

State of the Education Sector in Zimbabwe 2009 Report

INSIDE THE PANDORA'S BOX 2009

A Report by the Students Solidarity Trust

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PREFACE

This year's (2009) installment of our annual state of the education sector is the fourth report, and we are excited to present this report, titled "State of the Education Sector 2009 (INSIDE PANDORA'S BOX)". The three previous annual reports were well received and we are forever grateful to our readers for their feedback, support and co-operation.

The report comes slightly more than a year after the consummation of the Global Political Agreement, which has sought to put the country back on the path of stabilization and recovery, albeit with a plethora of challenges. It is our considered view that the continued challenges facing the Government of National Unity (GNU), mainly emanating from refusal to implement certain provisions of the GPA, are an albatross on restoration, recovery and stabilization – elements that can catapult the country to democracy.

The report like its predecessors captures the state of the education sector with particular focus on the infringements of academic freedoms, human rights and policy reforms obtaining in the education sector. This report notes that notwithstanding improvements in the economy and collective efforts by stakeholders towards education transition and recovery, the education sector is still reeling and yet to recover from the adverse effects of years of neglect and underfunding.

Even in the face of the GPA, students continue to bear the brunt of victimization in the form of expulsions, suspensions, illegal detentions and torture. The unrelenting conflict between College administrators and students has been largely a result of exorbitant tuition fees now charged by state owned tertiary institutions. The majority of students either expelled or suspended in 2009 were demonstrating against exorbitant tuition and accommodation fees; with over 2500 college students having their studies deferred after failing to raise examination fees. About 70 000 students set to write O-Level ZIMSEC examinations failed to do so despite the deadline of payment of fees having been pushed forward twice due to their limited access to foreign currency.

The rickety government of national unity has not done enough to ameliorate the crisis obtaining in the education sector. All the eight principles of good governance have been violated, namely accountability, transparency, respect of rule of law, consensus orientation, equity, responsiveness, efficiency and effectiveness and participation. The education delivery system in Zimbabwe will only thrive if the government of the day adheres to the dictates of good governance.

It is hoped that this report will not only shed light on the state of the education in Zimbabwe but also assist in charting a way forward towards the betterment of this very important pillar for national development especially coming as it does at a time Zimbabwe is negotiating a transition.

By Masimba Mathias Nyamanhindi

Programs Coordinator

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1.0 INTRODUCTION

“Education is both a human right in itself and an indispensable means of realizing other human rights. Education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labor and sexual exploitation, promoting human rights and democracy, protecting environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.”¹

The report “State of the Education Sector Report in Zimbabwe 2009: Inside the Pandora’s Box” embarks on an investigation of the trajectory and kaleidoscopic state of affairs in the education sector. The report focuses on the year 2009 which marked a slow and frustrating recuperation from the 2008 lost and wasted academic year (less than two months of learning occurred in universities and not more than 30 days of learning took place in schools) characterized by drop outs of one in every five, March 2008 and June 2008 election inspired forced closures of universities, strikes by teachers, lecturers and non-academic staff, skyrocketing inflation and a plethora of ‘failed state’ related reasons². The report is biased towards rights violations in the education sector and the plight of the marginalized students: the female and disabled university students.

The report serves as SST’s major annual evaluation of the performance of the actors in the education sector in the year 2009 including chapters with empirical statistical and graphical evidence and a chapter documenting rights violations and names of survivors of human rights abuses. Recommendations derived from students across the country, civil society stakeholders and SST directed to the state and other actors are also part of this report.



Samson Nxumalo: NUST Secretary General (2009)

Education contributes to political development by creating an informed and participant citizenry and to socio-economic development by equipping people for new roles associated with an expanding range of occupations. Article 26 of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** states that:

“Everyone has a right to education. Education shall be free, at least in the elementary stages. Elementary education shall be compulsory: education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms”.

Education should promote understanding, tolerance and friendship among racial or religious groups, yet this was not the case in the year 2009 in Zimbabwe. Once the glory and pride of African continent, Zimbabwe’s education sector is now a shadow of its former self and has turned to be a preserve of the elite, increasingly marginalizing the poor.

The Report unpacks and uses **(ICESCR)** preconditions for the provision of all types and levels of education which are; availability, accessibility, acceptability and adaptability as yard sticks to measure the performance of the education sector in Zimbabwe. The report also assesses the performance of the education sector against other provisions of international conventions and covenants on education.

¹ The Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment No. 13 (1999), Adopted 08/12/1999 para 1.

² Interrogating the Political Economy of Higher Education: A Report by the SST

Economic Background

While the introduction of a multi-currency system in January 2009 helped stabilize the economy and was indeed partly responsible for the reopening of education institutions the irony is that this has brought with it a plethora of constraints associated with the limitedness of foreign currency supply. Because the entire population is chasing after the few United States dollars, it has become difficult for the poor to raise the required fees. Indeed the beginning of 2009 first school term and academic year saw huge dropouts and deferments as a consequence of the new fees and currency regime. The tuition fees were pegged between US\$400 and US\$1 200 per semester depending on one's area of study and the institution concerned. At the same time the average salary in Zimbabwe was a meager US\$100. This report interrogates rights violations against this background. Rights violations were mostly a result of brutal actions of state reactionary law enforcement agents in face of protests and demonstrations against these 'exorbitant' fees and poor conditions of learning in the institutions.

The report also interrogates rights violations and the plight of marginalized students against a background of the 2009 economic policy document "Short Term Economic Recovery Programme (STERP)". Zimbabwe has witnessed a number of these economic policies since independence which include Growth with Equity (1981), Transitional National Development Plan (1982-85), First Five Year National Plan (1985-90), Frame-

work for Economic Reform (1991-95), Economic Structural Adjustment Programme (1991), Zimbabwe Programme for Economic and Social Transformation (1998), Millennium Recovery Programme (2000), National Economic Revival Programme (2003) and the STERP (2009). All these economic policies have enunciated their plans for the economy and the provision of social services however STERP, save for the welfarist early independence policies, stand out to be the most ambitious in addressing public sector issues like education and health. STERP particularly acknowledges the centrality of education among other sectors in pulling Zimbabwe out of the present socio-economic chaos:



Clever Bere ZINASU President (2009)

*"The provision of adequate and quality basic social services is a key area of this programme. Access to health, **education** (own emphasis), housing, among others, is central to human development..."*

STERP attributes the chaos in the education sector referred to above to poor conditions of service, inadequate learning material and the inefficiency characterized by the Zimbabwe Schools Examinations Council's (ZIMSEC) failure to run examinations professionally and intends to address this as stated in article 5 which reads:

"In this regard, the STERP will give priority to the resuscitation of the education sector. Priority will centre on improving conditions of service for the teachers, including providing incentives to attract those in the Diaspora."

This report therefore also interrogates the performance of the education sector against benchmarks set out in STERP to ascertain if the goals of STERP with regards to education are being met. In this report, the present government is being judged against its own promises. It is important however to note that though STERP makes some progress overtures, its good intentions tend to fall victim to the political tug of war between two dominant political parties within Zimbabwe's inclusive government. Proclamations in STERP were made by the Honorable Minister of Finance Tendai Biti from the MDC and who is also ZANU (PF)'s chief nemesis. Notwithstanding that the Minister of Higher and Tertiary Education whose ministry stands to benefit from such is from ZANU (PF) there has been friction in pursuing some of the objectives set up in the economic blue print. Even beyond the education sector it appears ZANU (PF) has tried as much as possible to frustrate any meaningful reform from Biti. They have made sure some of his budget announcements are not executed. This has dealt a fatal blow to the education sector.

Socio-Political Background

ZIMSEC November 2008 “O” and “A” levels examination papers were yet to be marked by January 2009, whilst Grade seven students were still waiting for their results as the government failed to mobilize the necessary resources. According to the Zimbabwe multiple indicator monitoring survey, preliminary reports indicated a Net attendance ratio of 91%, meaning that 9% of children of primary school going age were not enrolled. This pattern is shown in both urban and rural schools. Reasons for non-attendance in 2009 were attributed to financial constraints (50%), early marriage and pregnancy (16%) and satisfaction with levels attained (12%) among other reasons³. The move by all schools to charge fees in foreign currency hampered children’s right to education and it has become apparent that Zimbabwe will not meet the Millennium Development Goal of achieving universal access to primary education by 2015.

In all universities, the year 2009 was characterized by delays in opening of the new semester, due to a low number of students who had paid the foreign currency pegged exorbitant fees and a whole lot of other viability and operational challenges. Most students feared that the ensuing delays in completing their degree courses due to strikes by lecturers among other things compromised the reputation of their respective institutions and thus their degrees. Staff shortages hit the tertiary institutions hard as mass exodus of qualified lectures continued unabated due to failure by government and the university authorities to provide adequate remuneration. This shows that the education system no longer has the capacity to transmit from one generation to the next the accumulated wisdom, knowledge, skills, values and attitudes of the society and to prepare the young people to be active members of the society who can contribute positively to its development.

Access to education at tertiary institutions was hampered not just by financial constraints but also by lack of proper accommodation. This increased the chances of especially female students engaging in behaviors that expose them to contracting HIV and AIDS. The right of students to live in a clean environment was compromised drastically. The government urgently needs to address these problems if it wants to retain education as a source of international pride.



*Lovemore Chinoputsa ZINASU
Secretary General (2009)*

1.1 PRECONDITIONS FOR THE PROVISION OF ALL TYPES AND LEVELS OF EDUCATION

The ICESCR in its general comments on the right to receive education identifies four elements of the state’s obligation with respect to the right to education. These are; availability, accessibility, acceptability and adaptability. This section unpacks these elements that shall be used in other chapters to assess the performance of Zimbabwe’s education sector.

a) Availability

The committee on Economic, Social and Cultural Rights noted that the issue of availability of education hinges on basic issues such as the provision of a favorable learning environment, infrastructure, reading and teaching materials and other technological necessities⁴ while absence of these may hinder the learning process altogether. It is in the fulfillment of the element of availability that institutions must have infrastructure for learning and accommodating the students and materials and equipment to facilitate the learning process such as books, computers, qualified teachers, administrative office equipment

³ Zimbabwe Millenium Progress Report 2009

⁴ SST Report: Interrogating the Political Economy of Higher and Tertiary Education in Zimbabwe.

such as computer accessories, stationery, primary health care for students, supply of treated and safe drinking water, functional sanitation facilities on campus and provision of acceptable quality of food.

Analysis on Availability

The free fall demise of the education system ebbed in 2009 to a point of stagnation. Problems persisted in the areas of accommodation where UZ failed yet again to open its Halls of residence to students, (partly a deliberate strategy to kill students' resistance since university accommodation makes it easy to mobilize students) water cuts, understaffing also persisted. At Polytechnic colleges like Gweru Polytechnic and Harare Polytechnic accommodation was offered but inaccessible due to the requirement to pay the full fees of up to US\$400 before paying for accommodation. The book ratio at most libraries in state universities in the open shelves is 1:15 and reserve sections book ratio is at almost 1:30⁵. UZ Law students in the faculty of law failed to access recent law reports from the year 2004 up to 2009 due to the failure by the institution to provide necessary resources.⁶

The position of primary health care at state institutions was not impressive. The clinic at UZ was only accessible to students who had paid their fees in full and the vulnerable poorest of the poor of the students could not access treatment. Lack of adequate computers still persists at state institutions despite the imperatives of an increasingly digitalised world. The parliamentary committee on education reported that at Chinhoyi University of Science and Technology, 3500 students and 205 Lecturers were sharing 205 computers. At the faculty of computer science at NUST, more than 400 students are sharing 30 computers.⁷

The Ministry of Information Communication and Technology led by Honorable Minister Nelson Chamisa together with Finance Ministry's Honorable Tendai Biti have landed an ear to the challenges of computer shortages in state institutions. Chamisa has made attempts at introducing E-learning. If such efforts are consolidated, they will go a long way in assisting students to be technologically literate and globally competitive.

b) Accessibility

Accessibility means that educational institutions and programmes have to be accessible to all on the basis of equality and non-discrimination. Accessibility has three overlapping dimensions which are non-discrimination, physical accessibility and economic accessibility.

(i) Non-Discrimination

Education must be accessible to all, especially the most vulnerable groups (females and disabled), in law and fact, without discrimination on any of the prohibited grounds.

(ii) Physical Accessibility

Education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighborhood) or via modern technology (e.g. access to distance learning).

⁵ Parliamentary portfolio committee on education report

⁶ ZINASU Vanguard

⁷ HANSARD Remember you must spell this acronym in full unless you have done so before.-May 2009

(iii) Economic Accessibility

Education has to be affordable to all. Primary education must be free to all and state parties are required to progressively introduce free secondary and higher education.

Analysis on Accessibility

With regards to geographical accessibility the government has gone a long way in addressing imbalances in terms of access to education by opening up more universities across the country thereby allowing access to a wide range of students. However in terms of physical accessibility not much has been done. In most institutions halls of residence were closed in 2009⁸. Many students have no relatives ready to accommodate them in the respective cities and towns where these institutions are located making it difficult for them to secure alternative accommodation. Commuting to college was the end result. At UZ for example students use public transport to come to college. Public transport being unreliable as it is and the recurrent fuel shortages worsening the situation it has been very difficult for students who come to college daily from as far as Norton (about 35km), Chitungwiza (about 25km), Ruwa (about 25km), Mazoe (about 40km) and suburbs around Harare. For those who have secured accommodation around campus, their situation is also terrible. A recent survey conducted by SST has revealed that many UZ students in Mount Pleasant in Harare and MSU students in Nehosho and Senga are living in deplorable conditions. Certain houses one along Mendel road, Maxwell road, Brendonhood road and The Chase in Mount Pleasant are housing an average of 80 students each.⁹ The adverse effects of accommodation crisis include prostitution, crime and hygienic related ailments.

c) Acceptability

The form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students, and in appropriate cases parents, this subject to the educational objectives required by article 13 (1) and such minimum standards as may be approved by the state.

d) Adaptability

Education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

Analysis on Acceptability and Adaptability

The Zimbabwean education system, once hailed as the beacon of Africa had crumbled in light of the demise of the economy. By late 2009, the system was beginning to show signs of stabilization yet the conditions of learning and service for academic and non-academic staff are far from being acceptable.¹⁰

The attempted use of university security personnel popularly known as green bombers as invigilators during the December 2009 examinations was an unwarranted development. This and the regular presence of armed police were calculated to intimidate students who were not fully paid up to do so or risk being barred from seating for examinations. This speaks to the militarization of institutions of higher

⁸ University of Zimbabwe was the hardest hit

⁹ According to visits conducted by SST in these places of residence

¹⁰ Democracy, power and people to people solidarity 2009

learning; yet the inclusive government has not helped to redress real problems which are the cause for disgruntlement among students. The Zimbabwe National Student Union (ZINASU) leadership has paid through incarcerations, abductions and torture for mobilizing students to resist the militarization of education institutions among other things.¹¹ Professor Eldred Masunungure in an interview with University World News in 2008 noted that the University of Zimbabwe had become “a pale shadow of its former self”.¹² Doctor John Makumbe a Political Science Lecturer also said that the state of some universities in 2009 was characterized by signs of hope but the state of dereliction was so much that it shall require a very long time for it to fully recover.¹³

¹¹ Interview with Brian Rundongo one of the activists who were arrested on this fateful day please put dates and more details about the day if possible.

¹² Pandora's box 2008

¹³ The Prime Minister newsletter-26 August 2009

2.0 EDUCATION SECTOR ANALYSIS

2.1 Primary and Secondary Education

Education is a fundamental human right according to Article 26 of the **Universal Declaration of Human Rights**. Unfortunately in Zimbabwe the year 2009 began with a two week postponement of the first term school opening because teachers needed more time to finish marking the 2008 end of year examinations. Primary and Secondary school teachers were on strike over low salaries. Private schools were ordered not to open despite having everything in order as they provide the Cambridge examinations in an attempt to mask the shame of failure. Pupils who sat for their Grade seven examinations the previous year were yet to receive their results by the 27th of January when the schools were set to open. Sources within the education sector revealed that marking of Ordinary and Advanced Level Examinations was yet to begin by January 2009 as ZIMSEC struggled to find teachers to mark the exams. Traditionally, Grade seven results are released a week before schools close for the third term to allow parents to adequately prepare for the new term, but this ended in December 2008. This alone reveals the crisis of the education sector which deepened in the month of January.

The first day of Zimbabwe's 2009 school year, was marked by few teachers turning up to work as they threatened to strike, until demands for better working conditions and salaries in foreign currency were addressed. They were growing fears that 2009 would become the worst academic year in the history of Zimbabwe. According to the Millenium Progress report of 2009, in January that year teachers were earning as little as less than US\$10.

The consummation of the inclusive government however brought a much needed break to this negative cycle. Indeed the tone of the new government was cause for optimism for the bedeviled education sector. When the inclusive government came into being the Prime Minister of the Republic of Zimbabwe who is also the Head of Government Right Honorable Morgan Richard Tsvangirai ensured that the civil servants got an allowance of US\$100 by month end thereby prompting them to return to work. Addressing a rally in Gweru soon after being sworn into office the Prime Minister said this:

"After what Zimbabweans have gone through, we certainly deserve better. The people of this country are hard working, resourceful, they can make it work. This is a transitional arrangement: a new generation is taking over"¹⁴

Professor Eldred Masunungure, the Director of Mass Public Opinion Institute and Lecturer at UZ in the political science department observed that, "schools must function properly, hospitals must be well stocked and staffed by well remunerated practitioners and there must be food on the table".¹⁵

In less than two months after the birth of the inclusive government, virtually all schools had reopened. The Minister of Education Sports and Culture David Coltart ensured that the "O" and "A" level ZIMSEC examinations were marked. Fees for both primary and secondary schools were revised downwards. The government also issued a statement encouraging all those who had been employed by the public service commission to come back to work. Many former civil servants took heed of this call and returned back to work although the brain drain especially in the education sector seems to persist.

As a result significant progress was recorded in the month of February with the government of national unity taking heed of the call made by teachers union to start paying teachers in foreign currency. This was followed by the full dollarization of the economy. Unfortunately this resulted in huge dropouts of pupils and

¹⁴ AFRICAN REPORT-FEBRUARY/MARCH ISSUE 2009 pp20

¹⁵ AFRICAN REPORT FEBRUARY/MARCH ISSUE 2009 pp21

students in both primary and secondary school. The pegging of fees in foreign currency hampered children's right to education and as things still stands it is unlikely that Zimbabwe will meet the Millennium Development Goal on universal access to primary education by 2015. This is in spite of the fact that education is a right which should be enjoyed by all citizens regardless of their financial or social status: (Article 17 of the **African Charter on Human and Peoples rights**).

The Progressive teacher's union of Zimbabwe on countless occasions called on the government to forego 2008 academic year. No meaningful learning took place during that year. However this suggestion was met with outrage by the government which wanted to portray a semblance of normalcy in the education sector yet the sector was rapidly sinking.

In 2009, the government of Zimbabwe embarked on a massive recall of teachers who had absconded duty for greener pastures outside the country and in the informal sector. The process though bureaucratic, its response was favorable as teachers came back and joined the education sector. Despite the government being insensitive to the plight of the underprivileged schoolchildren, some schools in the rural areas had resorted to paying fees in form of a bucket of maize. One key network association which has emerged and been adopted by the Ministry of Education is that of the parent-teacher association. This network serves mostly to mobilize monetary incentives to top up the teachers' meager salaries (of US\$150). However this form of intervention has generated a lot of debate as it tends to benefit urban teachers only since most parents in rural schools struggled to raise the US\$5 in fees required to sustain such a scheme. Teachers in urban areas also make additional money by providing private tuition for a fee outside normal working hours. Rural areas thus remain unattractive and a last resort for most teachers hence hard hit by staff shortages. This is worsened by the fact that government stopped providing a special allowance for rural teachers.

On September 14th 2009, the Zimbabwe's Minister of Education, Sports, Arts and Culture launched the multi-million United States Dollar Education Transition Fund (ETF); a partnership between the government of Zimbabwe, UNICEF and UNESCO, donor governments and civil society, aimed at achieving national impact in the education sector. ETF is meant to ensure that every child in Zimbabwe has access to textbooks, as well as learning materials and stationary. It is also meant to strengthen School Development Committees, as well as respond to technical assistance needs of the Ministry of Education, Sports, Arts and Culture (MoESAC). While the fund is a noble and welcome move it supports mainly basic and elementary education and exposes lack of adequate and consolidated initiatives in funding university or tertiary and technical education.

2.2 Higher and Tertiary Education

The atmosphere across Zimbabwe when the inclusive government came into being was more of a relief than an outright celebration. On February 13, 2009, Right Honorable Prime Minister of the Republic of Zimbabwe and his two deputies took oaths of office. This new political dispensation infused hope for an economic turnaround and social transformation after over a decade of decay of the social services in Zimbabwe. Accordingly, optimism was very high that the three Principals to the Inclusive Political Agreement (IPA) were going to fight to revive the economy and stop human rights abuses which had been for long a characteristic of the country's politics. The students in higher and tertiary education also looked up to this government which had created a new dispensation to provide for a quick fix to their recurrent problems.

