

A collage of four images showing people at protests, overlaid with large white outlines of the letters V, O, O, and M. The background images show groups of people holding signs with various messages, including 'TINODI KOBZERO DEZEDU', 'SHEP', 'TO THE PEOPLE', and 'TO THE PEOPLE'. The letters are large and white, set against a dark green background.



ZimRights Members' Handbook



Campaigners for Human Rights

WE BELIEVE IN HUMAN RIGHTS

ZimRights Members' Handbook

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LIST OF ACRONYMS

AKKC	Amalungelo Kodzero Knowledge Centre
CSO	Civil Society Organisation
NGO	Non-Governmental Organisation
PVO	Private Voluntary Organisations
SP2P	Shifting Power to the People Strategy: ZimRights Reset
TJ	Transitional Justice
UDHR	Universal Declaration of Human Rights
ZHRC	Zimbabwe Human Rights Commission
ZimRights	Zimbabwe Human Rights Association

ABOUT THIS HANDBOOK

This handbook is designed for our diverse membership. To the new members, this is the essential tool that helps you understand the association that you are joining, giving you the roadmap for the work ahead, the tools to help you achieve your greatest impact as a human rights defender, as well as linking you to other members of the movement.

For the old members, this book represents a renewal of your mission as a ZimRights member. The association, just like our world, is transforming every day. If you do not transform with it, you get left behind. In this new handbook, we have revisited all the aspects of the association, explaining the changes, updating the tools and adding new resources. This handbook was originally compiled in 2020. We however did not publish it because we were still working on a new strategy for ZimRights, the Shifting Power to the People Strategy and we were convinced that it would affect the content of this handbook. This edition was revised in 2022 after the adoption of the new strategy.

This handbook answers the following questions:

- a. What is ZimRights?
- b. How do I become a member of ZimRights?
- c. As a member what am I expected to do?
- d. What are the benefits of being a ZimRights member?
- e. How can I get the most out of my membership?
- f. How can I give my best as a member?
- g. What tools are available for me to become a true human rights champion?

These questions and many more are answered in a simple and precise way, making it easy for a prospective member to understand what they are getting into and a new member to find their way in the association.

We have titled this handbook, '*We believe in human rights*'. This title captures our core belief in human rights as an association. This belief is rooted in the Universal Declaration of Human Rights (UDHR) as decoded in Zimbabwe's own bill of rights. Because human rights are more than just a belief for us, this handbook outlines the actions that we take everyday to see the ideals of the bill of rights becoming a reality in Zimbabwe.

We hope you embrace this handbook as your daily companion as a human rights champion. If you have any questions or suggestions regarding this handbook, write to us on the details given on the title page.



Human rights are more than just a belief for us, this handbook outlines the actions that we take everyday to see the ideals of the bill of rights a reality in Zimbabwe”.

WHAT IS ZIMRIGHTS?

ZimRights is the short name of the Zimbabwe Human Rights Association. ZimRights is Zimbabwe's first post-independence indigenous grassroots human rights advocacy group. Formed in 1992, ZimRights brings together ordinary people like you and I, who work together to advance the cause of human rights in Zimbabwe.

WHAT IS ZIMRIGHTS' LEGAL STATUS?

ZimRights was founded as an association in 1992, existing on the strength of its Constitution. Section 3.1 of the ZimRights Constitution makes it very clear that the organisation is not for profit. At its formation in 1992, ZimRights adopted a Constitution that governs its affairs. The Constitution is the most important document in the running of ZimRights. A year later, it registered as a welfare organisation under the Private Voluntary Organization Act (PVO Act) registration number W/03/93. As a registered PVO, ZimRights is also governed by the PVO Act. See the ZimRights Constitution and the PVO Act on the Annexures attached to this handbook. At the time of the compilation of this handbook, the Parliament of Zimbabwe was in the process of amending the PVO Act.



DOES ZIMRIGHTS REGISTRATION STATUS AFFECT ITS INDEPENDENCE?

Many have wondered if ZimRights' registration status affects the independence of the association or mean that the association is owned by the government. ZimRights was registered as a PVO in 1993, before it became mandatory for NGOs to be registered. Therefore, this was a voluntary act by the association to emphasis its belief in working with the government which is the primary duty bearer in advancing human rights.

Section 5.6 of the ZimRights Constitution, states as one of its objectives:

- *to open channels of communication with relevant public authorities in order to report human rights abuses;*
- *to call upon the authorities to put a stop to these abuses;*
- *to provide redress to those harmed by abuses;*
- *to suggest ways of removing the underlying causes of human rights abuses so as to ensure that these do not recur.*

This is why even today, 30 years later, ZimRights continues to work with the Government of Zimbabwe, and the independent commissions to seek ways to address human rights violations.

ZimRights has therefore been always transparent about its work, sharing its audited financial statements and annual reports with the relevant ministries. However, over the years, the government has taken the position that all NGOs must be registered, a position that ZimRights is opposed to as it allows government to interfere in the operations of the NGOs hence compromising the independence of the organisation. Since this position started being advanced, ZimRights, though registered, has also started facing hostilities in communities that misunderstand the government drive to register NGOs.



For more information on our position, see our special report, *“The Great Gift of Active Citizens: How the PVO Bill Threatens Active Citizenship.”* The report is available on the Publications section of the ZimRights website.

WHY DOES ZIMRIGHTS EXIST?

Our Vision

A Zimbabwean society in which communities actively lead in creating and sustaining a culture of human rights.

Our vision is not merely in seeing a society in which there is a culture of human rights. How that culture is realised is part of our vision. We want to see communities play an active leadership role.

Our Mission

To campaign for human rights in Zimbabwe through innovative, grassroots-based, and citizen-driven approaches.

Our Core Values

Our values are like signposts, guiding us on the path that we must take. They are like stars, shining light on our path.



COMMUNITY

Visible in the MOVEMENT of believers in human dignity. (Incorporating inclusivity and collaboration).

INTEGRITY

Because the work of human rights demands that we become what we seek to act JUSTLY, FAIRLY, PEACEFULLY and to be ACCOUNTABLE.

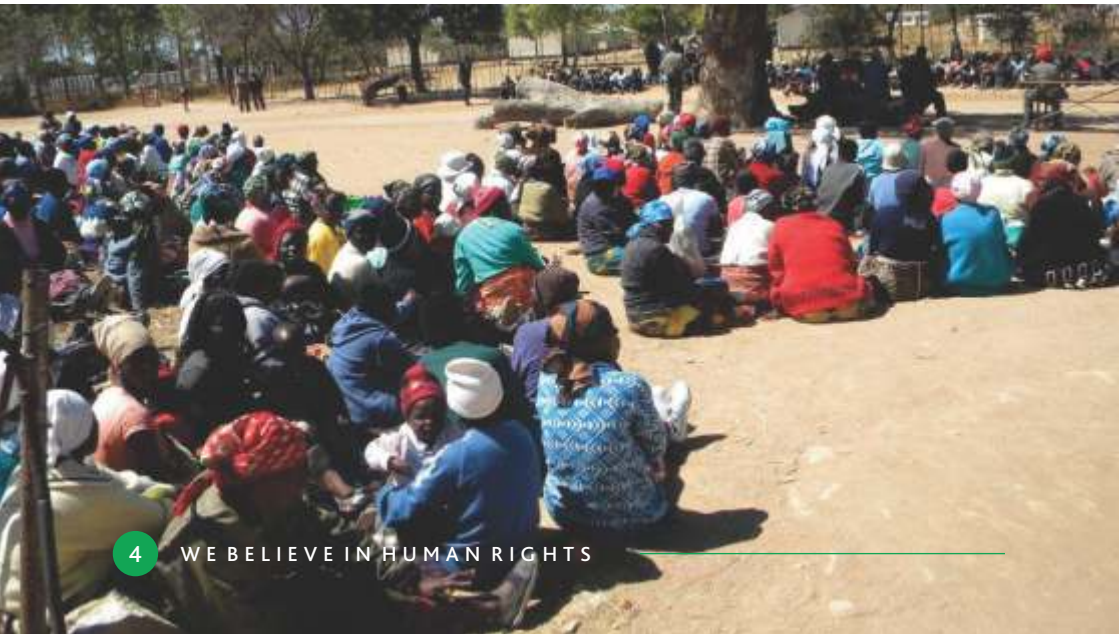


ACTIVISM

Inspired by the CARE we have for our community. It is POSITIVE and PROGRESSIVE ACTION for GOOD.

EXCELLENCE

Because our vision demands that we become the BEST version of ourselves.





With Over
250 000,
 Membership,
 ZimRights is the
 biggest community
 of human rights
 defenders in
 Zimbabwe.

Community

As a mass movement, ZimRights was founded upon the value of community. It is built around the ancient wisdom that together we can achieve more. With a membership of over 250 000, ZimRights is the biggest community of human rights defenders in Zimbabwe. Causing real change requires building a community of believers in a cause. This community must keep growing until it reaches a critical mass. Stephan and Chenoweth (2008), in a thorough study, have found out that the magic number for a critical mass is 3.5% of the population taking non-violent action. ZimRights thus is in itself a community of individuals as a membership-driven mass movement. But it is also a community of communities. Without this value, and an active belief in the power and beauty of community, ZimRights cannot exist. Everything else that ZimRights is, survives, moves and thrives within its communitarian nature.

Activism

Embedded in the tradition of community is the value and belief that activism matters. It mattered in 1992 when ZimRights was formed. It matters today as we renew ourselves. *It has defined the story of ZimRights for 30 years. It is understood as tacking ACTION – positive progressive action for human rights.*

It can be raising a voice when there is silence about an important matter. It can be protesting when there is reluctance to address an important issue or taking corrective measures where a wrong is being committed. What is key about this activism is that it is authentic activism that is powered by 'CARE' for our 'COMMUNITY'. It is not activism if it is inspired by hate. Secondly, the ACTIVISM must be progressive. It is not activism if it is destructive like destroying property. The three key elements of authentic activism are: Progressive, Action, and Care.

Integrity

The work of human rights is an integrity project. We seek a society where leaders and citizens act with integrity. In doing this work, we must become what we are demanding. Integrity. This is a value that must cut through the ZimRights way of doing things. To use the language of Mohandas Karamchand Gandhi who said, *'There is no way to peace. Peace is the way.'* This is true of human rights work. There is no path to integrity. Integrity is the path. This allows us to embrace our vision for the world as our lifestyle and way of doing business.

We must create in our own spaces the same reality we demand from our leaders. In integrity, we must set the example. *"Be the change that you wish to see in the world."* Said Gandhi.

Excellence

As pioneers in our sector, we must keep the bar very high at everything we do, aiming for nothing less than our absolute best. Human rights work is the labour of love as mentioned under activism but also it is about preservation of life. The dignity of life at its very best. As we fight for human rights, we bring to this struggle our best tools for the job because we understand what is at stake. There must be no compromise. Excellence is our signature.



WHAT IS OUR LEGACY?

Today, ZimRights has grown to over 250 000 members (found across 242 communities, organised into 11 chapters) in all of Zimbabwe's 10 administrative provinces and aspires to grow even further as Zimbabwe's leading voice for human rights.

In building the country's biggest human rights movement, we have centred our work on building communities of action in the areas we are working in. Our members are active in national democratic processes like elections as well as local governance issues. At least 86% of ZimRights members have participated in the past elections either as voters or as candidates. 14% of them hold leadership positions in various spheres of community life.

Being a grassroots movement has brought us closer to the pulse of the nation. We have become the ears and the eyes of the communities across the country. We therefore have taken an active role in the cause of nation-building. Back in 1996, our members kick-started the constitutional reform agenda. We embraced the national healing agenda at the inception of the coalition government of national unity (GNU) in 2009.

We were part of the various civil society campaigns that led to the establishment of constitutional commissions such as the Zimbabwe Human Rights Commission (ZHRC), and the National Peace and Reconciliation Commission (NPRC). We have also facilitated critical conversations on nation-building, including on the national devolution agenda.

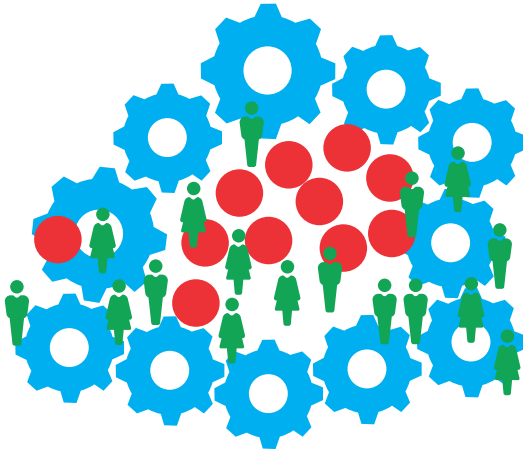
Our programmes over the years have built community resilience from violence, hunger, disease, and other disasters. More recently, we have worked through our 11 provincial chapters to support communities under COVID-19 pandemic. Our work with communities has brought us face-to-face with the ugliness of harmful power relations. In June 2020 the ZimRights National Council resolved to embark on a deliberate, inclusive leadership development process to include women and girls in all leadership structures as well as develop programmes dedicated to achieving gender parity in ZimRights leadership by June 2023. In addition, the Secretariat is now charged with developing programmes aimed at gender justice advocacy.

As we search for solutions to Zimbabwe's human rights challenges, our work endeavours to mainstream the Sustainable Development Goals (SDGs) to ensure our interventions are sustainable and that they cover, from a local perspective, the broad national and global challenges such as economic exclusion, diminishing natural resources, geopolitical instability, environmental degradation, and the multifaceted impacts of climate change.



More recently, we have worked through our 11 provincial chapters to support communities under COVID-19 pandemic.

WHAT IS THE STRUCTURE OF ZIMRIGHTS?



242 Chapters

Across the 11 provinces, ZimRights has a total of 242 Local Chapters at an average 22 Chapters per province.



11 Provinces

Across the whole country, ZimRights has 11 Provincial chapters, separate but connected.



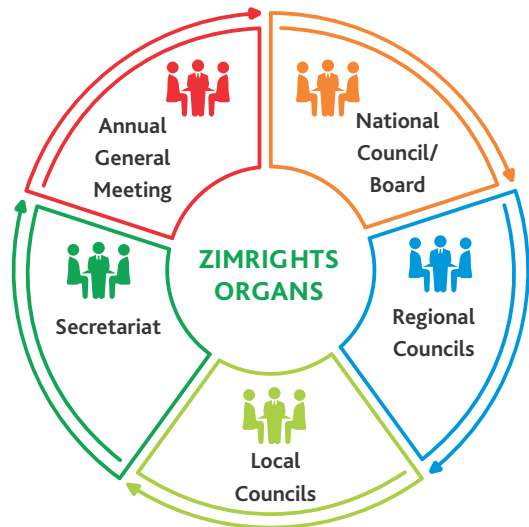
250 000 Member

ZimRights has over 250 000 members across the country.

The structure of ZimRights is established by section 7 of the ZimRights Constitution which states as follows:

ZimRights shall consist of the following organs;

- the Annual General Meeting,
- the National Council,
- the Regional Council,
- Local Council and
- the Secretariat.





The Annual General Meeting

ZimRights' highest decision-making body is the Annual General Meeting (AGM) composed of 8 members from each of the 11 regional councils. In addition to the regional councils, members of the National Council also attend the AGM.



The National Council

The second level of the ZimRights Structure is the National Council. The National Council is led by the National Chairperson. Every 3 years, the AGM elects a National Council composed of 11 regional chairpersons, the National Chairperson, the Vice National Chairperson, the National Treasurer, and 7 other persons to bring the number to 21. The National Director is an ex-officio member of the National Council. The National Council is the association's most supreme organ outside the AGM charged with implementing the resolutions of the AGM. The National Council, in other words is the Board of ZimRights. It executes its mandate through six committees. Below the National Council, come the 11 Regional Councils. Below the Regional Councils are Local Councils.



The Regional Council

The Regional Council is the provincial structure with 8 members. These are the Regional Chairperson, the Regional

Vice Chairperson, the Regional Treasurer, the Regional Secretary, The Communications Officer, and three committee members. The position of the Communications Officer was created following a resolution of the National Council in June 2020 to strengthen digital literacy and advocacy capacity of the regional councils by incorporating youths under the new office called the Communications Officer. Unless the Communications Officer holds another position in the Regional Council, they do not have voting rights as this position is still to be harmonised with the Constitution.



The Local Council

This is the heartbeat of ZimRights. The local councils are established in terms of ZimRights Constitution on section 11.11.9. The local councils consists of 8 members, Chairperson, Vice Chairperson, the Treasurer, the Secretary and four committee members. The Local Structures committees are responsible for membership recruitment, mobilisation and are the primary beneficiaries of ZimRights community programmes.



