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SUMMARY OF ZIMBABWE'S FIRST REPORT TO THE

AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS

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1. INTRODUCTION

1.1 After the attainment of independence in April 1980, Zimbabwe made the promotion, protection and guaranteeing of the human rights of its people a matter of priority in its constitutional and political framework. The Zimbabwe Constitution itself, in Chapter III "The Declaration of Rights", clearly states the fundamental rights and freedoms of the individual which every person regardless of race, tribe, place of origin, political affiliation, colour, creed or sex should enjoy. The Constitution guarantees freedom of expression, press, conscience and religion. All citizens of Zimbabwe, according to the Constitution, which is written, have the inalienable right to participate freely in the democratic political processes associated with the control of the society in which they live. The Constitution further provides for the independence of the judiciary. The Constitution is invariably supplemented, by within limits prescribed in its provisions, amendments passed in the prescribed manner by organic laws and other legislation passed in the ordinary way from time to time to fill in gaps and by customs and conventions regulating the working machinery of the Government.

1.2.1 Zimbabwe is a multi-party parliamentary democracy. Since 1980, three general elections have been held with opposition parties taking an active part. Three parties are currently represented in the 150 - member Parliament with the following number of seats:-

ZANU (PF)	- 147
ZUM	- 2
ZANU (NDONGA)	- 1

1.2.2 The Government of Zimbabwe has, since its assumption of authority participated in various international bodies whose objective is the protection and safeguarding of human rights world wide. It has given its undoubted and profound support for the United Nations Conventions on Human Rights as well as the African Commission on Human and Peoples' Rights.

1.2.3 Zimbabwe fully subscribes to the Universal Declaration on Human Rights and has accordingly signed and ratified six United Nations Conventions on Human Rights as well as the African Commission on Human and Peoples' Rights Convention. Zimbabwe has also actively participated in the Commonwealth efforts to promote the human rights issue. The international fora cited above, draw their inspirations from the Universal Declaration on Human Rights and are major pillars in the struggle for human rights.

1.3 Between 1986 - 1991 Zimbabwe acceded to the following conventions :

- (i) International Convention on the Elimination of all forms of Racial Discrimination (adopted and opened for signature and ratification on 30 November 1973);
- ii) International Convention on the Suppression and Punishment of the Crime of Apartheid (adopted and opened for signature and ratification on 30 November 1973);
- iii) Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948);
- iv) International Convention on Civil and Political Rights (adopted and opened for signature and ratification on 16 December 1966);
- (v) Convention on the Elimination of all forms of Racial Discrimination Against Women (adopted 18 December 1979);
- vi) International Convention on Economics and Cultural Rights (adopted and opened for signature, ratification and accession on 16 December 1966).

vii) African Commission on Human and Peoples' Rights.

1.4 In 1990, the United Nations adopted one other important legal instrument - the Convention on the Rights of the Child - which was fully supported by Zimbabwe, as it was the first international legislation that highlighted the problems faced by children in a society that had taken their protection for granted.

Even before Zimbabwe acceded to the said Convention, steps had already been taken to redress the importance of safeguarding the rights of the child by enacting legislation which would afford such protection. A case in point would be the Children Protection and Adoption Act which would prohibit pledging young girls for marriage before attaining the legal age of majority.

1.5 Several other Human Rights conventions are currently being considered with the view of acceding to them.

2.0 Zimbabwe's Legal System

Zimbabwe's legal system is based on Roman Dutch and Anglo-American common law practices and procedures. The hierarchy of the courts is as follows: Primary Courts, Magistrates Courts, High Court and the Supreme Court. The criminal law system is adversarial in nature. It is a constitutional right of all persons charged with crimes to appear in court and receive a fair trial and adequate legal representation. In the community courts and the Magistrates' Courts litigants may individually appear and argue their own cases, whereas in the High Court and Supreme Court litigants are obliged to engage legal counsel.

The foregoing is also subject to the State providing pro deo legal representation for litigants who are unable to meet the costs for defence for serious charges such as murder or treason.

A legal Aide system is being developed to provide such a facility, although the adversarial character of the criminal legal system sets limitations to such development in the nature and scope of operation of the legal aid system.

2.2 The Zimbabwe constitution protects the individual from arbitrary interference with the person of the individual, privacy of family, home or correspondence. However, it is important to note that interference may take place in the course of effecting a law suit arrest or search of individual and premises.

2.3 Travel at home and abroad is not subject to official restrictions. Immigration is also not restricted.

2.4 It is on this legal framework that records for the following years: 1986, 1987, 1988, 1990 and 1991, will be based.

3.0 Zimbabwe's achievements in the field of human rights will for the purposes of this report be chronologically described and analysed on a yearly basis beginning in 1986.

3.1.0 Zimbabwe: Human Rights Record in 1986

Gradual Relaxation of Laws Pertaining to Detention

3.1.1 Zimbabwe made remarkable progress in 1986 in the noble good of promoting and safeguarding human rights. In that year political detainees including leading political and military figures associated with the then ZAPU were released from jail.

