

Braving the rains

HWANGE-By bicycle, on foot and aboard scotch carts, dozens of villagers braved harsh weather conditions to attend a mobile legal clinic organised by Zimbabwe Lawyers for Human Rights (ZLHR) in Hwange's Madumabisa Village Number Two.

Highlighting the hunger for human rights literacy, children joined their parents and grandparents for the meeting despite an outpouring of rain in this normally dry area.

As part of its human rights awareness campaign, (ZLHR) took its rights education programme to Madumabisa Village Number Two in Hwange, Matabeleland North province where human rights lawyers raised awareness on human rights issues and possible ways of protecting human rights in cases of violations.

On the particular day, the heavens opened up as heavy rains pounded the district from the early hours of the day until around midday.

However, with determination to learn about human and socio-economic rights and to get free legal counsel on issues affecting their daily lives, people braved the rains to get free rights education.

Even their participation during the mobile legal clinic showed they had finally arrived at their heavily sought fountain of knowledge and they were finally quenching their thirst for knowledge on legal matters and their rights as Zimbabweans.

Lizwe Jamela, the ZLHR regional manager for Matabeleland and Midlands provinces, alongside the organisation's projects officer, Prisca Dube took the villagers through a session on what human rights are and what violations were with respect to the human rights.



Undeterred... Some Hwange women disregarded the heavy downpour to learn more about human rights



Participants following proceedings during the mobile legal clinic held in Hwange

Speaking during the mobile legal clinic, Jamela said too much focus had been placed on political rights while citizens in Zimbabwe had been left to suffer a host of human rights abuses and violations by the government of the day.

"We realize that across the country, there has been too much focus on political rights of political players. Not much talk and education has been done on human rights vis-a-vis socio-economic rights of our people," he said.

Jamela said there was need for people to appraise themselves with the provisions in the Bill of Rights as enshrined in the constitution so as to be able to pick out the violations by the government.

"Section 76 of the Constitution says every Zimbabwean has a right to access basic health care services. It speaks to rights such as access to treatment for chronic diseases such as blood pressure, diabetes, the access to anti-retroviral drugs, the right to education, right to shelter and the right to food amongst other things," Jamela said.

He added that decisions by schools to withhold education results from students whose parents fail to pay school fees constituted a violation of the child's right to education.

"If a school has a problem with students' failure to pay school fees, it is illegal for the school to withhold the results of that particular student. The school would rather release the results and make a follow-up with the parents of the concerned child for payment than to hold the students' results," Jamela said.

The villagers were also taught to guard against discriminating others along race, tribe, colour, language, class and religious beliefs amongst other forms of discrimination. *Continued on Page 2*

Residents go thirsty in water war

GWANDA-In this arid and hot region, water is more than just a precious liquid. It is a treasurable commodity that, unfortunately, is getting harder to come by. And, as residents point out, this has little to do with drying water sources.

Residents are going for weeks without supplies of clean water because of a payment dispute between the government-run water agency, the Zimbabwe National Water Authority (ZINWA) and the Gwanda Town Council.

Residents believe they have borne the brunt of the turf war between their council and ZINWA enough and want this to come to an end.

"We are tired of this war," said Alfheli Mudhawu, the spokesperson for the Gwanda

Residents Association. "This has to come to an end now because it is the ordinary people who are suffering from all this fighting."

He was speaking on the sidelines of a recent mobile legal clinic conducted by Zimbabwe Lawyers for Human Rights (ZLHR). ZLHR holds regular mobile legal clinics in outlying areas to raise awareness on human rights issues as well as take up cases that residents feel should be challenged in court. *Continued on Page 3*

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**Promoting active
citizenship to defend
and enforce
the social and economic
rights in the Constitution**

ZLHR pursues Hwange cops

HWANGE-Zimbabwe Lawyers for Human Rights (ZLHR) says it will not rest until police officers who assaulted about 100 women who were demonstrating against Hwange Colliery Company Limited's failure to pay their husbands' salaries are brought to book.

'Justice is not something that is easy to get in a country such as Zimbabwe'

— Lizwe Jamela

ZLHR regional manager for Matabeleland and Midlands provinces, Lizwe Jamela, told villagers in Hwange's Madumabisa Village Number Two during a recent mobile legal clinic outreach programme that the matter was being pursued and perpetrators will be brought to book.

This is part of ZLHR's campaign to weed out impunity within the police service and ensure that



Battered... some of the women attacked while demonstrating

Picture: Nehanda Radio.com

rogue law enforcement agents are made to account for their actions.

