

## Editor's Introduction

What are human rights? They are rights that every person has simply because he or she is a live human being. They are the same for everyone, regardless of sex, race, religion, nationality or any other differences. They were first agreed, internationally, in the *United Nations' Universal Declaration on Human Rights (UDHR)*, in 1948. Zimbabwe inherited its adherence to the UDHR from the settler colonial state of Rhodesia. Over the past 50 years, extra human rights have been added to the original ones. Today three types (sometimes called three 'generations') of human rights are recognised. They are outlined below.

First, there are basic **civil and political rights**.

Civil rights are the rights of citizens. The most basic are the rights to life, freedom, personal security, equality before the law, the protection of the law, and the presumption of innocence until proven guilty on criminal charges. The **UDHR** prohibits arbitrary arrest, detention, exile, or interference with personal privacy and communications with others. Applying laws retrospectively to actions that were not covered at the time they were committed, but only by later laws, is not allowed either. Also included are rights to a national identity and to state documents such as birth certificates and passports. As humans, we have the right to move freely, including to other countries in search of refuge. States, their police and law-enforcement officers are required to treat all people fairly and humanely, without threats, degradation, torture, or killing. We have, as well, the right to get married to persons of our choice and to have children.

Mothers and their children enjoy specially protected status. Indeed, women's rights are protected in a special agreement, the *Convention on the Elimination of All forms of Discrimination against Women (CEDAW)*, which Zimbabwe has adhered to since 1991.

Politically citizens have rights to participate freely in politics and make decisions about how they are governed, locally as well as nationally. These **political rights** include the rights to vote, to think freely, to say what we think and to tell others, in the newspapers, over radio and TV, on the telephone, or by letter and email. When we think something is very wrong, we have the right to get together with other people to protest and demonstrate peacefully, without being tear-gassed, beaten up, arrested, or shot.

Second come **economic rights**.

These are necessary for us to live as humans rather than like the animals we also are. The **UDHR** gives everyone the right to work for our own subsistence so that we may eat, clothe and house ourselves, maintain our health, and to be secured against unemployment, illness, disability and other circumstances which may interfere with our subsistence. In order to do these things, we have rights to own property, to fair and equal pay for equal work, and to defend our interests collectively as workers of all kinds — farmers, labourers, professionals — against both our employers and our state.

Because earning a living depends on having basic education and skills, the **UDHR** also recognises our right to an education of our parents' choice, which should be free at the primary level.

Some argue that our economic rights are in fact the most fundamental. The People's Republic of China has consistently held that economic rights come before civil and political rights, because without food, clothing and shelter, civil and political rights are not worth very much. China's people do not elect their national representatives directly. India, on the other hand, defends as fundamental the right of her poor people to vote for their state and federal representatives, and to vote out any government that does not redress poverty.

Lastly, **cultural rights** are also part of being human.

These rights allow us to choose the way we wish to live, the rules and values and behaviour which we think are proper for ourselves. But cultural rights do not allow us to impose our views on other people who may wish to be different — not even those whom we marry, nor even our children once they are independent adults. To have our own cultural rights means that we must respect the cultural rights of other people. We are expected to live peacefully in our own society with those whose cultures are different from our own, so that everyone's human rights are upheld.

### **Human Rights in Zimbabwe**

Human rights in Zimbabwe are enshrined in sections 11 to 24 of our Constitution. The Declaration of Rights was originally laid down in the Constitution of Rhodesia. Only slight changes of wording were made in 1980. Over our two decades of Independence, some of those original rights have been reduced by executive and legislative action, even when the courts have upheld them. For example:

- We have the right to life, but it is now 'lawful' for the State to kill us under certain circumstances — if the courts have sentenced us to death, or if we are shot during a demonstration.
- The list of circumstances under which we can be deprived of our constitutional right to liberty has grown.
- We may not be enslaved, but parents can force their children to work without pay and the State can order us to work for nothing in an emergency.
- Adults are protected from inhuman treatment, but still permitted to apply corporal punishment to children.
- Our property is protected, but people may be deprived of their land to establish game parks or to resettle people.
- Our homes and persons are protected from arbitrary search, except if that is in the interests of 'public morality', 'public order', 'public health', town and country planning, the prevention or investigation of crime, 'public safety', or defence.
- We are entitled to the protection of the law, but that is not worth much when the rule of law is not upheld by the State's executive.
- Our freedom of conscience — to think and speak differently from others — is limited, not merely by the entirely legitimate interests of others, but also by interests of public order, morality, safety and health, as well as defence.
- We are allowed to associate freely with one another as if we lived in a free and democratic society. However, there are large restrictions on what we may do in association with one another. In particular, workers' associations may no longer protest against State policy by organising strikes.
- Our right to move freely within Zimbabwe may be prevented if we are thought to be 'spreading disease', or threatening public order and security, or by defence requirements.
- Our rights not to be discriminated against are limited, especially for women, by exempting all of family and customary law from constitutional regulation. And while we can approach the Supreme Court if we feel any of our fundamental constitutional rights have been breached, it is very expensive to do so.

