

**Observations on the State of Indigenous
Human Rights in Zimbabwe
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Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous Peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*; and on its website: www.cs.org

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I. Executive Summary

The government of Zimbabwe does not currently recognize Indigenous Peoples within its borders and considers those of non-white descent as true natives of the land. There are no specific laws on Indigenous Peoples' rights in the country nor is the concept of Indigenous Peoples included in the Zimbabwe Constitution. Even though the government voted for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, implementation has lagged, especially regarding the right of Indigenous Peoples to cultural identity and to economic and social well-being. There are two self-identified communities of Indigenous Peoples in Zimbabwe. The government recognizes these communities as disadvantaged and refers to them as "marginalized persons, groups and communities." These two groups are the Tshwa, a San community located in the western region, and the Doma, who reside in north-central part of the country. There are about 2,600 Tshwa and 1,050 Doma that make up around 0.03% of the country's population.¹ Both the Tshwa and the Doma's members overwhelmingly live under the poverty line and make up some of the poorest people in the country. In violation of UNDRIP, the Doma, derogatorily called the "ostrich people," experience severe discrimination and scarce access to food, social services, and professional and sanitary health support despite a prominence of disabilities in the community. The Tshwa face starvation and flooding issues that are worsened by government inaction and incompetence.

II. Introduction & Background

The southern African country of Zimbabwe has experienced a recent history of political turmoil and corrupt government representation. Zimbabwe declared independence from the United Kingdom in 1965. After independence, the emerging country had to fight for official recognition until its first free elections in 1979. In this election the first and only prime minister to hold power, Robert Mugabe, was elected to office. He officially became President of Zimbabwe after 1987 and continues to hold this office, however it is widely believed that Mugabe orchestrates elections in his favor.² A cumbersome land redistribution campaign from the late 1990s to early 2000s sparked a chain of repercussions that have left the country with shortages in basic commodities and exacerbated poverty in rural areas. The government drafted a new constitution in 2013 that set presidential term limits, though political corruption and societal issues persist.

The Tshwa and Doma people have endured immense poverty under the current government. The already depressed economy and resource shortages have caused devastating scarcity within the communities and left them with little means of development and representation. These situations violate UNDRIP articles on economic and social well-being, health, community development and participation in decision-making.

III. First Cycle of UPR Recommendations

No specific recommendations were made regarding Indigenous Peoples during the first cycle of reviews, however several recommendations were made that apply to Indigenous communities that have yet to be implemented.

"Take concrete measures to align Zimbabwe's domestic laws, including customary laws with international human rights instruments that it is party to, to ensure harmonization with the protections guaranteed in the Constitution" South Africa

"Continue with positive actions and programs aimed at guaranteeing universal education and health services of quality to its people as well as those aimed at reducing poverty." Cuba

"Continue with measures for an enabling environment for economic, social and cultural rights of the people of Zimbabwe." Burkina Faso

“Undertake continued action including legislation to address the marginalization of women, children and other vulnerable groups from socio-economic and political spheres.” Sri Lanka

“Take all appropriate legal and administrative measures to bring justice for the people, in particular for vulnerable groups living in remote and rural areas.” Iran

“Take concrete steps to comply fully with the minimum standards of the Kimberly Process, including by increasing accountability and transparency in the use of profits from natural resources, and investigating any credible allegation of human rights abuses, particularly in the Marange region.” Canada

“Stop all forced evictions, develop and implement guidelines which comply with international human rights law.” Romania

IV. Continuing Rights Violations

A. Discrimination and Social, Economic and Cultural Rights (Violations of UNDRIP Articles 8, 24)

The Doma people of the Zambezi River basin are a largely overlooked community of self-proclaimed Indigenous Peoples. They are a closed society that does not look to developed Zimbabwe for support or assistance. Due to their separation from society, many Zimbabweans see them as secretive and untrusting. The general population derides them as the “Ostrich footed” tribe due to a genetic mutation from which many in the community suffer. Many live with this deformity, known as ectrodactyly, which causes the toes to develop into two large toes rather than five.³ However, the Doma community does not seem to see this as a prohibitive disability. Its members do not discriminate against those with ectrodactyly and those afflicted do not see themselves as disadvantaged.³ Nevertheless, this is part of a trend across Zimbabwe of using derogatory language to reinforce stereotypes and further marginalize minority groups.⁴

Religious groups such as the local Seventh Day Adventist Church and Operation Mobilization are threatening the Doma People’s way of life. The Seventh Day Adventist Church has built a school in the Doma community with the support of the Zimbabwean government. However, much of its purpose is to “redeem them from ignorance...and hear the word of God.”⁵ Operation Mobilization refers to the Doma as “trapped in the worship of ancestors,” and similarly wants to build churches in Doma villages.⁶ These efforts jeopardize and marginalize traditional Doma practices. The aforementioned religious organizations hope to assimilate the Doma community to Christianity and have government support to do so. This is in direct violation of their rights under UNDRIP, which Zimbabwe has endorsed.

