

Zim government fails Human Rights test

The government has failed a human rights appraisal conducted by 27 local and influential civil society organisations (CSO)'s. This is the "verdict" of 27 CSO's in a document entitled the "Advocacy Charter" summing up in detail the human rights track record of the country's coalition government.

The CSO's including the Zimbabwe Lawyers for Human Rights said the coalition government has failed to implement its own declared objectives on key issues like human rights, ending torture, freedom of expression and assembly, relations with labour and trade unions other commitments.

According to the Advocacy Charter, which was prepared by local civil society organisations in relation to the government's National Report, Zimbabwe has not ratified all the outstanding human rights treaties and their Optional Protocols such the United Nations Convention Against Torture, Cruel or Inhuman or Degrading Treatment or Punishment (CAT), the International Convention for the Protection of All Persons Against Enforced Disappearances. The government has also not ratified the Optional Protocols to Convention on the Elimination of all Forms of Discrimination Against Women, International Covenant on Civil and Political Rights, International Covenant on Economic Social Cultural Rights and the Convention Rights of the Child.

The CSO's noted that although the government had created commissions on human rights, the media, anti-corruption and elections no measures were put in place to ensure that the legislative framework for the independent commissions comply with the international norms and standards and to address human rights abuses which were committed over the last four years.

The civil society organisations criticised the government for failing to adhere to the recommendations of the United Nations Special Envoy of the Secretary General for Human Settlement, Anna Kajumulo Tibaijuka to ensure that victims of the 2005 Operation Murambatsvina have access to housing. Although the Zimbabwean Constitution guarantees freedom from inhuman and degrading treatment, the CSO's contended that the government had not taken any serious steps to criminalise torture in all of its laws and fully corporate with the United Nations thematic mechanisms on torture.

In their three page assessment forming the Advocacy Charter, the CSO's observed that the Zimbabwe government's National Report is silent on arbitrary arrests and detention. They demanded to be upraised of the measures that the government is taking to prevent the arbitrary arrest and detention of citizens in particular Human Rights Defenders (HRDs) and members of Civil Society Organisations during peaceful demonstrations, or when they are conducting their activities.

With regard to elections, the CSO's observed that the government has in recent elections disenfranchised several Zimbabweans living outside the country



The sincerity of leaders of the government of Zimbabwe in addressing human rights abuses has been questioned by CSOs, which want to avoid a repeat of scenes such as those above, witnessed in 2008. -ZIMRIGHTS



and people living with disabilities while the airwaves continue to be closed to independent broadcasters despite the adoption of some cosmetic media reforms by the coalition government.

Zimbabwean CSO's also noted that the government had done very little

took a knock, the civil society organisations recommended the incorporation of all social, economic and cultural rights in the national laws and collaboration with United Nations agencies and other stakeholders to fully implement the Millennium Development Goals on Access

As part of their recommendations, the CSO's urged the government to criminalise torture in all its national laws and policies and to consider creating an independent civilian oversight body for the police and other state security operatives and adopt other measures to prevent incidents of torture

to reduce overcrowding in prisons and improving access to adequate health services for all inmates, though in its National Report it stated that the rights of prisoners were protected by the country's legislation in line with international standards.

Of concern to the CSO's was the government's lethargic attempt to facilitate free access to primary education to satisfy the Millennium Development Goals and to ensure the provision of quality education.

As part of their recommendations, the CSO's urged the government to criminalise torture in all its national laws and policies and to consider creating an independent civilian oversight body for the police and other state security operatives and adopt other measures to prevent incidents of torture.

As remedy to ensuring universal access to education and increase the country's literacy rate which in recent years

to Education, Health and other Social and Economic rights. The government should also consider measures to improve working conditions for education and health workers to ensure good service delivery in these sectors.

With regard to elections, the government was implored to adopt a hybrid electoral system, reform institutions that play a role in elections, develop and implement an Electoral Code of Conduct that is legally enforceable in order to promote free and fair elections and establish a permanent independent Electoral Court to preside over all electoral matters.

