

## ZIMBABWE'S SECOND AND THIRD REPORT IN TERMS OF ARTICLE 62 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS

### INTRODUCTION

The general background information on Zimbabwe is contained in the "Core Document" submitted together with this, Zimbabwe's Second and Third report in terms of Article 62 of the African Charter on Human and Peoples Rights.

The Core Document provides an overview of Zimbabwe and its people, covering such aspects as the main ethnic and demographic characteristics of Zimbabwe, including its socio-economic and cultural indicators. It also contains information on Zimbabwe's general political structure and the general legal framework.

### ARTICLES 2 AND 3

#### THE RIGHT TO ENJOYMENT OF FUNDAMENTAL RIGHTS AND FREEDOMS AND EQUALITY BEFORE THE LAW

Section 11 of the Constitution of Zimbabwe (the Constitution), states that every person in Zimbabwe is entitled to the fundamental rights and freedoms of the individual regardless of his race, tribe, place of origin, political opinions, colour, creed or sex, subject however to limitations designed to ensure that the enjoyment of the said rights and freedoms does not prejudice the rights and freedoms of others or the public interest.

Section 23 of the Constitution further provides for protection from discrimination on the grounds of race, tribe, place of origin, political opinions, colour or creed. Section 23 states that no law shall make any provision that is discriminatory either of itself or in its effect and that no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any authority. A law shall not, however, be regarded as making a provision that is discriminatory and a person shall not be regarded as having been treated in a discriminatory manner to the extent that the law in question relates to adoption marriage, divorce, burial, devolution of property on death or other matters of personal law; restrictions on entry into or employment in Zimbabwe or on the enjoyment of services provided out of public funds in the case of persons who are neither citizens of Zimbabwe nor regarded by virtue of a written law as permanently resident in Zimbabwe, or the appropriation of public revenues or other public funds.

It must be noted that the Constitution does not expressly prohibit discrimination on grounds of sex. However, Government is in the process of considering effecting such an amendment. The omission will be rectified once the Constitution Amendment (No. 14) 1995 Bill becomes law.

The following are some of the pieces of legislation, which have been passed in Zimbabwe to provide the right to enjoyment of fundamental rights and freedoms.

1. **Immovable Property (Prevention of Discrimination) Act, No. 19 of 1982**

The Act protects individuals from discrimination in respect of the sale, lease or disposal of immovable of property and the financing of any such sale, lease or disposal on the ground of among other things, sex and race.

2. **Sex Disqualification Removal Act [Chapter 339]**

The Act provides that women may hold public or civil offices or appointment subject to the same conditions on which such offices may be held by men.

The Act further provides:-

"Qualifications which, when possessed by man, render him eligible for admission to any civil or public office in Zimbabwe by virtue of the possession of such qualifications rendering him eligible for admission to a corresponding office elsewhere, shall, when possessed by a woman, render such woman eligible for admission to any such office in Zimbabwe, subject to such terms and conditions as apply to men".

3. **Disabled Persons Act, No. 5 of 1992**

The Act protects disabled persons from discrimination on the basis of their disability. Under the Act, a National Disability Board has been established and its tasks are inter-alia

"to achieve equal opportunities for disabled persons by ensuring, so far as possible that they obtain education, and employment, participate fully in sporting activities and are afforded full access to community and social services". (Section 5b(1) of the Disabled Persons Act).

Further, Section 9(1) of the Disabled Act specifically prohibits discrimination against disabled persons in employment.

4. **Variation of Racial Trusts Act, No. 13 of 1991**

The Act empowers any trustee of a trust to apply to the High Court for variation of a trust where it provides for the benefits in a manner which discriminates between persons on account of race.

5. **Labour Relations Act, No. 16 of 1985**

Section 5 of the Act protects employees from discrimination on the basis of sex, religion, race and place of origin at employment places and work places.

6. **Legal Age of Majority Act, No. 15 of 1982**

This Act was enacted to redress the inequality between men and women. It confers majority status on African women who were perpetual minors prior to its enactment. African women could not enter any contractual transaction without the consent of either their fathers or husbands.

7. **Public Premises (Prevention of Racial Discrimination) Act, No. 2 of 1979**

The above Act abolishes the right to refuse admission to public premises on racial grounds. A person who feels that he/she has been denied the right of admission on the grounds of race has a right to claim damages in any competent court and any proprietor of public premises who contravenes the Act may have his licence suspended or cancelled.

It can safely be said that there is adequate legislation which promotes equality of people in Zimbabwe. The only hindrance is ignorance of the existence of an individual's right by the majority of people coupled with social and cultural inhibitions especially when it comes to women. There have been mere allegations of practice of discrimination on grounds of, among other things, race and sex especially with regard to sports and employment but it has become difficult to prove that equal opportunities have been denied to the people. The alleged discrimination is done in so a subtle manner that it is almost impossible to prove it.



## ARTICLE 4 AND 5

### THE RIGHT TO LIFE AND THE RIGHT TO THE RESPECT OF THE DIGNITY INHERENT IN A HUMAN BEING

Section 12 of the Constitution states that no person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.

A person shall not, however, be regarded as having been deprived of his life in contravention of his right to life if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable in the circumstances of the case, for example, for the defence of any person from violence or for the defend of property, in order to effect a lawful arrest, to prevent the escape of a person lawfully detained, for the purpose of suppressing a riot, insurrection of mutiny or of dispersing on unlawful gathering or in order to prevent the commission by that person of a criminal offence.

Section 15 of the Constitution protects individuals from inhuman or degrading punishment. Where allegations of inhuman treatment have been made, the judiciary has come in to play. For instance in 1993 when the government announced its intention to carry out the death sentences imposed on four prisoners some four years previously. The Catholic Commission for Justice and Peace in Zimbabwe a Human Rights organisation successfully applied for a stay of execution.

The organisation, in the case of Catholic Commission for Justice and Peace in Zimbabwe vs Attorney-General S - 73-93 requested the Supreme Court to set aside the death sentences and substitute with life imprisonment, arguing that, in the conditions which the prisoners lived in on death row, the delay since sentence constituted a violation of section 15(1) of the constitution. The Supreme Court set aside the sentences of death and substitute them with life imprisonment. However, the Legislature has responded to the Supreme Court decision by amending Section 15 of Constitution by Constitutional of Zimbabwe Amendment (No. 13) Act, 1993. Which provides that:

- (i) delay in the execution of death sentence is not a contravention of section 15 (1) of the Constitution and thus is not inhuman and degrading treatment;
- (ii) contravention of section 15 (1) will not entitle a person to a stay, alteration or remission of sentence (including a sentence imposed before the commencement of the amendment).



Further to the guarantees in sections 13, 14 and 15 of a person's right to the respect of his dignity, section 17 of the Constitution states that except with his own consent or by way of parental discipline, no person shall be subjected to the search of his person or his property or the entry by others of his premises.

However nothing contained in or done under the authority of any law shall be held to be in contravention to the extent that the law in question makes provision in the interests of defence, public safety, public order, public morality, public health or town and country planning.

## **ARTICLE 6**

### **THE RIGHT TO LIBERTY**

According to the Constitution, no person shall be deprived of his personal liberty save as may be authorised by law, for example, in the execution of an order of a court made in order to secure the fulfilment of an obligation imposed on him by law, upon reasonable suspicion of his having committed or being about to commit a criminal offence or for the purpose of preventing the spread of an infections or contagious disease. Section 22 of the Constitution guarantees the freedom of movement; the right to move freely throughout Zimbabwe, the right to reside in any part of Zimbabwe, the right to enter and to leave Zimbabwe and immunity from expulsion from Zimbabwe. Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be a contravention of his right to liberty. (See Article 12).

## **ARTICLE 7**

### **THE RIGHT TO BE HEARD**

Section 18 of the Constitution, which guarantees every person's right to the protection of the law, further provides that if any person is charged with a criminal offence, the person shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law. Further, such person shall be permitted to defend himself in person or, save in proceedings before a local court, at his own expense by a legal representative of his own choice. The trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

There is also the common law rule of natural justice which dictates the right to be heard whenever a decision or action is taken in circumstances which affect existing rights or interests. This rule is of general application and must be adhered to unless clearly excluded by statute.

Further, in practice, legal representation in criminal proceedings is afforded to indigent persons through the provisions of the Legal Assistance and Representation Act [Chapter 66]. It is the duty of either a Magistrate or Judge to issue an unrepresented party to a criminal case with a certificate authorising that such party be offered legal representation by the State. In murder cases it is mandatory that the accused be represented and the indigent are represented pro deo.

## **ARTICLE 8**

### **FREEDOM OF CONSCIENCE, THE PROFESSION AND FREE PRACTICE OF RELIGION**

According to Section 19 of the Constitution, except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of conscience :- freedom of thought and of religion, freedom to change his religion or belief and freedom whether alone or in community with others, and whether in public or private to manifest and propagate his religion or belief through worship, teaching, practice and observance.

However nothing contained in or done under the authority of any law shall be held to be in contravention of a person's right to freedom of conscience to the extent that the law in question makes provision in the interests of defence, public safety, public order, public morality or public health.

## **ARTICLE 9**

### **RIGHT TO RECEIVE INFORMATION AND FREEDOM OF EXPRESSION**

The right to receive information and freedom of expression is provided for in Section 20 of the Constitution, which states that no person shall be hindered in the enjoyment of his freedom of expression; freedom to hold opinions and to receive and impart ideas and information without interference and freedom from interference with his correspondence.

This right, can however be infringed upon in the interests of defence, public safety, public order, the economic interests of the state, public morality or public health and also for the purpose of,

- (i) protecting the reputations, rights and freedoms of other persons or the private lives of person concerned in legal proceedings.
- (ii) preventing the disclosure of information received in confidence.

- (iii) maintaining the authority and independence of the courts or tribunals or the House of Assembly.
- (iv) regulating the technical administration, technical operation or general efficiency of telephony, telegraphy, posts, wireless broadcasting or television or creating or regulating any monopoly in these fields and
- (v) in the case of correspondence, preventing the unlawful dispatch therewith of other matter.

Recently, in a Supreme Court case of Retrofit Private Limited vs The Posts and Telecommunications Corporation, 1995, the monopoly created by section 26 of the Postal and Telecommunication Services Act was found to be unconstitutional and unjustifiable in a democratic society insofar as it restricted the operation of mobile cellular telephony..

The section was found to be in contravention of the right to receive information and freedom of expression since the monopoly hinders citizens from receiving and communicating information freely.

## ARTICLE 10

### RIGHT TO FREE ASSOCIATION

Section 21 of the Constitution guarantees a person's right to assemble freely and associate with other persons and to form or belong to political parties or trade unions, or other associations to protect his interests.

#### 1. **Trade Union membership**

Section 27(1) of the Labour Relations Act 16/85 provides that "Subject to the provisions of this Act, any group of employees may form a trade union".

#### 2. **Formal conditions**

In terms of section 28 of the Labour Relations Act a trade union must, within 6 months of its formation, adopt a written constitution - providing for -

- (i) the qualification for membership, including membership fees if any; and



- (ii) the right of any person to membership if he is prepared to abide by the rules and conditions of the membership; and
  - (iii) the number of officials and office bearers, their powers and functions and their appointments or election; and
  - (iv) the holding of annual general meetings; and
  - (v) the calling and conduct of meetings of members or representatives of members of the trade union; and
  - (vi) the prohibition of discrimination against any members or class of members on grounds of race, tribe, place of origin, political opinion, colour, creed or sex; and
  - (vii) the amendment of the constitution; and
  - (viii) the winding up of trade union; and failure to so provide in the constitution shall constitute an unfair Labour practice by the trade union concerned.
- (a) There are special provisions in the Labour Relations Amendment Act 12/1992, that provides for managerial employees to form their own managerial workers' committees as well as managerial employees associations (trade unions). At the time of writing this report - 1995, the managerial employees are now in the process of organising themselves to form the managerial workers' committees and associations. The numbers will be fewer than the blue collar workers committees and trade unions membership.
  - (b) There are no restrictions placed upon the exercise of the right to join and form trade unions by workers - except that each worker must accept the rules of the Union that he/she wants to join.
  - (c) The Government allows Trade Unions to federate and join international trade union organisations. The local unions apply to the Ministry of Labour (ILO Desk) and their applications are processed by the ILO Desk which advises the Minister.
  - (d) In Zimbabwe Trade Unions are allowed to function freely provided that they do so in terms of the provisions of the Labour Relations Act 16/85.

The Government since 1990 has stopped giving directives to undertakings. It has since then adopted a policy of free collective bargaining.

- (e) There are 101 registered trade unions in Zimbabwe - The Membership is about 200 000.
- 3. Police, Armed forces and civil servants are not provided for in the Labour Relations Act 16/85. The Public Service Commission is the competent Authority on this issue. Civil servants are not permitted by law to organise themselves into trade unions but they can form and belong to associations.
- 4. The Zimbabwe Government is seriously considering ratifying the ILO Freedom of Association and Protection of the Right To Organise Convention, 1948 (No. 87).
- 5. Besides, trade unions and individuals are free to join any political parties of their own choosing and there are several political parties which operate freely.

## ARTICLE 11

### THE RIGHT TO ASSEMBLE FREELY

The Section 11 (b) of the Constitution provides for the right to assemble freely with others subject to limitations which are designed to ensure that the exercise of the said right does not prejudice the rights and freedoms of others or public interest.

Employees are further afforded the right to assemble freely at workplaces by virtue of Parts VI and VII of the Labour Relations Act 16/85. Workers are permitted by the law to assemble into either workers committees or trade unions in which they air their grievances. However such assemblies are undertaken within the purview of the law.

