibangele inani elikhulu labantwana abangenelisi ukuhlawula imali zesikolo ukuba batshiyele isikolo endleni kundawo eziswelayo, kanye lokuswela izinto zokusebenzisa ekuqhubeni izifundo ngendlela leyo.

44. Inotho yelizwe yona engenzi kuhle isibangele ukutshengisela kundaba zemisebenzi ngokukhalala imisebenzi kwababalisi besithi inani lendleko zabo empilweni alibavumeli ukuba baqhube umsebenzi wabo, ngalokho uhlonzi lwemfundo luyehla.

45. Inkuthazo yokungenziwa:

a. Ukuthatha amanyathelo okuqhuba ngokubanzi inhlelo zemfundo kungela nhlawaulo yona okumele itholwe ngumuntu wonke ngokumayelana lemfundo yesigaba sakuqala sepurayimari.

b. Ukudinga uncedo kwamanye amazwe ukuze aphathise ngokudingakalayo khona okusekela ezemfundo ngesikhathi sokuhlasela kweKHOVIDI-19 kakhulukazi kuzikolo zemaphandleni.

c. Ukuthatha amanyathelo okunikeza imali eyeneleyo ukuze ababalisi babe leholo elingcono khona okuzanqabela ukuphuma kwababalisi besiya kwezinye indawo kumbe amazwe, njalo ukuze kugcinakale ubungcitshi lobu ezweni.

F4 - ABANTU ABAKHUBAZEKILEYO, UKUNANZA UKUKHUBAZEKA KWABO KUNDABA ZEMFUNDO, UKUFINYELELA KWABO UKUNGENA KUZAKHIWO [17]

Okwafezwayo Ngamafitshane:

46. UHulumende weZimbabwe ukhanda umthetho ozabambanisa izimiso ezikuNhlanganiso yamazwe Omhlaba ezibona ngamalungelo abantu abakhubazekileyo, i-UNCRPD, zona ezingakethulelwa uzulu. Umthetho lo omutsha uzathatha indawo yomthetho ophatha indaba zalabo abakhubazekileyo kanye leminye enjalo engasahambelani lesikhathi, ngoba ingasahambelani njalo lomqondo osukhona kwezamalungelo abo.

47. Mhlaka 9 Nhlangula 2021, uHulumende weZimbabwe wethula isimiso soMthetho omayelana labantu abakhubazekileyo elizweni, owathuthukiswa ngosekelo olwavela kulabo abaphatheke kuloludaba, kugoqela inhlanganiso yomanyano wamazwe omhlaba, wona ojonge ukulungisa indaba zokutshiywa ngaphandle lokubandlululwa kwabantu abaphila begogekila, kanye lokubathuthukisa kwezomnotho ukuze labo bathuthukise uhlonzi lwempilo zabo njalo babe lengxenye abayenzayo kundaba eziphathelane lentuthuko yelizwe.

48. Kundaba zokubagoqela kwezemfundo, iSahluko esitsha sika 68B soMthetho weze Mfundo sithuma isikolo sinye ngasinye esabhaliswayo ukuba sibelendawo zokusebenzisa ezifinyelelwa lula ngabaphila begogekile.

49. Loma kunjalo nje, akula cebo elithe lenziwa kanye lesikhathi esabekwayo sokubana indawo zokusebenzisa ezinjalo zibe sezalungiselwa izifundi eziphila zigogekile ukuze zithole imfundo ngokulinganayo labanye.

50. Ukwenelisa ukungena kuzakhiwo kwalabo abakhubazekileyo kulokhe kunzima ngokubana umthetho okhona khathesi ubheke abalohlupo ekuhambeni kuphela. Kukanti abanye labo baphila begogekile ngezinye indlela, njengokungaboni, kabenelisi ukungena kuzakhiwo bengaphathiswanga. Lokhu kuphikisana lenhloso yokuphila umuntu ezimele yedwa, kanye lokuba yingxenye yakho konke okwenzakalayo ngokulinganayo, njengalokho okumiswe kuzimiso zeNhlanganiso ephatha amalungelo alabo abaphila begogekile kumanyano wamazwe omhlaba, i-UNCRPD.

51. Inkuthazo yokungenziwa:

a. Ukuphuthumisa ukubunjwa komthetho ogoqela izimiso zenhlanganiso ephatha amalungelo abantu abakhubazekileyo yomanyano wamazwe omhlaba, i-UNCRPD, ngokudinga imicabango lenkuthazo yalabo abakhubazekileyo kugoqela lenhlanganiso zabo.

b. Ukuthatha amanyathelo abalulekileyo ukuze kube lengqubela phambili ekufinyeleleni indawo zokusebenzisa ezikolo ngumuntu wonke okusekela imfundo egoqela wonke umuntu kuzikolo zonke, ikakhulu kuzikolo zikazulu lezasemaphandleni.

c. Ukwethula imbiko ngendlela efaneleyo kulabo abakhubazekileyo ukuze bayifinyelele, ikakhulu ngokumayelana ngamanyathelo okumisa ukumemetheka kwegcikwane leKHOVIDI-19, kanye lokuguquguquka kwalo.

d. Ukuthatha inyathelo ezweni lokulandela izimiso eziphatha indaba zabantu abakhubazekileyo (NDP).

D32 - UKUNYAMALALISWA KWABANTU: UDLAKELA NGOKUMAYELANA LENDABA ZOMBUSO WELIZWE, UKUNYAMALALA KUKA-ITAI DZAMARA [18]

Akula Okuthe kwenziwa:

52. Isinqumo soMthethwandaba oPhezulu esika2015 esasithuma uHulumende ukuba achwayisise ngokunyamalala kowayephatheke kundaba zokulwela ilungelo labantu, u-Itai Dzamara, lokhe singakalandelwa. Amapholisa ngemva kwamaviki amabili elandelana ngokunjalo, okweminyaka ethize, aye esazisa ngodaba lolu kodwa kungela lutho oluphumayo, njalo akulakuchwayisiswa okubambekayo okwenziwayo.

