

**PARLIAMENT OF ZIMBABWE**

*Tuesday, 7<sup>th</sup> March, 2017*

*The Senate met at Half-past Two o'clock p.m.*

**PRAYERS**

(THE HON. PRESIDENT OF THE SENATE *in the Chair*)

**MOTION**

**BUSINESS OF THE SENATE**

**HON. SEN. TAWENGWA:** Madam President, I move that Orders of the Day, Numbers 1 and 2 be stood over until the rest of the Orders of the Day on today's *Order Paper* have been disposed of.

**HON. SEN. MUMVURI:** I second.

Motion put and agreed to.

**MOTION**

**STATE OF THE NATION ADDRESS BY HIS EXCELLENCY THE  
PRESIDENT**

Third Order read: Adjourned debate on motion in reply to the State of the Nation Address.

Question again proposed.

**HON. SEN. TAWENGWA:** I move that the debate do now adjourn.

**HON. SEN. CHIMHINI:** I second.

Motion put and agreed to.

Debate to resume: Wednesday, 8<sup>th</sup> March, 2017.

## **MOTION**

### **PRESIDENTIAL SPEECH: DEBATE ON ADDRESS**

Fourth Order read: Adjourned debate on motion in reply to the Presidential Speech.

**HON. SEN. TAWENGWA:** I move that the debate do now adjourn.

**HON. SEN. MOHADI:** I second.

Motion put and agreed to.

Debate to resume: Wednesday, 8<sup>th</sup> March, 2017.

**MOTION**

**ALIGNMENT OF CONSTITUTIONAL PROVISIONS BY  
ZIMBABWE ELECTORAL COMMISSION (ZEC)**

Fifth Order read: Adjourned debate on motion on alignment of the Electoral Act to the Constitution.

Question again proposed.

**HON. SEN. TAWENGWA:** Madam President, I move that the debate do now adjourn.

**HON. SEN. MOHADI:** I second.

Motion put and agreed to.

Debate to resume: Wednesday, 8<sup>th</sup> March, 2017.

**MOTION**

**RATIFICATION OF THE TRADE MARKS (MADRID PROTOCOL)  
REGULATIONS**

**THE VICE PRESIDENT AND MINISTER OF JUSTICE,  
LEGAL AND PARLIAMENTARY AFFAIRS (HON.**

**MNANGAGWA):** Madam President, I move the motion standing in my name;

That this House-

RECALLING that the Government of the Republic of Zimbabwe acceded to the World Intellectual Property Organisation's Protocol relating to the Madrid Agreement concerning the international Registration of Marks of 1989 (the Madrid Protocol) and accepted the obligations that follow there from;

NOTING that Parliament approved the amendments to the Trade Marks Act [Chapter 26:04] to incorporate the provision of the Madrid Protocol into domestic legislation as contained in the General Laws Amendment Act, 2016;

FURTHER NOTING that the full operationalisation of the Madrid Protocol has been hampered by the absence of implementing regulations;

WHEREAS subsection 7 of Section 97B of the Trade Marks Act

[Chapter 26:04] requires that any regulations for the operationalisation of the Madrid Protocol are to be tabled before Parliament for approval;

AND WHEREAS, the Ministry of Justice, Legal and Parliamentary Affairs has developed the Trade Marks (Madrid Protocol) draft regulations for the operationalisation of the Madrid Protocol which has been placed before the National Assembly for consideration and approval;

NOW THEREFORE, calls upon this House to approve the Trade Marks (Madrid Protocol) Regulations as contained in the said draft statutory instrument and have them gazetted for effective operationalisation of the Madrid Protocol.

Motion put and agreed to.

## **MOTION**

**SADC MODEL LAW ON ERADICATING EARLY CHILD  
MARRIAGES**

Sixth Order read: Adjourned debate on motion on the SADC

Model law on eradicating Child Marriages.

Question again proposed.

**HON. SEN. TIMVEOS:** Thank you so much Madam President for giving me this opportunity to add my voice to this motion. I want to thank Hon. Mohadi for bringing this report to the Senate. I am highly passionate when it comes to our girl child and I want to support this motion and the SADC Model law. We hope that as Zimbabwe, we are going to implement it for the good of our girl child.

Just recently, in Zvishavane where I reside, I was shocked and really touched to see almost twenty something commercial sex workers from 12 years of age. Some of them had left their homes and had nowhere to stay hence they were staying in groups in little rooms in Mandaba. I was really touched and hope this law, Hon. Mohadi is going to help us to defend the girl child because there is a lot of work that needs to be done by Zimbabwe on protecting the girl child. Until today, the Constitution is clear that an adult is 18 years and above but to date, girls are still getting married before the age of 18 years. They are still

being forced as their own parents are the ones who are marrying them off at a tender age.

We know the economy is bad but the girl child needs to be given an opportunity to grow. They need an opportunity to realise their dreams and as a country, starting with the Constitution, it shows that we are really serious. We should now try and implement. I am happy that Hon. Vice President Mnangagwa is here today and hope the Bill is going to come very soon on protecting the girl child and is going to be supported by this SADC Model law. So, please as a Senate, we really need to do something to support this motion that was tabled by Hon. Sen. Mohadi. I thank you.

**HON. SEN. MAVHUNGA:** Thank you Madam President for giving me the opportunity to make my contribution on this important motion, which is talking about early marriages. We have to protect the girl child, especially those who are already into the early marriages. I should make this contribution because in Mashonaland Central, where I

come from, especially in Bindura and Shamva, there are a lot of early marriages - mostly underage girls.

We have realised that this is caused by the community which resides in that place. This community is mainly made up of farming areas and there were very few schools taking off from the colonial era whereby education was not very important. Also, the community is made up of mines and people who live in mine compounds. As a result, they no longer have a strong culture. This leads to loosening of morals and we end up having early marriages. We know the country is going to face a bumper harvest because Government embarked on Command agriculture and the Presidential Input Scheme. When we have a bumper harvest, it is going to nip in the bud the early marriages caused at times by poverty.

