



I. Executive Summary

1. This report focuses mainly on the right to education, right to health, gender based violence, social security/ protection, water and sanitation and environmental rights in its key human rights concerns.

2. The report calls on the Government of Zimbabwe to implements measures and policies to enable the full enjoyment of the right to education and health, eradication of all forms of gender based violence, improved social security and protection of the most vulnerable population such as people with disabilities and the elderly, improve access to clean and portable water in both urban and rural settlements as well as protection of the environment through enactment of laws, policies and measures regulating mining and farming. There is need for the Government of Zimbabwe to fulfil its obligations in terms of its own national Constitution as well as meeting other regional and international human rights standards.

II. Legal Context

3. The Constitution of Zimbabwe as well as other regional and international instruments puts obligations on the government of Zimbabwe to protect, promote enforce and fulfil human rights.

4. The right to education is provided in terms of section 75 of the Constitution of Zimbabwe, Article 17 of the African Charter and Article 26 of the Universal Declaration of Human Rights.

5. The right to health care is provided in terms of section 76 of the Constitution of Zimbabwe, Article 16 of the African Charter and Article 25 of the Universal Declaration of Human Rights.

6. The right to human dignity is stipulated under section 51 of the Constitution of Zimbabwe and the right to personal security under section 52 as read together with section 80 on the rights of women are the legal provisions upon which security and protection from gender based violence are provided for. This is supported at regional level in the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and also the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW) as well as the Beijing Declaration and Platform of Action of 1995.

7. Social security or protection for the most vulnerable people is provided for in terms of section 82 of the Constitution of Zimbabwe on the rights of the elderly, section 83 of the Constitution of Zimbabwe on the rights of persons with disabilities, as well as section 74 on



freedom from arbitrary evictions.

8. The right to water is provided for in terms of section 77 of the Constitution of Zimbabwe.

9. Environmental rights are provided for in terms of section 73 of the Constitution of Zimbabwe.

III. Policy Context

10. Despite existing legal and policy framework for the enjoyment of human rights in Zimbabwe, law enforcement officials, healthcare service providers, local authorities, social welfare officials, the environmental management agents, political leaders, government departments and other institutions have thus far not committed sufficient efforts to implement existing legislation towards the protection, promotion and fulfilment of human rights for the people of Zimbabwe.

IV. Problem Identification

11. As Zimbabwe enters its Universal Periodic Review, this report seeks to deepen the analysis regarding how distinct but overlapping human rights in Zimbabwe remain unfulfilled. This submission seeks to illustrate how Zimbabweans face a range of pressing and under-profiled human rights violations in the identified areas and amplifies the voices of the most vulnerable people.

V. Background

12. Zimbabwe is a constitutional multi part democracy and it is a signatory to a number of African protocols and universal human rights conventions and declarations. Zimbabwe is a Constitutional democracy and has three arms of government which are the Executive, Legislature and the Judiciary. Laws are enacted through the legislature which is the Parliament. The Judiciary is responsible for interpreting the law. The Executive is responsible for enforcing the law as well as formulating policies necessary for the implementation and operationalisation of the law. In as much as laws are there, including the Constitution, the main challenge is in the implementation of laws and promotion of protection of human rights by the Executive arm of Government. The police and other agents of government fall under the Executive and have not been able to fully implement the laws for the benefit of the citizens. Although Zimbabwe is founded on the supremacy of the Constitution, the rule of law and fundamental human rights and freedoms of its people, it has been found wanting in many respects, more particularly, in this report, on the right to education, right to health,



social security, security of persons (gender based violence), water and sanitation and environmental rights. This report therefore seeks to strongly encourage the Government of Zimbabwe to work towards improving its human rights record in these identified areas.

VI. Report Methodology

13. The Evangelical Lutheran Church in Zimbabwe with its Gender Justice and Lutheran Development Services arms prepared this submission in collaboration with the Lutheran World Federation. The report is based on information collected by the two arms of the Church as well as information from Church representatives. The Service arms of the Church are field based in many parts of the country and therefore possess credible information on what obtains on the ground.

14. In this vein the findings of this report have been formulated based on ELCZ's research, observations, experiences, advocacy, consultation with stakeholders and documentation of human rights violations in different thematic areas of its work. Additionally, these findings are corroborated and supplemented through focus group discussions with those most affected. The report highlights the shortcomings of the fulfilment of key human rights in the country in the aforementioned priority areas and call upon the relevant authorities to accept and implement the recommendations being advocated for in this report so as to improve the human rights situation for the people of Zimbabwe in these areas through the third cycle Universal Periodic Review of Zimbabwe.

VII. Key Human Rights Concerns

Right to Education

15. Section 27 of Zimbabwe constitution states that the State must take all practical measures to promote:

(a) Free and compulsory basic education for children

(b) The State must take measures to ensure that girls are afforded the same opportunities as boys to obtain education at all levels.