The Secretariat

To run its daily programmes, the association has established a Secretariat that is headed by the National Director with its Headquarters in Harare and regional offices in Masvingo and Bulawayo. Funds and resources permitting the organisation may decide to open offices in other provinces in order to improve efficiency and effectiveness in the discharge of its duties.

ELECTIONS

The Constitution ZimRights provides for the conduct and holding of elections for all the structures of the organisation every three years. The elections are conducted at the end of every term of office of office bearers and the process should be as democratic as possible.

Section 16 of ZimRights Constitution provides for the establishment of the elections Committee, whose duties, subject to the constitution and the elections by-laws, shall be to manage and facilitate the organisation's electoral process.

The Elections Committee shall run all ZimRights elections with the exception of national elections. For the national elections the Elections Committee shall engage the services of an individual or organisation with election experience to provide technical support in preparing ballot paper and prepare for secret ballot, ballot boxes and setting up the machinery necessary for effective running of elections.

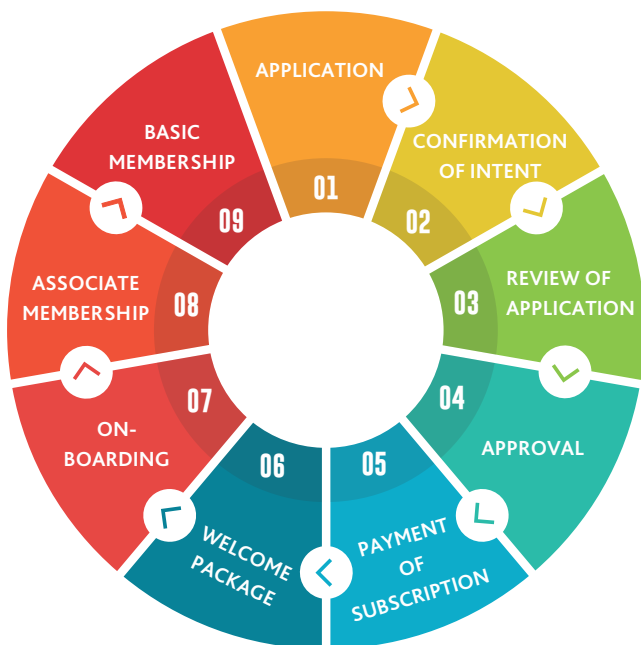
Section 16.8 of ZimRights Constitution further provides that Election Committee shall prepare a nomination form which shall be completed by all persons seeking office and then conveyed to the individual or organisation engaged for electoral services. Any member of the organisation who meets the criteria set in elections by-laws qualifies to stand and be elected for any position within ZimRights structures. Under the current ZimRights Strategy, the mandate of the Elections Committee is carried out by the Risk and Compliance Committee.

BECOMING A ZIMRIGHTS MEMBER

ZimRights is a membership-based organisation. Section 8 of the ZimRights Constitution identifies the requirements for one to be a ZimRights member. Membership is open to all Zimbabwean citizens who have reached the age of 18. Those below the age of 18 can also become members through their school clubs or with the guidance of their guardians.

HOW DO I BECOME A MEMBER OF ZIMRIGHTS?

If a person is interested in becoming a member of ZimRights, there is a simple process that they can follow, documented below.





THROUGH LOCAL STRUCTURES

The most common way of starting your membership journey is through any of our local structures. This is usually through the traditional word of mouth where one sees ZimRights members in action at a local activity. In this way, we encourage you to get in touch with any ZimRights member in your community. They will direct you to a member of the regional council. There are six regional councillors in each province. Each of these members is equipped to walk you through your membership journey, answer your questions and introduce you to the membership engagement team in the province.

ONLINE APPLICATIONS THROUGH THE SECRETARIAT

The ZimRights Secretariat accepts online application through the ZimRights website, the ZimRights App or the Whats App platforms. Members of the public who interact with ZimRights work can download an application and submit it to the Secretariat. If the applicant is known to the Secretariat through their human rights work, the Secretariat will process the application and transmit the information to the respective regional council.

WALK-IN MEMBERSHIP APPLICATIONS

Through any of our offices, prospective members can walk in and ask to speak to the membership officer. Here they will be taken through the process and receive the necessary information.

AT ZIMRIGHTS ACTIVITIES

ZimRights holds regular activities throughout the country. Any of these activities are an opportunity for interested persons to ask for information and begin their journey to membership.

WHAT HAPPENS THEREAFTER?

Application Process - You express your intention to become a member of ZimRights by filling in an application form and submitting it to the regional council of your province or to the Secretariat.

Confirmation of Intent - The Provincial Membership Engagement Coordinator or any delegate of the regional council, upon receiving your application will get in touch with you to confirm that you understand what ZimRights is and you are sure you wish to become a member. They must share with you the “*About ZimRights brochure*”, which gives a brief outline of the association. The brochure is available on the ZimRights website on the section ‘*About Us*’. It is important to confirm one’s intention because several well-intentioned people join the association with the wrong impression and expectations. Some even think ZimRights is a donor organisation so they come looking for funding for projects. To avoid that disappointment, regional councils dedicate their time to make sure that every aspiring member fully understands what the association is about. As soon as that is cleared, the application goes for review.

Review and Approval – The ZimRights Constitution in section 8.4 empowers the National Council to accept or reject any application. As such, the process goes through the due diligence to confirm the legitimacy of the application. This procedure is meant to weed out

those persons who may have been banned from the association in terms of the ZimRights Constitution, or those that have a history of violating human rights. If no objection is recorded in the province, the application is approved and the new member is invited to pay their joining fee. A small amount set by the National Council from time to time is accepted as joining fees and thereafter an annual subscription is required. The joining fee is received by the regional treasure. A receipt is issued to the new member.

Welcome and Onboarding - The new member is then invited for an onboarding process. The on-boarding process is arranged at the provincial level each time the number of new members reaches about 50 members. At the onboarding meeting, the new members receive their welcome packages which include – the membership card, the membership handbook, a ZimRights T-shirt and any other resources on ongoing campaigns in the area. At the onboarding meeting, the local leadership will run a brief course on human rights advocacy and civic engagement. They will walk the new members through every aspect of this handbook. They will give a brief outline of the 8 Action Zones that characterise the work of ZimRights. At the end of the discussions, members are then invited to register for the Action Zone of their choice where they receive additional resources specific to the action zone.

Full membership - After the onboarding process, one becomes a full associate member of the association. As an associate member, you have all the rights and responsibilities of a ZimRights member, with the only exception that you cannot stand for office. Associate membership last for a year. During that year, you are encouraged to participate in ZimRights activities, attend at least 80% of the

activities held in your area and pay you subscriptions on time. After a year, you are then confirmed as a full member in the category of basic membership. As a basic member or as an associate member, you are still obliged to abide by the ZimRights Constitution. The difference is that as an associate member you cannot hold an elected position in the association as this is your year of learning and service. However, there are exceptions for expert members who are invited for their expertise. These can still offer their expertise but cannot stand for an elected office in ZimRights.

When you have successfully gone through these stages, congratulations to you. You have become a member of Zimbabwe's biggest human rights community of over 250 000 members.



WHAT IS HONORARY MEMBERSHIP?

Section 8.1.4 of the ZimRights Constitution empowers the National Council of ZimRights to confer honorary membership. This power had not been invoked until 2020 when the National Council conferred honorary membership to selected persons who had served the institution in an exemplary way and where in good standing with its human rights values.

WHAT ARE THE BENEFITS OF BEING A ZIMRIGHTS MEMBER?

This is probably the most asked question at our meetings and on our online platforms.

There are many benefits. But its more what you become and what you do, rather than what you get. We are a selfless movement that seeks more to give than to receive.

BENEFITS

a. Belonging

Human rights violations are usually committed by powerful actors in our society. Standing up to the POWERFUL requires unity of purpose and building a CRITICAL MASS. In a family of 250 000 members across the country, you become a member of powerful force for good in ZimRights. The greater the number, the bigger the impact.

b. Access to tools for advancing human rights

As a member of ZimRights, you have access to many tools that help you become a more active and engaged citizen. Our membership toolkit available both online and offline is a powerful toolbox for those who care

about human rights. It equips you with the necessary human rights knowledge that you can use to help your community defend human rights better. These include the simplified bill of rights, various manuals on Zimbabwe's human rights architecture among other tools.

c. Solidarity

As a member of ZimRights, you can benefit from the local, national and global solidarity platforms that ZimRights is. This is helpful if you need support to advance the causes you care about. Or if you become a victim of human rights violations.

d. Leadership

As Nelson Mandela said, leadership is not positional, it is behavioural. ZimRights members are leaders in their communities. As a member of ZimRights, you will get an opportunity to lead local and national transformation processes.

e. In protecting others, you are protecting yourself

When one of us is vulnerable, we are all vulnerable. The Declaration of Human Rights was created largely because of the holocaust and the horrors of war. One by one they were taken away, until the whole world was on fire. Today, over 4,5 million Zimbabweans have packed their bags and left. Many more are fighting to escape. Our humanity demands that we all stand for each other or fall all of us one by one. By standing up for others, you are standing up for yourself.

f. Human rights are everything

Human rights are the world we live in. And the world our children will live in. They are the water we drink. The



shelter we sleep in. The schools we go to. The news we read. The roads we drive in. The buses we ride. The bread we eat. The light we see in the dark. The hospitals we go to for healing. Without human rights, our world is nothing and humanity perishes. In standing up for human rights, we contribute to giving meaning to life in its fullness.

AS A ZIMRIGHTS MEMBER, WHAT AM I EXPECTED TO DO?



YOU ARE OUR CHAMPION

You are the champion we have been waiting for. There are many issues that you care about. We want to help you be the champion for human rights. We want to champion with you those rights. With a long legacy of fighting for human rights, we continually develop new resources and networks that we can deploy to your service to help you respond to the urgent needs of your community and see your vision become a reality.

a. ADVANCE THE AIMS AND OBJECTIVES OF ZIMRIGHTS

Being a ZimRights member is a commitment to work towards the realisation of the aims and objectives of the association. These aims and objectives are outlined in section 5 of the association. The aims and objectives are so important to how one practices their membership such that we reproduce here an extract from the ZimRights Constitution.



SECTION 5: AIMS AND OBJECTIVES

ZimRights' aims and Objectives are:

5.1. To conduct public education programmes to inform people and create awareness about their fundamental civil and political, economic social and cultural rights and their duties to ensure the respect for the rights of others;

5.2. To ensure that communities, party organs, local institutions, law enforcement agencies, government and any other institutions respect the fundamental rights of all persons;

5.3. To carry out investigations into alleged human rights violations, including killings, disappearances, torture, intimidation and unlawful arrest and detention in general;

5.4. To oppose detention without trial;

5.5. To give assistance to victims of human rights abuses to claim their legal and justiciable remedies;

5.6. To open channels of communication with relevant public authorities in order to report human rights abuses; to call upon the authorities to put a stop to these abuses; to provide redress to those harmed by abuses; to suggest ways of removing the underlying causes of human rights abuses so as to ensure that these do not recur.

5.7. To assist and empower the marginalised in society to organise themselves in order that they be aware of their

rights, so as to seek an improvement in their lives;

5.8. To give a voice to the voiceless, the oppressed and the disadvantaged groups;

5.9. To carry out research into injustices and human rights violations in order to identify the underlying causes; and find ways of remedying these, to compile documentation into these matters and make recommendations based upon the results of the research;

5.10. To campaign for the abolition of the death penalty;

5.11. To encourage the Zimbabwean government to ratify and constitutionalise all international human rights instruments and to fulfil their obligations under the same instruments;

5.12. To cooperate and network with other human rights organisations locally, regionally and internationally who are striving to advance the cause of human rights; and

5.13. To take any other appropriate action to carry out the above objects of ZimRights.



b. ABIDE BY THE CONSTITUTION OF ZIMRIGHTS

As a member of ZimRights, you are obliged to abide by the ZimRights Constitution which include the code of conduct as well as all accompanying instruments like National Council resolutions. This is outlines in section 8.2.2 of the Constitution.

c. SUPPORTING THE SUSTAINABILITY OF THE ASSOCIATION

ZimRights members are expected to pay their subscription as set out by the National Council from time to time. Section 8.2.1 of the ZimRights Constitution creates this obligation. Over the past 30 years, ZimRights has implemented this provision reluctantly as it has always been the wish of the leadership that no one is left out on condition of their incapacity to pay subscriptions. However, incapacity and unwillingness are not the same. The ZimRights 2022 – 2026 Strategic Plan now places emphasis on sustainability encouraging members to take ownership of the association, a process which includes members funding the organisation. The Secretariat has set up a number of platforms that make it easy for members to make payments. Below we present some of the platforms.



i. Ecocash

Members can now make their payments or donations via Ecocash by using the short code
*151*2*2*021026*amount#

ii. Online

Visit www.paynow.com/zimrights and make a secure payment using you credit or debit card.

iii. Bank Transfer

If you wish to make a bank transfer, directly to our local account or to our nostro account, email admin@zimrights.org.zw to get the account details.

iv. Walk in

Alternatively, you can walk into any of the ZimRights Offices near you and make your payment. All payments are receipted and kept in a separate account that is only used with the express authorisation of the National Treasurer.

There are other ways of also supporting the sustainability of the association. The Secretariat runs a Gift Shop where you can find branded merchandise that includes regalia, coffee mugs, beer mugs, key rings among many other special gifts. The shop is also available online.

Visit <https://www.zimrights.org.zw/shop/> and support your association.

d. PARTICIPATE AND VOTE AT THE MEETINGS

ZimRights holds several activities in the communities. These include human rights campaigns, outreach meetings, online events as well as statutory meetings. The value of these activities is in membership participation. The membership department tries to make sure that members are informed of any activities that are happening in their local area. To make sure that you do not miss any of this information, email membership@zimrights.org.zw with a request to be added to the mailing list and Whats App groups for your region. Take a step further and follow all ZimRights social media platforms so that you stay informed. If you stay close to any of our offices, make it a culture to visit regularly to collect material and updates. Where there are statutory meetings happening in your area and you are one of the delegates, please show up and make your voice count.



HOW CAN I MAKE THE GREATEST IMPACT AS A ZIMRIGHTS MEMBER?

One distinguishing feature of ZimRights members is that ZimRights members are active in their communities. In 2020, we carried out a membership audit to, among other things, establish what ZimRights members care the most about. From the information we gathered from 292 ZimRights local communities, we were able to classify the things that ZimRights members care about into 8 categories. We call these categories – Action Zones. They are presented below.

THE ACTION ZONE FRAMEWORK

"Words are not enough - Act"



When a person joins ZimRights, and they care about being more than just a number, they look at these Action Zones, and identify where they think their talents would make the greatest impact. It is then the work of the Secretariat to support the members in each of the Actions Zones with tools, resources, and networks to make their actions make a difference. However, these actions are interlinked and advance the whole composite range of human rights. It is therefore possible for someone to feel like they fit in more than one zone. Indeed they can participate in more than one zone. However, we recommend that if that is the case, there be at least one zone that dominates. Each zone is supported by an expert from the Secretariat who works tirelessly to innovate and raise resources to make sure that the work of the membership is supported.

ACTION ZONES AS COMMUNITIES OF ACTION

ZimRights actions zones are communities of action, connected together, they move the wheel of civic engagement. Each action zone is like a spoke in a wheel that drives the human rights agenda through community leadership. Driven by citizens themselves, the Secretariat's role is to design support mechanisms that provides oxygen to the fire of citizen agency around the actions zones.



Democracy becomes real for people when they decide what kind of community they want."

Each of the 8 action zones is an arena of intense creative action for social transformation. The 8 action zones represent issues that ZimRights members care about and are eager to organise themselves and take action.

While the 8 action zones are not everything that ZimRights members work on, they represent areas of critical interest.

Human Rights Monitoring and Response

Human rights are the primary work of ZimRights. In the Human Rights Monitoring and Response Action Zone, ZimRights members are citizen human rights monitors who document human rights violations in their communities and take steps to find redress and to ensure victims receive support. This action zones creates connections directly to relevant national human rights institutions.

Civic Education

This action zone works toward dissemination of human rights knowledge through training and other creative awareness activities.

Right to Peace Action Zone

The right to peace action zone is the communities' peace building group that explores the link between peacebuilding and human rights. It organises communities to realise peace as a right. They work to detect threats to peace and work toward combatting them without violence.

Mobilisation

This is the evangelisation arm of the association that explores tools and strategies to recruit more members into ZimRights. This action zone works round the clock to find new ways and approaches to building the critical mass necessary to make change possible in communities.

Youth Zone

This zone works towards developing, inspiring and empowering the next generation of human rights activists by engaging young people through various tools to take leadership in tackling key human rights issues not merely as a key group but as leaders themselves. It harnesses the power and energy of the youths to lead a positive transformative agenda on human rights.