We have realised that since we belong to the SADC, they also talked about the protection of the girl child so that girls are not married off when they are still young. As Zimbabweans, we support this. We have a Constitution which protects the child because we talk of the legal

age of majority, which is 18 years. Therefore, we need to align this law on the protection of the girl child with the legal age of majority so that we have children who will not embark on early sex and marriages. Hence, they have to be protected by this law.

I know some of us might think that we are talking on a triviality because we have people who are used of abusing other people's children. We are looking at an underage who is introduced into marriage early. They may suffer from the problems of running a family when they are not yet prepared. At times, when they are giving birth, they may die because they are not yet mature enough to go through the process of carrying the baby and this may lead to either death or unnecessary operations. We are calling for the alignment of our laws with the Child Marriages Act in order to eradicate early marriages and protect those children who are already in these marriages.

**\*HON. SEN. KOMICHI:** Thank you Madam President for giving me the opportunity of supporting this motion on the SADC Model law. When young girls or young men get into early marriages,

they are immature and still need care from their parents. I will now look at the driving force which makes young people engage in this. As an august House, we need to enact the law which will protect these children. We will be calling for the prosecution of the offenders.

As I stated, let me look at the driving force of these early marriages. The first one is religion. We have some religions, especially those of the apostolic sects where they encourage some of the early marriages, for instance, religious groups such as the Marange sect. Children are married off before the age of 18 and we may face some difficulties in enacting this law, which has to protect children from early marriages.

The other factor which drives people into early marriages is the poor economy of the country. When there is poverty, some people take early marriages as an escape from poverty. We realise that when there are many school drop outs, they end up looking for solace in early marriages. When we look at the girl child, they mature early and their bodies show that they are mature and yet they are not. Due to the fact

that they cannot continue with their education and they are not employed, they look for solace in early marriages. As the august House, we need to encourage Government to work hard in improving the economy of the country and also create more jobs so that even if students do not pass their O' Levels, they will get employment which is according to their level of education. When they are employed, they will not rush into early marriages until they attain the legal age of majority.

When we look at these youngsters in urban areas, what we refer to as youth bulge, and this includes both the underage girls and boys. When they are sitting on the bridges, especially in urban areas or townships, besides partaking in drugs, they also rush into sex. They go into early sex because they will be under the influence of drugs. In these groupings they will be mixed; both these young girls and boys. As we know, when they have taken up the drugs, the drugs will be ruling in their lives and they make decisions in that stupor. We need to create a law, which will protect these youngsters. I thank you.

**\*HON. SEN. CHABUKA:** Thank you Madam President for giving me the opportunity to make my contribution on this important aspect of life. As parents, it really pains us that the future of our children is destroyed, whether this is a boy or a girl. They will be in problems because they would have been pushed into early marriages. We are saying, this law which was enacted by the Model SADC law, as parents we need to go back to our culture and give our children moral lessons on the boyhood and girlhood. How do you get into these stages? How are they given the morals? During our time, we also had cases whereby girls would go for virginity tests and this would protect the girl child. Unfortunately, we have now done away with our culture and we are even saying the aunties and other sisters are witches. Therefore, they cannot take care of our children.

We are now calling for the traditional leaders to come in and save the nation from this scourge. We have been saying churches are to blame, but we are the people who are living in the community. We need to talk sense to our children so that even boys do not indulge in

early marriages because these people are immature. When we are talking of a young man, we are saying he still needs guidance and if he has a baby, how is he going to take care of that baby when he is still a child himself? Again, even when we talk of these young girls under the age of 18, they get into these early marriages and do not know how to take care of the family. So we will have spoiled the future of these youngsters who should marry when they are mature.

I am therefore pleading with the traditional leaders to look into this issue because they are the only ones who are the custodians of our culture. In the past, people used to value education because they would have a better future. If you look at some races in this country, such as the Britons, Indians or Westerners, they have a culture that they inculcate into their youngsters. They give them businesses and money so that they can have a better future but in our case, we do not have that type of culture. I am also pleading with the aunts and sisters who we accuse of being witches and wizards but they are there to safeguard and protect our children. We need to protect our children from drug abuse,

that is why I am pleading with the chiefs as custodians of our culture to help inculcate the values of *ubuntu/hunhu* in our children. I thank you Hon. Sen Mohadi for bringing this motion.

**\*HON. SEN. SHIRI:** I am also going to say a few things regarding these early marriages. We are the leaders of the people in this country and when we look at this motion, which was introduced by Hon. Mohadi on the SADC Model Law on Eradicating Child Marriages, it means when we embark on this and enact these laws, we are protecting our children so that they do not get into early marriages. As far as we are concerned, we are dilly-dallying. We should have brought this Bill long back into the august House so that we enact this law. Our Constitution is very clear on the legal age of majority which states that the legal age of majority is 18 years. We have a landmark ruling in this country which states that nobody should be married or be married off when they are below the age of 18. At the same time we have this Bill - while we have part of the Act which says there is an age of consent to sex which is 16 years of age. As a result, there is some contradiction

where early marriage is 18 years yet the consent to sexual activity is 16 years. We need to align these laws. As a country, we are procrastinating while our children are dying, indulging in early sex and time is not ripe for them to do so. We have some adults who are taking advantage of these youngsters and getting into sexual activities with them and yet at the same time, biologically we have our youngsters who appear mature because of their physic and yet they are very young and not fully grown up.

This law will prohibit people from carrying out these early marriages or early sexual indulgences. We need to take this issue as a matter of urgency because when we look at what is happening in the country, we have different types of marriages. We have Chapter 5.1 which says one husband one wife, Chapter 5.67 which allows polygamy then we have customary and another one which caters for cohabitating or living together. We have people who are cohabiting and according to our culture, if you pay some token or agree that you are living together that will be okay - yet when we really look at it, you are disturbing

somebody's life. This young boy or girl would be living with somebody who is very old and they will have been together for a year and that kind of a union is justified. When you look at some people who got into such marriages such as our parents, who were married off when they were 16, they are now old and they lived through that forced marriage.