53. Kodwa-ke, indaba zokuthunjwa kwabantu lezi zivamile. NgoNcwabakazi, 2019, uSamantha Kureya oxoxa ngendaba ezenzakala kumphakathi, njalo lokuhlekisa uzulu, wathunjwa, watshaywa njalo wabanjwa ngamandla ukunatha amanzi alengcekeza ngemva kokubana abantu angabaziyo bamthatha ngakwakhe, wabesetheswa umlandu wokweyisa uHulumende ngenkulumo lokwenza kwakhe. Udaba lolu aluzange luchwayisiswe njalo.

54. Abanye njalo abalwela amalungelo oluntu abafana loTawanda Muchehiwa kanye loTatenda Mombeyarara labo ngabanye abathunjwayo kanye lokuzwiswa ubuhlungu ngokuhlukuluzwa.

55. Amalunga eMDC aphatheke kundaba zokulwela amalungelo oluntu, athi uJoana Mamombe, Netsai Marova kanye loCecilia Chimbiri bathunjwa kanye lokuzwiswa ubuhlungu ngokuhlukuluzwa, kuhlanganisela lokumayelana lendaba zokuya emacansini, ngoNkwenkwezi 2020.

56. Akula kuchwayisiswa okwenziwayo kuzo zonke izehlakalo, ngalokho abenza lokho kabakalethwa emthethweni kuzekube khathesi.

57. Loba nje kulomzamo wokwethula umthetho omayelana lokuziphatha emsebenzini kwalabo abakumisebenzi yokugcina ukuthula ezweni, umthetho lo awukethulwa.

58. UHulumende weZimbabwe akatshengiseli ngokusemandleni akhe ukuba ulesifiso sokuchwayisisa udlakela olumayelana lezombuso welizwe. Sokuyinjwayelo ukuxolela

labo abayabe beqhube lolodlakela kundaba zombuso welizwe ngokubavikela ekubotshweni kanye lokuba bathonisiswe.

59. Inkuthazo yokungenziwa:

a. Ukuchwayisisa kanye lokuthonisisa labo abathumba u-Itai Dzamara.[19]

b. Ukucubungula izehlakalo zokuthunjwa kwabanye abalwela indaba zamalungelo oluntu, okugoqela uJoana Mamombe, uNetsai Marova, uCecilia Chimbiri, uSamantha Kureya, uTatenda Mombeyarara loTawanda Muchehiwa.

c. Ukulandela umthetho omayelana lezimiso zokusebenza kwalabo abalwela amalungelo abantu, amaHRD, njengalokho okulaywa yizimiso zeNhlanganiso yomanyano wamazwe omhlaba ngokumayelana lamalungelo alezi zisebenzi.

d. Ukubumba umthetho olensika zendlela zokumangala ngazo kuNhlanganiso ezimele yodwa ephatha lowomsebenzi ukuze labo abaqhuba umsebenzi wokugcina ukuthula ezweni babengaba khangelana lempumelo yezenzo zabo.

e. Ukugcizelela kanye lokwamukela izimiso okwavunyelwana ngazo ezimayelana lokunyamalaliswa kwabantu, kanye lokunxusa isethekeli esiyingcitshi yeNhlanganiso yamazwe omhlaba esiqhuba umsebenzi omayelana lendaba zabantu abanyamalalisiweyo.

D43 - INKULULEKO YOKUTSHO OKUSENGQONDWENI YAKHO[20]

Kwenziwa ngokungaphelelanga:

60. Lobanje uHulumende weZimbabwe wesula umthetho omayelana lokuthula lokuzinza ezweni ngo2019, umthetho omutsha, wokulondolozwa kokuthula lokuzinza ezweni (MOPA), womisela abantu njengowakuqala. Okukodwa okutshengisa umahluko yikwesulwa kweSigaba esamatshumi amabili lasikhombisa (ukwaliswa kokutshengisela kundawo ezithize), khona okwathiwa kuyisimiso esingaphandle komthetho lidale lomthethwandaba. Umthetho omutsha lo, ulokhe uyisiqu sesikhali sokwalisa abantu ukuba lenkululeko yokudlelana santando kanye lokubuthana, njalo lelungelo lokufeza okusengqondweni zabo.

61. Kulemithetho emibili elokhe isakhandwa, umthetho omayelana lokwethulwa kwemibiko kanye lophathelane lokugcinakala kwemfihlo ephathelane lomuntu mathupa. Imithetho le ilethwa ukuzothatha indawo yomthetho omayelana lokwethulwa kombiko kuzulu kanye lokugcinakala kwemfihlo ngokuqondane labantu, kodwa kayikabunjwa.

62. Ukunanzwa kwenkululeko yokuthi umuntu atsho okusengqondweni yakhe sokwehle kakhulu kusukela ngesikhathi lapho kwacina khona ukuchwayisisa okufana lalokhu. NgoZibandlela 2019 uHulumende weZimbabwe wacitsha amagagasi okusebenza kwe-intanethi ukuvalela ukutshengisela kukazulu okwakuqondiswe ekuphikiseni imithetho engelangqubela phambili. Intatheli zindaba ezifana lo Hopewell Chin'ono ziyeluswa njalo zihlukuluzwa ngokuchaya kwazo indlela ezingabalulekanga zokubusa kanye lendaba zokufumbathiswa kuhulumende.

63. Laloba kulokukhululeka ekukhulumisaneni ngendlela zemitshina, iintanethi, phakathi kukazulu jikelele, kulokhe kulokwaliswa kwabanye abaphatheke kundaba zokulwela

ilungelo labantu abathize: Iziphathamandla zeMDC, uFadzayi Mahere loJob Sikhala kanye lentathelizindaba uHopewell Chin'ono betheswa umlandu wokwethula imibiko yamanga ephambanisa isimilo sikaHulumende ngemibiko ababeyifake kundlela ezisetshenziswa nguzulu njenge ndlela zokukhulumisana kuintanethi.