Many institutions opened their doors to students in January 2009 earlier than in previous years to compensate for the lost time in the politically turbulent 2008/9 academic year. This was before the full consummation of the inclusive government. During this period the major challenges faced by institutions were the exorbitant and unaffordable fees for both tuition and accommodation being pegged in United States Dollars. This led to a myriad of demonstrations across the country. As is always the case, the brutal hand of the

state descended heavily upon the students activists who were the torch bearers in this worthy cause of asserting one's academic rights. The disruptions caused by the unaffordable fees and unwarranted levies saw the closure of University of Zimbabwe, the oldest institution of higher learning in the country, in February 2009 indefinitely. Initially when the university was opened earlier than usual in January 2009, it had issued a circular to the effect that every student should pay examination fees of US\$400, failure of which one will not attend lectures and not sit for their respective examinations. This, it can be argued defied logic and was an affront to common sense. A demonstration was mooted and this resulted in the arrest on February 5, 2009 of three student activists namely Vitalis Madzonga, Tawanda Katsuro and Justice Chikanya for charges of public violence. Similarly, as part of the ZINASU nationwide campaign against the dollarization of education in Zimbabwe on February 9, 2009, MSU students in Gweru bravely demonstrated leading to the arrests of three other students charged with public violence and assault.¹⁶

Universally, state universities are utilities meant to provide a service to all deserving students irrespective of their socio-economic status. However, in the year 2009 universities were not immune to the problems of the dollarization of the economy. The move by the government to charge fees in foreign currency in universities and colleges resulted in the full privatization and commercialization of the education sector. The Ministry of Higher and Tertiary Education, it is believed, had just plucked these exorbitant figures for fees from the air without even considering the feasibility of such a move. At this juncture, one needs to point out that 60% of the students who have made it to universities and colleges in Zimbabwe have considerably poor backgrounds. It may be said therefore that it is totally impractical if not impossible to expect "men of straw who sleep on the floor" to raise an unjustified amount of at least US\$400 per semester. Since there was no student representative bodies in most of the institutions, there was virtually no way in which the students were consulted if at all they are going to be. At the (MSU) it was announced that students would begin to pay tuition fees ranging between US\$600 –US\$1.200 depending on the field of study. This resembles the fees charged at other state universities around February 2009. This led to many universities failing to open for the academic year since only a few students were prepared to pay such huge amounts of fees announced by the universities. In March 2009 the University of Zimbabwe revealed that only 10% of the students had managed to pay the required fee amounts resulting in the university shutting down.¹⁷

They were calls to reduce exorbitant fees charged by the institutions and by 5 March 2009, the government intervened and announced a downward revision of the fees structure, ranging between US\$150 –US\$600, which were still unreasonably exorbitant. Therefore the dollarization of the economy continued to affect the poor and the fees demanded were still way beyond the reach of many students whose parents are mostly civil servants earning as little as US\$150. As a result, the universities and colleges have deteriorated, a great portion of students have been denied a chance to complete or further their studies as fees are now pegged in foreign currency.

In February 2005, the government scrapped off the loan system for students and introduced payment of fees directly. This plus the dollarization of economy mean education has become fully privatised. This scenario has left many students stranded with no options but to drop out of college or to quit education and go abroad to explore other options. This trend is rampant particularly in marginalized Matabeleland region. Higher education has been de-prioritized and graduate prospects of employment have diminished.

Despite the government introducing the cadetship programme in 2005, in 2009 Bindura University and Mutare Polytechnic college students who wanted to submit their forms to the Ministry of Higher and Tertiary were forced to return with the forms, as the government cited that funds for the cadetship programme were not yet available. The National University of Science and Technology, in March 2009 barred students from entering campus for failure to produce proof of fees payment. This same scenario took place at the University of Zimbabwe where one had to produce proof of payment in order to be admitted into tutorials.

¹⁶ SST 2009 Solidiary

¹⁷ THE Herald 10 march 2009

In this inclusive government, the Ministry of Higher and Tertiary Education passed the responsibility to offer financial assistance to students. As has been the case before the inclusive government, very few students bought into the cadetship idea partly because the terms and conditions of the scheme are vague. There is a general consensus among students that bonding after completion of studies as a condition to the cadetship scheme is limiting and unfair. Further the scheme only caters for three quarters of the total payable fees which ultimately means that government introduced fees structure which it cannot even afford. The scheme has been dismissed by the poorest of the poor as elitist as students are expected to pay compulsory fees of around US\$100 despite being on the scheme.

Clearly this scenario is with no doubt creating a whole generation of dropouts forced out of universities and colleges by the economic and political situation. Education in Zimbabwe is now for the elite and out of reach for the poor. The government's withdrawal of funding has resulted in campus infrastructure deteriorating, catering services privatized and with the exorbitant tuition fees students are effectively pauperized. In 2009 University of Zimbabwe accommodation facilities were entirely closed due to water shortages on campus. Accommodation woes continued to persist in most state universities across the country.

As students stay off-campus in most universities and colleges it means that they have to fork out as much as \$2 per head per day for transport depending on where one lives. Despite that at Harare Polytechnic college accommodation fees were US\$80, students were obliged to pay tuition fees of US\$600 prior to paying for accommodation. At Bindura University of Science Education accommodation was available for those who could pay but there were no food catering services. Food was offered by mobile vendors at unfriendly prices while cooking in the halls of residence was not allowed. University and college students especially the female students were rendered vulnerable and many resorted to prostitution as they tried to make ends meet. As a result the spread of HIV and AIDS is thriving at colleges with Chinhoyi University making headlines in the Herald newspaper for cases of STIs having been treated at the Universities main clinic.¹⁸ It is therefore imperative for the Ministry of Higher and tertiary education together with tertiary institutions to put in place measures that enable students to have access to accommodation on campuses.

At the University of Zimbabwe, despite some students having managed to pay the fees in foreign currency their academic rights were violated in the year 2009. As already noted, students were denied quality education due to delays in the completion of their degree courses, strikes by teachers and an early closure of the second year due to the pegging of exorbitant fees. The year 2009, saw a continuation of a mass exodus of qualified lectures as the university failed to pay the lectures adequately. Students are finding it difficult and unprofessional for the University authorities to allow them to proceed to the next academic semester without receiving their academic results for the previous written examinations. This has detrimental effects on the performance of the students and they question the quality of education being provided in the era of paying school fees in foreign currency.

As a way of mitigating the damage caused by the delay in opening tertiary education institutions of higher learning crush programmes were introduced. This was received with mixed feelings by the students. Commenting on this aspect, Doctor Lovemore Madhuku, Chairperson of the National Constitutional Assembly (NCA) and Law Lecturer at UZ observed the crush programmes were a two sided coin. Firstly they ensured that as many graduates will graduate as early as possible as well as affecting the quality of the end product: education¹⁹.

The ZANU (PF) led government's operations before the advent of the inclusive government were desperate and unacceptable. They were likened to that of "a headless chicken hoping from one point to another in confusion" as put forward by Dhewa Mavhinga²⁰, a prominent Zimbabwe human rights lawyer based in the

¹⁸ THE HERALD 10/09/09 as cited in the National Students Conference Report

¹⁹ THE LEGAL MONITOR : (a human rights publication by the Zimbabwe Lawyers For Human rights)

²⁰ THINKING BEYOND-JOURNAL OF ALTERNATIVES FOR A DEMOCRATIC ZIMBABWE(JUNE-AUGUST) 2009

United Kingdom. For those students who had completed their advanced Level studies waiting to enroll for university education, the year 2009 is arguably a wasted year as institutions such as UZ failed to enroll new students due to disturbances in February leading to its closure. To the then current students frustration was their token as the university failed to open due to countless problems most of them attributable to poor funding of education sector by the government and poor management at the institutions. In the Health sector in early 2009, carry-over cases of cholera continued to wreck havoc. At most state universities, polytechnic colleges and teacher training colleges the ablution facilities were malfunctioning thereby posing a devastating cholera time bomb which was becoming more and more perilous by the day. At UZ only the Beit Hall toilet was functioning to cater for more than 12 000 students. The long closures of universities during the period of the outbreak of cholera in a way came as a blessing in disguise considering the condition on ablution facilities.

The inclusive government with the aid of international partners arrested cholera. Key players were brought on board and worked flat out to rectify water and sanitation crisis at most institutions. If it were not for UNICEF and other NGOs who worked tirelessly to avert the situation through assistance that included drilling of bore holes at UZ²¹, most of these institutions could still be closed by now. This gave the students hope that at last the government together with other partners were working together in response to their plight.

Except before February 2009, where there was no legitimate government in Zimbabwe service delivery at institutions of higher learning has been halted from downward fall with slow and minor sign posts of recovery. Renovations and construction work abandoned in the last five years resumed; examples are the continuation of the construction of the Great Zimbabwe University Library, Harare Polytechnic Library and renovations Development Studies Faculty at the University of Zimbabwe. The tortoise pace at which dilapidated infrastructure and installations at colleges and universities are being attended to will not bring back the hey days luster of such bigger and old universities such as the University of Zimbabwe. Compared to regional and international institutions of the same caliber, UZ has had a lost decade with regards to infrastructural development. Such Universities such as Makerere in Uganda and University of Cape Town in South Africa have outshined UZ and other Zimbabwe Universities and continue to enjoy competitive advantage as they are well resourced. At Bindura University for example over 100 students share 15 computers whilst at University of Cape Town; a student has a choice of using computers in the library, lecture rooms or in the halls of residence.²²

2.3 Conclusion

Universally, governments are meant to provide education to all their deserving students irrespective of their socio-economic status, however the year 2009 marked by the dollarization of the economy meant that the poor who had no adequate access to the foreign currency to pay for unrealistic fees structures across the country were hard-hit. Nevertheless the situation could have even been worse off without dollarization and actually dollarization brought the much needed economic and financial destabilization. The beginning of the year was characterized by huge dropouts of school-going children due to the introduction of the payment of fees in foreign currency. By January Grade 7 results were not yet out and "O" and "A" level examination papers were yet to be marked. In Higher and Tertiary institutes students were denied access to finish and some were forced to defer their studies due to the exorbitant fees charged with the lowest fee pegged at US\$300²³. Within the first quarter of the year civil servants began to receive their salaries in foreign currency, and in primary and secondary schools teachers are now receiving incentives from parents. Generally, the education sector for primary and secondary schools improved as teachers conducted lessons

²¹ THE Prime minister newsletter (20 MAY 2009)

²² Pandora's box (2008)

²³ The human rights watch (September 2009 pp13)

throughout the year. However, staff shortages hit the Higher and Tertiary institutions. High vacancy levels at the institutions were as a result of brain drain and poor remuneration which has seen colleges and university staff joining the private sector or leaving the country for greener pastures. Universities have partly filled in vacant posts by relying on part-time staffers and absorbing recent graduates a move which some educationalists said compromised the quality of education. The University of Zimbabwe residential halls were not opened for students as university authorities cited water problems at the campus. This resulted in students looking for alternative accommodation and like any other students at Tertiary institutions they have resorted to large numbers of students sharing a room. Landlords in surrounding areas took advantage of the students and are charging exorbitant rentals. Some female students became vulnerable and are now targeted by wealthy men and landlords who offer them money in exchange for sexual favors.

Overall, the dollarization of the economy has had negative impacts on the marginalized, rural poor and vulnerable women. The hardships for student in the new dispensation cannot be underestimated as many have dropped out of school at an early age. That Higher and Tertiary institutions are understaffed negatively impacts on the quality of education offered and the type of graduates produced. The government has to address the unjustifiable deprivation of the right to education for all if it is to achieve at least half of the Millennium Development Goal of achieving universal access to primary education by 2015. Article 17 of the African Charter on Human and Peoples rights stipulates that education is a right which should be enjoyed by all citizens regardless of their financial or social status so for tertiary students,

2.4 Recommendations

- The government needs to plough more money and/or come up with a more sustainable funding model, for example giving schools and universities more autonomy in terms of resource mobilization or introduce models where the rich subsidize the poor
- Ensuring an adequate and well trained teaching force
- Strengthening partnership between Ministry of Education, Sports and Culture, parents and the community and the private sector in meeting the cost of education and teacher training
- Increasing access to information technology at school level
- Provisions for learners with disabilities and other special needs for women for example availability of sanitary facilities and functioning toilets
- More donor funding should cater for poverty mitigation programmes for example Basic Educational Assistance Module
- All the various categories of institutions should have compulsory programs that inculcate students with self actualization, self reliance.
- Promotion of curriculum relevance at various levels of the system to cater for the contemporary and future needs of the youth.
- Increase and allow flexibility in the Cadetship grant programme

3.0 STUDENTS' RIGHTS VIOLATIONS

3.1 Academic Rights

Human rights are those rights which are essential for us to live as human beings. Without Human rights, we can not fully develop ourselves and use our human qualities, our intelligence, our talent and our spirituality²⁴. According to the Universal Declaration on Human Rights (UDHR) Article 26:

"Everyone has the right to education...education shall be equally accessible on the basis of merit"

Universally, state universities are state utilities, which are meant to provide a service to all deserving students irrespective of their socio-economic status. By this declaration, governments accepted their obligation to ensure that all human beings rich or poor, strong or weak, male and female of all races and religions are to be treated equally. Education has been regarded in all societies and throughout history as a means for the individual and society to grow. In addition, the UDHR also says that education shall be free, at least in elementary and fundamental stages with elementary education being made compulsory. Higher education it is stated shall be accessed by all on the basis of merit. More importantly, the UDHR clearly stipulates that education should be directed towards the full development of the human personality and strengthen respect for human rights. Finally, it acknowledges that parents have a prior right to choose the kind of education to be given to their children.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) sets out a detailed formulation of the right to education. Article 13 of the same convention stipulates that everyone has a right to education and that education should contribute to the full development of the human personality. It also specifically stipulates that:

- *Primary Education shall be compulsory and free to all,*
- *Secondary Education, including technical and vocational education shall be made generally available and accessible by appropriate means, in particular by progressive introduction of free education,*
- *Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, in particular by progressive introduction of free education.*

Article (II) of the African Charter on the rights and welfare of the child states:

"1. Every child has the right to education:

The education of the child shall be directed to:

- (a) Promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) Fostering respect for human rights and fundamental freedoms with particular reference to those set out in the provisions of various African instruments on human and people's rights and international human rights declarations and conventions
- (2) State parties to the present charter shall take all appropriate measures with a view to achieving the full realization of the right and shall in particular (a) Provide free and compulsory basic education:

²⁴ Understanding human rights- (a publication by the United Nations 2000)

- (b) Encourage the development of secondary education in its different forms and to progressively make it free and accessible to all;
- (c) Make the higher education accessible to all on the basis of capacity and ability by every appropriate means
- (d) Take measures to encourage regular attendances at school and the reduction of drop out rates
- (e) Take special measures in respect of female gifted and disadvantaged children ,to ensure equal access to education for all sectors of the community”

However in Zimbabwe the year 2009 was characterized by violation of academic rights with the sudden introduction of exorbitant fees charged in foreign currency. Colleges and Universities set deadlines for fees payment but many students failed to meet the deadline resulting in many students who were in the middle of their studies deferring their studies. For some students, they were left stranded with no alternative but to drop out of college or to go abroad and explore other options. This is a violation of academic rights because students were not consulted on the new fees structure and this has affected the poor who now face uncertainty as they terminated their studies.

The end result of such commodification of university education as fees rose and became differentiated across programs, meant that learning, increasingly became a market transaction on a consumer mentality and takes hold among the high fee paying students, thereby weakening their collective capacity to protect their rights and the quality of their education. As a result student unionism in the year 2009 has been strongly suppressed and no one is taking up issues of unprofessional qualification of students to the next academic year without results of the finished previous semester. This has had a negative effect on students' academic performance as some defer their studies to the next academic year upon failing some courses.

There is continuation of deferments due to the fact that the current university system has no room for including students in academic decision making. Students have complained that the University of Zimbabwe abolished the system of proceeding to the next level if one fails a pre-requisite course. The system is not flexible given the high exorbitant fees students were asked to pay. They instead called for the re-introduction of supplementary examinations instead of automatic repeats so that one finishes within the prescribed years of the registered programme.

In March at the National University of Science and Technology students' academic rights were violated when the campus authorities denied entry to students from campus for failure to produce proof of paying exorbitant fees which included a payment of US\$512 for Commerce students and US\$600 for Engineering. At the University of Zimbabwe students were also denied access to registration forms and library facilities for failing to produce proof of payment of fees. To add on, the authorities at NUST have gone further by delegating security guards to man all entrances to lecture rooms, barring all students who failed to pay their tuition in full.

This reveals the crisis of funding at all universities that are state owned as they are not adequately funded. This has led to lower remuneration for lecturers, malpractices like extortion sale of handouts and this has compromised the quality of education which student are paying exorbitant fees for.

Zimbabwe's constitution does not clearly provide for the right to education in the bill of rights.²⁵ This is contrary to Article (I) of the **African Charter** on the rights and welfare of the child which clearly states that:

²⁵ Pandora's box (2008)

“Member states of the African Union parties to the present Charter shall recognize the rights, freedoms and duties enshrined in this charter and shall undertake to the necessary steps in accordance with their constitutional processes and with the provisions of the present Charter, to adopt such legislative or other measures as may be necessary to give effect to the provisions of this Charter.”

Although Zimbabwe is a signatory to this charter, no steps whatsoever have been taken to include a specific right to education in the constitution. It is only provided for in the Education Act in Section 4 (Chapter 25:04). This violates the inalienable right of students to education. The regime which was in place before the inclusive government used to have an outside veneer of democracy yet it was wholly dictatorial. They would ratify conventions but do nothing when it comes to adopting them into the constitution. The South African constitution provides for this right in Chapter 2 Section (29).

The Zimbabwean government is a signatory to the ICESCR which obliges states in Article 2 to “take steps individually and through international assistance and cooperation, especially economic and technological, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present covenant and all appropriate means including particularly adopting legislative measures”. The 1998 **Maastricht Guidelines** on violations of economic, social and cultural rights notes that ESC rights impose three different types of obligations as follows:

a) Obligation to Fulfill

Whilst national constitutions of some countries including neighboring South Africa enshrine the right to education, Zimbabwean constitution is still deficient in this area. It is saddening to note that there is no right to education enshrined in the constitution's bill of rights²⁶. The government has thus not taken appropriate legislative action to include this fundamental right in the constitution. The onus is now upon the inclusive government, civil society organizations including SST and architects of the constitution making process to remedy this injustice in the new constitution being crafted.

b) Obligation to Respect

This obligation entails that the state should not interfere with the enjoyment of the rights set out in international conventions and covenants alike. Government therefore must desist from carrying out, sponsoring or tolerating any practice, policy or legal measures violating the right to education. In 2009, a number of students were arrested expelled and or suspended thereby violating their rights to the uninterrupted enjoyment of their right to education. Dollarization of the economy and the resultant exorbitant tuition fees in foreign currency also violates students' rights. Furthermore the deliberate absence of students' representatives at many institutions was a slap in the face of this right to education. Students' representatives are the voice of the voiceless, the vanguard of natural rights of human being ensuing from just being human. Further it can also be argued that the government violated the right to education when UZ was indefinitely closed in February following students' demonstrations on campus.²⁷

c) Obligation to Protect

This obligation essentially means that the state and its agents should prevent the violation of rights by any individual or any state actors. It is accordingly the duty of the government to ensure that tertiary institutions comply with minimum educational standards such as adequate infrastructure and trained

²⁶ There is no express right to education in sections(11-23)

²⁷ The University of Zimbabwe was closed for more than six months

teachers. There has been a worrying trend from the student circles about the use of recent graduates or undergraduates in their final years to lecture students. Reliable sources have revealed that in the faculty of medicine at UZ for example, undergraduates are lecturing in their courses. At the faculty of law, Advanced Civil Procedure was sometimes taught by a recent graduate. The Zimbabwe government has a legal obligation to citizens to be concerned about the availability, affordability, accessibility and adaptability of all levels of education in Zimbabwe.

As already pointed out, the constitution of Zimbabwe excludes the right to education in the bill of rights. Failure by the government to take appropriate legislative measures to fully protect the right to education as required by Article 2 of ICESCR is deplorable. The adoption of provisions of international instruments recognizing the right to education within the domestic legal system can significantly enhance the scope and effectiveness of remedial measures. Article 26 of the 1969 Vienna Convention of the Law of the Treaties provides that:

“Every treaty in force is binding upon the parties to the treaty and must be performed by them in good faith.”

This means that despite the relegation to the Education Act of the right to education by the Zimbabwean government, it still has an international obligation to secure this right. As a member of the global village, Zimbabwe is therefore bound to honor this internationally protected right to education.

At this juncture it is important to point that, legislative measures are not in themselves sufficient enough to implement the right to education. The responsibility also extends to the judiciary and the executive. Judicial measures should be available such that victims can take to court those responsible for violations of their right to education. Although courts are not empowered to make policy decisions, using the principle of judicial independence and separation of powers they can keep a watch at the performance of the government. Zimbabwean courts should therefore be able to adjudicate effectively and impartially on matters brought to court by students and other stakeholders without fear. It is also crucial for the new constitution being drafted in the context of the inclusive government to specifically entrench the right to education in the bill of rights in a way similar to the South African government and the NCA draft.