What we are saying is that now, we are living in a different era and we should prohibit these early marriages. We need to protect our children because we have some people who are menacing and daring to spoil our children. As a woman, I feel very hurt because we have some people who are living with disabilities and these people are abused sexually. Some of these people are mute and some are deaf so when they go to court, they cannot express themselves or narrate their ordeals and some of these thickheads are taking advantage of that. We also have some people who are living with albinism and these sex perverts will want to go to bed with a white girl and because they cannot access the western white girls, they then take advantage of people living with albinism. So, if we are to enact a law, we should prosecute and give

heavy sentences to these sex perverts or pedophiles who are abusing these children. The SADC and the whole world have crafted this Bill so we need to fast track this Bill to enable us to enact a law which is going to punish these sex perverts because they are taking advantage of the helpless. So I am saying regardless of whether it is the young man who is being taken advantage of by an elder lady, they should both be punished. This SADC Model law needs to be domesticated and used in our country. At times, when you go to court after your girl child has been abused, at times you may not win that case.

Now, let me also look at the family which is marrying off this young girl. They actually invite all their family members to this marrying off ceremony and my sentiments are that whosoever is at that court or meeting where the youngster is being married off, they should all be prosecuted and given a heavy punishment. I am also suggesting that the law should be extended to cover the young girls who are delivering in the hospitals. There should be some law enforcement agents who will be investigating whenever an under-age girl is giving

birth. The person responsible for impregnating that girl should be prosecuted. I am also saying, we also need to empower our children by telling them their rights that they should not be abused.

In rural areas, we have children who are subservient because they are told turning down an offer from an adult is bad manners. We are saying these youngsters should only indulge in sexual activities when they are mature. If ever there is anybody older than you and wants to have sex with you, they should wait until you are mature because we have problems with these sex perverts and pedophiles. Madam President, I am saying let us fast track this law which prohibits this Model Law which aims at eradicating child marriages and definitely Zimbabwe will have a better future. I thank you.

**HON. SENATOR MLOTSHWA:** Thank you Madam President. I stand to support the motion brought into this House by Hon. Mohadi on the SADC Model Law. If Swaziland has already adopted the SADC Model Law, why have we not done so Hon. Minister?

Madam President, I can hear that at times people think that if the country has a good harvest, then the people will not want to marry their young girls. I think when men are hungry, they do not think of sexual pleasures but when they have a bumper harvest that is when they want sex. So, I am thinking this bumper harvest will cause us a lot of problems in terms of men wanting to marry as many wives as possible because they have food to give them. I think it is a problem and I wish that we have a law to protect these girls against these men.

If we take it from the point of being hungry Madam President, we will be deceived. So, we need this Madam President as soon as possible. If you look at a situation where a man rapes his own daughter and the court sentences him to do community service, you would see that it is very worrisome and the same man will still continue raping the same young girl at his own home because he will be doing community service and going back to his home. So, we need to have a law that will force the Judiciary Service to give stern measures or sentences that deter the marrying of these young girls.

Also, for the parents that marry this young girl to this guy because he is rich, there must be a penalty for that otherwise it will not stop. It is a serious case. It is unfortunate that a girl child is looked upon by this lazy family, a father and mother who have failed to achieve anything in their lives and now think they can use this girl to get rich by marrying the girl to a person who is more empowered. So, if a sentence is given to this family, then they will know that their laziness has to be sorted out by themselves but not by this girl because this girl should live her own life.

Madam President, at one time, we were talking in this House about the child marriages. The Hon. Members discussed about why men cannot wait for this girl to mature. Why do you not wait for this girl to mature because you are 60 years old and nobody forced you to do anything before you were prepared? Then why do you think this girl is prepared. Why are you forcing her to do what nobody did to you? If you are marrying somebody at 12 when you are 60 years of age, it shows that something is wrong with your head.

I also want to touch on the issue of churches that prefer to marry these young girls. There was a report that was given at a workshop where we were talking about these child marriages. The workshop took place after a research which showed that there are women in churches who prefer to marry their own girl children at 12 to an established pastor because they think it will benefit the girl than when the girl chooses her peers. Madam President, the report said the mother of the girl cooks *delele* in order to assist the man to penetrate this young girl. So, women also are supposed to be charged for doing this – [HON. MEMBERS: *Hear, hear.*] –. Really if it happened to you, why do you want it to happen to your daughter? It must stop with you because you know very well that it destroys the girl's life because I believe that if a person has to be married, the person has to know what to expect in a marriage and enjoy the sexual pleasures.

A twelve year old compared to a 60 year old man, there is no sexual pleasure that this girl is enjoying. She is being forced but then she has a right to enjoy. So, when is she going to enjoy because she is going

to bear so many children before she realises that she has to do something for herself? Madam President, we are very lucky that the very Minister that has to help us by bringing this Bill is here so that we will try to stop this behaviour because it will not stop automatically. We will try to have something that will take these people to court. With these few words, I thank you.

**+HON. SENATOR MASUKU:** Thank you Madam President for giving me this opportunity. I would like to thank the mover of this motion, Hon. Senator Mohadi. Madam President, a child belongs to her parents. Thereafter, the child grows and becomes a citizen of the nation. What that means is it is therefore necessary that we have this law because it has been observed that there is something missing.

First, allow me to talk about the child. Whilst the child belongs to a parent, there are laws Madam President but if the laws are not being held by those who are supposed to be the eyes of the law so that the law functions properly. What I am saying Hon. President is that as parents who bring forth these children who are being abused, being made wives

whilst they are still young, it is our responsibility therefore as parents.

Some of these children who enter into problems of this nature are mostly orphans who are cheated through being lied to that you need a better wife. The men will say, when you marry me, you will be protected than what you are now.

