



FIRST SESSION – EIGHTH PARLIAMENT

FIRST REPORT

OF THE THEMATIC COMMITTEE ON GENDER AND DEVELOPMENT
ON
GENDER BASED VIOLENCE IN CHURCHES

Presented to Parliament February

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ORDERED IN TERMS OF STANDING ORDER No. 150:

1. At the commencement of every session, there shall be as many committees to be designated according to such government policy areas as the Standing Rules and Orders Committee may deem fit.
2. It shall be the function of such committees to examine government policies which fall under or relate to the designated theme or themes, and other matters falling under their jurisdictions as the Standing rules and Orders Committee may determine.
3. The members of such committees shall be appointed by the Standing Rules and Orders Committee, from one or both Houses of Parliament, and such appointments shall take into account the expressed interests or expertise of the Senators and the political and gender composition of Senate.
4. Each Select Committee shall be known by the theme determined for it by the Standing Rules and Orders Committee.

On Thursday 17 October 2013, Madam. President announced that the Committee on Standing Rules and Orders nominated the following members to serve on the Thematic Committee on Gender and Development;

Hon. Chief Chiduku

Hon. Chief Masendu

Hon. Chief Musarurwa

Hon. Chief Nembire

Hon. Goto R.

Hon. Hlalo M.

Hon. Khumalo D. T.

Hon. Mabugu E

Hon. Mahofa S.

Hon. Matirira A.

Hon. Mavhunga M.

Hon. Moeketsi V.

Hon. Muchenje V.

Hon. Mupfumira P.

Hon. Mutsvangwa M.

Hon. Muzenda T. V.

Hon. Sibanda W.

Hon. Shiri A.

Hon. Sibanda W. to be the Chairperson

1.0 INTRODUCTION.

Pursuant to continued media reports and public concern about women and girl child abuse cases in some churches, the Thematic Committee on Gender and Development resolved to conduct an inquiry into the Gender Based Violence (GBV) in the religious sector. Section 58 and 60(4) of the Constitution and other laws and policies promote religious freedom and in practice the government generally respects religious freedom.

The Committee noted accordingly that the constitutional rights of churches should be upheld but that these rights should also be enjoyed in a responsible manner without violating the basic human rights of other citizens. The Committee became concerned about cases of women and the girl child falling victims to sexual molestations involving some church leadership.

2.0 OBJECTIVES

In its inquiry, the Committee was guided by the following objectives;

1. To identify causes of GBV and rape cases in churches.
2. To familiarize with the legal registration procedures for churches in Zimbabwe.
3. To assess the capacity of churches in observing women rights, combating GBV and rape cases under their purview.
4. To offer relevant legislative and policy recommendations to eradicate GBV in churches.

3.0 Methodology

The Committee received oral evidence from a number of stakeholders, namely:

- (a) The Secretary for Home Affairs, Mr. M. Matshiya
- (b) The Register General, Mr. T. Mudede.
- (c) The Zimbabwe Republic Police (ZRP) represented by Assistant Commissioner, Mr. Chivayo
- (d) The Evangelical Fellowship of Zimbabwe (EFZ), Rev. L. Dube
- (e) The Zimbabwe Catholic Bishop Conference (ZCBC) represented by Fr. E Ndete
- (f) Zimbabwe Council of Churches (ZCC) represented by Rev. Dr. Zwana
- (f) Apostolic Christian Council of Zimbabwe (ACCZ) headed by Archbishop. J. Ndanga.

4.0 Stakeholders Submissions to the Committee.

4.1 Ministry of Home Affairs

- 4.1.1 The Permanent Secretary informed the Committee that the registration of churches or sects is not provided for in terms of any provision. However, the Marriages Act (Chapter 5:11) only makes reference to the registration of marriage officers whose names are forwarded by the respective churches.
- 4.1.2 The Assistant Commissioner informed the Committee that according to Section 59 of the Constitution every person has the right to freedom of association. This section has been supported by section 60 (4) which provides that “any religious community may establish institutions where religious instructions may be given...” However section 86 (2) (d) provides that the fundamental rights and freedoms set out in this chapter may be limited only in terms of a law of general application and to the extent that the limitation is fair, reasonable, necessary, and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom...”
- 4.1.3 The Assistant Commissioner further noted that the Constitution provides that the religious community may establish institutions where instructions may be given, but there is no law in Zimbabwe that directly deals with the registration of these religious institutions. Their gatherings are not even governed by the Public Order and Security Act Chapter 11:17.
- 4.1.4 The Committee was further informed that according to the Private Voluntary Organization Act chapter 17:05 churches cannot register as churches under this Act because Section 2 of the Act clearly states that the definition of Private Voluntary Organizations does not include any religious body in respect of activities confined to religious work.
- 4.1.5 As such, the ZRP cannot interfere with the operations of churches concerning their registration and conduct. The Police can only interfere with their conduct when they violate the laws of this country. When leaders or members of church violate any law they are treated in the same way as an ordinary citizen of Zimbabwe.

