



**QUARTERLY POLITICAL AND HUMAN RIGHTS  
VIOLATIONS REPORT  
July - September 2015**

**A report by the Zimbabwe Human Rights NGO Forum**

**October 2015**

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## **Executive summary**

The report covers political and human rights violations in Zimbabwe for the period July to September 2015. The third quarter of the year was relatively calm with no major incidences of civil and political rights violations. However, the country continues to suffer from interlinked political, economic and social challenges. Formal unemployment levels are estimated at around 90% and this is further aggravated by reduced opportunities for informal work after informal traders were taken off the streets in all urban centres. Socially, the country is regressing with criminal statistics rising and social degeneration becoming an observable symptom.

Although, there was a marked decline in cases of organized violence and torture, the country is still to find closure on the Itai Dzamara<sup>1</sup> disappearance. Law enforcement agents continue to profess ignorance on his whereabouts, despite a High Court order compelling them to search for Dzamara and provide regular updates.

Key violations noted during the period included violation of freedom from arbitrary eviction; the violent removal of vendors from undesignated operating spaces and the violation of workers rights. The Harare Municipal Police demolished houses in areas in and around the City of Harare and also embarked on a violent crackdown on unlicensed street vendors. This was characterised by assaults, arbitrary arrests and destruction and confiscation of vendors' wares.

Freedom of assembly, association expression and freedom to demonstrate and petition were curtailed during the period. There is still reluctance on the part of government to realign repressive legislation such as AIPPA, the Criminal Law (Codification and Reform) Act, the Official Secrets Act, the

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<sup>1</sup> Itai Dzamara, a freelance journalist and pro - democracy activist was abducted on 9 March is still to be found

Interception of Communications Act, and the Broadcasting Services Act among others with the Constitution.

Service delivery remains constrained. Currently the country faces the worst power cuts in history. Some residential areas experienced power cuts of more than 17 hours a day. Industry has also been badly affected by the power outages, leading to lost production time and reduced capacity utilization.

By-elections were held in Marondera Central, Mbire, Epworth and Mudzi West. In all these constituencies ZESN observed that the political environment remains heavily polarised with the culture of harassment and intimidation prevailing.

Further, Zimbabwe faces major challenges such as progress towards reconciliation and healing, sustained economic recovery and good governance. The government is still to operationalise the National Peace and Reconciliation Commission (NPRC), after interviews for the NPRC Commissioners were held in March 2014. The NPRC remains the only commission to be instituted. The government is also still to realign the about 400 domestic laws with the Constitution.

In the circumstances, the Forum recommends to the Government of Zimbabwe to:

- a. Improve on service delivery and be committed to finding a lasting solution to the ever declining social and economic conditions.
- b. Urgently consider realigning of all laws that do not comply with the Constitution.
- c. Operationalise the independent commissions
- d. Ensure that the truth about the whereabouts of Itai Dzamara is established and those responsible are held accountable;

## **Introduction**

The Zimbabwe Human Rights NGO Forum (the Forum) produces the Quarterly Political and Human Rights Violations Report (QPVR). It is a monitoring tool to track and document trends in civil, political, economic, social and cultural rights violations. This report covers the period between July and September 2015 and highlights developments, statistics and trends in human rights violations. The information used is derived from the Forum's Public Interest Unit (PIU), member and partner organisations and verified press reports. Although this report derives its information from multiple sources it is not intended to be the main and exhaustive source of human rights violations information in Zimbabwe, but a complimentary report alongside those produced by other human rights organisations.

## **Developments in the fulfillment of human rights**

During the period there were some developments towards the fulfilment of human rights. On 23 September, the Constitutional Court (ConCourt) made a landmark ruling by annulling Section 121 (3) of the Criminal Procedure and Evidence Act (CPEA). Section 121 of the CPEA empowered the Prosecutor General's office to revoke bail granted by the magistrate courts in matters where the state felt suspects would not be suitable candidates for bail. Upon evoking Section 121, suspects would be remanded in custody for a further seven (7) days to enable the Prosecutor General's office to appeal at the High Court against the magistrate's ruling. This provision mainly affected journalist, political and human rights activists. The ruling was a victory for human rights organisations in Zimbabwe on their legal and advocacy campaign against Section 121.

In compliance with of Section 158 (3) of the Constitution and Section 39 (2) of the Electoral Act, national assembly by- elections were held in Mbire, Mudzi West, Epworth and Marondera Central between July and September. From

March 2015 to date a total of 23 national assembly by- elections were held across the country.<sup>2</sup> The pre-electoral environment in most of the constituencies as has become an electoral tradition, was marred by reports of voter harassment and intimidation.

