

PARLIAMENT OF ZIMBABWE

Wednesday 27th September, 2017

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

PRAYERS

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

MOTION

PRESIDENTIAL SPEECH: DEBATE ON ADDRESS

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

Question again proposed.

HON. SEN. MASHAVAKURE: Thank you Madam President for giving me this opportunity to contribute a few ideas to the motion raised by Hon. Sen. Chief Charumbira and seconded by Hon. Sen. Chief Mtshane. My presentation on the President's Speech is drawn first from the issue of aligning the rest of the laws of this country to the

Constitution. According to his speech, there are about 30 such laws which are outstanding which need to be aligned to the Constitution. My hope is that one of those 30 is the Disabled Persons Act of 1992. Last year, the Ministry responsible, which is the Ministry of Public Service and Social Welfare carried out extensive consultations throughout the country and talked to various stakeholders and interested groups but up to now that piece of legislation has not come to the two august Houses of Parliament for consideration. I hope in this last final session, our last Fifth Session of the Eighth Parliament of Zimbabwe. The Ministry of Public Service, Labour and Social Welfare will bring the Bill to Parliament.

Secondly is the law of child justice and the marriage laws act which are supposed to be brought to Parliament in the last session of this Parliament. I sincerely hope that the drafters of those laws will also make sure that 18 year o majority also includes the medical side of things or hospitals. I understand that some hospitals, have different clarifications of who is the child going up to 12 years and others up to

nine years for the purpose of charging fees. Anybody who is above those ages is then treated as an adult for the purpose of paying and yet we also know that when it comes to issues of marriage one of the most powerful or compelling ideas that they make people believe, is that children go up to 18 years. In terms of marriage, the medical evidence given by our specialists tell us that at a certain age especially our girls are physically not ready to be mothers. In other words their own medical evidence in hospitals tell us that children are people who are beyond 12 years – but for the purposes of payment, I understand some of them will tell us that children are only up to nine years or 12 years. I think that can be sorted out with those pieces of legislation that are going to come to this House.

I also believe as I said before in other debates, that when these two laws come to Parliament, they will be devoid of the concept or the idea of consensual sex which is supposed to be authorised to take place before the age of 18. In other words, there is a difference between marriage and consensual sex but in the rural areas where I come from,

the two are not different. I believe that in the rest of the country, a lot of people will not accept that you can sleep around with their children as long as you can prove that they have consented and they are not yet 18. I hope our lawyers will not include that strange concept in our laws.

The next thing is on the Prisons and Correctional Services. My view is that it is good to also put special emphasis on the correctional aspect. I say that because I think that in taking the correctional approach, we should also consider issues of restoration or restorative justice and compensation and this would most certainly include our traditional leaders – the chiefs and others who are very skilled in those issues where if you commit a certain wrong against me, they know how to charge for me and for their own courts so that next time you will not do it. Just taking people to prison to enjoy the hospitality of the State for two or three years and then come back to continue the old practices that you are used to is not enough.

So, we have to make people feel the pain of compensating somebody whom they have wronged and I think that when the law on

the Prisons and Correctional Services is finally brought here, it will also include aspects of restorative justice so that people are not just taken to courts to fill up our courts. Actually, they say that our courts are overstaffed in terms of inmates. This means that the State is paying a lot of money for the upkeep of people who should have paid those that they wronged. Actually, if they are supposed to go to prison, I think that they should also be forced to pay up before they enter the prison so that when they come back, even their relatives will remind them not to do it again, *tarisa mombe dzakaenda idzi*.

Then on the issue of the Teaching Professions Council – I think that it is a welcome move. I hear that some people want to link it to the abuse of children, especially girls in schools and so forth. I think it is one aspect but there are a lot of things that can be dealt with by the Teaching Professions Council. A lot of things that have been debated in the last few years are that of leave, conditions of service and how people become teachers. Is it anybody who has failed to get a job who can

become a teacher? I still remember one of these days when I was at a certain school where some people were discussing.