Jamela said ZLHR had assigned the matter to a lawyer who was now awaiting the dates for the trial.

"As you would know, justice is not something that

is easy to get in a country such as Zimbabwe," he said.

"But as ZLHR, we are going to be fighting until justice is delivered in the case of the assaults that were meted by the police on some of your colleagues. We have assigned the matter to one of our officers and once the dates are set, we shall ensure that those responsible are brought to account for their actions," Jamela said.

He criticised the police officers and their superiors for what he described as absolute abuse of office and power.

"We have a situation where police officers and their handlers failed to respect the same law they are supposed to uphold. It does not matter that they are police officers; they needed to respect civil rights. They failed to put into practice what they spent time learning during their training," said Jamela.

"As lawyers representing people, we have to ensure that when the police disrespect the law, we bring them to account for their actions. As ZLHR, we believe that the actions of the police on that day, from the one who ordered the butchering of people to the one who actually executed the order, were criminal in nature. And when one engages in criminality, they ought to answer for their actions as the law and the Constitution abhor criminal behavior," Jamela said.

The ZLHR regional manager said part of the recourse they would seek at the courts was the arrest of the officers involved in the assault.

"We want to follow the matter to the logical conclusion. We want to ensure that those caught on the wrong side are arrested and brought to court. If there is anyone protecting them, we shall ensure that person is also brought to book as they would be obstructing the course of justice," Jamela added.

Residents at the meeting raised concern that some of the law enforcement agents could escape censure because of the Zimbabwe Republic Police's policy of routinely transferring police officers.

In response, Jamela said there is no place to hide for perpetrators of human rights abuses.

"The long arm of the law will catch up with them. What we are saying is that wherever they are, when the time comes for them to account, they shall be asked to come back and account. In the event that there is a new officer-in-charge, and we want compensation, it is the office of the officer-in-charge that shall be sued and compensation would be paid," Jamela added.

Braving the rains

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Dube took the people who attended through documentation challenges facing aliens in the area. She highlighted that there were efforts by ZLHR to ensure that the affected people had access to the requisite documents.

Speaking to the Legal Monitor after the mobile legal clinic, villagers said they were now empowered to face their day to day challenges that confront them.

Simon Tshuma, a villager in the area said he was enlightened by the workshop as he had no clue on how to deal with problems his family faced.

"I have a problem with my family's birth certificates. Some of my siblings were born outside the country and we did not know how to ensure they get documentation that shows they are Zimbabweans.

"I am happy that after attending this workshop, I am enlightened and better informed and I am able to deal with my problems. I know that if I have a problem, I have ZLHR to assist me. It has been a day well spent," said Tshuma.

Veronica Nyathi, also from the same village, said she would now confront the school where her daughter's examination results were withheld over payment of school fees.

"My daughter's results were withheld last year because we were unable to pay for my



Building active citizens...Villagers participating at the mobile legal clinic held in Hwange where ZLHR's lawyer Lizwe Jamela decried that Zimbabweans were enduring several human rights abuses and violations

daughter's school fees. I now know that what they are doing is illegal and I will ask ZLHR to intervene in the case and get the results released.

The school is violating my child's right to education and it's a violation that should be challenged. ➡

Alienation on home soil

HWANGE-Being born to a foreign national seems a major handicap in this coal mining town, where many children are struggling to get birth certificates for years. Zimbabwe Lawyers for Human Rights (ZLHR) is now acting to remedy the appalling situation after residents alerted the organisation to their plight.

‘Those that do not have documents that identify who they are or have an “A” on their identity cards are regarded as aliens’

— Prisca Dube

ZLHR projects officer, Prisca Dube, revealed that the organisation has engaged the Ministry of Home Affairs to issue affected people with identity documents.

Speaking at a mobile legal clinic outreach programme at Madumabisa Village Number Two in Hwange recently, Dube said the programme was already yielding some positive results as some of the affected people are now able to access basic services they were once denied as they are now recognised as Zimbabweans by law.

“In this part of the country, many people have no identity documents at all. There was and is still a very big problem with documentation and identity particulars for some people,” said Dube.

“Those that do not have documents that identify who they are or have an “A” on their identity cards are regarded as aliens and there is need to have that problem rectified as a matter of urgency. We are here as ZLHR to assist you deal with that problem,” she said.

Dube said ZLHR is working with the Ministry of Home Affairs to ensure that those without the documents are assisted.