### **The threat to human rights in Zimbabwe**

Clearly, Zimbabwe has been eating away its constitutional protection of human rights. And from colonial times we have had a poor human rights record. At the start of this new millennium our record is becoming worse.

We struggled for two years to assert that we, Zimbabwe's citizens, should be consulted about our own Constitution. When we were eventually consulted, we rejected the State's draft new constitution. This 'no' vote angered our elected representatives. As has happened in the past, our government — which is supposed to govern according to the wishes of the majority — then unilaterally amended the old Constitution, for the sixteenth time, to incorporate provisions which the people had rejected. Political violence resulted, in which human rights have been and still are being trampled on all over the country.

In addition, as long-term problems, we have growing poverty in our country. Many people do not have enough to eat. They cannot clothe themselves adequately. Their children are being withdrawn from school. They cannot get medical treatment. Unemployment is growing, especially among young school-leavers who should be the hope for our future.

Many Zimbabweans are worried about human rights and have formed Non-Governmental Organisations (NGOs) to deal with violations of human rights. A number of these NGOs have come together in the Zimbabwe Human Rights NGO Forum, which supervises the Human Rights Research Unit (HRRU). The HRRU has established a computerised database of human rights violations in Zimbabwe.

### ***The Human Rights Monitor***

The HRRU will publish its *Human Rights Monitor* to publicise our country's human rights problems. It will be published every month. We appeal to everyone who knows about human rights abuses to let us know about them, so that we can record them and build up a comprehensive picture. (Our postal address appears at the end of this edition.)

We would especially like to be informed when the human rights of poor people in the rural areas are abused. Some cases are reported in the press, but only a few. We want to know about everyone who is assaulted or even killed by the police, the army, or other people working for the state (like National Parks officers who shoot people they think are poaching animals or fish), private security firms, political parties or other organisations. We want to know when people are tortured. We want to know when people lose their property unlawfully — when their land is taken over even in the communal lands, when so-called 'squatters' are evicted, when houses are burned down deliberately. We want to know when people cannot get birth certificates or identity documents; when people have not been allowed to register as voters; when schools and clinics collapse or are closed or cannot get what they need to operate; when people finish their food long before the next harvest is due. We want to know when people cannot exercise their political rights — especially when women are not allowed to vote, or stand for office, and when people of one party are threatened or beaten up by those belonging to a different party.

We want to know it all, to publish as many details as do not breach individual privacy and safety. When we all know what is going on, when people know about and defend their rights, human rights abuses will stop. Zimbabwe will only get a government that is really responsible and accountable to its people when we are determined to defend our own human rights. So we want to develop a strong human rights culture among all Zimbabweans.

As the first issue of the *Human Rights Monitor* goes to press, we have enormous problems with our fundamental political and civil rights. We are currently struggling over our right to determine who will govern us. Those of us who managed to register as voters do not know whether our names will appear on the register, or whether they will be deleted as 'mistakes' or otherwise omitted. As potential voters, many of us have been — and are still being — intimidated by the assaults, kidnappings, torture and deaths of Zimbabweans holding political views different from those of the ruling party. Recently a policeman was shot trying to uphold the rule of law and social order. Elsewhere in the world, this shooting would have been national news for a week. In Zimbabwe, it was barely reported. And as political violence worsens, the property of many, especially poor farmworkers, has been destroyed.

### **Human Rights in Zimbabwe in the New Millennium**

In this first report, we will look in detail at what has happened to the human rights of Zimbabweans in the first three months of 2000. But this picture deals only with cases reported in the media. Many more go unreported.