Elections and Democracy

This action zone creates space for citizen participation in democratic processes not merely as an electorate but as key influencers of issues that affect the ballot and processes that unlock the electoral processes to deliver peace, prosperity and stability. They act as citizen observers, mobilisers and information agents.

Women and Human Rights

This action zone acknowledges the harmful power imbalances and relationships and practices that impede women's

participation and leadership in the welfare of their communities and works towards inspiring and empowering women to lead the human rights discourse.

Media and Advocacy

This action zone uses media as a tool to advance all emerging human rights issues. It brings together new media advocacy models as well as grassroots approaches to shine the spotlight on important human rights issues.

WHEN CAN ONE LOSE MEMBERSHIP?

All membership levels in ZimRights can be terminated in certain circumstances.

a. Termination by the National Council

Section 8.4 of the ZimRights Constitution gives the National Council power to terminate membership. Termination, however follows a disciplinary process outlined in section 8.5, which gives the member the right to be heard before termination.

b. Termination by resignation

Section 8.5.2 provides for a member to voluntarily resign from the association. This is important in respect of the freedom of assembly as enshrined in the Constitution of Zimbabwe.

c. Failure to pay subscriptions

If a member fails to pay their subscriptions, the ZimRights Constitution section 8.5.3. A member who is affected by this must have received a request for payment in writing and must have failed to do so. They are also given grace period of three months. If they still fail, then membership is terminated.



RESOURCES

WHAT RESOURCES ARE AVAILABLE TO ME AS A MEMBER?

As a ZimRights member, you have access to so many resources to advance your mission. We have listed here some of the resources that are available at the offices or on the website.



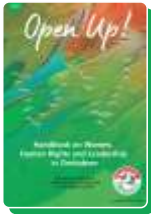
Members Handbook

This handbook is your most important resource as a ZimRights member. It is the roadmap that helps to make effective use of your membership. At the back of the Handbook, you will find the ZimRights Constitution and the PVO Act.



The Constitution of Zimbabwe

The Constitution of Zimbabwe is an important resource which houses the Bill of Rights. Make sure you get your copy of the Constitution from ZimRights Offices.



The Open Up Handbook

ZimRights acknowledges the role that women play in advancing human rights. We have therefore developed the Open Up Handbooks to support women leadership in advancing human rights. This handbook was written in collaboration with women activists from our 11 regional councils.



The Right to Peace Manual

The Right to Peace Manual is the essential handbook for peacebuilding which follows the Right to Peace Approach to peacebuilding as outlined in the 1984 UN Declaration on the Rights of Peoples to Peace.



The Level Up Handbook

The Level Up Handbook is designed for young people in high schools who want to form human rights or constitution clubs to advance human rights and constitutionalism. It is rich in information and exercises.



Constitution Clubs

Constitution clubs are an exciting innovation that brings human rights advocacy to high school learners, incorporating it into their existing clubs. So far, 15 high school clubs are being supported under this initiative.



ZimRights Youth Zone

These are safe spaces for young people to engage regularly in the human rights discourse. Monthly human rights dialogues are convened with different speakers at the Harare, Bulawayo and Masvingo Zone.



The Defender Magazine

In March 2022, we launched a new resource, the Defender Magazine, a lifestyle magazine that celebrates and showcases the work of human rights defenders.



Amalungelo Kodzero Knowledge Centre

This is an online human rights learning platforms that allows us to deliver online all the content we deliver offline in our programme. The platforms is designed to cater for those citizens whose lifestyles make it difficult for them to participate in our offline programming. AKKC allows them to log in and take courses on different human rights themes with tools to allow them to take action independent of us.

The Champion 4Rights

Should you stand
for human rights?

human rights
everything.

ve in.
e in.
6

ee 08080 487
ership@zimrights.org.zw
imrights.org.zw



How We F our home after protesting corruption in Gove

By Godess Bvutukwa

I never thought I would ever jump over the wall of our house fleeing from a truck packed with riot police and two cars with police officers in civilian clothes parked outside our gate.

In a narration titled, "How Zimbabwean Hospitals Have Turned Into Human Abattoirs," a doctor leaked photos from Parirenyatwa Hospital, of seven babies who had died in one night, because of the rapture of the mothers' uteruses who did not get surgery soon enough. After reading

that, I knew I was going to part in the July 31 protests which the government had called illegal.

My major fear was sexual assault rather than arrest because of government use of sexual assault and subjugate women who part in political activism and something I had blogged. My husband decided to join me for a minute and holding our hands, we marched for about two hours in our neighbourhood. As we ro

JANUAR



Youth Ideas Market

The Youth Ideas Market is a virtual market place of ideas, a platform that we created for young people to bring forward their dreams of a world they want to create and we work with them to make it a reality.



The ZimRights Website

The ZimRights Website is a gold mine. It carries so far over 75 human rights reports, over 30 blog articles and about 15 policy briefs. Whether you are an activist, a campaigner or a researcher, the ZimRights website provides a rich source of human rights knowledge. These resources are updated regularly to ensure that everything we produce is available to you.



The ZimRights App

Because we know human rights work never stops when you are on the move, we have developed a ZimRights App, available on both Google Play and on the Appstore. Besides access to all the reports that are on the website, you also have additional resources for members which include a panic button when you need help like legal support.

LAST WORD: NOW WHAT?

If you have gone through this entire handbook, congratulations. Your heart is in the right place. If you are a new member, we wish you a successful journey in defence of human rights. You are our champion. You have seen that there is so much work to be done.

Our role as a community is to support each other. A number of support systems have been set up by those who came before us. Our goal is to strengthen those mechanisms and create more that move along with our times.

We now invite you to take advantage of this information and help us make our world a better place. Use the details at the back to share feedback with us. If there is a question that we did not answer, again, please shoot. We will gladly respond. But if you also have success stories to share with us, dreams, ideas – do not hesitate.

For now, enough talk. Action begins. Get back to your zone and let's get to work.



ANNEXURES

ANNEXURE 1

ZIMRIGHTS CONSTITUTION



W/O 3/93
Campaigners for Human Rights

THE CONSTITUTION OF THE ZIMBABWE HUMAN RIGHTS ASSOCIATION

As adopted by the 1995 Annual General Meeting, further amended by December 2001 Annual General Meeting, and 2012 Annual General Meeting, further amended by the Annual General Meeting of March 2015 and the Extra General Meeting of June 2015.

Preamble

Every human being is endowed with the same human dignity and is entitled to expect that such human dignity will be respected by others, regardless of race, colour, religious beliefs, sex, age, political beliefs, political affiliations or social status. Each individual also has the duty to ensure respect for the rights of others. Respect for the fundamental rights of all persons is an essential requirement of a just society. Respect for fundamental rights and dignity contributes to peace and stability, and Zimbabwe must vigorously pursue the goal set out in the United Nations Covenants and Declaration of Human Rights, and other relevant United Nations Covenant and Declarations, the African Charter on Human and People's Rights, the Zimbabwe Constitution's



Declaration of Rights and other relevant national and international human rights instruments. ZIMRIGHTS shall continuously seek the objective interpretation of human rights at both local and international level.

Accordingly, ZIMRIGHTS supports peace and peaceful resolution of differences of people and will participate in the promotion of cultural heritage of the people of Zimbabwe.

Therefore; There shall be established an organisation known as the Zimbabwe Human Rights Association, which organisation may be referred to as “ZIMRIGHTS”.

1. THE NAME

The name of the Organisation shall be “The Zimbabwe Human Rights Association” (“ZIMRIGHTS”).

2. LEGAL STATUS

ZIMRIGHTS shall be a body corporate with perpetual succession, capable of:

- 2.1. acquiring, holding and alienating property separately from its members; and
- 2.2. acquiring rights and incurring obligations separately from its members and 2.3. suing and being sued in its own name;

And generally, subject to this Constitution, capable of doing anything that bodies corporate may lawfully do.



3. NON PROFIT MAKING STATUS

3.1. ZIMRIGHTS is not formed and does not exist for the purpose of carrying on any business that has as its object the making of gain or profit.

3.2. The income and assets of ZIMRIGHTS shall be applied solely for the promotion of the objectives for which it is established.

3.3. No part of the income or assets of ZIMRIGHTS shall be paid, directly or indirectly, by way of dividend to any person or organisation.

4. PRINCIPAL OFFICE

The principal office of ZIMRIGHTS shall be at Harare, Zimbabwe, or at any other such place as the National Council determines.

5. AIMS & OBJECTIVES

ZIMRIGHTS' aims and objectives are:

5.1. to conduct public education programmes to inform people and create awareness about their fundamental civil and political, economic social and cultural rights and their duties to ensure the respect for the rights of others.

5.2. to ensure that communities, party organs, local institutions, law enforcement agencies, government and any other institutions respect the fundamental rights of all persons;

5.3. to carry out investigations into alleged human rights violations, including killings, disappearances, torture, intimidation



and unlawful arrest and detention in general;

5.4. to oppose detention without trial;

5.5. to give assistance to victims of human rights abuses to claim their legal and justiciable remedies;

5.6. to open channels of communication with relevant public authorities in order to report human rights abuses; to call upon the authorities to put a stop to these abuses; to provide redress to those harmed by abuses; to suggest ways of removing the underlying causes of human rights abuses so as to ensure that these do not recur.

5.7. to assist and empower the marginalised in society to organise themselves in order that they be aware of their rights, so as to seek an improvement in their lives;

5.8. to give a voice to the voiceless, the oppressed and the disadvantaged groups;

5.9. to carry out research into injustices and human rights violations in order to identify the underlying causes; and find ways of remedying these, to compile documentation into these matters and make recommendations based upon the results of the research;

5.10. to campaign for the abolition of the death penalty;

5.11. to encourage the Zimbabwean government to ratify and constitutionalise all international human rights instruments and



to fulfil their obligations under the same instruments;

5.12. to cooperate and network with other human rights organisations locally, regionally and internationally who are striving to advance the cause of human rights; and

5.13. to take any other appropriate action to carry out the above objects of ZIMRIGHTS.

6. POWERS OF THE ORGANISATION

ZIMRIGHTS shall have all such powers as are necessary for the proper attainment of the aims and objectives set out in Article 5 above and shall, in particular, have the following express powers;

6.1. to foster among individuals and groups respect for human dignity regardless of race, colour, religion, sex, age, or social status;

6.2. to promote the practice of social, economic, legal and natural justice so as to bring about social harmony and peace;

6.3. to contribute to the local, national and international efforts to establish a more just and peaceful order;

6.4. to raise the necessary financial and resources to carry out its work;

6.5. to continuously review human rights values and standards for the people of Zimbabwe;

6.6. to promote or carry out relevant research;



6.7. to cooperate with other bodies in similar fields;

6.8. to acquire any movable or immovable property calculated for the benefit of the association and to advance its objects and to maintain improve and alter any of the association's property;

6.9. to institute, conduct, defend, compound or abandon any legal proceedings by or against the association and to draw, accept, endorse, make and accept bills of exchange, promissory notes, cheques, and other negotiable instruments connected with the business and affairs of the association;

6.10. to invest and deal with any moneys of the association not immediately required for the purposes of the association;

6.11. to secure the fulfilment of any contracts or engagements entered into by the association by mortgage of all or any part of the property of the association;

6.12. to establish, promote, or assist in establishing any association or society whose objectives are similar or partly similar to the objectives of the association, or the establishment or promotion of which may be beneficial to the association; and

6.13. to support and subscribe to any institution or society which may be for the benefit of the association or for its employees.

7. THE STRUCTURE

ZIMRIGHTS shall consist of the following organs; the Annual General Meeting, the National Council, the Regional Council, Local Council and the Secretariat.



8. MEMBERSHIP

8.1. Membership to ZIMRIGHTS shall be open to persons who:

- 8.1.1. subscribe to the aims and objectives of the organisation;
- 8.1.2. make an application for membership in the prescribed form;
- 8.1.3. who have paid a membership fee as determined by the National Council; and 8.1.4. have been made honorary members by the National Council.

8.2. Members shall;

- 8.2.1. pay annual subscription fees as determined by the National Council in concurrence with the organization's fiscal year;
- 8.2.2. abide by the provisions of the organisation's constitution; and
- 8.2.3. observe and attend scheduled meetings;

8.3. Members shall participate and vote at the annual general meeting provided they are delegates as provided herein.

8.4. Before admission a prospective member must complete a prescribed application form and the National Council shall the power to approve or reject application for membership or to terminate the membership of any member provided that the member shall have the right to be heard by the committee before a final decision is made.

8.5. Membership may be terminated if;

- 8.5.1. the disciplinary committee finds the member to have breached the ZIMRIGHTS Code of Conduct and the Annual



General Meeting has decided to uphold the decision of the Disciplinary Committee to dismiss a member by a simple majority.

8.5.2. the member voluntarily resigns at any time by submitting a notice of resignation to the Management Committee;

8.5.3. a member fails to pay an annual subscription fee, after being served with a notice requesting payment, and fails to make such payment within three (3) months, of a new calendar year; provided that after failing to pay within three (3) months the said member shall be give a grace period of a further three (3) months to pay the subscription fee; and

8.6. Any person who has ceased to be a member in terms of the foregoing provisions may be re-admitted into the organisation after five (5) years by a two-thirds majority of the National Council.

8.7. All members shall communicate their addresses and other contact details from time to time to the National Director who shall keep a register of the names of the members of the organisation and of their addresses and contact details.

8.8. Notice of each meeting will be deemed to have been given to every member to whose regional chairperson a written notice has been posted, faxed or emailed. No meeting shall be invalidated by the inadvertent or accidental omission of notice to any member. In the event of any member failing to register their address, or in the event of letters posted to their registered address being returned, or e-mails bouncing, such notice shall be considered as having been properly given.



8.9. Every person, upon becoming a member of the association, shall be furnished with a copy of the organisation's constitution together with any by-laws and code of conduct that may be in place.

9. GENERAL MEETINGS

9.1. The Annual General Meeting of the organization shall take place no later than April each year; at a time and place to be determined by the National Council and shall be the organization's supreme decision-making body.

9.2. The annual General Meeting shall:

9.2.1. elect the National Chairperson, Vice National Chairperson, National Treasurer, and 7 (seven) other members if it is an elective Annual General Meeting.

9.2.2. among the top three positions of chairperson, vice chairperson and treasurer at least one of them shall be a woman and for the seven three shall be women, three shall be man and one shall be a representative of people with disability.

9.2.3. discuss policy guidelines for the association.

9.2.4. consider and approve the budget as well as the auditors

9.2.5. consider the auditors' report and approve the financial report;

9.2.6. consider any recommendations of the National Council and come up with appropriate resolutions or policy positions;

9.2.7. pass resolutions for the disposal or sale of immovable property and

9.2.8 consider any other appropriate motions.



9.3. Twenty-one (21) calendar days' notice of any general meeting (ordinary or extra-ordinary) shall be given to all members, through their respective Regional Councils, stating the agenda/and or the business to be transacted at the meeting.

9.4. Notice of each meeting will be deemed to have been given to every member to who regional council has been informed of the same by written notice or telephoned provided that no meeting shall be invalidated by the inadvertent or accidental omission of notice to any member.

9.5. Each region shall second eight (8) elected delegates and be represented at general meetings by the said delegates who shall have the exclusive right to move motions and vote.

9.6. The sitting national council members directly elected at an AGM shall also be delegated to the AGM with the rights to vote and be voted if they are still eligible for re-election.

9.7. The eight (8) delegates from each region have one vote each.

9.8. Only delegates have the right to contest and vote for elective posts of National Chairperson, National Vice-Chairperson and National Treasurer and seven (7) committee members.

9.9. Elections shall be conducted and facilitated by an Elections Committee set up for that specific purpose as provided herein.

9.10. Any business, resolution or question submitted to such a meeting for decision shall be decided by a majority vote by way of secret ballot of those present. Such ballot shall be taken in such a



manner and at such a time and place as the Elections Committee may direct. A declaration by the chairperson of the Election Committee of the result shall be conclusive.

9.11. The quorum for a general meeting shall be two-thirds of delegates entitled to vote thereat; provided that if no quorum be present within one hour after the time fixed for the meeting it shall be postponed to the same day and hour in the following month and at such adjourned meeting, the delegates present shall be deemed to be a quorum for the transaction of the business of the meeting.

9.12. The National Chairperson shall chair all general meetings and, in his/her absence, shall be replaced by the vice-chairperson. Should both be absent, the members present shall elect a chairperson for that meeting from among the delegates present.

9.13. The chairperson of any general meeting may, with the consent of the meeting decided by majority vote, adjourn the meeting from place to place and from time to time but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

9.14. Subject to the provisions of clause 12.2, persons elected vice chairperson, and treasurer at the Annual General Meeting shall automatically become members of the management committee and their designated responsibilities at general meetings, shall apply mutatis mutandis to their roles in the management committee; provided that such officers may serve for a period not exceeding two terms in aggregate in the same designation.