“We have assigned a lawyer within ZLHR to assist you get the identity documents that you need. The officer is there to ensure that the identity cards with “A” on them are replaced with the proper ones, that those who do not have identity cards and passports can have access to those documents and that any problem with identity documents is attended to,” she said.

The problem, Dube said, arose before the country attained independence in 1980 after companies such as Hwange Colliery Company Limited and the National Railways of Zimbabwe employed foreign nationals as casual employees.

The employees, she said, were not issued with identity particulars.

“When the laws changed post 1980, these foreigners married Zimbabwean nationals and their nationalities were not changed. The children born out of these marriages retained the identities of their fathers who were foreigners and they have been here since. There is need for us to help them get the proper documentation which identifies them as Zimbabweans,” Dube said. ➤



Fighting for the minority... Prisca Dube

Know Your Rights

CHAPTER 3: CITIZENSHIP 35 Zimbabwean citizenship

- (1) Persons are Zimbabwean citizens by birth, descent or registration.
- (2) All Zimbabwean citizens are equally entitled to the rights, privileges and benefits of citizenship and are equally subject to the duties and obligations of citizenship.
- (3) All Zimbabwean citizens are entitled to the following rights and benefits, in addition to any others granted to them by law -
 - (a) to the protection of the State wherever they may be;
 - (b) to passports and other travel documents; and
 - (c) to birth certificates and other identity documents issued by the State.
- (4) Zimbabwean citizens have the following duties, in addition to any others imposed upon them by law -
 - (a) to be loyal to Zimbabwe;
 - (b) to observe this Constitution and to respect its ideals and institutions;
 - (c) to respect the national flag and the national anthem; and
 - (d) to the best of their ability, to defend Zimbabwe and its sovereignty.

Residents go thirsty in water war

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After the mobile legal clinic in Gwanda, residents feel they may have found a solution and are mulling taking court action.

“We are now planning to go to court with the help of ZLHR because water is a fundamental right,” said Mudhau, adding that he hoped litigation would help end the impasse between ZINWA and the Gwanda Town Council.

“We are seeking advice from lawyers, including ZLHR, on the way forward. We want this to come to an end and we believe that if they cannot reach an agreement, we might need to take them to court, where they shall be ordered to observe and respect our rights as residents.

“This situation cannot be allowed to go on as it is. The sooner a solution is found, the better, and the courts are the way to go, let it be,” Mudhau added.

ZINWA blames the Gwanda Town Council for failing to pay for the water it supplies to the council for onward transmission to its 13 000-plus residents. The failure, the state-run water agency argues, has been the major reason for severe water cuts experienced in the town.

“Zinwa operates and maintains the raw water source, Blanket, Mjeni



Concerned... Residents demand end to perennial water crisis

Dam, raw water pipeline, pick weir and raw water abstraction works and the water treatment plant from which the authority supplies bulk treated water to Gwanda municipality on cost-recovery basis,” said ZINWA in statement as it sought to shift blame to the Gwanda Town Council.

“In turn, Gwanda Town Council is obliged to pay for the service provided by ZINWA. It is Gwanda municipality’s responsibility to ensure the distribution of the treated water obtained from ZINWA to the residents of Gwanda. Residents pay for their water consumption directly to Gwanda municipality,” ZINWA said.