The government, the CSO's said should consider incorporating the UN Declaration on the Human Rights Defenders in its national laws and fully implement recommendations of the UN mechanisms to prevent unwarranted deprivation of liberty.

In order to ensure citizens' rights

to a fair trial and access to justice in the country's legal system, the CSO's urged the government to consider creating an independent prosecuting authority according to the UN guidelines and fully implement the right to fair trial for all citizens.

Zimbabwe's compliance with its international obligations is scheduled to be scrutinised by the global community of nations on Monday 10 October 2011.

The government has produced its National Report which it will present at the UPR session; local and international CSOs have submitted several Stakeholder Reports to assist the UNHRC in assessing the accuracy of this National Report.

The Advocacy Charter is a guideline for States and other stakeholders who wish to engage the government of Zimbabwe on issues and concerns via the Universal Periodic Review (UPR). The Advocacy Charter makes recommendations which stakeholders hope the government will implement to improve the situation of human rights in the country. Stakeholders hope that the government in consultation with stakeholders will seriously work on recommendations suggested to address issues raised.

The UPR is a unique human rights mechanism of the UNHRC aimed at improving the human rights situation on the ground in each of the UN Member States. Under this mechanism, the human rights situation of all UN member States is reviewed every 4 years. At each of its meetings the Council devotes much of its time to consideration of country reports from the process of review in which every UN member State has agreed to participate.

From the Zimbabwe Lawyers for Human Rights Information Desk. (www.zlhr.org.zw)

Human Rights protection undermined by grandstanding & politicization

Coordinator's Note



dewaMAVHINGA

While addressing the United

Nations Human Rights Council's Universal Periodic Review on Zimbabwe's human rights record, Justice minister Patrick Chinamasa painted such a glossy picture and blamed any failure to protect human rights on 'illegal sanctions' on Zimbabwe. Responses from a number of UN members states including Namibia, Cuba, Venezuela and China were to call for the lifting of the so-called sanctions. This underlines Zimbabwe's human rights protection challenge: that a dishonest analysis of the challenge, coupled with grandstanding and politicization, may attract a chorus of support from friends but not solutions that enhance human rights promotion.

Chinamasa's human rights report completely ignored the horrific electoral violence witnessed in 2008 and the fact that, despite several witnesses coming forward with credible reports, police did not comprehensively investigate or arrest known perpetrators of violence leading to widespread impunity. Instead of proper introspection that properly identifies key gaps between human rights aspirations and the reality on the ground, the government of Zimbabwe chose to give the impression that all is well with minister Chinamasa at one point proclaiming that the Public Order and Security Act (POSA) does not violate people's rights to peaceful assembly. Rather than look closely at the collapse of the health sector and over 2000 jobless nurses in the country, focus was placed on repeatedly reminding the international community that Zimbabwe has a 92% literacy rate.

In further politicizing the human rights discourse, the government approach has been to seek to elevate the promotion and protection of socio-economic rights above civil and



The failure by Zimbabwe to fully recognize the rights of its citizens has given rise to severe rights abuses countrywide, especially in the political arena. -ZIMRIGHTS.

political rights ignoring the inter-connectedness and interdependence of all human rights. More importantly, it is untrue that government has given proper attention to socio-economic rights as evidenced by a collapsed health sector that failed to prevent a cholera epidemic in 2008 which claimed at least 4,200 lives and infected some 100,000 people.

Zimbabwe has not taken any measures to follow South Africa's lead to constitutionally guarantee and protect socio-economic rights despite its touted preference for such rights. The manner in which natural resources are exploited does not show priority to ensuring the full enjoyment of socio-economic rights if one looks, for instance, at how diamonds revenue has been accounted for.

It does not help for government officials to boast that the country has ratified a host of international human rights instruments when those instruments are not domesticated to make them directly applicable in the country. It would seem that ratification of human rights instruments becomes a convenient cover. Yes, on paper Zimbabwe is party to several human rights treaties, but the ques-

tion is, how are ordinary Zimbabweans benefiting? There is need to frankly acknowledge that there is a huge gap between what is on paper and the reality on the ground as far as human rights are concerned and that the gap must be closed urgently.