9.15. An Extraordinary General Meeting may be called at any time at the request of at least twenty-five (25) paid up members. A notice explaining the place, date, time and reason shall be sent to all members three weeks beforehand.

10. NATIONAL COUNCIL

10.1. There shall be a National Council constituted of the National Chairperson, National Vice Chairperson, National Treasurer, (7) seven elected committee members and 11 regional council chairpersons elected at their respective elective regional general meetings, and the National Director in ex officio capacity without voting rights.

10.2. The National Council shall have the power:

10.2.1. to implement organisational policies as formulated by the Annual General Meeting.

10.2.2. to design and sharpen the strategies for the implementation of the above mentioned policies;

10.2.3. to oversee the activities of the Management Committee and ensure that the same is accountable;

10.2.4. to put in place such committees as may be necessary to implement its mandate;

10.2.5. to ensure availability of adequate resources and to decide on investment, fundraising, borrowing, buying and disposal of assets provided that no disposal of any immovable property shall be done by the National Council without the prior approval of the membership by resolution passed at an Annual General Meeting; and

10.2.6. to determine, monitor and strengthen the organisation's programmes and ensure effective planning.



10.3. Each National Council's term of office shall be three (3) years.

10.4.A National council member shall serve 1 (one) term of 3 (three) years and being eligible for re-election once in the same position.

10.5.A member of the National Council shall vacate office if:

10.5.1. he/she resigns from his/her office and notice of such resignation is communicated to the Chairperson in writing;

10.5.2. he/she becomes of unsound mind, insolvent, is in any other way incapable of managing the affairs of ZIMRIGHTS, or has come under some legal disability;

10.5.3. members in a general meeting decide that such member has acted in a manner that is incompatible with the calling of the office or the objectives of the organisation;

10.5.4. he/she, without reasonable excuse, does not attend three consecutive meetings;

10.5.5. he/she is found guilty by competent court of law of a crime against humanity or violation of rights of others;

10.5.6. he/she fails to attend three (3) executive meetings without reasonable cause or reason and;

10.5.7. he/she holds office in any political party; Provided that in the event of resignation, death, removal or dismissal of a member of national council, the remaining members shall appoint a suitable replacement who shall hold office until election of a suitable replacement by the next Annual General Meeting.

10.6.The National Council shall, at its first meeting after the Annual General Meeting, elect two (2) of its members to serve in



the management committee. It shall further elect five (5) members, to serve in the Election Committee and Disciplinary Committee, respectively.

10.7. The National Council shall meet at least twice a year. At least two (2) weeks' notice shall be given of all such meetings unless members of the National Council agree to accept shorter notice.

10.8. The quorum for a meeting shall be one third of the members of the National Council.

10.9. Any decision of the National Council shall be by majority vote by show of hands of those present or by secret ballot. Each member shall have one (1) vote and the chairperson of the meeting shall have a casting vote.

11. REGIONAL COUNCILS

11.1. The National Council shall have the responsibility to establish Regional Councils in all the political and administrative provinces in Zimbabwe.

11.2. The Regional Council shall comprise:-

11.2.1. of a Chairperson, Vice Chairperson, Treasurer, Secretary and four (4) committee members being two (2) women and two (2) youths directly elected by the region at an annual general meeting of the regional members.

11.2.2. at least one of the top three elected at a regional AGM shall be a woman.

11.2.3. The regional chairperson becomes a regional representative at the National Council.



11.2.4. The regional chairperson and the other members of the regional council shall be delegates to the annual general meeting as provided under article 9.5 and 9.6 of this Constitution.

11.2.5. For purposes of this Constitution youths (male and female) are defined as anyone between the age of 15-35 years.

11.2.6. a Regional Coordinator shall be an ex officio member of the Regional Council without voting rights.

11.3. Persons elected to the position of National Chairperson, National Vice Chairperson and National Treasurer shall not hold office in the Regional Council.

11.4. If a regional council member is elected to national council position as National Chairperson, National Treasurer or Secretary, their positions shall be replaced through an election by the same regional council.

11.5. Duties of the Regional Council shall be to:

11.5.1. promote the objectives of ZIMRIGHTS in the region;

11.5.2. carry out functions determined by the members in the region;

11.5.3. act as a link between the National Council and the local members for purposes of coordinating local activities.

11.5.4. facilitate the emergence and sustenance of a cohesive human rights constituency in the region through the setting up of local committees that could respond and influence change for the benefit of the community.

11.5.5. hold an Annual General Meeting before the National Annual General Meeting. This Regional Annual General



Meeting shall be convened for purposes of reviewing progress, identifying issues for the following year, and once every three years electing new office bearers and a representative chairperson to the National Council.

11.6. Regional Council office bearers shall serve 1 (one) term of 3 (three) years and being eligible for re-election once in the same position.

11.7. To be elected Chairperson of a region, a candidate should be of good standing and shall have been a member of ZIMRIGHTS for at least three (3) years.

11.8. No one holding any political party position at any level shall be eligible for election in any ZIMRIGHTS structure.

11.9. There shall be local councils which are established and constituted in the similar manner and fashion as the Regional Council.

12. MANAGEMENT COMMITTEE

12.1. The National Council shall delegate, its power to run the affairs and business of ZIMRIGHTS to a committee, which shall be referred to as the Management Committee and which Management Committee shall remain accountable to the National Council.

12.2. The members of the Management Committee shall comprise of five (5) individuals, that is, the vice Chairperson and National Treasurer elected at the Annual General Meeting and three (3)



other members seconded by the National Council, provided that:

12.2.1. The Vice Chairperson shall be a part of the Management Committee and shall head the Management Committee; and

12.2.2. The chairperson shall attend some meetings of the Management Committee with right to vote and speak.

12.3. The Management Committee shall meet at least once every three (3) months, and a record of such meetings shall be maintained for presentation to the National Council by the Management Committee.

12.4. The National Director shall attend all meetings of the Management Committee and act as the secretary of the Management Committee, which role shall include the recording the proceedings of the meetings.

12.5. Where the National Director for reasonable cause cannot attend such meetings of the Management Committee, the Programmes Coordinator or any other senior member of the Secretariat appointed by the National Director to represent the National Director shall so attend and so carry out such functions in the National's Director's stead.

13. THE SECRETARIAT

13.1. There shall be established a Secretariat which shall be housed at the headquarters of ZIMRIGHTS, and in any other region as shall be determined by National Council.

13.2. The Management Committee shall appoint and shall fix their



terms and conditions of service for the following members of the secretariat.

- 13.2.1. a National Director;
- 13.2.2. a Programmes Coordinator;
- 13.2.3. a Finance and Administration Manager and
- 13.2.4. regional co-coordinators.

13.3. The National Director shall be the head of the Secretariat of the organisation responsible to the Management Committee for the effective administration of the organisation's operations, including;

- 13.3.1. managing and directing all the organisation's programmes to ensure cost-effective and efficient utilisation of human, financial and material resources;
- 13.3.2. negotiating with donors for the acquisition of resources for the organisation;
- 13.3.3. overseeing the recruitment, selection and performance of additional programmes staff;
- 13.3.4. acting as the secretary of the Management Committee and the National Council and performing such other duties as the Management Committee and the National Council may assign him/her and

13.4. The National Director shall, with the Management Committee's oversight, appoint other employees in addition to the Programmes Coordinator, Finance and Administration Manager, and regional coordinators as may be necessary to execute the organisation's programmatic mandate.

14. INCOME AND PROPERTY



14.1. The organisation shall maintain a written register of all assets owned by it.

14.2. The organisation may not pay or transfer any of its money or assets to any member or office bearer.

14.3. Members and office bearers will not have any rights to assets of the organisation.

14.4. The sources of income of the organisation shall be:

14.4.1. membership fees that shall be decided by the National Council;

14.4.2. various dues that shall be decided by the National Council;

14.4.3. donor support;

14.4.4. renumerated services by the organisation that are not commercial;

14.4.5. any other income provided it falls within the constitution of the organisation and;

14.4.6. such other sources of funding as may be determined by the National Council to be appropriate from time to time.

15. FINANCE AND AUDIT

15.1. The financial year of the organisation shall be from 1 January of each year to 31 December of the same year.

15.2. All moneys received by or on behalf of the organisation shall, in the first instance, be paid to such bank accounts as the Management Committee shall from time to time open and



operate on behalf of the organisation;

15.3. Each of the organisation's bank accounts shall have at least two signatories who shall be determined by the Management Committee;

15.4. The National Director shall ensure that full and proper accounts are kept in respect of all the organisation's transactions involving the receipt and expenditure of money and the acquisition of property;

15.5. The organisation's accounts shall be audited each year by a person who is registered as a public auditor and who is appointed by the delegates at the organisation's Annual General Meeting;

15.6. The National Treasurer shall, with the consent of the Management Committee, have the power to carry out an audit him/herself or through auditors approved by the management committee.

16. ELECTION COMMITTEE

16.1. There shall be an Election Committee, who duties subject to this Constitution and the Elections By-laws attached as Appendix 1, shall be to manage and facilitate the organisation's electoral processes.

16.2. Such committee shall consist of five (5), two (2) members elected from within the National Council for such purpose, who shall, at their inaugural meeting, elect one of their own to be chairperson of the committee and three (3) other elected from the



delegates to the annual general meeting.

16.3. The Committee shall be made up of persons other than the National Chairperson, National Vice Chairperson, National Treasurer, and any members elected into the Management Committee.

16.4. The committee's tenure shall be three (3) years in line with that of the National Council.

16.5. A quorum of the Elections Committee shall be three (3) members.

16.6. Should any vacancy occur in the Elections Committee, or should the appointed members be unable to conduct business on the grounds of fairness or any other good reason, the National Council shall have the powers to fill in such vacancies or to appoint an adhoc Elections Committee including when an Elections Committee member is contesting for elective office.

16.7. The Elections Committee shall run all ZIMRIGHTS elections with the exception of national elections. For national elections the Elections Committee will engage the services of an individual or organisation with election experience to provide technical support in preparing ballot papers and make preparations for a secret ballot, ballot boxes and setting up the machinery necessary for effective supervision and counting of.

16.8. The Election Committee shall prepare a nomination form which shall be completed by all persons seeking office and then conveyed to the individual or organisation engaged for electoral



services.

16.9. At each annual general meeting, the individual or organisation providing electoral services shall be appointed and affirmed by the delegates present for conducting of ZIMRIGHTS elections and by election. This appointment shall be renewed yearly.

17. DISCIPLINARY COMMITTEE

17.1. There shall be a Disciplinary Committee, whose duties subject to this Constitution and the Code of Conduct attached as Appendix 2, shall be to investigate breaches of this Constitution and, breaches of the fore said Code of Conduct.

17.2. The Disciplinary Committee shall preside over hearings and make determinations in respect of any allegations of misconduct by members of ZIMRIGHTS and shall the power to impose any penalties that are competent in terms hereof, and the Code of Conduct.

17.3. Such committee shall consist of five (5) members, elected from within the National Council for such purpose, who shall, at their inaugural meeting, elect one of their own to be chairperson of the committee.

17.4. The committee's tenure shall be three (3) years.

17.5. The committee shall be made; up of persons other than the National Chairperson, National Vice Chairperson, National Treasurer, any members elected into the Management



Committee.

17.6. A quorum of the Disciplinary Committee shall be three (3) members.

17.7. Should any vacancy occur in the Disciplinary Committee, or should the appointed Members be unable to sit on the grounds of fairness or any other good reason, the National Council shall have the powers to fill in such vacancies or to appoint an ad hoc Disciplinary Committee.

18. OTHER COMMITTEES

18.1. The National Council may constitute and appoint such other committees as may be necessary from time to time and dissolve them as and when they have discharged their stated mandates.

18.2. The National Chairperson shall constitute an ad-hoc advisory council/committee for purposes of sharing experiences and counsel to the Chairperson when need arises.

18.3. This Advisory Council/Committee shall have not more than three (3) members of which one should not have occupied any elective position or full time employment with ZIMRIGHTS.

18.4. Upon constituting the Advisory Council/Committee, the National Chairperson shall send an official notification to the National Council including the terms of reference for the Advisory Council/Committee for adoption or non-adoption.

19. BYLAWS AND CODE OF CONDUCT



The organisation may make such bylaws as may be necessary including bylaws to govern matters pertaining to elections for all its structures and may also make a code of conduct for its members provided that the Annual General Meeting approves the same.

20. SPOKESPERSONS

20.1. The National Chairperson and the National Director are the only approved individuals to make official pronouncements on behalf of the organisation on policy and operations or programming respectively.

20.2. The National Chairperson shall only make pronouncement on issues of policy in line with the resolutions of the National Council unless it is an ad hoc decision in terms of which she or he shall first consult two thirds of National Council members through available documented means.

20.3. If the National Chairperson's pronouncement is through a press release, the release shall be submitted through the National office.

20.4. The National Director shall have the discretion to pronounce any position of ZIMRIGHTS relating to its operations or programming through press release or viva vocae.

20.5. The National Director in consultation with the National Chairperson may pronounce the organisation's position on policy where such pronouncement may be of urgent nature provided there is a national council resolution speaking to that position in her or his position.



21. AMENDMENTS

21.1. Any proposed amendments to this Constitution must be submitted in writing by delegates to the Chairperson, at least two (2) weeks before the Annual General Meeting, at which they would be raised.

21.2. Any proposed amendments to this Constitution shall be valid when passed by two-thirds majority of the total number of delegates entitled to attend at an annual general meeting.

21.3. Proxy votes shall be accepted and received by the National Chairperson, through National Office no later than 5 (five) working days before the Annual General Meeting.

22. DISSOLUTION

22.1. ZIMRIGHTS may be dissolved by a resolution passed at least two thirds of paid-up members, at a special meeting called for this purpose.

22.2. Ninety-day (90) notice of this special meeting shall be delivered via postage, electronic mail or snail mail to each and every paid-up member.

22.3. In the event of a dissolution, the assets of ZIMRIGHTS remaining after the discharge of its liabilities shall be disposed of by the National Council in such manner as the National Council may by resolution determine, provided that no property whatsoever shall be given or transferred to or distributed to any individuals, but it shall be given or transferred to some other institution involved in



human rights work, and which similarly prohibits the distribution of its assets amongst its members or trustees.

23. CUSTODY OF THE CONSTITUTION

23.1. The National Chairperson, Vice Chairperson and Treasurer, shall append signatures to the approved and or amended Constitution which will be transmitted to ZIMRIGHTS bankers for safe keeping by the authorized signatories including the Treasurer and National Director.

23.2. Any paid-up member shall request the production of the document giving no less than thirty (30) days' notices upon which authorized signatories will be required to sign for the document upon request giving the bank no less 14 days.



The National Chairperson and the National Director are the only approved individuals to make official pronouncements on behalf of the organisation on policy and operations or programming respectively.”

ANNEXURE 2

ZIMRIGHTS CODE OF CONDUCT



W/O 3/93
Campaigners for Human Rights

CODE OF CONDUCT FOR THE ZIMBABWE HUMAN RIGHTS ASSOCIATION

As adopted by the 2012 Annual General Meeting.

INTRODUCTION & PURPOSE

1. The Zimbabwe Human Rights Association ("ZIMRIGHTS") is a non-political, voluntary and non-profit making organization registered as a Private Voluntary Organization (PVO) under the provisions of the Private Voluntary Organizations Act [Chapter 17:05] whose core business is the promotion and protection of citizen rights in Zimbabwe.

2. This Code establishes the standards of conduct that govern the voluntary and ethical responsibilities of members of ZIMRIGHTS as human rights defenders and activists.

3. The Code is intended to supplement, and should be read in conjunction with the ZIMRIGHTS constitution.



4. The Code of Conduct aims to make the ZIMRIGHTS membership united, stronger and disciplined.

APPLICATION

5. The Code applies to all members of ZIMRIGHTS, including honorary members.

6. The Code is based on ZIMRIGHTS' dedication to the values of respect for the fundamental rights of all persons, honesty, good faith, fairness, accountability, dignity, respect, transparency, openness, discretion, cultural sensitivity and loyalty.

7. Members are expected to comply with the standards of conduct set out in the Code as read together with the organization's constitution. Although the Code cannot anticipate every possible situation, in all cases, members are expected to act honestly and in good faith, as principled human rights defenders.

ADMINISTRATION

8. The Disciplinary Committee is responsible for the administration of the Code, including any matters regarding its interpretation. Members are accountable to this committee for their compliance with the Code.

9. Members are encouraged to bring to the Disciplinary Committee's attention as soon as practicable the conduct of another member that is not in compliance with the Code, if such conduct may threaten the integrity of ZIMRIGHTS.