The Maastricht Guidelines provide that the government should formulate and implement a plan of action to make higher education affordable to all. In 2009, the government continued with the cadetship scheme which was seen as a firefighting scheme by the students.²⁸ This scheme was and is being rejected by the majority of the students who argue that the government has the burden of proving that the scheme was mooted out after the consideration of all alternatives in the context of international covenants and conventions which call for the full use of the state party's maximum available resources in advancing the educational cause. Even after the cadetship scheme, it can be argued that education is still not accessible, available and affordable. In another context, the conditions relating to the government cadetship scheme are not only difficult but also draconian. The terms are as follows:

1. The applicant must be a citizen of Zimbabwe;
2. The applicant should be prepared to undergo training on the cadetship scheme at specific training institutions recognized by the Ministry of Higher and Tertiary Education;
3. The applicant should join the Public Service and serve for a maximum period equal to the time he/she was supported on the cadetship scheme;
4. The Cadetship scheme is meant to meet full educational costs and other related expenses as approved by the Cadetship Board for students who are on the cadetship programme;

²⁸ Former Zinasu national spokesperson Blessing Vava in an article –Between a rock and a hard place-Zimbabwe's tertiary education system

5. The interpretation of this document rests with the secretary of Higher and Tertiary Education (and not the judiciary).²⁹

a) Citizenship

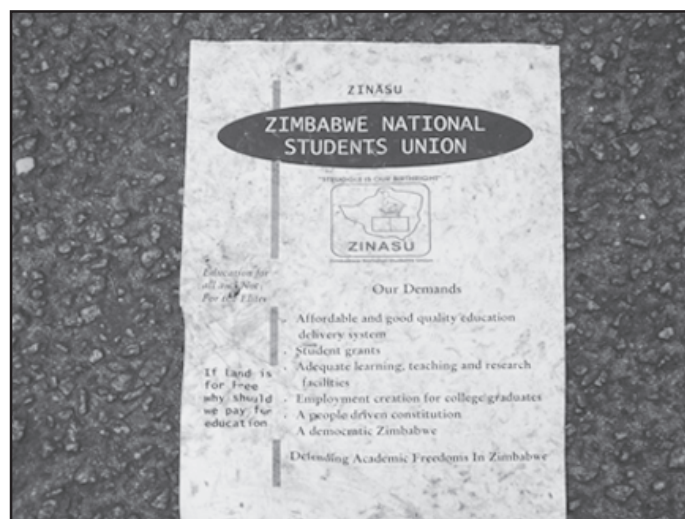
The right to education has a universal application. This means that the Zimbabwean government has an obligation to ensure that education is affordable, accessible, available to all regardless of whether one is a foreigner or not. Discrimination on the basis of citizenship is unwarranted.

b) Cadetship Training

This provision is contrary to Article 26 (l) of the UDHR which provides that parents have a prior right to choose the kind of education to be given to their children. There is no guarantee whatsoever that the cadetship training is not politically inspired bearing in mind that this scheme was introduced before the inauguration of the inclusive government. The cadetship scheme is compulsory to all those who cannot raise enough fees thus for all the poor and the marginalized.

c) Joining Public Service

This provision is vague and embarrassing. It violates the provision of Article 23 of the UDHR which stipulates that "Everyone has the right to work, to **free choice of employment...**" Upon joining this scheme a student will have surrendered this fundamental right of free choice employment. Furthermore the terms are not clear as to the maximum number of years one is obliged to serve in the public service. Bearing in mind the state of decay obtaining in the public service, in our courts, hospitals, prisons and registry offices, it can be argued that this move will destroy a whole generation who were supposed to have done better for the entire nation.



ZINASU Petition to Minister of Higher and Tertiary Education

Benefits

It is clear that in theory the cadetship scheme is meant to meet full educational costs and other related costs required by the students. However, this is not the situation on the ground. The scheme is currently covering only three quarters of the tuition fees and nothing else. There is no allowance to cater for transport costs and other ancillary costs that can reasonably be incurred by a student in pursuit of academic endeavors.

It is respectfully submitted that the cadetship scheme is fraught with inconsistencies and irregularities. There is an urgent need for it to be revised if it is going to achieve its intended objective, that is, to make higher education as affordable and accessible as possible.

3.2 Political Rights

Zimbabwe has ratified the International Covenant on civil and political rights (ICCPR). The government is

²⁹ The interpretation section of the cadetship form

therefore obliged by the preamble which recognizes the ideals of free human beings enjoying civil and political freedom and freedom from fear and want. This can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights. Having ratified the ICCPR, the government of Zimbabwe is obliged by article 7 which states that:

“No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment”

Article 9 also states as follows:

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention;
2. Anyone who is arrested shall be informed, at the time of arrest of the reasons for his arrest and shall be promptly informed of any charges against him;
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power or shall be entitled to trial within a reasonable time or to release;
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without undue delay on the unlawfulness of his detention and order his release if the detention is not lawful;
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Furthermore, Article 10 provides that:

“All persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person.”

The Zimbabwe constitution whilst it does not directly address the right to education, it enshrines the rule of law principles thereby upholding the rights enunciated in the ICCPR. Rule of law includes judicial independence and fair trial guarantees, as well as the establishment of the professional and non-partisan and effective police force. In Zimbabwe there is no guaranteed and effective framework for the protection of students' human rights activists and other civil society human rights defenders. In Zimbabwe there is a total breakdown of law enforcement when it comes to political matters. Where law is enforced it is done arbitrarily and selectively.

Unlawful arrests and Detentions

[Refer to sections 7.0 - 7.6 of this report]

The Global Political Agreement signed on September 15, 2008 provides in Article 11 that “... it is the duty of all political parties and individuals to:

- a) Respect and uphold the constitution and other laws of the land;
- b) Adhere to the principles of the rule of law.

Zimbabwean law thus prohibits unlawful arrests and detentions by the Zimbabwe Republic Police (ZRP) with no reasonable suspicion that an offence has been committed. The law also prohibits detention for a

³⁰ The constitution of Zimbabwe

period exceeding 48 hours without redress through the courts or subsequent release without charge.³⁰ However, in 2009, the police continued to arbitrarily arrest and detain student activists, using harassment and detention without charge as a form of persecution.³¹ The Police Act specifically provides that members of the police force should exercise their duties impartially, that is on non-partisan basis. Senior police officers in particular continued to order the arrest of student activists without proper investigations in most cases. Those who were arrested were tortured in most cases at the same time being denied access to legal representation.

According to the Universal Declaration of Human Rights Article 20, everyone has the right to freedom of expression. However in 2009, the old style political repression remained. Student demonstrations in protest against the crumbling university system were violently crushed by the repressive state apparatus. Students' protests against the unjustified pegging of exorbitant fees in foreign currency were met with ruthless repression from college authorities, campus security and the police.

For the greater part of the year the student union at the University of Zimbabwe was suppressed. This was in line with a national pattern. Universities and colleges have ceased to offer space for discontent and students protest. On the other hand lecturers continued to down tools as they demanded for a pay rise. The specific examples explored by the Zimbabwean newspapers in November 2009 states no learning took place at the National University of Science Technology (NUST) after lecturers engaged on an industrial strike since the college opened on the 9th of November 2009. Students vowed to stage a demonstration if the lecturers do not return to work as it is not the student's duty to pay for the lectures and this compromised the quality of education they received.

Two student leaders including Brian Mutisi and Jorum Chikwadzewere detained on the 9th of November 2009 at the NUST security offices after addressing first year students at the college hall. The security guards detained them for three hours claiming that the leaders were inciting the new students to boycott paying the exorbitant tuition fees. A special Report presented by the Controller and Auditor-General to Parliament for the First Quarter of the 2009 Financial Year has indicated that there is mismanagement of funds by the Ministry of Higher and Tertiary Education. The audit indicated that funds meant to benefit students at Harare Polytechnic College were being channeled to fund the Ministry's expenses.

3.3 Cultural and Economic rights

According to the Declaration of Rights everyone has a right to affordable education. The main thrust of universities is the appeal to students from diverse backgrounds whose energies are channeled towards achievement of higher goals. However the dollarization of the economy denied opportunity for tertiary education in a more accessible mode to a larger proportion of the population. The hardships faced by students in the new dispensation cannot be underestimated and 2009 academic year shows that impoverished students engaged in unorthodox activities in order to get money.

Everyone has a right to a clean environment, and this has been a challenge to the whole nation. Despite this being a problem for the nation as a whole, the plight of university and college students cannot be ignored. Most universities are facing immense challenges which include lack of basic social services in water and sanitation such as safe drinking water and public toilets in service. The University of Zimbabwe has been the hard hit as it failed to open its residential halls in 2009, citing water problems. This alone has violated the economic rights of students who are living in crowded single rooms with no basic amenities and exorbitant rentals being paid. This has led to the spreading of diseases in these crowded houses and the female student has become more vulnerable to their landlords.

When the inclusive government was finally formed in February 2009, Zimbabwe stood firm as a country poised to rebound. The tentative step to its economic recovery was the abandonment of the Zimbabwe

³¹ The legal monitor-28 September 2009

dollar in favor of a multi-currency regime of United States dollar and the South African Rand. This has ended hyper-inflation at a stroke.³²

The stated aim of the new Zimbabwe order was clear; the completion of an agreed agenda of political and economic reforms and the holding of free and fair elections. Speaking in London in June 2009 on a tour to bolster support for the government, Right Honorable Morgan Tsvangirai said:

“The building blocks for economic recovery and national confidence are slowly being moved into place. Our children are back in schools, our major hospitals have reopened their doors to all, the state has hobbled itself back to life and inflation has been contained.”³³

Article III of the Inclusive Political Agreement signed on September 15, 2008 reads as follows

“The parties agree to give priority to the restoration of economic stability and growth in Zimbabwe. The government will lead the process of developing and implementing an economic recovery strategy and plan. To that end, the parties are committed to working together on a full and comprehensive economic programme to resuscitate Zimbabwe’s economy, which will urgently address issues of production, food security, poverty and unemployment and the challenges of high inflation, interest rates and exchange rates.”

In an endeavor to adhere to the letter and spirit of the I.P.A³⁴, on May 19, 2009, Finance Minister Honorable Tendai Biti launched the Short Term Emergency Recovery Plan (STERP). Minister Biti’s reforms were impressive: the recovery plan was put together in four days and a revised plan was brought about a month later. The inclusive government’s first budget had considerably bigger allocations to the education sector in comparison to the other previous budgets before the new government.³⁵

In view of the foregoing, it is worth noting that the socio-economic rights of students were afforded a bit of attention in line with the stabilization of the economy in the entire country. This was in stark contrast of the year 2008 which was virtually “a wasted year”. Although education was still unaffordable the commitment of some ministers in this government went a long way to arrest the deterioration and some of the perennial challenges bedeviling the education sector.

The reappointment of Dr. Stanislaus Mudenge as the Minister of Higher and Tertiary Education by President Mugabe was quite disturbing given the hypocrisy and insensitivity he has demonstrated when it comes to students’ welfare. The aging minister has an appalling record of failure especially in this particular portfolio. He is probably the most inept Minister within rank and file of cabinet ministers in as far as performance of his mandate is concerned. His failure to avail prescriptions to cure the ailing education sector, particularly challenges contributing to the spread of HIV and AIDS such as student accommodation and exorbitant tuition fees. Comparing Mudenge, with his counterpart in the Ministry of Education; Minister David Coltart, the Minister of Education has displayed commendable commitment in his efforts to bring sanity to primary and secondary education whilst Mudenge has comparably done almost nothing.

For instance, Minister Coltart has suggested free education in rural primary schools and there is a clear demonstration of hard work to ensure that education is accessible to all whether rich or poor. Mudenge fell back on his self styled cadetship scheme which is purportedly designed to ease the payment of fees. This scheme is nefarious in nature and effect. The scheme, notwithstanding the fact that students on it pay a compulsory fee of US\$104, translates to bondage of students upon completion of their studies. Upon completion of studies, a student should be handed his or her certificate and be employed in their preferred sphere of employment not to be forced to work for government. Mudenge should therefore take a leaf from Coltart.

³² The African Report (May –June (2009)

³³ The Standard –(20 June 2009)

³⁴ For the purposes of this report GPA is referred to as I. P. A

³⁵ For example three million United states dollars were allocated to the cadetship scheme.

The healthy delivery system in the country made great strides towards stabilization and signs of recovery were visible. Virtually all the major hospitals had closed down in 2008 owing to a plethora of problems. This came as a big blow to many medical students in the medical profession. However, when the inclusive government began its mandate things shifted towards stabilization. On August 26, 2009 the Minister of Health and Child Welfare, Doctor Henry Madzorera responding to a question about the challenges in the health sector said:

*"When we came into office there were a lot of things that the inclusive government did. For instance we introduced an allowance of US\$100 a month, retention scheme came into being around the same time and many health workers came back to work. In fact, of the health workers who were on strike last year, over 90% came back to work and so we are in a much better position."*³⁶

Furthermore, the provision of safe drinking water in most institutions of learning improved drastically. The city of Harare Health Director Doctor Stanley Mungofa said that the needless loss of about 4000 lives due to cholera will not happen again in the wake of the preparedness of the new administration and also in view of the anticipated assistance from the non-governmental organizations.³⁷

3.4 Conclusion

Generally, academic, political, cultural and economic rights violations in the year 2009 were on an increase. The problem receiving the greatest media attention tended to be strikes on the part of the university staff and student unrest on campuses, with a concomitant rise in anti-social behavior. These phenomena are probably more accurately understood as responses to the systematic underfunding and declining quality of university education. The charging of exorbitant fees in foreign currency for students with tuition fees ranging from US\$300 to US\$1600 a semester was clearly a violation of student academic rights. This was against salaries of US\$150, a month for most workers of whom the majority are sponsors of students at tertiary education institutions. Government has continued to violently crush student's demonstrations as they protested against the crumbling system at all universities. In 2009, the government has been equally ruthless in its dealings with academics and students. Besides the bread and butter issues of subsistence, state repression is on the rise against students who fight their rights to free association and expression. The government's response to student protests is of minimal reform and maximum repression. There is obviously a lot of good will from MDC Ministers but ZANU PF is a stump in the path of the reform process. Overall students' beatings have continued detentions and arrest. This has continued to worsen the state of the education sector.

3.5 Recommendations

- The government should foster a democratic process. Strengthening of democracy and reform of education forms a symbiotic relationship. Each is needed to promote the other. Reforming the school system offers an opportunity to strengthen the progress of democracy in Zimbabwe.
- Promotion of an institutional culture
- Establishing codes of ethics or minimal standards of adherence
- Providing quality education
- Quality should be seen from the point of view of programmes of the university system, the quality of staff, and the facilities available to the institution and research and publication output of the institution.
- Increase number of funding opportunities, in order to widen access to university education. This entails honesty in revealing the actual state of each and every university in terms of their inadequacies to ensure that well wishers will come to their rescue.

³⁶ The Prime Minister newsletter –(26 august 2009)

³⁷ The Herald –(5 June 2009)

4.0 PLIGHT OF THE COLLEGE FEMALE STUDENTS

4.1 *Equity and Equality Issues*

Equity entails fairness, justice and impartiality that should exist in all spheres of the higher education provisions to all regardless of gender. Women's access to higher education and institutions remain unequal. The reasons for this are well documented in literature on this subject. Researchers show that access factors include family factors like parental attitudes, socio-economic status of family and family labor. In Zimbabwe, whilst more girls may be accessing elementary education lower down the academic ladder, gender disparities are conspicuously marked at the level of university education. The introduction of fees in foreign currency has affected the gender balance of the student population. For those struggling to pay university education, the magnitude of the fees has influenced decisions about whether or not to send daughters, rather than sons to Universities.

In most African countries the pattern has been consistently higher male than female enrolment in education institutions from primary to secondary school and when parents are unable to educate all the children due to financial constraints girls are often kept at home³⁸. The question of imbalance by sex in enrolment is common phenomenon in higher institutions. There is a general preponderance of more boys than girls in schools. These are clear symptoms of inequities in the education system of the country. A World Bank report (2006) study revealed that although male-female differences are being addressed at primary school level, differences still manifest themselves at higher and tertiary levels. The disadvantages of girls are still significant at higher and tertiary levels. Consequences of these disparities do tend to show themselves in later life in the levels of literacy rates. The majority of illiterates are usually women.

The UNESCO Convention against discrimination in education and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are some of the International legal instruments that endeavor to protect students against discrimination. The use of masculinity language, where the masculine gender is used throughout and assumed to be generic, is discriminatory and inappropriate. Masculine language signifies the conception of masculine as the norm, and feminine as somehow different. Therefore the college and University authority should facilitate the changes in social and cultural patterns that promote stereotyped roles of men and women.

Cases of sexual harassment in colleges have to be dealt with. Although these cases are not discussed in public, interviews with students at Universities revealed that sexual harassment is taking place at higher institutions of learning. It pressures women students to reflexively minimize their visibility and academic performance and construct negative female learner identities. Another arsenal in the politics and rhetoric of male control is deployed through hurling charges of prostitution and wolf whistling at female students who wear short dresses and skirts.

Article 10 of CEDAW further reinforces the right to education by providing for example free access to career and vocational guidance to students at all educational levels, access to curricular and examinations, elimination of stereotyping in the roles of women and men and same opportunities to benefit from academic scholarships.

4.2 *Accommodation and Transport Crisis Impact*

The Tale of UZ students:

³⁸ Akande (2007)

a) *Crippling accommodation woes at UZ*

Higher education in Zimbabwe today remains in dire straits. The near decimation of the higher education sector in Zimbabwe today is testimony to the decline that the country has experienced over the last 10 years. Be that as it may, the consummation of the Inclusive political agreement, which has put in place the inclusive government has seen some positive change (little as they may be) occurring in Zimbabwe. Hopes that this positive development will cascade to higher education are dampened by the reality that we have a shockingly incompetent higher and tertiary education minister as pointed out above. Yet we are acutely alive to the fact that whilst spirited efforts are being made to improve the macro-economic fundamentals in the country, as well as the health and education sectors, higher education in Zimbabwe still remains in a perilous and invidious position.

The University of Zimbabwe opened its doors to students on the 25th of January 2010 with news that halls of residence will not be opened, a development that has spawned an acute accommodation crisis at the country's oldest institution of higher learning, and has seen students living pauperized and destitute lives owing to the absence of accommodation.

b) *The predicament was worse for female students!*

It is a case of either being bundled into a 12 square meter makeshift wooden cabin sharing with eight other students or exchanging sexual favors in return for accommodation for University of Zimbabwe (UZ) returning students. Either way, it involves the stripping of one's dignity if not worse, humiliation and total annihilation of the sense of self-worth which has ultimately become the price of attaining a UZ degree which has regrettably lost its lustre and prestige in the labor market locally and internationally.

The sorry state of female students who are raped financially, dumped and staked two by two in bunker beds by sadistic and greedy Mount Pleasant Landlords reading under candle lights has become a sad characteristic of five houses cum 'accommodation dumpsites' in Mt. Pleasant. Pig sties, police detention cells in Matapi and the xenophobic Methodist crisis accommodation in South Africa out-compete hygienic conditions where some UZ students have found refuge. The cannibalistic cabal of aging and AIDS ridden sugarless mummies and daddies have perfected the art of preying on these trapped students on flimsy promises of offering them accommodation in exchange of exclusive sexual favors and privileges.



KwaSekuru: Makeshift cabins accommodating UZ students

The word "KwaSekuru", a shona word which if translated loosely means at the old man's place strike horrendous memories of sexual abuse, hunger and toil in the minds of graduate survivors of such dreadful experience yet symbolically an old man in the shona culture is a custodian of old age norms and values held in consensus by the society. Kwasekuru/KwaKhule over the years has come to refer to the houses whose owners offer makeshift wooden and plastic cabins accommodation for UZ students. Probably they are referred to as such because two of the houses, one along Mendel road just a stone throw away from the UZ Churchill gate and another one along Maxwell road (addresses withheld) are manned by notorious old men.

The houses are overwhelmingly over crowded. There are two sections; the main house and the small 3 by 4 metres attached wooden cabins. Up to two hundred students live in each of these houses

sharing two toilets cum bathrooms. In one of the places the main toilet is in the main house and is out of bounds for tenants who are not staying in the main house. The other toilet is situated near the cabins and its malfunctioning forcing the students to use the bucket system. Frequent water and power cuts affecting the whole country have compounded the already squalid conditions in these houses.

The cabins are cramped up with not more than an arm's length space in-between the bunker beds hovering over, supported by a metal case. There are no mattresses and other such luxuries associated with a good night sleep. Cooking is done in the open. All tenants have duplicate keys of the main gate and the place is under surveillance to curb unofficial squatting. Visitors are closely monitored and cameras are not allowed into the premises.