The previous day in the news, it had been said that some people had been temporary or relief teachers for so long that it was now necessary to make them a priority when colleges take students for training in their next intake. Somebody was saying, it was just a sign that these people had nowhere else to go and they stuck on to being relief teachers.

In other words, is teaching the sort of work that anyone can take for purposes of relieving themselves because they have nothing to do? In other words, if you have nothing to do, you just go to teaching. Is that what we want to happen in our schools and does that help our educational standards, our profession and our children in terms of inculcation of knowledge. I think that there are various issues that can be addressed by having a teaching Professions Council and a Code of Ethics or Conduct for teachers at the same time.

It is my fervent hope that this is what is going to happen when the Minister finally brings this Bill to do with the Teaching Professions Council so that order can be put in our system and that if I am a geologist and I fail to get a job, it does not mean that I should go to school and teach geography because those two may not be very related. Thank you Madam President.

HON. SEN. NYAMBUYA: Thank you very much Madam President for giving me this opportunity to participate in this very important debate. Let me start by thanking the mover of the motion Hon. Sen. Chief Charumbira and the seconder of the motion, Hon. Sen. Chief Mtshane. Let me also pay tribute to the President for delivering such a topical and very up-to-date address on issues which are alive in this our very beautiful country.

Allow me to raise a few points which are resultant of the Presidential Address and the first one which Hon. Sen. Mashavakure has already alluded to involving the alignment of 30 Acts which are still remaining out of the 206 pieces of legislation which are supposed to be

aligned. I would like to urge the Executive to expeditiously bring these outstanding pieces of legislation to this House so that we conclude as quickly as possible. I am convinced that each and every one of us here would like to leave this Parliament since this is supposed to be our last fifth and final session of the Eighth Parliament. We would like to leave a legacy of *basa tasiya tapedza*. So, I hope that these outstanding pieces of legislation are brought here so that the task is completed once and for all and that the new Constitution comes into full force across the board.

The second issue Madam President which I would like to raise concerns the Child Justice Bill. What this Bill is as the President alluded to, is that we must enact laws which will ensure that our children enjoy justice. There is no doubt that there is a lot of injustice which is happening right now in our country and the issues are just too many to many to mention, for example forced marriages, contradiction between the legal age of majority as well as the legal age of consent. Before I perhaps again go into a little bit of detail, let me give you a few statistics Madam President, which perhaps may make us do things a little bit

faster than we are doing right now. Africa, Madam President, is the second largest and second most populous continent on earth and we do have a population of 1.2 billion people and with the rate at which we are growing, in 2030 we will very easily reach over 2 billion people. This is quite significant not only in terms of requirements for food security, but in terms of the demographic structure of the population which I will talk about and the majority of which are young people.

Our population is like an inverted triangle, old people are fewer than the young people, that is the reality of Africa. Africa also the most youthful population in the world with over 40% under the age of 15. Zimbabwe's population is 14 million, and 77% is actually children and youths below the age of 35. The youths in our country, that is people between the age 15 and 34 numbers almost 15 million. What it means therefore, is that it is imperative that we do something about correcting the wrongs which are being done on a significant sector of the population; it is not majority of the people. They owe it upon us as legislators, to ensure that we promulgate legislation which ensures that

there is justice to that sector of our population which is actually the majority, but also that sector of the population which is tomorrow's leaders.

Let me now move on to the third issue, which again His Excellency touched on and that involves national economy. These past four or five days have been quite eventful days and involve the economy. In our economy as you all know, is actually going through difficult times for various reasons - but the significant issue which involves our economy is the fact that there is a shortage of foreign currency. There is a shortage of foreign currency because we are importing goods worth US\$6 billion roughly, and we export goods worth about US\$4 billion. What it means therefore is that we have a current account deficit of about US\$2 billion. In other words we are exporting money out of this country, in simple terms, we are exporting hard currency out of our country and that is why we have got a shortage of foreign currency.