64. UHulumende weZimbabwe uphatheke ekuzameni ukwethula umthetho ozakwenza kubelicala ukukhulumisana kwabantu makhaza bakuleli labo hulumende bakwanye amazwe lokhu kungezelela izimiso ezingafanele ezilihlazo kusiqu semithetho eminengi esigoqela izenzo ezokwephulwa kwemithetho.

65. Okukhuthazwa ukuthi uHulumende weZimbabwe akwenze:

a. Ukuthatha amanyathelo okwesula umthetho weMOPA ukubana uhambelane lezimiso ezibekwe yisiSekamthetho kundaba zenkululeko yokubuthana labanye, ubudlelwano lokufeza okusengqondweni.

b. Ukumisa imisebenzi yokuhlasela labo abayabebefeze imibono etshiyana le kaHulumende kundlela ezisetshenziswa nguzulu zokukhulumisana ngazo kulezinsuku, khona okuyikwethesa icala kubantu abayabebefeza imicabango yabo.

A61 – UKUSEBENZELANA NDAWONYE LENHLANGANISO EZILWELA AMALUNGELO OLUNTU: UKULONDA UMBIKO OWETHULWA ISIKHATHI NGESIKHATHI[21]

Okwafezwayo Ngamafitshane:

66. Eminye imihlangano yokulonda okwenzakalayo isikhathi-ngesikhathi yaqhutshwa phakathi kwenhlanganiso ezilwela amalungelo oluntu amaCSO, loHulumende weZimbabwe. Loma kunjalo nje, imihlangano le yayi ngeyokuloba ukuvumelana okuthize kanye "lokwamukela" imisebenzi kaHulumende kanye lokumunyethwe kumbiko yakhe, kodwa kungela kucebisana. Ngalokho-ke, inhlanganiso ezilwela amalungelo oluntu amaCSO, zethule umbiko lo ukwenzela ukuthi umumo wamalungelo kazulu elizweni ube segcekeni.

67. Ngakho-ke, ukusebenzelana ndawonye phakathi kukaHulumende weZimbabwe lenhlanganiso zamaCSO kayisikho okungathiwa kuqinile.

68. Inkuthazo yokungenziwa:

a. Ukuthatha amanyathelo okubumba ukuxoxisana okuqotho lenhlanganiso ezisebenzisana lozulu (amaCSO) ezilwela amalungelo oluntu kanye, lesikhathi sokulungiselela imihlangano yeUPR yokuchwayisisa okuyabe kwenzakele, langemva kokuqhuba leyo mihlangano.

H1 – ABANTU ABALWELA AMALUNGELO OLUNTU – UMUMO WELIZWE KUNHLANGANISO EZILWELA AMALUNGELO OLUNTU LABASEBENZELANA LAZO[22]

Ukula okuthe kwenziwa:

69. UHulumende weZimbabwe unciphisa indlela zokusebenza kwenhlanganiso eziphatha amalungelo oluntu ngokwethula imithetho eyedlulisileyo kuhlangothi lolu, ngokusebenzisa isahluko somthetho ophatha mayelana lendlela zokuqhuba umsebenzi

kwenhlanganiso ezisebenza zizimele zodwa ngokuzinekela kwazo, amaPVO. Umthetho lo kawufanelanga ukupha iziqondiso ngokusebenza kwezhlanganiso ezitshiyeneyo amaCSO, zona eziqhuba imisebenzi yokulwela amalungelo oluntu wona abhalisa ngaphansi kwemithetho eyehlukileyo mayelana lokusebenza kwawo.

70. Inhlanganiso ezizimele zodwa ezizinekela ukunikeza uncedo ezweni, amaPVO, azila bameli kunhlanganiso yazo eyaphezulu yona ebunjwa ngumthetho omayelana lendlela zokuqhuba umsebenzi, ukuze kwaluswe indlela zawo zokuqhuba umsebenzi elizweni. Umthetho lo womisa indlela zokusebenza kwenhlanganiso lezi ngoba ungananzi ukuba inhlanganiso lezi kumele zizibumbele indlela zazo zokuqhuba umsebenzi kulolu hlangothi.

71. Ukubhalisa njengenhlanganiso ezimele yodwa yePVO ngaphansi komthetho obona ngenhlanganiso lezi kukhanya kuyindlela elula ngokulotshwe phansi, kodwa kungumthwalo omkhulu nxa sekusekutheni sokuqhutshwa lowomsebenzi. Kuthatha iminyaka ethize sibili ukubana inhlanganiso yazo eyaphezulu yamaPVO yethule isinqumo ngesicelo sokubhalisa inhlanganiso eyabe ithe yafuna ukwamukelwa. Ukuphuza okunjalo kunqabela inhlanganiso lezi ukuba yingxenye yenhlanganiso ezilwela amalungelo oluntu zeCSO, zona ezizabe zizancedisa uHulumende kumizamo yakhe ekugcwalisiseni ezinye zenkuthazo ezivela kunhlanganiso ephatha ngokuhluza isimo kundaba zamalungelo oluntu emhlabeni jikelele, ngezikhathi ezibekiweyo, eye UPR.

72. Inhlanganiso eziqhuba imisebenzi yokulwela amalungelo oluntu, amaCSO, zibanjwa ngamandla ukuba zilethe ingwalo ezitshengisa izivumelwano zobudlelwano eziyabe zilotshelwane phansi lezinye inhlanganiso, kanye lendlela yezimiso zazo ekuqhubeni kwazo umsebenzi kulabo abaphatha izigaba ezinkulu zelizwe, bona abasuka bazame ukuguqula inhlelo zenhlanganiso lezi zeCSO ukuba zingagoqeli indaba ezimayelana lendlela yokubuswa kwelizwe ngemfanelo, kanye lokuthi inhlanganiso zeCSO zenze intando yabo ekuqhubeni kwazo imisebenzi.