It must be noted that although public gatherings are constitutionally permitted, section 6 of the Law and Order Maintenance Act requires that a permit should be obtained from the regulating authority before a public procession is undertaken. The constitutionality of section 6 of the Law and Order Act Chapter 65 has been challenged and brought before the Supreme Court in the case of In re: DAVISON MHUNHUMESO AND OTHERS S.C. 221/93. In this case six members of the Zimbabwe Congress of Trade Unions had applied, pursuant to section 6 of the Law and Order Maintenance Act for permission to stage a peaceful public procession. The application was thrown out by the regulating authority with no reasons offered but the Union proceeded with the

demonstration. It was argued that some provisions of the Act were "not reasonably justifiable in a democratic society". Further, some provisions of the Law and Order Maintenance Act, were viewed as contravening the fundamental rights of freedom of expression, freedom of association and freedom of opinion.

The government of Zimbabwe has realised the need to repeal the Law and Order Maintenance Act so as to make it conform with the Constitution. The relevant Ministries are currently working on a bill which will repeal and replace the existing Act.

## **ARTICLE 12**

### **THE RIGHT TO FREEDOM OF MOVEMENT**

Section 22 of the Constitution states that no person shall be deprived of his right to move freely throughout Zimbabwe, the right to reside in any part of Zimbabwe, the right to enter and to leave Zimbabwe and immunity from expulsion from Zimbabwe.

Zimbabwe is committed to recognise and uphold the above right and it is a signatory to the UN Geneva Convention of 28 July 1951 and the Protocol Relating to the Status of Refugees of the 31st January, 1967 and to the Convention Governing the Specific Aspects of Refugees Problems in Africa of 10th September 1969.

Since independence Zimbabwe has been admitting asylum seekers necessitating the promulgation of a national legal instrument on refugee matters - the Zimbabwe Refugee Act 1983. Zimbabwe has hosted a total of 150 000 refugees in the camps and an estimated total of 100 000 Mozambicans who have spontaneously settled in the communal and commercial areas. The numbers are decreasing due to the voluntary repatriation which started in June 1993 following the Peace Accord in Rome between Renamo and the Mozambican Government.

Once admitted the refugees are treated hospitably, protected and maintained. Access to various basic social services such as medical attention education and others is ensured. The Immigration Department has a legal role to decide on expulsions within the Law of Zimbabwe.

Zimbabwe's policy is that of reconciliation between races ethnic groups and tolerance or religious practices. Non-nationals are only expelled if the Immigration Department decides to do so within the legal framework on the matter.

## **ARTICLE 13**

### **THE RIGHT TO PARTICIPATE IN ONE'S GOVERNMENT AND THE RIGHT OF EQUAL ACCESS TO PUBLIC PROPERTY**



A person's freedom of assembly and association, freedom of expression and freedom of movement enshrined in the Constitution of Zimbabwe, guarantees his right to participate freely in the government of his country, equal access to the public service and access to public property.

1. The electoral laws of Zimbabwe, governed by the Constitution and the Electoral Act No. 7 of 1990 confers the right to vote on citizens of Zimbabwe who are above the age of eighteen. The peoples of Zimbabwe are therefore able to choose freely their political leaders. Through representatives in Parliament the people of Zimbabwe can determine their political status and pursue their economic and social development.

The Electoral Supervisory Commission established in terms of Section 61 of the Constitution is there to ensure that elections are conducted freely and fairly. The Electoral Supervisory Commission supervises by-elections and general elections, reporting any discrepancies or irregularities observed during such elections. However, the Commission does not supervise Presidential Elections because it is not empowered with such powers. But Government is in the process of amending the Constitution so as to give the Electoral Supervisory Commission power to supervise Presidential Elections.

Although the idea of having an Electoral Supervisory Commission is a progressive one. The Commission itself has difficulties in executing its duties which include ensuring that there are free and fair elections. For instance the Commission is composed of five members who are expected to cover the whole country of Zimbabwe during General Elections. The Commission is limited in resources financially and otherwise. Further the Commission is not as independent as it might want to be. However, Government would in future, like to strengthen the functions of the Electoral Supervisory Commission. Already a study is being carried out by senior Government officials to establish how best the Electoral Supervisory Commission can operate.

The people of Zimbabwe have also the right to determine their political status and pursue their economic and social development according to the policy they have freely chosen through participation in Local Government Elections.

Local government elections are monitored by the Ministry of Local Government, Rural and Urban Development. They are conducted in terms of the Urban Councils Act [Chapter 214] for urban areas and in terms of the Rural District Councils Act, No. 8 of 1988 for rural and district areas. In Local Government Elections all residents of the local authorities aged 18 years and above are eligible to vote except where they are disqualified by the law. Legislation which governs local government elections prohibits disqualification on the grounds of race, tribe, religion, sex creed and colour.

Councillors who are elected into local authorities have a duty to enhance developmental programmes in their wards which they represent.

Currently, there is a proposal to extend the functions of the Electoral Supervisory Commission so that it monitors Local Government Elections. Such supervision will ensure transparency in Local Government Elections.

In Zimbabwe, individuals or parties who feel that their rights to participate freely in the electoral process have been tampered with can turn to the courts for recourse. This has happened recently in a High Court petition :-

Margaret Dongo v Vivian Mwashita and Registrar-General of Elections and Chairman, Electoral Supervisory Commission and Chairman Election Directorate : HC 2969/95

In the above case, Margaret Dongo successfully petitioned the High Court to set aside results of a parliamentary election in which she had an interest. She based her petition on alleged irregularities in the election.

In Zimbabwe every citizen and permanent resident, has the right to equal access to all public services such as education, medical service, legal systems and others. However, economic constraints limit the ability of a sizeable proportion of the unemployed and low-income and other vulnerable groups to utilise the increasing costly services. The Government has provided the Social Dimensions Funds and Poverty Alleviation Fund for the groups just mentioned to cushion them from the effects of the cost recovery programme necessitated by the economic structural adjustment programme. However, soaring prices still render these services unfordable for many people who will continue to be socially and economically deprived.

## ARTICLE 14

### THE RIGHT TO PROPERTY

Section 16 of the Constitution of Zimbabwe states that no property of any description or interest or right therein shall be compulsorily acquired except under the authority of a law that requires that the acquisition is reasonably necessary in the interests of defence morality, public health, town and country planning, the utilisation of that or any other property for a purpose beneficial to the public generally or to any section thereof or in the case of land that is underutilized, or the settlement of land for agricultural purposes.

The people of Zimbabwe have a right to own private property and to dispose it freely. Where compulsory acquisition of an individual's property has been undertaken adequate compensation is made.

1. The Constitution of Zimbabwe Section 16 protects individuals from deprivation of property. However, the Land Acquisition Act No. 3 as read together with the Constitution of Zimbabwe Section 16 empowers Government to compulsorily acquire any land where the acquisition is reasonably necessary in the interests of defence, public safety, public health, town and country planning or the utilization of the property for a purpose beneficial to the public generally or to any section of the public.
2. While Government has power to compulsorily acquire land for the reasons laid above, there are certain constitutional procedures which the acquiring authority must follow. The Constitution of Zimbabwe (Amendment) Act, 1990 (No. 11) lays out such procedures.

For instance :-

- (a) the acquiring authority must give reasonable notice of the intention to acquire property compulsorily;
  - (b) fair compensation must be paid before or within a reasonable time after acquiring the property interest or right;
  - (c) if the acquisition is contested, the acquiring authority is required to apply to the High Court or some other court before thirty days after the acquisition for an Order confirming the acquisition;
  - (d) any person whose property has been acquired is able to apply to the High Court for the prompt return of the property if the court does not confirm the acquisition and to appeal to the Supreme Court;
3. Further, the Constitution enables Parliament to fix what shall be fair compensation for land compulsorily acquired. However, Government normally pays the market value of the property or land compulsorily acquired and for any improvements therein.

The case of Minister of Lands, Agriculture and Water Development v. Ndabaningi Sithole. (1994) is a simple and clear case of compulsory acquisition on the ground that Ndabaningi Sithole's farm was being developed in contravention of the Regional Town and Country Planning Act, 1976.



The Land Acquisition Act, No. 3 of 1992 Section 16 provides for payment of fair compensation to the owner of any designated rural land and any other person whose right or interest in the designated rural land has been acquired in terms of the Act. Further, compensation must be paid within reasonable time.

The Minister of Lands, Agriculture and Water Development served the property owner with a notice of intention to compulsorily acquire the farm citing reasons for the acquisition. The farm owner was also given an opportunity to lodge his objections, if any, citing the nature of his loss or deprivation of rights and the amount of the compensation claimed and the basis on which such compensation has been calculated including any actual expense or loss suffered directly as a result of the acquisition. The owner was subsequently adequately compensated for the loss of his farm.

The removal or eviction of persons from the property in question came after a High court order obtained by consent authorised such removal of persons see Minister of Lands and Water Development v Ndabaningi Sithole and Others HC 8053 (1994).

#### 4. Designation of Rural Land for Resettlement and Other Purposes

Because of the economic imbalance brought by a period of colonisation in Zimbabwe, the Government has seen it necessary to redistribute land for resettlement purposes hence the need to designate some commercial farms.

Section 12 of the Land Acquisition Act, 1992 empowers the Minister of Lands, Agricultural and Water Development to designate any area or piece of rural land for the following purposes :-

- (a) for settlement for agricultural or other purposes; or
- (b) for purposes of land reorganisation, forestry, environmental conservation or utilization of wild life or other natural resources;
- (c) for the relocation of persons dispossessed in consequence of the utilization of land for a purpose referred to in paragraphs (a) and (b)

The Minister of Lands, Agriculture and Water Development shall not designate land for more than ten years without acquiring it.

A Compensation Committee chaired by Secretary for Lands, Agriculture and Water Development has been established. The Committee assesses compensation for designated land and determines the manner and period of payment.

Whether adequate compensation is paid as regards designated rural land is an exercise which is yet to be tested because so far, no designated land has been acquired. However, there has already been cases which have come before the High Court of Zimbabwe questioning the legality of the designation of land. For instance :-

Alistair Davies and Other v The Minister of Lands, Agriculture and Water Development  
HH 185/94

In the above case commercial farmers question the constitutionality of the whole process of designation of land. The farmers challenge the legality of restrictions imposed on designated land. For instance, Section 14 of the Land Acquisition Act, 1992 prohibits the sale disposal or leasing of designated land without prior written consent of the Minister.

Chidyausiku J, ruled that designation of land for resettlement purposes was in the interest of the public. He also stated that Zimbabwe as a sovereign state had jurisdiction to compulsorily acquire property and pay adequate compensation. In a nutshell designation of land was found to be constitutional.

It must however, be noted that Government is currently considering amendments to the Constitution through the Constitution of Zimbabwe Amendment (No. 14) Bill. The Bill when it becomes law will render disputes over compensation for the acquisition of land justiciable by the courts except where agricultural or unutilised land is acquired for the purposes of resettlement, land re-organisation, forestry, conservation or similar purposes. Further, protection will be guaranteed to rights conferred upon foreign investors and other persons under treaties and conventions to which Zimbabwe is a party.

## **ARTICLE 15**

### **THE RIGHT TO WORK**

The Constitution of Zimbabwe does not specifically provide for the express right to work under equitable and satisfactory conditions receiving equal pay for equal work. However, Section 23 of the Constitution provides for protection against any form of discrimination. Further, Section 14 of the Constitution provides for protection from forced labour and slavery.

To safeguard the interests of workers in a more pronounced manner, the Labour Relations Act has been specifically enacted to provide for the worker's interests.

1. (a) Free Collective Bargaining

- (i) In terms of Section 25 of the Labour Relations Act 6/85 workers' committees and their employers can negotiate and fix their wages and conditions of employment at plant or workshop level. The agreement is submitted to the Minister to enable it to be gazetted and enforceable by law.
- (ii) In terms of Section 79 of the Labour Relations Act 16/85 registered trade unions and registered certified employers union through their representatives in an employment council can negotiate and fix wages and conditions at national or industrial level. To give effect to agreements reached after negotiations, such an agreement is submitted to the Minister for gazetting and publication as statutory instrument.
- (iii) In those undertakings which are not covered by employment councils, the method used to fix conditions of employment and wages is by way of interim classification. By this method the Department of Labour Relations investigates the undertakings and its operations. After the investigation a recommendation is made to the Minister of the Public Service, Labour and Social Welfare as to what conditions of employment and wages should apply to that undertaking in the interim before the employees and employers are advised to have interests covered by a particular employment council.

The Department of Labour Relations monitors employers and employees to ensure that whatever is negotiated for and agreed to is adhered to. This Department has a machinery to arbitrate, conciliate or mediate where there is a dispute between workers and employers. Further there has been established a Labour Relations Tribunal composed of a judge of the High Court, legal practitioners and industrial relations experts. This is a specialised court with very simple and informal proceedings. The Labour Tribunal is accessible to an ordinary worker because it is less costly. Moreover, a worker can be represented by a member of his trade union whereas in formal courts, only registered legal practitioners can represent such workers.

However, to further enhance the rights of workers, ordinary courts of law can also hear labour disputes.



2. Equal Pay for Equal Work and Equal Opportunities

Zimbabwe has acceded to the Convention (No. 100) Equal Remuneration, 1951 and it implements the provisions of this Convention.

The Labour Relations Act 16/85 section 5 expressly prohibits discrimination in whatever form.

