



## 2017 ANNUAL REPORT







*For Human Dignity*

***Protecting, Promoting and Enforcing Human Rights and  
Fundamental Freedom***

**2017 Annual Report**

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## Foreword

The year 2017 witnessed a worsening human rights landscape that continued from the previous year. Economic, social and cultural rights of the majority of Zimbabweans continued to be negatively impacted, occasioned by failure of the Government to address the perennial liquidity crunch, cash shortages, the parallel market and 3-tier pricing system, crippling unemployment, dwindling disposable incomes, worsening poverty, a deteriorating public health care delivery system, decaying public infrastructure, water shortages, power black outs, bad governance and lack of accountability in public institutions. Poor and chaotic decision-making in Government and policy inconsistencies across most sectors of the economy including industry and commerce, indigenization and education among others, continued unchecked.

The imploding socio-economic and political situation throughout 2017 resulted in gross violations of fundamental human rights of Zimbabweans such as the right to life, food and water, education, health, shelter, human dignity and many other rights guaranteed in the Constitution. In addition, the worsening human rights situation had negative impacts on already vulnerable social groups particularly children, women, the youth,



Chairperson of the ZHRC, Commissioner  
Dr Elasto Hilarious Mugwadi

elderly persons, persons with disabilities including people with albinism, minority groups and war veterans with little or no sources of income across rural, resettlement, peri-urban and urban areas of the country.

The country-wide ZANU PF political party youth interface rallies undertaken by former President Robert Mugabe and former First Lady Grace Mugabe, which were used as a platform to attack and denigrate their perceived political opponents grossly undermined Zimbabwe's founding constitutional values and principles. These include the rule of law, recognition of the inherent worth and dignity of each human being, good governance and observance of the principle of separation of powers. Utterances and hate speech at the rallies perpetuated intra-party divisions

within the ruling party and fractured the political landscape as fundamental socio-economic challenges confronting ordinary citizens were grossly neglected for political expediency. Accountability to citizens in relation to fulfilment of many of their rights was eroded as Government Ministers, Senior Civil Servants and other duty bearers spent most of their time attending political rallies and negating their constitutional and statutory obligations to deliver services to the citizenry.

The year 2017 ended with a dramatic political transition in Zimbabwe following the ushering in of a new leadership in Government led by His Excellency President Emmerson Dambudzo Mnangagwa. These events were a culmination of the intervention by the Zimbabwe Defence Forces (ZDF) through what the military code-named “Operation Restore Legacy” which was justified on the need to address the deteriorating political and

socio-economic situation in the country. The new political dispensation brought about renewed hopes of strengthened democracy, the rule of law, respect for human rights and freedoms and upholding of the Constitution of Zimbabwe. These developments, largely welcomed and supported at national, regional and international levels also raised optimism over the revival of the economy and prospects improved respect, promotion and protection of human rights in the country which hitherto were under serious threat under the previous administration. The ZHRC issued two press statements addressing the unfolding situation with messages urging the military, the new leadership in Government and other stakeholders to respect the sanctity of life, avoid military rule, uphold constitutionalism and ensure the respect and protection of human rights. We hope the human rights terrain in the country will take a new turn during the currency of the new dispensation.

## Acknowledgements

The ZHRC wishes to thank the Government of Zimbabwe for the support rendered to its work during the year under review. Further, the Commission also wishes to acknowledge the support to the Commission by the following Development Partners:

- United Nations Development Programme (UNDP)
- European Union (EU)
- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- International Organization for Migration (IOM)
- Transparent Responsive Accountable Citizen Engagement (TRACE)
- Election Resource Centre (ERC)
- Habakkuk Trust
- Zimbabwe Environmental Law Association (ZELA)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Lawyers For Human Rights (ZLHR)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe NGO Human Rights Forum.

## Abbreviations

ACHPR	African Commission on Human and People's Rights
CHRO	Chief Human Rights Officer
CSO	Civil Society Organisation
MOU	Memorandum of Understanding
IOI	International Ombudsmen Institute
GANHRI	Global Alliance for National Human Rights Institutions
NANHRI	Network of African National Human Rights Institutions
NHRI	National Human Rights Institution
TWG	Thematic Working Group
UPR	Universal Periodic Review
ZHRC	Zimbabwe Human Rights Commission
ZRP	Zimbabwe Republic Police
ZDF	Zimbabwe Defence Forces

# 1 Preface

## 1.1 Legal and Policy framework

The Zimbabwe Human Rights Commission (ZHRC) is the National Human Rights Institution (NHRI) for Zimbabwe set up by the Constitution of Zimbabwe, Amendment (No. 20) Act, 2013 (Sections 232 and 242) and the Zimbabwe Human Rights Commission Act [Chapter 10:30], for purposes of promoting, protecting and enforcing human rights. It is a hybrid institution with a dual mandate following its assumption of the functions of the now defunct office of the Public Protector. The Commission derives its mandate for its work from section 243 of the Constitution of Zimbabwe which provide for the functions as follows;