73. Phezu kwalokho, imithetho efuna ukukhandwa ePhalamende egoqela ukuguqulwa komthetho obona ngokusebenza kwenhlanganiso ezizimele zodwa zabantu nje, amaPVO,[23]kanye lesiqu semithetho eminengi esigoqela izenzo ezokwephulwa kwemithetho, njalo lomthetho ofuqa abantu ukuba batshengise ukuzimisela ukumela lokusekela ilizwe lakwabo ngokupheleleyo, lokhu kuletha ukukhathazeka okukhulu. UHulumende weZimbabwe ufuna ukuguqula umthetho obona kngokusebenza kwenhlanganiso ezizimele zodwa zabantu nje zona ezimela amalungelo oluntu kuleli amaPVO, ngokuwomisa isiqu sezimiso zendlela yokusebenza kwazo esenza angathi ulandela inkuthazo yesithoba minwe mibili yequla lamanyathelo kundaba zemali kukanti inkuthazo leyo iyamukela indingeko yokubana uHulumende atshiyane lokuthatha amanyathelo angafanele acina eyikungenela ngokungafanele kumisebenzi yesihle eyokuphathisa ngokuqhotho.[24]

74. Umthetho ohloswe ukukhanda wona ofuqa abantu ukuba batshengise ukuzimesela ukumela ukusekela ilizwe lakwabo ngokupheleleyo lawo uyangenela njalo ngokungafanele kundlela zokuqhuba imisebenzi kwenhlanganiso ezimela amalungelo oluntu, ngokwenza kube licala yonke inkulumo ezabonakala njengamazwi okweyisa uHulumende. Ngesikhathi sokwethulwa kodaba lolu ukuba luxoxwe ngalo kudale lePhalamende ngenyanga kaMbimbitho 2020, labo ababesekela ukukhandwa kwalumthetho, baqamba mgceke amalunga amabandla aphikisayo kanye lenhlanganiso ezimela amalungelo kazulu ukuba yibo abangxwanelwe yilo umthetho.

75. Inkuthazo yokungenziwa:

a. Kuisa mutemo, ongororo inotevera isati yaitwa, unonyatsojekesa kuti ndoweka. Kungakafiki isikhathi esilandelayo sokuhlolisisa njalo lokho okuthe kwenzakala, kumele kubekwe umthetho ngokucacileyo ovikela amalungelo kanye lokukhululeka kwabalwela amalungelo oluntu, amaHRD, kanye lenhlanganiso ezilwela amalungelo oluntu, amaCSO;

b. Ukunxusa isikhonzi esiphatha indaba zesimo somumo ezweni kukhangelwa abantu abalwela amalungelo oluntu, ukuba sivakatshele kuleli njalo sicubungule umumo kanye lokupha inkuthazo ekhomba okuyikho okumele kwenziwe ukuze kube lomumo ovikelekileyo njalo ovumela ukuthi inhlanganiso zisebenze zikhululekile.;[25]

c. Ukuguqula isigaba somthetho okhangela ukusebenza kwenhlanganiso ezizimele zodwa ezibunjwe ngabantu nje kundaba zokumela amalungelo oluntu amaPVO, ukuze labo abahlela izimiso zendlela yokuqhuba umsebenzi walezinhlanganiso, bangabi ngabasekela uhlangothi oluthize, kodwa baphathe umsebenzi ngemfanelo.

d. Ukutshiyana kanye lokungakhuthazi ukukhandwa komthetho ofuqa abantu ukuba batshengise ukuzimisela, ukusekela ilizwe lakwabo, ngoba imithetho evele ikhona yanele ukulondoloza isimilo lokuzinza kwelizwe kanye lokuthuthukisa isimilo salo ngaphandle kanye lasemhlabeni jikelele.

e. Ukwamukela kanye lokuvumela ukuthi inhlanganiso ezilwela amalungelo oluntu, amaCSO, zizilungisele isiqu sendlela ezizasebenza ngayo, lokhu kusenziwa ngemva kokuxoxisana kanye lokubonisana.

D33 – UKUBOTSHWA MAHLAYANA KANYE LOKUVALELWA – UKUSETSHENZISWA KWAMANDLA, UKUZWISA UBUHLUNGU, UKWETHUSELA, LOKUHLUKULUZA[27]

Akukenziwa:

76. UHulumende weZimbabwe ulokhe esengxakini yokuzama ukubusa ilizwe kungekho ukweqa umthetho. Usebenzisa indlela zokubopha mahlayana kanye lokutshutshisa emthethwandaba njengesikhali sokuthulisa labo abelwela amalungelo oluntu. Kumnyaka owodwa oka 2020, kwabotshwa mahlayana kanye lokuvalelwa okwesikhathi eside abantu abaphikisa mgceke indlela zokuncindezela kwezombuso abafana lo Hopewell Chin'ono, Jacob Ngarivhume, Godfrey Kurauone, Job Sikhala, Fadzai Mahere, kanye lezifundi ezigoqela uTakudzwa Ngadziore, Tawanda Mucheyiwa lo Allan Moyo kukhombisa ukuqhubeka kokubotshwa lokumiswa kumadale omthethwanda kungela zizatho ezibambekayo.