Legally, there is no inequality in remuneration for work for equal value. There however exist infringement of the principle of equal work especially by Multi-national corporations, donor agencies and the informal sector. Although this is done in a subtle manner, conditions of work for women are inferior to their male counterparts.

To eliminate discrimination against women different Government departments teach both men and women on their constitutional and labour rights and the courts are also open to those who feel deprived of their constitutional rights.

Workers excluded from enjoyment of the above conditions of employment by law or in practice are mostly the informal workers and rural family units (employees).

Measures that are being taken are - legislation on child labour and possibly on the informal sector employees and their employers.

- 3 Zimbabwe embarked on structural adjustment programme as from 1990. This adjustment has necessitated the deregulation of Labour laws, trade laws, business laws etc. In the Labour Relations field, certain provisions of the Labour Relations Act, 1985 have been amended or repealed to ensure that the state exercises very minimal interference between employees and their employers, for instance decision making on dismissals and retrenchments have been decentralised to the shop floor working levels and to national levels through Works councils and National Employment Councils.

For dismissals - Statutory Instrument 379/1990 requires all undertakings to register an Employment Code of Conduct. Undertakings with codes can dismiss employees in terms of such codes without seeking prior approval of the Minister of Public Service, Labour and Social Welfare. It must be noted that an employment code of conduct registered by an individual company takes precedence over that is registered by an Employment Council, that is at industrial or national level. There has been an outcry by some workers and trade unionist that such an arrangement disadvantages workers who can be dismissed willy-nilly under a shop floor, level Code of Conduct where proceedings can be legally held in the absence of a trade union representative. Government has taken cognisance of the anomaly and it has positively responded by drafting a provision in the Labour Bill making Employment Codes of Conduct registered by a National Employment Council supersede the registered by an individual company. (N.B. the Labour Bill when it becomes law will harmonise labour laws in Zimbabwe).

For Retrenchment: Statutory Instrument 404/1990 provides procedures for retrenching employees for economic reasons.

4. The International Labour Organisation has contributed a great deal to the amendment of the Labour Relations Act pointing out for instance that Zimbabwe should not follow a policy of one Union one Industry but should legislate so that a worker can join a trade union of his/her own choice. An amendment to this effect is now in place in Labour Relations Amendment Act number 12/1992.
5. Zimbabwe has ratified nine (9) ILO conventions as a sign of commitment that its workers as well as foreign workers enjoy fair labour standards with human dignity and respect. Zimbabwe is also considering ratifying many more ILO Conventions which have been found to be in conformity with its domestic law.

6. Further, the Factories and Works Act [Chapter 283] provides for satisfactory working conditions through inspections on premises. Certain hygienic conditions are required and if they are not met the factory can be closed down. The only problem is the shortage of inspectors and transport to ferry them from factory to factory.
7. The National Social Security Authority a parastatal ensures that workers who suffer total or impartial loss of income are compensated. The Authority has come up with scheme which has a fund to which an employer is obliged to pay 3% of the employee's salary and the employee also contributes 3% of his salary/wages monthly. The following benefits are payable to the employee :-
  - (a) when an employee retires he is given a retirement pension;
  - (b) when an employee dies the survivors' dependents are paid a survivor's pension and they are also given a flat funeral grant of \$2 000 that is if the employee had been contributing to the scheme for at least one year.

The benefits cited above are outlined in the Pension and other Benefits Scheme statutory Instrument 393 of 1993.

At the moment, it is too early to assess the successes and failures of this new scheme. However, it can be pointed out that there are still minor teething problems, for instance some parties have been unwilling to contribute to the scheme feeling that the whole scheme has been arbitrarily imposed and amount to compulsory acquisition of one's property. The constitutionality of the scheme has been questioned in the case of Tawanda Nyambirai vs National Social Security Scheme Authority and the Minister of Public Service Labour and Social Welfare SC. - 4/95

The Supreme Court, in the above case ruled in favour of the Scheme. It was decided that the Scheme was constitutional since it was for the benefit of the public.

It must be noted that the above scheme does not cover civil servants. Civil servants are entitled to retirement pension and to a funeral assistance.

It must be observed that most of the progressive labour policy cited above is enjoyed in the private sector only. For instance there is no real collective bargaining in the public sector Consultations which are not binding on the employer, the Public Service Commission are held. Public sector workers have no effective organised machinery like trade unions and

workers' committees to negotiate for their salaries/wages and conditions of service. It can safely be said that the Public Sector is still lagging far behind the private sector. There is however, an intention on the part of Government to harmonise labour laws of the country. A feasibility study is already being undertaken and a draft Labour Bill is already in place.

Administrative and Legislative Steps Being Taken By Government to Alleviate Unemployment

Although the right to work under equitable conditions is legally guaranteed there is a rise in unemployment due to the effects of the Economic Structural Reform Programme. Government is now encouraging school leavers and retrenched employees to engage in income-generating programmes as individuals, partnerships or co-operatives.

- (a) The Social Dimensions Fund has been set up to assist retrenched employees in engaging in alternative employment as indicated in the Table below.

DISTRIBUTION OF FUNDED PROJECTS UNDER THE SOCIAL  
DIMENSION FUND AS AT 30 APRIL, 1995

TABLE 1

Total Number of approved Projects	1 313
Total amount of money disbursed	\$100 903 754
Total jobs created	5 431
Total number of individuals trained but have unapproved project	10 771
Total number of retrenched public sector employees who have their projects approved	3 798
Total number of retrenched private sector who have had their projects approved to	6 973
Total number of females who have received loans from Social Dimension Fund	1 623
Total number of males who have received loans from Social Dimensions Fund	9 148

Source : Ministry of Public Service, Labour and Social Welfare

- (b) The Co-operative Societies Act No. 6 of 1990 encourages and facilitates collective participation in development in the form of income generating co-operatives. The Ministry of National Affairs, Employment Creation and Co-operatives assist co-operatives by providing management courses and technical advice. Unfortunately, no direct financial assistance is rendered. The co-operatives



rely on financial institutions which sometimes feel not so secure when dealing with co-operatives. To overcome financial constraints Government is looking at the possibility of building a Co-operative Bank which will ensure the viability of co-operatives.

- (c) The Manpower Planning and Development Act No. 36 of 1984 provides for the establishment and maintenance of manpower training schemes. The Manpower Planning and Development Act, 1984 is in the process of being extensively amended to incorporate up to date developmental programmes. Under the same Act a Zimbabwe Manpower Development Fund is set aside by Government to promote training programmes to students.
- (d) The Zimbabwe Development Corporation Act No. 37 of 1984 establishes a parastatal aimed to promote a balanced economy of Zimbabwe through investment whether by itself or jointly with other persons in the rural areas and in other areas of the economy.

## **ARTICLE 16**

### **THE RIGHT TO ENJOY THE BEST ATTAINABLE STATE OF PHYSICAL AND MENTAL HEALTH**

1. The government of the Republic of Zimbabwe has provided information on the physical and mental health of the population in several publication to the United Nations through UNICEF and the World Health Organisation i.e.
  - Children and Women in Zimbabwe - A Situation Analysis Update  
July 1985 - July 1990. UNICEF and Republic of Zimbabwe.
  - Zimbabwe National Programme of Action for Children - our Second  
Decade of Development, Harare 1992.
  - Children and Women in Zimbabwe - A Situation Analysis.
2. The Government of the Republic of Zimbabwe has a national Health Policy outlined in the Ministry of Health, Publication, "Planning for Equity in Health - A Sectoral Review and Policy Statement, HARARE, 1994". The policy is in line with World Health Organisation's goal of "Health for All by the Year 2000" and the publication outlines how this goal is to be achieved.

3. The Primary Health Care Approach has been adopted as part of the health policy of Zimbabwe. The approach coincided with the country's desire for social justice through the redressing of the inequalities inherited from the colonial past.

The following measures have been taken to implement Primary Health Care thereby reducing some of the gross disparities between particularly the rural and urban populations of the country.

(a) Accessibility to Health Services

An extensive construction and upgrading of rural health facilities has been undertaken to ensure that the sick do not have to walk for distances over 8 kilometres to reach a health facility. In addition to all the other health facility provision endeavours. The Government through Phases I and II of the Family health Projects is undertaking the construction and upgrading of 240 District Hospitals and 133 clinics.

(b) Affordability of the services to the People

Free medical care was established for those earning Z\$150.00 per month at independence and the threshold was raised to Z\$400.00 per month in 1992. It has been realised that the threshold is no longer realistic, consequently with effect from March 1995 rural clinics and health centres no longer charge for any services regardless of the status of the patient. An essential drugs list was adopted to ensure that the cost of the drugs to the country is affordable while at the same time meeting the population's need for the drugs that are essential.

(c) Acceptability of the services to the people for whom the services are provided.

- Decentralisation of the planning process to encourage community participation enables, to some extent, the incorporation of the people's wishes in the establishment and running of the health services serving them.
- Communities select one of their own members to work among them in health promotion activities who is the link between the communities and the health services.
- There are to date about 9 000 trained Village Health Workers or Community Health Workers and about 1 000 Farm Health Workers are serving commercial farming communities.

- Traditional Midwives skills have been upgraded with emphasis on hygiene and referral of women at risk to clinics and hospitals. More than 30 000 midwives have been upgraded.
- Traditional healers have been taught about the dangers of spreading diseases like AIDS through the use of unsterilised razor blades.
- Traditional medicine remains acceptable to a large section of the population and has been recognised by the government through the establishment of the Zimbabwe National Traditional Healers Association (ZINATHA).

(d) Appropriateness of the Services to the needs of the People

The Ministry is doing away with the mainly curative health services established by the colonial administration served the interests of the minority mostly urban section of the society and ignored the majority rural population who suffer and die from diseases of poverty. The women of child bearing age and children under the age of five years were shown to shoulder the heaviest burden of ill health in the country leading to the establishment of the Maternal and Child health and Family Planning department in the Ministry of Health.

The department's task is to ensure that Family Planning, Antenatal post-natal, Immunisation, proper nutrition, rehabilitation, child care and hygiene are available to all the mothers and children in the country through health education.

(e) The water and sanitation programme

The water and sanitation programme has reached 78% coverage for water and the provision of Blair Ventilated latrines for the rural areas has increased from 0 to 24% coverage by 1991.

The department of Epidemiology and disease control has the task of ensuring the control of epidemic diseases like malaria, schistosomiasis leprosy, rabies, tuberculosis and the plague.

Rehabilitation services have now been expanded to reach even those in the remote rural villages through community based rehabilitation with a total of 24 projects established averaging about three projects per province by June, 1993.

Three Provincial Mental Health Care Units and two Central Hospital based units have been established in an effort to reform mental health care from the mostly custodial care of the past and enable the mentally ill to receive care as close to their own homes as possible.

The training of health personnel has been restructured to reflect the conditions which afflict the majority for the people and includes community attachments for all students during their training.

AIDS Prevention and Control Programme has been established to combat the spread of the HIV and AIDS.

4. CUMULATIVE AIDS CASES BY AGE GROUP AND SEX : 1987 TO 1994

TABLE 2

AGE GROUP	FEMALE	MALE	UNSPECIFIED	TOTAL
0 - 4	2 594	2 976	39	5 609
5 - 14	170	157	0	327
15 - 19	644	114	5	761
20 - 29	5 992	4 906	24	10 922
30 - 39	4 410	6 995	23	11 439
40 - 49	1 475	3 357	7	4 839
50 - 59	468	1 356	3	1 827
60 +	149	486	3	638
Unspecified	706	1 026	457	2 189
<b>TOTAL</b>	<b>16 608</b>	<b>21 373</b>	<b>571</b>	<b>38 552</b>

*Source : Ministry of Health*

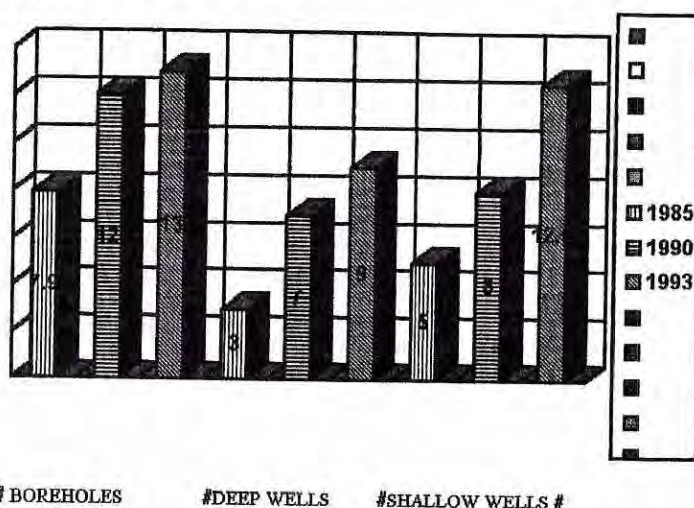


5. (a) Population access to safe water :  
 Urban - 100%  
 Rural - 78%

**TABLE 3**

**ACCESS TO SAFE DRINKING WATER FROM PRIMARY WATER SUPPLIES  
 AMONG THE COMMUNAL LANDS POPULATION FROM : 1985 - 1993**

Thousands



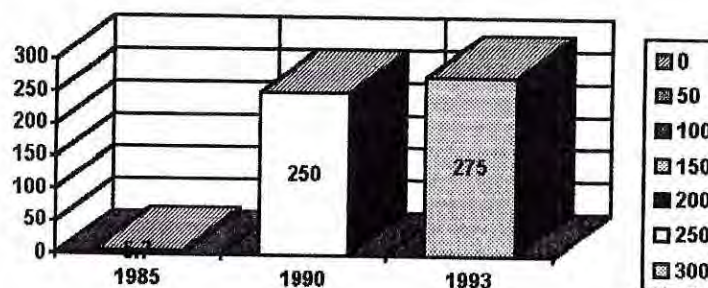
Source : National Action Committee : Integrated Rural Water Supply and Sanitation Projects