## **1. Civil rights**

First, the overall picture. Excluding political violence, there were 38 reported cases of civil rights violations during the period. Reflecting the problem that reporting is biased toward urban areas, 28 (nearly three-quarters) occurred in the towns, against only seven in the rural areas. Three, involving legislation and policy, affected Zimbabweans nationwide:

The Postal and Telecommunications Act curtailed freedom of communication in various ways, and was especially threatening to those using electronic mail and the Internet.

Employees of the Ministry of National Affairs, Employment Creation and Co-operatives were not consulted over and did not give their consent to having one day's pay deducted for donation to the victims of Cyclone Eline.

Many more Zimbabweans were affected by policy changes in the Ministries of Home Affairs and Education, Sport and Culture:

- children over 16 without national identity cards will no longer be allowed to write public examinations;
- children without birth certificates will no longer be admitted to school.

Before schools opened in January, there was a huge rush by mothers to acquire birth certificates and identity cards for their children. But what will happen in the future, especially to AIDS orphans without these documents and without mothers? We know they are the largest category of children without state documentation. They will be deprived of an education and future employment, in addition to all the other discriminations and hardships they currently suffer.

### **Who were the victims of civil rights abuses?**

Patterns emerge from analysing the victims of these 38 cases, not all of whom could be identified individually by age and sex. Adults and children, men and women experience different violations of their human rights, with different consequences. Female children appear more likely than any other category to end up dead when their rights are abused. These patterns are common internationally.

Eleven, over one-quarter, of the 38 violations of civil rights affected children under the age of majority (18 years). Compared with their overall proportion in the population, children seem less affected than adults in the violation of their human rights. However, child abuse is grossly under-reported, both to the State and in the media. It is becoming more prevalent as more children are orphaned in the AIDS pandemic.

Three educational violations affected children of both sexes. Of the remaining eight cases, only one was male. Three girl children were killed in a total of five cases of child abuse. A 15-year-old was raped by a husband and wife acting together in an attempt to make the girl pregnant and take the child themselves. Some forms of child abuse are, however, classified in other ways. For example, the case of a 14-year-old girl wearing a mini-skirt being chased and threatened with public stripping, falls under 'degrading treatment'. Public stripping is a form of discriminatory degradation practised only upon women and adolescent girls.

There were 12 female victims of human rights violations. Only two were rural cases, including a 22-year-old who died as a result of being assaulted by a farm manager. Half of the female victims were children, reflecting the 'double jeopardy' of being a girl child. Of these six, half were cases of child abuse, including three unlawful killings. Of the six adult women, four were gang-raped, three of them after being kidnapped. One was unlawfully detained and tortured by the ZRP in an attempt to extract

information regarding her husband.

Of 19 male victims, six (32%) also died, including one disabled boy thrown into a well by his pregnant mother and two adults in work accidents. The other three were shot, respectively by the ZRP, a National Parks guard and a farm security guard. Two more were sentenced to death. Eight were assaulted and tortured by the ZRP. Clearly, men run a much higher risk of both torture and unlawful killing than do women, in the same way that women are more likely to be abducted and raped than are men.

**Table 1: Civil rights violations occurring between 1 January and 31 March 2000 and reported in Zimbabwe's press**

Total instances (all of Civil Rights violations)	38
Conditions of detention (43 victims)	1
Kidnapping	3
Torture/police assault	10
Killing (including one suspected ritual murder)	7
Death penalty	2
Degrading/inhumane treatment	2
Gang-rape	4
Child abuse	4
Child sex abuse	1
Freedom of expression	1
Working conditions	4
Interference with education	3
Interference with voter registration (61 victims)	2
Firearms offence	1

### Who violated civil rights?

In 22 of the 38 cases, or 58% of all cases, the State of Zimbabwe violated its citizens' human rights. Clearly, there is a major problem with the State's approach to human rights. Twelve cases involved the Zimbabwe Republic Police. The ZRP detained three people unlawfully, assaulted and tortured nine, and unlawfully killed one. In the other 10 cases, various ministries violated citizens' rights.

In contrast, private companies and farms were responsible for only three violations. However, all three involved the deaths of workers, two as a result of failure to comply with safety regulations and one resulting from assault.

The remaining 13 violators were private individuals, sometimes behaving collectively. These included four men involved in three instances of kidnapping and gang-rape, mainly of young women hitch-hikers in the Harare area. In a fourth gang-rape, a 17-year-old woman later died and those who assaulted her were charged with murder.