77. Laloba ukuthonisiswa kwalawamacala kulula, kulokhu kungakaphethwa kukhomba ukubana ukubotshwa kwabo lokusiwa emthethwandaba kwasetshenziswa njengesikhali sokubathulisa kanye lokuhlukuluza labo abakhononayo kodwa kungelasizatho sokubamisa phambi kwedale ngokuqotho.[28]

78. Ekuphathiseni abantu ababengxwanelwe yilokhu, ngo2018 kuphela, inhlanganiso yamagqwetha alwela amalungelo oluntu yakuleli yeZLHR yaphatha indaba ezingamakhulu amahlanu lamatshumi amane lanye, phakathi kwalezo ezilikhulu lamatshumi amabili lambili, zazingezokuphathisa labo abalwela amalungelo oluntu bona ababebotshelwe ukuphikisana loHulumende, kukanti amakhulu amane letshumi lasithobamunwemunye, zakhwezwa kumadale omthethwandaba. Phezu kwalokho,

indaba ezingamakhulu amabili alamatshumi ayisikhombisa lantathu, ezazimayelana leSisekamthetho kundaba zamalungelo oluntu zalethwa phambi kwedale lelo ngenhloso yokuthi iSisekamthetho silandelwe ngokufaneleyo, kukanti indaba ezilikhulu lamatshumi amane lasithupa (146), zazimayelana lokuthi uHulumende angavunyelwa ukwephula umthetho santando kungela nyathelo elithathwayo.[29]

79. Inkuthazo yokungenziwa:

a. UHulumende weZimbabwe kumele agcizelele ngokulandela izimiso zesivumelwano seCAT, sona esalisa amazwe ukuba azwise izizalwane zawo ubuhlungu ngabomo, kanye lokuzihlukuluza zibotshiwe ngenhloso yokuba zivume okuthize kanye lomthetho osekela isivumelwano sokunanza amalungelo oluntu kundaba zombuso welizwe umhlaba wonke jikelele seICCPR;[30]

b. Ngasikhathi sinye, kumele kwengezwe omunye umthetho kusiqu somithetho eminengi esigoqela izenzo ezokwephulwa kwemithetho, ukuba sigoqele umthetho wokuzwisa ubuhlungu emuntwini ngabomo engabotshwa khona okugxile ekutheni akuvunyelwa lakancane njengokulotshiweyo kuzimiso zomthetho womhlaba wonke jikelele;

c. Ukumisa umkhuba wokubopha abantu kungelazizatho ezibambekayo kanye lokumisa abantu phambi komthethwandaba njengendlela yokuhlukuluza labo abakhonona ngokuthize.

B51 – INDLELA EZISEBENZAYO EKUQEDENI INHLUPHO – UKUTHUTHUKISA INDLELA ZOKUBANA ABANTU BAFINYELELE UKULINGANISWA KWENDABA NGEMFANELO NGOKUSEMTHETHWENI[31]

Okwafezwayo Ngamafitshane:

80. UHulumende weZimbabwe uyanconywa ngokuthatha amanyathelo okuvula amadale omthethwandaba endaweni ezitshiyeneyo. Sokuleminye imiThethwandaba ePhezulu emibili owodwa eMasvingo ngo2016, kanye lomunye oseMutare ngo2018. Eminye njalo imithethwandaba kaMantshi esethe yavulwa kuzozonke indawo zelizwe ngenhloso yokuba uzulu afinyelele indaba zokuya emthethweni.

81. Ukubunjwa kohlangothi oluphathisa uzulu kungela nhlawalo kulabo abaswelayo kundaba zomthetho (iLAD), yisitshengiselo esiqakathekileyo sokuphathisa uzulu ukuba afinyelele uncedo kundaba zomthetho. Uhlangothi lolu luqhuba umsebenzi eHarare, Bulawayo, Masvingo lase Mutare ukuze luphathise abaswelayo. Loba kunjalo nje, uhlangothi lolu lwe LAD kalulamali kusitsho ukubana isandla salo kulokho sifitshane. Abantu abanengi ezikhathini ezinengi kabenelisi ukuthola imali yokuhlawulela indleko kundaba zomthetho.

82. Inhlanganiso zabalwela amalungelo oluntu, amaCSO, njengabapha uncedo kwezomthetho, ziyaphathisa imizamo kaHulumende ngokupha uncedo kundaba zomethetho kulabo abantu abadinga okuthize okubalulekileyo emthethweni, kumbe besenza lokho bemele uzulu.

83. Umkhuhlane weKHOVIDI-19 usuphambanise ukufinyelela kwabantu ekuphathisweni ngumthetho kundaba zabo. Inani lendaba ezabekwa phambi kwamadale lehla kakhulukazi ngo2020 ngenani lokungamatshumi amane lambili ekhulwini kumadale onke

kuqathaniswa lomnyaka ka2019. Lokhu kwabangelwa yizimiso zokumiswa ukuhamba-hamba kukazulu ezweni, kanye lokuqunywa kwezikhathi zokuqhuba imisebenzi ethize ngenhloso yokumisa ukumemetheka komkhuhlane weKHOVIDI-19.[32]

84. Ngesikhati esifitshane esedluleyo, kube lokuhlaselwa kwenhlanganiso emela amagqwetha yakuleli iLSZ, okungaphazamisa isimo sayo esokuzimela ingasekeli uhlangothi oluthize, kanye lamandla ayo okuba ngekhululekileyo ekuthini izikhandele izimiso kanye lemithetho yayo efaneleyo ekuqhubeni imisebenzi yayo, kumbe ukwenza ukuthi amagqwetha angamalunga ayo angamukeli indaba ezitshisayo ezombangazwe.