As parents, if we have such an orphan or a neighbour's child, do I look at that orphan as my child as well or just say, ah this child should have his own parents. A child is a blessing to a nation. Madam President, my view is that all children should be at school and be given compulsory education. All children should go to school. If a parent does not send her child to school, that parent should be arrested. The Government has a programme to pay fees for such children. If I fail to send my child to school; which law will protect that child? I will be forced to marry off my child to some rich guy or some reverend. A parent who does such things should be arrested. Every child goes to school. If a child has nothing to do, just stay at home or anywhere else, I believe that all of us who are here, those who have educated their

children, we protect our children by sending them to school. Therefore, the nation should see to it that these children are protected in that manner. When I read about this model law, it says even those who are already in marriages should be protected. How can they be protected when they are in this marriage?

If this law comes Hon. President, it should be debated broadly such that even those who are in the communal areas, even remote areas should hear that this law is there to protect children not to protect those who are being cheated but those who are already in marriages because they are being abused. I suspect that even these S.T.I's have been triggered by most of these things. You find that a child who was growing well, despite having social problems, will end up finding an old man who has seen it all. So, marrying this child to that man who is already infected spreads the disease to infect the child. That is the way it happens. It is possible that she may give hope to her un-infected children but you cannot say that child will bear children without any

infection. She will bear children with infection because of this bull of a man who does not know which woman to approach.

Madam President, I am happy that this report was debated today when we have our Hon. Vice President and Minister of Justice. I am surprised that someone who steals a goat or a cow, is given a stiffer sentence than these men who abuse children. If someone steals a beast, he goes to jail for a long time but this one who marries a child before the rightful time, we do not know the sentences they are being given.

Sometimes it is sad just because evidence does not indicate that it is a grave matter. Who then is protected by the law? These men who abuse children, if they are let free continue with their ways. The law should consider it that this child might be afraid or maybe the child cannot talk but the truth is that this child is being abused. I am of the view that children should be protected by us as Parliament through the law.

It should be our responsibility here that this law be enacted and be made known to the people so that even those who are abused, when they

become aware should not just keep quiet. I am sure that these children who are being married when they are still young, their whole life is destroyed. When they see their age mates at school or playing, it does not auger well for them as they do not enjoy that at all. Marriage is not all that easy. We are aware, mature as we are, that marriage is not easy; now how about a child who is 12 years? Why do people do that? What kind of men are these, we feel pity for such a child. You find an old man who even has his own old woman going after a child, what kind of behaviour is that? I am grateful and happy for Hon. Sen. Mohadi for moving this motion and that the Hon. Vice President and Minister of Justice, Legal and Parliamentary Affairs is here. It is good that it is not only women involved but even men are parents of children who are being abused. So, it is not good when they see those children being abused. May these children be protected and may the Lord protect them. I thank you Madam President.

**HON. SEN. MUMVURI:** Thank you Madam President for giving me the opportunity to also add my voice to this debate. First of all, let

me thank Hon. Sen. Mohadi for bringing this informative motion to this Senate. Secondly, let me hasten to say I might run the risk of repeating some of the points because the last Senator has spoken in a language which I do not understand very well. My apologies, I might repeat some of the things, I saw people applauding and approving to what she was saying.

However, I have two or three points to make. First of all, I want to point out that the SADC Model law is a regional law which is emanating from an Association of Parliamentarians which sits in the SADC region and come up with recommendations. The point which I want to make is, up to now, we do not have a full time regional Parliament in the SADC region. So, I want to urge the member states to institute a regional Parliament in a similar fashion like the European Union Parliament which is effective so that its recommendations become effective and binding to the national Parliaments.

Madam President, the issue of child marriages has been a topical issue or debate in our national Parliaments especially here in Zimbabwe;

this is not the first time that we are debating it. We have got a Thematic Committee which has brought these motions once or twice in this Senate. It has been brought here and the reasons for the perpetuation of child marriages have been identified and solutions have been proffered but not fully implemented all the time. Some of the reasons given include but not limited to poverty, culture and religion. All these reasons, we have always condemned them in the strongest terms at many gatherings or other fora where we have addressed other people and making them aware that child marriage is not a good practice.

As Zimbabweans, we are well known for coming up with very brilliant policies but we always fail or fall short of the implementation of those policies. We should shift to a higher level, make good policies and let us implement them. We do not mean what we say because even in the Bible, it was warned and I quote in *Shona*, '*havasi vese vanoti Mwari, Mwari nemuromo vanopinda denga*', *saka pamwe ndozvatiriku* about this issue, let us be serious.

I also want to point to the issue brought up by Hon. Sen. Shiri, the existence of the two contradicting pieces of statutes is always confusing to the public. The age of consent is different from the age of consensual sex among the girls. Why do we not align these laws as soon as possible and then speak with one voice so that it does not cause confusion? That is my plea. The SADC Model law is encouraging us to domesticate this law. I think we are more than ready to do that. As the debate is going on now, we have to domesticate the SADC Model law so that it becomes effective as what Hon. Sen. Shiri said and bring somebody to court on the basis of that law when it is breached and so forth. So, those are the two points which I wanted to add but we all agree and support this motion on child marriages. It should end once and for all, I thank you Madam President.

**THE VICE PRESIDENT AND MINISTER OF JUSTICE,  
LEGAL AND PARLIMENTARY AFFAIRS (HON.**

**MNANGAGWA):** Thank you Madam President. I will make a comprehensive reply taking into account the contributions of Hon.

Senators. Preliminarily, I may say that we are already working on our Bill. The Ministry of Justice, Legal and Parliamentary Affairs aligning all the marriage laws and the progressive provisions of the SADC Model law will be incorporated in the comprehensive proposed Marriages Bill which we are already crafting. The proposed Bill will be able to amend the Marriages Act and the Customary Marriages Act and all other laws that are outdated in relation to marriages. As you may be aware, the Constitutional Court has already ruled on the scope and content of Section 78. They ruled that all persons below the age of 18 must not consummate in marriage. Therefore, the SADC Model law would be reflected in our Marriage Bill.