The Forum through its Public Interest Unit (PIU) continued with the anti-impunity drive in efforts to make perpetrators of mostly 2008 human rights violations accountable by litigating on behalf victims. During the period, a total of four (4) judgements were awarded in favour of victims of 2008 electoral violence.<sup>3</sup> The amounts awarded ranged from \$2000 to \$20 000. However, it remains to be seen whether the government will honour the judgements. Since 1998, the Government of Zimbabwe (GoZ) has ignored several court judgments awarded in favour of victims by the courts. Legislation such as the Police Act and the State Liabilities Act are used as barricades to protect perpetrators of torture and as instruments for perpetuating impunity by blocking the enforcement of judgments granted against the government.

On a related matter and at the regional level, on 21 September, property owned by the GoZ in South Africa was auctioned to compensate white farmers evicted from their land, during the 2000 violent land reform exercise. In 2008, 80 white farmers launched a case at the Southern African Development Community (SADC), tribunal arguing that they were targeted by the land reforms because of their race. The then SADC tribunal ruled that the farmers should be compensated. The Zimbabwean government rejected the verdict, but a South African court ruled that it could be applied locally as South Africa was a member of SADC. This resulted in AfriForum, a civil society organisation representing the farmers, engaging in a five-year battle to force the government to pay legal costs resulting in the auctioning of the property to cover the legal costs.

In compliance with the procedure for appointment of judges laid down by Section 180 of the Constitution, Chief Justice Chidyausiku swore in nine new

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<sup>2</sup> See ZESN's report on Marondera Central, Mbire and Epworth national assembly by elections, 19 September 2015

<sup>3</sup> The Zimbabwe Human Rights NGO Forum Public Interest Unit

judges. These include three judges of the Supreme Court and three of the High Court. The judges were appointed by the President from a list of nine qualified candidates submitted by the Judicial Service Commission following the Commission's public interviews of candidates held in July 2014.

The Zimbabwe Human Rights Commission (ZHRC) started being responsive by acting within the dictates of its mandate, reassuring citizens that it's not a white elephant. Pursuant to an investigations undertaken after Temba Mliswa (an independent candidate and former ZANU PF MP Hurungwe West) lodged complaints of pre- election violence prior the 10 June by elections, the ZHRC recommended that Police Commissioner-General Augustine Chihuri investigate human rights violations that occurred during the Hurungwe West by-elections and ensure that all the perpetrators of violence face the full wrath of the law. Although by the time of writing, no investigations had commenced, the recommendation is a positive development in ensuring that perpetrators of violence are brought to account.

## **Forms of Abuse**

Section one details violations relating to civil and political rights and the second section relates to economic, social and cultural rights.

### **Section 1: Civil and Political Rights**

#### *a. Violations of the security of the person*

##### ***Enforced or Involuntary Disappearances***

Enforced disappearance takes place when a person is arrested, detained, abducted or otherwise deprived of their liberty by state officials or by organized groups or private individuals whose actions are condoned by the state in some way. This is followed by a refusal to disclose the fate or whereabouts of the persons concerned, placing them outside the protection of the law<sup>4</sup>. During the third quarter, there were no new cases of enforced disappearances. However, the whereabouts of itai Dzamara who was

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<sup>4</sup> Article 2 of the UN international Convention for the Protection of all Persons from Enforced Disappearance

abducted in March are still to be ascertained. This is in spite of pressure from the Dzamara family, Civil Society Organisations (CSOs), the churches the diplomatic and international on the GoZ to ascertain his whereabouts. The continued inaction by the police to search for Dzamara and provide regular updates points to complicity on the part of the law enforcement agents on Dzamara's disappearance.

***b. Rights relating to respect for the integrity of the Person***

Although the political environment remained relatively calm, cases of torture, assault, harassment and intimidation were recorded during the period.

***Torture and other cruel, inhuman or degrading treatment or punishment***

*Torture is "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed; such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".<sup>5</sup>*

There was a decline in cases of torture from five (5) cases recorded during the second quarter<sup>6</sup> to **two (2)** cases in the current. In spite of this decline Zimbabwe still has a long way to go in ensuring that *"No person may be subjected to physical or psychological torture or cruel, inhuman or degrading treatment or punishment."*<sup>7</sup> The following are the cases of torture documented during the period.

- On 01 July, more than 10 police officers assaulted photojournalist Crispen Ndlovu in Bulawayo after he took pictures of them allegedly assaulting a suspected thief in an alley. Ndlovu sustained injuries on the left arm and he received treatment at Mpilo Central Hospital. His pair of trousers was also torn. He reported the assault at Bulawayo

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<sup>5</sup> See Article 1 of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1985) <http://www.hrweb.org/legal/cat.html>

<sup>6</sup> See the Zimbabwe Human Rights second quarter Quarterly political and human rights violations report

<sup>7</sup> See section 53 of the Constitution of Zimbabwe

Central Police Station under IR 5412/15.<sup>8</sup>

- On 20 August, Benjamin Muzavazi was assaulted by four police officers namely Tyirai Muzarabani, Rusike and unidentified two others at Rhodesville police station on allegations of being in possession of two stolen laptops. He was tortured using *falanga*<sup>9</sup>. A report against the four officers' conduct was lodged at the Harare Central Police Station, under reference number IR 090524 together with complaint against police under reference number 148/15 by lawyers from the Forum.<sup>10</sup>

### ***Arbitrary arrest or detention***

Arbitrary arrest or detention is the arrest or detention of an individual in a case in which there is no likelihood or evidence that they committed a crime against legal statute, or in which there has been no proper due process of law. During the period under review, a total of **four (4)** cases of arbitrary arrests and detention were documented. The following are some examples of the cases documented during the period.