Now, the President reminded us that we have had a good agricultural season and we must congratulate ourselves as a nation that at least we have achieved food security and food security is a very important aspect of any country in the world. Hungry people are angry people, but if our people have got enough food, at least we will be able to move on with our lives and try and reconstruct whatever needs to be reconstructed. What is required Madam President urgently, is to form a forum to ride on that success which we have enjoyed by following through those aspects which can give us quick win solutions. What I have in mind here is that having gone through and experienced a good agricultural season and agriculture is one aspect which brings us quick win solutions. We do not need many foreign investors but what we need to do, is for a crop like tobacco which currently brings into this country US\$1 billion and that is not a small amount of money. We need to ride on that success and what is it that has enabled tobacco to be such a successful crop, it is because somebody has financed that crop and that is the private sector. The private sector has successfully financed

tobacco because it is profitable because the pricing mechanism is correct, the matrix is sustainable.

In America they say ‘if it is not broken do not fix it’, so, what it means Madam President is that we have got a clear template of something which works. What we need as a Government is to grow that success. It is my hope that we will be able to build on that success and work towards doubling tobacco production so that instead of US\$1 billion per annum, we will be able to generate something like US\$2 billion per annum and that will cure our perennial problems of shortage of foreign currency. We have it in our hands to produce wealth for this country through growing a crop like tobacco. I also urge the country, the Government to ensure that we give more incentives so that people and those who are financing it will keep on financing that crop, just give them incentives, give them tax remedies and reduce import duties in taxes so that we produce more tobacco and that means foreign currency for us. That foreign currency from tobacco generally is

difficult to steal and it comes straight into the coffers of the Reserve Bank.

The second aspect is gold, again on gold; Zimbabwe is one of the few countries in the world which has got so much in terms of gold. If you go everywhere - in Matabeleland, Midlands, Manicaland, Mashonaland Central and almost all the provinces in this country has got gold and it is a commodity which does not wither, actually it is a commodity which is used for storing value. Now, this year those of you who have followed the newspapers and the news; small scale miners have produced more gold than the large scale miners for the first time in the history of this country. Small scale, I am not being rational, black people like you and me have produced more gold than the large scale miners and again gold has the potential to bring into this country about US\$1billion per year. I urge the authorities again to try and capitalise on something which is very simple and very straightforward like this one so that we build upon this success and I am sure that we create more wealth, bring in more foreign currency into the country.

The last aspect or last but one, is the issue in terms of growing foreign currency is the diaspora. Various figures have been floated around in terms of how many people are out in the diaspora, some are saying one million, others two and maybe others even say three or four million people are out there in South Africa, UK, and Australia - all over the world. There is nothing wrong with this kind of thing. There is nothing wrong in having many people outside the country. In fact some countries actually run their economies based on diaspora remittances. Countries which come to mind very easily, a smaller country, a boat in the ocean, Israel is sustained by diaspora remittances. Israel as it is, so small but so powerful both in terms of its economy, in terms of its military and in terms of its political value. A country like Ireland besides tourism and brewing a lot of beer, is sustained a lot by diaspora remittances. In developing countries, we have got countries like Philippine, Bangladesh, Burma, they rely a lot on diaspora remittances. Again, we need to capitalize and create the conditions which will make people want to bring their money through the formal means so that we reap that benefit. It comes in as hard currency which is what we need to

sustain our country and that helps us create wealth so that we reduce our current account deficit, so that we wipe out the current challenges which we are facing in terms of liquidity challenges.

I proceed and talk about my fourth item which was raised by the President in his speech and it is the issue of the need to enhance economic competitiveness. We cannot live in isolation in this world, we live and we exist together with neighbour and other countries in the world, but above all, if we are going to bring in fresh money into the economy; if we are going to create the wealth which I have been talking about, we need what is called Foreign Direct Investment (FDI). We can only bring in and attract FDI if we are competitive; if people find it compelling to come and invest in this country and if they are convinced that they will have what is called a return on investment.