I may also say that the other two points you have raised relating to the issue of consent between juveniles or children, anybody who is below 18 is regarded as a child. We had a Committee to deal with that and we have arrived at a possible solution which will come to Parliament on the issue of consent between an adult and juvenile or between a juvenile and a juvenile. Those issues we have debated and we

believe that we should bring up also the age of consent to the age of 18. Of course, this is subject to debate when it comes to Parliament. I have no doubt that you will be pleased because we have criminalised the issue of child marriage. We have also made provisions regarding those children already in marriage as to what must be done. So the Bill will also deal with such a situation. I am very happy that the trend, the atmosphere, the perception and desire of the Senate is similar to the sentiments that we have in Government. I believe that when we bring the Bill, you will be able to study it and where you feel there are gray areas in the Bill, I would be amenable to attend to such gray areas and improve the Bill. I thank you – [HON. MEMBERS: *Hear, hear.*] –

I move that the debate do now adjourn.

Motion put and agreed to.

Debate to resume: Wednesday, 8<sup>th</sup> March, 2017.

## **MOTION**

**SUPPORT FOR THE NATIONAL SCHOOL PLEDGE**

Seventh Order read: Adjourned debate on motion on advocating for unequivocal support for the National School Pledge by all Members of Parliament.

Question again proposed.

**+HON. SEN. D. T. KHUNALO:** Thank you Madam President for giving me the opportunity to contribute on this motion on the National Pledge that was moved by Hon. Chimbudzi. I followed everything and found that we should understand this matter because I hear people saying that this Pledge is such that people can be united and love each other but when we debate it on our own, we do not look at it in that manner. There are differences, there is no unity but we all fought for this country – those from the East and those from the Western part, those from the South and those from the North; we all fought. This is what I want you to understand so that we can work together and raise our children in a proper manner.

Most of our time, when we talk of the liberation of this country, we hear about Mbuya Nehanda, Kaguvi and Mukwati. I have not heard

people when they debate when they say, yes Lobengula signed the Rudd Concession, thereafter having signed, he realised that the people were no longer mining. That is what they used to be doing but they were now farming. Lobengula said, no this is not what I agreed to in 1893 and he rose up and fought in. Even if you google or read books, you will witness that. Do not be angry when we are debating here. They say those in Mashonaland did not participate in the First Chimurenga because they were in the farms. You can check in 'A' levels books today, it is written that these Shonas were in their fields because they were people mostly into farming.

In 1896, when there was the Second Chimurenga, that is when we united together – is that not true? We were all united. What I want you to know is that children should be told about that and not sideline others who fought the First Chimurenga. This is what I am requesting you to do. The First Chimurenga occurred at Gadade and the Second Chimurenga where we were all united occurred all over. We were united and we fought the white men. Let us tell our children the truth

and this is the truth. The Ndebeles and the Shonas fought the white men. Our children should be proud of that not to sideline others.

**HON. SEN. CHIEF CHISUNGA:** Thank you Mr. President.

Because of the language barrier, I think the Senator is not sticking to the scope of the motion. She should stick to what is in the motion rather than trying to introduce tribal issues. Thank you.

**HON. SEN. D. T. KHUMALO:** I thank you Mr. President. I am responding to what was introduced here. The Mukwati is there in her motion and I am just responding to the debate that was introduced. We all fought; we should not be sidelining others so that our children know our history and we can be together. They cannot be united when there is only one side of the story and this is exactly what I am saying.

We come to the 70s when we were fighting the white men, most of the time we hear of Chimoio as though some other people were not there. There was a Wankie war in 1966 which was fought by the Zimbabwe People's Revolutionary Army (ZIPRA). Such history should be made known to our children, that ZIPRA fought in 1966 in Wankie.

It was being led by John Dube and Chris Hani of African National Congress (ANC). All sides fought this war. Then in 1967 in Sipolilo,...

**\*HON. SEN. MAWIRE:** Thank you Mr. President. I am one of those who seconded this motion. I do not think that the motion which was moved involved the history which we are now listening to. I think Hon. Sen. Khumalo should stick to the motion. If we refer to the *Order Paper*, the parameters of the motion are very clear as was moved in this House. Thank you Mr. President.

**THE HON. TEMPORARY PRESIDENT OF THE SENATE**

**(HON. SEN. TAWENGWA):** Thank you Hon. Mawire. I believe that the motion is quite clear. The issue was ‘now, THEREFORE strongly advocates for the unequivocal support of the National School Pledge by all Members of Parliament’. Debate otherwise and do not bring in regionalism and tribalism into the issue, that is all they are saying. Let us just debate the issue as it is.

**HON. SEN. NYATHI:** Thank you Mr. President Sir. I think when a motion is brought into this House, Members are free to debate as

long as one is debating what is on the *Order Paper*. A Member has a right to debate the way they feel like. Other Hon. Members are given their own time to debate. As long as you will not have debated on the motion, you have the right to debate. I thank you.

**THE TEMPORARY PRESIDENT OF THE SENATE:** I did not bar anyone from debating, did I? No one has been barred from debating.

**HON. SEN. NYATHI:** Sorry Mr. President, this is because there are a lot of points of orders that are coming up.

**THE TEMPORARY PRESIDENT OF THE SENATE:** Points of order are also allowed in the House. We listen to what they want to say, and then we proceed.

**HON. SEN. MLOTSHWA:** Mr. President, the problem is that Hon. Senators are not understanding what Hon. Khumalo is saying. They are therefore penalising her through calling for points of orders and saying she is off the motion because they do not want her to debate in Ndebele. They want her to debate in English or Shona so that they

understand. However, she is debating correctly and in accordance with the motion. So, if you did not understand, then it is a problem and you should learn to understand other people's languages. We always understand your languages when you are speaking here.

**THE TEMPORARY PRESIDENT OF THE SENATE:** Please do not imply that people do not understand. Some do understand but they are quiet.