3.1.2 Orderly repatriation procedures for the Ndebele-speaking refugees who had fled to Botswana was made by the Government. ZANU (the ruling party) redoubled its efforts at reconciliation with ZAPU. The security forces showed high discipline as no alleged violation of human rights on their part was reported.

3.1.3 In Matabeleland, there was a marked relaxation of tensions in rural areas.

Despite the Government's commitment to reconciliation it is saddening to note that in 1986 alone dissidents committed 57 murders, 46 rapes, and 104 armed robberies. There was no report against the Government for human rights violations. The Government has always put upon itself the task of finding offenders associated with the disappearance of civilians and has brought to book whoever was apprehended and has punished according to the law.

3.1.4 In 1986, the foreign press and other human rights representatives were allowed by the Government to inspect the Stops Camp detention facility in Bulawayo where torture and mistreatment of prisoners was alleged. In June, the then Prime Minister the Honourable Robert Gabriel Mugabe intervened to order the release of prominent human rights activists Michael Auret and Nicholas Ndebele, the top officials of the Zimbabwean Catholic Commission for Justice and Peace. Ministers also expressed a willingness to investigate cases involving alleged human rights abuses and to seek remedial action immediately.

3.1.5 The Zimbabwean Government made it clear in 1986 that torture was and will never be condoned. The then Minister of Home Affairs is on record a number of times as having warned Senior Police Officers that torture would not be tolerated in Zimbabwe

3.1.6 In 1986 Zimbabwe accepted at least 26 000 displaced persons from Mozambique as a humanitarian gesture. These were accommodated in four camps throughout the country.

4.0 Zimbabwe: Human Rights Record 1987. Factors and difficulties affecting the enjoyment of Human Rights by persons within the Jurisdiction of Zimbabwe

4.1 M.N.R. banditry was rife in Zimbabwe in the first half of 1987 in which cases of gross violations of human rights were committed such as murder, kidnappings, disappearances of civilians and marked brutality to women and children. These incursions exacerbated the already existing economic, political and social woes in the country.

4.2 During the same year, Zimbabwe experienced a spate of destabilisation activities from the South African Regime. That regime was inter alia held responsible for the bombing of an apartment occupied by members of the African National Congress (S.A) killing a number of innocent people. Later in the year a bomb blast rocked one of the shopping centres in Harare, causing extensive damage to civilians and property.

- 4.3 Dissident activity in Matabeleland left a spate of widespread destruction of property and loss of innocent lives. In 1987 alone the following violations of Human rights by dissidents were reported: - 42 Murders
- 22 Rapes and 80 armed robberies

5.0 Unity Accord

- 5.1 On December, 22 1987 President R.G. Mugabe and the then leader of ZAPU, Dr Joshua Nkomo announced their agreement to merge ZAPU and ZANU (PF). ZAPU was the main opposition party to the ruling party and the two united on democratically sound principles aimed at keeping the nation in one piece and quelling dissident activity from one front. This paid dividends as the move solved untold misery and animosities between the parties which had been the basis for most human rights abuse records in the past.

6.0 Human Rights groups

- 6.1 Private Zimbabwean human rights groups which support efforts to increase public awareness of human rights principles and the rule of law operate without hindrance.

6.2 An example of such an organisation is the Catholic Commission for Justice and Peace whose basic objective is to promote human rights. The organisations has set up an office from where it is legally operating without obstruction. The Commission is also allowed to publish reports of its findings without facing censorship.

7.0 Zimbabwe: Human Rights Record 1988

7.2.1 In January 1988 the Supreme Court of Zimbabwe decreed Corporal Punishment unconstitutional.

7.2.2 The Unity Accord contributed towards a decreased violation of human rights. Political tensions relaxed extensively. Dissident activity came to an abrupt end as the Government announced the Amnesty Programme in April 1988. Though slight traces of dissident activities were reported up to April, 1988, the Amnesty Programme and the surrender of 113 dissidents helped to quell any further disturbances.

7.3 The State of Emergency was renewed again because of MNR infiltrations from Mozambique and South Africa's destabilisation activities.

7.4 In October, 1988 Zimbabwe played host to an Amnesty International sponsored rock concert held in commemoration of the 40th anniversary of the Declaration of Human Rights. Zimbabwe consent to host such an event clearly marks the unabated support for the cause of human rights.

8.0 Zimbabwe: Human Rights Record: 1989

8.1 Zimbabwe's continued commitment to multi-party democracy was evidenced by the formation of Edgar Tekere's Zimbabwe Unity Movement in April 1989. Other parties like the UANC and ZANU (Ndonga) also continued to operate.

9.0 Human Rights and Labour Laws

9.1 Workers in Zimbabwe have a right to strike action. But the Workers Union is required by law to advise the Government in advance (2 weeks) of its intention to do so. For instance, in July 1989, 2 000 railroad mechanics walked off their jobs. The Government declared the strike illegal but did not arrest the workers. In September, PTC technicians went on a wild cat strike. The Government invoked the State of Emergency powers to dismiss the workers as a deterrent and temporary measure but immediately reinstated the technicians.