- (b) Population access to adequate excreta disposal facilities :  
 Urban - 100%  
 Rural - 24%

**TABLE 4**

**BLAIR LATRINES COVERAGE : 1985 - 1993**

Thousands



Source : National Action Committee Integrated Rural Water and Sanitation Projects

- (c) Infants immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis (please See Table 5);
- (d) Life expectancy

**TABLE 5**

Life Expectancy at Birth, 1978-1990, Zimbabwe 1992 Census

YEAR	MALES	FEMALES	TOTAL
1990	58	62	61
1988	61	63	62
1986	61	61	61
1984	60	61	60
1981	57	59	58
1978	57	58	57

**TABLE 6**

Infant Mortality Rates by Sex, 1978 - 1990, Zimbabwe 1992 Census (Indirect Method)

YEAR	MALES	FEMALES	TOTAL
1990	69	62	66
1988	65	57	61
1986	68	61	64
1984	73	66	69
1981	83	75	79
1978	87	79	83

Direct Method (1992) IMR = 61

**TABLE 7**

Child Mortality Rates by Sex, 1978-1990, Zimbabwe 1992 Census, (indirect Method)

YEAR	MALES	FEMALES	TOTAL
1990	29	24	26
1988	26	21	23
1986	27	23	25
1984	31	26	28
1981	37	32	34
1978	40	34	37

Direct Method (1992) CMR = 11

**TABLE 8**

**Percent Distribution of Children Surviving by Sex from the Average Number of Children Ever Born by Age Group of Mothers, Zimbabwe 1992 Census**

AGE GROUP	MALES	FEMALES	TOTAL
15-19	92	93	93
20-24	92	93	93
25-29	92	93	92
30-34	91	92	91
35-39	89	91	90
40-44	86	88	88
45-49	85	86	85

**TABLE 9**

**Number of Health Facilities, Population and Number of People Per Facility**

PROVINCE	NUMBER OF HEALTH FACILITIES	POPULATION (projected population) 1994	NUMBER OF PEOPLE PER HEALTH FACILITY
Manicaland	259	1 608 689	6 211
Mashonaland Central	112	910 730	8 132
Mashonaland East	178	1 069 481	6 008
Mashonaland West	150	1 274 977	7 833
Masvingo	166	1 248 639	7 522
Matabeleland North	92	672 069	7 305
Matabeleland South	111	624 644	5 627
Midlands	223	1 385 135	6 211
Bulawayo	27	644 393	23 866
Harare City	60	1 617 871	26 965
<b>TOTAL</b>	<b>1 378</b>	<b>10 945 068</b>	<b>7 943</b>

*Source : Central Statistics Office*

- (e) The Ministry of Health's Maternal and Child Health Survey of September to October, 1991 found that 80% of the country's mothers and children under the age of five years have access to static health facilities and are in the majority of cases attended by trained personnel. Women of child-bearing age and children under the

age of five years form 41,5% of the population. It is estimated that the mothers travel on average 5 to 10 kilometres to reach the health facilities. In 1990 the country achieved 80% availability of essential drugs at Rural Health Centres and 90% availability at District Hospitals.

- (f) At least 72% of expectant women in the country were attended by trained health personnel in 1991. The proportion is higher because a large proportion of women in the major towns are attended by private medical practitioners and are not reflected in the national figures. The central hospitals which are situated in the major towns also report erratically. Maternal deaths are not reported separately between those who died before and after child birth but are defined as those women who die as a result of pregnancy up to 6 weeks after delivery.
  - (g) About 80% of infants have access to trained personnel for care as this is the coverage rate for all the antigens against which the infants are immunised. There is no independent data specifically addressing the infants attending health services for illnesses. All immunisations in the country are performed by trained personnel and they are free of charge in all government health centres.
- 6 (a) Zimbabwe still experiences the urban/rural divide with child born in the rural areas twice as likely to die in infancy than a child born and raised in the urban areas.

The differences are discernible in all the other health indicators and are a result of the inequitable distribution of wealth and infrastructural development in the country. The bulk of whose population live in the rural areas. Those who live in the remote rural settings away from the main urban centres are the most disadvantaged.

The Economic Structural Adjustment Programme has adversely affected the poor by eroding the gains in social services, particularly education for their children and health care provision as a result of cuts in public expenditure and retrenchment of mostly the unskilled and semi-skilled workers.

Government subsidies on essential food commodities have been removed making the basic staple food unfordable to the poor.

In addition to the adverse effects of the Structural Adjustment Programme the poor were most seriously effected by the severe drought experienced by the country during the 1991/92 season.



The population of the remote rural areas was the hardest hit by the political instability of the neighbouring countries in particular Mozambique as they were caught up in the cross fire of the armed bandits and the outbreaks of such disease as cholera in these border areas.

- (b) There is no universal health and social security scheme in the country to cushion the poor in harsh economic times. However the Government has set aside funds in the Social Dimension's Funds of the Economic Structural Adjustment Programme to assist with the payment of school and hospital fees for those earning less than Z\$400.00 per month and can prove it.

Government has established a Child Supplementary Feeding Programme as a measure to combat the perennial problem of malnutrition among the children and Drought Relief in times of food shortages.

The provision of safe water and proper sanitation, immunisation of all under five year old children, spraying to kill vectors in the remote rural areas are all intended to reduce the spread of communicable diseases which afflict mostly the disadvantaged rural populations.

The construction of health facilities where none existed before and the upgrading of the available few is intended to increase the rural populations access to the health services. The medium to long term goal is to reduce the distances people have to travel to reach a health facility to a maximum of 8 kilometres.

See Table 9 for the number of Health facilities and the number of people per health facility.

- (c) Universal Child Immunisation including the eradication of polio in the country by the year 2000. Zimbabwe achieved the global goal for Universal Child Immunisation of 80% coverage for all the 6 antigens in 1990.
- Early booking and care of all expectant mothers -Zimbabwe's antenatal attendance coverage is 90% of all expectant mothers.
  - Delivery by trained health personnel in health facilities - 70% of all the expectant women deliver in health facilities.

- (d) There is general improvement in the health status of the population since independence as reflected in the health indicators. However problems have been encountered as a result of :-
- Reduced funding for development projects such as road, bridges, dams, schools and hospitals, as well as rural electrification and rural telecommunications, as a result of the stagnation in the economic growth leading to the restructuring of the economic in the Structural Adjustment Programme. The stiffer competition with stronger economies has led to retrenchment of workers who have no social security in times of need. Many of the retrenched are not properly informed to be able to take advantage of the Social Dimensions Fund.
  - The drought reduced food availability and water to the remote areas and to the general rural population as many of the safe water points provided dried up.
  - Access to the remote areas is improving as more clinics and other social services are reaching them.
  - The problems encountered are those connected with inadequate funding due to the economic constraints facing the country.
- (e) Early booking of expectant mothers who receive medical examinations to detect anaemia and other nutritional deficiencies.
- All the safe mother hood initiatives.
  - Immunisation of mothers to prevent neo-natal, tetanus.
  - Encouragement for all women to deliver their babies in health facilities under the care of trained health personnel.
  - The training of midwives both traditional and conventional.
  - The strengthening of the referral system through the provision of ambulances and medical equipment.
  - Encouragement of breast feeding of children for as long as possible.
  - Immunisation of all children against the 6 childhood killer diseases.
  - Growth monitoring of children to detect stunted growth.

- The school health programme to ensure that the school going age children who require care receive it as early as possible.
- The supplementary feeding of both children and lactating mothers in periods of food shortages.
- The treatment and Health Education to prevent the spread of sexually transmitted diseases including AIDS.
- Universal post natal examinations.
- Family Planning availability to all in order to safe guard the lives of the women by preventing women from having children when they are too young to have them, from having too many children, too frequently and when they are old to have them.
- Expansion of midwifery training to ensure that each Rural Health Centre has at least one trained midwife acquired with all the safe motherhood initiatives.
- All Rural Health Centres are equipped to offer maternity services in addition to all the other services available at the primary level of care by the year 2000.
- All traditional midwives are upgraded.
- The inter-sectoral integrated water and sanitation programme intended to ensure at least 8-% coverage by year 2000.
- The Phases I and II of the Family Health Project are intended to ensure that all the country's districts have a district hospital managed either by Central government or Church Missions.

(f) The Food and Food Standard Act provides for the:-

- Inspection of food processing.
- The analysis of the levels of pesticides in farm produce.
- Routine analysis of water for fitness for human consumption and control of water pollution. The Hazardous substances and Articles Act and Regulations provides for:-

- The policing of industry to ensure industrial wastes disposed of in ways not injurious to health.
- The control of environmental pollution including Air Pollution.
- Occupational Health.
- The Public Health Act provides for :-
- The control, treatment and prevention of communicable diseases.
- Waste disposal.
- The provision of safe drinking water and proper sanitation.
- The inspection of all building plans.
- The inspections of trading premises including factories to ensure safety at work places.

(g) The measures taken by your Government to prevent, treat and control epidemic, occupational and other diseases.

The establishment of :-

- Environmental Health department.
- Department of Epidemiology and disease control.
- Expanded Programme on Immunisations.
- Blair and De Beers Research Institute for research into
- communicable endemic and epidemic diseases.
- Government Analyst to ensure safe water and food.
- The Department of AIDS prevention and control.
- The curative health services at all levels.

(i) Primary level:

Rural Health Centres and Rural Hospitals.

(ii) District level:

District Hospitals with Medical Doctors (General Practitioners).



(iii) Provincial level:

Provincial Hospitals with specialists doctors.

(iv) Tertiary level:

National Referral Centres with Specialist Services and are the country's teaching hospitals.

- (h) The measures taken by your Government to ensure to all medical service and medical attention in the event of sickness.

Provision of appropriate health facilities at each level of the health services equipped with appropriate drugs and equipment, manned by appropriately trained health personnel as well and an ambulance service to refer the ill to the appropriate referral level when necessary.

## (i) The effect of the measures listed in subparagraphs

- (e) on the situation of the vulnerable and disadvantaged groups in your society and in any worse-off areas. Report on difficulties and failures as well as on positive results. Government efforts are directed at reaching the most disadvantaged groups through the desire for growth with equity - Please see (b) to (h) above.

6. The old in Zimbabwe are treated like any other group. They receive care according to their means. If they are old and poor they receive free care and if they earn Z\$400.00 per month through their pensions or otherwise then they pay for health services.

7. The establishment of Community Health Workers chosen by the community from among the communities themselves.

The establishment of structures within the local Government Sector of village Development Committees

Ward Development Communities. District Development Committees and Provincial Development Communities in which all the Sectors concerned with development including non-Governmental Organisations participate.

8. The establishment of the Health Education Department within the department of Maternal and Child Health and Family Planning.

- ♦ The establishment of Information Education and Communication Unit in the Family Planning Department.
  - ♦ The inclusion of Health Education in the Curriculum of all health cadres.
  - ♦ The establishment of the AIDS prevention and control programme.
9. In the financial year June, 1992 to June 1993 the Government of Zimbabwe's expenditure on the health services was Z\$585 906 000.00 and external assistance amounted to Z\$55 292 000.00, equipment to 9.4% of total expenditure.

## **ARTICLE 17**

### **THE RIGHT TO EDUCATION**

#### **THE RIGHT OF EVERYONE TO EDUCATION**

Since the last reporting period, there have been no major policy shifts with regards Ministry of Education and Culture's continual efforts towards the fuller realization of the right of everyone to education. There, however, have been actual and proposed structural changes and changes in strategies to expand Ministry's capacity to attain its original goals and targets during a period characterised by several socio-economic changes.

1. Government has maintained the position that education is a basic human right, and remains firmly committed to the provision of a relevant, quality education to everyone. Its efforts, targets and strategies have been guided by policies aimed at providing equalised educational opportunities through expanded access, a common curriculum offered by a unitary system of education and concerns of affordability. The responsibility of providing educational facilities has, in the main, been shed to the local communities who, under a new policy, are required to form school development associations. Generally, everyone has access to primary education, and whilst the gross enrolment ratio is over 100%, although, a measure of national sacrifice has had to be made to realize this, as explained in Section 2 and 4 below. Short of setting in motion the logistics aimed at compulsory education, there is legal and policy support for compulsory primary education. Tuition fees have been re-introduced in primary education as part of the broader economic reform programme and its attendant cost-recovery imperatives. However, there have been adequate safeguards against the violation of children's right to primary education. Rural schools have, therefore, remained tuition-free, noting that their conditions are characterised by relative socio-economic deprivation.

Fee structures for the rest of the primary schools have generally been kept at affordable levels (all proposed increases have been suspended) and are drawn up on a sliding scale which gives financial relief to the economically less endowed sections of the community. Furthermore, a mechanism has been put in place to ensure that the economically disadvantaged pupils benefit from the financial support offered by the Social Dimensions Fund (SDF), as explained in paragraphs 2 and 5(b).

## 2. TECHNICAL AND VOCATIONAL EDUCATION

The education and training systems strive to provide equal opportunities to all Zimbabweans regardless of race, sex, tribe and creed region of origin or social and economic group.