85. Inkuthazo yokungenziwa:

a. Ukunqinekela ukubana uncedo kundaba zomthetho, ezemfundo kanye lokufundiswa kukazulu ngalokho kuthuthukiswe kakhulu kungelani lokuba khona kwegcikwane lomkhulane weKhovidi-19 ukuze izizalwane zakuleli zifinyelele ukusebenzisa umthetho, kanye lokwalusa ukuqhutshwa kwalo umsebenzi ngendlela.

b. Ukuphaa imali eneleyo kanye labantu abazaqhuba lowomsebezenzi, lokubunjwa kwesiqu somthetho esidingakalayo ukuze kube lokuqhela kumisebenzi yamadale omthethwandaba njalo igoqele ukuthethwa kwendaba zabantu bekhatshana lakhatshana kusetshenziswa amavidiyo kanye lemitshina ku intanethi.

c. Ukusebenzisa ezinye indlela zokufinyelela ukusebenza komthetho okufana lokwamukela labo abalolwazi ngezomthetho abaluthola ngokusebenza lamagqwetha hatshi ngemfundo yabo, ukuze abantu abaswelayo njengalabo abasemakhaya baphathiseke ukufinyelela uncedo kwezomthetho.

d. Ukwethula imisebenzi yokutshetshisa indlela zokusetshenziswa kwemitshina lendlela zakulezi insuku zeintanethi ngokugcweleyo kanye lohlelo lokwalusa ukuphathwa kwendaba eziphambi kwamadale omthethwandaba, ukuze kube lokufinyelelwa kwaloluhlelo ku intanethi.

D51 - UKUPHATHWA KWENDLELA ZOKULINGANISWA KWENDABA EMADALE KANYE LOKULINGANISWA KWAZO NGOKUFANELEYO LOKUKHULULEKA KWALABO ABATHONISISAYO EKUQHUBENI UMSEBENZI WABO[33]

Okwafezwayo Ngamafitshane:

86. Kusukela ngo2016, kwabalokwehla okukhulu ekuthonisweni kwamacala ngendlela ekhululekileyo ngabathonisisayo, kanye lakundlela ezibalulekileyo ngokwamalungelo kundaba ezeyame kwezombusazwe.

87. Phakathi kuka2020 lo2021, abanengi abalwela amalungelo oluntu, izibotshwa zamabandla aphikisayo kwezombuso welizwe, kanye lentathelizindaba ezizimele zodwa bebevalelwa mahlayana okwesikhathi eside bengakathonisiswa. Njengomzekeliso, uHopewell Chin'ono loJacob Ngarivhume balelwa ithuba lokumelela ukuthoniswa kwamacala bephandle bevelela emakhaya abo kudaba lokuthumela imbiko ethize kuthwitha. Ngasikhathi sinye, abantu abakhangelane lamacala amabi afana lokufumbathiswa, okufana lalowo owayengu Mphathintambo weze Mpilakahle lokunakekelwa kwabantwana u-Obadiah Moyo, banikezwa ithuba lokumelela ukuthonisiswa kodaba lwabo bengaphandle bevelela emakhaya abo kuzikhalazo zabo zakuqala kulokho.

88. Ngemva kokutshengisela kukazulu ngokuthize ngoZibandlela 2019, kwabalokubotshwa kwabantu ngobunengi, izibotshwa zamiswa phambi kwabomantshi ngokutshiyaniswa lobanje babekhangelane lamacala afanayo, balelwa mahlayana ithuba lokuba phandle bemelele ukuthonisiswa, njalo bathonisiswa ngesiphangi-phangi.

89. Amadale omthethwandaba lawo engeza isikhathi sokuba izibotshwa zale zilokhe zivalelwe okwesikhathi eside zingakathonisiswa ngokudlulisela phambili usuku lokwethula izinqumo kuzicelo zokuba phandle kumelelwe ukuthonisiswa kwendaba, kanye lokuphuza ukulungisisa ingwalo ezidingakalayo ekukhwezweni kodaba lwesicelo kuma dale aphezulu, lakhona nje umthetho ubeka sobala izicelo zokuba phandle kumelelwe ukuthonisiswa kwecala kudaba okumele lutshetshiswe.

90. Ngokumayelana lokukhululeka ekuthonisiseni indaba kumadale, kube lamanyathelo okubuyela emuva ngenxa yokuguqulwa okuthize kuSisekamthetho, khona okususa indlela yokubuzwa phambi komphakathi ngohlonzi lomuntu andubane akhethelwe kusikhundla sokuba nguMahluli wedale eliphakemeyo, sokulethwa indlela yokuba lokhu kukhethwa kwenziwe yibukhokheli belizwe.

91. OMahluli bamadale aphezulu – iHayikhothi-abaqhuba umsebenzi bengathathi hlangothi babhekane lengozi yokususwa ezikhundleni. NgoNkwenkwezi ka2021, OMahluli abathathu bedale leli abethula isinqumo sokuba kufanele kumbe hatshi ukuba kungezelelwe isikhathi sokuba semsebenzini kukaNdunankulu wamadale akuleli ngemva kokufikisa kwakhe iminyaka yokuzalwa yokuba atshiye umsebenzi, ngokulaya kukaMongameli, bahlanjazwa mgceke, kanye lokwethuselwa ngokuthize nguHulumende weZimbabwe ngokwenza koMphathintambo wokuphathwa kwamadale akuleli.

92. Kwesinye isehlakalo, uMahluli weDale eliphakemeyo, uMahluli uErica Ndewere wasuswa esikhundleni yinkundla eyathunywa ukuchwayisisa ngokuba ufanele na ukuba kusikhundla sokuba nguMahluli kumbe hatshi, kukanti yinto eyaziwa nguzulu ukuba lokhu kwaku yikumkhawulisa ngokwala kwakhe ukuthatha iziqondiso zika Ndunankulu wamadale akuleli ukuba enze izinqumo ezihambelana lokufunwa yibukhokheli belizwe kundaba zamalunga aphikisayo kwezombuso welizwe kuzicelo zawo zokuphiwa ithuba lokubaphandle zimelele ukuthonisiswa zona eziyabe zikhwezwe kudale eliphakemeyo leli.

93. Inkuthazo yokungenziwa:

a. Ukufaka indlela ezibalulekileyo zokuqinisa inyathelo lokukhululeka lokuzimela kwamadale omthethwandaba.

b. Ukusebenzisa umthetho kungela bandlululo kanye lokuqinisa ukuvikelwa ngumthetho ngokufanayo kwakhe wonke umuntu, kanye lokumisa ukuguqulwa njalo kweSisekamthetho.

c. Ukuhlela ukuvakatshelwa kwelizwe yisithunywa esiqakathekileyo kundaba yokukhululeka kwabahluleli bamadale kanye lamagqwetha.