9.2 Under Zimbabwean labour regulations the minimum age for the formal wage sector is 18, but it is possible to begin an apprenticeship at 16. It is, however, difficult to enforce this in the farming sector as there is no mechanism to make such checks on behalf of Government.

9.3 The conditions of labour are regulated by the Government. The government publishes labour regulations for each of the 22 industrial sectors based on previously negotiated collective bargaining agreements. These regulations specify wages, hours, holiday schemes, and required safety measures. The average workweek is 44 hours and the law prescribes a minimum of one 24-hour period of rest per week.

10.0 Human Rights and Refugee Policy

10.1 At the end of 1989 an estimated refugee population was 80 000, of these 79 500 were Mozambicans located in four refugee camps throughout the country. The remainder mainly comprises South Africans.

10.2 An estimated 100 000 Mozambicans, many of them migrant farmers were self-settled in rural areas in the eastern parts of the country.

About 3 000 of these were in the age groups 18 - 35 and they were repatriated because they were suspected MNR affiliates.

10.3 All aspects concerning the application of Refugee status in Zimbabwe are governed by the Refugees Act of 1983 which is administered by the Zimbabwe Refugees Committee.

11.0 Zimbabwe: Human Rights Record 1990

11.1 Zimbabwe showed its commitment to democracy and pluralism by having elections in March, 1990. The unified party (ZAPU and ZANU (PF) now called ZANU (PF) won a landslide victory and H.E. the President Cde R.G Mugabe swept 80% of the Presidential ballot. The unified party won 117 of the contested 120 seats.

11.2 On February 8, 1980 Parliament passed the Customary and Primary Courts Act with no objection. The Bill created a unitary court system in Zimbabwe, whereas previously only village and community courts could hear customary law cases. Customary law cases, can now be heard at all levels of the judiciary up to the Supreme Court. The judiciary acts independently at all times.

11.3 The Government in 1990 moved towards free collective bargaining and the removal of restrictive parameters of minimum wages.

The Labour Relations Act ensures workers have the right to organise and have bargaining powers. Workers's committees are empowered to negotiate with the management the conditions of service and salaries of their people. Wage negotiations take place on an industrywide basis. In a union-organised industry, the employers' association meets directly with a particular trade union.

11.4 Government abolished the Ministry of Labour appointed boards which used to recommend labour conditions and salary increments. The Government also abolished salary and wage controls which it viewed as having outlived their purpose. The role of the Ministry of Labour is now only to monitor, vet and register agreements.

12.0 Economic Structural Adjustment Programme

12.1 As part of its economic recovery programme, in February the Government announced the Economic Structural Adjustment Programme in order to reduce controls over the economy, stimulate foreign investment and increase exports.

The Government has created the Social Benefit Fund to help some of the people who will be retrenched during ESAP. The Government has also taken it upon itself to try and find alternative employment for those affected by retrenchment. It is also Government's aim to retrain those affected if funds will be available. It is also envisaged that self-help projects will be promoted by Government to alleviate unemployment caused by the implementation of ESAP.

13. Zimbabwe: Human Rights Record 1991

- 13.1 Zimbabwe has a pending Criminal Laws Amendment Bill 1991 which abolishes death penalty for all offences except murder, treason and certain military crimes. In addition, the Bill renders it incompetent for a court to impose death sentences upon persons over 70 years of age. The Bill also seeks to abolish the death penalty for women.

13.2 Our courts have declared solitary confinement and spare diet in prison as inhuman and degrading forms of punishment and a contravention of section 15 of our constitution.

13.3 The 30-day investigative detention has been removed with the lapse of the State of Emergency.

14.0 Human Rights and the Education System

14.1 The Government is promoting Human Rights awareness in Zimbabwean schools in the following ways:-

14.2 The Education for Living syllabus for Zimbabwe Junior Certificate and Ordinary Level teach the pupils our Bill of Rights. They are required in written tests to describe basic human rights as defined in the Zimbabwe Constitution.

14.3 Pupils are also expected to identify basic human rights and to critically analyse: freedom of speech, freedom of worship, freedom of assembly and association and freedom of the Press.

14.4 The Ministry of Education and Culture is currently in the process of writing a book which includes almost all issues on Human Rights.

14.5 Some of the issues on human rights pupils in Zimbabwean Schools learn include: equality of sexes; emancipation of women; rights of a worker; the law of inheritance; international peace and justice; the legislative structures of the country.

CONCLUSION

The adherence and commitment by the Government of Zimbabwe to the respect of Human and Peoples' Rights and the rule of law remain pivotal to its domestic and foreign policy. The Government of Zimbabwe believes that the promotion and protection of human rights is an essential prerequisite for development and the maintenance of world peace and security. Consequently, Zimbabwe will continue to actively participate in all international fora whose aim is to advance the respect of human rights and the rule of law.