

Editor's Introduction

Political violence was again reported in the run-up to the Makoni West by-election and the mayoral and municipal elections in Bulawayo. It was rampant on farms in the Makonde district.

In this issue, we consider the human rights of old people. It is particularly appropriate to do so, because the only 'political' death recorded this month was that of 77-year-old **Ralph Fenwick COBBETT**, a farmer from Kwekwe. Our condolences go to his family and friends. We hope that in future elderly people may be spared death in our political mayhem.

Rights of the elderly

'Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ...

Everyone has the right to a standard of living adequate for ... health and well-being ... including food, clothing, housing and medical care and if necessary social services, and *the right to security in ... old age ...* (Article 25(1)).

What does the *Universal Declaration of Human Rights* Article 25 mean by 'security' as a human right? Well, security is a state of feeling *and* being secure, free from care and anxiety about subsistence, about where the food, clothing and shelter is going to come from. When people are too old to work and earn money, where does their subsistence security come from?

The theory is that, while people are young and employed, they should save money for their future 'pensions'. The earlier one starts saving, the bigger the eventual pension. But finally the State should care for those who have worked all their lives and paid taxes to it. The State must provide for older people who have no means of their own. Recently, the SADC summit in Malawi refused to adopt the Social Charter, which tried to make SADC States guarantee a decent standard of living to their retired workers.

In 1997, Zimbabwe had 817 140 people aged 56 years or older. Many will subsequently have died. A safe guess is that today, we have at least half a million people over 60. The pensionable age of 65 years is now unrealistic because the AIDS pandemic has lowered our life expectancy to 38 years.

The *Business Herald* (3 May 2001) reported that, of 1,2 million elderly people, 85% are women. These figures are *grossly* wrong. According to the 1997 Interim Census figures, as women age, their proportion *falls*, from 52,9% in the total adult population to 51,0% in the over-55 age category. However, fewer women are employed than men, so most of our elderly people do not have rights to their own pensions, although some widows have pension rights

through their late husbands.

Pensions in Zimbabwe

Before Independence, there was no national pension scheme. But most white and some black employees – about 200 000 – made contributions to private pension funds. Each firm formed its own pension fund. Most pension funds were managed by big financial institutions, like Old Mutual, for the individual companies. Today we still see an historical imbalance. Because they have traditionally provided for their own retirement, white members of pension funds are 3,5% of the total, at least four times their proportion in Zimbabwe's population.

Civil servants did not and still do not have a special pension scheme. Instead, retired civil servants are paid pensions from the Consolidated Revenue Fund – that is, from the taxes we pay each year. From January 2001, most State pensions were increased by 25%. But it was alleged in Parliament that 'when a civil servant retires, that civil servant has to pay \$1 000 through the back door' to get his or her pension.

War veterans (and their families) are a special category of State pensioner. Between 1 January 1998 and 31 March 2000, nearly Z\$3,6 billion was paid as pensions to war veterans. From 1 January 2001, war veterans' monthly pensions were increased by 20% to Z\$6 875. The widows of national heroes complained that their allowances (Z\$3 000 per month) and their children's (Z\$3-400 per month plus school fees to a maximum of Z\$8 050 per term) were inadequate.

By 1979, 100 000 farm-workers were contributing to the Rhodesian Agricultural Pension Scheme. A recent question in Parliament suggested that – as a result of the farm occupations – this scheme had collapsed. Parliament's attention was also drawn to the difficulties and delays experienced by retired farm-workers in trying to claim their benefits from NSSA because many do not have identity cards.

In 1994, the National Social Security Authority (NSSA) was formed. Government makes most employees contribute 3% of their gross wages to NSSA even if they are *also* members of other pension schemes. Only civil servants, domestic workers and the self-employed do not have to contribute to NSSA. The proportion of income paid to NSSA has never been revised, even though inflation has risen dramatically, by over 500%.

The vast majority of Zimbabweans are *not* covered by pensions. They depend on the State through the Department of Social Welfare. Until recently, the State paid old age homes \$150 per person per month for subsistence. From January 2001, this sum was raised – to \$250 per person per month. It is not enough even to buy maize meal for *sadza*, as 14 elderly men at the Old People's Home in rural Makoni know. They, like many others depending on the State, faced starvation on this

'support'.

Inadequate pensions

Apart from high-ranking politicians who are guaranteed in law retirement on full salary with periodic adjustments, virtually all pensions are 'fixed' incomes, usually not more than two-thirds of pay before retirement and often much less. Most pensioners do not get pension increases, or cost-of-living allowances, once they start drawing their pensions. Only recently has it become possible to buy 'index-linked' pensions, where pensioners initially take a **reduced** amount for a few years in order to receive more later.