A41 - UKUSEBENZA KWESISEKAMTHETHO LEMINYE IMITHETHO; UKULUNGISWA KWEMITHETHO UKUTHI ILANDELE ISISEKAMTHETHO[34]

Okwafezwayo Ngamafitshane:

94. IQula lengatsha zikahulumende labunjwa ngabaPhathintambo bakaHulumende ngo Nhlolanja ka 2015, ukuqhuba umsebenzi wokuxhumanisa imithetho ethize leSisekamthetho. Phakathi kwemithetho engamatshumi amahlanu lasithobamunwe munye eyayinxwanelwe, imithetho engamatshumi amathathu kuphela yiyo esithe yaguqulwa okwamanje, kukanti engamatshumi amabili lasithoba munwe munye, isamelele ukuhluzwa ngabaPhathintambo baka Hulumende.

95. Lakhona nje kukhona okuhle okuthe kwadalwa luhlelo lokuxhumanisa imithetho ethize kuSisekamthetho njengomzekeliso, ukuguqulwa wezempilakahle kazulu kanye lakumthetho wezemfundo, ezinye izigaba zomthetho ezintsha okufana lomthetho wokulondolozwa kokuthula lokuzinza ezweni owe MOPA (wona othatha indawo yomthetho omayelana lokulondolozwa kukazulu lokugcinwa kokuthula ezweni owePOSA) ngezokuvala abantu amehlo, njalo kulutshwane okungayo le imithetho okungayixhumanisa ngokuzwakalayo kusi Sekekamthetho.

96. Ngesikhathi esifitshane esedluleyo, idale lePhalamende lamukele ukukhandwa kwemithetho emibili eyokuguqula iSisekamthetho owakuqala, lowesibili ngokunjalo. Ngendlela engayisiyo, njalo ngokungafenele kusuke kwabekwa eceleni inyathelo eliqakathekileyo lokuzwa umbono kazulu ngokumayelana lokukhethwa kwabahluleli bamadale amqoka kanye leNdunakulu yabatshutshisi bamadale akuleli, kanye lokunikeza uMongameli amandla angelamkhawulo okudlulisela phambili isikhathi sokuqhuba umsebenzi kwabahluleli.

97. Inkuthazo yokungenziwa:

a. Ukumisa okunye ukuguqulwa kweSisekamthetho kungakaxhunyaniswa eminye imithetho yePhalamende kuSisekamthetho.

b. Ukuphetha uhlelo lokuxhumanisa imithetho yePhalamende kuSisekamthetho, kuxhunyaniswe inguquko eqakathekileyo yemithetho yePhalamende kuSisekekamthetho.

D7 - ILUNGELO LOKUPHATHEKA KUNDABA ZIKAZULU KANYE LELUNGELO LOKUVOTA: IKHOMISHINI YOKUQHUBA UKHETHO EZIMELE YODWA[35]

Okwafezwayo Ngamafitshane:

98. Inhlanganiso yeZEC iyiKhomishini ezimele yodwa elomthwalo wokuphatha ukhetho kuleli. IKhomishini yeZEC yethula isiqu somthetho wesimatshumi ayisithoba minwe mibili lanhlanu kumnyaka ka 2017, wona ofeza izimiso zokubhalisa kwabafuna ukuvota kukhetho. Indlela yokusebenzisa ukudinda kweminwe yeBVR, yasetshenziswa okwakuqala kweleZimbabwe ukwenzela ukuthuthukiswa koluhlu olutsha lwamagama alabo abazokuvota. Njalo kwakungokwakuqala ukuba iZEC iphathe uhlelo lokubhaliswa kwalabo abazavota, ngemva kokuthatha lowomsebenzi kuhofisi kanobhala omkhulu kundaba zokutholakala kwengwalo ezifana lezithupa lezinye ezinjalo. Phezu kwalokho, kwaba ngokokuqala njalo ukusebenzisa indlela yokuba igama lomuntu owabhalisa ukuba avote litholakale kundawo yinye eyiyo lapho enelisa ukuvotela khona kukhetho

olwalubambanisa ingatsha ezazivotelwa ngasikhathi sinye ezweni lonke.[36]

99. Inhlanganiso yeZEC ikhangelelwa ukukhuthaza ukuphatha umsebenzi ngokumgceke lokuba lengqobe yokumela izenzo zayo. Njalo ekuqaleni iZEC yathatha amanyathelo amanengi okuzama ukusebenzelana labanye abaphetheke kundaba zokhetho, kugoqela inhlanganiso ezilwela amalungelo oluntu amaCSO, kanye lokugcwalisisisa isinqumo sikaHulumende sokubhaliswa kwenhloli zokhetho ezivela kumazwe omhlaba.

100. Kodwa loba kunjalo, kulokungasuthiseki ekutheni isigaba samatshumi amabili lantathu somthetho wezokhetho sinquma ukuba umuntu kumele abe engohlala kusiqinti esithize ukuze enelise ukubhalisa ukuvota. Lokhu kwenza izizalwane zakuleli eziphetsheya kwamazwe, izibotshwa, kanye labanye, okufana laba lojayo balahlekelwe, njengoba bengenelisi ukusuthisa okudingakalayo ukuba bavele behlalaphi, khona okubangela ukulahlekelwa yilelithuba lokuvota.