Visiting is strictly during day time. Behind every corner or bush you find human excrete deposited at night. Used sanitary pads are also a common sight in these premises offering alternative accommodation for UZ students. Theft is also rampant with students reporting loss of cell phones and study aids. The students are forking out between US\$50-US\$100 per head per month. In the main house a room is shared by ten students and the cabins have 8 students each.

There are a plethora of reasons why the students sacrifice to stay in these filthy conditions. UZ campus residence is closed. Even if the halls of residence were open they only accommodate around 4500 students out of a population of 12000 students. Most of the students in these premises are students from outside Harare with no relatives in the capital ready to accommodate them.

The major employer in the country being the public service commission paying as salaries to civil servants US\$150, parents and guardians who are mostly civil servants can therefore not afford decent accommodation for their children, with rentals being in the range of US\$150 excluding transport money. The premises are also situated near UZ, helping students reduce or eliminate transport costs.

In a nutshell university education in Zimbabwe is underfunded by the government. This is in spite of the fact that provision of universal education is the responsibility of the government, and a fundamental human right as enunciated in Article 26 of the **Universal Declaration of Human Rights** And Articles 13 and 14 of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**. To be sure, the government failed dismally with respect to its obligation to ensure availability, accessibility, accept-ability and adaptability of education as enunciated in the ICESCR.



Toilet in one of the houses where UZ students are cramped in numbers

The absence of accommodation at the University of Zimbabwe means that it is increasingly getting difficult to access education in a relatively convenient manner. Following independence, the government invested heavily in higher education, and accommodation was free of charge at tertiary institutions. However, due to the structural adjustment in the 1990s higher education was deprioritised and state funding withdrawn. Campus facilities were privatized and recently the payout system was withdrawn and this is the situation to date. In 2009, female students were greatly affected by the dollarization of the economy. At the University of Zimbabwe, the closure of halls of residence was a slap in the face, as a significant number of female students were being accommodated there.

Research at various institutions has revealed that female students cannot afford to commute each day to colleges. Some have resorted to come to school twice a week, and dropouts have been recorded as they have failed to raise money for transport each day. Some female students have be-

come so vulnerable to the extent that they offer sexual favors in exchange for free rides to colleges. In Harare, cases of college students walking to school have been observed. Most students complained of fatigue and irregularities of lectures coming to teach after they have paid transport fares.

4.3 Dropouts and Deferments

Research has shown that many female students have dropped out of school in 2009 mainly because of the payment of fees in foreign currency. Despite Article 10 of CEDAW which stipulates that governments should adopt programmes which reduce any gender gap in education or to reduce any female-student drop out, exorbitant tuition, accommodation and transport fees have forced them out of universities.

The mass exodus of lecturers and the closure of some Universities is another contributing factor to the dropouts of female college students. The sinister examination regulations introduced by most universities led to massive dropouts and deferments. Students are no longer being given an opportunity to write supplementary examinations.

4.4 Conclusions

In 2009, female student's needs were marginalized as a result of the exorbitant fees. This has raised the question of access to university education for those with the intellectual capability but without the means. The government has failed to ensure any equity in the provision and delivery of education with special focus on marginalized groups specifically the girl child. There has been no provision of scholarships to cater for female students as they have been the most affected by dollarization of the economy. Education at all levels is meant to be empowering but in 2009, female students were no longer able to control their destiny and fight for their morality. Due to accommodation problems, some female students have become more vulnerable and have resorted to unorthodox means of survival as highlighted above. As a result, they are at a high risk of the AIDS pandemic. Moreover, when parents are unable to educate all their children due to financial constraints girls are often kept at home. Such discrimination is uncalled for and there is an urgent need for it to be rectified.

4.5 Recommendations

- Players in the education sector need to intensify recruitment of women into the education sector. To complement this, affirmative action policies in place should be monitored more seriously.
- All exclusionary beliefs and practices in education must be removed.
- There is need to identify and address all barriers to learning and participation.
- There is need for continuous review of the challenges in implementation of innovative inclusive education programmes within the education for all framework.
- Government should commit itself to contextualizing and developing policy, legislation and systems in collaboration with all stakeholders to promote inclusive education.
- Non-governmental organizations that work with women should secure and commit to provide appropriate and necessary resources for successful implementation of inclusive education.

5. *Plight of the University Disabled Students*

This chapter seeks to explore how disabled students were affected by poor performance of Zimbabwe's education sector in particular the unilateral closure of Universities. The chapter will try to suggest possible recommendations.

The chapter will first explore the international picture of persons with disabilities with particular reference to girls and women with disabilities. Particularity will be paid thereafter to the right to education and other related rights since all human rights are inter-related³⁹. The relationship between the right to education and other rights will be drawn with the view to demonstrate that no right is more important than another.

In most countries of the world, and not exclusively in developing countries, women with disabilities have yet to be considered part of the general population when it comes to rights and development.

The 12 areas of critical concern of the Beijing Platform for Action⁴⁰ does not mention the women with disabilities the most vulnerable of the female population in any given country, society or community⁴¹. The same invisibility that afflicts disabled women at the level of local and national communities also plagues them when it comes to the international, national and community development agenda.

One of the most dismaying discoveries that have been made in the past years was that UNIFEM⁴² an organization concerned with advancement of women and dealing with all aspects of women's rights has no programmes dealing with the rights, needs and issues of women with disabilities.

Girls and women, despite the advancements they have made, still suffer discrimination, violence, deprivation, abject poverty, inadequate health care, poor education and fewer opportunities for participation in all aspects of social and public life than boys and men⁴³. In the same way, persons with disabilities generally, suffer equally from discrimination, deprivation and denial of opportunities.

It is therefore, not surprising to know that girls and women with disabilities suffer the discrimination of being women and of being disabled, in many developing countries, of being poor and thus marginalized.

In that context, it is important that women with disabilities, their rights, their issues and their needs be given a rightful place on the development agendas of international, regional and bilateral organizations, as well as women's organizations from which they have been almost nearly absent.

The following brief points summarize the situation of girls and women with disabilities in their own countries and in vis a vis the development agenda:

1. Despite their significant numbers, women and girls with disabilities, especially in the developing countries, remain hidden and silent, their concerns unknown and their rights unrecognized;
2. Throughout the developing world, in urban and rural communities alike, they face triple discrimination - because of their disabilities, being female and poor;
3. Studies on women with disabilities in rural areas of many countries have found that more than 80 percent of women with disabilities have no independent means of livelihood, and are totally dependent on others for their very existence;

³⁹ See Paragraph [c] of the Preamble of the Convention on the Rights of Persons with Disabilities which holds this principle.

⁴⁰ Beijing Platform for Action (BPA) came into force in 1995

⁴¹ See Article 6 of the Convention on the Rights of Persons with Disabilities which give special protection to women with disabilities since they are subjected to multiple forms of discrimination. Women with disabilities are also accorded special protection in Article 23 of the Protocol to the African Charter on Peoples' and Human Rights on the Rights of Women in Africa.

⁴² UNIFEM IS an organization that is under United Nations which concentrates on women matters.

⁴³ The concept of equality of all which is addressed in the Convention on the Rights of Persons with Disabilities is not contemplated in Zimbabwe since Zimbabwe did not sign it. After signing it, the Parliament of Zimbabwe is supposed to ratify the Convention in terms of Section 111(B) of the Constitution of Zimbabwe.

4. UNICEF has reported that women and children receive less than 20 percent of rehabilitation services⁴⁴;
5. Disabled women are less likely than men to make use of many social services;
6. The problems that confront women with disabilities are even more severe in the rural areas due to lack of information, awareness, education, income, and result in extreme isolation and invisibility;

Convention on the Elimination of all forms of Discrimination against Women is a human rights treaty, which seeks to promote equality for women with men, but lacks a clear disability perspective. Therefore, the State signatories to the treaty do not consider discrimination against and violations of the rights of girls and women with disabilities;

Having all these problems faced by girls and women with disabilities, it is clear that closing of the University of Zimbabwe will add salt to an injury. Women and girls with disabilities will sink deeper in poverty as a result thereof. The closure of the University has multiplied the suffering of girls and women with disabilities.

The male students with disabilities were also affected by the repeated closure of the Universities. Education is expected to liberate people with disabilities from poverty. This is worsened by the fact that people with disabilities do not fit properly in the informal economy because of the nature of the activities where survival of the fittest seems to dominate the sector. The male and female students with disabilities have been forced to go to the neighboring South Africa to exercise the most unfortunate aspect of begging in order to cushion themselves from the harsh economic consequences.

A prosperous nation respects human rights for all. By violating human rights for all students, the government of Zimbabwe is exposing the students as it has been established that violation of human rights results in poverty⁴⁵.

In order to arrest the perennial problems of the University of Zimbabwe of unilaterally closing the University, it is proposed that the University must be an independent institution. The government must refrain from interfering with the day-to-day running of the institution. This will ensure the proper running of the Institution. This has the potential of luring donors to sponsor the running of the institution.

The government is urged to recognize the right to education and all the economic, social and cultural rights as constitutional rights so that they will become enforceable. A student whose right to education is enshrined in the constitution is enforceable in court⁴⁶.

⁴⁴ Access to rehabilitation services is a right established in terms of Article 26 of the Convention on the Rights of Persons with Disabilities.

⁴⁵ Laderchi C.R. et al, 2003, (Working Paper number 107), Does it matter that we Don't Agree on the Definition of Poverty?: A Comparison of Four Approaches, University of Oxford, Queen Elizabeth House

⁴⁶ Supreme Court is the constitutional court set up in terms of section 24 of the constitution .

6.0 EDUCATION AS A COSTITUTIONAL RIGHT

6.1 Background

One of the key expected deliverables of the Inclusive government is a new people driven constitution. Justice Ishmael Mohammed, former Chief Justice of South Africa once observed that *“the constitution of a nation is not simply a statute which mechanically defines the structure of government and the relations between the government and the governed; it is a ‘mirror of the national soul, the identification of the ideals and aspirations of a nation, the articulation of the values binding its people and disciplining its government”*⁴⁷

Article 6 of the Inclusive Political Agreement signed on September 15, 2008 by the three political parties provides for a roadmap to a new constitution in Zimbabwe. For the past 29 years, Zimbabwe has been functioning under the Lancaster House Constitution of 1979, a document heavily influenced by the colonial past. To date, it has been amended a record 19 times. In the year 1999, attempts were made at writing a new constitution under the Chidyausiku commission. A convention of 396 people, including all the 150 members of Parliament was created to hold consultative meetings in different communities. After a series of meetings, Justice Chidyausiku announced in one of the last meetings that the proposed constitution had been adopted ‘by acclamation’ and did not call for a vote. Subsequently, there was a referendum on the 12th and 13th of February 2000 and the majority voted “NO” to the draft resulting in the still birth of a constitution which was purportedly people driven.

Zimbabweans have yet again been presented with another opportunity to reshape their destiny. The onus is upon the people of Zimbabwe to demand and or dictate the contents of the new constitution currently being crafted to attempt to correct the ills that are so entrenched and have existed for long as a result of an imposed ceasefire Lancaster House Constitution. This is an opportune process for the Zimbabweans and all stakeholders including students to fully express their views in an uncensored manner in a people driven constitution that will surgery the state and society at large.

Students’ demands are therefore as follows:

6.1.1 Right to Education as part of bill of rights

The right to education in Zimbabwe has been confined to the Education Act. There is no right to education in the current constitution’s bill of rights. This is contrary to Article 2 of the Limburg Principles, which requires a State party to International Conventions and Covenants to “use all appropriate means including legislative, administrative, judicial, economic and educational measures to advance the educational cause”.⁴⁸ The South African Constitution, for example, clearly spells out the right to education in the constitution as follows:

Everyone has the right:

- a) To a basic education, including adult basic; and
- b) To further education, which the state, through reasonable measures, must make progressively available and accessible.⁴⁹

⁴⁷ Grassroots views on the constitution (a publication by the Zimbabwe Human Rights Association-(ZIMRIGHTS).

⁴⁸ Pandora’s box(2007)

⁴⁹ Chapter 2 Section 29

The deficiency of our current constitution has negatively affected students' rights. Since the constitution of any country enjoys autonomy as the supreme law, if the right to education is enshrined in the constitution it can therefore be easily enforced since it will have been given the status of a human right. It is against this background that the students recommend that the new constitution making exercise being steered by the Constitutional Parliamentary Committee (COPAC) must seriously consider including this fundamental right in the bill of rights.

6.1.2 Domestication of International Conventions

There is a plethora of International Conventions which have been ratified by the Zimbabwean government. Examples are the International Convention on Economic, Social and Cultural Rights, Convention on the Rights of African Child and the International Covenant on Civil and Political Rights.⁵⁰

The Universal Declaration of Human Rights (UDHR) 1948 as the International law hymn book addresses the right to education in black and white. However, as yet the government has not provided for this right in the bill of rights. This means that as long as this right is not enshrined in the constitution,

It won't be possible to take the government to court when this right is violated. Therefore, the new constitution should provide for this right in the bill of rights.

The time has come for Zimbabweans to have a unity of purpose and come up with a constitution which represents the will of the people. The onus is then upon the crafters of the new constitution and the people of Zimbabwe who will be consulted during the constitutional process to ensure that they come up with document which will be endorsed by the majority in the referendum.

That clear disparities in gender exist in the educational sphere has already been pointed out. A number of factors have continued to militate against the education of girls in the various areas in Zimbabwe. One of these is the discrimination of girls in favor of boys which in the educational sphere takes a different dimension and has at times become institutionalized. This discrimination results from poverty and high school fees, negative social attitudes, distance from school, and cultural practices. In addition, education in the home has been affected by modern practices where girls continue to be educated and socialized to be bearers and nurturers of children. Boys on the other hand are involved in more modern forms of education which prepare them for outside world. In addition, in some families given a choice of which child to send to school, parents often opt to send boys to school thus neglecting the education of girls because traditionally boys are supposed to take care of their parents in their old age. This attitude has in long term led to high wastage rates in female education affecting the development, health and nutritious status of women and their families. Another cause for wastage is the stereotyping of roles played by girls and boys; girls are often required to assist in domestic chores after school and therefore lack sufficient time to concentrate on their studies. Institutionalized discrimination is also illustrated by the negative attitudes of teachers, the gender insensitive curriculum and gender stereotyping in the educational materials.

Generally, despite the domestication of The Convention on the Elimination of All Forms of Discrimination against Women, which stipulates that women's rights should be recognized and protected against discrimination, it has been revealed that with regard to the girl child, collective interests override the girl-child interests for the sake of maintaining family unity and cohesion. In most cases even when the state recognizes the child as an individual with specific interests, customary norms do not. The multiple roles and identities that a girl-child acquires from the time of birth play a major role in shaping her status within her family and community bend the enjoyment of the rights accorded to all children by the

⁵⁰ All these are human rights instruments which have been ratified by the Zimbabwea

Convention. Whereas she is a child in one context, in another she is expected to fulfill adult roles and the challenge of girl child headed households certainly means the girls will no longer be able to go to school.

6.1.3 Domestication of International Conventions on Education

The right to education has been recognized since the Universal Declaration of Human Rights (UDHR) in 1948. Article 26 of the Declaration proclaims that: 'Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory: education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among racial or religious groups. The right to education has been enshrined in a range of international conventions, including the International Covenant on Economic, Social And Cultural Rights (ICESCR, 1966), The Convention on the Elimination Of All Forms Of Discrimination Against Women (CEDAW, 1979) and The Convention On The Rights of The Child (CRC, 1989). It has also been incorporated into various regional treaties. Beyond this many countries have made provisions for the right to education in their national constitutions.

Education being a right in itself, the right to education is also an enabling right. Education creates the voice through which rights can be claimed and protected. However in Zimbabwe despite adopting the Universal Declaration of Human Rights (UDHR) in 1948 which stipulates that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages, school going children still have no access to education which they need to develop their skills, capacity and confidence to secure other rights. It is upon this realization, that the government of Zimbabwe fully implements the right to education. It should support people to develop the communication skills to demand these rights, the confidence to speak in a variety of forums and the ability to negotiate with a wide range of government officials and power holders.

The Zimbabwean government has also adopted, The **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW, 1979). However this has not been fully implemented because gender inequality in education is extreme. Girls are less likely to access school, to remain in school or to achieve in education due to the dollarization of the economy. The government insists that no child will be deprived of schooling merely because they cannot pay the fees, but in practice children are regularly turned away from schools if they appear without fees or receipts thereof. Most illiterate adults are women. There is a need for affirmative action to challenge this rights abuse, and such action is encouraged through international law. For example, general comment 13, paragraph 32 of the **ICESCR** allows for the

"Adoption of temporary special measures intended to bring about de facto equality for men and women and for disadvantaged groups...so long as such measures do not lead to the maintenance of unequal or separate standards for different groups and provided they are not continued after the objectives which they were taken have been achieved."

In Zimbabwe, as one proceeds up the educational hierarchy, these gender disparities grow in magnitude; the higher the level of education, the greater the gender disparity.

The legacy for unequal access to education primarily stems from obstacles resulting from gendered division of labour. The traditional production and reproduction roles performed by most African women including domestic work, childrearing and agricultural and cultural activities, have virtually left women with no time for educational pursuits. Thus the educational environment in Zimbabwean schools from elementary level upwards, is still designed to maintain the status quo. In other words, the educational

system in the main represents the institutionalization of patriarchal consciousness and values. This shows that there is need for the full implementation of the **Convention on the Elimination of All Forms of Discrimination against Women**, which stipulates that women's rights should be recognized and protected against discrimination.

6.1.4 Engendering of the Education Curriculum

The concept of academic freedom in the context of the changing socio-political landscapes in Zimbabwe has had to be rethought. It has been suggested that the problem with the concept is not so much what it includes, but rather what it does not include. Can we, for instance, exclude policies that disempower half of the population of a nation, those which restrict their access to higher education, and those which do not provide equal opportunities for the pursuance of any field of study? Some of these are conditioned by cultural practices and cultural biases, which nevertheless, are cultivated within our societies. These often cannot be changed through the legal process, or through the declaration of charters and resolutions. They can be eliminated only through the extensive education of the civil society. One of the major impacts of women's movements on the academic establishment is the emergence of women's studies as a field of teaching, research and scholarly endeavor. There is a call for engendering the education curriculum because it is the only way which shall prepare a person to strive for and participate fully in the emancipation of the human being and society from oppression and subjugation.

In Zimbabwe, the schools transmit to its students the rather traditional views on sexual identity, and very early they convey, create, and reinforce in females and males the segregated conceptual systems of the sexes. Whether transmitted directly for example by encouraging girls to take certain subjects such as home economics and literature and while pushing boys in the direction of sciences, business management and engineering. Such schooling hardly prepares the girl child to strive for the emancipation of her oppressed sisters. For patriarchy to do otherwise would spell doom to its very existence. With women's studies the realities of women's lives, their stories and experience and the content of their lives have all become the focus of investigation, research and intellectual discourse. Therefore there is need for a more fundamental restructuring of the curricula which instead of de-emphasizing one discipline at the expense of another, seeks their integration and an inter-disciplinary approach. Furthermore the question of gender equality must be a critical component of intellectual discourse and study at universities, as this will create an opportunity for African women to pursue courses of instruction on certain social issues key to the abolition of patriarchy. The importance of women's studies lies in its attempts not only to make the different strata of women more visible in academic discourse but also to understand how and why they have been marginalized in the first place. This encompasses thinking about what needs to be done to change the situation.

Education shall enable a person to overcome prejudice related to gender. In the arena of neutralizing the prejudices to gender, it is fairly obvious that there is yet a great distance to traverse. In Zimbabwe, a few institutes have established gender studies and women's studies departments. These have however remained outside the mainstream, confined to the particularities of their discipline. There is no attempt to marry the quest for gender-neutralization that takes place within such departments with a campus wide assault on prejudice and domination. In essence, gender studies have become ghettoized, confined principally to women, and making only a limited impact on the overall struggle against gender bias. The opportunity to change this condition must be seized upon by progressive, dynamic and enlightened women and men in order to move towards a democratic, engendered, and participatory social framework for African humanity.

6.2 Conclusions

Research revealed the extent to which international human rights norms have been applied to protect and advance the rights of the child and women in relation to education, particularly the norms contained in the **Universal Declaration of Human Rights** (UDHR) in 1948, Article 26 of the Declaration proclaims that: 'Everyone has the right to education. One key measure that was enshrined in the Education Act as amended in 1991 in Zimbabwe was that of abolishment of tuition fees as a way of introducing free and compulsory education. However by 2009, what took place was in sharp contrast to this Act. Instead the government of Zimbabwe introduced the payment of fees in foreign currency therefore denying children their right to affordable and free education. The school curriculum is geared towards implementing national goals with one of them being that of promoting cultural values and norms through the teaching and learning of appropriate humanities and indigenous language. There is nothing in the curriculum geared towards the engendering of the curriculum. There is resistance at the curriculum level itself, and not many like the idea. It is upon the government of Zimbabwe, to take measures of engendering the curriculum, as gender studies' significance lies in the opportunities it provides for rethinking academic practice and linking this to the questions of social change and gender equity. The most important factor to consider in Zimbabwe is educating the public who have failed to mobilize existing laws and there is need for programmes for mass education led by a specialist body entrusted with promoting and protecting the right to education.