SPIRIT OF VOLUNTEERISM

10. Members of ZIMRIGHTS shall be directed by the inherent spirit of



volunteerism. They shall not be paid any kind of salaries or allowances for the time they have devoted or for the works they have undertaken for the organization in the promotion and protection of human rights. They can, however, claim the reimbursement of the expenses reasonably incurred in the discharge of officially sanctioned activities.

11. Members shall not use their position, role, or ZIMRIGHTS facilities and assets to seek or gain benefits for themselves, their relatives, friends or other third parties.

RESPECT FOR HUMAN RIGHTS

12. Members shall respect each individual's human rights and will not discriminate on the basis of race, color, religion, creed, sex, age, social status, family origin, physical or mental disability, nor will they commit other violations of human rights. Such discrimination will not be tolerated.

13. Members shall be resolute in upholding human rights in everything they do and will not tolerate such discrimination in others. Ignorance and inaction do not constitute excuses for discrimination. Members will make every endeavor to be fully aware of human rights issues and foster respect and equality for all.

14. Members shall conduct themselves in a manner that upholds human rights, ensuring that they act as good human rights ambassadors for ZIMRIGHTS.

COMPLIANCE WITH ALL LAWS AND REGULATIONS

15. Members shall respect and comply with all applicable laws, regulations and statutes, customs and social norms considered to be fair. Violating laws or regulations, even when motivated by a



misguided devotion to the organization, is unacceptable. In this regard, members shall strive to understand all relevant laws and regulations so that their actions as human rights defenders do not fall foul of the law.

MISCONDUCT

16. A member commits misconduct if he or she commits one or more of the following offenses:

16.1. any act of conduct or omission inconsistent with the provisions of the ZIMRIGHTS constitution and any by-laws and other rules made pursuant thereto;

16.2. any act of conduct or omission inconsistent with the obligations of members as outlined in the peremptory provisions of this Code.

16.3. failure to pay annual subscription fees as determined by the National Council;

16.4. failure to observe and attend scheduled meetings; and

16.5. failure to renew his/her membership within six months of the fiscal year.

DISCIPLINARY PROCEDURE

17. Where the Disciplinary Committee has good cause to believe that a member has committed an act of misconduct as contemplated herein, the Disciplinary Committee shall, within one (1) calendar month investigate the matter and conduct a hearing into the alleged misconduct of the member and, may, according to the circumstances of the case:



17.1. serve a notice, in writing, on the member concerned terminating his or her membership if the Disciplinary Committee is satisfied that an act of misconduct has been committed; or

17.2. issue the member concerned with a verbal or written warning where an act of misconduct has been proved but, in the Disciplinary Committee's discretion, does not warrant the termination of membership; or

17.3. serve a notice, in writing, on the member concerned exonerating him/her if the alleged act of misconduct is not proved.

18. At a hearing in terms of section 17, a member shall have the right:

18.1. to at least seven (7) days calendar days' notice of the proceedings against him or her and the charge he or she is facing;

18.2. to appear in person before the disciplinary committee;

18.3. to call witnesses and have them cross-examined;

18.4. to be informed of the reasons for a decision;

18.5. to address in mitigation before ultimate penalty is imposed.

19. A member who is aggrieved by a decision made in terms of section 17 may, in writing, note an appeal within fourteen (14) calendar days with the Chairperson who shall either uphold the appeal or dismiss it within seven (7) days. The National Council's decision shall be final and communicated to the affected member in writing.



Sexual attention	<p>Sexual attention becomes sexual harassment if:</p> <ul style="list-style-type: none"> • The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or • The recipient has made it clear that the behaviour is considered offensive;
	<p>and/or</p> <ul style="list-style-type: none"> • The perpetrator should have known that the behaviour is regarded as unacceptable.
Forms of sexual harassment	<p>Forms of sexual harassment can take are defined as:</p> <ul style="list-style-type: none"> • Non-verbal: looks, gestures, whistling, suggestive symbols, pictures, funny emails, pornographic and any indecent material that may be conveyed through any communication medium. • Verbal: spoken words, shouting, unfair and excessive criticism. • Physical: abusive behaviour, production, hindrance, displaying or circulation of words, pictures, materials,

18.5. An individual will decide what behaviour is acceptable - not what the perpetrator, employer or another colleague finds acceptable. This policy covers all employees, as well as anyone invited onto the premises, including clients and suppliers. Sexual harassment does not refer to occasional compliments of a socially acceptable nature.



18.6. Every supervisor has a responsibility to maintain the work place free of any form of sexual harassment. Everyone in the organisation has the responsibility to prevent bullying and sexual harassment and to report any instances that they are party or witness to.

18.7. Anyone engaging in any improper behaviour or sexual harassment on the premises or anywhere else while on organisational business will be subject to disciplinary action, up to and including dismissal.

18.8. Employees who feel that they are being harassed in any way in the workplace are encouraged to approach their own immediate supervisor, any manager, or the Director. Either the employee or the manager must notify Human Resources/ Administration Department.

18.9. All complaints of harassment will be taken seriously, will be held in strict confidence and will be investigated promptly and in an impartial manner. Only if these instances are reported can the organisation take action to correct the situation.

18.10. Any victimisation of, or retaliation against, a complainant or an employee who gives evidence regarding sexual harassment or bullying will be subject to disciplinary action up to and including dismissal.

18.11. **Procedure**

18.11.1. **Stage 1**

If possible, a recipient or a witness to an incidence of harassment should approach the perpetrator and ask him/her to stop.



18.11.2. Stage 2

If the recipient or his/her witness is uncomfortable about approaching the perpetrator or if, having been approached, the perpetrator fails to stop, the victim's supervisor will be approached.

If the recipient or witness feels that, for any reason, the victim's supervisor is not the appropriate person to approach, and then any other member of management will be contacted.

All complaints will be investigated and written records kept of all interviews and investigations. Parties to the issue will have the option to have a colleague or friend present at all interviews.

Penalties may differ depending on the severity of the harassment but the perpetrator will be subject to disciplinary action up to and including summary dismissal.

If it is appropriate that one of the parties be transferred, the complainant will not be transferred unless he/she specifically requests such action.

ANNEXURE 3

PRIVATE VOLUNTARY ORGANISATIONS ACT



W/O 3/93
Campaigners for Human Rights

CHAPTER 17:05

PRIVATE VOLUNTARY ORGANIZATIONS ACT

(updated to reflect amendments as at 1st September 2002
and 1997 Supreme Court decision invalidating section 21)

*Acts 63/1966, 6/1976, 30/1981, 6/1995, 6/2000 (s. 151), 22/2001 (s. 4);
R.G.N. 217/1970.*

ARRANGEMENT OF SECTIONS

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2. Interpretation.



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4. Functions of the Board.
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7. Partial exemptions of private voluntary organizations.
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15. Books, accounts, records, etc.
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AN ACT to provide for the registration of private voluntary organizations, for the control of the collection of contributions for the objects of such organizations and of certain institutions, and for matters incidental thereto.

[Date of commencement: 1st September, 1967.]



PART I

PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Private Voluntary Organizations Act [Chapter 17:05].

2. INTERPRETATION

(1) In this Act:

- **"Board"** means the Private Voluntary Organizations Board established by section three;
- **"contributions"** means movable or immovable property, including money or anything that can be exchanged for or converted into money:
 - (a) which is not transferred in fulfilment of a legally enforceable obligation; and
 - (b) the mere transfer of which does not confer the right to claim any consideration except any consideration in relation to any competition, contest, game, scheme, arrangement or system in connection with which any prize may be won;
- **"contributor"**, in relation to the collection of contributions, means any person from whom contributions are collected;
- **"local authority"** includes such authority as may be prescribed;
- **"Minister"** means the Minister of Public Service, Labour and Social Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act;
- **"private voluntary organization"** means any body or association of persons, corporate or unincorporate, or any institution, the objects of which include or are one or more of the following:



- (a) the provision of all or any of the material, mental, physical or social needs of persons or families;
- (b) the rendering of charity to persons or families in distress;
- (c) the prevention of social distress or destitution of persons or families;
- (d) the provision of assistance in, or promotion of, activities aimed at uplifting the standard of living of persons or families;
- (e) the provision of funds for legal aid;
- (f) the prevention of cruelty to, or the promotion of the welfare of, animals;
- (g) such other objects as may be prescribed;
- (h) the collection of contributions for any of the foregoing; but does not include:
 - (i) any institution or service maintained and controlled by the State or a local authority; or
 - (ii) any religious body in respect of activities confined to religious work; or
 - (iii) any trust established directly by any enactment or registered with the High Court; or
 - (iv) any educational trust approved by the Minister; or
 - (v) any body or association of persons, corporate or unincorporate, the benefits from which are exclusively for its own members; or
 - (vi) any health institution registered under the Health Professions Act [Chapter 27:19], in respect of activities for which it is required to be registered under that Act; or
 - (vii) any body or association in respect of activities carried on for the benefit of a hospital or nursing home which is approved by the Minister; or
 - (viii) any political organization in respect of work confined to political activities; or



(ix) the Zimbabwe Red Cross Society established by the Zimbabwe Red Cross Society Act [Chapter 17:08]; or

(x) such other bodies, associations or institutions as may be prescribed;

- **"register"** means register under section nine;
- **"Registrar"** means the Registrar of Private Voluntary Organizations referred to in section five;
- **"secretary"**, in relation to a private voluntary organization, means the person for the time being responsible for the affairs of such organization.

(2) Notwithstanding subsection (1), where contributions are collected from the public in respect of a body or association referred to in subparagraph (v) or (vii), whether or not such body or association is formed under any enactment, the provisions of this Act, in so far as they are not inconsistent with any other enactment applicable to such body or association, shall apply accordingly.

PART II

PRIVATE VOLUNTARY ORGANIZATIONS BOARD AND REGISTRAR OF PRIVATE VOLUNTARY ORGANIZATIONS

3. PRIVATE VOLUNTARY ORGANIZATIONS BOARD

(1) There is hereby established a board to be known as the Private Voluntary Organizations Board which shall exercise the functions conferred upon it by this Act.

(2) Subject to this section, the Board shall consist of:

- (a) five representatives from private voluntary organizations or organizations which the Minister considers are representative of



private voluntary organizations; and

(b) one representative from such private voluntary organization, association, institution or other organization as the Minister may determine, from each of the provinces into which Zimbabwe is for the time being divided; and

(c) one representative from each of the following Ministries:

- (i) the Ministry for which the Minister is responsible;
- (ii) the Ministry responsible for health and child welfare;
- (iii) the Ministry responsible for justice;
- (iv) the Ministry responsible for finance;
- (v) the Ministry responsible for co-operatives; and
- (vi) the Ministry responsible for foreign affairs;

(d) the Registrar, ex officio.

(3) Members of the Board referred to in paragraphs (a), (b) and (c) of subsection (2) shall be appointed by the Minister from among persons nominated for that purpose by the appropriate association, organization, institution or Ministry.

(4) Before making an appointment in terms of subsection (3), the Minister shall call upon the association, organization, institution or Ministry concerned to nominate such number of persons as the Minister may specify who, in its opinion, are suitable and available for appointment as members of the Board:

Provided that the Minister may:

- (i) appoint a person to be a member of the Board who has not been so nominated and may decline to appoint any person so nominated;
- (ii) where he has called for nominations in terms of this subsection in respect of any appointment to the Board and no nominations have been made in respect of such appointment within such period as he



may determine when calling for such nominations, appoint any person to be a member of the Board whether or not, in his opinion, the person so appointed is able to represent the views of the body whose nominations were called for.

(5) Members of the Board shall be appointed by the Minister for such period, not exceeding three years, as he may specify on their appointment.

(6) The Minister shall designate one of the members to be the chairman of the Board.

(7) A member of the Board who is not in the full-time employment of the State, a statutory body or a local authority shall be paid, out of moneys appropriated for that purpose by Parliament, such remuneration and allowances as may be prescribed.

(8) The meetings and proceedings of the Board shall be as may be prescribed.

4. FUNCTIONS OF THE BOARD

The functions of the Board shall be:

- (a) subject to this Act, to consider and determine every application for registration and every proposed cancellation or amendment of a certificate of registration;
- (b) to hear representations by any association, organization or institution claiming entitlement to be registered as a private voluntary organization;
- (c) to advise the Minister and registered private voluntary organizations in respect of any matter arising out of the administration or operation of this Act or any other matter referred to



it by the Minister or the Registrar;

(d) to promote and encourage the co-ordination of the activities of registered private voluntary organizations having similar or related objects; and

(e) to submit to the Minister an annual report concerning the administration and operation of this Act.

5. REGISTRAR OF PRIVATE VOLUNTARY ORGANIZATIONS

(1) There shall be a Registrar of Private Voluntary Organizations who shall be the person for the time being holding the office of Director of Social Welfare, whose office shall be a public office and form part of the Public Service.

(2) Subject to this Act, the Registrar shall maintain at his office a Register of Private Voluntary Organizations in which he shall enter all such particulars in relation to the registration of private voluntary organizations and their constitutions as he is required to enter by or in terms of this Act or any decision or order of a court.

(3) The Register shall be open to inspection during office hours by any member of the public on payment of the prescribed fee, if any.

PART III

REGISTRATION AND EXEMPTION OF PRIVATE VOLUNTARY ORGANIZATIONS

6. PRIVATE VOLUNTARY ORGANIZATIONS TO BE REGISTERED

(1) No private voluntary organization shall:

(a) commence or continue to carry on its activities; or

(b) seek financial assistance from any source;

unless it has been registered in respect of the particular object or objects in furtherance of which it is being conducted.



(2) No person shall collect contributions from the public except in terms of this Act.

(3) No person shall in any manner take part in the management or control of a private voluntary organisation, knowing that the organisation is contravening subsection (1).

(3a) Any person who contravenes subsection (2) or (3) shall be guilty of an offence and liable:

(a) in the case of a contravention of subsection (2), to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;

(b) in the case of a contravention of subsection (3), to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(4) No unregistered private voluntary organization shall be entitled to receive a grant from the State.

7. PARTIAL EXEMPTIONS OF PRIVATE VOLUNTARY ORGANIZATIONS

(1) The Registrar may, on the application of any registered private voluntary organization made in the prescribed manner, and after consultation with the Board, grant to that organization a certificate exempting it for a stated period and subject to the prescribed conditions, from the operation of any of the provisions of this Act other than section six.

(2) Subject to subsection (3), the Registrar may at any time, after consultation with the Board, cancel or amend any certificate of exemption granted under subsection (1).



(3) Before cancelling or amending a certificate of exemption in terms of subsection (2), the Registrar shall cause written notice of his intention to do so to be given to the secretary of the organisation concerned, and shall afford him a reasonable opportunity of showing cause why the certificate should not be so cancelled or amended.

(4) If the secretary of a private voluntary organisation receives a written request from the Registrar to lodge with him for the purposes of cancellation or amendment any certificate of exemption which has been cancelled or amended, as the case may be, in terms of subsection (2), and, without reasonable excuse, fails to comply with the request within ninety days of receiving it, he shall be guilty of an offence and liable to a fine not exceeding level three or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

8. TEMPORARY AUTHORITY TO COLLECT CONTRIBUTIONS

(1) Notwithstanding any provision of this Act to the contrary, the Registrar may, after consultation with the chairman of the Board, grant to:

- (a) any person or group of persons; or
- (b) any private voluntary organization which is not registered;

written authority to collect contributions for any object referred to in paragraphs (a) to (g) of the definition of "private voluntary organization" in section two, if the Registrar is satisfied that the circumstances giving rise to the proposed collection of contributions are such that the delay which is likely to occur in the registration of a private voluntary organization for the purpose of making such collection will probably prejudice the objects for which such contributions are to be collected.



(2) An authority under subsection (1) shall be granted:

- (a) for a period which shall be stated in the authority but which shall not exceed ninety days: Provided that the period stated in the authority may be extended for a further period not exceeding ninety days; and
- (b) subject to such of the prescribed conditions as the Registrar may impose.

9. REGISTRATION

(1) The secretary of any private voluntary organization which is required to be registered shall lodge with the Registrar in the prescribed manner an application for such registration together with the constitution of the organization.

(2) A private voluntary organization which lodges an application in terms of subsection (1) shall at its own expense publish in a newspaper circulating in the area concerned a notice containing the prescribed information and shall submit proof to the Registrar that such notice has been published.

(3) Any person may within the prescribed period lodge with the Registrar an objection to the grant of the application setting out the grounds on which such objection is made; and the Registrar shall submit any such objection to the Board for consideration.

(4) The Registrar may require any private voluntary organization which has applied for registration to supply any further information in connection with its application which he may deem necessary.