4.2.1 Apostolic Christian Council of Zimbabwe (ACCZ)

The Committee was informed that the ACCZ was guided in its conduct by the principles of universal human rights and other protocols as well as the biblical teachings. The Committee was also informed that ACCZ (Article 3.8) provides stipulations against GBV, and any form of gender discrimination or child abuse and molestations. ACCZ reported that it had drafted a 2014-18 Strategic Plan, a training programs whose purpose is to equip its

member affiliates countrywide with basic knowledge and information on the detection and prevention of GBV, child abuse, early child marriages and how cases can be reported to the police.

4.2.2 The Committee was further informed that the training programme trains preachers to propagate theological teachings that respect women and girl rights. Hosea 4vs 6, God decries lack of knowledge as a catalyst to destruction. ACCZ also reported that it had put in place a full fledged Child Care Unit, based on zero tolerance to child abuse and which focuses on (i) Child education, (ii) Child health, (iii) Child protection, and (iv) Campaigns against child marriage.

4.2.2 Partnership with ZRP, Ministry of Women Affairs, gender and Community Development, National AIDS Council (NAC) and the PSI/Zimbabwe

There is an established partnership between ACCZ and the Zimbabwe Republic Police to propagate awareness campaigns country wide on early child marriages practiced by certain churches and how they can be minimised towards eradication. To work with ZRP victim friendly unit on matters to do with rape related cases and any other forms of abuse that are criminal in nature.

4.2.3 ACCZ is on the verge of partnering with the Ministry of Women Affairs, Gender and Community Development on conscientising its members on the need to eradicate all forms of abuse in Zimbabwe especially gender based ones.

The Council also partners with NAC and PSI in all their efforts to eradicate abuses in both the churches and homes.

4.3 Zimbabwe Head of Christian (ZCC, EFZ, ZCBC)

In his presentation, Dr Zwana informed the Committee that the Zimbabwe Head of Christian comprises of ZCC, EFZ and the ZCBC. ZCC has 26 members, EFZ comprise of 465 churches and the ZCBC has eight dioceses. He further noted that although congregants have divergent ideologies or theological differences they are all united by the guiding principles of Christianity.

4.3.1 Dr Zwana further elaborated that there were many activities and interventions that are being administered by various congregations under its umbrella in combating GBV.

4.3.2 Training

The Zimbabwe Head of Christian provides training to its members on combating gender based violence. Pastors and church members are targeted for such training. Training focuses on best mechanisms to respond to gender violence.

4.3.3 Gender Desks

The Zimbabwe Head of Christian encourages members to establish gender desks within their congregations. The gender desks are responsible for promoting gender mainstreaming and offer advice to family units to how to combat GBV. In addition, the Zimbabwe Head of Christian fully participate in the 16 days of Gender Activism.

4.3.4 National Faith Based organisation

The National Faith Based Organisation was formed to contribute towards reducing HIV and AIDS and GBV. The organisation is spread throughout all the affiliate members.

4.3.5 Church Constitution

Dr. Zwana highlighted that before accepting a member to the forum, they scrutinize their constitution to see to it that the church does not promote immoral activities and also that there is no concentration of power which might lead to abuse. Check and balance are crucial in ensuring that the Ministers of God do not abuse power. Power can also be vested on the ordinary members of the church.

4.3.6 Code of conduct

The Zimbabwe Head of Christian is in the process of crafting a code of conduct for its members as a mechanism to administer internal discipline.

5.0 Committee's Observation.

The Committee observed the following;

1. Lack of a legal framework to regulate church operations was making it difficult for the ZRP to execute its constitutional mandate to investigate women and children abuse, resulting in the police waiting for individuals to come forward before instituting an investigation.
2. Religious institutions were taking advantage of lack of legislation to sexually abuse women and girls who are in dire need of spiritual deliverance.
3. Although some churches claimed to have registered with the Ministry of Social Welfare, the Committee was well informed that they do not register under the said Ministry.
4. The Committee welcomed different interventions on combating GBV by some of the church organisations.

6.0 Committee's Recommendations

The Committee recommends the following;

1. The government should enact a legislation to regulate registration and operations of the churches. However, there is need for full participation of different church representatives in the formulation of that legislation so that it would not affect christians' rights to worship.
2. The Ministry of Women Affairs, Gender and Community Development and stakeholders should partner various church organisations in their interventions to combat GBV.