6.3 Recommendations

- The incorporation of international human rights norms into domestic law should be strongly encouraged and supported and fully implemented.
- There is need to educate the public on the International conventions on education, because its domestication is an initiative that can thrive better if nurtured within a rights-conscious community and if supported by a spirited use of the public interest litigation technique.
- Need for the government to initiate programmes to create awareness about the equality of girl-children and boy-children so as to change attitudes which continue to lower the status of girl-children in society.
- Creation of a comprehensive, gender sensitive, all embracing normative framework in which the concerns of gender and academic freedom are clearly spelt out is an imperative. In Zimbabwe's context the essential first step must necessarily be the promulgation of a declaration on gender and academic freedom to supplement and fortify the existing Dar and Kampala documents which comprehensively addresses itself to the broad human rights of Africa women.

7. SST'S DOCUMENTATION OF STUDENTS'S VIOLATIONS AND OTHER ARCHIVAL MATERIAL

SOLIDIARY

February

- **05 Feb:** The Zimbabwe National Student Union [ZINASU], Treasurer Sheunesu Nyoni and four other student activists appeared before a Bulawayo magistrate facing charges ranging from public violence to participation in an illegal demonstration. The charges arose when the 5 were arrested whilst participating in a demonstration organized by the National Constitution Assembly [NCA], in collaboration with various civic bodies. Those affected are Isheunesu Nyoni, Samson NXumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi.
- **05 Feb:** 3 University of Zimbabwe students were arrested during a ZINASU nationwide campaign against the dollarization of education in Zimbabwe. They are currently detained at Harare Central Police Station on charges of public violence; the affected are Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya.
- **06 Feb:** A former University of Zimbabwe student leader and National Constitution Assembly Spokesperson Madock Chivasa appeared in court in Masvingo for judgment in the case which he is being charged with undermining police authority. The charges arose in 2007 when ZANU PF youths and the Zimbabwe Republic Police attempted to disrupt a Youth Forum meeting in Masvingo. Judgment has however been postponed to 6 March as the magistrate was said to be in the process of concluding the case.
- **09 Feb:** 3 University of Zimbabwe students Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya are arrested during a student demonstration on campus appeared before a Harare magistrate facing charges of public violence. They were released on free bail, and have been ordered to report to the investigating officer at Harare Central Police Station every Friday, until their next court appearance on 26 February
- **09 Feb:** 3 Midlands State University students Prince Ncube, Isheunesu Munyoro and Obert Masaraure were arrested and detained by police in Gweru during a student demonstration organized by the Zimbabwe National Student Union [ZINASU] against the dollarization of education. They were arrested on allegations of public violence and assault.
- **11 Feb:** Midlands State University student Obert Masaraure arrested and detained by police during a student demonstration was released from custody but is set to appear in court on 17 March to answer charges of assault. The other two were released without any charges preferred on them.
- **18 Feb:** A former Great Zimbabwe student activist George Makamure failed to appear before a Masvingo magistrate. He is being charged with malicious damage to property. It is alleged that in 2006 he led a group of students in destroying University property during a student demonstration on campus. A warrant of arrest has been issued.
- **18 Feb:** A former student activist from Great Zimbabwe University appeared in court in Masvingo on charges of public violence. The charges arose when in 2006 he led a group of students to present a petition to the resident minister and was subsequently arrested. The case was postponed to 19 March. A warrant of arrest was issued for George Makamure who failed to appear in court.

- **18 Feb:** Former Great Zimbabwe student activists appeared in court in Masvingo facing charges of contempt of court. The charges arose in 2006 when they participated in demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. The case has been postponed to 19 March. Warrant of arrest issued on Brenda Mupfurutsa and George Makamure who failed to attend court.
- **24 Feb:** 2 Midlands State University student activists have been suspended indefinitely for allegedly inciting students to demonstrate over the payment of fees in US dollars, which ultimately resulted in the damage of University property. Obert Masaraure, Prince Ncube were affected.
- **26 Feb:** 3 University of Zimbabwe students arrested during a demonstration on 9 February over the Dollarization of the education sector at the campus made a routine court appearance at Harare Magistrate's court. They are facing charges of public violence and have been remanded out of custody.

March

- **04 Mar:** Three students Respect Ndanga, Innocent Kapoya and Kelvin Veremu were arrested after protests against the new fees structure announced by the government. They were detained at Bindura Central Police Station. They were later released after paying US\$20.00 fine for inciting violence.
- **06 Mar:** A former student leader Madock Chivasa is appearing for judgment in the case which he is being charged with undermining police authority. The charges arose in 2007 when ZANU PF youths and the Zimbabwe Republic Police attempted to disrupt a Youth Forum Public meeting in Masvingo. The magistrate cleared him of the charge and discharged him.
- **10 Mar:** Former Great Zimbabwe University student activist Hillary Zengeya appeared before the college disciplinary committee. He was suspended for taking photographs during a student demonstration in 2006. The disciplinary committee is still to make a decision on the case.
- **12 Mar:** Three student activists Samson Nxumalo, Brian Mutisi and Melusi Hlabano appeared before a Bulawayo magistrate facing charges of demonstrating with intentions of causing public violence and breach of peace. The charges arose after the students participated in a demonstration organized by the National Constitutional Assembly to press for a new constitution. The three were further remanded to 2 April. A warrant of arrest was issued for Isheunesu Nyoni and Archieford Mudzengi after they failed to appear in court.
- **15 Mar:** Former University of Zimbabwe Treasurer and National Constitutional Assembly Spokesperson and six others appeared before a Bikita Magistrate on charges of undermining police authority. The case was postponed to 9 April after some state witnesses failed to appear in court, the affected are Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba.
- **20 Mar:** A female student activist from Masvingo Polytechnic Tendai Vambire appeared before a disciplinary hearing for allegedly giving information to ZINASU officials who were on a fact finding mission on the state of the education sector in Zimbabwe. She was subsequently evicted from the halls of residence. The hearing was postponed to 3 April.
- **19 Mar:** Former Great Zimbabwe University student activist Joel Bingudza appeared in court in Masvingo facing charges of contempt of court. The charges arose in 2006 when they participated in demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. The case was further remanded to 14 April.
- **19 Mar:** A former student activist from Great Zimbabwe University Ndaba Ngwenya appeared in court

on charges of public violence. The charges arose in 2006 when a group of students marched into town to present a petition to the resident minister. The case was postponed to 14 April.

- **26 Mar:** Three University of Zimbabwe students Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya appeared before a Harare magistrate on charges of public violence. The charges arose from a demonstration on campus against the Dollarisation of education. Their bail conditions were relaxed removing reporting conditions. They will appear in court on 23 April.
- **31 Mar:** Six University of Zimbabwe students' activists Ceaser Sitiya, Thabani Moyo, Manifest Jabuli, Tatenda Chiuya, Shaun Matsheza and Shingirai Chikomba have been summoned before a Harare magistrate on charges of public violence. The charges arose in June 2008 after the six were arrested during a student demonstration on campus. However they failed to appear in court after the docket went missing.

April

- **02 April:** Five National University of Science and Technology student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi and Melusi Hlabano and Archieford Mudzengi appeared before a Bulawayo magistrate facing charges of demonstrating with intentions of causing public violence and breach of peace. The charges arose after the students participated in a demonstration organized by the National Constitutional Assembly to press for a new constitution. The case was further remanded to the 28th of April.
- **03 April:** A female student activist Tendai Vambire from at Masvingo Polytechnic appeared before a disciplinary committee for allegedly giving information to ZINASU officials who were on a fact finding mission on the state of the education sector in Zimbabwe. She was subsequently evicted from the halls of residence. The disciplinary committee ruled that the student will not be accommodated on college for the rest of her stay.
- **06 April:** NUST student activists Sheunesu Nyoni, Edius Muchekwa, Kuda Magachu, Emmanuel Munyenyiwa, Kurayi Hoyi and Vivid Gwede are arrested after they had demonstrated on campus. The demonstration was sparked by a notice on the notice board informing students who had not paid their tuition fees that they would be deregistered from writing examinations.
- **09 April:** Former University of Zimbabwe Treasurer and National Constitutional Assembly Spokesperson and six others, Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou, C. Mhofu, Tapiwa Mushati, and Dickson Chemvumba appeared before a Bikita Magistrate on charges of undermining police authority. The case was further remanded to the 8th of May.
- **14 April:** Former Great Zimbabwe University student activist, Joel Bingudza appeared in court in Masvingo facing charges of contempt of court. The charges arose in 2006 when Great Zimbabwe university students participated in a demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. The case was postponed to the 15th of May.
- **14 April:** A former student activist from Great Zimbabwe University appeared in court on charges of public violence. The charges arose in 2006 when a group of students marched into town to present a petition to the resident minister. The case was postponed to the 29th of April.
- **16 April:** Ten NUST student activists were arrested following their participation in a demonstration. The Students demonstrated over high tuition fees. The ten were detained at Bulawayo Central Police Station. Two of the ten detained students were badly injured by the police. Those affected are Trevor Vambe, Christopher Hwada, Brighton Mukwari, Fortune Karimanzira, Kennedy Chizana, Michael Zvinowanda, Evans Musara, Mukai Chigumo, Lawrence Bhebhe and Tawanda Saiti

- **17 April:** Four NUST leaders Kurayi Hoyi, Samson Nxumalo, Sheunesu Nyoni and Vivid Gwede were retrieved from college after they had participated in a demonstration on campus. Police officers from the Law and Order section were hunting for them accusing them of inciting students.
- **18 April:** A Great Zimbabwe University student activist Ngoni Chuma was arrested and assaulted by police. He was briefly detained at Masvingo Central Police station and then released. The police accused him of planning a student protest.
- **20 April:** Ten NUST student activists who were arrested on the 16th of April on charges of public violence were released on bail. They were further remanded to the 4th of May with strict reporting conditions, those affected were, Trevor Vambe, Christopher Hwada, Brighton Mukwari, Fortune Karimanzira, Kennedy Chizana, Michael Zvinowanda, Evans Musara, Mukai Chigumo, Lawrence Bhebhe and Tawanda Saiti.
- **20 April:** Thirteen Great Zimbabwe University students were arrested after a demonstration in Masvingo town. The students were demonstrating against high tuition fees. This was part of the National Campaign against the Privatization of Education (NACAPEZ), a rebranded NACADEZ campaign. Those affected include Tawanda Nyabuya, Tafadzwa Chasara, Steve Riva, Makaita Jamu, Tatenda Mutibvu, Joshua Masanzu, Tracy Mujuru, Cuthbert Samu, Lorren Madondo, Revai Jombo, Roseta Sadumba, Robert Sanhu, Tinashe Rupisa.
- **21 April:** Eight Great Zimbabwe University student activists Tawanda Nyabuya, Tafadzwa Chasara, Steve Riva, Makaita Jamu, Tatenda Mutibvu, Joshua Masanzu, Tracy Mujuru, Cuthbert Samu, who were part of the thirteen that were arrested on the 20th of April are released. No charges were laid against them. They were detained at Rujeko Police Station. Five students remained in police custody.
- **21 April:** A student leader Courage Ngwarai is arrested by Masvingo police facing charges of malicious damage to property and criminal nuisance and was detained at the police station.
- **22 April:** The remaining five Great Zimbabwe University students Lorren Madondo, Revai Jombo, Roseta Sadumba, Robert Sanhu, Tinashe Rupisa, who were arrested on the 20th are released from Rujeko police station. No charges were preferred on them.
- **22 April:** Following protests at NUST over high tuition fees and the decision to bar those who have not paid from writing their examinations, ten students are suspended pending disciplinary hearings. Those affected are Kurayi Hoyi (SRC President), Samson Nxumalo (SRC Secretary General), Vivid Gwede, Mukai Chigumo, Christopher Hwacha, Tawanda Saiti, Fortune Karimanzira, Degray Ziramba, Michael Zimamba and Taurayi Chimwanza.
- **22 April:** Three Great Zimbabwe University students Blessing Matasva, Primrose Dube, Trevor Maphosa are arrested following a demonstration on campus. The students were demonstrating against high tuition fees and the decision by the University to bar those who had not paid from writing examinations. They were detained at Masvingo Central police station on charges of public violence.
- **22 April:** The six students Sheunesu Nyoni, Edius Muchekwa, Kuda Magachu, Emmanuel Munyenyiwa, Kurayi Hoyi and Vivid Gwede, who were arrested on the 6th of April after students had demonstrated against high tuition fees finally appeared in court. The six were initially released in the custody of their lawyers were released on strict bail conditions and were asked to pay \$10 as bail.
- **23 April:** Three University of Zimbabwe students Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya appeared before a Harare magistrate on routine remand hearing. The trio is facing charges of public violence. The charges arose from a demonstration on campus against the Dollarization of education. Their lawyer applied for refusal of remand. They were further remanded to the 21st of May.

- **23 April:** Twenty Great Zimbabwe University students are arrested following student disturbances on campus as a result of high tuition fees and the intention by the administration to bar those students who have not paid from examinations. The twenty were detained at Masvingo Central Police Station. Those affected were Tafadzwa Kutya, Kundai Maromo, Sarudzai Zishiri, Daniel Gundani, Emmanuel Ngwaru, Gladys Macheke, Alphinus Muganhu, Francis Mubaiwa, Simon Nyambirai, Brian Manyere, Peter Mudukuti, July Musengi, Hastings Chanke, Hamunyari Gasela, Vongai Maibva Cynthia Zuze, Nyasha Sigauke, Suzan Musendo, Licias Shonhiwa, Hardlife Janyure.
- **24 April:** The twenty Great Zimbabwe University students arrested on the 22nd of April together with the other three arrested on the 23rd appeared before a Masvingo magistrate on charges of public violence and were released on free bail but with strict bail condition, they were further remanded to the 8th of June. The affected are Tafadzwa Kutya, Kundai Maromo, Sarudzai Zishiri, Daniel Gundani, Emmanuel Ngwaru, Gladys Macheke, Alphinus Muganhu, Francis Mubaiwa, Simon Nyambirai, Brian Manyere, Peter Mudukuti, July Musengi, Hastings Chanke, Hamunyari Gasela, Vongai Maibva, Cynthia Zuze, Nyasha Sigauke, Suzan Musendo, Licias Shonhiwa, Hardlife Janyure, Blessing Matasva, Primrose Dube, Trevor Maphosa.
- **24 April:** Seven Great Zimbabwe University students are retrieved from college after they had participated in a demonstration against high tuition fees. Police were hunting for them in relation to the demonstration, those affected are Brighton Ramusa, Kozanai Mhlanga, Thomas Chanakira, Hamandishe, Tawanda Chikura, Antony.
- **27 April:** Two Great Zimbabwe student activists Brighton Ramusa, Kozanai Mhlanga, were arrested on charges of public violence and were detained at Masvingo Central police station.
- **28 April:** Five student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi and Melusi Hlabano and Archieford Mudzengi, appeared before a Bulawayo magistrate for continuation of trial. Their charges arose after the students participated in a demonstration organized by the National Constitutional Assembly to press for a new constitution. Three witnesses appeared for the state and the trial will proceed on the 12th of May.
- **28 April:** ZINASU Leader Courage Ngwarai appeared in court on charges of public violence. The student leader was asked to pay a bail of US\$120 for two of his charges and a default fine. He will be back in court on 20 May.
- **29 April:** Two Great Zimbabwe student activists including Brighton appeared before a Masvingo Magistrate facing charges of public violence. The two are further remanded to the 8th of June.

May

- **04 May:** Ten NUST students appeared in court on charges of public violence. The charges emanated from a demonstration by students at the National University of Science and Technology against high tuition fees. The case was further remanded to 17 June. Those affected are Trevor Vambe, Christopher Hwada, Brighton Mukwari, Fortune Karimanzira, Kennedy Chizana, Michael Zvinowanda, Evans Musara, Mukai Chigumo, Lawrence Bhebhe and Tawanda Saiti.
- **05 May:** The two suspended students Prince Ncube and Obert Masaraure were charged for breaching the student conduct and discipline (Ordinance No. 2) The disciplinary committee recommended that the two be suspended for two semesters and ordered to compensate the University by meeting the costs for repairs to the guardroom roof. The college disciplinary committee indicated that they have fresh charges to make.

- **08 May:** Former University of Zimbabwe Treasurer and National Constituency Assembly Spokesperson and six others appeared before a Bikita Magistrate on charges of undermining police authority. The case was further remanded 09 June. Madock Chivasa, Farirayi Mageza, Simbai Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba.
- **12 May:** Five Bulawayo student activists appeared before a Bulawayo magistrate facing charges of demonstrating with intentions of causing public violence and breach of peace. The charges arose after the students participated in a demonstration organized by the National Constitutional Assembly to press for a new constitution. The magistrate reserved judgment for the 27th of May, the affected are Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi.
- **15 May:** Former Great Zimbabwe University student activist Joel Bingudza appeared in court in Masvingo facing charges of contempt of court. The charges arose in 2006 when Great Zimbabwe university students participated in a demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. The case was further remanded to the 16th of June.
- **15 May:** A Hillside teachers college student activist Admire Hamutyi is arrested during a class boycott at the college. Students were boycotting in protest against high tuition fees.
- **18 May:** After spending three nights in police cells the student activist Admire Hamutyi is fined and released.
- **20 May:** Zimbabwe National Students Council Secretary for Legal and Academic Affairs Courage Ngwarai appeared before a Masvingo Magistrate court on charges of criminal nuisance. His charges arose when he participated in a demonstration by students in Masvingo. He was further remanded to the 17th of June.
- **21 May:** Three University of Zimbabwe students appeared before a Harare magistrate on routine remand hearing. The trio are facing charges of public violence. The charges arose from a demonstration on campus against the Dollarization of education, the affected are Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya.
- **27 May:** The ZINASU Secretary for legal and academic affairs Courage Ngwarai appeared in court on charges of malicious damage to property. The case was further remanded to June 07 after a key state witness did not turn up.
- **27 May:** The former Great Zimbabwe University student activist Ndaba Ngwenya appeared in court on charges of bigotry and breach of peace. The charges emanated from a demonstration in 2006 when Great Zimbabwe University students marched into town to hand over a petition to the resident minister. The student activist was removed from remand and the state was urged to proceed by way of summons.
- **27 May:** The five are appearing in court for judgment on charges of demonstrating with intentions of causing public violence and breach of peace. The magistrate did not attend the court and judgment in this case was reserved to the 10th of June. The affected are Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi.

June

- **02 Jun:** Three University of Zimbabwe students Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya appeared before a Harare magistrate on routine remand hearing. The trio is facing charges of public violence. The charges arose from a demonstration on campus against the Dollarization of

education. A refusal of remand order was granted and the state was advised to proceed by way of summons.

- **05 June:** The ZINASU Secretary for legal and academic affairs Courage Ngwarai appeared in court on charges of malicious damage to property. The case was further remanded to 24 June.
- **09 Jun:** Former University of Zimbabwe students union Treasurer and Youth Forum Board Chairperson and six others appeared before a Bikita Magistrate on charges of undermining police authority. The case was further remanded to 07 July. The affected are Madock Chivasa, Farirayi Mageza, Simbai Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba.
- **09 Jun:** Seventeen students are acquitted. Eight students will face trial on the charge. The acquitted are: Kundai Maromo, Daniel Gundani, Emmanuel Gwagu, Misheck Chinoti, Gladys Macheke, Alphinus Muganhu, Francis Mubayiwa, Simon Nyambirai, Brian Manyere, Peter Mudukuti, July Musengi, Lisias Shonhiwa, Gamuchirai Mukura, Roy Chauke, Dignity Mare, Tendai Gumbo, Susan Musindo and Kodzanai Mhlanga. The Trial continues on 10 June
- **10 Jun:** The five are appearing in court for judgment on charges of demonstrating with intentions of causing public violence and breach of peace. The trial was adjointed to 17 June. The affected are Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi.
- **10 Jun:** The eight are facing charges of public violence emanating from demonstrations by students in the streets of Masvingo in April. Trial resumed with members of the Zimbabwe Republic Police and Great Zimbabwe University security guards testifying. Trial is adjointed to 16 June, the affected are Tafadzwa Kutya, Sarudzai Zishiri, Hamunyari Gasela, Vongai Maibva, Cynthia Zuze, Nyasha Sigauke, Hardlife Ganyure and Brighton Ramusi.
- **16 June:** Former Great Zimbabwe University student activist Joel Bingudza appeared in court in Masvingo facing charges of contempt of court. The charges arose in 2006 when Great Zimbabwe university students participated in a demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. The case was further remanded to 17 June.
- **16 Jun:** Cross examination began with members of the Great Zimbabwe University security and the police testifying in court. Four students were acquitted after the state failed to implicate them. The acquitted are: Sarudzai Zishiri, Hamunyari Gasela, Vongai Maibva and Cynthia Zuze. The trial was adjointed to 17 June.
- **17 Jun:** The trial of the four continues with the state and the defense concluding their submissions in the case. Judgement in the case was reserved for the 18th of June. The affected are Tafadzwa Kutya, Nyasha Sigauke, Hardlife Ganyure and Brighton Ramusi.
- **17 Jun:** Ten NUST students appeared in court on charges of public violence. The charges emanated from a demonstration by students at the National University of Science and Technology against high tuition fees. The case was further remanded to 12 August. Those affected are Trevor Vambe, Christopher Hwada, Brighton Mukwari, Fortune Karimanzira, Kennedy Chizana, Michael Zvinowanda, Evans Musara, Mukai Chigumo, Lawrence Bhebhe and Tawanda Saiti.
- **17 Jun:** Zimbabwe National Students Council Secretary for Legal and Academic Affairs Courage Ngwarai appeared before a Masvingo Magistrate court on charges of criminal nuisance. His charges arose when he part of a student demonstration in Masvingo. The court reserved judgment to the 18th of June.