Failure to fully acknowledge the magnitude of our human rights situation leads to complacency and reduces the United Nations to a glorified talk-shop with no tangible results to benefit ordinary Zimbabweans except for meaningless government calls for the international community to assist with capacity building. Further, the politicization of the human rights discourse further entrenches the false dichotomy between civil and political rights on one hand and social and economic rights on the other. This division undermines efforts to place emphasis on the linkages and connections between such rights as the right to information and sustainable social and economic development.

As renowned economist, Amartya Sen noted, with adequate access to information and scrutiny of government policies, no country would experience a famine. The realization and en-

joyment of social and economic rights in the context of economic stability and development is dependent on the realization of civil and political rights that result in a stable political environment. For Zimbabweans to fully enjoy the full range of rights they need a stable, accountable government that takes care of the needs of the most vulnerable members of society. For lasting improvements in social conditions and in the quality of life of the largest number of Zimbabweans, it is necessary to ensure that the political matrix is correct. It is therefore essential that the inclusive government of Zimbabwe focuses on ensuring that the country has genuinely free and fair elections to usher in a legitimate government that can be tasked to improve the lot of suffering Zimbabweans.

The humanitarian and economic crises that engulfed Zimbabwe in recent years are the consequences of a failed political and governance system that tramples on civil and political rights and depends on rights abuses for its survival.

At present the unemployment rate in Zimbabwe is presently pegged at over 90%, the country is the fourth

hardest hit by HIV/AIDS in the world, with some 60,000 new infections recorded in December 2010 alone. A comprehensive way to address these challenges would be to understand these challenges in the context of a failure of political leadership. Therefore, to demand the right to information and the right to vote freely in the absence of violence and intimidation becomes a bread and butter issue as it impacts directly on the choice of those who craft the country's economic policies.

This understanding puts those groups fighting for civil and political rights and those focusing on humanitarian issues such as food aid and distribution of AIDS drugs on common ground. The two fields are interrelated, interdependent and mutually reinforcing. They both share a common vision and goal of ensuring a better quality of life for all. All we need is for leaders in government to desist from politicizing human rights protection and focus on decisive steps that translate human rights commitments into tangible benefits on the ground.

- coordinator@crisiszimbabwe.org

UPCOMING ACTIVITIES:

Crisis in Zimbabwe Coalition Annual General Meeting, 21-22 October. Bulawayo, Zimbabwe

2012: A year of credible electoral reforms

Zimbabwe civil society organisations are concerned with the escalating calls by the state for early elections after the draft constitution has been put to a referendum. Zimbabweans are cognizant and appreciate that the key element in the exercise democracy is the holding of free and fair elections, it however imperative to put in place certain fundamental prerequisites and these should be coupled by credible electoral reforms.

Although the Zimbabwean constitution guarantees freedom from inhuman and degrading treatment, the government has not taken any serious steps to criminalise torturer in all of its laws and fully corporate with the United Nations thematic mechanisms of torture.

For three years into zimbabwea’s power-sharing government, President Robert Mugabe and the Zimbabwean African Union- Patriotic Front (ZANU-PF) have used violence and repression to continue to dominate government institutions and hamper meaningful human rights progress. Police continue to arbitrary arrest and detain human rights defenders and journalists for their legitimate human rights work.

Indeed the year 2012 must not be for elections but a year for electorate fundamental reforms. 27 Zimbabwe CSOs have taken a major step of taking the human rights fight to the United Nations (UN) by presenting the Advocacy Charter, a document that sums up in detail the human rights track record of the zimbabwea’s coalition government on Wednesday 05 October 2011 at the ongoing UN Human Rights council’s 12th session of



the universal periodic review in Geneva. According to the Advocacy Charter, Zimbabwe has not ratified all the outstanding human rights treaties and their Optional Protocols such the United Nations Convention against torture, cruel or inhuman or Degrading Treatment or Punishment (CAT), the international convection for the protection of all persons against Enforced Disappearances. The charter also stipulates that the unity government

has also not ratified the optional protocols to Convention on the Elimination of all forms of Discrimination against Women, International Covenant on civil political rights, international covenant on Economic Social and Cultural Rights and the convention rights of the child.