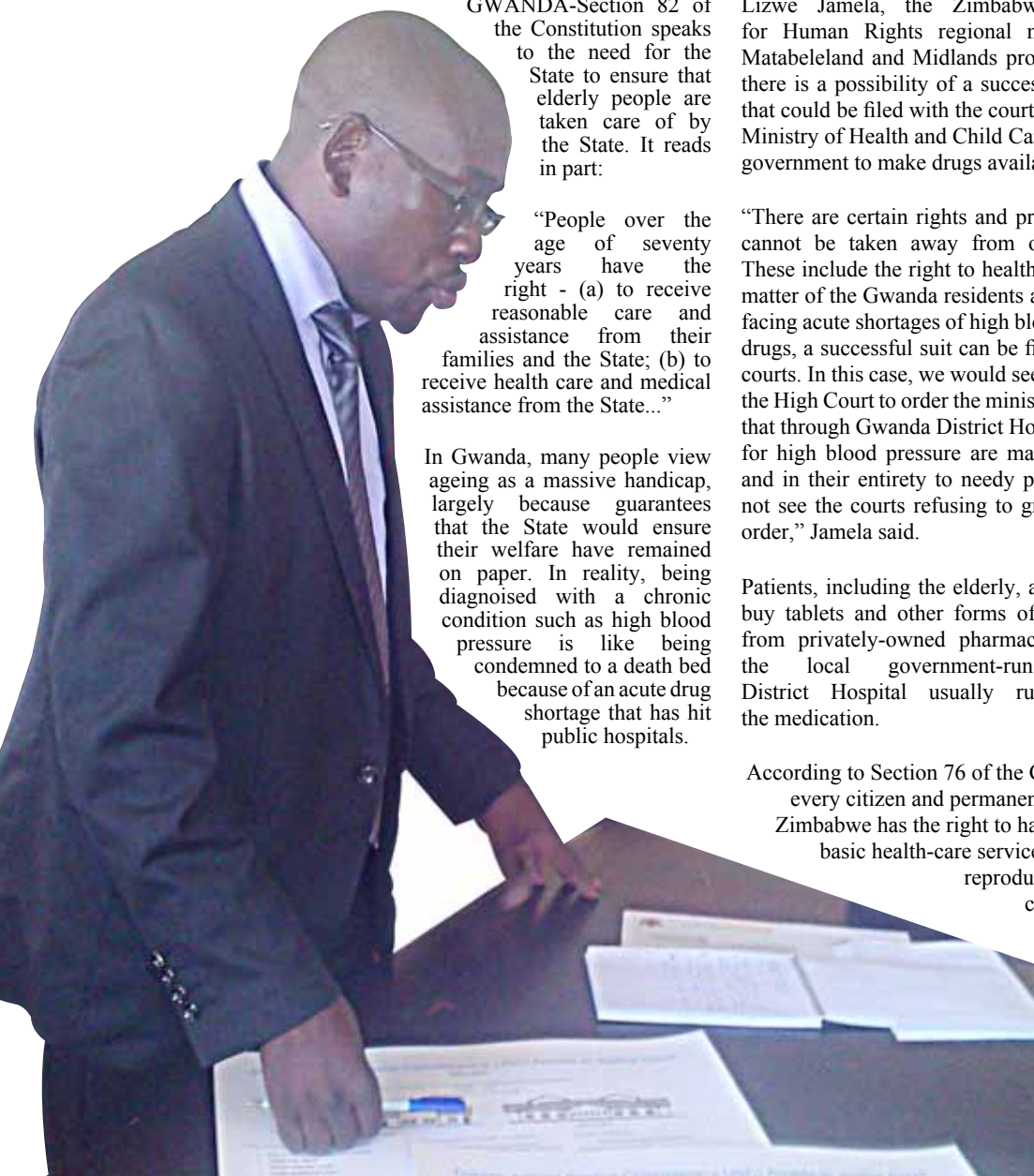
Mudhau said residents do not buy ZINWA’s explanation and are also angry that the police have thwarted their attempts to hold peaceful demonstrations to protest the water cuts.

“We intended to stage a march against this kind of treatment by both ZINWA and the council but the police, in their wisdom, decided to stop our march. They said they suspected we wanted to cause chaos. Our rights are violated by the council and the water authority and when we want to demonstrate, which is our right as well, against the violation of our rights, we are told that we can’t do it. It’s sad indeed,” Mudhau said. ➤



Victims of water war...Gwanda residents following proceedings attentively during ZLHR’s mobile legal clinic

Condemned to death by old age



On the hunt for justice... ZLHR lawyer Lizwe Jamela

GWANDA-Section 82 of the Constitution speaks to the need for the State to ensure that elderly people are taken care of by the State. It reads in part:

“People over the age of seventy years have the right - (a) to receive reasonable care and assistance from their families and the State; (b) to receive health care and medical assistance from the State...”

In Gwanda, many people view ageing as a massive handicap, largely because guarantees that the State would ensure their welfare have remained on paper. In reality, being diagnosed with a chronic condition such as high blood pressure is like being condemned to a death bed because of an acute drug shortage that has hit public hospitals.

Lizwe Jamela, the Zimbabwe Lawyers for Human Rights regional manager for Matabeleland and Midlands provinces, says there is a possibility of a successful lawsuit that could be filed with the courts against the Ministry of Health and Child Care to compel government to make drugs available.

“There are certain rights and privileges that cannot be taken away from our citizens. These include the right to health care. In the matter of the Gwanda residents and villagers facing acute shortages of high blood pressure drugs, a successful suit can be filed with the courts. In this case, we would seek to compel the High Court to order the ministry to ensure that through Gwanda District Hospital, drugs for high blood pressure are made available and in their entirety to needy patients. I do not see the courts refusing to grant such an order,” Jamela said.