- **17 Jun:** The five are appearing for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The case is adjourned after the Chairperson of National Constitutional Assembly failed to testify in court. The trial will continue on 24 June. Those affected are Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi.
- **18 Jun:** The Zimbabwe National Students Union Secretary for legal and Academic affairs Courage Ngwarai is cleared of the criminal nuisance charges after the state withdrawn charges due to lack of sufficient evidence.
- **18 June:** Judgment in the case is postponed at the request of the defense lawyer. Judgment will be handed down on 17 August. The affected are Tafadzwa Kutya, Nyasha Sigauke, Hardlife Ganyure and Brighton Ramusi.
- **23 Jun:** Two Masvingo Polytechnic students Samuel Gwenzi and Dry Chingoriro were arrested after students demonstrated on campus. They are facing charges of obstructing justice.
- **24 Jun:** Five Bulawayo student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi are appearing for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The case is adjourned after their lawyer made an application to the Supreme court. The lawyer wants the charges to be thrown away on the bases that they violate constitutional rights of the students. The case will continue on 15 July.
- **24 Jun:** The ZINASU Secretary for legal and academic affairs Courage Ngwarai appeared in court on charges of malicious damage to property. The case was further remanded to 15 July.
- **25 Jun:** Two Masvingo polytechnic students Samuel Gwenzi and Dry Chingoriro were arrested after leading a demonstration on campus. They are being charged for obstructing the course of justice. The case is further remanded to 16 August.
- **30 Jun:** Nineteen students are summoned to appear before the college disciplinary committee due to time constraints, only three students managed to appear. The three are being charged on allegations of organizing and participating in a violent demonstration and destruction of university property on 16 April, 2009. Those affected are Kudakwashe Maguchu, Samuel Munyenyiwa and Edius Mucheuka.

July.

- **04 Jul:** The student activist Oliver Chikumba was arrested for insulting the office and the person of President Robert Mugabe after he made remarks pointing on his portrait at the HICC.
- **06 Jul:** Six NUST students appeared in court on charges of public violence. The case is further remanded to 04 August. Those affected are Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Eddious Mucheuki.
- **06 Jul:** Two NUST students Vivid Gwede and Sheunesu Nyoni appearing before university disciplinary committee, they are being charged on allegations of organizing and participating in a violent demonstration and destruction of University property on 16 April, 2009.
- **07 Jul:** A Bulawayo student activist Oliver Chikumba is appearing in court on charges of insulting the office and person of the President of the Republic of Zimbabwe. He is released on free bail and judgment will be passed on the 8th of July.
- **07 Jul:** Former University of Zimbabwe students union Treasurer and Youth Forum Board Chairperson and six others appeared before a Bikita Magistrate on charges of undermining police authority.

The case was further remanded to 07 August. Madock Chivasa ,Farirayi Mageza ,Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba.

- **08 Jul:** A Bulawayo student activist Oliver Chikumba is convicted and fined for insulting the office and person of President Robert Mugabe
- **13 Jul:** A Bulawayo student leader Patrick Danga is arrested after fighting with Hon Patrick Zhuawo (ZANU PF) at the Parliamentary select committee All Stakeholders Conference at the HICC.
- **15 Jul:** The ZINASU Secretary for legal and academic affairs Courage Ngwarai appeared in court on charges of malicious damage to property. The case is further remanded to 22 July.
- **15 Jul:** five student leaders from Bulawayo are appearing for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The case is adjourned after their lawyer made an application for the matter to be referred to the Supreme court. The students want the charges to be thrown away on the bases that they violate constitutional rights of the students. The case will continue on 29 July. those affected are Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi.
- **16 Jul:** A Bulawayo student leader Patrick Denga is released after paying fine. He was charged for public violence.
- **20 Jul:** Former Great Zimbabwe University student activist Joel Bingudza is facing charges of contempt of court. The charges arose in 2006 when Great Zimbabwe University students participated in a demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. Trial will resume on 18 August
- **22 Jul:** Six NUST students Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyeniyiwa and Eddious Mucheuki appeared in court on charges of public violence charges. The case is further remanded to 04 August
- **22 Jul:** The ZINASU Secretary for legal and academic affairs Courage Ngwarai appeared in court on charges of malicious damage to property. Trial will begin on 07 August.
- **28 Jul:** The three suspended UZ student activists Shingirai Chikomba, Ceaser Sitiya and Thabani Moyo are appearing in court after being served with summons. The three are part of seven students who were discharged in early 2008. They are facing charges of malicious damage to property which emanated from demonstrations that rocked UZ in July 2007. The case was postponed to 18 August.
- **29 Jul:** five Bulawayo student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi are appearing for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The magistrate reserved judgment on the application for referral to the Supreme Court. The lawyer wants the charges to be thrown away on the bases that they violate constitutional rights of the students. The case will continue on 12 August.
- **30 Jul:** nine Great Zimbabwe Students Nyasha Sigauke, Hardlife Ganyure, Vongai Maibva, Cynthia Zuze, Susan Musindo, Peter Mudukuti, Sarudzai Zishiri, Sandra Shonhiwa and Tendai Gumbo are appearing following demonstrations that rocked the University in April over high tuition fees.
- **31 Jul:** Following the 2nd Peoples Constitutional Convention, the ZINASU President and three others were retrieved to safe locations. This was after they felt that their lives were in danger from MDC-T Youths. Clever Bere, Courage Ngwarai, Blessing Vava and Obert Masaraure.

August.

- **04 Aug:** Six NUST students Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuki, appeared in court on charges of public violence. The case was further remanded to 18 September.
- **05 Aug:** Following a general meeting by students Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo at the University 14 students are arrested and detained at the UZ guardroom. Ten students were later released with four being detained at Avondale police station.
- **07 Aug:** Following a demonstration at Great Zimbabwe University campus on 05 August, five students Tafadzwa Kutya, Gamuchirai Mukura, Cynthia Zuze, Beatrice Chauke and Brian Mtisi are picked by the police and detained at Masvingo central police station.
- **08 Aug:** The five students from Great Zimbabwe Tafadzwa Kutya, Gamuchirai Mukura, Cynthia Zuze, Beatrice Chauke and Tinashe Mutimbanyoka are appearing in court on charges of undermining police authority. They are released on free bail. They are to report at Masvingo central police station every Friday. The case was further remanded to 24 August.
- **12 Aug:** Three ZINASU student activists Joshua Chinyere (UZ), Irimayi Mhondera (Harare Polytechnic) and Grant Tabvurei (NUST) were part of a group of students who were distributing ZINASU newsletters at the UZ. They were detained for about five hours before being released.
- **12 Aug:** Five Bulawayo student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi are appearing in court for continuation of trial on charges of demonstrating with alleged intent of causing public violence and breach of peace. The magistrate reserved judgment on the application for referral to the Supreme Court. The lawyer wants the charges to be thrown away on the bases that they violate constitutional rights of the students. The case will continue on 14 September.
- **17 Aug:** Four Great Zimbabwe University students are facing charges of public violence emanating from demonstrations by students in Masvingo. Francis Ramusi was found guilty and sentenced to six months in prison. His sentence was wholly suspended on the condition that he does not commit a similar offence in five years. The other three were discharged after the court found them not guilty.
- **17 Aug:** Three Masvingo Polytechnic students Samuel Gwenzi, Brian Chigoriro and Tonny Mawarire are facing charges of public violence following a demonstration at the college. The case is further remanded to 13 October.
- **21 Aug:** Four student leaders Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo are applying for a refusal of further remand order. They are being charged under section 37 (1) (a) (i) of the criminal law (Codification and Reform) Act Chapter 9:25 for participating in a gathering with intent to promote public violence, breach of peace or bigotry. The case will continue on 25 August,
- **24 Aug:** Three Great Zimbabwe University students Gamuchirai Mukura, Cynthia Zuze and Beatrice Chauke appear in court and are facing charges of undermining police authority. Two students Tafadzwa Kutya and Tinashe Mutimbanyoka are issued with warrants of arrests after failing to appear in court. The case is further remanded to 08 September.
- **25 Aug:** Four student activists Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo appear in court for the hearing of their refusal of further remand application. The hearing is adjourned to 26 August.

- **25 Aug:** Five UZ student activists Shingirai Chikomba, Ceaser Sitiya, Thabani Moyo, Tatenda Chiuya and Manifest Jabuli. are appearing in court for trial. They are being charged for malicious damage to property. The case is postponed after state witnesses for the case failed to appear. The trial will continue on 29 September.
- **26 Aug:** Four student leaders Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo are appearing for the hearing of their refusal of further remand application. The case is adjourned to 01 September.

September.

- **08 Sep:** Five Great Zimbabwe students are appearing in court on charges of undermining police authority. They are released on free bail. They are to report at Masvingo central police station every Friday. The case was further remanded to 24 August.
- **08 Sep:** The five are facing charges of undermining police authority. The case is further remanded to 28 September. Gamuchirai Mukura, Cynthia Zuze and Beatrice Chauke, Tafadzwa Kutya and Tinashe Mutimbanyoka.
- **08 Sep:** Four student leaders are appearing for the hearing of their refusal of remand application. Their application for refusal of remand is dismissed by the court. The case is adjourned to 30 September. Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo.
- **10 Sep:** Mutare police arrested two student activists for planning to hold a demonstration on the graduation day at the college. Bestinos Kundishora and Charles Chinyanga.
- **11 Sep:** The two Bestinos Kundishora and Charles Chinyanga are charged with section 46 of the criminal law (codification and reform) Act. They are fined US\$5 each.
- **14 Sep:** five Bulawayo student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi are appearing for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The magistrate reserved judgment on the application for referral to the supreme court. The lawyer wants the charges to be thrown away on the bases that they violate constitutional rights of the students. The case will continue on 01 October.
- **16 Sep:** An MSU student Obert Masaraure is appearing in court on charges of assaulting a University security guard. The case was adjourned to 07 October for trial.
- **18 Sep:** Six NUST students Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuki. appeared in court on charges of public violence. The case is further remanded to 06 October.
- **18 Sep:** Nine Great Zimbabwe student activists Nyasha Sigauke, Hardlife Ganyure, Vongai Maibva, Cynthia Zuze, Susan Musindo, Peter Mudukuti, Sarudzai Zishiri, Sandra Shonhiwa and Tendai Gumbo are suspended following their participation in a ZINASU organized demonstration in April this year. Their suspension takes effect on 26 October when the next semester begins.
- **22 Sep:** Former Great Zimbabwe University student activist appeared in court in Masvingo facing charges of contempt of court. The charges arose in 2006 when Great Zimbabwe University students participated in a demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. The case was further remanded to 19 October
- **24 Sep:** Former University of Zimbabwe students union Treasurer and Youth Forum Board Chairper-

son and six others Madock Chivasa ,Farirayi Mageza ,Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba appeared before a Bikita Magistrate on charges of undermining police authority. The case was further remanded to 07 October.

- **28 Sep:** Five Great Zimbabwe Students are facing charges of undermining police authority. Four of them are cleared by the court and Tafadzwa Kutya is cautioned by the Masvingo magistrate. Gamuchirai Mukura, Cynthia Zuze and Beatrice Chauke, Tafadzwa Kutya and Tinashe Mutimbanyoka.
- **29 Sep:** three UZ students are facing charges of public violence. The case is postponed to 30 September for the beginning of trial. Tatenda Chiuya, Shingirai Chikomba and Manifest Jabuli.
- **30 Sep:** four student leaders Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo are appearing for the hearing of their refusal of remand application. Their application for refusal of remand is dismissed by the court. The case is adjourned to 28 October.
- **30 Sep:** Three UZ students Tatenda Chiuya, Shingirai Chikomba and Manifest Jabuli are appearing in court for trial on charges of public violence.
- **30 Sep:** Three UZ students Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya are facing charges of public violence. Their docket is missing and the case is further remanded to 18 October. The state promised to drop the charges if the docket remains missing.
- **30 Sep:** Seven are arrested at Great Zimbabwe University Tafadzwa Kutya, Kurayi Hoyi, Obert Masaraure, Tobias Simango, July Musengi, Garikai Mashakada and Ngonidzashe, while protesting the suspension of two student leaders at the college.
- **30 Sep:** Two Great Zimbabwe students Tafadzwa Kutya and Hardlife Janyure appeared before the university disciplinary committee on 16 August for leading a demonstration against high tuition fees. They were suspended with immediate effect until February 2010.

October.

- **01 Oct:** five Bulawayo student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi are appearing for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The case will continue on 29 October.
- **05 Oct:** two Masvingo Polytechnic students are facing charges of public violence following a demonstration at the college. The case is further remanded to the 17th of November. Samuel Gwenzi and Tonny Mawarire
- **06 Oct:** Six NUST students appeared in court on charges of public violence. The case is further remanded to 11 December, Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuki.
- **07 Oct:** An MSU student activist Obert Masaraure is being charged with assaulting a security officer at the University. The case is postponed to 6 November.
- **07 Oct:** Former University of Zimbabwe Students Union Treasurer and Youth Forum Board Chairperson and six others appeared before a Bikita Magistrate on charges of undermining police authority. The case was further remanded to 18 November. Madock Chivasa ,Farirayi Mageza ,Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba.
- **10 Oct:** The five are arrested on charges of misconduct and undermining the office of President and

Cabinet. They were discussing national issues while travelling in a commuter omnibus. Clever Bere, Blessing Vava, Tafadzwa Kutya, Obert Masaraure and Kurayi Hoyi.

- **12 Oct:** The five student leaders are finally released after paying admission of guilt fines, Clever Bere, Blessing Vava, Tafadzwa Kutya, Obert Masaraure and Kurayi Hoyi.
- **12 Oct:** NUST student union President, Secretary General and former Secretary General Kurayi Hoyi, Samson Nxumalo and Vivid Gwede are expelled after a recommendation by the university disciplinary committee. The three were suspended after leading a demonstration on campus. They were also ordered to pay US\$1200 damage to property allegedly caused by the protests.
- **13 Oct:** Six NUST activists are suspended on allegations of violating the draconian NUST Ordinance 30 following the April 2009 demonstrations over exorbitant fees that rocked the university. They were all suspended for four semesters. Patrick Denga and Joram Chikwadze.
- **14 Oct:** Two Bulawayo student activists Patrick Denga and Joram Chikwadze are charged and remanded in custody to 29 October.
- **19 Oct:** Two Bulawayo student activists Patrick Denga and Joram Chikwadze are granted bail following an urgent application in the Bulawayo court.
- **19 Oct:** Former Great Zimbabwe University student activist Joel Bingudza appeared in court in Masvingo facing charges of contempt of court. The charges arose in 2006 when Great Zimbabwe University students participated in a demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. The case was further remanded to 12 November.
- **28 Oct:** Four student leaders Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo are appearing for the hearing of their refusal of remand application. Their application for refusal of remand is dismissed by the court. The case is adjointed.
- **28 Oct:** Three University of Zimbabwe activists are facing charges under section 37 of the criminal codification Act. They will appear in court on 26 November.
- **29 Oct:** five Bulawayo student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi are appearing for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The charges arose after the students participated in an NCA organized demonstration. The case will continue on 12 November.
- **29 Oct:** Two Bulawayo student activists Patrick Denga and Joram Chikwadze. Are appearing on routine remand hearing on charges of defeating or obstructing the course of justice. The case is further remanded to 2 November.

November.

- **02 Nov:** Six NUST students Vivid Gwede, Kurayi Hoyi, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuki, are appearing in court on charges of public violence. The case is further remanded to 11 December.
- **06 Nov:** A student leader Obert Masaraure is facing charges of assaulting a security Officer at the University. The case is postponed to 04 December to enable the university to bring more witnesses.
- **09 Nov:** Four University of Bindura activists Tafadzwa Kutya, Welcome Zimuto, Tashinga Mudzengi and Respect Ndanga were arrested at BUSE after addressing students ahead of the Students Representative council elections.

- **10 Nov:** four students from the University of Bindura Tafadzwa Kutya, Welcome Zimuto, Tashinga Mudzengi and Respect Ndanga, were released after paying admission of guilt fines. They were charged under Criminal law.
- **12 Nov:** A student activist Joel Bingudza is facing charges of contempt of court. The charges arose in 2006 when Great Zimbabwe University students demonstrated at the Masvingo magistrate court during the “Free Edison Campaign. The case was further remanded to 26 November.
- **12 Nov:** Five Bulawayo student activists Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archford Mudzengi are appearing in court facing charges of demonstrating with intentions of causing public violence and breach of peace. The case will continue on 26 November.
- **17 Nov:** Two Masvingo polytechnic students Tonny Mawarire and Samuel Gwenzi are facing charges of public violence following a demonstration at the college. Judgment will be handed down on 15 December.
- **18 Nov:** Fourteen students from Great Zimbabwe University and Masvingo Polytechnic are arrested on campus, Tichaona Zanamwe, Brighton Zava, Zivanai Muronzi, Calvin Mupudzi, Robson Ruhanya, Tawanda Chikwira, Blessing Dubbiey, Aleck Tabe, Letsia Manhondo, Godfrey Kurauone, Rashid Mudala, Idah Magwizi, Handson Phiri and Catherine Ganduri.
- **18 Nov:** Former University of Zimbabwe students Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou C. Mhofu, Tapiwa Mushati and Dickson Chemvumba, are facing charges of undermining police authority after they were arrested on the eve of the 2008 harmonized elections while rounding up the “Go Voter Campaign”. The state withdraws the charges before plea at the beginning of trial.
- **22 Nov:** The five Masvingo students Tawanda Chikwira, Blessing Dubbiey, Aleck Tabe, Letsia Manhondo and Catharine Ganduri. Are released so that they will prepare for their examinations on Monday. They were in custody on charges of possessing a fire arm and holding an illegal gathering.
- **23 Nov:** 11 students from Masvingo Tichaona Zanamwe, Brighton Zava, Zivanai Muronzi, Calvin Mupudzi, Robson Ruhanya, , Godfrey Kurauone, Rashid Mudala, Idah Magwizi and Handson Phiri are released after the prosecutor refused to prosecute the student due to lack of evidence linking them to the charge. One student (Godfrey Kurauone) was assaulted and injured while in police custody.
- **23 Nov:** four ZINASU leaders Clever Bere, Archford Mudzengi, Brian Rundogo and Kudakwashe Chakabva are appearing for the hearing of their refusal of remand application. Their application for refusal of remand is dismissed by the court. The four were further remanded to 21 December.
- **26 Nov:** three UZ students Vitalis Mudzonga, Tawanda Katsuro, Justice Chikanya are facing charges under section 37 of the Criminal Law (Codification and Reform Act.) A refusal of remand order is granted and the state was ordered to proceed by way of summons if it intends to do so.
- **26 Nov:** A former Great Zimbabwe student Joel Bingudza is facing charges of contempt of court. He has been appearing in court since 2006 and trial is yet to start. The case is further remanded to 10 December.
- **26 Nov:** Five Bulawayo student activists Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi are appearing in court facing charges of demonstrating with intentions of causing public violence and breach of peace. The case will continue on 11 Jan.

December

- **04 Dec:** Midlands State University student leader Obert Masaraure appears in a Gweru Court for continuation of trial, the student leader is facing charges of assaulting a security Officer at the University. The student leader is discharged after University witnesses failed to appear in court.
- **09 Dec:** Two NUST students Jorum Chikwadze and Brian Mtisi are detained and fined under the Criminal law (Codification and Reform Act) for conduct likely to provoke breach of peace. The two were part of a group of students who demonstrated at the court when a NUST official was being charged of stealing university funds.
- **11 Dec:** Six NUST student activists Vivid Gwede, Kurayi Hoyi, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuki, appear in court on charges of public violence. The case is further remanded to 27 January.
- **11 Dec:** Two Bulawayo student activists are facing charges under Criminal law (Codification and Reform Act) Chapter 9:23 for defeating the course of justice. They are further remanded to 22 January 2010.
- **15 Dec:** Two Masvingo Polytechnic students Tonny Mawarire and Samuel Gwenzi are facing charges of public violence following a demonstration on campus. Judgment is postponed indefinitely.
- **18 Dec:** Three University of Zimbabwe student activists Terrence Chimhavi, Farirayi Mageza and Tafadzwa Mugwadi are appearing on charges of breaching the rules of student conduct and discipline (Ordinance 30). The outcome of the hearing will be communicated to the students.
- **21 Dec:** Four ZINASU activists Clever Bere, Archford Mudzengi, Brian Rundogo and Kudakwashe Chakabva are being charged under section 37 (1) (a) (i) of the criminal law (Codification and Reform) Act Chapter 9:25 for participating in a gathering with An alleged intent to promote public violence, breach of peace or bigotry. They are further remanded to 22 January.
- **21 Dec:** Eight Student activists Grant Tabvurei, Zivanai Muzorodzi, Robson Chere, Jorum Chikwadze, Melusi Hlabano, Brian Mtisi, Samson Nxumalo, and Vivid Gwede, are arrested in Harare on allegations of Malicious Damage to Property.
- **24 Dec:** Eight student activists Grant Tabvurei, Zivanai Muzorodzi, Robson Chere, Jorum Chikwadze, Melusi Hlabano, Brian Mtisi, Samson Nxumalo, and Vivid Gwede, are released and the state is urged to proceed with summons when it has enough evidence.
- **26 Dec:** Former Great Zimbabwe University student activist Joel Bingudza appears before a Masvingo Magistrate facing charges of contempt of court. He has been appearing in court since 2006 and trial is yet to start. The case is further remanded to 21 January 2010.