Crisis in Zimbabwe Coalition thus urges the united nations to call upon the government of Zimbabwe to fulfil its obligations in terms of the African charter

on the rights and freedoms of its citizens; to implement fully the provisions of the GPA and accept and implement various recommendations from civil society; to effect genuine electoral reforms in line with the declaration by the African Commission on principles governing democratic elections in Africa before the conduction of any new elections.

From the Information Desk, Head Office.

In Response to the suspension of registration of YET Trust with the ZYC

Having met on 22 September 2011 as young women’s organizations under the banner of the Youth Empowerment for Transformation Trust and deliberated on the suspension of YET Trust by the Zimbabwe Youth Council (ZYC) for yet unclear and obscure reasons cited by the ZYC Director in a letter dated 30 August 2011. We express our deep shock and dismay over this suspension, which we view as a clear assault on the progressive youth of this country, and in particular as a direct attack on young women’s participation in the development of the country.

As young women’s organizations under the banner of YET Trust, we are deeply concerned by the continued harassment of the Director of YET, which is clearly turning out to be a new and subtle form of gender-based victimization of the YET Director solely on the grounds that she is a woman.

We are also concerned that the unilateral actions of the ZYC director in suspending YET Trust registration are not only illegal in terms of provisions of the ZYC Act, but are a clear violation of the provisions of CEDAW and the SADC Protocol on Gender and an assault on the advancement and representation of young women in leadership positions. The Government of Zimbabwe (GoZ) has ratified these and other statutory instruments that work for the advancement of women yet such misdirected efforts by the ZYC director clearly violate and negate government efforts to empower women and afford them equal opportunities with men, and are also retrogressive to government Policy on MDG 3.

Having studied the letter of suspension carefully and consulted other parties cited in the said letter, we stand in solidarity with a fellow sister, the YET Trust Director and assert the following :

- The alleged suspension of registration is null and void as proper procedures were not followed by the ZYC director. The Registration and Compliance Committee of the ZYC Board did not meet to discuss this issue prior to the suspension and the suspension was clearly a unilateral move by the male chauvinistic ZYC director;

- YET Trust through its representative was never given an opportunity to lay out their side of the story on the alleged issue. No disciplinary hearing was ever convened as provided for in section 22 (2) of the ZYC Act

- The Ministry of Women’s Affairs Gender and Community Development, under the inclusive GoZ should investigate the actions of the ZYC which are in clear contravention of some of the policies it has adopted, especially in the advancement of young men and women. The ZYC is mandated through a statutory instrument (ZYC Act) to work towards providing a conducive environment for youth participation and empowerment, yet it is clearly working against some of these ideals through partisan execution of its duties and adopting retrogressive patriarchal tendencies that allow for the discrimination and harassment of women;

- We condemn the continued harassment of the YET Trust Director which we are well aware is

a plot to intimidate the YET Trust Director based on her gender and steadfast pursuit of young women and youth empowerment. We reiterate that we will take up this case with relevant ministries to safeguard the participation of young women and work towards confining such chauvinistic tendencies by the ZYC Director to the annals of history; we will mobilize women, young women and other straight thinking Zimbabweans to challenge such blatant acts of gender-based discrimination and harassment as such practices have no place in present-day Zimbabwe.

As young women, we stand in solidarity with a fellow sister, the YET Trust Director as she faces an unjustified onslaught from a male chauvinist in

the form of the ZYC director. As youth organizations also registered with the ZYC, we will not hesitate to withdraw our membership with the ZYC as it is clearly reneging on its mandate and wantonly discriminating against women. Further, we will challenge this suspension of YET Trust on purely legal grounds.

We will also mobilize our constituencies to challenge this new form of young women harassment and discrimination, which is a clear violation and negation of the GoZ policies towards women’s empowerment.

HARRASSMENT OF ONE WOMAN IS HARRASSMENT OF US ALL.

On every Thursday, read

ZIMBABWE BRIEFING

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