- On 27 July Susan Sango a member of Women of Zimbabwe Arise (WOZA) was arrested by police carrying a warrant of arrest for an offence allegedly committed in 2009. Maria Tshamala, another WOZA member was also arrested on 25 July on the same case and later released on the orders of Bulawayo Magistrate Gladmore Mushove. The Magistrate recognised that the warrants of arrest were erroneously issued and therefore cancelled them. The State was advised to proceed by way of summons only after it has put its house in order. The arrests were reportedly meant to intimidate and harass WOZA activists after the organisation's successful protests against the ill treatment of citizens by State security agents.<sup>11</sup>

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<sup>8</sup> See MISA Zimbabwe media alert 03 July 2015, available at <http://misa.exist.co.zw/?p=580>

<sup>9</sup> Falanga is a method of torture in which the victim is beaten under the soles of the feet

<sup>10</sup> Zimbabwe Human Rights NGO Forum Public Interest Unit

<sup>11</sup> See WOZA statement on Bulawayo member arrested and appears in court, available at <http://wozazimbabwe.org/>

- On 05 August, officials at parliament building in Harare arrested and interrogated three human rights activists, Irvin Takavada, the interim spokesperson of Occupy Africa Unity Square, Shepherd Chidhakwa the National Coordinator of the Democracy Advocate Initiative (DAI) and Tineyi Mukakiwa, the DAI director after they presented a petition calling upon the legislators to hold government accountable for over \$3.5 billion of public funds, which it could not account for as disclosed by the Comptroller and Auditor- General. The three were freed at the intervention of ZLHR lawyers but after the officials at parliament profiled them.
- On 08 August, police in Harare arrested Zimbabwe Congress of Trade Union (ZCTU) leaders, George Nkiwane and Japhet Moyo. Also arrested were Ian Makoshore (the ZCTU Chairperson of young workers), Elijah Mutemeri (the informal Economy Coordinator), Sekai Manyau (the National Engineering Workers Union Women's Advisory Council member), Runesu Dzimiri (the General Secretary of Food Federation) and Raymond Majongwe (the Progressive Teachers Union of Zimbabwe). Anyone seen putting on red clothing<sup>12</sup> and walking close to the ZCTU offices was also arrested. The arrests were not warranted and the arrested were later dropped at various places in the city of Harare in a bid to avoid their regrouping.

### ***Assault***

A total of **342** cases of physical assault were recorded and documented. The bulk of these cases **337** were of vendors assaulted in July during the nationwide crackdown on vendors. Vendors were assaulted in Harare, Bulawayo, Gweru, Masvingo, Mutare and Domboshava.<sup>13</sup> Some notable examples include:

- On July 14, municipal police assaulted and arrested 16 street vendors, including Sten Zvorwadza, Samuel Wadzanai Mangoma, and Lucy

<sup>12</sup> The ZCTU regalia is red in colour

<sup>13</sup> See the ZPP monthly monitoring report July 2015

Makunde, leaders of the National Vendors Union of Zimbabwe (NAVUZ), which represents street vendors. They were charged with inciting public violence after they demanded that municipal police return goods seized from them. According to the ZPP in Harare, a total of 123 vendors were assaulted following a nation wide crack down on vendors and the total value of goods confiscated was \$195 908 while that of goods burnt stood at \$690 000.

- On 5 August, Gweru municipal officers violently removed vendors who were trading outside major retail outlets in the city centre. Vendors were reportedly assaulted and had their wares seized. According to ZPP, 54 cases of assault were recorded in Gweru, while the total value of goods confiscated was \$89 650.
- On 30 September, Harare municipal police officers assaulted Wilbert Bondera and Shepherd Machokoto after they attempted to present a High Court order interdicting the municipal officers from demolishing their houses in Budiro. Bondera filed a case of assault against the municipal police officers.

### ***Harassment and Intimidation***

Harassment and intimidation is the unlawful subjecting of one to pressure, insult or threat with the intention of causing suffering, anxiety, discomfort and or the feeling of insecurity. Intimidation and harassment is a direct violation of people's fundamental human rights and freedoms, which carry rights such as right to personal security and equality.

During the period, cases of harassment remained high. A total of **392** cases of harassment and intimidation were documented and some of the cases are illustrated below.