So pensioners are hit very hard by inflation, especially high inflation. They become poor faster than most other people. Relatively 'wealthy' pensioners who own their homes may no longer be able to pay their rates, water, electricity and grocery bills unless they can supplement their pensions.

Because our bodies work less well as they become old, pensioners also spend more money on medical care. Overseas, in the very **last** year of a person's life, he or she expects to pay 80% of **all** the money they will ever spend on health. The extended process of dying is very expensive – as those who suffer from AIDS also know, even if they are young.

So inflation, including in medical costs, and a collapsing State health sector hit the elderly very hard. Together they breach human rights to financial security and traditional dignity in old age. Culturally, in our society it is especially shameful for elders to be destitute and dependent on charity.

The causes of pensioners' problems

Basically, the problems of being poor in retirement are caused by Government policies, especially those that fuel inflation. The trade unions have urged Government to change their policies and also the laws affecting pensions, so that more money goes to pensioners and less to the State and management expenses.

From 1 January 2001 pension funds were forced by a new law to pay 15% tax on the money they make in order to pay pensions. They are also forced to invest 30% of their assets in Government bonds and Treasury Bills. These are right now yielding interest a long way **below** the rate of inflation, so the **pension funds are losing to Government in two different ways some of the money contributed by their members** – by taxes and negative interest rates after expenses. The MDC calculates that in 2001 low interest rates on Government bills and bonds will cost the pension funds over Z\$55 billion. The Zimbabwe Association of Pension Funds (ZAPF) thinks it will be only Z\$14 billion! Either way, it is a huge amount that pensioners will lose and the State will gain at their expense.

NSSA receives huge sums of citizens' money. During 2000, 1,4 million employees contributed through 27 000 firms. On 30 October 2000, NSSA was worth Z\$11,2 billion. In the first half of 2000, it received Z\$1,8 billion in pension contributions and workers' insurance premiums.

But NSSA does not appear to look after this money at all well. Firstly, it spends well over one-third of its income on expenses (salaries and benefits). It has been reported to be grossly overstaffed, by 75%. Its control of

internal corruption has also been weak. A year after NSSA started operating, two of its senior employees had stolen nearly three-quarters of a million dollars contributed by workers.

Secondly, NSSA is directed to use its assets – all paid for by our pension contributions as workers – to finance shopping malls in various towns, water, housing and other projects, which do **not** earn good returns. It also invests on the Stock Exchange. In 2000, its average return on its national pension investments was 82%: pretty good. However, NSSA has apparently been used to make profits **for others** in share deals. For example, in the second half of 2000 it was reported to have been ordered to buy shares in Bindura Nickel at 27% **more** than the market price.

Thirdly, NSSA also set aside Z\$200 million for high-risk loans to small and medium enterprises. Half was reported to have gone to the National Investment Trust, at a **negative** real interest rate (25%) compared to inflation.

NSSA and its contributors also have other problems. Some 3 000 firms (10% of the total) deduct pension contributions from their workers, but do not pay this money to NSSA or to other pension funds. Every year NSSA is **not** paid \$100 million which it should receive. It is now owed over one billion dollars in arrears by defaulting employers. They include many local government councils, parastatals (including ZBC and NRZ) and private firms in grave financial difficulties (like ZimPapers, Merspin, and - since 1993 - Zanu-PF's Jongwe Printing and Publishing). Even the Zimbabwe National Chambers of Commerce had not paid. Harare City Council paid arrears of Z\$104 million to NSSA and the Local Authorities Pension Fund only recently.

As a result of the low contribution levels and its poor financial management, NSSA pays 'peanut pensions' that are quite inadequate for subsistence. No wonder, then, ordinary Zimbabweans know NSSA as 'Never See your Savings Again'!

Not only NSSA is in trouble. Many pension funds are not very well managed either. The ZESA pension fund lost over Z\$12 million to fraud by its brokers. More recently it has refused to lend \$40 million to the Kwekwe gold Roasting Plant Corporation, to pay off the remainder of its retrenched employees, unless the Government, as owner, guarantees repayment. (Since the Roasting Plant has closed, it will not be able to repay.)

The Department of Pensions published the names of over 2 000 civil servants who had died, whose pensions had not been paid to their next of kin. It warned that, if it did not get the information necessary for payment, on 30 June 2001 these cases would be 'closed' and no payments made.