101. Inkuthazo yokungenziwa:

a. Ukubumba umthetho oqinisa ukuba ilungelo lokuvota liyafinyelelwa yizizalwane zonke zakuleli kugoqela izibotshwa kanye labakwamanye amazwe.

b. Ukuthenga imitshina exhumanisa indlela zonke njalo esebenzisa indlela zalamhla zeintanethi njalo eyenelisa ukuba umtshina munye usetshenziswe kumisebenzi etshiyeneyo, okufana lokubhaliswa kwabafuna ukuvota, ukuchwayisisa ngesimo sababhalisa ukuvota lokunye okundingakalayo ngosuku lokuvota kanye lokwethulwa kwempumela yokhetho.

c. UHulumende lenhlanganiso yeZEC bayakhuthazwa ukuqhubekela phambili bebumba indawo zokuvotela ezifinyelelwa kalula nguzulu kanye lokuphathisa labo abakhubazekileyo, kugoqela lokutholakala komhlobo wamaphepha okusebenzisa lula yilabo abangaboniyo.

d. Ukuphathisa ukuba abantu bathole ingwalo ezifana lezithupa ukuze abantu benelise ukubhalisa ukuze bavote.

e. Ukugcwalisisa inkuthazo yalokho okwakhuthazwa zinhlanganiso ezizimele zodwa ezibona ngokuqhutshwa kokhetho, ezakuleli kanye lezakwamanye amazwe omhlaba kukhetho olumanyanisiweyo luka2018.

Endnotes

1 (Madagascar); 131.69; (Mexico); A/HRC/34/8; 131.59.
2 CCZ 2015-12 Mudzuru & Anor v The Minister of Justice, Legal Parliamentary Affairs & Ors.
3 https://www.zimgbvportal.org.zw/download/zimbabwe-national-action-plan-and-communication-strategy-on-ending-child-marriage/.
4 (Kenya) 131.62; A/HRC/34/8 - Para. 131
5 131.70 (Israel); 131.71 (Turkey); 131.72 (Timor-Leste); 131.73 (Canada).
6 ZDHS 2015, available at https://dhsprogram.com/pubs/pdf/FR322/FR322.pdf.
7 Stopping Abuse and Female Exploitation (SAFE) Zimbabwe Technical Assistance Facility, "Violence Against Women and Girls during the COVID-19 Crisis in Zimbabwe: Analysis of practice-based data from Women's Coalition of Zimbabwe" at http://www.adultrapeclinic.org.zw/wp-content/uploads/2020/09/SAFE-Report-on-Gender-Based-Violence-Data-in-Zimbabwe-during-C19-for-publication-with-logo.pdf.
8 (Slovenia) 131.52; (Maldives) 131.57; (Mexico) 131.59; (Pakistan); 131.38;
9 https://www.unicef.org/zimbabwe/gender-focus.
10 (Panama) 131.116; budgetary allocations to heath (Kenya) 131.120; A/HRC/34/8 - Para. 131.
11 https://covid19.who.int/region/afro/country/zw.
12 https://www.unicef.org/esa/media/6501/file/UNICEF-Zimbabwe-2020-Health-Budget-Brief.pdf.
13 (Spain) 131.111; fair distribution (Chile) 131.107; A/HRC/34/8 - Para. 131
14 Report on Zimbabwe available at: https://digitallibrary.un.org/record/3871294?ln=en.
15 Zimbabwe NGO Forum: The Politics of Food: A Contextual Analysis of the Distribution of Food Aid in Zimbabwe, 2021.
16 (Slovenia) 131.131; access in rural areas (Morocco); 131.124; (Mexico); 131.108 (A/HRC/34/8 - Para. 131).
17 (Israel) 131.18; rights of PWDs (Algeria) 131.133.
18 131.64; A/HRC/34/8 - Para. 131.
19 Repeated recommendation.
20 (New Zealand) 132.90; A/HRC/34/8/Add.1 - Para. 22.
21 (Norway); 131.62; A/HRC/34/8 - Para. 131 (split civic space issues form UPR collaboration).
22 (Ireland); 132.96; A/HRC/34/8/Add.1 - Para. 34.
23 http://www.veritaszim.net/node/4827.
24 See Recommendation 8 and its Interpretation Note here https://www.fatf-gafi.org/publications/fatfrecommendations/documents/fatf-recommendations.html.
25 This is a repeated Recommendation.
26 Insert link to Hansard when Motion was moved and debated.
27 (Ukraine); 131.63; A/HRC/34/8 - Para. 131.
28 Some CSOs represented in this submission are the attorneys of record hence are aware of the personal circumstances of these court cases.
29 ZLHR 2018 Annual Report, p6.
30 Repeated Recommendation from the previous Cycle.
31 (Togo); 131.87; A/HRC/34/8 - Para. 131.
32 International Commission of Jurists Zimbabwe, Report on the Impact of COVID-19 on Access to Justice in Zimbabwe, January 2021 p6.
33 (New Zealand); 131.84.
34 (Islamic Republic of Iran), 131.6; (Germany), 131.7; (Congo), 131.8 ; (Uganda), 131.10; (Egypt), 131.11; (Togo), 131.13; (Republic of Korea), 131.2; (Ghana), 131.3; (Australia), 131.5; (Thailand), 131.12; (Netherlands), 131.16; (France), 131.14; (Czechia), 131.15 - A/HRC/34/8 - Para. 131
35 (United States of America); 131.34.
36 https://www.zesn.org.zw/wp-content/uploads/2015/10/Final-ZESN-2018-Harmonised-Election-Report.pdf.

Kwaqoqwa ngabe:

Zimbabwe Lawyers for Human Rights

National Association Of Non-Governmental Organisation

Zimbabwe HUMAN RIGHTS NGO Forum

Women's Coalition of Zimbabwe

Ngosekelo oluvela ku:

Ambasáid na hÉireann Embassy of Ireland

UN WOMEN GENERATION EQUALITY

AWLN African Women Leaders Network

Ukuchwayisisa kwesithathu kulizwe leZimbabwe okokuhlola impumelelo ngokumayelana lamalungelo oluntu okwaqhutshwa yinhlanganiso yomanyano wamazwe omhlaba

Ugwalo olumemethe umbiko ovela kunhlanganiso ezilwela amalungelo oluntu ezweni

14 Ntulikazi 2021