**HON. SEN.CHIPANGA:** Thank you Mr. President. It is not true to say that we do not understand Ndebele. I understand Ndebele very well. The problem is that, the Hon. Member is bringing in what happened during Chimurenga in terms of who fought where and who did not fight. The Member is bringing in issues before the recent Chimurenga where the Ndebeles were fighting and the Shonas were *emasimini*, the war at Hwange and the issues of non documentation of these events, which is not the issue under debate. I know, I was grown up then and I can tell you who was involved in that battle at Hwange. I stayed with those people after the war, I know them but that is not the

issue at the moment. At the moment, the debate is about the National Pledge. If anyone thinks that we are raising points of order, because we do not understand the language, it is totally untrue. The truth is that we are saying let us stick to the motion, which is about the National Pledge.

I thank you.

**HON. SEN. D. T. KHUMALO:** Thank you very much Mr. President. I think we should remove *Chimoio* from the presentation which you gave. If it is possible, let us remove *Chimoio* because the insertion of that name makes us think of the other places which are not there. [HON. SENATORS: *Hear, hear*] – I am not the one who inserted *Chimoio*. Anyway, I am about to finish. Our children need to know both ways my friends; Chimoio and Sipolilo, Sipolilo war was fought in 1967 and the battle was between ZIPRA Forces and the Rhodesian Front. The National Anthem even says we should remember the blood of those who fought and that is why the flag has a red portion.

I am saying, from now on, whenever you and I are talking, there should be no mention of the names Kaguvi, Mukwati or Mbuya

Nehanda only, put others as well because they were part of this – [AN HON. SEN. *Gara pasi.*] – I am not going to sit down because you are not the Chair. Let us mention them all so that our children from both sides know the entire history. We could have accepted it if there was no mention of the names Chimoio, Kaguvi or Mukwati. I am saying those names should be mentioned alongside with other names from the other sections which also have names.

Finally, the last fight was between ZIPRA Forces and Rhodesia Front named ‘Operation Storm of the Heaven’, I hope you all know that war. In that war, the ZIPRA Forces pushed the Rhodesian Front out and that was the time when considerations for negotiations were made. In my opinion, it is about the importance of making people understand the importance of the part played by both sides and that they all did something for the country. All our children should love it because it is their country. Thank you Mr. President.

**HON. SEN. MASHAVAKURE:** Thank you Mr. President. This is a very nice and interesting debate because it reminds some of us of the

history that we learnt a long time back when we were doing Grade Five. It was called 'Discovering Rhodesian History,' by R. W. Dickin who was the Director of Students' Affairs at the University of Zimbabwe. I met him at the University of Zimbabwe when I went there in 1981.

My impression of the debate today seems to suggest that our Curriculum should be tasked with making sure that every student from Grade One to Form Four studies history. This is because it is very important to be able to know some of these things. Sometimes we debate issues with shortcomings because of lack of historical knowledge of what may have transpired. I listened to Hon. Sen. Chipanga and Hon. Sen. Khumalo exchanging views and so forth and I thought that was nice and very interesting. One interesting thing for instance in the case of one Senator who spoke is that, Mukwati – although he is very often maybe associated with Harare and other places in Mashonaland, he actually came from Matabeleland, Zvishavane, Matopos and Mberengwa area. So, for those from Matabeleland, he is actually one of you. That is where he came from and the first person that he incited to join the war in

Mashonaland is another hero who is not always mentioned and his name is called Chief or King Mashayamombe in Mhondoro. He is one of those people who are rarely talked about but according to wise historians, they admit that he was the first person to join the 1896/1897 rebellions and the last one to be defeated. So he is a very important figure but somehow, our historians seem to miss that one.

I am simply saying that, I think for the national pledge to be very effective, we should also accompany it by the compulsory learning of history, particularly Zimbabwean history and maybe with a bit of African history to all our children from primary to secondary level up to the respective level of 'O' level. That makes people understand what goes on around and what really went on around in the times past. We can argue about Hwange, Sipolilo, Chinhoyi, Chimoio and so forth; but I think the main point is that somewhere along the line, our history missed a point and people were allowed to drop subjects which they should not have dropped at for instance 'O' level because, those are the things that are supposed to be given as facts in the subject of history.

I know that there was a point when people were allowed to take any combination of subjects that they wanted and I think that is dangerous. We need coresubjects, for example outside the historical thing that for instance, to me if you want to do Economics, Business Studies or Agriculture, Geography cannot be excluded from your studies. For geography, that is where you have soil types, rock types, geomorphology, igneous rocks and what ever they are called. Economy Geography - that is economics and even Agriculture at the same time.

So, we should decide as authorities what should be taught to our children to give them a balanced education in the same way that others give our children diets. We also need a balanced education which will prepare them for life, including life for parliamentary debates like this one so that when there speak, they actually say the correct things which should be said about our situation and about other people's situations and so forth. So, with those few words Mr. President, I want to thank you.

**\*HON. SEN. MURWIRA:** Thank you Mr. President for giving me this opportunity to debate on a motion raised by Hon. Chimbudzi and seconded by Hon. Mawire on the National School Pledge. This is a very important aspect of constructing patriotism and inculcating the values of patriotism among youths because it is more of a history of our country. I thank the Minister for crafting this National Pledge because it was not of his own but basically, it is an extract from the Constitution of the country. It talks about the endowment of the flora and fauna in Zimbabwe. This National Pledge acknowledges the people who were dedicated to liberate this country and to learners in both secondary and primary education, it shows that our children should be aware of their culture, aware of their background and aware of the history of their country, especially the liberation from colonial regimes.

Mr. President, we need to teach our children that it is so important that they know the history of this country, especially the way it was liberated from colonial rule. I thank you.

**\*HON. SEN. MAVHUNGA:** Thank you Mr. President for giving me this opportunity to make a contribution on this motion raised by Hon. Chimbudzi seconded by Hon. Mawire. It is encouraging to us as Members of Parliament to support this National Pledge which was initiated by Hon. Dr. Dokora, the Minister of Primary and Secondary Education. Mr. President, looking at this National Pledge – wherever you find people, there should be something that unifies them. It also inculcates the values of patriotism, especially when you look at the preamble and the narration within the body of that. We know that Zimbabwe is a Christian country and it starts by saying, ‘Almighty God ....’ showing that Zimbabwe is really a Christian country and it is very religious because they know that our future lies in the arms of the Lord. It only shows about the war of liberation which is Chimurenga and the *Umvukhela* – both the First and the Second Chimurenga wars. All these wars of liberations were meant to liberate the country from colonial rule.