On 21 July 2015, in Ward 7 Suswe villagers in Mudzi West, Mashonaland West were forced to attend a rally held at Chifamba Secondary School. The villagers were asked to donate 50c per family

to fund a rally addressed by Vice President Phelekezela Mphoko. Traditional leaders and ZANU PF leaders demanded 2kgs of mealie - meal from each family for the rally.<sup>14</sup>

- On 5 August 2015, village head Cleto Vhudzi, who also doubles as a ZANU PF elected Councilor, demanded villagers in Ward 24 to pay \$1 per household towards the Provincial Heroes Day Commemorations. The traditional leader threatened to unleash ZANU PF youths on those who would have failed to make contributions. He also warned villagers against not paying, as a register of those who would have paid would be used during the distribution of any food aid or farming inputs.<sup>15</sup>
- On 15 September, seven (7) MDC-T Members of Parliament received death threats on their mobile phones ahead of President Robert Mugabe's official opening of the 3<sup>rd</sup> session of the 8<sup>th</sup> parliament. The threats were reportedly sent by suspected security agents who warned them against heckling the President.<sup>16</sup> The message read, "*Warning Immunity ends in Parliament. If you step outside you become an ordinary citizen.*" Also to receive death threats during the month of September are Emmanuel Nkosilathi Moyo, the director of the Kwekwe-based Zimbabwe Organisation for Youth in Politics (ZOYP), who reportedly received death threats from anonymous callers and ZANU PF Political Commissar Saviour Kasukuwere whose death threats are alleged to have been sent by his opponents in ZANU PF as the succession battle continues to intensify in the party.

### **c. Respect for civil liberties**

This section covers freedom of assembly and association; freedom of expression and of the media and freedom to demonstrate and petition.

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<sup>14</sup> See Heal Zimbabwe press statement calling for peace during the Mudzi West by- election, available at, <http://www.healzimbabwe.co.zw/?p=1720>

<sup>15</sup> Heal Zimbabwe statement on Heal Zimbabwe condemns intimidation of villagers over heroes celebrations 23 July 2015 available at <http://www.healzimbabwe.co.zw/?p=1720>,

<sup>16</sup> The threats were instigated by the MDC-T MPs heckling of President Mugabe when he delivered the state of the nation address on 25 August 2015

Repressive laws such as the Public Order and Security Act (POSA); Access to Information and Protection of Privacy Act (AIPPA) and some sections of the Criminal law (Codification and Reform) Act (the Criminal Law Code) continue to be used to prevent the exercise of constitutionally guaranteed freedoms. There is an urgent need for the government to align these pieces of legislation with the Constitution of Zimbabwe Amendment (No. 20) 2013.

### ***Freedom of assembly and association***

Freedom of assembly and association is safeguarded in section 58 (1) of the Constitution. The following are some examples in which the Government restricted these rights during the period under review.

- On 22 August, armed police blocked a prayer rally for Itai Dzamara. The prayer rally was scheduled to take place at Mandava Stadium, Zvishavane. Soldiers and baton-wielding riot police armed with tear gas canisters reportedly sealed all roads leading to the venue and intimidated those making their way to the stadium. State security agents also forced the Zvishavane town council to close all the gates of the stadium.
- On 28 August, ZANU PF youths disrupted a police sanctioned public meeting on electoral reforms convened by the Zimbabwe Election Support Network (ZESN) in Kwekwe. The youths destroyed tables, ZESN's materials and newsletters. <sup>17</sup>

### ***Freedom of expression and of the media***

The right to freedom of expression and freedom of the media is safeguarded respectively in Section 61 (1) and (2) of the Constitution of Zimbabwe.

During the third quarter, the Media Institute Zimbabwe (MISA) documented a total of five (5) cases relating to violation of freedom of expression and of the media. The following are some of the documented cases:

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<sup>17</sup> See ZESN's alert on Rowdy youths disrupts ZESN public meeting

- On 01 July, Crispen Ndlovu, a photojournalist was assaulted by more than 10 police officers after he took pictures of them allegedly assaulting a suspected thief in an alley. The case was reported to Bulawayo Central Police Station under IR 5412/15.
- On 8 August, Obey Manayiti, Reagan Mashavave and Pindai Dube, journalists with the Standard, AFP and ANN7 TV respectively were manhandled while covering a demonstration by the Zimbabwe Congress Union (ZCTU) in Harare and arbitrarily detained at Harare Central Police Station

### ***Access to information***

The right of access to information is one of the fundamental human rights that is necessary for a functioning democratic governance and for promoting an efficient, effective, transparent and accountable government. Section 62 (1) of the Constitution states; *“Every Zimbabwean citizen or permanent resident, including juristic persons and the Zimbabwean media, has the right of access to any information held by the state or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability.”*<sup>18</sup>

In spite of this provision, the Government maintains a veil of secrecy on critical information that citizens should access in order to make key and informed decisions in their lives. In August, the Reserve Bank of Zimbabwe (RBZ) governor refused to release the names of beneficiaries of the farm mechanisation equipment and inputs scheme arguing it was not in the public interest.