16. Section 75 of the Constitution gives every citizen or permanent resident of Zimbabwe the right to a basic state-funded education, including adult basic education.

The church notes that the government of Zimbabwe is in contravention of some of the provisions of its Constitution. The Government of Zimbabwe is also in violation of Article 17 the African Charter and Article 26 the Universal Declaration of Human Rights on the right to education.



17. Most children in Zimbabwe are being denied education opportunities through a number of unfulfilled ways, which include, but not limited to the following:

a. Lack of basic learning facilities and infrastructure, especially those whose parents and guardians were resettled in the newly allocated farming areas. In order to access education, the children are walking long distances of 15 kilometres or more. Where a school has been established there are no standard classrooms or toilets to facilitate conducive learning. A majority of rural and farm area schools do not have electricity and the children lag behind in accessing e-learning materials, especially during this Covid19 related lockdown. This has caused a serious gap in the pass rate between urban and rural schools. Rural and farm schools don't have access to clean running water and as a result, they are exposed to diseases. Compounded to that there are no textbooks and other learning equipment to provide easy learning in public schools. The situation is exacerbated by COVID 19 pandemic, which has seen lack of increased learning space to observe protocols of social distancing under the WHO guidelines.

b. There has been a standoff between government and the negotiating body for teachers in Zimbabwe over decent wages and allowances for teachers. In the past 3 years staff in public schools have not been reporting for duty or have been coming 2 times a week due to what they claim as lack of adequate professional benefits and commensurate remuneration. Teachers have lost motivation and this has caused many parents to resort to private tutors which is very expensive and cannot be afforded by average Zimbabweans. Teachers are demanding payment from parents for additional lessons. Pupils are not benefitting from this situation as teachers fail to attend to classes. The majority of the parents are unable to raise income to pay for extra lessons.

c. Nearly 5,000 teenage girls fell pregnant between January and February 2021 and about 1,800 entered early marriages during the same period according to a 16 April 2021 Government of Zimbabwe report to the United Nations Population Fund of. The church has noted with concern that there has been no plan to counter the situation, which increases the risk of the girl child failing to pursue their education.

d. Due to the COVID 19 pandemic, there has been lot of imbalance between the rich and the poor in accessing education. The rich are able to use online facilities and continue with their education despite the lockdown, while the poor cannot afford those facilities.



Recommendations to the Government of the Republic of Zimbabwe

- a. Improve learning facilities and infrastructure and multiply the building of standard classroom blocks with running clean and potable water for drinking and bathrooms for girls and boys with water facilities for handwashing and flushing to prevent the spread of diseases, including Covid 19, dysentery, and cholera.
- b. Accelerate access to electricity and internet in primary and secondary schools, including schools in rural areas.
- c. Resolve the standoff between the teachers' associations and Public Service Commission through provision of adequate remuneration, employment benefits, and incentives to teachers to ensure that teachers go back to the classrooms and discharge their duties to improve access to education.
- d. Put mechanisms in place to follow up school dropouts and support them with livelihood skills and vocational training to avoid negative coping mechanisms by the youth such as prostitution, and drug and alcohol abuse.
- e. Ensure that all students have access to online education facilities.

Right to Health

18. Section 29 of the constitution of Zimbabwe states that:

(1) The State must take all practical measures to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe.

(2) The State must take appropriate, fair and reasonable measures to ensure that no person is refused emergency medical treatment at any health institution.

(3) The State must take all preventive measures within the limits of the resources available to it, including education and public awareness programmes, against the spread of disease.

19. Provisions of section 76 of the Constitution of Zimbabwe provides for the right to health care for all citizens and permanent residents of Zimbabwe.

Article 16 of the African Charter and Article 25 of the Universal Declaration of Human Rights also state that state must ensure adequate health facilities for its people. However, there is a general neglect and lack of resource allocation in the area of sexual reproductive health and rights (SRHR). The church has noted that government made a commitment to support in



and out of school girls with sanitary ware. This has however not happened leaving the girls in a vulnerable position. School going girls miss lessons due to lack of sanitary ware. Schools are ill equipped with no girl friendly toilets, no running water and disposal facilities, which cumulates to absenteeism and lack of self-esteem during their menstrual days. This is in addition to girls out of schools or girls forced out of school being often subjected to the rampant practice of early child and forced marriages despite this being against the law.

20. Shortage of essential drugs are experienced at public hospitals, consequently patients have to buy expensive medicines from private pharmacies, and the majority of citizens cannot afford to do so. There is notably a lack of equipment at public hospitals which leads to patients being referred to private providers of services such as X-rays and scans. These services are very expensive and few citizens can afford.