I have my grandchild who is in ECD. When this grandchild of mine comes home, she comes and recites this National Pledge. We

relate to the National Pledge by informing this grandchild that your grandfather and your grandmother who is myself, were part of the war of liberation. We were the veterans of that war, therefore, when we were talking of the SADC Model Law on eradication of early child marriages, we did that with a unity of purpose. So, I am pleading with this august House that, even when we are debating the National Pledge, we should again show that unity and patriotism. We are talking of equality and justice and all these are included in the National Pledge and it brings the people of Zimbabwe together as one family. Hon. President, during the Smith illegal regime, there was a pledge which was dedicated to the Queen as the person who was leading the country. Even when we went to war, we also had a pledge which was inculcating the values which were necessary for dedicating oneself to the war of liberation. When we look at this National Pledge, the learners are making a pledge that they will be patriotic and work for the development of their country. What I know is that, we need to be selective when we are making these debates.

I know during the war of liberation, when we were talking of the armies which fought for our liberation, the ZANLA and ZIPRA, we will notice that, an army like the ZANLA was made up of both Ndebeles, like Comrade Mark Dube, my instructor; and Shonas. The same was in ZIPRA – it also included the Shonas and Ndebeles like the Hon. Ambros Mtinhiri – they had high ranks. We notice that when people talk about the liberation war, they talk about these people just like what the Minister is saying, he is one of the people in high positions in the country. What we are saying is, since this prevailed, in the war of liberation, we need to inculcate the values like we have stated, to inculcate the values of patriotism and sustained independence of their country. We have heard these children saying they are prepared to defend the independence of Zimbabwe with their lives. This means whenever they are starting their lessons for the day, they start with this pledge and this pledge shows that they are people who are very patriotic and looking to the future. When they have started on such a note, they will never become school drop outs. We will never have people who go

for early marriages because they will have the values of patriotism, *ubuntu, hunhu* in them. I thank you.

**\*THE TEMPORARY PRESIDENT OF THE SENATE:** This is what we want when we are talking of debates. Each one of us should be given a chance to debate. I am so glad because Hon. Khumalo was also agreeable to what was being stated. Talking with one voice.

**HON. SEN. MOHADI:** Thank you Mr. President. First and foremost, I would like to add my voice in support of this motion which was brought to this august Senate by Hon. Chimbudzi and the seconder. This motion is a very good motion according to my own opinion because it educates our children when they are still young. There is a saying, catch them when they are still young, so that they grow up knowing what they should do in future, so that they do not lose the history of the country. To me it is good enough.

I wish I could have another child at this age so that that child is educated. He grows up knowing what the history of this country is all about. I urge all Senators, if we could really understand the meaning of

this National School Pledge, because it does not talk about who did what, where. It talks about the history of our country which was brought not in a silver platter, but there was some shedding of blood of our comrades, not even segregating which comrade. Some did not even go outside the country. They died within the country, but they are still honoured. Some were spared during the war. They came back alive, but they sacrificed for this country. We should pay tribute to these comrades who did all this work.

Hon. Senators, I would like to urge you to think a little bit out of the box and let us not be shadowed by tribalism and regionalism because everybody fought for this country. If we talk about – [HON.

MEMBERS: *Inaudible interjections.*] - Give me a chance. You will also have yours.

If we think about the issues that we are talking about, it is not about language, it is not about the place where wars were fought, but it is about the history of our country. If we feel, as I do feel, that there are some things that were left, not in this motion, but elsewhere, we have the

right to bring up what is missing in our history so that our children can learn all what was done during the war. If we fail, the doors are not closed. We have so many ways of doing that. Let us have more research. The doors are still open and we have to tolerate each other. This is our country and we have only one country which is Zimbabwe. We do not have any other.

We might emulate what is being done in other countries, but they are not our country. Our country is this Zimbabwe, where we have to come out in the open and assist each other so that whatever was left behind should be incorporated in the history of Zimbabwe, so that at the end of the day, everyone is happy.

Someone talked about the unity of purpose. We have a purpose. The purpose that we are talking about, Hon. Members, is about our children. What legacy are we going to leave for our children if we cannot unite and incorporate every little bit of it that has remained so that our children grow up knowing about the history of our country. It

does not assist us in any way if we just talk about it like this and not putting it anywhere where it has a correct record.

Mr. President, this brings me to the issue of thanking the Minister himself for bringing this National School Pledge as well as also incorporating this into the curriculum because we want our children to know where we came from, where we are and where we are going. It is our duty to add, I repeat, to add what we think was not incorporated into this so that our children know the real history. If we start regionalising, if we start tribalism, where shall some of us stand because we are not Ndebeles and we are not even Shonas? Where then are we supposed to be because this country was not fought by Ndebeles and Shonas only. Everybody sacrificed in this war and what we are fighting for is that everything should be incorporated. Only that! With these few words, Mr. President, I once again support the mover of this motion and the seconder. I thank you.

**\*HON. SEN. GOTO:** Thank you Mr. President. I want to thank the mover of the motion, Senator Chimbudzi seconded by Senator

Mawire. This motion is a very good motion. I also want to thank Minister Dokora for introducing the issue of the pledge in schools. This motion is loaded with history. If you start from the beginning to the end, you will see that everything about the history of Zimbabwe is included in that pledge, even our minerals, everything is included.

If you have your child at home, teach them this pledge. As a clever people, I think we should take what is wise and what is good and leave out the bad. Let us not be jealous of what is good. If we work with the mind that we do not benefit, we would go nowhere as Zimbabwe. I support this motion and as I am debating, others are talking.