In line with the constitutional guarantees, the government should enact democratic legislation to give effect to the right of access to information. The new democratic information law must replace the existing Access to AIPPA

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<sup>18</sup> See section 62 of the Constitution of Zimbabwe

which, is out of line with the provisions of the Constitution of Zimbabwe Amendment Act (No. 20) 2015.

### ***Violation of the freedom to demonstrate and petition***

The right to protest and petition is enshrined under Section 59 of the Constitution. The right to petition and demonstrate is important for the proper functioning of a democracy. The failure by the Government to allow citizens to exercise the freedom to demonstrate and petition weakens the participatory aspect of democracy. The following are some of the cases that were documented in which the government interfered with this constitutional right.

- On 8 August, police banned the ZCTU from staging protests in Harare and Chinhoyi over massive job losses.<sup>19</sup> In Harare the police argued that they had no “*capacity to provide security services*” and that the protest would be “*hijacked by other people with their own intentions.*” In Chinhoyi the police cancelled the protest on the grounds that Vice President Emmerson Mnangagwa was scheduled to open the Chinhoyi Agricultural Show. However, the police cleared the Masvingo, Bulawayo, Gweru and Mutare protests. Again on 21 August police banned the ZCTU from staging street protests over job losses that were a result of the 17 July Supreme Court ruling.
- On 6 August, Parliament security officers detained three members of the Democracy Advocate Initiative Trust (DAI) namely Shepherd Chidhakwa, Irvin Takavada and Tinayi Mikiwa who had gone to hand over a petition calling on President Robert Mugabe to step down for failing to act in the face of massive job losses in the country. The three were detained for about three hours inside the Parliament building. They were released at the intervention of the Zimbabwe Lawyers for Human Rights (ZLHR) who dispatched one of their attorneys.

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<sup>19</sup> The job losses were prompted by the 17 July High Court *ruling that authorised employers to terminate employees contracts on notice without paying packages*

- On 25 August, the Masvingo City Council arrested 196 Masvingo residents for protesting against poor service delivery. The arrested included four Masvingo Residents Trust leaders. The police released 193 residents after conducting a screening exercise leaving the three Masvingo Residents Trust leaders. The three were charged with contravening section 140 of the Criminal Law (Codification and Reform) Act for causing malicious damage to property and for disorderly conduct.<sup>20</sup>

#### **e Violation of Prisoners' rights**

Prison conditions in Zimbabwe remain inhuman and unfit for human habitation. Uniforms, food rations, bedding needs and medical facilities and remain inadequate. There is also the problem of overcrowding resulting in inmates being susceptible to diseases such as tuberculosis, scurvy, and diarrhoea. Breastfeeding female prisoners still share cells with their babies and there is also still no specific budget to cater for the food of children incarcerated with their mothers.

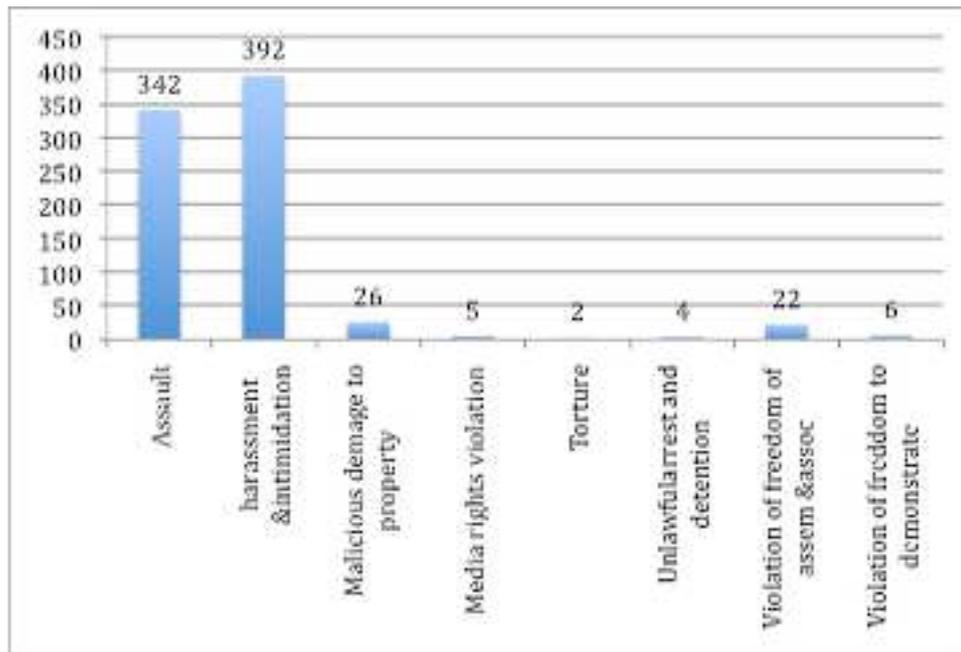
#### **Presentation of cases of political violence**

The cases of civil and political violations during the period are tabulated below. A total of 799 cases were recorded during the quarter with harassment and intimidation being the most prevalent form of violence. The high incidences of cases of harassment and intimidation have been the trend since the period leading to the 2013 harmonised elections.