Further west in the Tsholotsho District, the San peoples are faced with the difficult decision of leaving their homes in search of water. The Tshwa are an Indigenous group that is part of the larger San community that is Indigenous to Southern Africa. Due to massive droughts, many San peoples must leave their homes to move closer to large water sources such as the Manzanyma River. San spokesperson Christopher Dube says that the effects of the drought have been exacerbated because the government and NGOs have not drilled sufficient deep wells and boreholes.⁸ This administrative negligence has resulted in Indigenous communities lacking enough water to survive the drought and forcing them to move dozens of kilometers away from their traditional lands. The government of Zimbabwe is not only doing too little to protect the rights of Indigenous Peoples like the Doma and Tshwa, but is also endangering their survival by ignoring their plight.

B. Threats to Indigenous Land Rights (Violations of UNDRIP Articles 24, 26, 28, 32)

Because of their remoteness, the Doma and Tshwa have limited access to the economy and are unable to own their Indigenous land because the government has the right to much of the land in the country. The Land Acquisition Act stipulates that the Zimbabwean government has the right to seize any rural or agricultural land it sees fit for redistribution.⁸ Land reform has been an ongoing issue since Zimbabwe declared independence, which has caused confusion and turmoil about private property. Based on the laws in place and the location of their communities, Indigenous Peoples in Zimbabwe may struggle to acquire the titles to their land.

The Doma People have survived for centuries through hunting and gathering in the Mwanzanutanda Mountains near the Zimbabwean border with Zambia. However, the government has taken control of most of their historic lands to create the Chewore National Park and Dande Safari Area. The Doma are no longer permitted to hunt on these lands and are often harassed by game rangers.⁶ They do not traditionally have farming skills, and are reduced to fishing on a small stretch of the Zambezi River. Without permission to hunt and without aid from the government, the Doma are at risk of starvation. To compound the issue, villagers from the east are increasing in number and are expanding settlements on to what little land the Doma possess.⁹ The Doma People are now being pushed from their traditional lands, without consultation, by the government and by urban sprawl. They no longer have the land or resources necessary to survive.

The Tshwa people of the Tsholotsho District, who also rely on the land they inhabit as a hunter-gatherer community, have recently been uprooted from their traditional homes due to the overflow of the Gariya Dam. This dam was built on Indigenous land during Zimbabwe's colonial era, and has now become hazardous to the lives of the Indigenous Peoples whom live in its vicinity.¹⁰ In January and February of 2014 devastating floods caused many families to abandon their homes. Already in poverty, many of the families are now suffering from starvation and homelessness. The cause of this flooding was from the overflowing Gariya Dam that is estimated to have displaced around 400 families. They now find their livelihoods and economic prospects destroyed as a result of a dam that was imposed on them before independence. The government was widely criticized for its minimal reaction to the crisis, which violates of Article 32 and Article 24 of UNDRIP. The government of Zimbabwe issued a declaration of disaster, which mandates that it seek regional and international assistance, and in extreme cases set up a relief fund.¹¹ However, the government took weeks to implement any of these steps and eventually abandoned them. Despite continued widespread damage and uprooted families, the declaration was left to expire only three months after the floods in May of 2014.¹² Food scarcity among rural communities like the Tshwa was critical, but the Zimbabwean government made minimal efforts to distribute food, clean water, and other necessities during this crisis.

The Chingwizi resettlement camp, which housed many Tshwa affected by the flooding, was officially closed in August of 2014 despite the urgent need to keep it running.¹³ It housed an estimated 15,625 people that year. A report from Human Rights Watch claims that Zimbabwe's government has used violence, harassment, and the deliberate restriction of humanitarian aid to coerce an estimated 20,000 flood victims to resettle on tiny land plots where the government plans to establish a sugarcane plantation.¹⁴ These accusations worry international groups that forced labor may happen to poverty-stricken groups like the Tshwa. The fear is that the government would make these groups work the sugarcane land as a means to continue living there. On top of this, recent inclement weather and violent rainy seasons this year have continued to make life difficult for those trying to survive off of the limited resources they have access to. In January of this year, many more storms sparked widespread need.¹⁵ Households are being destroyed and the lack of humanitarian emergency intervention has slowed down the process of rehabilitation for Indigenous communities. The government is accountable for these displaced

minority and Indigenous communities and is failing the obligation it made to them when it made a disaster declaration.