There are seven technical colleges and three vocational training centres.

The function of the technical colleges and training centres include development of manpower for all sectors of Zimbabwe's economy through institutional training, upgrading programmes and trade testing of workers in industry who possess no certificates of competency.

Technical colleges offer training in four broad areas:

- (a) Engineering and other related field.
- (b) Commerce.
- (c) Applied Arts and Science.
- (d) Pedagogues.

Training centres concentrate mainly on offering trade specific courses through which experienced persons employed in a recognised trade have their level of competency upgraded or tests on an approved classification system.

The duration of training varies by areas as well as level of attainment. Courses are identified and modified through regular interaction and consultations with industry and commerce through the National Manpower Advisory Council which constitutes the Ministry and industrialists.

The programmes offered at the vocational training schools rare based on cycles of Modular training, separated by industrial experience. At the end of training the trainee sits for the trade tests and is upgraded if successful. Workers who have gained all skills required to pass trade tests purely through work experience (not less than four years) are assessed/upgraded in plant or on site under separate programmes.

### 3. THE APPRENTICESHIP PROGRAMME

This programme offers another option of acquiring technical training. Apprenticeship training is a combination of on the job training carried out under supervision of skilled workers, and related supplementary classroom instruction.

There are three technical colleges involved in apprenticeship training.

Classes are currently held on a full time block release, sandwich or day release basis, while the practical training on the shop floor is closely monitored by the Ministry's Industrial Training Division.

The entry qualifications for the apprenticeship programme is five 'O' levels including English, Maths and a Science subject.

The Industrial Training Division has over 80 occupations designated as apprenticeship traders namely:-

1. Aircraft Maintenance overhaul and repair industry.
2. Building Industry
3. Mechanical Engineering Industry
4. Electrical Engineering Industry
5. Automotive Engineering Industry
6. Printing, Packaging and Newspaper Industry
7. Hairdressing

### 4. PRIVATE TRAINING INSTITUTIONS

There are currently 125 training institutions offering training almost exclusively in business commercial and secretarial skills. Pre-Services vocational and technical training programmes are also conducted by a few of these colleges. Most of such institutions are in urban areas, and a few in rural areas.

### 5. DURATION OF COURSES

The duration of courses offered at private training institutions varies from three months refresher courses to a three on four year part-time diploma course. Some of the private institutions offer specialised courses at the request of companies for company employees.



Ministry of Education and Culture has a Division of Adult and Non-Formal Education which implements programmes of fundamental education for all those who, for some reasons, failed to get the full benefits of formal primary education. The adult literacy and mass education programme and the Zimbabwe Adult Basic Education Course (ZABEC) aim at giving young and adult learners literacy, numeracy and functional skills which serve to expand their capacities for personal development and more meaningful socio-economic contributions. This is achieved through a consolidated but more flexible, non-formal primary education course (an alternative to the formal programme, offered on the principle of parity of esteem), and through skills-related programmes which are relevant to their socio-economic context. The primary school course naturally offers learners opportunities to pursue post-primary programmes of study either through formal or non-formal means, depending on age, preferences and personal circumstances.

### **MEASURES TAKEN BY THE MINISTRY OF HIGHER EDUCATION TOWARDS THE REALISATION OF EDUCATION AND CULTURE**

The Ministry of Higher Education which works closely with the Ministry of Education and Culture has also taken measures towards the realisation of the right to education.

The measures taken in Teacher Training include the following:-

1. The introduction of the ZINTEC model of teacher training to quickly arrest the critical shortage of teachers.
2. The opening up of additional colleges in order to meet the growing needs of the population. The number of teacher training colleges was increased from 8 in 1980 to 16 in 1995.
3. The introduction of the Zimbabwe/Cuba Teacher Training programme in 1986.
4. Increased enrolments at existing colleges. Since 1980 the enrolment figures have risen from 2824 to 15908 in 1994.
5. Table 10 in the Appendix indicates statistics of teachers by qualification in Primary Schools recorded in 1994.
  - (i) The total number of Primary School teachers recorded in 1994 is 63 085 and 1993 is 60 959; and
  - (ii) Secondary School Teachers :-
 

1993 -	24 058
1994 -	25 597

University Education also remarkably expanded. The University of Zimbabwe increased its faculties from 6 at independence to 10 to date. Another university, NUST was opened up and the ministry facilitated the opening up of two private universities namely Africa and Solusi.

Technical and Vocational training also witnessed massive expansion with plans to build an additional technical college in Bindura once resources become available. The recently launched Distance Education Programme is yet another major stride towards the fulfilment of people's quest for education.

Zimbabwe's unshaking commitment to the right to education is shown by the fact that it spends 10% of its gross domestic product on education which is deemed the highest ratio in the world.

**Difficulties encountered, time-related goals and benchmarks.**

The Government of Zimbabwe was under pressure to implement a wide range of measures designed to give authenticity to its cardinal ideal of conferring the right to education on everyone against the backdrop of a deprived, discriminatory and segregatory colonial system of education. The achievements over the last thirteen years have been spectacular, albeit at an enormous sacrifice of national resources. Several difficulties and obstacles have, however, been encountered. Some of them are outlined below.

- (a) Notwithstanding the provisions outlined above, the equitable provision of educational services throughout the country has been difficult in several instances. In particular, the establishment of schools in sparsely populated areas has presented the dilemma of economic rationality versus policy ideals. By sticking to the stated maximum catchment areas for school establishment (in geographical or spatial terms), the schools in Agro-economic Regions IV, V and VI (semi-extensive farming, extensive farming and game/national park areas) have tended to have very low enrolments, with adverse consequences on school viability. In such schools, the full implementation of the curriculum can only be realized through the provision of staff, financial and materials inputs which far exceed these schools' normal quotas. In extreme cases, it has been found to be economically and pedagogically more reasonable to send children from these marginalized areas into boarding schools built by the state. An evaluation of the education services in such areas has now revealed the full extent and nature of the problems, and Government has decided to honour and respect such children's right to education irrespective of the costs incurred. It is estimated, however, that maximum distances between schools in such areas exceed those stipulated, and some children might still remain disadvantaged in this respect.

- (b) Zimbabwe is an agricultural country, and has many large-scale commercial farms which are privately owned. Not all farm-owners provide educational facilities for their farm workers' children. In many cases the cost factor tempts them to provide sub-standard schools. Since the land is privately owned, Government cannot exert undue pressure on farmers to provide educational facilities of the required standards. On the other hand, Government cannot construct schools on land which does not belong to it. It can only persuade. Government, therefore, has persuaded farmers to cede part of their land to it and, once subdivided, Government would construct schools on it. However, there are numerous instances where it still meets with resistance from farmers. Moreover, farm workers are among the lowest paid workers in the country, and they do not have much security. As a result they are often less able and less inclined to contribute much towards school construction.
- (c) The 1991/92 season has been one of the worst in Zimbabwe's recorded history. Rural communities have not only had their capacity for schools support eroded thin, but they also have had immense difficulties in meeting the incidental costs needed to maintain their children in school. Furthermore, many children went hungry, and often had to engage in various activities to help meet families' primary basic needs (e.g. food, health etc). Periodical surveys by inter-ministerial sentinel surveillance and monitoring teams recorded lower school participation rates as well as widespread under-nourishment among children. Government's immediate response was the implementation of the school supplementary feeding scheme, drought relief programme, and a drought recovery programme whose aim was to alleviate immediate threats to families and children's welfare as well as ensuring that a similar state of affairs would be forestalled in future.
- (d) Zimbabwe adopted an Economic Reform Programme (Economic Structural Adjustment Programme or ESAP) which deregulated the economy by allowing a greater freedom of open market forces as well as cutting down on government expenditure on social services. As a result, prices of basic commodities and services were pushed up, and families' real income was generally eroded. Naturally, the education of children in some cases was placed much lower on the list of priorities, and was considered only after other basic needs such as food, shelter and health had been met. By January 1993, for example, secondary school enrolments had fallen by an estimated 16 000 pupils, although this could also be attributed to other causes. The inter-ministerial sentinel surveillance and monitoring teams kept such developments under close scrutiny, and, as part of a broader strategy to alleviate hardships, the Social Development Fund was set up to assist indigent families with the payment of school fees. So far, over 10 000 children have benefited from it.

- (e) The vocationalization programme has proved an expensive venture because vocational/technical subjects required a lot of expensive equipment, specialist facilities and trained manpower. Cutbacks on educational expenditure have slowed down Government's provision of the requisite equipment and facilities where little or none existed before, and communities have not had the opportunity to make sufficiently large capital outlays to support this effort. Continual efforts are being made to diversify the source of funding for the programme, with calls upon donor agencies, industrial and commercial concerns, communities and individuals to lend support to the vocationalization programme.
- (f) Despite the massive effort made in providing fundamental education, the response rate has been lower than expected, as the statistics below would reveal. The Ministry is re-examining the underlying assumption of part and current strategies, particularly the one that those who missed out on the benefits of formal education will not only "see" the alternative opportunities offered, but that they will also be rational enough to seize them. More aggressive strategies are being contemplated.

Statistical Information.

- (a) Number of Primary Schools (1993) : 4 578 (1994) : 4 611  
 Secondary Schools (1993) : 1 518 (1994) : 1 521
- (b) Enrolments (1993/94) :  
 Adult Literacy classes : 60 000  
 Primary school education : See Tables 11 and 12  
 Secondary school education : See Tables 11 and 12
- (c) Dropout Rates (1992)  
 Grade 1 - 7 : Average: 5.5%  
                                     Grade 7 only: 8.1%  
                                     Girls : 8.8%  
                                     Boys : 7.4%

**TABLE 11**

**NUMBER OF PRIMARY AND SECONDARY SCHOOLS (1992, 1993, 1994)**

	1992	1993	1994
Number of Primary Schools	4 567	4 578	4 611
Number of Secondary Schools	1 518	1 518	1 521



**TABLE 12**  
**ENROLMENTS (1992, 1993, 1994)**

	1992	1993	1994
Literacy Classes	60 000	10 554	
Primary School Education	2 305 765	2 404 907	2 476 575
Secondary School Education	657 334	638 661	679 416

STATE'S DUTY IN PROMOTION AND PROTECTION OF MORALS AND TRADITIONAL VALUES

1. The Ministry of Education and Culture has been assigned to promote culture and tradition in schools. Government has produced the national cultural policy for schools to guide the effective development and promotion of culture. Schools, especially primary schools are being encouraged to teach children their culture and this is done through -
  - (i) traditional dances;
  - (ii) drama and theatre groups;
  - (iii) provision of literature on culture and tradition;
  - (iv) visits to the national museums and monuments; and
  - (v) national archives.

Minority groups in Zimbabwe are also free to pursue their cultural interests without any interference from government. They are afforded protection by the Constitution of Zimbabwe which prohibits discrimination on the grounds of inter-alia tribe, creed and ethnic groups.

Culture and tradition in Zimbabwe is also promoted by Government through the National Arts Council which has been established to look after the performing arts and the National Art Gallery which has been established to look after visual arts. The National Library Documentation Services is also in place and its functions involve the setting up of libraries and the encouragement of reading on culture and traditional values and morals. All the institutions mentioned above are statutory creations which are administered by the Ministry of Education and Culture and funded by Government with the assistance of donor agencies and non-governmental organisations.

The National Arts Council of Zimbabwe Act, 1985 and the National Archives of Zimbabwe Act, 1986 promote and protect the freedom of artistic creation and performance and the dissemination of information on their performance. Government also promotes cultural and traditional activities through the National Gallery's involvement in BAT Workshop to teach the visual arts. Colleges of Music, Drama Associations are also engaged in teaching of the performing arts. The University of Zimbabwe has set up a department of performing arts and the Harare Polytechnic has a course in Library and Information work.

However, Government has tampered with some cultural aspects practises which it has felt are anti-progressive. For instance, there has been a practice by Africans of dumping of dead bodies and hindering of burial for the purposes of inducing or compelling the payment of money or property as damages or as marriage consideration in respect of the deceased person. The Burial and Cremation Act [Chapter 31] now makes it an offence punishable by law for anyone to dump a dead body.

## **ARTICLE 18**

### **THE REALISATION AND PROTECTION OF THE FAMILY AS NATURAL UNIT AND BASIS OF SOCIETY**

The Government of Zimbabwe recognises the existence of a family as a natural and social unit. Protection is offered to the family through various legislations and government departments like the Ministry of Health and Child Welfare, the Ministry of National Affairs Employment Creation and the Ministry of Public Service, Labour and Social Welfare.

1. Families are recognised through registration of various types of marriages registered in terms of the relevant Acts of Parliament. Marriages which are not in terms of any statutory provision but conducted under customary law are also recognised in Zimbabwe.

There exists three types of marriages which are:-

- (a) Registered Customary Marriage

Solemnised in terms of the African Marriages Act [Chapter 238] and the marriage is potentially polygamous with both parties being Africans.

b) Civil Marriage

Solemnised in terms of the Marriage Act [Chapter 37] and it is a monogamous type of marriage.

c) Unregistered Customary Law Union

entered between the families of the parties. Although the union is not recognised as marriage under the law.

2. The State takes care of the health of the family by the provision of health facilities to the public in general. Families who cannot afford hospital fees are exempted from paying such fees or are assisted by the Department of Social Welfare. The family unit is also protected by the provision of pre-natal care, maternity care and post-natal care through the maternal and child health services provided by the government. (See Article 16).