The collapse of financial institutions also hits pensioners hard. Among those who lost their life savings in the final liquidation of Access to Capital were 400 pensioners, 30 burial societies and 96 registered war veterans. Investors received two cents for every dollar they had invested. NSSA, as a preferential creditor, received only Z\$9 000 of what it was owed.

What are the results of mismanaging pension funds?

Pensioners, like elderly people with no pensions, now depend on charity, rather than on their own life savings. The families of 31 late employees of the Beit Bridge Rural

District Council are destitute, because the pension contributions for their husbands and fathers had not been remitted for years.

Organisations like HelpAge Zimbabwe and the Salvation Army run old people's homes, with the help of Lottery funding and other donations. HelpAge finances 169 homes for the elderly and receives millions of dollars from private donors. When donors withdraw, there is a crisis. Residents of Bumhudzo Old People's Home went without food when the Salvation Army withdrew its support.

Zimbabwean pensioners living abroad have been made destitute both by the falling Zimdollar and by the forex crisis. Those pensioners living in Botswana reportedly received *no money at all* from October 2000. Those in the UK got nothing from November 2000, and those in South Africa from April 2001. NRZ pensioners living outside Zimbabwe were not paid for four months. The NRZ Pension Fund warned that it would have *no* money to pay future pensioners. The NRZ Pensioners' Association wanted to close the fund, to protect existing pension rights, but that would prejudice future NRZ workers.

What to do to protect our 'senior citizens'?

HelpAge has demanded a law to protect the rights of the elderly. In fact, there are already laws to prevent fraud and mismanagement of pension funds in particular. They must be practised and enforced, not ignored. Those who ignore the law, cheat, or spend too much on administration should be fired.

Removing the 15% tax from pension funds would also help, especially if funds were managed better. Politicians must stop using NSSA to make political investments that do not yield money for pensions and to absorb losses or make profits for powerful and well-connected people.

Grey-haired Zimbabweans must start making political noise and insist on their pension rights. They must act politically to secure their rights, like successful 'grey-power' overseas. They must not allow the politicians to rob them in their old age. As AIDS kills mainly younger people, the grey-haired are becoming a bigger and more powerful fraction of our voting population. They must defend their human rights, because in a shrinking economy no-one else will.

Follow-ups

Health

Pride Chigwedere noted that 'The current strike by doctors is the sixth major one in 12 years. The cause, as stated by the doctors, has not changed an inch since the first strike: pathetic conditions of service encompassing remuneration and the professional work environment.' We hope the Ministry of Health and Child Welfare will take note.

Civil Rights

The Child Protection Society survey has found that 55% of children aged 0-5 and up to 72% of 6-10 year olds have no birth certificates, although 80% of their parents are Zimbabwean citizens.

The rule of law and prisoners' rights

Following a clash on Listonshields farm in the Chinhoyi area on 6 August 2001, despite conflicting accounts of what happened, 22 farmers but no farm occupiers were arrested. The 22 farmers were remanded in custody for two weeks, initially in prison clothing, before being bailed for \$100 000 each by the High Court.

As *The Monitor* noted in its special issue of prisoners' rights (December 2000), remand prisoners are presumed innocent until found guilty by a court. Our Supreme Court reiterated the rights of remand prisoners in 1999, including their right to wear their own clothes. The Chinhoyi police tried to uphold the farmers' rights, allowing them their own clothing, extra food and blankets brought by relatives.

For upholding the law in this way, three officers were suspended for 'playing the good guys'. The *Sunday Mail* report implied that they had treated the farmers specially leniently rather than simply following the law.

So now we see *three* violations of different human rights in this case. The farmers were forced to wear prison uniform against remand regulations. The police officers who tried to uphold the law were suspended amid public implications that they acted 'corruptly'. Both violations appear to have happened on orders from ZRP headquarters in Harare, which, if indeed responsible, have violated both specific laws and the rule of law.

Masvingo police refused to heed an order by magistrate Shortgame MUSAIONA. He ordered them to prosecute on charges of public violence and/or assault 53 soldiers. They had injured 10 patrons (five seriously), stolen \$5 000 and damaged cars and property at the Ritz Nightclub. The police had just fined them \$60 each as admission of guilt. There are no reports yet of their prosecution.

Also in Harare, the clerk of the magistrate's court, Lydia Mutambirwa, refused to accept the bail of six million dollars granted by the court to Peter Lotriet and Patricia Mitchell. They spent two extra nights in jail. Their lawyer, Jonathan Samkange, noted that Ms. Mutambirwa had acted unlawfully in refusing to accept the money, since she had no right to refuse the court's instruction.