(5) Where the Registrar is satisfied that the requirements referred to in subsections (1), (2), (3) and (4) have been complied with, he shall



submit the application, together with the constitution of the organization, any objection to the grant of the application and any further information supplied in connection with the application to the Board and the Board may:

- (a) after considering the application, grant it and direct the Registrar to issue to the organization concerned a certificate of registration subject to such conditions as the Board may impose; or
- (b) reject the application if it appears to the Board that:
 - (i) the organization is not bona fide operating in furtherance of the objects mentioned in its application for registration; or
 - (ii) the organization does not, in respect of its constitution or management, comply with the provisions of this Act.

(6) Where the Board rejects an application for registration wholly or in part, the Registrar shall notify the applicant organization of the rejection, and inform it of the grounds upon which the rejection was based.

(7) The registration of an organization under this section and the objects in respect of which it has been registered shall be published by the Registrar in the Gazette.

(8) Where a registered private voluntary organization wishes to change its name or add to or alter any of the objects in respect of which it is registered, the secretary thereof shall apply to the Registrar for the certificate of registration thereof to be amended accordingly; and the provisions of this section shall apply, mutatis mutandis, as if such application were an application for registration.

10. CANCELLATION OR AMENDMENT OF CERTIFICATE

(1) The Board may at any time cancel any certificate of registration:



- (a) on any ground, other than a ground referred to in subparagraph (v) or (vi) of paragraph (b) of subsection (5) of section nine upon which he could have rejected an application for registration by the organization concerned; or
- (b) if any remuneration or reward, which in his opinion is excessive in relation to the total value of the contributions received by the organization concerned, has been retained or received by any person other than a person for whose benefit the contributions were intended; or
- (c) if the organization has failed to comply with any condition of its registration; or
- (d) if the organization has ceased to function as a private voluntary organization; or
- (e) if he considers that the objects in respect of which the organization was registered are merely ancillary or incidental to the other objects of the organization or
- (f) if the organization, unless a certificate of exemption has been granted to it under section seven—
 - (i) has failed to submit any report or return in accordance with section fifteen; and
 - (ii) thereafter, having been requested by the Registrar to rectify such default, has failed to do so within three months after receipt of such request.

(2) The Board may at any time direct the Registrar to amend a certificate of registration:

- (a) for the purpose of correcting any error therein or by varying the conditions attaching thereto; or
- (b) by the deletion therefrom of any of the objects in respect of which the organization in question was registered, if in the opinion of the Board the organization is no longer bona fide operating in furtherance



of such objects.

(3) Before cancelling or amending a certificate of registration in terms of subsection (1) or (2) the Registrar shall cause written notice of his intention to do so to be given to the secretary of the organization concerned, and shall afford him a reasonable opportunity of showing cause why the certificate should not be so cancelled or amended.

(4) If the secretary of a private voluntary organization receives a written request from the Registrar to lodge with him for the purposes of cancellation or amendment any certificate of registration granted to such organization and, without reasonable excuse, fails to comply therewith within ninety days of the receipt of such request, he shall be guilty of an offence and liable to a fine not exceeding level three or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

(5) The cancellation of a certificate of registration under this section or the deletion therefrom of any of the objects in respect of which the organization in question was registered, shall be published by the Registrar in the Gazette and shall take effect as from the date mentioned in such publication, whether or not the certificate has been lodged with the Registrar in compliance with a request made under subsection (4).

11. PRIVATE VOLUNTARY ORGANIZATIONS NOT TO CARRY ON ACTIVITIES EXCEPT UNDER REGISTERED NAME

(1) No registered private voluntary organization shall:

- (a) carry on its activities; or
- (b) seek financial assistance from any source; or
- (c) collect contributions from the public; under a name other than the



name under which it is registered.

(2) Any person who in any manner takes part in the management or control of a registered private voluntary organization, knowing that such organization is contravening the provisions of subsection (1), shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

12. SURRENDER OF REGISTRATION CERTIFICATE

The secretary of a registered private voluntary organization may surrender to the Registrar the certificate of registration thereof, and the Registrar may thereupon accept the surrender subject to such of the prescribed conditions as the Registrar may impose.

13. RESTORATION OF CANCELLED OR SURRENDERED CERTIFICATE

Upon the application of the secretary of a private voluntary organization the certificate of registration whereof has been cancelled or surrendered, the Registrar may grant to the organization a fresh certificate of registration and section nine shall apply, mutatis mutandis, in connection with an application for, and the granting of, a certificate of registration under this section.

14. APPEALS

(1) Any private voluntary organization which is aggrieved by any decision of the Board relating to the rejection, either wholly or in part, of an application for registration or exemption or to the cancellation, amendment, surrender or restoration of a certificate of registration or exemption, may appeal against that decision to the Minister.



(2) The Minister may confirm the decision of the Board or, subject to this Act, give such other decision as in his opinion the Board ought to have given, and may instruct the Board to do everything necessary to give effect to his decision.

PART IV

ADMINISTRATION OF PRIVATE VOLUNTARY ORGANIZATIONS

15. BOOKS, ACCOUNTS, RECORDS, ETC.

The secretary of every registered private voluntary organization shall be responsible for ensuring that books, accounts and records are kept to the satisfaction of the Registrar and shall within the prescribed period render to the Registrar the prescribed reports and returns and such additional information as may be required by the Registrar.

16. REGISTERED ADDRESS

(1) Every registered private voluntary organization shall have a registered address in Zimbabwe.

(2) Notice of any change of the registered address shall be given within twenty-one days thereof to the Registrar.

17. BRANCH COMMITTEES

(1) Every registered private voluntary organization which conducts its operations wholly or partly through branches established and functioning under the control and direction thereof shall constitute a committee for every such branch and the said organization shall grant to every such branch a letter of delegation in the prescribed form and subject to the prescribed conditions.



(2) Upon the cancellation or surrender of a certificate of registration issued to a private voluntary organization, any delegation granted thereby to any branch thereof shall automatically lapse.

18. BRANCHES NOT CONTROLLED BY PRIVATE VOLUNTARY ORGANIZATION

The Registrar, after consultation with the Board, may determine that any branch of a private voluntary organization which is not subject to the control and direction of that organization shall, for the purposes of this Act, be deemed to be an independent and separate private voluntary organization.

19. AUDIT OF ACCOUNTS

The secretary of every private voluntary organization shall, within three months after the end of each financial year of that organization, cause an account of its expenditure and revenue for that financial year to be audited by an auditor registered as a public auditor in terms of the Public Accountants and Auditors Act [Chapter 27:12]:

Provided that if the Board is satisfied that the financial position of a private voluntary organization is such that the employment of such an auditor is not justified he may, subject to such conditions as he may determine, authorize the appointment of some other person to audit the accounts.

20. INSPECTIONS AND EXAMINATION OF ACCOUNTS

(1) The Minister may appoint any officer in the Public Service (hereinafter called an “inspecting officer”):

(a) to inspect any aspect of the affairs or activities of any private voluntary organization and to examine all documents relating thereto;



(b) to examine the books, accounts and other documents relating to the financial affairs of any private voluntary organization; and to report thereon to the Registrar.

(2) For the purpose of any inspection or examination in terms of subsection (1), an inspecting officer may:

(a) by notice under his hand, delivered to the person concerned personally or sent to him by post, require any person to produce to him any book or other document which has any bearing on the subject of the inspection, examination or audit; and

(b) retain for a reasonable period any book or document produced to him by virtue of a notice under this subsection or voluntarily by any person.

(3) Any person who, having received notice under subsection (2), without lawful excuse fails to produce any book or document referred to in subsection (2) which he may be able to produce, shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment:

Provided that in connection with the production of any such book or document, the law relating to privilege, as applicable to a witness subpoenaed to produce any book or document before a court of law, shall apply.

(4) Any person who:

(a) wilfully hinders or obstructs an inspecting officer in the exercise of his functions in terms of this Act; or

(b) falsely holds himself out to be an inspecting officer;

shall be guilty of an offence and liable to a fine not exceeding level five



or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

PART V

MISCELLANEOUS

22. MINISTER MAY APPOINT TRUSTEE TO MANAGE ORGANIZATION

(1) Where the Minister has, in terms of section twenty-one, suspended all the members of the executive committee of a registered private voluntary organization, he may appoint one or more persons as trustees to run the affairs of the organization for a period not exceeding sixty days pending the election of members of a new executive committee.

(2) Subject to any directions the Minister may give him, any trustee appointed in terms of subsection (1) shall exercise all the functions of the executive committee of the organization: Provided that a trustee shall not, without the approval of the Minister, exercise any power conferred on the executive committee by the organization to acquire or dispose of any property of the organization.

(3) The office of a trustee shall terminate:

(a) as soon as the vacant offices on the executive committee have been filled; or

(b) on the expiry of a period of sixty days; whichever occurs sooner:

Provided that, if the period of sixty days expires before the vacant offices have been filled, a trustee shall hold office for a further thirty days.

(4) Before the termination of office of a trustee appointed in terms of



subsection (1), the trustee shall cause an election of new members of the executive committee of the organization concerned to be held on such date as he may fix.

(5) On appointing as a trustee in terms of this section a person who is not in the full-time employment of the State, the Minister may authorize the payment from the funds of the organization, for so long as he holds office as such, of a monthly salary at such rate as the Minister may determine.

23. GENERAL OFFENCES AND PENALTIES

(1) Any person who:

(a) collects or attempts to collect or instructs another person to collect or attempt to collect any contribution in furtherance of any of the objects mentioned in paragraphs (a) to (g) of the definition of "*private voluntary organisation*" in section two, except where the collection is:

- (i) on behalf of and with the authority of a registered private voluntary organisation; or
- (ii) on behalf of any body, association, institution, service or trust excluded from that definition by subparagraphs (i) to (x) thereof; or
- (iii) authorised under section eight; or

(b) collects or attempts to collect or instructs another person to collect or attempt to collect any contribution for or on behalf of an unregistered private voluntary organisation;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.



(2) Any person who falsely represents or causes or permits any other person falsely to represent to any member of the public that he is associated with a private voluntary organisation shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(3) Any person who, in or in connection with:

(a) any application for the registration of a private voluntary organisation or the exemption of such an organisation under section seven; or

(b) any application for the registration of the alteration of the name of a registered private voluntary organisation; makes a statement or submits information that is false or misleading in a material particular, not having reasonable grounds for believing the statement or information to be true, shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

23A. EVIDENCE AND PRESUMPTION

(1) A certificate purporting to be signed by or on behalf of the Registrar and stating whether or not a private voluntary organisation is registered under this Act shall be admissible as evidence in any court on its production by any person, and shall be prima facie proof of the matters stated therein.

(2) If in a prosecution for an offence under subsection (2) of section twenty-three:

(a) it is alleged that the organisation which the accused person represented himself or was represented to be associated was not in existence at the time the offence is alleged to have been committed;



and

(b) a certificate is produced to the court by any person which purports to have been signed by the Registrar and states that at the time of the alleged offence no such private voluntary organisation was registered under this Act or had applied for registration; it shall be presumed unless the contrary is proved that the organisation was not in existence at that time.

24. PERSONS PROHIBITED FROM BEING OFFICE-BEARERS OR OFFICERS

(1) Any person shall be guilty of an offence who becomes, continues to be or acts in the capacity of an office-bearer or officer of a private voluntary organization within five years after having been convicted under any enactment or the common law of Zimbabwe or any law of any country of any offence involving dishonesty.

(1a) Any person who is guilty of an offence in terms of subsection (1) shall be liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) For the purposes of subsection (1):

"office-bearer", in relation to a private voluntary organization, means a member of the governing body of:

(a) that organization; or

(b) any branch, section or committee of that organization; or

(c) any local, regional or subsidiary body forming part of that organization; "officer", in relation to a private voluntary organization, means any person working for that organization or any branch, section or committee thereof or for any local, regional or subsidiary body forming part of that organization, whether or not he receives any



remuneration or reward for such work.

25. PENALTIES

[Section repealed by s. 4 of Act 22/2001.]

26. CONTRIBUTIONS UNLAWFULLY COLLECTED

(1) The Minister may, by order in writing under his hand:

- (a) direct any person holding or having the control of any money, securities or other property, representing any contributions collected contrary to the provisions of this Act, to retain the possession or control thereof until a further order in regard thereto is made by him;
- (b) direct any person holding or having control of any money, securities or property such as are mentioned in paragraph (a):
 - (i) to return to every contributor who is known the money, securities or property contributed by such contributor and to transfer or deliver the balance, if any, to the Minister, and to supply proof to the Minister of having complied with such order; or
 - (ii) to transfer or deliver such money, securities or property to the Minister, and thereupon the Minister shall return to every contributor who is known the money, securities or property contributed by such contributor.

(2) Any money, securities or property which cannot be returned to the contributor in terms of subsection (1) shall be paid into the Guardian's Fund for the account of such contributor and shall be dealt with in accordance with the Administration of Estates Act [Chapter 6:01].

(3) Any person who contravenes or fails to comply with an order in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.



27. REGISTRAR MAY DISSOLVE CERTAIN ORGANIZATIONS

If a private voluntary organization ceases to function and the persons responsible in terms of its constitution for dissolving the organization fail or are unable to dissolve it within six months thereafter, the Registrar may do so in their stead and shall be vested with all the powers necessary therefor, and shall dispose of the assets of the organization in accordance with its constitution.

28. REGULATIONS

(1) The Minister may make regulations with regard to:

- (a) the form of any application, authority, certificate, notice, order or register to be made, given, issued or kept under this Act and any other form which may be required in carrying out this Act;
- (b) the books, accounts and records to be kept by private voluntary organizations and the manner in which they shall be kept;
- (c) the procedure to be followed on the dissolution of a private voluntary organization and the manner in which its assets shall be disposed of;
- (d) the circumstances under and the conditions upon which contributions may be collected by one private voluntary organization on behalf of another private voluntary organization;
- (e) the manner in which persons shall be authorized by registered private voluntary organization to collect contributions on their behalf;
- (f) any other matter which in terms of this Act is required or permitted to be prescribed; and generally for the better carrying out of the objects and purposes of this Act.

(2) Regulations made in terms of subsection (1) may provide penalties for contraventions thereof, but no such penalty shall exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

ANNEXURE 4

THE BILL OF RIGHTS



DECLARATION OF RIGHTS

PART I

APPLICATION AND INTERPRETATION OF CHAPTER 4

44. DUTY TO RESPECT FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

The State and every person, including juristic persons, and every institution and agency of the government at every level must respect, protect, promote and fulfil the rights and freedoms set out in this Chapter.

45. APPLICATION OF CHAPTER 4

(1) This Chapter binds the State and all executive, legislative and judicial institutions and agencies of government at every level.

(2) This Chapter binds natural and juristic persons to the extent that it is applicable to them, taking into account the nature of the right or freedom concerned and any duty imposed by it.



(3) Juristic persons as well as natural persons are entitled to the rights and freedoms set out in this Chapter to the extent that those rights and freedoms can appropriately be extended to them.

46. INTERPRETATION OF CHAPTER 4

(1) When interpreting this Chapter, a court, tribunal, forum or body:

- (a) must give full effect to the rights and freedoms enshrined in this Chapter;
- (b) must promote the values and principles that underlie a democratic society based on openness, justice, human dignity, equality and freedom, and in particular, the values and principles set out in section 3;
- (c) must take into account international law and all treaties and conventions to which Zimbabwe is a party;
- (d) must pay due regard to all the provisions of this Constitution, in particular the principles and objectives set out in Chapter 2; and
- (e) may consider relevant foreign law;

in addition to considering all other relevant factors that are to be taken into account in the interpretation of a Constitution.

(2) When interpreting an enactment, and when developing the common law and customary law, every court, tribunal, forum or body must promote and be guided by the spirit and objectives of this Chapter.

47. CHAPTER 4 DOES NOT PRECLUDE EXISTENCE OF OTHER RIGHTS

This Chapter does not preclude the existence of other rights and freedoms that may be recognised or conferred by law, to the extent that they are consistent with this Constitution.



PART II

FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

48. RIGHT TO LIFE

(1) Every person has the right to life.

(2) A law may permit the death penalty to be imposed only on a person convicted of murder committed in aggravating circumstances, and

- (a) the law must permit the court a discretion whether or not to impose the penalty;
- (b) the penalty may be carried out only in accordance with a final judgment of a competent court;
- (c) the penalty must not be imposed on a person:
 - (i) who was less than twenty-one years old when the offence was committed; or
 - (ii) who is more than seventy years old;
- (d) the penalty must not be imposed or carried out on a woman;
- (e) the person sentenced must have a right to seek pardon or commutation of the penalty from the President.

(3) An Act of Parliament must protect the lives of unborn children, and that Act must provide that pregnancy may be terminated only in accordance with that law.

49. RIGHT TO PERSONAL LIBERTY

(1) Every person has the right to personal liberty, which includes the right:

- (a) not to be detained without trial; and
- (b) not to be deprived of their liberty arbitrarily or without just cause.



- (2) No person may be imprisoned merely on the ground of inability to fulfil a contractual obligation.