The state also renders assistance to families through the Department of Child Welfare in the Ministry of Health and Child Welfare. This department is currently feeding under-nourished children aged six months to five years under a child supplementary feeding scheme. The scheme is undertaken mostly at Rural-District hospitals and clinics to feed under-weight children from poor families.

Assistance to families is rendered through the Department of Social Welfare which spearheads events and programmes, geared to promote awareness of family circumstances in the observance of the International

Year of the Family - 1994 as declared by the United Nations. The Department of Social Welfare also come into play where there is a breakdown of the family system sustenance by appropriate assistance through;

- (i) Social Welfare Assistance Act, 1988. Assistance is rendered to destitute children and dependants of destitutes in form of financial, rehabilitation institutional nursing boarding or foster home care counselling, vocational training, pauper burials, food and clothing. Assistance is also granted to physically handicapped persons. Drought relief handouts are also issued to needy families when there is drought in the country or in a particular area. Once again the Department of Social Welfare in conjunction with Non Governmental Organisations assists in distributing such handouts. Families



are also assisted through the Food-for-work programme which is monitored by the Rural District Councils. To cushion the harsh effects of price increases due to the reform programme, a food subsidy for both rural and urban disadvantaged families has been put in place.

In the rural areas an agreement was reached between Government and the Grain Marketing Board to transport maize grain to Approved Sellers who would in turn charge prices affordable to the general rural people. The Grain Marketing Board's transport cost is met from the Social Dimension Fund.

Recently Government introduced a Grain Loan Scheme whereby those in need of grain in any year, get the grain from Government and pay it back when their situation has improved. Government also provides the rural people with seed and fertilizers. The District Development Fund administered by the Ministry of Local Government, Rural and Urban Development provides tractors to the rural folk for tilling land for a fee or for free depending on the status of persons concerned. Unfortunately, the demand for free tillage is so high that the service is proving to be inadequate. Government is however considering to purchase 700 more tractors so as to meet the demand.

(ii) Social Dimensions Fund (SDF) :-

This is a fund which has been set aside by government to cushion the effects of the Economic Reform Programme. The SDF is administered by the Ministry of Public Service, Labour and Social Welfare. The programme components of SDF consists of :-

- (a) Education assistance catering for the payment of school fees for families earning less than \$400 per month and cannot afford the said fees.
- (b) Health assistance with the same conditions as above.
- (c) Food security, involving disbursement of cash to the urban poor who can no longer afford to pay the escalating food prices.

Although the above provision to provide school fees is in place it takes a long time for school fees to be processed. Though the process of application forms is decentralised to the provinces, payment continues to be centralised this is due to certain provisions in the Auditor and Exchequer Act.



Additionally, both the SDF Co-ordination Unit and the Department of Social Welfare appear to be bureaucratic in the processing of applicants. The former processes cheques at Head Office whereas the latter screens the applicants through home visits conducted by Social Welfare Officers.

The other problem is sheer ignorance from the public. There are many poor people who are not aware of the existence of the SDF not only for school fees but in the area of health and food as well. To circumvent the problem of ignorance, the co-ordinating unit issue pamphlets with information on SDF to the public. School Headmasters are also encouraged that they assist in the awareness campaign.

(iii) Poverty Alleviation Action Programme

The Poverty Alleviation Action Plan was established in 1994. Government intends to establish a fund from public expenditure, non-Governmental Organisations and donor agencies to cater for the needs of the growing poor population. The programme is geared on dealing with structural poverty. It is believed that most problems faced by Zimbabwe are caused by structural poverty. The programme is looking at the root causes of structural poverty so as to attack poverty. By end of 1995, the first phase was close to being adequately funded.

(iv) Protection of the Rights of Women

With specific reference to the elimination of all forms of discrimination against women and protection of the rights of women, the Government has done a lot and is still in the process of enhancing the status of women. Zimbabwe acceded to the Convention on the Elimination of All Forms of Discrimination Against Women on 5 May, 1991 Government of Zimbabwe undertook, in terms of the Convention, to establish equality for women in the political, economic, social and cultural spheres, Government also undertook to pass laws that remove discrimination against women and to establish institutions and to undertake other measures that further women's advancement and address the problems facing women. Zimbabwe has come up with the following legislative and administrative measures to promote the status of women.

(a) **The Constitution of Zimbabwe :-**

The Declaration of Rights' preamble mentions sex as one of the prohibited forms of discrimination.

However, the Constitution of Zimbabwe does not specifically protect women from discrimination on the ground of sex. However, Government is in the advanced process of amending the Constitution so as to include sex as one of the grounds on which the law or any public authority may not discriminate.

(b) **Legal Age of Majority Act, 1982 :-**

This Act provides for the legal capacity for both men and women on attaining the age of 18 years. Once a woman is eighteen years old she automatically becomes a major thus can among other things contract, sue or be sued on her own without any prior approval from her father or husband. In other words women are no longer perpetual minors as was the case before the promulgation of the above Act.

(c) **Sex Disqualification Removal Act [Chapter 339]**

This Act specifically entitles women to "hold any public or civil office or appointment subject to the same conditions on which such offices may be held by men."

(d) **Labour Relations Act 16/85:-**

Section 5 of the Labour Relations Act provides for protection of women against discrimination on the ground of sex from employers and workmates at workplaces.

The Labour Relations Act further protects women by affording them three months paid maternity leave and six months nursing period in which she is granted one hour nursing time per day. A women who comes from maternity leave is entitled to continue with her office without any prejudice.

Women in the Public Service are also afforded, through the Public Service Regulations three months paid maternity leave and one hour nursing time until the baby is 6 months old.

(e) **Electoral Act, No. 7 of 1990:-**

It enables women to vote in general and by elections and to stand for election in Presidential and Parliamentary Elections.

It must however, be noted that women rarely stand for electoral offices but they constitute the majority of voters. It is most unfortunate that for various reasons inter alia, cultural and social they vote for male candidates. For instance, in the General Elections of 1990 and 1995 males dominated in both Parliament and the Executive for the 1990 - 1995 period of the 150 Members of Parliament only 17 were female. Of the 17 female members, 4 were appointed by the President and one was ex-officio, a provincial Governor. For the recently held Parliamentary elections for 1995-2000 period 21 are female, of which 2 were appointed by the President and one is ex-officio.

(f) **Deeds Registries Amendment 1991:-**

This amendment entitles women to execute deeds and documents without assistance of their husbands as was previously the case.

(g) **Matrimonial Causes Act No. 33 of 1985:-**

It is now possible for women to get a portion of the matrimonial assets in an event of divorce, judicial separation or nullity of marriage. Unlike before, women's contribution to matrimonial assets both in monetary and in kind is now being considered.

From statistical information provided in Article 17 it is clear that most educational institutions are dominated by males. In an attempt to correct the imbalance, the Ministry of Higher Education has implemented a policy which encourage females to go into technical and scientific areas as students and lectures by admitting all female applicants who meet the basic qualifications for entry into these fields. The males have to enter on a more competitive basis since they already dominate these areas. Recently the University at Zimbabwe adopted an affirmative action for women to enter University on lesser entry points than their male colleagues.

In a bid to promote the status of women and remove discrimination against them, Government has ratified and it is part to the following human rights instruments:-

- (i) Convention on the Elimination of All Forms of Discrimination Against Women, 1979
- (ii) Convention on the Nationality of Married Women, 1957
- (iii) Convention on the Political Rights of Women 1952
- (iv) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, 1962
- (v) Convention On the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of others:-

Government is at an advanced stage in preparing to ratify the convention mentioned in (v) above. The convention's ratification will go a long way to alleviate the problem of the netting up of prostitutes by policemen, an exercise which sometimes round up even innocent women found walking alone at night.

Although Government has made remarkable progress in promoting the status of women, there is still a lot which should be done.

For instance there is need to legislate for progressive marriage and inheritance laws. At the moment, there exists a dual system of inheritance, one governed by general law and the other governed by customary law discriminating against Africans especially women. Under customary law a wife cannot succeed to or share in her husband's property as his heir and in an event of her husband dying without a valid will a widow may find herself with nothing irrespective of her late husband's wealth.

Although there is recourse for widows and dependants of the deceased who are disadvantaged or marginalised in the distribution of the property the majority of widows are unaware of such legislation like The Deceased Persons Family Maintenance Act, 1978. Where dependants are aware, sometimes they are frightened by the whole litigation process involved consequently they fail to prevent the misappropriation of the deceased's estate. However, Government, through the Ministry of Justice, Legal and Parliamentary Affairs has circulated a White Paper on Marriage and Inheritance in Zimbabwe to get contributions from the public on the best way to amend the existing law so as to attain laws which are non-racial and non-discriminatory.

#### (4) Protection of the Rights of the Child

- (4) Government of Zimbabwe is also doing a lot to improve and protect the rights of children. Zimbabwe ratified the Convention of the Rights of the Child on 11 November, 1990 and the African Charter on the Rights and Welfare of the Child on 22 March, 1995. Government has submitted its first report on the Convention of the Child. There is already legislation in place to protect children in various ways.

Generally every citizen is afforded the right to life. This right is provided for in the Constitution. Specifically children are further entitled to the right to life and are protected by the Concealment of Birth Act Chapter 57 and the Infanticide Act 1990 which respectively make it an offence to conceal the birth of a child or to kill an infant.

Parents are obliged to maintain their children during marriage and after the dissolution of a marriage. In divorce proceedings, courts have power to withhold the dissolution of marriage until satisfied that the interests of children are well provided for. Under the Maintenance Act, [Chapter 35] the court has power to order either of the spouses to pay maintenance to the spouse holding custody of the child. The state therefore, through the judiciary recognises the rights and interests of minor children as paramount.



Children are also afforded the right to high standards of health and medical care attainable as fully explained under Article 16. The Public Health Act [Chapter 328] provides for the control of communicable diseases and the provision of infectious diseases notification and services. Immunisation is provided in both urban and rural clinics free of charge. Counselling is also offered to mothers on how to look after the health of their children.

The Public Health Act is being revised with the intention of reflecting the Primary Health Care Approach.

Government ensures that children are well looked after by their parents. The children's Protection and Adoption Act [Chapter 33] makes it an offence punishable by law for parents to ill-treat, neglect or abandon their children. A parent who is found guilty of wilfully neglecting his/her children can be convicted of a criminal offence.

The same Act protects children from exposure to indecent and immoral surroundings. Children are also protected from abuse sexually or otherwise. A special court, the juvenile court is empowered to inquire into the well being of children who are either abused or neglected. Parents are summoned to come forward to the court and the court has power to remove children from their parents and putting them in the hands of the Department of Social Welfare. The Department of Social Welfare in turn put such children in homes or institutions. Parents of such abused children are compelled by the law to assist financially in the looking after of their children who would have been put in institutions.

Government also protects children from sexual exploitation by prohibiting through legislation the solemnisation of a marriage by a minor. Section 23 (1) of the Marriages Act provides the minimum legal age of marriage as 18 years for boys and 16 years for girls. Where minors purport to contract a marriage, such a marriage will not be valid unless it is done with the written consent of the Minister of Justice, Legal and Parliamentary Affairs. Section 11 of the African Marriages Act [Chapter 238] prohibits the pledging of girls under 12 years of age but there is no specific provision which fixes the minimum age of marriage under customary law.

Consequently a minor above 12 years of age can contract a valid marriage with the consent of her parents or legal guardian. This is one area which Government of Zimbabwe must address so as to effectively protect children from abuse. It must be pointed out that the relevant Ministry is looking into the matter of specifying minimum age for marriage.

Children's rights to education have been detailed under Article 17.

Although there is no specific law protecting children from child labour, the Labour

Relations Act prohibits the employment of children below the age of 16. The provision is inadequate and this has been recognised consequently Government has established a Child Labour Task Force to look into the issue of child labour. The task force is broadly represented by Government ministries, employer and employee organisations and non-governmental organisations.

The Children's Protection and Adoption Act, [Chapter 33] prohibits street vending by children but its policing has been weak due to inadequate capacity and limited resources.

The Child Labour Task Force has realised that there are a lot of children engaged in paid employment but the nature and extent of the children involved has not been qualified. It is however estimated that there are about 10 000 street children. A consultant through UNICEF has been engaged to study the situation and extent of the whole area of children in difficult circumstances.

From the information gathered during the 1992 Population Census, it was established that Zimbabwe had a total of 1 456 751 children aged 10-14 years. About 3% of these children were employed of whom 15 376 were paid employees, 21 059 unpaid family workers, 2 121 own account workers and 4 employers. Three percent of the children aged 10-14 years (44 569 children) also stated that they were looking for work.

It must be noted that the information provided is based only on children aged 10-14 years.

The Child Labour Task Force has now reached an advanced stage in recommending the drafting of legislation which will among other issues address the problem of child labour.

The situation of orphan children has been aggravated by the Aids epidemic and although traditionally orphans have been absorbed into the extended family, the present scenario is of more orphans being found to be in need of care and institutionalisation.

The available children's homes capacity is now failing to meet the demand and the government's emphasis is to encourage fostering within the extended family and proposals to increase the present level of foster fees have been made. Government has reacted to the situation by establishing a National Committee composed of Government officials and Non-Governmental Organisations representatives. The Committee which is chaired by the Department of Social Welfare has been tasked to come up with an Orphan Care Policy which broadly represents interests of orphan children e.g. health, education, legal, social, etc. which has been produced by the Committee was submitted to the Department of Social Welfare in August, 1995, for onward transmission to Cabinet.