21. Medical staff who include nurses and doctors are not capacitated adequately to execute their duties resulting in poor service delivery for the ordinary citizens seeking medical assistance. There is a perpetual stand-off between the government as the employer and the medical staff. This has made the health delivery system to deteriorate further.

Recommendations to the Government of the Republic of Zimbabwe

- a. Ensure that the laws prohibiting early child and forced marriages are implemented by law enforcement agencies, and build the capacity of traditional leadership, church leaders, and local authorities to combat early and child marriages.
- b. Invest more resources on SRHR, and reduce cost of sanitary ware and avail free sanitary ware to the most vulnerable members of the community.
- c. Avail clean and potable water at schools and construct girl friendly toilets as a matter of urgency to protect the dignity of girls.
- d. Ensure that adequate medical equipment and drugs are available in all the public and mission hospitals taking special consideration of rural hospitals.
- e. Address the salaries and conditions of service for the nurses and doctors as a means and measure to facilitate the full realisation of the right to health of all citizens and permanent residents of Zimbabwe.



Sexual and Gender Based and Domestic Violence Against Women and Girls

22. Section 25 of the Constitution of Zimbabwe provides for the government of Zimbabwe and its agencies to protect and foster the institution of the family, including the prevention of sexual and gender based and domestic violence. This provision is further supported by section 26 of the Constitution of Zimbabwe that provides for equal rights and protection in marriage. According to section 51 of the Constitution of Zimbabwe, every person has inherent dignity in his or her private and public life, and the right to have that dignity must be respected and protected. In addition section 52 of the same Constitution of Zimbabwe talks of the right to a person's security, freedom from all forms of violence from public or private sources, freedom to make decisions concerning reproduction. In Zimbabwe most women are affected by sexual and gender based violence and domestic violence. 1 in every 3 females, aged between 15 and 49 years have experienced physical violence. 1 in every 4 women have experienced sexual violence. More than 14 000 cases of gender based violence are reported and often prosecuted per year, whilst more than half of the cases of gender based violence are not reported. The Government of Zimbabwe has put laws in place; however, there is a notable lack of implementation of the laws and general lack of awareness of the same laws by most citizens. Section 80 of the constitution states that every woman has full and equal dignity of the person with men and this include equal opportunities in all aspect.

23. There is need for cultural reforms and positive change in attitudes of the judiciary and law enforcement agencies as well as orientation to human rights. Zimbabwe is a highly patriarchal society where women depend mostly on men for financial support. The women livelihood initiatives, which include vending and cross border trading have been affected by the COVID 19 restrictions. This has further increased the dependence of women on men, which unfortunately has resulted in more women experiencing gender-based violence. COVID-19 has further exacerbated existing inequality and violence.

Recommendations to the Government of the Republic of Zimbabwe

- a. Establish programmes and reform initiatives that empower women to become economically independent to reduce Gender Based Violence.
- b. Decentralise and ensure programmes such as the Women's Micro Finance Bank and Small to Medium Enterprises Development Cooperative reach all sections of the society, including the most vulnerable and are easily accessible to women in rural areas and small towns outside Harare and Bulawayo.



- c. Build the capacity of law enforcement agents in human rights and rights based approaches to enable them to protect human rights and deal with issues of SGBV and domestic violence against women and girls.
- d. Implement programmes to address harmful practices that includes training of traditional leaders on issues of gender based violence and early child and forced marriages.
- e. Adopt survivor-centred approaches to gender based violence, including provision of psychosocial support and shelters for survivors.

Right to Social security/ protection

24. Section 30 of the Constitution of Zimbabwe gives an obligation to the government of Zimbabwe to take all practical measures, within the limits of its resources available to it, to provide social security and social care to those who are in need. Ordinarily, this includes the elderly, persons with disabilities, the youth, and victims of natural or man-made disasters among others. There are a number of perennial challenges, which require social protection measures to be put in place in order to protect the human element such as natural disasters and forced evictions.

25. Zimbabwe experiences droughts, floods, conflicts, loss of livelihoods regularly. The government has not establish a clear risk matrix and budget to ensure social protection when this events occur. Of late, there have been home evictions and destruction of structures as well as forced evictions of families from urban areas on grounds that the victims were not properly allocated the land. The evictions were started during the rainy season and currently continuing during this cold winter season resulting in many women, children, the elderly and people with disabilities suffering. This has led to the destruction of livelihoods in the form of destructions and removal of stalls and homes. In Zimbabwe the government has normalised the destruction of houses and the eviction of people in their homes in winter and in the rainy season without firstly considering and allocating alternative accommodation.

26. This problem is also affecting farmers in resettlement areas who have been evicted from the farms for lack of legal documentation and titles. Some of them have been evicted in the middle of the faming season and not even allowed to harvest their crops. No alternative land has been allocated to them. These evictions in both urban and farming settlements have increased the number of homeless people in Zimbabwe and resulted in an



increase in the number of people living on the streets and begging or committing crimes. The insecurity of people has increased as a result of the failure to put adequate social security measures in place.