Madam President, this is a very serious issue which I urge all of us to address. We need amongst other things, to speak with one voice. We need to remove ambiguity in our laws. We need to improve the ease of doing business. Among other things, we need to reduce statutory

charges. We have got too many statutory charges in this country, NSSA charges, Rural Council levies, standards levies, development levies, EMA charges *et cetera*. There are just a battery of charges which do not attract investors at all.

I see the light is warning me to sit down. I will just wind up and say, if we follow most of the issues which I have raised it is my belief that we will cover some substantial distance. I also want to urge the Ministry of Mines and Mining Development to come up and get on with exploration, quantify and identify the diamonds – the minerals which we have so that we can sell these resources and make money.

Finally, I hope we again promote transparency. Again, Ministries like the Ministry of Mines and Mining Development- transparency is necessary. The nation needs to know what is happening. People need to be told that we have received so much. – [HON. MEMBERS: *Hear, hear.*] – We have done so much, let us be transparent and let us reduce corruption. Let us eradicate corruption – [HON. MEMBERS: *Hear, hear.*] – I am sure we can very easily as Zimbabwe go on and craft a

budget; I do not want to be involved in crafting a budget of \$2 or 3 billion. Let us craft a budget of \$30 billion so that everybody can have a piece of something. I thank you Madam President.

***HON. SEN. MAWIRE:** Thank you Madam President. I would like to thank the mover of the Presidential Speech, who is the President of Chiefs' Council, Hon. Sen. Chief Charumbira, seconded by his Deputy, Hon. Sen. Chief Mtshane. I would like to talk on the issues of what the President talked about and also want to thank him for coming to this House from time to time, encouraging us to work hard. Although his desire is that we should conclude the 30 laws that are on the table. What really touched me is the issue of child marriage. This is a thorny issue because as a country, we realise that the country was going on the wrong direction.

Children are getting married when they are still young and there are a lot of health diseases in the country which are affecting our people. We have realised that because of child pregnancies it is very difficult for them to give birth safely. We have also noticed that there is a lot of

child abuse taking place in the homes from their parents, step mothers and step fathers. I was very happy when the President encouraged us to align the laws that have remained so that we get rid of the troubles which are associated with that.

A few weeks back, the male counterparts were angry when it was said that anyone who commits rape will be jailed for 60 years. They were only disgruntled for a short period because they knew there was no law supporting that provision; because of that we have seen that rape cases are on the increase among our children even old people. So if we align our laws, we will find that we would not have any challenges dealing with rapists.

The President also touched on land developers because they have turned most urban centres into chaos because they are the ones who are land barons. We heard Hon. Sen. Nyambuya talking about corruption, that is one area where corruption is rampant because they are given land, then co-jointly fleece people of their money. They do not develop the land as promised and the houses will not be constructed as agreed. They

also go on to construct illegal structures on illegal land. He conscientised us so that we could look at that and get rid of people who think like that; who fleece the poor because they are rich.

So, this issue of land barons should come to an end. I remember two or three years back we moved a motion related to that, where we said these land developers should be investigated on how they acquired the land and how they have used the land to establish whether they have not fleeced people. We now see that this is troubling the nation, including our President and this should come to an end.

The President also touched on the issue of Command Agriculture. He was happy about the programme because this year, the Lord's favour was with us. He also talked about irrigation that we should continue looking at areas where we should give irrigation equipment, looking at the geographical area of those areas because there are areas where they never get enough rainfall, but some areas receive adequate rainfall every rainy season. It is only this year where all of us got adequate rainfall.

Even some of us who use irrigation, this year we did not irrigate because the rain was more than enough.

If you have irrigation, you can have a variety of crops. Even when we heard of shortages in the shops we were not worried because we know that we can still survive on our staple food and our vegetables are there in our gardens. Maybe we might be worried that we would not have cooking oil but we have our groundnuts where we can produce peanut butter to use in our relish.