The interests of disabled children are also being addressed under the programme of Children in Especially Difficult circumstances. It is estimated that there are about 140 000 disabled children in Zimbabwe basing it on the Government Survey on Disability of 1982. The National Programme of children in Zimbabwe intends to improve identification of disability at district and provincial level and increase facilities for their integration into ordinary schools.

It is admitted that in Zimbabwe there are groups of children who do not enjoy the measures of protection and assistance offered by the state due to ignorance, irresponsibility of parents or guardians and also due to the failure of the government agencies like Social Welfare officers to reach the affected children. Children are also exploited because of poverty and economic hardships brought about by some negative aspects of economic liberalisation. Children are also disadvantaged because some laws have loop holes or they are not implemented. For instance, although the Liquor Act, 1984 prohibits children from entering bars and bottle stores there is no law which prohibits sale of alcohol to children from general stores and supermarkets.

Disabled children are also specifically protected by the provisions of the Disabled Persons Act, 1992 which was passed for the purposes of looking after disabled persons ensuring that they are not discriminated on the grounds of their disability.

#### Protection of the Rights of the Aged and Disabled

5. There is no legislation which specifically caters for the welfare of the aged. The Social Welfare Assistance Act, (1988) only provide subsistence allowances for basic necessities to the aged but the Social Welfare Department is limited in resources and it does not have its own institutions to keep the aged.

The Welfare Department relies heavily on the assistance rendered by Non-Governmental Organisations, like Help Age. It has been observed with concern that the aged who need care and protection of the state have increased in numbers to the extent that a new policy to give a legal backing for the welfare of the elderly is most desirable.

Advanced steps to redress the situation have already been taken. The Ministry of Public Service, Labour and Social Welfare has already submitted a draft bill specifically for the care of the old. The draft bill when it becomes law will be administered by the Department of Social Welfare with the assistance of the National Council for the Care of the Aged a Non Governmental Organisation. The proposed legislation aims to rehabilitate and care for the marginalised elderly in the community and within institutions as a last resort. It is envisaged that such measures will improve the elderly's sense of well being and opportunity to lead as independent a life as possible. It is also envisaged that the Bill when it becomes law will have a provision which obliges Government to have a specific budget for the elderly.

The disabled's rights are protected by virtue of the provisions of the Disabled Persons Act, 1992 which specifically protects disabled persons from discrimination on the basis of their disability (See Articles 2 and 3).

The Department of Social Welfare caters for the needs of the disabled, but as already been discussed, the Department is limited in resources. Most disabled persons' needs are provided through the assistance of private institutions and Non-Governmental Organisations. The President of Zimbabwe has in the 1995 - 2000 General Elections

appointed to Parliament a female disabled person who is specifically to represent the interests of the disabled. The Disabled community has welcomed the appointment and is yet to see whether its grievances are to be solved.

## **ARTICLE 19**

### **ALL PEOPLES SHALL BE EQUAL**

Zimbabwe's international practice has at all times been in accord with the principle of the equality of all peoples.

## **ARTICLE 20**

### **ALL PEOPLES' RIGHT TO EXISTENCE AND ALL PEOPLES' RIGHT TO THE ASSISTANCE OF THE STATE PARTIES TO THE PRESENT CHARTER IN THEIR LIBERATION STRUGGLE AGAINST FOREIGN DOMINATION, BE IT POLITICAL, ECONOMIC OR CULTURE**

Zimbabwe has since its independence articulated its obligation to support South African and Namibian Liberation Movements in their fight against colonialism and apartheid. Liberation Movements in Zimbabwe were accredited with diplomatic status. Police protection was also accorded to liberation movements at their meetings.

Zimbabwe provided the liberation movements with financial and material assistance through the recently dissolved Organisation of African Unity Liberation Committee. Quotas were reserved at the country's national institutions for liberation movements. For example, at the University of Zimbabwe the African National Congress (ANC) had eight reserved places and the South West African People's Organisation had four reserved places. Thirty places were reserved at the Harare Polytechnic for all liberation movements based in Zimbabwe.

Support of a similar kind has also been extended to liberation movements in the Western Sahara.

## **ARTICLE 21**

### **THE RIGHT OF ALL PEOPLES TO FREELY DISPOSE OF THEIR WEALTH AND NATURAL RESOURCES**

In principle Zimbabwe affirms the right of all peoples to freely dispose of their wealth and natural resources.



## ARTICLES 22 AND 24

### THE PEOPLES RIGHT TO ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT

Zimbabwe affirms the right of all peoples to economic, social and cultural development.

## ARTICLE 23

### THE RIGHT TO NATIONAL AND INTERNATIONAL PEACE AND SECURITY

Zimbabwe as a Sovereign State promotes peace and security both on national and international level.

1. In order to ensure that the people of Zimbabwe enjoy national peace and security, law enforcing agents have been established in terms of the Constitution of Zimbabwe. The Constitution provides for the establishment of the Police Force and Defence Forces in Chapters IX and X, assigned to the Ministries of Home Affairs and Defence respectively.

#### 2. The Defence Forces

The Defence Forces which are composed of the Army and the Air Force are instrumental in the promotion of peace and security both at national and international level.

The Defence Forces, defends the boarders and air space of Zimbabwe from violation by enemies whose activities would disturb, and interfere with the rights of Zimbabwean nationals to national and international peace and security.

The roles of the Zimbabwe National Army include the carrying out of land operations in defence of Zimbabwe's territory, offering support to the civil power namely the Police, where the Police require such support and assistance. Whilst the maintenance of law and order is primarily the concern of the Police, the Zimbabwe Defence Forces can in terms of the Police Act Chapter 98 be called upon to lend support and assistance to the Police but when they do so, the Defence Forces, they will be doing so under the operational command of the Commissioner of Police. An example is when the Army and Air Force were called in to render such assistance during the early and mid 80's, when there was the problem of dissidents in Matabeleland. The military has also been called in to render assistance to the police during strikes and demonstrations by workers and students where these strikes have a

potential to cause disruption to the normal activities of the ordinary people, and where such strikes and demonstrations have had the potential of compromising peace and security of the nationals of Zimbabwe.

The Defence Forces are also instrumental to the preservation of international peace and security. The Defence Amendment Act No. 8 of 1993 Section 20 (g) makes it possible for the Minister of Defence to send military personnel on foreign missions under the auspices of the Organisation of African Unity and the United Nations, to assist the international community to maintain peace and security in troubled areas such as Somalia, Angola, Rwanda and Mozambique where law and order has in some instances completely broken down.

Zimbabwe has also played a crucial role in the restoration of democracy and order in Lesotho and was prepared to send its Forces if so required and requested by the affected parties.

It can be safely said that Zimbabwe has taken great strides in giving effect to the right to international and national peace and security. However the main constraint faced by Zimbabwe is lack of adequate financial and logistical resources. The country is presently undergoing an Economic Structural Adjustment Programme prescribed by the IMF and World Bank. One of the requirements of this programme is that Government Expenditure in areas such as defence has to be reduced. This has resulted in drastic reductions to the amounts which can be spent on property and adequately equip the Defence Forces.

The Government of Zimbabwe has therefore been forced to accept participation on peace making and peace keeping missions only on condition that the organisation under whose auspices the particular mission is being undertaken meets all the expenses.

Refugees who are afforded asylum in Zimbabwe, first undergo examination by the Ministry of Home Affairs to determine whether they are genuine or not before they are afforded refugee status. The Refugee Act prohibits refugees from engaging in subversive activities and those who are found to be contravening the Act are handed over to the Ministry of Home Affairs which in turn deport such elements within refugee camps.

## ARTICLE 25

### THE STATE'S DUTY TO PROMOTE THE RESPECT OF RIGHTS AND FREEDOMS CONTAINED IN THIS CHARTER

1. The Government of Zimbabwe promotes and ensure through teaching, education and publication the respect of the rights and freedoms contained in the Charter through government ministries like National Affairs, Employment Creation and Cooperatives, Public Service, Labour and Social Welfare and Ministry of Justice, Legal and Parliamentary Affairs. Further, Non-Governmental Organisations are permitted to carry out educational campaigns on human rights.
  
2. Remarkable progress in the teaching of human rights has been recorded from the department of Women's Affairs which is under the Ministry of National Affairs, Employment Creation and Cooperatives working closely with various Non Governmental Organisations. The Ministry runs Provincial and District Workshops to explain to the people about their rights and various laws. Currently the Ministry, with the assistance of NORAD a Non Governmental Organisation is offering training on Family Laws at district level. This is undertaken through workshops for adults and drama and theatre at schools. The school curriculum has now been written to include legal education in the syllabus. There is also a task force in place which is looking at the introduction of human rights education in schools.
  
3. In liaison with Non Governmental Organisations, pamphlets on basic laws have been produced and some of them are written in English and the two major vernacular languages which are Shona and Ndebele. Such pamphlets are on Wills, Domestic Violence, Women and Rape, Marriage and the Law, Maintenance to mention only a few. Information has also been produced on videos for instance there has been films like Neria, Muchadura, Consequences, the Girl Child, and Your Child Too featuring various aspects of the law.
  
4. The Ministry of Justice, Legal and Parliamentary Affairs has embarked on a programme to teach chiefs and headmen on the knowledge of the Constitution. If resources are available the Ministry intends to spread the educational campaign to other members of the society like school headmasters, church leaders, etc.

It is of essence to note that most of the educational campaigns are geared towards educating women only as a result there has been cultivated a general feeling that human rights issues have degenerated into gender issues. To strike a balance, Government must initiate programmes on human rights for all peoples of Zimbabwe, men, women and children.

It can be said that due to financial constraints, not much is done by Government in the specific promotion of educational campaigns on human rights. Even the department of Women's Affairs offer assistance in respect of law in general. For instance it would be effective if more workshops geared at all walks of life were held.

However an Inter-Ministerial Committee on Human Rights and International Humanitarian Law has been set up by Government to discuss human rights issues. The Committee has not yet engaged in any educational campaigns but it is hoped that such a Committee will assist in organising workshops seminars and so forth, beneficial to the general public, if funds are sourced.

As far as Workers' rights are concerned, the Ministry of Public Service, Labour and Social Welfare has a department of Labour Relations which is obliged by the provisions of the Labour Relations Act No. 16 of 1985 to teach and train workers and employers on their rights at work.

The Department of Labour Relations with the assistance of the International Labour Organisation and other donor agencies organises workshops and seminars whereby employers and employees are invited to participate. The Department is also available to the public to offer assistance related to employer/employee relations. A handbook on the guidelines to the formation of Workers' Committees has been published. The handbook outlines rights of workers as provided by the laws of the country.

The National Social Security Authority, a parastatal established under the Ministry of Public Service, Labour and Social Welfare compliments efforts of the Department of Labour Relations by educating Workers and employers on health and safety at work. Workers are also taught on their right to compensation when injured at work.

## **ARTICLE 26**

### **STATE'S DUTY TO GUARANTEE THE INDEPENDENCE OF THE COURTS**

Zimbabwe recognises and through the Constitution of Zimbabwe guarantees the independence of the Judiciary. Zimbabwe also allows the flow of the judicial process without interference from either the Executive or the Legislature. The Courts are entrusted with the promotion of the rights and freedoms guaranteed by the African Charter without interference as indicated above.



### INDEPENDENCE OF THE JUDICIARY

- (1) The Zimbabwean Constitution provides for the appointment of Judges their tenure of office and removal from office. see Section 84 and 87 of the Constitution.
- 2) The Judiciary in Zimbabwe decide cases before them without interference from the Executive and the Legislature. This is fortified by the Review and Appeal Systems which ensure that no-one other than a member of the Judiciary can set aside a decision of a court. This was emphasised in the case of The Chairman.

Public Service Commission and Anor v. Chigwedere SC-56-90. This applies also to Magistrates and others in quasi judicial positions. In this case the Secretary of the Public Service attempted to influence a Magistrate presiding over a Public Service inquiry. The Secretary was strongly criticised by the Supreme Court which pointed out that if the Commission was unhappy with the Magistrates' decision they should have taken it on review to the High Court.

- (3) The judiciary have jurisdiction over all issues of a judicial nature. Section 13 and 23 of the High Court Act No. 29 of 1981 gives the High Court original jurisdiction over all persons and matters in Zimbabwe subject to provisions of the High Court Act or other Acts.
- (4) Decision of Courts can only be reversed on Review or Appeal in accordance with proper legal procedures. The President can also use his Presidential Powers:
  - (a) to pardon a convicted offender;
  - (b) grant a respite Presidential Powers;
  - (c) substitute a less severe punishment; or
  - (d) suspend or remit the whole or part of a sentence.

These powers are provided for in the Constitution and they are used with restraint. This, is not in-appropriate or unwarranted interference with the judicial process as the powers are properly provided for the Section 74 of the Constitution and are exercised after the full judicial process will have been exhausted.

- (5) In Zimbabwe everyone has a right to be tried by the Ordinary Courts or tribunal using established legal procedures. However, members of the Army can be tried by the Court Martial but this will be for offences against Army Regulations. When they commit ordinary crimes they are tried by the ordinary courts.

- (6) In Zimbabwe the Judiciary ensure that judicial proceedings are conducted fairly and that the rights of parties are respected. This is enforced by Sections 26 and 27 of the High Court Act which gives High Court Judges power to review criminal and civil decisions and proceedings of all inferior courts, tribunals and administrative authorities within Zimbabwe. Section 27(1)(b) of the High Court Act No. 29 of 1981 provides that interest in the case, bias, malice or corruption on the part of the judicial officer shall be a ground on which proceedings can be reviewed. Section 21(1)(c) of the High Court Act provides that if the correct procedure which should be followed during the trial is not followed and the departure amounts to gross irregularity, the proceedings can be taken on review.
- (7) Zimbabwean Courts are provided with adequate resources within the capacity of the country to enable them to function properly.