We should copy what is good. If you see children reciting the National Pledge, you will feel some freedom. There is no nation without its culture. Even if we visit our chiefs, they have got their own tradition where you kneel down and clap hands from a distance. The same applies to this pledge. There is nothing wrong for Hon. Dokora to introduce this in schools. We should support it. If we do not support

this motion, next time you bring your own motion, no one will support it. So, I think we should support what others have brought in. We should take forward this National Pledge. We should behave like mature people in the Senate. When we go out there, we should support it because when we go to the rural areas, what do we say about the pledge? As leaders, we should support this. I support this National Pledge freely. It should not change, but it will sail through.

**\*HON. SEN. TIMVEOS:** Thank you Mr. President. I wanted to make a point of order but I think I am going to debate. Thank you very much for giving me this opportunity to debate this motion.

I want to thank the mover of the motion, Hon. Sen. Chimbudzi for bringing this motion to the Senate. I heard a lot of Senators debating this motion. Most of the times when we bring motions and you want it to be supported; sometimes Senators tend to point out errors. We should bear in mind that we come here to represent our constituencies. It depends on what people are saying about the National Pledge.

I think it is not in dispute that the pledge is here; and it is here to stay. It is also not in dispute that this country was fought for. So, what I heard others saying, especially Hon. Khumalo, is that this pledge is very important but when Hon. Chimbudzi presented it, she only mentioned a few names, whereas the war was fought by quite a number of people that are really popular. The history is clear on this. So, what we are saying is not because we do not want to support it. We are saying for us as Zimbabweans to achieve unity of purpose, equality and justice, we should consider all cultures, all religions and all parts of the country – [HON. SENATORS: *Hear, hear.*] –

What I see with this pledge and how it was brought, if we mention Kaguvi, we are also leaving out other important names. We are likely to say in Matabeleland, who else fought? In Mashonaland, someone was left out, Mashayamombe and all that. One thing I am seeing here is because this pledge just went to be introduced in schools without coming through Parliament. If this pledge had been brought through Parliament, we were going to debate this and a lot of issues were going to be

included. So, we want to be inclusive and we want unity of purpose. I think everyone is important in the history of Zimbabwe. There is no one who is more important than the other. For us to say we have attained independence there is no family that did not fight the war – [HON. SENATORS: *Hear, hear.*] – [AN. HON. SENATOR: *Who fought in your family*] - My father fought the war and he died. My father Sibanda fought the war and he died. I also want it to be inclusive so that I feel I am included in every decision of this country. I must not feel left out. This pledge is leaving me out. So, it should go back to Hon. Dokora to correct it. May be you were not getting some facts, but Hon. Khumalo was talking sense that we want to attain unity. We need to attain a common desire of equality that every person should feel included –

*Hon. Senator Timveos having been code switching.*

**THE TEMPORARY PRESIDENT OF THE SENATE:** Order, order. Stick to one language Honourable Timveos.

**\*HON. SEN. TIMVEOS:** I noticed that some were talking amongst themselves, so I thought of explaining in Shona. I realise we

are having a problem of assuming that if someone had different feelings on the motion, we are not happy. We are all Zimbabweans – being in opposition does not mean that I am not worthy to be recognised. You feel as if we are attacking the motion, that is not it. We are saying it should be inclusive. That is why I reverted to Shona so that others can understand. Thank you Mr. President.

**\*HON. SEN. JADAGU:** Thank you Mr. President. I have seen it befitting that I should add my voice on this motion. Probably I am myopic in my thinking. How I feel about the motion should be respected. I also feel that Hon. Sen. Chimbudzi brought in a very good motion, seconded by Hon. Sen. Mawire. This motion is clear. What I think is if a person has been appointed to be a Cabinet Minister, he has a higher responsibility. However, the Minister should not just introduce anything like the National Pledge. He did not come from nowhere to just introduce this National Pledge. He introduced this as a Cabinet Minister. At times, we debate as school kids and that is why I keep

quiet. I am not seeing any problem with this House. I am not blaming Hon. Khumalo or anyone, but I think we should behave maturely.

I have a father who was raised up in Matabeleland. Ruth Chinamano raised Joshua Nkomo. If you want to bring in tribal lines, we will be lost. We should speak as Members of the Senate. I think this Senate is very good and there is nothing wrong with it. What we want to do right now is that we want to receive it as the Senate and make sure that we go back and explain to the people. All of us here were not voted for, but we were appointed. We should not act as young people.

I am saying, this is a very good motion. We should not get in the habit of getting into Committees or even breaking the House. We should embrace this pledge because it is touching on all the corners of Zimbabwe because all of us fought for our independence. We do not have Ndebele or Shona people, but there are children of Zimbabwe in the Senate. So, we should stand as people of Zimbabwe. If we want to behave as young children, there is the National Assembly, they will laugh at us.

All I am saying is, we should embrace this pledge and make it work in our schools with the contributions that we are bringing into this House as Members of the Senate. There is no one who is destroying the country. We are all destroying it. We should lift it up. The Minister brought the pledge and we saw that it was befitting. It was then moved as a motion so that we should panel beat it, but we should know where we want to end. There is no politics here. This is the Upper House. We should rule and bring our country together. The Minister did a good job. We should make it work to the whole of Zimbabwe. That is my contribution Mr. President. Thank you.

**THE TEMPORARY PRESIDENT OF THE SENATE:** Thank you Hon. Jadagu. Thank you Hon. Senators for your contributions but I would plead and urge you that if we do not understand languages, let us read the *Hansard* as much as possible. Let us be patient enough then you respond other than saying things which are not necessary. So, I beg you to do so.

**HON. SEN. CHIMBUDZI:** I move that the debate do now adjourn.

**HON. SEN. MASUKU:** I move that the debate do now adjourn.

**HON. SEN. MLOTSHWA:** I second.

Motion put and agreed to.

Debate to resume: Wednesday, 8<sup>th</sup> March, 2017.

*On the motion of **HON. SEN. MASUKU**, seconded by **HON.***

**SEN. MLOTSHWA**, *the Senate adjourned at Twenty Five Minutes to Five o'clock p.m.*