Someone said that we should be united and talk with one voice so that we will be able to face the challenges so that we at least leave a legacy. Another Hon. Member took it further and said we should take the theme of one of the songs that we sing in our churches - in order for us to make sure that we have done everything is when we would have aligned the Bills that are lagging behind.

Looking at justice issues, when it comes to children's rights, there are a lot of challenges. We can say we do not want child marriages but without any law enacted, we can leave things like that without solving

anything because our male counterparts are seeing that there is no strong law that when they rape, they will be incarcerated. If these Bills are brought into this House, we then debate and put laws in place; all this will come to an end.

If we look at justice issues, it is very painful in our country because there is no justice on children. There are some children who are leaving school so that they go and work on farms. Some children cannot continue with education because their parents do not have fees. If our laws are in place, we will all know that if we start abusing children, it will not be good for us. We will also see that a lot of people who face human trafficking are the girl children. This also touches the Children's Bill. If there is a strong law which talks about human trafficking; if they are brought to book, then they will know that they will be in trouble. I think those involved in child trafficking or those who pretend to assist these children to go should also be jailed. I think this will bring an end to this menace.

With these few words, I want to thank the President for delivering his speech to this House so that we look at the Bills that we have not looked at. I thank you.

HON. SEN. KHUMALO: Thank you Mr. President for giving me time to say something about the speech which was delivered by the President of the country. This speech is very developmental and very good but my concern is; will those who are responsible for implementation be able to implement what has been written down because most of the times we have information or policies written on paper but they are not practiced. There is no implementation of the written policies within the community.

I would like to look at the issue of Mines and Minerals Amendment Bill. Many people in the rural areas, especially the farm owners, have found the encroachment of these people who are not regulated a problem. Yes, there is a regulation which says that once the miners have discovered the mine, they take over. Some of us with some land or farms are in trouble with these people because they come and dig

everywhere within your farm. When they leave the farm, they leave everything as it is – open for the animals to fall in. Nobody is there to control the fact that our animals are going to be injured.

We understand that when they are coming to mine, they are thinking of their families. They will be thinking that they are going to have money and their families are going to live a good life. I think you are aware, every development relates to nutrition. These people have the aim of developing their own homes; buying food for their own families. What about the food of those who own the land which they have come to destroy and left it open?

We would like these people to think of everyone when they are coming in. They want their families to be healthy and well nourished – this also applies to the farmers. The farmers also need to be compensated for the destruction which is being done by the miners. To the farm owner, they are destructive. To the country, they are developmental but if they are continuing with digging all over the farm; that is not good. The nutrition status of the farm owners is going to be

interfered with and their children will not grow properly because their animals are being destroyed. Our goats and sheep fall into those pits but we do not get compensation for that.

I am bringing this up so that we understand that whatever developmental issue is done, that developmental issue affects the nutritional status and health of the community. That is number one.

Secondly, I would like to say that there is an issue of the children who are married at a younger age. I am very happy that the President said that there should be a Bill that prevents early marriages. Early marriages for me have this problem; the young girl who is sexually harassed because she is married, cannot say anything. She will become pregnant and she is still growing. That means that within the home, when she is given food, she is eating for herself and she is also supposed to feed for the fetus. That is not easily achieved. Therefore, we have to look after our children so that they grow up and mature so that when they are mature or over eighteen at least the growth rate would have stopped because people usually stop growing at eighteen or twenty one.

So these children who are above eighteen are now mature people who are now strong physically. When they deliver, they are able to deliver babies but these small children who are impregnated at a younger age, remember, when she is married at such tender age, if the child dies during labour, the family where she is married expect her to have another child. They will not allow her to recover. Within three or four months, she is already pregnant again to replace that child who has died. This is because the family demands that she has a child. She has no chance of saying no, I cannot have sex now; I am not strong. She just has to be pregnant. When she delivers again, she delivers another small baby. That small baby will be below the 1.5 kgs. That child is going to die again. There is a possibility that the mother may also die first because she is not strong enough as she was not strong enough to deliver the child. It is easier for mature women as they have strength. So, we need to defend young girls. I really support the President and I wish that would be the first Bill which comes to Parliament.