The above generally apply to all courts in Zimbabwe. Although Magistrates and other judicial officers are members of the Civil Service, their professional work is controlled by Judges only through reviews and appeals. The Executive can not determine how a Magistrate should have decided a particular case. See the case of Chairman of the Public Service v Chigwedere above.

#### FREEDOMS OF EXPRESSION AND ASSOCIATION

- (8) Judges and other judicial officers in Zimbabwe are entitled to freedom of expression, belief, association and assembly. However, because of the nature of their duties they restrain themselves in the exercise of these rights so that they preserve the dignity of their offices and the impartiality and independence of the judiciary.
- (9) Judges and other judicial officers are free to form their Association. That is why there is a Magistrates Association in Zimbabwe.

#### QUALIFICATIONS, SELECTION AND TRAINING

- (10) The qualifications of Judges are provided for by Section 87 of the Constitution. In the case of Magistrates, Section 9 of the Magistrates Court Act [Chapter 18] provides for the appointment and qualifications of Magistrates. Though Magistrates are appointed by the Public Service Commission their advancement depends on comments on their professional work by Judges of the High Court and Regional Magistrates who review and scrutinize their work. Judges of the Supreme Court also have a say as they also handle appeals from Magistrate Courts.

The Integrity and ability of Judicial Officers is looked into before one is appointed. For Judges the Judicial Service Commission is consulted. In the case of Magistrates they are thoroughly interviewed before appointed as Magisterial Assistants. Magisterial Assistants serve as clerks and Prosecutors for 1 year if they are holders of the Local LLB. degree or longer if they do not have such a degree. During this period if one is found unsuitable for the bench he will not be sworn in. Before one is appointed to Judicial Office P.C. checks' are done to ensure that he or she does not have previous convictions.

In Zimbabwe qualifications, ability and integrity are the qualities used in appointing Judges. There is no racial discrimination in the appointment of Judges. Zimbabwe has Black, Indian and White Judges. Zimbabwe has female Judges and male Judges. This proves that there is no discrimination against race; sex or religion in the appointment of Judges.

The above also applies to the appointment of Magistrates.

#### CONDITIONS OF SERVICE AND TENURE

- (11) Zimbabwe complies with this Instrument as salaries tenure of office and the Independence of Judges is provided for by Law. Judges Salaries, Allowances and Pensions Act No 11 of 1975 and subsequent amending Acts. Section 88 of the Constitution provides for the remuneration of Judges.
- (12) The tenure of office is guaranteed by Section 86 of the Constitution which provides that a Judge shall retire at the age of 65 unless he elects before that age to retire at the age of 70. Subsection (3) of Section 86 provides that the office of a Judge of the High Court shall not be abolished during his tenure of office without his consent.
- (13) Judges in Zimbabwe are promoted on merit, Magistrates are also promoted on merit.
- (14) The assignment of cases to Judicial Officers is controlled by the Registrar or Clerk of Court in the case of Civil cases and by the Attorney General's Office in the case of criminal cases. The Registrar of the High Court and the Clerk of Court are officers of the Court. In the case of criminal, the Prosecutors or Lawyers in the Attorney General's office who set cases before the Courts are officers of the Court. The decision as to which Judge or Magistrate presides in which court is that of the Judge President or a Magistrate in charge of Administration at that particular Magistrates Court.

### PROFESSIONAL SECRECY AND IMMUNITY

- (15) There is no legislation which clearly states that a Judicial Officer is not a compellable witness in respect of information he got through the performance of his duties. In South Africa there is a rule of practise which states that Judges cannot be compelled to give evidence on matters which occurred in proceedings before them. Its not clear whether or not this rule applies in Zimbabwe.

The rule would, in one's view apply to what Judicial Officers hears when performing his duties which are not public hearings as the rule refers to proceedings before them without distinguishing the nature of the hearing. No judicial officer in Zimbabwe has ever been compelled to give evidence on such matters.

Therefore what is required is clarification of what is already the accepted practice inspite of the provision of Section 230 of Chapter 59 which states that every person shall be a competent and compellable witness.

- (16) Judicial officers cannot be sued in their personal capacities for improper acts or omissions committed or omitted during the course of duty.

### DISCIPLINE, SUSPENSION AND REMOVAL

- (17) The investigation of charges and complains against a Judge is provided for by section 87 of the Constitution. The matter is to be dealt with by a Tribunal. However misconduct by Magistrates is dealt with in terms of the Public Service Disciplinary Regulations S.I. 65 of 1992.
- (18) Section 87(1) of the Constitution provides that a Judge can be removed from office for inability to discharge his duties or for misbehaviour.
- (19) In Zimbabwe the suspension or removal proceedings of Judges is provided for in Section 87 (2) to (g) of the Constitution.
- (20) In Zimbabwe the Tribunal may recommend to the President in its report that its recommendations be referred to the Judicial Service Commission. This will enable the Judicial Service Commission to act as a reviewing body in respect of the Tribunal's Recommendations See Section 87(6) of the Constitution.





**TABLE 15**

**ENROLMENT AT THE UNIVERSITY OF ZIMBABWE BY FACULTY  
AND GENDER : 1992 TO 1994**

1992			1993			1994		
MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
310	78	388	235	68	303	300	59	359
867	464	1331	775	419	1194	754	311	1065
510	166	676	357	145	502	437	190	627
569	214	783	486	194	680	587	293	880
638	18	656	621	22	643	612	23	635
217	99	316	192	83	275	161	77	238
568	274	842	534	302	836	589	326	915
602	155	757	621	163	784	729	172	901
1175	539	1714	1014	441	1455	922	402	1324
120	18	138	111	18	129	109	26	135
5576	2025	7601	4946	1855	6801	5202	1881	7083
637	147	784	358	72	430	105	11	116
5304	2172	8385	5304	1927	7231	5307	1892	7199

*Source : University of Zimbabwe*

**TABLE 17****DROPOUT RATE BY GENDER : SECONDARY SCHOOLS**

YEAR		1		2		3		4		5	
1990	Promotion	93.85	89.68	95.25	91.13	95.00	95.06	6.18	7.45	97.82	117.17
	Dropout	6.15	10.32	4.75	8.87	5.00	4.94	91.82	92.55	2.18	0.00
1991	Promotion	85.15	84.32	89.12	85.23	66.44	79.60	6.64	4.89	96.17	76.67
	Dropout	14.85	15.68	10.88	14.77	13.56	20.40	93.36	95.11	3.83	23.33
1992	Promotion	88.62	86.74	94.37	90.53	89.50	81.53	7.55	5.49	102.83	106.52
	Dropout	11.38	11.26	5.63	9.47	10.50	18.47	92.45	94.51	0.00	0.00
1993	Promotion	81.88	90.29	96.32	90.31	92.01	85.36	8.35	6.91	96.67	105.22
	Dropout	8.12	9.71	3.88	9.69	7.99	14.64	91.65	93.09	1.33	5.22
1994	Promotion										
	Dropout										

*Source : Ministry of Education*

TABLE 10

## TEACHERS BY QUALIFICATION IN PRIMARY SCHOOLS (1994)

QUALIFICATION	GOVERNMENT			NON-GOVERNMENT			TOTAL ALL GOVERNMENT AND NON-GOVERNMENT PRIMARY SCHOOLS		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
Certified Honours Graduate	14	8	22	31	15	46	45	23	68
Certified Graduate	64	37	91	119	41	160	173	78	251
Bachelor of Education	77	42	119	157	38	195	234	80	314
Uncertified Honours Graduate	17	11	26	71	15	86	88	26	114
Uncertified Graduate	41	35	76	123	37	160	164	72	236
Zintec Graduate	227	402	629	3 215	1 557	4 772	3 442	1 959	5 401
'O' Level + 4 years teacher training (Primary)	348	717	1 085	5 963	3 782	9 765	6 331	4 499	10 830
(Secondary Academic)	170	312	482	942	498	1 440	1 112	810	1 922
(Secondary Technical)	113	183	296	546	448	994	659	631	1 290
'O' Level + 3 years teacher training (Primary)	563	1 125	1 688	3 507	2 618	6 125	4 070	3 743	7 813
(Secondary Academic)	31	76	107	276	122	398	307	198	505
(Secondary Technical)	62	142	224	362	365	727	444	507	951
'O' Level + 2 years teacher training (Primary)	124	202	326	707	279	986	831	481	1 312
(Secondary Academic)	2	4	6	33	27	60	35	31	66
(Secondary Technical)	34	78	110	90	43	133	124	119	243
Junior Certificate + 3 years teacher training	54	88	142	304	151	455	358	239	597
Junior Certificate + 2 years teacher training	156	294	450	1 336	559	1 895	1 492	653	2 345
Standard 6 + 2 years teacher training	152	451	603	2 697	1 462	4 159	2 849	1 913	4 762
6 years teacher training	0	3	3	21	7	28	21	10	31
4 years teacher training	31	36	67	317	140	457	348	176	524
Journeyman	12	7	19	14	9	23	26	16	42
Zintec trainee	10	30	40	193	196	389	203	226	429
Student trainee	46	135	181	1 262	1 195	2 457	1 308	1 330	2 638
Non-teaching Diplomas	73	273	346	380	188	568	453	461	914
Unrecognised Degree	8	5	13	37	25	62	45	30	75
Untrained	492	370	862	7 038	4 732	11 770	7 530	6 102	12 632
<b>TOTAL 1994</b>	<b>2 931</b>	<b>5 064</b>	<b>7 995</b>	<b>29 761</b>	<b>18 549</b>	<b>48 310</b>	<b>32 692</b>	<b>23 613</b>	<b>56 305</b>
<b>TOTAL 1993</b>	<b>2 429</b>	<b>5 344</b>	<b>7 773</b>	<b>33 304</b>	<b>20 429</b>	<b>53 733</b>	<b>36 733</b>	<b>25 773</b>	<b>61 506</b>

Source : Ministry of Education



TABLE 13

## PRIMARY SCHOOL ENROLMENT BY GENDER : 1990 - 1994

YEAR	1		2		3		4		5		6		7		8	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1990	194 733	192 864	175 494	171 809	155 918	153 546	145 042	142 215	134 696	131 796	136 226	130 873	129 962	122 035	104 182	88 571
1991	212 731	199 993	185 874	179 181	177 061	172 036	159 122	154 312	149 106	144 250	143 093	139 792	138 213	134 545	166 445	89 252
1992	207 459	202 806	182 400	179 420	175 728	172 257	166 421	165 135	150 557	150 156	144 345	143 993	133 213	128 516	97 627	82 825
1993	216 965	208 391	186 040	180 412	176 031	171 820	169 223	166 555	161 747	160 073	151 140	148 448	154 651	139 926	92 765	81 245
1994	214 800	206 167	189 827	181 390	192 315	187 090	192 932	179 830	177 710	173 605	173 285	168 727	163 999	154 901	103 335	92 180

Source : Ministry of Education

**TABLE 14**

**SECONDARY SCHOOL ENROLMENT BY GENDER : 1990 - 1994**

YEAR	1		2		3		4		5		6	
	M	F	M	F	M	F	M	F	M	F	M	F
1990	104 182	88 571	98 038	78 847	93 385	66 334	74 657	50 761	5 500	2 773	5 217	2 200
1991	106 445	89 252	97 774	79 428	93 385	71 854	88 712	64 955	6 108	3 281	6 380	3 249
1992	97 627	82 825	90 643	75 257	67 133	67 700	80 721	57 198	5 893	3 174	5 874	2 899
1993	92 765	81 245	86 515	73 498	85 539	68 130	77 982	55 197	6 096	3 143	6 060	3 381
1994	103 335	92 180	85 237	763 356	83 335	66 375	78 701	58 158	6 513	3 813	6 015	3 307

Source : Ministry of Education

**TABLE 16**

**DROPOUT RATE BY GENDER : PRIMARY SCHOOLS**

YEAR	1			2			3			4		5		6		7	
1990	Promotion	95.45	92.91	100.8	100.1	102.0	100.50	102.80	101.43	106.23	106.07	101.46	102.81	128.07	73.14		
	Dropout	4.55	7.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26.86	
1991	Promotion	85.74	89.71	94.54	96.14	93.99	95.99	94.62	97.31	96.81	99.34	93.10	91.93	70.64	61.56		
	Dropout	14.26	10.29	5.46	3.86	6.01	4.01	5.38	2.69	3.19	0.66	6.90	8.07	29.36	38.44		
1992	Promotion	89.68	88.96	96.51	95.76	96.30	96.69	97.19	96.93	100.39	96.66	107.14	97.65	69.64	63.22		
	Dropout	10.32	11.04	3.49	4.24	3.70	3.31	2.81	3.07	0.00	1.14	0.00	2.35	30.36	36.78		
1993	Promotion	87.49	87.04	103.3	103.7	109.6	104.66	105.02	104.23	107.13	105.41	108.51	104.35	66.85	65.88		
	Dropout	12.51	12.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	33.18	34.12		
1994	Promotion	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR		
	Dropout	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR	ERR		
1995	Promotion	0.00	ERR	0.00	ERR	ERR	ERR	ERR	ERR	0.00	ERR	0.00	ERR	ERR	ERR		
	Dropout	100.0	ERR	100.0	ERR	100.0	ERR	100.00	ERR	100.00	ERR	100.00	ERR	ERR	ERR		

Source : Ministry of Education