Patients, including the elderly, are forced to buy tablets and other forms of medication from privately-owned pharmacies because the local government-run Gwanda District Hospital usually runs out of the medication.

According to Section 76 of the Constitution, every citizen and permanent resident of Zimbabwe has the right to have access to basic health-care services, including reproductive health-care services.

It states that every person living with a chronic illness has the

right to have access to basic health-care services for the illness, that no person may be refused emergency medical treatment in any health-care institution, and most importantly, that the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the rights set out in this section.

Section 82 goes further to give more guarantees for the elderly.

Some patients disclosed that they are made to pay \$6 for a health card that the hospital uses to administer one’s condition during observation. The \$6, however, does not cater for medicines and tablets.

“We are told to pay \$6 for a card that they use to monitor and record the progression or lack of in your high blood pressure. After they have checked you, the hospital usually prescribes tablets and medication, most of which is out of their stock. They then expect us to buy these from private institutions or pharmacies.

“The challenge is that most of us are of old age, over 70 years-old. Where do they expect us to get the money to buy these tablets when they know we are not working,” said one villager from Garanyemba village.

Another villager said there had been instances where the hospital provides only one of three prescribed drugs to deal with high blood pressure.

“The challenge is that the one drug they

Know Your Rights

Constitution of Zimbabwe Section 82 Rights of the elderly

People over the age of seventy years have the right-

- (a) to receive reasonable care and assistance from their families and the State;
- (b) to receive health care and medical assistance from the State; and
- (c) to receive financial support by way of social security and welfare; and the State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of this right.

provide does not adequately provide the required relief from our ailment. We need all the three for one to feel better. It’s time an intervention is made because we cannot have a situation where all the time we go to hospital, we are told that there are shortages of the drugs. We need lawyers to assist us petition the ministry to ensure that these drugs are always available,” said Mehluli Tshuma, also a villager in the area. ➤

Orphans, elderly left homeless

GWANDA-Shelter is a basic human right that cannot be taken away by anyone.

It is a right that every government and local authority is obligated by the laws of the land to provide, regardless of one’s political affiliation and cultural or traditional beliefs.

But when this basic right is taken away from people because of one reason or another, this behaviour calls for action against any

concerned body, with legal action being the only reasonable option.

Gwanda town in Matabeleland South province is slowly but surely being gripped by a sad tale where failure to pay rates and tariffs could result in one losing his or her house.

In interviews, residents said what was even more baffling was that council officials were allocating the affected families’ houses to friends and concubines who are new to the town.

Most of the affected people have stayed in the houses in question since the birth of the town itself.

“We have a very painful situation here in Gwanda. Some of us have lost houses that

we have stayed in for the last 30 or so years to new people because we have outstanding bills to the council.

“It is even more painful because some of these people are girlfriends to the officials at the local authority or even relatives. Because we owe bills, say for \$200, our houses are being taken away and given to people from other areas. This is happening on a daily basis and it’s something that needs urgent intervention,” said one resident who declined to be named.

Another resident who preferred to be identified as Sisasenkosi said there were alarming levels of corruption and underhand dealings in the provision of housing in Gwanda.

She said vulnerable groups such as orphans and

the elderly were being evicted from houses in the transit town, with the properties being parceled out to undeserving “newcomers.”

“We have heartless people in our council,” she said.

“They (council officials) have become so greedy and corrupt that they have even lost a feeling for the underprivileged. How can they evict orphans whose parents stayed in Gwanda since the town’s early days because their friends now want accommodation here?

“We have the elderly who are now unable to pay council tariffs. They are also being told to look for alternative accommodation because the council officials want to give these houses to friends on a permanent basis. We need some intervention on this matter as a matter of urgency,” she added.

Zimbabwe Lawyers for Human Rights (ZLHR) Regional Manager for Matabeleland and Midlands provinces, Lizwe Jamela said the violations were a matter requiring legal intervention.

“These are cases that we are there to deal with,” Jamela said.

“We have taken note and we shall be engaging with the affected families to ensure that something is done to solve this crisis. It’s something the council knows is illegal and they are better advised to desist from such behaviour,” he added. ➤

Know Your Rights

Constitution of Zimbabwe Chapter 2 National objectives Section 28: Shelter

The State and all institutions and agencies of government at every level must take reasonable legislative and other measures, within the limits of the resources available to them, to enable every person to have access to adequate shelter.



Fighting on... Some Gwanda residents are speaking out against poor service delivery