I hope you are aware that the delivery process of these small girls is increasing maternal deaths. The country has adopted an international agreement that maternal deaths should be reduced. Child and infants deaths must be reduced. When we are having these young girls getting married, we are increasing maternal deaths as well as increasing infant and child mortality. Can we also look at that? Sometimes these children do not go to hospitals for delivery, they deliver in the home and they look for the community midwives who will help the child. If the child is very young, they will talk to the husband who is an elderly man and say this child is not able to deliver. They are afraid to take the child to the hospital because they think they will be asked how the child got pregnant. I have an experience of children dying in townships because they did not go to hospitals. Can we all fight for this Bill to come quickly so that we can do something about the marriage of underage girls?

The other issue of interest is that of schools, the teaching profession councils. Yes, every profession has its councils but the

teachers do not have, anybody can be a teacher. While I accept that, before I went for teacher training, I was also a temporary teacher. Now, there are many people trained as teachers but they do not have jobs. How come untrained people get temporary teaching jobs when the trained teachers are lying around? That means there is some corruption going on because those people should not be there. We have many trained children that are loitering around but there are temporary teachers. Why should we have a temporary teacher when there are trained teachers? I am very grateful about this teaching profession council because that is what is going to end corruption because the temporary teachers without training went in through corruption. That means their parents and friends paid for them to get into the system. The trained teachers must get the jobs first before we have temporary teachers. I am thankful about that.

It is very important to have a council so that it looks at the systems within the education profession. In the nursing profession, because I have worked on both sides, they are not employed to go and stay in a

house that has a falling roof. They go to properly built houses for nurses but you find a teacher is put anywhere. That means once there is that professional council, they will demand what is right for teachers. The teachers also need the respect that other people have. I was happy with the Teachers' Profession Council Bill coming to Parliament.

I would also want to bring the issue of irrigation. This year everybody is happy, we have achieved our household food security and country food security. I hope that we are now going to concentrate on the issues of irrigation. We will employ the agriculturalists who are going to encourage irrigation and look into a balanced diet and not to small grains and maize only; so that we concentrate on the other foods that are good. We are all aware that and it was said in the Bible that Daniel and his friends refused to eat the King's diet. They asked for the diet that had pulses and their brains were found to be much better than the other people. Therefore, it is telling us that we should mix the foods. When Jesus was giving the food to the multitudes, he gave them the fish plus the bread. Can we think of mixtures and not one side? As

parliamentarians, when you go out, encourage people to grow other foods and not the maize and the small grains. Let us have a variety. Demand it, you are the senior people and communities take us as people who are going to control what is happening there. Can we help?

I was happy that there is now going to be a fund that is going to look after the families of those that have been injured or affected by accidents. I hope you all know why. Their children do not go to school, they are not able to go to hospitals and they are not able to eat properly like every other child. Therefore, this is a great idea of coming up with the motor vehicle accident fund that will help the communities. While we are thinking of all the accidents, the child marriages and so forth, we should think of the one thousand days that are supposed to be taken care of when a woman is pregnant. The child that has just been married will not practice the one thousand days. Nobody will be there to feed her. She will not be able to feed her child. Therefore, I am asking all of us here, when we go out there, we should be thinking that it is our country which is being underdeveloped by people that are marrying young

children. They are making other children have children who are not going to develop mentally. Therefore, we are asking for the mental development of those children by the one thousand days that is supposed to be practiced by the pregnant mother and her child. Thank you very much for giving me this opportunity.

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

HON. SEN. MUMVURI: I second.

Motion put and agreed to.

Debate to resume: Wednesday, 28th September, 2017.

*On the motion of **HON. SEN. TAWENGWA**, seconded by **HON. SEN. MUMVURI**, the Senate adjourned at a Half past Three o'clock p.m.*