50. RIGHTS OF ARRESTED AND DETAINED PERSONS

- (1) Any person who is arrested:
- (a) must be informed at the time of arrest of the reason for the arrest;
 - (b) must be permitted, without delay:
 - (i) at the expense of the State, to contact their spouse or partner, or a relative or legal practitioner, or anyone else of their choice; and
 - (ii) at their own expense, to consult in private with a legal practitioner and a medical practitioner of their choice; and must be informed of this right promptly;
 - (c) must be treated humanely and with respect for their inherent dignity;
 - (d) must be released unconditionally or on reasonable conditions, pending a charge or trial, unless there are compelling reasons justifying their continued detention; and
 - (e) must be permitted to challenge the lawfulness of the arrest in person before a court and must be released promptly if the arrest is unlawful.
- (2) Any person who is arrested or detained:
- (a) for the purpose of bringing him or her before a court; or
 - (b) for an alleged offence;
- and who is not released must be brought before a court as soon as possible and in any event not later than forty-eight hours after the arrest took place or the detention began, as the case may be, whether or not the period ends on a Saturday, Sunday or public holiday.



(3) Any person who is not brought to court within the forty-eight hour period referred to in subsection (2) must be released immediately unless their detention has earlier been extended by a competent court.

(4) Any person who is arrested or detained for an alleged offence has the right:

- (a) to remain silent;
- (b) to be informed promptly:
 - (i) of their right to remain silent; and
 - (ii) of the consequences of remaining silent and of not remaining silent;
- (c) not to be compelled to make any confession or admission; and
- (d) at the first court appearance after being arrested, to be charged or to be informed of the reason why their detention should continue, or to be released.

(5) Any person who is detained, including a sentenced prisoner, has the right:

- (a) to be informed promptly of the reason for their being detained;
- (b) at their own expense, to consult in private with a legal practitioner of their choice, and to be informed of this right promptly;
- (c) to communicate with, and be visited by:
 - (i) a spouse or partner;
 - (ii) a relative;
 - (iii) their chosen religious counsellor;
 - (iv) their chosen legal practitioner;
 - (v) their chosen medical practitioner; and
 - (vi) subject to reasonable restrictions imposed for the proper administration of prisons or places of detention, anyone else



of their choice;

(d) to conditions of detention that are consistent with human dignity, including the opportunity for physical exercise and the provision, at State expense, of adequate accommodation, ablution facilities, personal hygiene, nutrition, appropriate reading material and medical treatment; and

(e) to challenge the lawfulness of their detention in person before a court and, if the detention is unlawful, to be released promptly.

(6) Any person who is detained pending trial for an alleged offence and is not tried within a reasonable time must be released from detention, either unconditionally or on reasonable conditions to ensure that after being released they:

(a) attend trial;

(b) do not interfere with the evidence to be given at the trial; and

(c) do not commit any other offence before the trial begins.

(7) If there are reasonable grounds to believe that a person is being detained illegally or if it is not possible to ascertain the whereabouts of a detained person, any person may approach the High Court for an order:

(a) of habeas corpus, that is to say an order requiring the detained person to be released, or to be brought before the court for the lawfulness of the detention to be justified, or requiring the whereabouts of the detained person to be disclosed; or

(b) declaring the detention to be illegal and ordering the detained person's prompt release; and the High Court may make whatever order is appropriate in the circumstances.

(8) An arrest or detention which contravenes this section, or in which the conditions set out in this section are not met, is illegal.



(9) Any person who has been illegally arrested or detained is entitled to compensation from the person responsible for the arrest or detention, but a law may protect the following persons from liability under this section:

- (a) a judicial officer acting in a judicial capacity reasonably and in good faith;
- (b) any other public officer acting reasonably and in good faith and without culpable ignorance or negligence.

51. RIGHT TO HUMAN DIGNITY

Every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected.

52. RIGHT TO PERSONAL SECURITY

Every person has the right to bodily and psychological integrity, which includes the right:

- (a) to freedom from all forms of violence from public or private sources;
- (b) subject to any other provision of this Constitution, to make decisions concerning reproduction;
- (c) not to be subjected to medical or scientific experiments, or to the extraction or use of their bodily tissue, without their informed consent.

53. FREEDOM FROM TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

No person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.

54. FREEDOM FROM SLAVERY OR SERVITUDE

No person may be subjected to slavery or servitude.



55. FREEDOM FROM FORCED OR COMPULSORY LABOUR

No person may be made to perform forced or compulsory labour.

56. EQUALITY AND NON-DISCRIMINATION

(1). All persons are equal before the law and have the right to equal protection and benefit of the law.

(2). Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

(3). Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.

(4). A person is treated in a discriminatory manner for the purpose of subsection (3) if:

- (a) they are subjected directly or indirectly to a condition, restriction or disability to which other people are not subjected; or
- (b) other people are accorded directly or indirectly a privilege or advantage which they are not accorded.

(5). Discrimination on any of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair, reasonable and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.



(6). The State must take reasonable legislative and other measures to promote the achievement of equality and to protect or advance people or classes of people who have been disadvantaged by unfair discrimination, and:

- (a) such measures must be taken to redress circumstances of genuine need;
- (b) no such measure is to be regarded as unfair for the purposes of subsection (3).

57. RIGHT TO PRIVACY

Every person has the right to privacy, which includes the right not to have:

- (a) their home, premises or property entered without their permission;
- (b) their person, home, premises or property searched;
- (c) their possessions seized;
- (d) the privacy of their communications infringed; or
- (e) their health condition disclosed.

58. FREEDOM OF ASSEMBLY AND ASSOCIATION

(1) Every person has the right to freedom of assembly and association, and the right not to assemble or associate with others.

(2) No person may be compelled to belong to an association or to attend a meeting or gathering.

59. FREEDOM TO DEMONSTRATE AND PETITION

Every person has the right to demonstrate and to present petitions, but these rights must be exercised peacefully.

60. FREEDOM OF CONSCIENCE



(1) Every person has the right to freedom of conscience, which includes:

- (a) freedom of thought, opinion, religion or belief; and
- (b) freedom to practise and propagate and give expression to their thought, opinion, religion or belief, whether in public or in private and whether alone or together with others.

(2) No person may be compelled to take an oath that is contrary to their religion or belief or to take an oath in a manner that is contrary to their religion or belief.

(3) Parents and guardians of minor children have the right to determine, in accordance with their beliefs, the moral and religious upbringing of their children, provided they do not prejudice the rights to which their children are entitled under this Constitution, including their rights to education, health, safety and welfare.

(4) Any religious community may establish institutions where religious instruction may be given, even if the institution receives a subsidy or other financial assistance from the State.

61. FREEDOM OF EXPRESSION AND FREEDOM OF THE MEDIA

(1) Every person has the right to freedom of expression, which includes:

- (a) freedom to seek, receive and communicate ideas and other information;
- (b) freedom of artistic expression and scientific research and creativity; and
- (c) academic freedom.

(2) Every person is entitled to freedom of the media, which freedom



includes protection of the confidentiality of journalists' sources of information.

(3) Broadcasting and other electronic media of communication have freedom of establishment, subject only to State licensing procedures that:

- (a) are necessary to regulate the airwaves and other forms of signal distribution; and
- (b) are independent of control by government or by political or commercial interests.

(4) All State-owned media of communication must:

- (a) be free to determine independently the editorial content of their broadcasts or other communications;
- (b) be impartial; and
- (c) afford fair opportunity for the presentation of divergent views and dissenting opinions.

(5) Freedom of expression and freedom of the media exclude:

- (a) incitement to violence;
- (b) advocacy of hatred or hate speech;
- (c) malicious injury to a person's reputation or dignity; or
- (d) malicious or unwarranted breach of a person's right to privacy.

62. ACCESS TO INFORMATION

(1) Every Zimbabwean citizen or permanent resident, including juristic persons and the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability.



(2) Every person, including the Zimbabwean media, has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.

(3) Every person has a right to the correction of information, or the deletion of untrue, erroneous or misleading information, which is held by the State or any institution or agency of the government at any level, and which relates to that person.

(4) Legislation must be enacted to give effect to this right, but may restrict access to information in the interests of defence, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.

63. LANGUAGE AND CULTURE

Every person has the right:

(a) to use the language of their choice; and

(b) to participate in the cultural life of their choice;

but no person exercising these rights may do so in a way that is inconsistent with this Chapter.

64. FREEDOM OF PROFESSION, TRADE OR OCCUPATION

Every person has the right to choose and carry on any profession, trade or occupation, but the practice of a profession, trade or occupation may be regulated by law.

65. LABOUR RIGHTS

(1) Every person has the right to fair and safe labour practices and



standards and to be paid a fair and reasonable wage.

(2) Except for members of the security services, every person has the right to form and join trade unions and employee or employers' organisations of their choice, and to participate in the lawful activities of those unions and organisations.

(3) Except for members of the security services, every employee has the right to participate in collective job action, including the right to strike, sit in, withdraw their labour and to take other similar concerted action, but a law may restrict the exercise of this right in order to maintain essential services.

(4) Every employee is entitled to just, equitable and satisfactory conditions of work.

(5) Except for members of the security services, every employee, employer, trade union, and employee or employer's organisation has the right to:

- (a) engage in collective bargaining;
- (b) organise; and
- (c) form and join federations of such unions and organisations.

(6) Women and men have a right to equal remuneration for similar work.

(7) Women employees have a right to fully paid maternity leave for a period of at least three months.

66. FREEDOM OF MOVEMENT AND RESIDENCE

(1) Every Zimbabwean citizen has:



- (a) the right to enter Zimbabwe;
- (b) immunity from expulsion from Zimbabwe; and
- (c) the right to a passport or other travel document.

(2) Every Zimbabwean citizen and everyone else who is legally in Zimbabwe has the right to:

- (a) move freely within Zimbabwe;
- (b) reside in any part of Zimbabwe; and
- (c) leave Zimbabwe.

67. POLITICAL RIGHTS

(1) Every Zimbabwean citizen has the right:

- (a) to free, fair and regular elections for any elective public office established in terms of this Constitution or any other law; and
- (b) to make political choices freely.

(2) Subject to this Constitution, every Zimbabwean citizen has the right:

- (a) to form, to join and to participate in the activities of a political party or organisation of their choice;
- (b) to campaign freely and peacefully for a political party or cause;
- (c) to participate in peaceful political activity; and
- (d) to participate, individually or collectively, in gatherings or groups or in any other manner, in peaceful activities to influence, challenge or support the policies of the Government or any political or whatever cause.

(3) Subject to this Constitution, every Zimbabwean citizen who is of or over eighteen years of age has the right:

- (a) to vote in all elections and referendums to which this Constitution or any other law applies, and to do so in secret; and



(b) to stand for election for public office and, if elected, to hold such office.

(4) For the purpose of promoting multi-party democracy, an Act of Parliament must provide for the funding of political parties.

68. RIGHT TO ADMINISTRATIVE JUSTICE

(1) Every person has a right to administrative conduct that is lawful, prompt, efficient, reasonable, proportionate, impartial and both substantively and procedurally fair.

(2) Any person whose right, freedom, interest or legitimate expectation has been adversely affected by administrative conduct has the right to be given promptly and in writing the reasons for the conduct.

(3) An Act of Parliament must give effect to these rights, and must:

- (a) provide for the review of administrative conduct by a court or, where appropriate, by an independent and impartial tribunal;
- (b) impose a duty on the State to give effect to the rights in subsections (1) and (2); and
- (c) promote an efficient administration.

69. RIGHT TO A FAIR HEARING

(1) Every person accused of an offence has the right to a fair and public trial within a reasonable time before an independent and impartial court.

(2) In the determination of civil rights and obligations, every person has a right to a fair, speedy and public hearing within a reasonable time before an independent and impartial court, tribunal or other



forum established by law.

(3) Every person has the right of access to the courts, or to some other tribunal or forum established by law for the resolution of any dispute.

(4) Every person has a right, at their own expense, to choose and be represented by a legal practitioner before any court, tribunal or forum.

70. RIGHTS OF ACCUSED PERSONS

(1) Any person accused of an offence has the following rights:

- (a) to be presumed innocent until proved guilty;
- (b) to be informed promptly of the charge, in sufficient detail to enable them to answer it;
- (c) to be given adequate time and facilities to prepare a defence;
- (d) to choose a legal practitioner and, at their own expense, to be represented by that legal practitioner;
- (e) to be represented by a legal practitioner assigned by the State and at State expense, if substantial injustice would otherwise result;
- (f) to be informed promptly of the rights conferred by paragraphs (d) and (e);
- (g) to be present when being tried;
- (h) to adduce and challenge evidence;
- (i) to remain silent and not to testify or be compelled to give self-incriminating evidence;
- (j) to have the proceedings of the trial interpreted into a language that they understand;
- (k) not to be convicted of an act or omission that was not an offence when it took place;
- (l) not to be convicted of an act or omission that is no longer an offence;



(m) not to be tried for an offence in respect of an act or omission for which they have previously been pardoned or either acquitted or convicted on the merits;

(n) to be sentenced to the lesser of the prescribed punishments if the prescribed punishment for the offence has been changed between the time the offence was committed and the time of sentencing.

(2) Where this section requires information to be given to a person:

(a) the information must be given in a language the person understands; and

(b) if the person cannot read or write, any document embodying the information must be explained in such a way that the person understands it.

(3) In any criminal trial, evidence that has been obtained in a manner that violates any provision of this Chapter must be excluded if the admission of the evidence would render the trial unfair or would otherwise be detrimental to the administration of justice or the public interest.

(4) Any person who has been tried for an offence has the right, on payment of a reasonable fee prescribed by law, to be given a copy of the record of the proceedings within a reasonable time after judgment is delivered in the trial.

(5) Any person who has been tried and convicted of an offence has the right, subject to reasonable restrictions that may be prescribed by law, to:

(a) have the case reviewed by a higher court; or

(b) appeal to a higher court against the conviction and sentence.



71. PROPERTY RIGHTS

(1) In this section:

"pension benefit" means a pension, annuity, gratuity or similar allowance which is payable:

- (a) to any person from the Consolidated Revenue Fund;
- (b) in respect of a person's service with an employer;
- (c) in respect of a person's ill-health or injury; or
- (d) in respect of a person's retirement through age or ill-health or any other reason; and includes a commutation of such a pension, annuity, gratuity or allowance and a refund of contributions paid towards such a pension, annuity, gratuity or allowance;

"property" means property of any description and any right or interest in property.

(2) Subject to section 72, every person has the right, in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others.

(3) Subject to this section and to section 72, no person may be compulsorily deprived of their property except where the following conditions are satisfied:

- (a) the deprivation is in terms of a law of general application;
- (b) the deprivation is necessary for any of the following reasons:
 - (i) in the interests of defence, public safety, public order, public morality, public health or town and country planning;
 - (ii) in order to develop or use that or any other property for a purpose beneficial to the community;
- (c) the law requires the acquiring authority:
 - (i) to give reasonable notice of the intention to acquire the property to everyone whose interest or right in the property



would be affected by the acquisition;

(ii) to pay fair and adequate compensation for the acquisition before acquiring the property or within a reasonable time after the acquisition; and

(iii) if the acquisition is contested, to apply to a competent court before acquiring the property, or not later than thirty days after the acquisition, for an order confirming the acquisition;

(d) the law entitles any person whose property has been acquired to apply to a competent court for the prompt return of the property if the court does not confirm the acquisition; and

(e) the law entitles any claimant for compensation to apply to a competent court for the determination of:

(i) the existence, nature and value of their interest in the property concerned;

(ii) the legality of the deprivation; and

(iii) the amount of compensation to which they are entitled; and to apply to the court for an order directing the prompt payment of any compensation.

(4) Where a person has a vested or contingent right to the payment of a pension benefit, a law which provides for the extinction or diminution of that right is regarded, for the purposes of subsection (3), as a law providing for the compulsory acquisition of property.

72. RIGHTS TO AGRICULTURAL LAND

(1) In this section:

- “*agricultural land*” means land used or suitable for agriculture, that is to say for horticulture, viticulture, forestry or aquaculture or for any purpose of husbandry, including:
 - (a) the keeping or breeding of livestock, game, poultry, animals or



bees; or

(b) the grazing of livestock or game;

but does not include Communal Land or land within the boundaries of an urban local authority or within a township established under a law relating to town and country planning or as defined in a law relating to land survey;

- “*land*” includes anything permanently attached to or growing on land;
- “*piece of agricultural land*” means a piece of agricultural land registered as a separate piece of land in a Deeds Registry.

(2) Where agricultural land, or any right or interest in such land, is required for a public purpose, including:

(a) settlement for agricultural or other purposes;

(b) land reorganisation, forestry, environmental conservation or the utilisation of wild life or other natural resources; or

(c) the relocation of persons dispossessed as a result of the utilisation of land for a purpose referred to in paragraph (a) or (b);

the land, right or interest may be compulsorily acquired by the State by notice published in the Gazette identifying the land, right or interest, whereupon the land, right or interest vests in the State with full title with effect from the date of publication of the notice.