7.1 2009 Court Roll

Court Roll - January 2009

Date	Court	Description	Affected Students	Verdict
02 Jan	Masvingo Magistrate Court	Former Great Zimbabwe University student activist appeared in court on charges of arson. It is alleged that in 2006 during a student demonstration on campus he attempted to burn the college administration block.	George Makamure	Trial postponed to 29 January.
21 Jan	Masvingo Magistrate Court	The trial of former Great Zimbabwe University student activists failed to proceed at the Masvingo Magistrate's court due to the ongoing industrial action by court officials. They are being charged with contempt of court after they demonstrated outside the court during the 'Free Edison Campaign in 2006.	Brenda Mupfurutsa, George Makamure, Joel Bingudza	Further remanded to 18 February.
21 Jan	Masvingo Magistrate Court	Former Great Zimbabwe University student activist is being charged with malicious damage to property, having been alleged to have led a group of students in destroying University property during a student demonstration in 2006.	George Makamure	Further remanded to 18 February
21 Jan	Masvingo Magistrate Court	Former Great Zimbabwe University student activist appeared in court on charges of public violence. The charges arose in 2006 when a group of students marched into the town to present a petition to the Resident Minister and were subsequently arrested.	George Makamure	Postponed to 18 February.
22 Jan	Bulawayo magistrate court.	The Zimbabwe National Student Union (ZINASU) Treasurer and four other student activists appeared in court on routine remand hearing. They are being charged for participating in a demonstration organized by the National Constitutional Assembly [NCA].	Isheunesu Nyoni, Samson Nxumalo, Archford Mudzengi, Brian Mutisi and Melusi Hlabano	Further remanded to 5 February.
23 Jan	Masvingo magistrate court	The trial of former University of Zimbabwe student leader and Youth Forum Board Chairperson continued. He is being charged for undermining police authority. The charges arose when police and ZANU PF Youths attempted to break up a Youth Forum meeting in Masvingo in 2007.	Madock Chivasa	Judgment on 6 February.
29 Jan		The trial of former Great Zimbabwe student activist continued. He is being charged with arson. The State alleges that during a student demonstration at the university he in the company of one Ogylive Makova, attempted to burn down the University administration block.	George Makamure	Trial continues on 26 March.
05 Feb	Bulawayo Magistrate court	The Zimbabwe National Student Union [ZINASU], Treasurer and four other student activists on charges ranging from public violence to participation in an illegal demonstration.	Isheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi	Further remanded to the 2 nd of April.
06 Feb	Harare Magistrate court	Former University of Zimbabwe student leader and National Constitution Assembly Spokesperson appeared in court in Masvingo for judgment in the case which he is being charged with undermining police authority.	Madock Chivasa	Judgement was been postponed to the 6 th March.
09 Feb	Harare Magistrate court	3 University of Zimbabwe students arrested during a student demonstration on campus appeared before a Harare magistrate facing charges of public violence.	Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya	further remanded to the 26 th of February

11 Feb	Gweru Magistrate court	3 Midlands State University students appeared in court on charges of Public violence after participation in a demonstration organized by the Zimbabwe National Student Union [ZINASU] against the dollarization of education.	Obert Masaraure.	Further remanded to the 17 th of March.
18 Feb	Masvingo Magistrate court	A former student activist from Great Zimbabwe University appeared in court in Masvingo on charges of public violence. A warrant of arrest was issued for George Makamure who failed to appear in court.	Ndaba Ngwenya	The case was postponed to the 19 th of March.
18 Feb	Masvingo Magistrate court	Former Great Zimbabwe student activists appeared in court facing charges of contempt of court. The charges arose in 2006 when they participated in demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'. Warrant of arrest issued for Brenda Mupfurutsa and George Makamure who failed to attend court.	Joel Bingudza	The case was postponed to the 19 th of March.
26 Feb	Harare Magistrate court	3 University of Zimbabwe students arrested during a demonstration on 9 February over the Dollarisation of the education sector at the campus made a routine court appearance. They are facing charges of public violence.	Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya	Remanded out of custody to the 26 th of March.
06 Mar	Masvingo Magistrate Court	A former University of Zimbabwe student leader appeared in court for judgment in case he is being charged with undermining police authority.	Madock Chivasa	Discharged.
12 Mar	Bulawayo Magistrate Court	Three students appeared in court facing charges of demonstrating with intentions of causing public violence and breach of peace	Samson Nxumalo, Brian Mutisi and Melusi Hlabano	Further remanded to 2 April. Warrant of arrest issued for Isheunesu Nyoni and Archieford Mudzengi
19 Mar	Masvingo Magistrate Court	Former Great Zimbabwe University student appeared in court facing charges of contempt of court. The charges arose in 2006 during the "Save Edison Campaign"	Joel Bingudza	Further remanded to 14 April.
19 Mar	Masvingo Magistrate Court	Former Great Zimbabwe University student appeared in court on charges of public violence.	Ndaba Ngwenya	Further remanded to 14 April
26 Mar	Bikita Magistrate Court	Former University of Zimbabwe student leader and six others appeared in court on charges of undermining police authority	Madock Chivasa, Farirai Mageza, Simbai Chivasa, Hillary Zhou, Tapiwa Mushati, Dickson Chemvumbi and Simbarashe Madziva	Further remanded to 9 April
26 Mar	Harare Magistrate Court	Three University of Zimbabwe students appeared in court on charges of public violence.	Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya	Further remanded to 23 April.
31 Mar	Harare Magistrate Court	Six University of Zimbabwe student summoned before a Harare magistrate. The students were removed from remand in February 2008.	Ceaser Sitiya, Thabani Moyo, Manifest Jabuli, Tatenda Chiuya, Shaun Matsheza and Shingirai Chikomba.	Did not appear before the magistrate because the docket was missing.
02 Apr	Bulawayo Magistrate court	Five National University of Science and Technology students appeared in court facing charges of demonstrating with intentions of causing public violence and breach of peace.	Isheunesu Nyoni, Samson Nxumalo, Brian Mutisi Melusi Hlabano and Archieford Mudzengi	Further remanded to the 28 th of April
09 Apr	Bikita Magistrate court	Former University of Zimbabwe student leader and six others appeared in court on charges of undermining police authority.	Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba	Further remanded to the 9 th of May

14 Apr	Masvingo Magistrate court	Former Great Zimbabwe University student activist appeared in court facing charges of contempt of court.	Joel Bingudza	Further Remanded to the 15 th of May
14 Apr	Masvingo Magistrate court	Former Great Zimbabwe University appeared in court on charges of public violence.	Ndaba Ngwenya	Postponed to the 29 th of April
20 Apr	Bulawayo Magistrate court	Ten NUST student activists who were arrested on the 16 th of April on charges of public violence appeared in court.	Trevor Vambe, Christopher Hwada, Brighton Mukwari, Fortune Karimanzira, Kennedy Chizana, Michael Zvinowanda, Evans Musara, Mukai Chigumo, Lawrence Bhebhe and Tawanda Saiti	The ten were released on bail. They were further remanded to the 4 th of May with strict reporting conditions.
22 Apr	Bulawayo Magistrate court	Six National University of Science and Technology students appeared in court facing charges of public violence	Sheunesu Nyoni, Edius Muchekwa, Kuda Magachu, Emmanuel Munyenyiwa, Kurayi Hoyi and Vivid Gwede	Remanded to the 6 th of May
23 Apr	Harare Magistrate court	Three University of Zimbabwe students appeared in court on charges of public violence.	Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya	Further remanded to the 21 st of May
24 Apr	Masvingo Magistrate court	Twenty-three Great Zimbabwe University students appeared in court on charges of public violence	Tafadzwa Kutya, Kundai Maromo, Sarudzai Zishiri, Daniel Gundani, Emmanuel Ngwaru, Gladys Macheke, Alphonos Muganhu, Francis Mubaiwa, Simon Nyambirai, Brian Manyere, Peter Mudukuti, July Musengi, Hastings Chanke, Hamunyari Gasela, Vongai Maibva, Cynthia Zuze, Nyasha Sigauke, Suzan Musendo, Licias Shonhiwa, Hardlife Janyure, Blessing Matasva, Primrose Dube, Trevor Maphosa	Further remanded to the 8 th of June
28 Apr	Masvingo Magistrate Court.	ZINASU Legal and Academic Affairs Secretary appeared in court on charges of public violence.	Courage Ngwarai	Bail and default fine paid. Case remanded to 20 May
28 Apr	Bulawayo Magistrate court	Five National University of Science and Technology student activists appeared in court facing charges of demonstrating with intention of causing public violence and breach of peace. .	Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi and Melusi Hlabano and Archieford Mudzengi	Trial will proceed on the 12 th of May
29 Apr	Masvingo Magistrate court	Two Great Zimbabwe student activists appeared in court facing charges of public violence		

Court Roll May

Date	Court	Description	Affected Students	Verdict
04 May	Bulawayo Magistrate court	Ten NUST students appear in court on charges of public violence.	Trevor Vambe, Christopher Hwada, Brighton Mukwari, Fortune Karimanzira, Kennedy Chizana, Michael Zvinowanda, Evans Musara, Mukai Chigumo, Lawrence Bhebhe and Tawanda Saiti	Further remanded to the 17 June
08 May	Bikita Magistrate court	Former University of Zimbabwe student leader and six others appeared in court on charges of undermining police authority.	Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba	Further remanded to the 9 th of June
12 May	Bulawayo Magistrate court	Five National University of Science and Technology student activists appeared in court facing charges of demonstrating with intention of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi and Melusi Hlabano and Archieford Mudzengi	Judgment to be handed on 27 May
15 May	Masvingo Magistrate court	Former Great Zimbabwe University appeared in court on charges of contempt of court.	Joel Bingudza	Further remanded to 16 June.
20 May	Masvingo Magistrate court	ZINASU Secretary for legal and academic affairs appeared in court on charges of criminal nuisance.	Courage Ngwarai	Further remanded to 17 June.
21 May	Harare Magistrate court	Three University of Zimbabwe students appeared in court on charges of public violence.	Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya	Remanded to the 3 rd of May. The trio made an application for refusal of remand.
27 May	Masvingo Magistrate court	ZINASU Secretary for legal and academic affairs appeared in court on charges of malicious damage to property.	Courage Ngwarai	Trial continues on 07 June.
27 May	Masvingo Magistrate court	Former Great Zimbabwe University student activist appeared in court on charges of bigotry and breach of peace.	Ndaba Ngwenya	Student activist removed from remand. State ordered to proceed by way of summons.
27 May	Bulawayo Magistrate court	Five National University of Science and Technology student activists appeared in court facing charges of demonstrating with intention of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi and Melusi Hlabano and Archieford Mudzengi	Magistrate fails to attend court. Judgement to be handed on 10 th June.

Court Roll – June 2009

Date	Court	Description	Affected Students	Verdict
02 June	Harare Magistrate court	Three University of Zimbabwe students appeared in court on charges of public violence.	Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya	Refusal of remand order was granted and the state was advised to proceed by way of summons
07 June	Masvingo Magistrate court	The ZINASU Secretary for legal and academic affairs appeared in court on charges of malicious damage to property.	Courage Ngwarai	Further remanded to the 24 th of June.
09 June	Bikita Magistrate court	Former University of Zimbabwe students union Treasurer and Youth Forum Board Chairperson and six others appeared in court on charges of undermining police authority.	Madock Chivasa, Farirayi Mageza, Simbai Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba	Further remanded to the 7 th of July.

09 June	Masvingo Magistrate court	25 students appeared in court on charges of intention to cause public violence	Kundai Maromo, Daniel Gundani, Emmanuel Gwagu, Misheck Chinoti, Gladys Macheke, Alphonso Muganhu, Francis Mubayiwa, Simon Nyambirai, Brian Manyere, Peter Mudukuti, July Musengi, Lisias Shonhiwa, Gamuchirai Mukura, Roy Chauke, Dignity Mare, Tendai Gumbo, Susan Musindo and Kodzanai Mhlanga	Seventeen students acquitted and 8 will appear for trial on 10 June.
10 June	Bulawayo Magistrate court	Five NUST students appeared in court for judgment on charges of demonstrating with intentions of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi	Adjourned to the 17 th of June.
10 June	Masvingo Magistrate court	Eight Masvingo students appeared in court on charges of public violence.	Tafadzwa Kutya, Sarudzai Zishiri, Hamunyari Gasela, Vongai Maibva, Cynthia Zuze, Nyasha Sigauke, Hardlife Ganyure and Brighton Ramusi.	Trial is adjourned to the 16 th of June.
16 June	Masvingo Magistrate court	Former Great Zimbabwe University student activist appeared in court facing charges of contempt of court.	Joel Bingudza	The case was further remanded to the 17 th of June.
17 June	Masvingo Magistrate court	The trial of the four continues with the state and the defense concluding their submissions in the case.	Tafadzwa Kutya, Nyasha Sigauke, Hardlife Ganyure and Brighton Ramusi.	Judgment was reserved for the 18 th of June.
17 June	Bulawayo Magistrate court	Ten NUST students appeared in court on charges of public violence.	Trevor Vambe, Christopher Hwada, Brighton Mukwari, Fortune Karimanzira, Kennedy Chizana, Michael Zvinowanda, Evans Musara, Mukai Chigumo, Lawrence Bhebhe and Tawanda Saiti.	The case was further remanded to the 12 th of June.
17 June	Masvingo Magistrate court	Zimbabwe National Students Council Secretary for Legal and Academic Affairs appeared in court on charges of criminal nuisance.	Courage Ngwarai	Judgment was reserved to the 18 th of June.
17 June	Bulawayo Magistrate court	Five NUST students appeared for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi	The trial will continue on 24 June.
18 June	Masvingo Magistrate court	The Zimbabwe National Students Union Secretary for legal and Academic affairs is cleared of the criminal nuisance charges.	Courage Ngwarai	Charges were withdrawn by the state due to insufficient evidence.
18 June	Masvingo Magistrate court	Four Great Zimbabwe University students appeared in court for Judgment.	Tafadzwa Kutya, Nyasha Sigauke, Hardlife Ganyure and Brighton Ramusi.	Judgment will be handed down on the 17 th of August.
24 June	Bulawayo Magistrate court	Five Bulawayo activists appeared in court on charges of demonstrating with intentions of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi	The case is set to continue on the 15 th of July.
24 June	Masvingo Magistrate court	The ZINASU Secretary for legal and academic affairs appeared in court on charges of malicious damage to property.	Courage Ngwarai	The case was further remanded to the 15 th of July.
25 June	Masvingo Magistrate court	Two Masvingo polytechnic students appeared in court on charges of obstructing the course of justice. The case is further remanded to 16 August.	Samuel Gwenzi and Dry Chingoriro.	The case was further remanded to the 16 th of August.

Court Roll – July 2009

06 July	Bulawayo Magistrate court	Six NUST students appeared in court on charges of public violence.	Affected Students Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Eddious Mucheuki.	Verdict The case was further remanded to the 4 th of August.
07 July	Harare Magistrate court	A Bulawayo Polytechnic student activist appeared in court on charges of insulting the office and person of the President of the Republic of Zimbabwe.	Oliver Chikumba	He was released on free bail and judgment will be passed on the 8 th of July.
07 July	Bikita Magistrate court	Former University of Zimbabwe students union Treasurer and Youth Forum Board Chairperson and six others appeared in court on charges of undermining police authority.	Madock Chivasa, Farirayi Mageza, Simbai Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba.	Further remanded to the 7 th of August.
08 July	Harare Magistrate court	The Bulawayo student activist appears in court on charges of insulting the office and person of President Robert Mugabe.	Oliver Chikumba	He was convicted and fined.
15 July	Masvingo Magistrate court	The ZINASU Secretary for legal and academic affairs appeared in court on charges of malicious damage to property.	Courage Ngwarai	The case was further remanded to the 22 nd of July.
15 July	Bulawayo Magistrate court	Five Bulawayo student activists appeared in court for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi	The case is set to continue on the 29 th of July.
20 July	Masvingo Magistrate court	Former Great Zimbabwe University student activist appeared in court facing charges of contempt of court.	Joel Bingudza	Trial will resume on the 18 th of August.
22 July	Bulawayo Magistrate court	Six NUST students appeared in court on charges of public violence.	Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Eddious Mucheuki.	The case was further remanded to the 4 th of August.
22 July	Masvingo Magistrate court	The ZINASU Secretary for legal and academic affairs appeared in court on charges of malicious damage to property.	Courage Ngwarai	Trial will begin on the 7 th of August.
28 July	Harare Magistrate court	Three University of Zimbabwe student activists appeared in court after being served with summons. They are facing charges of malicious damage to property.	Shingirai Chikomba, Ceaser Sitiya and Thabani Moyo	The case was postponed to the 18 th of August.
29 July	Bulawayo Magistrate court	Five Bulawayo activists appeared in court for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mutisi, Melusi Hlabano and Archieford Mudzengi	Judgment was reserved on the application of referral to the supreme court and the case continues on the 12 th of August.

Court Roll – August 2009

Date	Court	Description	Affected Students	Verdict
04 Aug	Bulawayo Magistrate court	Six NUST students appeared in court on routine remand on charges of public violence.	Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Eddious Mucheuki.	The case was further remanded to the 18 th of September.

07 Aug	Bikita Magistrate court	Former University of Zimbabwe students union Treasurer and Youth Forum Board Chairperson and six others appeared in court on routine remand. They are facing charges of undermining police authority.	Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba	The case was further remanded to the 4 th of September.
07 Aug	Harare Magistrate court	Four student leaders appeared in court, charged under section 37 (1) (a) (i) of the criminal law (Codification and Reform) Act Chapter 9:25 for participating in a gathering with intent to promote public violence, breach of peace or bigotry.	Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo	The case was further remanded to the 21 st of August but the four are to report to Harare Central police station every Friday.
08 Aug	Masvingo Magistrate court	Five Great Zimbabwe University students appeared in court on charges of undermining police authority.	Tafadzwa Kutya, Gamuchirai Mukura, Cynthia Zuze, Beatrice Chauke and Tinashe Mutimbanyoka.	The case was further remanded to the 24 th of August while the five were ordered to report to Masvingo Central police station every Friday.
12 Aug	Bulawayo Magistrate court	Five student activists appeared in court on continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The magistrate reserved judgment on the application for referral to the supreme court. The lawyer wants the charges to be thrown away as they violate students' constitutional rights.	Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi.	The case was further remanded to the 14 th of September.
17 Aug	Masvingo Magistrate court	Four Masvingo students appeared in court for judgment facing charges of public violence emanating from demonstrations by students in Masvingo .	Tafadzwa Kutya, Nyasha Sigauke, Hardlife Ganyure and Brighton Ramusi	Brighton Ramusi was found guilty and sentenced to six months in prison which were wholly suspended on the condition that he does not commit a similar offence in five years. The others were found not guilty.
17 Aug	Masvingo Magistrate court	Three Masvingo Polytechnic students appeared in court on charges of public violence following a demonstration at the college.	Samuel Gwenzi, Brian Chigoriro and Tonny Mawarire	The case was further remanded to the 13 th of October.
21 Aug	Harare Magistrate court	Four student leaders appeared in court and applied for a refusal of remand order. They are being charged under section 37 (1) (a) (i) of the criminal law (Codification and Reform) Act Chapter 9:25 for participating in a gathering with intent to promote public violence, breach of peace or bigotry.	Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo	The case is set to continue on the 25 th of August.
24 Aug	Masvingo Magistrate court	Three Great Zimbabwe University students appeared in court facing charges of undermining police authority. Tafadzwa Kutya and Tinashe Mutimbanyoka were issued with warrants of arrests after failing to appear in court.	Gamuchirai Mukura, Cynthia Zuze and Beatrice Chauke	The case was further remanded to the 8 th of September.
25 Aug	Harare Magistrate court	The four are appearing for the hearing of their refusal of remand application.	Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo	The hearing was adjourned to the 26 th of August
25 Aug	Harare Magistrate court	Five University of Zimbabwe students appear in court for trial facing charges of malicious damage to property.	Shingirai Chikomba, Ceaser Sitiya, Thabani Moyo, Tatenda Chiuya and Manifest Jabuli.	The case was postponed after state witnesses for the case failed to appear in court, the trial will continue on 29 September.