## 2. Political rights

Political abuses started after the referendum result was announced. They involved numerous breaches of civil and property as well as political rights (see table 2 below), including many cases of unlawful detention in police custody, kidnapping by private individuals/party organisations, and property damage.

**Table 2: Violations of civil and economic rights between 1 January and 31 March 2000 related to political violence and reported in Zimbabwe's press**

Total instances	49
Civil violations	16
Unlawful detention	9
Kidnapping	3
Torture	1

After the referendum, non-black Zimbabweans were required to produce documentation not required of blacks in order to register as voters. Later, an official in the Registrar-General's Office stated that they were removing all names registered 'by mistake' and implied that most such names belonged to non-blacks. In early March, Zanu-PF youths prevented farmworkers from registering as voters at Norton district registry sub-office. The police did not intervene to insist on the workers' right to register wherever they wished. The Registrar-General's Office did not issue receipts to those who confirmed their registration as voters. The voters' roll was widely condemned as very seriously defective. It is still not an adequate record on which to base the free and fair election of a new government.

However, these abuses were relatively minor by comparison with the 49 separate cases of political violence that erupted from early February to the end of March. These 49 instances were split almost evenly between urban (26) and rural (23) areas. Within these 49 cases, 95 individually-identifiable violations occurred. The first violation occurred during the referendum, when a middle-aged Mabvuku woman campaigning on behalf of the Women's Coalition was stripped publicly of her 'Vote YES' T-shirt. By 6 February, Mrs Idah Mashonganyika's house and car had been attacked. This attack was mounted by supporters of a different candidate in the later Zanu-PF primaries. However, in a pattern of partial reporting that worsened with the political violence, *The Herald* initially reported (and did not retract or correct) that the damage had been caused by MDC supporters.

Reported political violence was overwhelmingly caused by Zanu-PF supporters. Until the end of March 2000, identified MDC supporters were responsible for three cases, compared with 22 caused by Zanu-PF. Only 123 arrests were reported, although clashes often involved 'hundreds'. Among individually-identifiable victims, seven belonged to Zanu-PF, and 44 to the MDC. The sex of victims was most often not reported, but identifiable female victims numbered only eight, compared to 18 male victims.

MDC supporter Edwin Gomo, on 26 March, was the first reported death in this campaign of violence. He died two days after being hit by a stone after leaving an MDC rally in Bindura.

Bindura is in Mashonaland Central, where Provincial Governor Border Gezi had earlier incited violence and encouraged Zanu-PF to 'spill blood'. As table 3 below shows, this province alone accounted for over 20% of all the cases reported, higher even than Harare's 16,4 %.

Many more deaths occurred after March, particularly as the ZRP refused to intervene in the farm invasions, and these will be detailed in later issues of the *Human Rights Monitor*.

**Table 3: Provincial break-down of human rights violations related to political violence reported in Zimbabwe's press, 1 January to 31 March 2000**

Province	Area	R/U*	N	%
unidentifiable			4	8,2
Manicaland			0	-
Mashonaland East	(1)		5	
	farmland	R	3	
	farmland	U	1	
Mashonaland Central			10	20,4
	Bindura	U	2	
	Centenary	R	1	
	Chiweshe	R	1	
	farmland	R	1	
	Guruve	R	1	
	Mazowe	R	1	
	Muzarabani	R	2	
	Mvurwi	R	1	
Mashonaland West			2	4,1

	Karoi	R	1	
	Norton	U	1	
Midlands			5	10,2
	Gweru	U	2	
	Kwekwe	U	3	
Masvingo			4	8,2
	farmland	R	1	
	Chikarudzo	R	1	
	Masvingo	U	2	
Matabeleland North			2	4,1
	farmland	R	2	
Matabeleland South			0	-
<b>Total</b>			<b>32</b>	<b>65,3</b>

\* R = Rural, U = Urban

<b>Urban Provinces</b>	<b>Suburb</b>	<b>H / L</b>	<b>N</b>	<b>%</b>
Bulawayo			2	4,1
	Hillside	L	1	
	Mpopoma	H	1	
Chitungwiza		H	1	2,0
Harare			8	16,3
	Budiriro	H	1	
	Hatcliffe	H	2	
	Highfield	H	2	
	Mabelreign	L	1	
	Mabvuku	H	1	
	Marlborough	L	1	
<b>Total</b>			<b>11</b>	<b>22,4</b>