Human Rights Generally

Our usual review of human rights' violations now draws on unpublished as well as published sources. Thank you for your private reports. We are using them as well as the newspaper reports.

1. Civil rights

In August 2001, there were 36 published and two (duplicate) private reports of civil rights' violations. Of these reports, 25 came from urban and peri-urban areas. Of the 11 rural cases, five involved 'war veterans'.

Who were the victims of civil rights abuses?

As Table 1 (page 4) shows, there were at least 6097 individual abuses, including 10 death threats against independent journalists.

Among the individually-known victims were three women, three girls, three boys and 85 men. Some cases had thousands of victims, including 3 000 Methodist women whose Mt Darwin convention was disrupted by Zanu-PF supporters and 'war veterans' because they were

accused of being MDC supporters. Their meeting was displaced to Epworth.

Who violated civil rights?

Top place for violating civil rights went to the State (19). The army, police, CIO and prison service accounted for 15 and line ministries the remaining four cases. Seven men were killed unlawfully by State agents. Zanu-PF / 'war veterans' came next, with 10. Seven private individuals also behaved badly.

2. Political rights

Judging from 60 news reports and two unpublished cases involving nearly 40 000 individual abuses, political violence again worsened in August 2001. Only one death resulted from political violence but there were 10 death threats of a political nature. Three-quarters of all cases involved political violence. And three-quarters of all political violations of human rights occurred in rural settings. Political violence again appeared to be increasing in the run-up to the Makoni West and Chikomba by-elections. But most violence occurred on Mashonaland West farms. The provincial distribution of these 'political' cases is given in Table 2.

Table 1: August 2001: Reported civil rights violations, including those resulting from political violence.

<i>Type of Violation</i>	<i>ordinary</i>	<i>political</i>	<i>total</i>
unlawful killings: total	9	1	10
(by ZRP/ZNA)	(7)	-	(7)
attempted killings	-	5	5
death penalty	-	-	-
death threats	10	10	20
public/political violence	10	>35273	>35283
unlawful arrest	11	-	11
unlawful detention	-	7	7
assault by police / army	2	-	2
by Zanu-PF/ZNLWVA	11	21	32
by MDC	-	2	2
other	-	4	4
disappearance/kidnap	2	3	5
firearms offences: total	12	>10	>22
(by ZRP)	(12)	-	(12)
(by others)	-	(10)	(10)
political intimidation / victimisation	1	>2015	>2016
political discrimination	>3006	-	>3006
torture	-	3	3
child abuse	1	-	1
child sex abuse / rape	3	-	3
freedom of expression	17	4	21
freedom of religion	>3000	>10	>3010
property-related	2	>2116	>2118
Total victims	>6097	>39484	>45581

>means more than

Who were the victims of political violations?

In August 2001, political violence remained a mainly rural, male activity. In the total of 62 incidents, some 53 named men were affected, compared to 13 known female

victims. 22 incidents involved violence and displacement from their livelihoods of at least 40 000 adults and children. Of these 22, 19 were rural, and only seven did not occur on commercial farms.

The political affiliation of 135 victims was known to be MDC, while 10 belonged to Zanu-PF.

Table 2. Distribution of 'political' violations by province.

<i>Province</i>	<i>No.</i>	<i>%</i>
Mashonaland West	20	32.3
Manicaland	11	17.7
Mashonaland Central	8	12.9
Harare	8	12.9
Mashonaland East	6	9.7
Matabeleland North	5	8.1
Midlands	2	3.2
Masvingo	1	1.6
Bulawayo	1	1.6

Who violated political rights?

Zanu-PF and 'war veterans', acting alone or together, were responsible for 47 of 62 incidents, and in two of these MDC supporters were also involved. State agents were

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responsible for only one incident. Seven, all on commercial farms, were caused by private individuals.

As usual we would like you to let us know about human rights abuses. Please include your full name and address if you want us to answer, otherwise we will not know who to address and send replies to. (Our address is below.)

With the aim of developing a strong human rights culture in Zimbabwe, we want to know about and expose especially those human rights abuses that are not reported in the press. Information regarding unlawful killings, assaults, torture and other gross violations of Zimbabweans' civil rights is appreciated. But we also want to know when people cannot get birth certificates or identity documents, when property rights and work entitlements are violated, and when nothing is done about people who do not have access to health services and schooling.

The Legal Unit of the Human Rights NGO Forum offers legal advice and Amani Trust offers psychological counselling to anyone who has suffered from torture or organised (including political) violence. Address 1 Raleigh Street (off Rotten Row), Harare (tel. 792222, 737509, 731660; email <amani@echo.icon.co.zw>).