26 Aug	Harare Magistrate court	Four student leaders appeared in court for the hearing of their refusal of remand application.	Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo.	The case was adjourned to the 1 st of September.
Court Roll – September 2009				
Date	Court	Description	Affected Students	Verdict
08 Sep	Masvingo Magistrate court	Five Masvingo students appeared in court on charges of undermining police authority. They were released on free bail and are to report to Masvingo central police station every Friday.	Tafadzwa Kutya, Gamuchirai Mukura, Cynthia Zuze, Beatrice Chauke and Tinashe Mutimbanyoka.	The case was further remanded to the 24 th of August.
08 Sep	Masvingo Magistrate court	Five students appeared in court facing charges of undermining police authority.	Gamuchirai Mukura, Cynthia Zuze and Beatrice Chauke, Tafadzwa Kutya and Tinashe Mutimbanyoka	The case was further remanded to the 28 th of September.
08 Sep	Harare Magistrate court	Four students appeared in court for the hearing of their refusal of remand application. Their application was dismissed by the court.	Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo	The case was adjourned to the 30 th of September
14 Sep	Bulawayo Magistrate court	Five students appeared for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The magistrate reserved judgment on the application for referral to the supreme court. The lawyer wants the charges to be thrown away on the basis that they violate constitutional rights of the students.	Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi.	The case is set to continue on the 1 st of October.
16 Sep	Gweru Magistrate court	Suspended Midlands State University student appeared in court on charges of assaulting a University security guard.	Obert Masaraure	The case was adjourned to the 7 th of October.
18 Sep	Bulawayo Magistrate court	Six NUST students appeared in court on charges of public violence.	Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuki.	The case was further remanded to the 6 th of October.
22 Sep	Masvingo Magistrate court	Former Great Zimbabwe University student activist appeared in court in Masvingo facing charges of contempt of court.	Joel Bingudza	The case is set to continue on the 19 th of October.
24 Sep	Bikita Magistrate court	Former University of Zimbabwe students union Treasurer and Youth Forum Board Chairperson and six others appeared in court on charges of undermining police authority.	Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba	The case was further remanded to the 7 th of October.
28 Sep	Masvingo Magistrate court	Five Great Zimbabwe University students appeared in court on charges of undermining police authority.	Gamuchirai Mukura, Cynthia Zuze and Beatrice Chauke, Tafadzwa Kutya and Tinashe Mutimbanyoka.	Four of them were cleared by the court and Tafadzwa Kutya was cautioned.
29 Sep	Harare Magistrate court	Three University of Zimbabwe students appeared in court facing charges of public violence.	Tatenda Chiuya, Shingirai Chikomba and Manifest Jabuli.	The case was postponed to the 30 th of September for the beginning of trial.
30 Sep	Harare Magistrate court	Four student leaders appeared in court for the hearing of their refusal of remand application. Their application for refusal of remand is dismissed by the court	Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo	The case was adjourned to the 28 th of October.
30 Sep	Harare Magistrate court	Three University of Zimbabwe students appeared court for trial on charges for public violence.	Tatenda Chiuya, Shingirai Chikomba and Manifest Jabuli.	They were further remanded to October.

30 Sep	Harare Magistrate court	Three University of Zimbabwe students appeared in court facing charges of public violence but their docket was missing.	Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya.	The case was further remanded to the 18 th of October and the state says charges will be dropped if docket remains missing.
Court Roll – October 2009				
Date	Court	Description	Affected Students	Verdict
01 Oct	Bulawayo Magistrate court	Five student activists appeared in court for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi	The case will continue on the 29 th of October.
05 Oct	Masvingo Magistrate court	Two Masvingo Polytechnic students appeared in court facing charges of public violence following a demonstration at the college.	Samuel Gwenzi and Tonny Mawarire.	The case was further remanded to the 17 th of November
06 Oct	Bulawayo Magistrate court	Six NUST students appeared in court on routine remand facing charges of public violence.	Sheunesu Nyoni, Kurayi Hoyi, Vivid Gwede, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuki.	The case is further remanded to the 11 th of December.
07 Oct	Gweru Magistrate court	Suspended MSU student activist appeared in court facing charges of assaulting a security officer at the University.	Obert Masaraure	The case is postponed to the 6 th of November.
07 Oct	Bikita Magistrate court	Former University of Zimbabwe Students Union Treasurer and Youth Forum Board Chairperson and six others appeared in court on charges of undermining police authority.	Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou, C.Mhofu, Tapiwa Mushati, and Dickson Chemvumba.	The case was further remanded to the 8 th of November.
14 Oct	Bulawayo Magistrate court	Two Bulawayo Polytechnic student activists appeared in court.	Patrick Denga and Joram Chikwadze.	They were remanded in custody to the 29 th of October.
19 Oct	Masvingo Magistrate court	Former Great Zimbabwe University student activist appeared in court facing charges of contempt of court. The charges arose in 2006 when Great Zimbabwe University students participated in a demonstration at the Masvingo Magistrate's court during the 'FREE EDISON CAMPAIGN'.	Joel Bingudza	The case was further remanded to the 12 th of October.
28 Oct	Harare Magistrate court	Four student leaders appeared In court for the hearing of their refusal of remand application.	Clever Bere, Archford Mudzengi, Kudakwashe Chakabva and Brian Rundogo.	Their application was dismissed by the court.
28 Oct	Harare Magistrate court	Three University of Zimbabwe students appeared in court facing charges under section 37 of the criminal codification Act.	Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya	They will appear in court on the 26 th of November.
29 Oct	Bulawayo Magistrate court	Five student leaders appeared for continuation of trial on charges of demonstrating with intentions of causing public violence and breach of peace. The charges arose after the students participated in an NCA organized demonstration.	Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi	The case is set to continue on the 12 th of November.
30 Oct	Bulawayo Magistrate court	Two Bulawayo Polytechnic students appeared in court on routine remand hearing on charges of defeating or obstructing the course of justice.	Patrick Denga and Joram Chikwadze.	The case was further remanded to the 2 nd of November.

Court Roll – November 2009

Date	Court	Description	Affected Students	Verdict
02 Nov	Bulawayo Magistrate court	Six NUST students appeared in court on charges of public violence.	Vivid Gwede, Kurayi Hoyi, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuka.	The case was further remanded to the 11 th of December.
06 Nov	Gweru Magistrate court	Suspended Midlands State University student leader appeared in Court for continuation of trial. He is facing charges of assaulting a security Officer at the University.	Obert Masaraure	The case was postponed to the 4 th of December to enable the university to bring more witnesses.
12 Nov	Masvingo Magistrate court	Student activist appeared in court facing charges of contempt of court, which arose in 2006 when Great Zimbabwe University students demonstrated at the Masvingo magistrate court during the "Free Edison Campaign.	Joel Bingudza	The case was further remanded to the 26 th of November.
12 Nov	Bulawayo Magistrate court	Five Bulawayo student activists appeared in court facing charges of demonstrating with intentions of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archiford Mudzengi.	The case will continue on the 26 th of November.
17 Nov	Masvingo Magistrate court	Two Masvingo Polytechnic students appeared in court on charges of public violence following a demonstration at the college.	Tonny Mawarire and Samuel Gwenzi	Judgment will be handed down on 15 December.
18 Nov	Bikita Magistrate court	Former University of Zimbabwe student leader and six others appeared in court facing charges of undermining police authority after they were arrested on the eve of the 2008 harmonized elections while rounding up the "Go Voter Campaign".	Madock Chivasa, Farirayi Mageza, Simbai Chivasa, Hillary Zhou C. Mhofu, Tapiwa Mushati and Dickson Chemvumba.	The state withdrew the charges before plea at the beginning of trial.
23 Nov	Harare Magistrate court	Four ZINASU leaders appeared in court for the hearing of their refusal of remand application.	Clever Bere, Archford Mudzengi, Brian Rundogo and Kudakwashe Chakabva	Their application for refusal of remand was dismissed by the court and they were further remanded to the 21 st of December.
26 Nov	Harare Magistrate court	Three University of Zimbabwe students appeared in court for their refusal of remand hearing. They are facing charges under section 37 of the Criminal Law (Codification and Reform Act.)	Vitalis Mudzonga, TawandaKatsuro, Justice Chikanya	A refusal of remand order was granted and the state was ordered to proceed by way of summons.
26 Nov	Masvingo Magistrate court	Former Masvingo student appeared in court facing charges of contempt of court. He has been appearing in court since 2006 and trial is yet to start.	Joel Bingudza	The case is further remanded to the 10 th of December.
26 Nov	Bulawayo Magistrate court	Five Bulawayo student activists appeared in court facing charges of demonstrating with intentions of causing public violence and breach of peace.	Sheunesu Nyoni, Samson Nxumalo, Brian Mtisi, Melusi Hlabano and Archford Mudzengi	The case will continue on the 11 th of January.

Date	Court	Description	Affected Students	Verdict
04 Dec	Gweru Magistrate Court	Suspended Midlands State University student appeared in court on charges of assaulting a security Officer at the University.	Obert Masaraure	He was discharged after University witnesses failed to appear in court.
11 Dec	Bulawayo Magistrate Court	Six NUST Students activists appeared in court on routine remand hearing facing charges of Public violence.	Vivid Gwede, Kurayi Hoyi, Kudakwashe Maguchu, Emmanuel Munyenyiwa and Edious Mucheuki.	They were further remanded out of custody to the 27 th of January 2010.
11 Dec	Bulawayo Magistrate Court	Two Bulawayo students activists appeared in court charged under Criminal law (Codification and Reform Act) Chapter 9:23 for defeating the course of justice.	Jorum Chikwadze and Patrick Danga	They were further remanded out of custody to the 22 nd of January 2010.
15 Dec	Masvingo Magistrate Court	Two Masvingo Polytechnic Students appeared in court facing charges of public violence following a demonstration on campus	Tonny Mawarire and Samuel Gwenzi	Judgment was postponed indefinitely
21 Dec	Harare Magistrate Court	Four ZINASU leaders appeared in court charged under section 37 (1) (a) (I) of the criminal law (Codification and Reform) Act Chapter 9:25 for participating in a gathering with intent to promote public violence, breach of peace or bigotry.	Clever Bere, Archford Mudzengi, Brian Rundogo and Kudakwashe Chakabva	They were further remanded out of custody to the 22 nd of January 2010
26 Dec	Masvingo Magistrate Court	Former Great Zimbabwe University student appeared in court facing charges of contempt of court. He has been appearing in court since 2006 and trial is yet to start.	Joel Bingudza	They were further remanded out of custody to the 21 st of January.

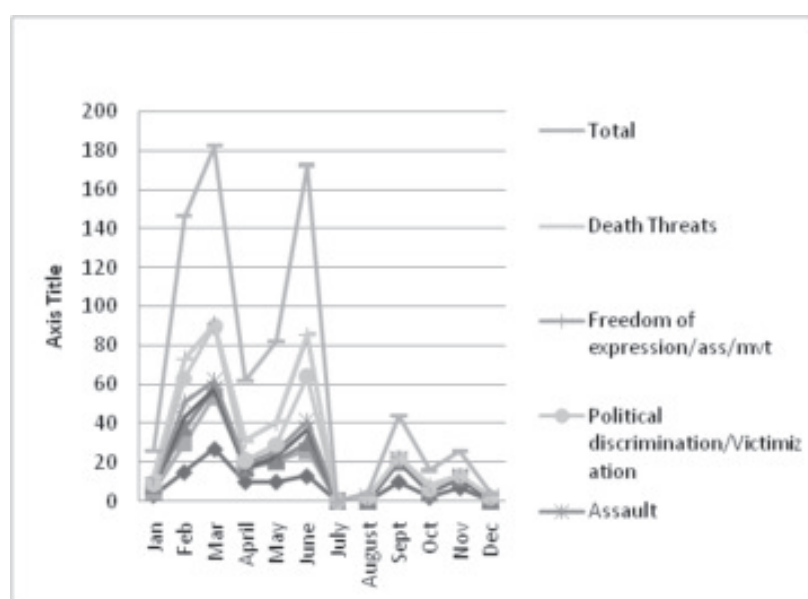
7.2 Table shows number of Suspensions/Expulsion per University / College in 2009

Suspension/Expulsion	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
UZ													
NUST				10						9			19
MSU		2											2
GZU									2				2
CUT													
Bindura University													
Harare Poly													
Masvingo Poly													
Bulawayo Poly		2		10					2	9			23
Total		4		20					4	18			46

7.3 2009 Reported Cases of violations to students by category, internally generated from the SST Solidary

Category of right violated.	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec	TotalJan-Oct
Unlawful arrests	0	6	3	55	1	2	2	14	6	7	18	10	124
Unlawful detention	0	6	3	55	1	2	2	18	6	7	18	10	128
Torture/Abductions	0	0	0	0	0	0	0	0	0	0	0	0	0
Expulsion/Suspension	0	2	0	10	2	0	9	0	11	9	0	0	43
Assault	0	0	0	3	0	0	1	0	0	5	1	0	10
Political discrimination/Victimization	0	0	0	0	0	0	1	0	0	0	0	0	1
Freedom of expression/ass/mvt	2	0	0	0	0	0	0	0	0	5	0	0	7
Death Threats	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	2	14	6	123	4	4	15	32	23	33	37	20	313

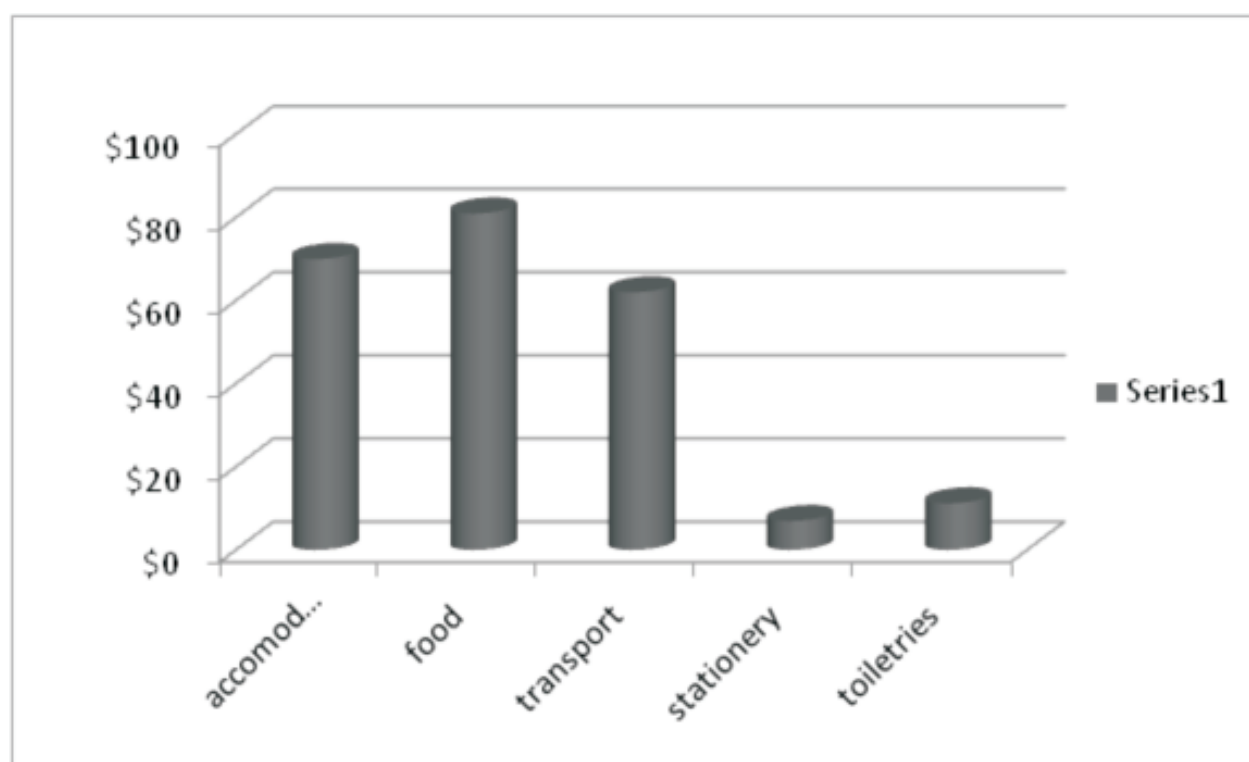
Graph1: Graph Shows Trend of rights violation in Year 2009.



7.4 Monthly food basket for a university student

Category of Expenses				
Accommodation	Food	Transport	Stationery	Toiletries
Rent \$50	Mealie meal \$4.99	\$62	Books \$6.00	Body Lotions \$4.56
Electricity and water \$20.00	Sugar \$ 2.55		Pens \$1.00	Sanitary towels \$1.75
	Salt \$0.55		Typing and printing assignments \$20	Soap \$2.68
	Cooking oil \$3.13			Toothpaste \$1.25
	Vegetables \$46.50			Tissue \$1.00
	Tealeaves \$1.75			
	Matemba \$3.00			
	Milk \$3.50			
	Bread \$15.00			
\$70	\$80.97	\$62	\$27.00	\$11.24
				US\$251.21

7.5 Graph shows monthly food basket



The above table shows a rough conservative estimate of monthly food basket of the basic needs of a University/College student illustrating expenses incurred which include food, accommodation for those who are not offered residence at their institutions of learning, toiletries and learning materials. The total is USD251.21.

This figure is then added to a USD400-USD850 in fees per semester. That the largest employer in Zimbabwe, the Public Service Commission is paying a meager USD150 per month means this amount is impossibly beyond the reach of most students.

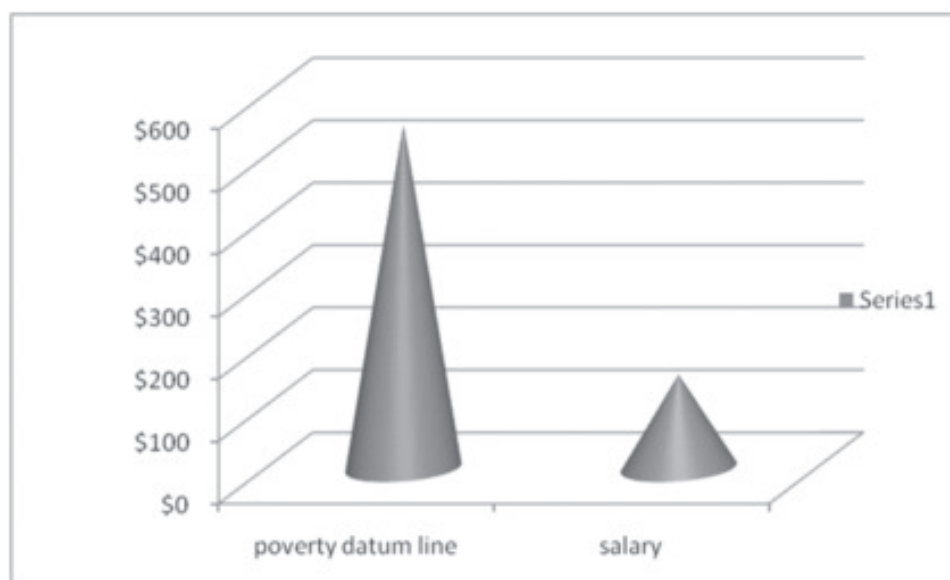


Joel Bingudza former GZU student

In this context getting money becomes a priority so that all needs are met. This has seen a considerable rise in inter-generational relationships or transactional sex in exchange for money or other material things. More often than not this has resulted in unwanted pregnancies, the spread of Sexually Transmitted Infections and the HIV virus. In most cases the student is at a disadvantage and is therefore unable to negotiate for safer sex.

The plight of disabled students is amplified in this regard given that disabled students are a special group with special needs. These needs include; special learning aids, conducive living conditions and safe transport. The blind students, for example, require special reading materials - books written in brail, computers with special software for researching and typing assignments. If these are out of reach they may need assistance to read a book aloud for them so that they can acquire the same information as other students. Those on wheelchairs or on clutches face discrimination by public transport operators who are not willing to ferry them from one point to the other and so they have to find other ways of going to and from college incurring extra costs in the process. In some instances, students have had to drop out and failed to complete their courses due to financial problems.

7.6 Graph shows comparison of Poverty Datum Line and Salary



Research carried out in October 2009 showed that the poverty datum line in Zimbabwe was pegged at USD552 and the above table illustrates the discrepancy that exists between the average salary of most civil servants and the Poverty Datum Line (PDL). The PDL is the minimum that a family of six consumes in a month in terms of basics that is food, accommodation, transport, school fees e.t.c. The discrepancy illustrates that most Zimbabweans are therefore deprived of many of the basic needs they should otherwise be enjoying. With the salary being consumed mostly by food and accommodation, sending a child to school thus becomes a luxury and ultimately a preserve for the elite. The student basket is a clear case of how skewed the education system is and raises warning signs that the situation will implode if not attended to.

Notes:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.