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<sup>20</sup> See ZLHR alert on Masvingo residents freed after lawyers intervention, 27 August 2015

Figure 1: **Cases of political violence July to September 2015**

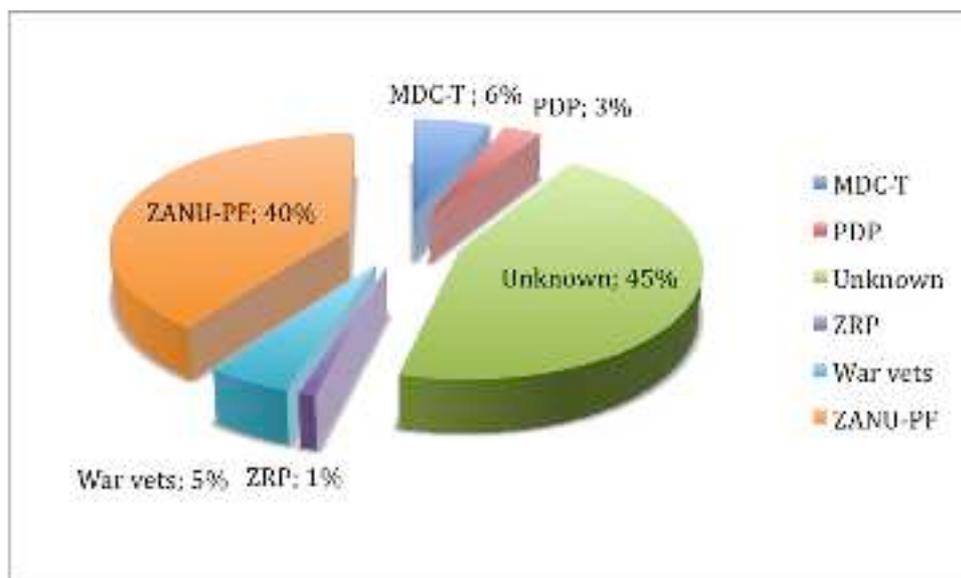


SOURCE: Consolidated statistics from the Forum, member and partner organisations and verified press reports

**Perpetrators of human rights violations July to September 2015**

The chart below highlights the perpetrators of violations by affiliation.

Chart 1: **Perpetrators of human rights violations July – September 2015**



SOURCE: *Consolidated statistics from the Forum, member and partner organisations and verified press reports*

## **Section 2: Economic, Social and Cultural rights**

In Zimbabwe, economic, social and cultural rights (ECOSOC) have not been adequately addressed by the Government in spite of constitutional guarantees for such rights. The right to health, education, safe and clean water, work, food and freedom from arbitrary evictions continue to be violated through the government's inability to have these rights accessible to everyone.

### ***a. Violation of the right to education***

The right to education is provided for in Section 27 of the Constitution, which states that, *"The state must take practical steps to promote free and compulsory basic education for children; and higher and tertiary education."* However, the right to education continued to be violated as the economy continues on a downward slide. Parents faced challenges in raising prohibitively high school fees resulting in school dropouts. During the opening of the third term (September- December), many students were reportedly denied entry into schools for failure to either pay fees for the third term or settling outstanding fees. This was in spite of the Ministry of Primary and Education directive that no child in public schools must be denied the right to education for failure to pay fees. Poor funding to the education ministry and also rising company closures have seen parents losing their sources of income exacerbate the problem.

Children from Chingwizi holding camp whose parents were displaced by the Tokwe-Mukosi Dam floods in February 2014 walk close to 40km every day to school. There is only a makeshift secondary school that caters for all students with a staff complement of 50 teachers against a student enrolment of more than 2500 primary and secondary school students enrolled at Nyuni Primary and Secondary, as well as Tokwe Mukosi Primary and Chingwizi Primary schools. A survey by the Progressive Teacher's Union of Zimbabwe (PTUZ) early this year revealed that most of the girls at the camp had lost hope of

furthering their education and were resorting to early marriages.

**b. *Violation of the right to health***

The Constitution provides for the right to health care in Section 76 (1). In spite of the constitutional guarantee, there were cases of violation of this right during the period. The period witnessed a rise in cases of typhoid and common diarrhea from 204 cases<sup>21</sup> reported during the first quarter to 352,792 cases with 385 deaths recorded as of September while the cumulative figure for dysentery was 27,502 cases and 82 deaths.<sup>22</sup> Diarrhoea outbreaks were exacerbated by the breakdown of sewerage, water supply and treatment systems. Disease outbreaks and failure to contain them are indicative of government's lack of commitment to resource and provide technical direction for disease prevention and management, in support of the right to health. Infrastructure for most local authorities is dilapidated and obsolete.

