



Compaigners For Human Rights

30 March 2006

PRESS STATEMENT

CREATION OF THE ZIMBABWE HUMAN RIGHTS COMMISSION

The Zimbabwe Human Rights Association (ZimRights) is following with keen interest reports of proposals by government to set up a Human Rights Commission. According to press reports, the proposed Commission will be mandated to receive and investigate cases of human rights abuses, ensure appropriate redress for proven cases, undertake public awareness programmes through education and information and to co-operate with the United Nations, the African Union and other regional and international human rights institutions, among other things. It is implied in this proposal that the Commission will serve as an additional body of local remedies available to victims of human rights violations before they can evoke the mechanisms of regional and international bodies such as the African Commission for Human and Peoples' Rights or the United Nations Human Rights Commission. The proposal also suggests that all civil society organisations working in the field of human rights be required to be affiliates of that Commission.

Under normal circumstances the establishment of such a Commission would be most welcome if its existence would ensure the people of Zimbabwe an enhanced means by which their rights can be guaranteed and protected. However, ZimRights very much doubts that this Commission will be effective for the following reasons:

1. The Commission is likely to be a toothless institution which makes recommendations which will not bind the state. A number of Commissions, such as the Sandura Commission have been set up in the past but nothing positive was achieved. Closer home, in the human rights field, we have the Office of the Ombudsman which in the same proposed amendment will be renamed the Office of the Public Protector. This institution was set up through the Zimbabwean Constitution to investigate malpractices by the civil service including the army and the police but one cannot even put a single finger on anything it has accomplished since independence. If

P.O.Box 3951

Harare

Zimbabwe

Phone: (263-4-707278/705898) Fax: (263-4-707277)

E-mail : zimright@mweb.co.zw

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government can brazenly ignore court orders, what more the findings and recommendations of a commission?

2. The proposal that civil society organisations be affiliated to the commission is most likely being steered by the government's desire to muzzle and reign in NGOs which the government views as hostile. This conclusion is justified in light of recent intensified attacks on human rights NGOs by government officials as reported in the state-controlled press. We have all witnessed how the Media and Information Commission set up under AIPPA has dealt a terrible blow to the independent media in Zimbabwe. Civil society organisations can suffer the same fate.

3. The government has reacted with much vitriol to reports produced by the two United Nations personnel, Ms Anna Kajumulo Tibaijuka and Mr. Jan Egeland, who have visited the country to establish the human rights situation on the ground. The government has also castigated reports produced by the African Commission on Human and People's Rights. One wonders how effective a Commission set up by such a government would be.

4. Government has failed and/or deliberately failed to domesticate international human rights instruments to which it is a signatory. If government were serious at all about promoting human rights and redressing human rights abuses, surely the first logical step would be to domesticate international human rights instruments to which it is a signatory.

5. Government only has to put its house in order first by repealing oppressive pieces of legislation such as the Access to Information and Protection of Privacy Act (AIPPA), Public Order and Security Act (POSA), the Broadcasting Services Act (BSA), and Constitutional Amendment No. 17, among others. These laws individually and collectively have been used to deny citizens, especially journalists and human rights defenders, their rights.

In the past, ZimRights and many other local human rights groups have highlighted human rights violation to the government but nothing has been done to redress such issues. Therefore, ZimRights does not see how the coming in of the Commission will help unless, of course, if the Government is saying human rights violations are only beginning now.

ZimRights is of the opinion that government does not need to repeal the Constitution to allow for the establishment of the Human Rights Commission. What is desirable is for government to repeal Section 111B of the Constitution in its totality so that international treaties and agreements are domesticated as soon as government accedes to or ratifies them.

The establishment of a human rights commission should be for the promotion and defense of people's rights and freedoms and not as a public relations gimmick to spruce up the battered image of the government. Only a genuine democracy can guarantee the enjoyment of human rights by all in Zimbabwe, and that should be the starting point.

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