C. Discrimination of the Tshwa and Doma Peoples. Civil and Political Rights (Violations of UNDRIP Articles 1, 2, 16, 19, 21, 33)

Both the Doma and the Tshwa people are subject to extreme poverty and discrimination. They are isolated to their rural communities and have limited access to news outlets, and lack a deep understanding of their rights as Indigenous Peoples. Zimbabwe's state-controlled media violates UNDRIP Article 16, which calls for free and unbiased media coverage. According to the United States Human Rights Report of Zimbabwe 2014, the government controls the news coverage and is highly biased in its reporting of current events. Zimbabwe's media laws give the government the right to limit press freedoms in the "interest of defense, public safety, public order, state economic interests, public morality, and public health."¹⁶ This prerogative essentially eradicates freedoms of press or speech, which harms the Doma and Tshwa communities.

In this effort to control the media, the government has refused to license community radio stations since independence. Such stations would allow better communication between the government and people of remote areas like the Doma and Tshwa, especially in times of need. However, the government feels community radio stations would serve to undermine government authority.¹⁷ Without these radio stations the Indigenous Peoples of Zimbabwe have many more problems accessing aid. They are unable to voice their independence and rights as Indigenous Peoples and are unable to call for help when disaster strikes. This is all because such actions would disrupt the government's idea of public order and supposedly question its sovereignty. Such limitations are in violation of UNDRIP Article 33 and Article 2.

D. Marginalization of Indigenous Languages (UNDRIP Articles 13, 14, 16)

The marginalization of Indigenous languages within the education system is also leading to declining numbers of minority language speakers. Government-run media outlets use only majority languages, excluding monolingual minority language speakers from accessing vital news and information.

In a recent conference evaluating the new Bill of Rights in the new constitution, Professor Bornface Chisaka spoke about the need to improve education to help all learners and promoted the use of local languages to include more children who cannot read mainstreamed languages.¹⁸ He claimed the current education system continually fails the majority of learners and makes minority language speakers more vulnerable. Due to these language barriers, requesting and receiving aid is even more difficult for the Indigenous Peoples. Aid is very limited for the Doma, who are secluded in their villages. Moreover, the poor economy is distracting much needed attention away from their plight. Awareness education in Indigenous languages would benefit the Doma and Tshwa communities, which have difficulty even requesting aid due to their lack of knowledge about it.

Education in Indigenous and minority languages is a difficult task. Many of these languages, such as the San group of languages that includes the Tshwa language, are not written and do not contain concepts such as counting or time.¹⁹ Advocates of minority language education hope that the Ministry of Education can coordinate learning visits to Botswana and Namibia to see how their San communities created Indigenous language syllabi. Such an action would be a first step toward creating better communication and understanding of Indigenous rights.

In July of 2014, the United Nations Human Rights Office held a community building and rights awareness workshop where Christopher Dube from the Tsholotsho District came to represent his people. He says that knowledge of rights pertaining to land protection are not well-known. He also discussed the disappearance of his written language, saying in the report that "there are only 13 people left in his community that can speak their mother tongue".²⁰ Efforts like Dube's are further jeopardized by the aging population that can still speak these mother tongues.

Similar to Dube's community, another Tsholotsho group is trying to preserve the Tshwao language, but lost one of the fourteen elders that still speak it fluently.²¹ Time is running out for the preservation of some Indigenous languages, and a lack of government support for these initiatives makes the situation more serious. Zimbabwe's Indigenous Peoples are stuck between being cast out from society or forced to assimilate to the government's vision. This is an injustice and violation of their UNDRIP rights, and they must be informed about the rights they have and allowed to practice their traditions freely.

V. Questions

1. How is the government of Zimbabwe addressing the discrimination and marginalization of the Tshwa and Doma people?
2. What are the steps the government of Zimbabwe is taking to implement the UN Declaration on the Rights of Indigenous Peoples, which it voted for in 2007?

VI. Recommendations

Cultural Survival recommends that the government of Zimbabwe to:

1. Recognize Indigenous Peoples in the Zimbabwe Constitution.
2. Ratify ILO Convention No. 169.
3. Allocate health resources to address specific health issues of Indigenous and rural populations especially poverty relief aid to help alleviate medical hardships of the extremely poor.
4. Help repair and restore communities affected by the recent floods in 2014 and reopen transition camps to ensure those displaced have a safe place to find shelter and aid while rebuilding their lives.
5. Invite UN Special Rapporteur on the Rights of Indigenous Peoples to visit Zimbabwe.
6. Create a National Action Plan on implementing the rights of Indigenous Peoples based on the World Conference on Indigenous Peoples' Outcome Document.

Endnotes

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