**c. *Violation of the right to work***

The 17 July 2015 Supreme Court ruling authorised employers to lawfully terminate employees contracts at any time without offering them packages, provided they are given at least three months termination of contract notice. This ruling was made in the case of Don Nyamande and Kingstone Donga v Zuva Petroleum (Private) Limited. Following this ruling, there were massive lay off of employees both from parastatals and private companies by giving them three months notices of employment termination. The ZCTU estimated that over 30 000 workers lost their jobs following the ruling. The ZCTU also noted that most of the affected workers had not enjoyed up-to-date payment in accordance with the amendments to the labour law (Labour Amendment Act No. 5 of 2015), which came into effect on 26 August.

**d. *Violation of the right to food***

The right to sufficient food is provided for in Section 77(b) of the Constitution, which compels the state to take reasonable legislative and other measures to achieve the progressive realisation of this right. Zimbabwe, once a net food

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<sup>21</sup> See the Zimbabwe Human Rights Quarterly Political and Human Rights Violations Report, January to March 2015

<sup>22</sup> <http://allafrica.com/stories/201509280970.html>

exporter, is now a net food importer. The food insecurity situation was attributable mainly to poor economic and agricultural policies that have been exacerbated by natural factors such as drought and climate change. Food aid continued to be used as a political tool violating the right to food. According to ZPP, the quarter witnessed food aid being distributed along partisan lines with purported supporters of opposition parties being discriminated against.<sup>23</sup>

**a. *Violation of the right to safe and clean water***

Access to clean and safe water is a universal right of every citizen and is enshrined in Section 77 of the Constitution, which compels the state to take reasonable legislative and other measures to achieve the progressive realisation of this right. Despite this constitutionally guaranteed right, safe and clean water was not constantly available in many suburbs of Harare exposing people to water-borne diseases from unclean sources. There were persistent and severe shortages of clean and portable water, with some suburbs like Mabvuku, Mbare and Hatcliffe among others going for four consecutive days without running water. Effects of water shortages included vulnerability to disease and the degradation associated with having no water.

**b. *Violation of the right to freedom from arbitrary eviction***

Section 74 of the Constitution protects citizens of Zimbabwe from arbitrary eviction. It states “*No person may be evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances*”. Contrary to this, the period witnessed massive demolitions of houses in and around the city disregarding constitutional guarantees of freedom from arbitrary eviction. Beginning the month of July Harare City Council embarked on demolitions of “illegal” structures in 19 undesignated settlements. “Land barons” created most informal settlements that sprouted in and around Harare.<sup>24</sup> The state was complicit in abetting the

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<sup>23</sup> See the Zimbabwe Peace Project Monthly Monitor, July & August 2015

<sup>24</sup> Land barons are ZANU PF people that surface around elections, canvassing for votes with land

operations of lawless land barons who were parceling land for housing development in areas not designated for such developments.

Affected areas included, Warren Park, Westlea, Hatcliffe, Glen Norah, Budiro and Caledonia. These demolitions were carried out without a court order as provided for in Section 74 of the Constitution. The demolition of houses evoked sad memories of the 2005 *Operation Murambatsvina* (*Operation Restore Order*) which left 700 000 people homeless or without livelihoods.<sup>25</sup> Below are some of the cases that were documented during the period under review.

- On 22 July, officials from Harare City Council demolished houses in Westlea and Warren Park D. The housing stands were allocated by a housing cooperative purportedly registered with authorities. The demolitions were characterised by malicious damage of property in particular unused building materials, harassment and intimidation of owners who wanted to save their assets. See photos below of a monitoring visit carried out by the Research and Documentation Unit of the Forum.

Figure 1: ***Rubble from a demolished housing structure in Warren Park D***



SOURCE: *Research and Documentation Unit 23 July 2015*

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<sup>25</sup> See Anna Kajumulo Tibaijuka report of the Fact-Finding Mission to Zimbabwe to assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe

Figure 2: **Damaged building materials; Warren Park D**



SOURCE: *Research and Documentation Unit 23 July 2015*

- On 28 September, the Masvingo Provincial Affairs Minister, Shuvai Mahofa reportedly ordered soldiers to evict 22 villagers settled at Chomfuli Farm near Mpandawana Growth point in Gutu. The villagers are being accused of having been resettled within the operating area of the 4.2 Infantry Battalion. According to Heal Zimbabwe, 17 of these villagers have already been evicted by the soldiers and they have since moved their livestock from the farm. This is despite the fact that the villagers were granted a court order barring the soldiers from evicting them. In June this year, the soldiers allegedly burnt down the villagers' homesteads to drive them away from the farm.<sup>26</sup> No one was prosecuted for these acts of arson.