(3) Where agricultural land, or any right or interest in such land, is compulsorily acquired for a purpose referred to in subsection (2):

(a) subject to section 295(1) and (2), no compensation is payable in respect of its acquisition, except for improvements effected on it before its acquisition;

(b) no person may apply to court for the determination of any question relating to compensation, except for compensation for



improvements effected on the land before its acquisition, and no court may entertain any such application; and

(c) the acquisition may not be challenged on the ground that it was discriminatory in contravention of section 56.

(4) All agricultural land which:

(a) was itemised in Schedule 7 to the former Constitution; or

(b) before the effective date, was identified in terms of section 16B(2)(a)(ii) or (iii) of the former Constitution;

continues to be vested in the State, and no compensation is payable in respect of its acquisition except for improvements effected on it before its acquisition.

(5) As soon as practicable after agricultural land is compulsorily acquired in accordance with subsection (2), the officer responsible for the registration of title over land must, without further notice, effect the necessary endorsements upon any title deed and entries in any register for the purpose of formally cancelling the title deed and registering the State's title over the land.

(6) An Act of Parliament may make it an offence for any person, without lawful authority, to possess or occupy agricultural land referred to in this section or other State land.

(7) In regard to the compulsory acquisition of agricultural land for the resettlement of people in accordance with a programme of land reform, the following factors must be regarded as of ultimate and overriding importance:

(a) under colonial domination the people of Zimbabwe were unjustifiably dispossessed of their land and other resources without compensation;



(b) the people consequently took up arms in order to regain their land and political sovereignty, and this ultimately resulted in the Independence of Zimbabwe in 1980;

(c) the people of Zimbabwe must be enabled to re-assert their rights and regain ownership of their land; and accordingly:

(i) the former colonial power has an obligation to pay compensation for agricultural land compulsorily acquired for resettlement, through an adequate fund established for the purpose; and

(ii) if the former colonial power fails to pay compensation through such a fund, the Government of Zimbabwe has no obligation to pay compensation for agricultural land compulsorily acquired for resettlement.

(8) This section applies without prejudice to the obligation of the former colonial power to pay compensation for land referred to in this section that has been acquired for resettlement purposes.

73. ENVIRONMENTAL RIGHTS

(1) Every person has the right:

(a) to an environment that is not harmful to their health or well-being; and

(b) to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that:

(i) prevent pollution and ecological degradation;

(ii) promote conservation; and

(iii) secure ecologically sustainable development and use of natural resources while promoting economic and social development.



(2) The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the rights set out in this section.

74. FREEDOM FROM ARBITRARY EVICTION

No person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.

75. RIGHT TO EDUCATION

(1) Every citizen and permanent resident of Zimbabwe has a right to:

- (a) a basic State-funded education, including adult basic education; and
- (b) further education, which the State, through reasonable legislative and other measures, must make progressively available and accessible.

(2) Every person has the right to establish and maintain, at their own expense, independent educational institutions of reasonable standards, provided they do not discriminate on any ground prohibited by this Constitution.

(3) A law may provide for the registration of educational institutions referred to in subsection (2) and for the closing of any such institutions that do not meet reasonable standards prescribed for registration.

(4) The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the right set out in subsection (1).



76. RIGHT TO HEALTH CARE

- (1) Every citizen and permanent resident of Zimbabwe has the right to have access to basic health-care services, including reproductive health-care services.
- (2) Every person living with a chronic illness has the right to have access to basic health-care services for the illness.
- (3) No person may be refused emergency medical treatment in any health-care institution.
- (4) The State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the rights set out in this section.

77. RIGHT TO FOOD AND WATER

Every person has the right to:

- (a) safe, clean and potable water; and
- (b) sufficient food;

and the State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of this right.

78. MARRIAGE RIGHTS

- (1) Every person who has attained the age of eighteen years has the right to found a family.
- (2) No person may be compelled to enter into marriage against their will.
- (3) Persons of the same sex are prohibited from marrying each other.



PART III

ELABORATION OF CERTAIN RIGHTS

79. APPLICATION OF PART 3

(1) This Part elaborates certain rights and freedoms to ensure greater certainty as to the application of those rights and freedoms to particular classes of people.

(2) This Part must not be construed as limiting any right or freedom set out in Part 2.

80. RIGHTS OF WOMEN

(1) Every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities.

(2) Women have the same rights as men regarding the custody and guardianship of children, but an Act of Parliament may regulate how those rights are to be exercised.

(3) All laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of the infringement.

81. RIGHTS OF CHILDREN

(1) Every child, that is to say every boy and girl under the age of eighteen years, has the right:

- (a) to equal treatment before the law, including the right to be heard;
- (b) to be given a name and family name;
- (c) in the case of a child who is:



- (i) born in Zimbabwe; or
- (ii) born outside Zimbabwe and is a Zimbabwean citizen by descent; to the prompt provision of a birth certificate;
- (d) to family or parental care, or to appropriate care when removed from the family environment;
- (e) to be protected from economic and sexual exploitation, from child labour, and from maltreatment, neglect or any form of abuse;
- (f) to education, health care services, nutrition and shelter;
- (g) not to be recruited into a militia force or take part in armed conflict or hostilities;
- (h) not to be compelled to take part in any political activity; and
- (i) not to be detained except as a measure of last resort and, if detained:
 - (i) to be detained for the shortest appropriate period;
 - (ii) to be kept separately from detained persons over the age of eighteen years; and
 - (iii) to be treated in a manner, and kept in conditions, that take account of the child's age.

(2) A child's best interests are paramount in every matter concerning the child.

(3) Children are entitled to adequate protection by the courts, in particular by the High Court as their upper guardian.

82. RIGHTS OF THE ELDERLY

People over the age of seventy years have the right:

- (a) to receive reasonable care and assistance from their families and the State;
- (b) to receive health care and medical assistance from the State;



(c) to receive financial support by way of social security and welfare;

and the State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of this right.

83. RIGHTS OF PERSONS WITH DISABILITIES

The State must take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures:

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

84. RIGHTS OF VETERANS OF THE LIBERATION STRUGGLE

(1) Veterans of the liberation struggle, that is to say:

- (a) those who fought in the War of Liberation;
- (b) those who assisted the fighters in the War of Liberation; and
- (c) those who were imprisoned, detained or restricted for political reasons during the liberation struggle;

are entitled to due recognition for their contribution to the liberation of Zimbabwe, and to suitable welfare such as pensions and access to basic health care.

(2) An Act of Parliament must confer on veterans of the liberation



struggle the entitlements due to them under subsection (1).

PART IV

ENFORCEMENT OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

85. ENFORCEMENT OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

- (1) Any of the following persons, namely:
 - (a) any person acting in their own interests;
 - (b) any person acting on behalf of another person who cannot act for themselves;
 - (c) any person acting as a member, or in the interests, of a group or class of persons;
 - (d) any person acting in the public interest;
 - (e) any association acting in the interests of its members;
 is entitled to approach a court, alleging that a fundamental right or freedom enshrined in this Chapter has been, is being or is likely to be infringed, and the court may grant appropriate relief, including a declaration of rights and an award of compensation.

- (2) The fact that a person has contravened a law does not debar them from approaching a court for relief under subsection (1).

- (3) The rules of every court must provide for the procedure to be followed in cases where relief is sought under subsection (1), and those rules must ensure that:
 - (a) the right to approach the court under subsection (1) is fully facilitated;
 - (b) formalities relating to the proceedings, including their commencement, are kept to a minimum;



- (c) the court, while observing the rules of natural justice, is not unreasonably restricted by procedural technicalities; and
- (d) a person with particular expertise may, with the leave of the court, appear as a friend of the court.

(4) The absence of rules referred to in subsection (3) does not limit the right to commence proceedings under subsection (1) and to have the case heard and determined by a court.

PART V

LIMITATION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

86. LIMITATION OF RIGHTS AND FREEDOMS

(1) The fundamental rights and freedoms set out in this Chapter must be exercised reasonably and with due regard for the rights and freedoms of other persons.

(2) The fundamental rights and freedoms set out in this Chapter may be limited only in terms of a law of general application and to the extent that the limitation is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom, taking into account all relevant factors, including:

- (a) the nature of the right or freedom concerned;
- (b) the purpose of the limitation, in particular whether it is necessary in the interests of defence, public safety, public order, public morality, public health, regional or town planning or the general public interest;
- (c) the nature and extent of the limitation;
- (d) the need to ensure that the enjoyment of rights and freedoms



by any person does not prejudice the rights and freedoms of others;

(e) the relationship between the limitation and its purpose, in particular whether it imposes greater restrictions on the right or freedom concerned than are necessary to achieve its purpose; and
(f) whether there are any less restrictive means of achieving the purpose of the limitation.

(3) No law may limit the following rights enshrined in this Chapter, and no person may violate them:

- (a) the right to life, except to the extent specified in section 48;
- (b) the right to human dignity;
- (c) the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment;
- (d) the right not to be placed in slavery or servitude;
- (e) the right to a fair trial;
- (f) the right to obtain an order of habeas corpus as provided in section 50(7)(a).

87. LIMITATIONS DURING PUBLIC EMERGENCY

(1) In addition to the limitations permitted by section 86, the fundamental rights and freedoms set out in this Chapter may be further limited by a written law providing for measures to deal with situations arising during a period of public emergency, but only to the extent permitted by this section and the Second Schedule.

(2) A written law referred to in subsection (1) and any legislative measures taken under that law, must be published in the Gazette.

(3) Any limitation which a written law referred to in subsection (1) imposes on a fundamental right or freedom set out in this Chapter



must not be greater than is strictly required by the emergency.

(4) No law that provides for a declaration of a state of emergency, and no legislative or other measure taken in consequence of such a declaration, may:

(a) indemnify, or permit or authorise an indemnity for, the State or any institution or agency of the government at any level, or any other person, in respect of any unlawful act; or

(b) limit any of the rights referred to in section 86(3), or authorise or permit any of those rights to be violated.

ANNEXURE 5

ZIMRIGHTS ELECTION BY-LAWS



W/O 3/93
Campaigners for Human Rights

ELECTION BY-LAWS FOR THE ZIMBABWE HUMAN RIGHTS ASSOCIATION

(As adopted by the 2012 Annual General Meeting and further amended by Extra Ordinary General Meeting June 2015).

PART I

1. PURPOSE

- 1.1. The purpose of these by laws is to define procedures for the election of ZimRights officers pursuant to the provisions of its constitution.
- 1.2. These by-laws are intended to supplement and should be read in conjunction with the ZimRights constitution.

2. ELECTIONS AUTHORITY

- 2.1. The Elections Committee as establishes and provided for in the ZimRights constitution shall be responsible for supervising the conducting all elections for the organization.



2.2. The Elections Committee shall supervise an external individual or institution conducting all elections. The individual or institution shall be appointed yearly as provided in the ZimRights constitution.

PART II

3. NATIONAL ELECTIONS

3.1. The Chairperson, Vice Chairperson and National Treasurer and seven (7) National Council shall be directly elected at an elective AGM of the organization.

Qualification for office

3.2. ZimRights members who wish to stand for elections at the AGM must be of good standing, meaning that he/she must be:

- 3.2.1. fully paid up member of the organization and has a member for at least three years;
- 3.2.2. bona fide concerned with respect for fundamental human rights.
- 3.2.3. does not have a criminal record.
- 3.2.4. competent and credible.
- 3.2.5. a member who has never been declared insolvent;
- 3.2.6. a member who does not hold a position or an office within the structures of any political party or movement.

provided that the candidate for the position of National Treasurer shall be a member with demonstrable knowledge and experience in the areas of accounts, finance and administration.

Leadership Renewal



3.3. It is specifically provided that a person who has serves in the management committee in whatever capacity for two (2) successive terms shall not be eligible for election at an elective AGM. Provided that such members may contest again for election after the passage of five (5) years.

Announcement of Elections

3.4. All regional councils shall be notified of the date, time and location of the election meeting at least 21 calendar days in advance, concurrently with the notice of the AGM.

Nominations

3.5. Not less than twenty-one (21) days before the date of the AGM, the Chairperson of the Elections Committee shall call for nominations in respect in respect of the positions of the Chairperson, Vice Chairperson, and Treasurer by the way of written notice to all Regional Councils.

3.6. Any member wishing to contest any position at the AGM shall submit to the Chairperson of the Elections Committee, no later than seven (7) calendar days before the date of the AGM:

3.6.1. the prescribed nomination form duly completed and endorsed by five (5) members; and

3.6.2. a detailed curriculum vitae.

3.7. Candidates may be nominated for more than a single office, however, once elected to an office, their name shall be removed from consideration for any subsequent office.

3.8. In the event that a candidate who has been nominated without his active participation wishes to decline such



nomination, that member shall so decline in writing or in person at the AGM.

Proceedings at the Election

3.9. On the date of the AGM the Elections Committee shall make available a list of members eligible to vote as delegates.

3.10. Officers will be elected in the following order:

3.10.1. Chairperson

3.10.2. Vice Chairperson and

3.10.3. National Treasurer; and seven (7) other members if it an elective AGM. Among the top three positions of Chairperson, vice chairperson and treasurer at least one of them shall be a woman and for the seven, three shall be women, three shall be men and one shall be a representative of people with disability.

3.11. In each case, the voting shall be by secret ballot.

3.12. For the positions of Vice Chairperson and National Treasurer, the election shall be determined by simple majority or, in the event of more than two (2) people contesting the position, the member polling the highest number of votes shall be declared the winner.

3.13. In the event of a tied vote in any election the election shall be held again.

3.14. Candidates will be asked to leave the room during the vote.

3.15. The voting session shall be closed to non-delegate members during voting.



3.16. Officers shall be elected by a majority of voting delegates present at the AGM provided the Elections Committee is satisfied that the quorum of one-third of the delegates entitled to vote thereat is met.

Installation

3.17. Officers elected by the AGM shall be installed in office immediately following the election.

Death Resignation or Expulsion of Office Bearers

3.18. In the event of death, resignation or expulsion of the Chairperson, the Vice Chairperson assumes the role of Chairman until the next elective AGM.

3.19. In the event of the death, resignation or expulsion of any other member elected at the AGM the National Council shall, by simple majority, elect a competent replacement to fill in the vacancy until the next elective AGM.

PART III

4. ELECTION OF REGIONAL COUNCIL REPRESENTATIVES

Qualification

4.1. Members within the respective ZimRights regions who wish to stand for elections into their Regional Council must be of good standing meaning that he/she must be;

4.1.1. A fully paid up member of the organization and has been a member for at least two years;

4.1.2. Bona fide concerned with the respect for fundamental human rights;



- 4.1.3. Does not have a criminal record; and
- 4.1.4. A member who does not hold a position or an office within the structure of any political party or movement.

Announcement of Election

4.2. All Regional Council elections shall be held with the Elections Committee's assistance, at least four (4) weeks before the date of the AGM.

Nominations

4.3. Any member wishing to contest any position at the regional council election shall be nominated by at least two (2) members on the day of the election.

Proceeding of Elections

4.4. Offices for election at Regional Council level shall be those of Regional Chairperson, Vice chairperson, treasurer, secretary and four (4) committee members.

4.5. Officers will be elected by secret ballot in the following order:

- 4.5.1. Regional Chairperson;
- 4.5.2. Regional Vice Chairperson
- 4.5.3. Regional Treasurer;
- 4.5.4. Regional Secretary; and
- 4.5.5. Four (4) committee members

4.6. Of the four (4) committee members two (2) shall be youths directly elected by the region at an annual general meeting of the regional members and at least one of the top three elected at a regional AGM shall be a woman.



4.7. For the positions of office bearers, the election shall be determined by simple majority or, in the event of more than two (2) people contesting a position, a person polling the highest number of votes shall be declared the winner.

4.8. In each case, the voting shall be by secret ballot.

4.9. Candidates will be asked to leave the room during the vote after voting first.

4.10. Officers shall be elected by a majority of members present at the election meeting provided the Elections Committee is satisfied that at least thirty (30) members of ZimRights for the respective regions are present at the election.

Installation, Rights and Responsibilities

4.11. Officers elected into the Regional Council shall be installed in office immediately following the election.

Death, Resignation or Expulsion of Office Bearers

4.12. In the event of the death, resignation or expulsion of the Regional Chairperson, the Regional Vice Chairperson assumes the role of Regional Chairperson until the next regional elective regional council AGM.

4.13. In the event of the death, resignation or expulsion of any other member of the Regional Council, the remaining members of the council shall, by simple majority, elect a competent replacement to fill in the vacancy until the next elective AGM, provided that the Regional Chairperson shall have a deliberative vote where there is a deadlock.



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