Recommendations to the Government of the Republic of Zimbabwe

- a. Strengthen and allocate adequate resources to the disaster response mechanism.
- b. Embark on civic education and disseminate sufficient information to create public awareness around disaster preparedness and existing disaster risk reduction measures.
- c. Set up an effective early warning system, including incorporating indigenous knowledge system of averting disasters to alert communities of impending dangers.
- d. Develop appropriate land ownership laws and ensure that in cases of demolishing of illegal structures, alternative shelters are available to accommodate the affected people ahead of the demolition process.

Rights of Persons with Disabilities

27. With regard to persons with disabilities, Section 83 of the constitution of Zimbabwe stipulates that the State must take appropriate measures within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures—

- (a) To enable them to become self-reliant;
- (b) To enable them to live with their families and participate in social, creative or recreational activities;
- (c) To protect them from all forms of exploitation and abuse;
- (d) To give them access to medical, psychological and functional treatment;
- (e) To provide special facilities for their education; and
- (f) To provide State-funded education and training where they need it.

28. The church has noted with concern that their rights inclusive of access to education and medical and psychological services have been limited. The social grants that the government have put in place are inadequate and at times, they do not reach to the intended targeted group on time. The church also note that there is inadequate facilities for persons living with disabilities including lack of teaching staff personnel.



Recommendations to the Government of the Republic of Zimbabwe

- a. Put in place measures that enable equal access to education, and medical and psychological services to persons with disabilities.
- b. Ensure social grants to persons with disabilities are sufficient to meet basic standard of living and reach the targeted rights holders.
- c. Ensure public facilities, buildings, and transportation are friendly towards and provide access to persons with disabilities, including through availability of ramps.

Rights of Elderly Persons

29. Section 82 of the constitution of Zimbabwe states that people over the age of seventy years have the right:

- (b) To receive reasonable care and assistance from their families and the State;
- (c) To receive health care and medical assistance from the State; and
- (d) To receive financial support by way of social security and welfare. The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of these rights. The church notes that the elderly in Zimbabwe who are due to receive pensions are living in abject poverty as National Social Security Authority (NSSA) pays small allowances which are way below the poverty datum line (ZW\$ 5 187,37 to 5 312,19).

Recommendations to the Government of the Republic of Zimbabwe

- a. Put in place measures and medical facilities to provide free and quality medical care specifically for the elderly.
- b. Ensure the elderly have access to monthly pension allowance that is above the poverty datum line.

Access to Clean Drinking Water and Sanitation.

30. Section 77 of the constitution of Zimbabwe states that every person has the right to:

- (a) Safe, clean and potable water 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.

31. The water systems in urban settlements in Zimbabwe are now old and need to be replaced, but the government has continuously neglected the importance of water to the extent that people can go for days, months and years in urban areas without water. This has resulted in various outbreak of diseases like typhoid, cholera and even worsened the



situation of COVID 19 which requires people to regularly wash their hands using running water.

Recommendations to the Government of the Republic of Zimbabwe

- a. Provide modern infrastructure and facilities for water treatment that meets international standards.
- b. Speed up building of dams, boreholes for water provision in both rural and urban set ups.

Human Rights and the Environment

32. Section, 73 of the Zimbabwe constitution states that:

(1) Every person has the right:

- (a) To an environment that is not harmful to their health or well-being; and
- (b) To have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that—
 - (i) prevent pollution and ecological degradation;
 - (ii) promote conservation; and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting economic and social development.

(2) The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the rights set out in this section. This is also stipulated in Article 24 of the right to a general satisfactory environment of the African charter.

33. The destruction and the pollution of the environment arises from mostly uncontrolled agriculture and mining. The open cast mining by the Chinese companies along the Great Dyke presents one of the major challenges to the environment in Zimbabwe. Open cast pits are left without any rehabilitation and are close to highways affecting travelers and communities' livestock. The environment has also been polluted and degraded by the gold mining and the use of mercury causing death of wild life, livestock and humans.

34. Stream bank cultivation and use of improper methods of farming have resulted in loss of top soil which ends up in rivers and streams causing flooding and siltation of dams. This has seriously affected human settlements as many homes have been swept away by floods as a results of this siltation. Moreover siltation reduces the water holding capacity of the dams contributing to water shortages.



Recommendations to the Government of the Republic of Zimbabwe

- a. Review the Mines and Mineral Act to address human rights and the environment issues in Zimbabwe.
- b. Institute new laws to regulate agricultural activities, land use and land planning.
- c. Reform and build the capacity of the Environmental Management Agency, including with adequate allocation of fiscal budget to deal with these contemporary challenges.