On 30 September, Harare City Council municipal police officers, resumed demolitions of alleged illegal houses in Budiriro. A total of 14 houses were demolished. The said structures are part of a group of 76 households that were demolished by the City of Harare in August.<sup>27</sup>

The demolitions were carried out in spite of a High Court order and a

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<sup>26</sup> See Heal Zimbabwe Press statement on eviction of villagers from Chomfuli Farm in Gutu

<sup>27</sup> See the Joint civic society press statement against demolitions in Budiriro, released 01 October 2015

government directive to stop all forms of demolitions in and around the City of Harare. Section 74 that, “*No person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances*”

**C. *Violation of the right to property***

Farm invasions continued to characterise the land reform programme, mainly targeting the remaining white commercial farmers. It looks like there is no end in sight to the government chaotic land reform exercise that started in 2000. President Mugabe warned ZANU-PF supporters not to be “too kind to white farmers”. He categorically stated that “whites can own industries and companies, or stay in apartments in our towns but they cannot own land. They must leave the land to blacks.”<sup>28</sup> The following case illustrates violation of the right to property:

- On 17 August, the Government listed 23 white owned farms for confiscation.<sup>29</sup> Although land appropriation by government is sanctioned by the Constitution, appropriation on the basis of the race of the owner is discriminatory, which is unconstitutional. Of the 23 listed farms 18 are from Matabeleland North and South Provinces. The listing of the farms for resettlement is done at a time when the country is facing food crisis due to draught. According to the World Food Programme, an estimated four million people are at risk of starvation and the continued farm invasions disrupt agricultural productivity pushing more people in the food aid bracket.

## **Conclusion**

Although, there is a continued decline in the prevalence and incidences of overt violence, the country faced challenges in addressing the economic challenges, making it difficult for people to access and enjoy economic, social,

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<sup>28</sup>[http://www.telegraph.co.uk/news/worldnews/africaandindianocean/zimbabwe/11737095/Zimbabwe-to-hand-back-land-to-some-white-farmers.html?utm\\_source=www.mazavr.tk&utm\\_medium=link&utm\\_campaign=article](http://www.telegraph.co.uk/news/worldnews/africaandindianocean/zimbabwe/11737095/Zimbabwe-to-hand-back-land-to-some-white-farmers.html?utm_source=www.mazavr.tk&utm_medium=link&utm_campaign=article)

<sup>29</sup> The Herald 17August 2015

and cultural rights. There was also no political will on the part of government to establish the independent commissions in terms of Chapter 6 of the Constitution, in particular the NPRC. In the next quarter the ZANU PF national conference will be held. As happened after the previous congress, acts of intimidation, harassment and even political violence are anticipated if the ruling party fails to find an amicable way to address its succession dispute.

## **Recommendations**

In view of the on-going violations, the Forum urges the Government of Zimbabwe to:

- a) Improve on service delivery and be committed to finding a lasting solution to the ever declining social and economic conditions
- b) Urgently consider realigning of all laws that do not comply with the Constitution.
- c) Operationalise the independent commissions.
- d) Ensure that the truth about the whereabouts of the abducted Itai Dzamara is established and those responsible are held accountable;

## **ABOUT THE ZIMBABWE HUMAN RIGHTS NGO FORUM**

The Zimbabwe Human Rights NGO Forum (the Forum) is a coalition of 21 human rights organisations. The Forum has been in existence since January 1998 when Non-Governmental Organisations working in the field of human rights joined together to provide legal and psychosocial assistance to the victims of the food riots of January 1998. The Forum has now expanded its objectives to assist victims of organized violence and torture (OVT)

The Forum has three operational units: the Public Interest Unit, the Research and Documentation Unit and the Transitional Justice Unit.

The Forum works in close collaboration with its member organisations to provide legal and psychosocial services to victims of OVT and to document all human rights violations, particularly politically motivated violence.

### **Member organisations of the Zimbabwe Human Rights NGO Forum**

- Amnesty International-Zimbabwe
- Catholic Commission for Justice and Peace in Zimbabwe
- Civic Education Network Trust
- Counseling Services Unit
- Gays and Lesbians of Zimbabwe
- Justice for Children
- Legal Resources Foundation
- Media Institute of Southern Africa-Zimbabwe
- Media Monitoring Project Zimbabwe
- Non-violent Action and Strategies for Social Change
- Research and Advocacy Unit
- Students Solidarity Trust
- Transparency International-Zimbabwe
- Women of Zimbabwe Arise
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender
- Zimbabwe Association of Doctors for Human Rights
- Zimbabwe Civic Education Trust
- Zimbabwe Human Rights Association
- Zimbabwe Lawyers for Human Rights
- Zimbabwe Peace Project
- Zimbabwe Women Lawyers Association

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