- a. to promote awareness of and respect for human rights and freedoms at all levels of society;
- b. to promote the protection, development and attainment of human rights and freedoms;
- c. to monitor, assess and ensure observance of human rights and freedoms;
- d. to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
- e. to protect the public against abuse of power and maladministration by the State and public institutions and by officers of those institutions;
- f. to investigate the conduct of any authority or person, where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person;
- g. to secure appropriate redress including recommending the prosecution of offenders where human rights or freedoms have been violated;
- h. to direct the Commissioner- General of Police to investigate cases of suspected criminal violations of human rights or freedoms and to report to the Commission on the results of any such investigation;
- i. to recommend to Parliament effective measures to promote human rights and freedoms;
- j. To conduct research into issues relating to human rights and freedoms and social justice; and
- k. To visit and inspect-
  - i. prisons, places of detention, refugee camps and related facilities; and
  - ii. places where mentally disordered or intellectually handicapped persons are detained;

In order to ascertain the conditions of detention, and to make recommendations regarding those conditions to the Minister responsible for administering the law relating to those places.

## **2 ORGANISATIONAL STRUCTURE OF THE ZHRC**

### **2.1 Commissioners**

The ZHRC has a compliment membership of nine (9) Commissioners including the Chairperson and Deputy Chairperson. These are; Commissioner Elasto Hilarious Mugwadi (Chairperson), Commissioner Dr. Ellen Sithole (Deputy Chairperson), Commissioner Muriel Kwanele Jirira, Commissioner Joseph Kurebwa, Commissioner Sheila Hillary Matindike, Commissioner Sethulo Ncube, Commissioner Professor Carroll Themba Khombe, Commissioner Japhet Ndabeni Ncube and Commissioner Pastor Petunia Chiriseri.

### **2.2 Departments within the Commission**

The ZHRC departments complement each other in implementing activities which envisage the work and mandate of the Commission as provided for in the Constitution. These departments are headed by an Executive Secretary who reports directly to the Chairperson. The Secretariat is divided into two main departments responsible for Programmes and Administration respectively.

#### **2.2.1 Programmes Department**

The Programmes Department, headed by the Deputy Executive Secretary – Programmes, ensures that the functions of the Commission as stated in Section 243 of the Constitution of Zimbabwe are carried out through implementation of various projects and activities. There are three (3) Units which carry out the day to day operations of the Programmes as follows;

##### **2.2.1.1 Monitoring and Inspections Unit (M & I)**

- The M & I Unit is there to facilitate the Commission's functions that are set out in Sections 243(1) (c) and 243(1) (k) of the Constitution. These are as follows:
- To monitor, assess and ensure observance of human rights and freedoms.
- To visit and inspect prisons, places of detention, refugee camps and related facilities;
- To visit and inspect places where persons with disability such as those with mental challenges are detained.

### **2.2.1.2 Complaints Handling and Investigations Unit (CHI)**

It was created to enable the Commission to exercise the functions set out in Section 243(1) (d) to (h) of the Constitution and is responsible for the handling and investigations of complaints. The functions include;

- To receive and consider complaints from the public and take such action in regard to complaints as it considers appropriate;
- To direct the Commissioner-General of Police to investigate cases of suspected criminal violations of human rights or freedoms and to report to the Commission on the results of any such investigations.

### **2.2.1.3 Education Promotions and Research Unit (EPR)**

The functions of the Commission that are the focus of the Unit are in Section 243 (1) (a), (b) and (j) of the Constitution namely:

- To promote awareness of and respect for human rights and freedoms at all levels of society;
- To promote the protection, development and attainment of human rights and freedoms; and
- To conduct research into issues relating to human rights and freedoms and social justice.

## **2.2.2 Administration Department**

The Administration Department is comprised of 4 units that deal with administration, finance, human resources, and information technology. It is headed by the Deputy Executive Secretary Administration who is supported by the Director Finance and the Director Human Resources.

## **2.2.3 Staff Establishment**

The staff establishment for the Zimbabwe Human Rights Commission by the close of 2017 stood at 74.5% of the total approved complement compared to 73% the previous year.

The table below gives a representation of the establishment.

Table. 1 Total Number of Employee by Gender

Female	Male			
	Permanent	Contract	Permanent	Contract
Executive Secretary's Office	2	0	0	0
Programmes	11	0	6	0
Administration	10	0	12	0
Projects	0	5	0	9
Interns	0	3	0	1
Total	23	8	18	10

#### 2.2.4 Turnover

During the year under review, the Commission did not incur any terminations. Thus, the Commission will strive to retain all its staff as it ring fences its investments into their capacity.

#### 2.2.5 Recruitment of Staff

The Commission engaged the services of Dr. Makanatsa Makonese as its Executive Secretary at the beginning of the year. Dr. Makonese is a human rights lawyer with international experience having worked in and implemented human rights, democracy and governance and rule of law programmes in a number of countries with a focus on the SADC region. The appointment ensured the filling in of the position for the head of Secretariat after the resignation of the previous Executive Secretary in August 2015. The Commission also recruited project staff, with support from funding partners, to help augment employee numbers as there remains a recruitment freeze from Treasury resulting in shortage of personnel in key positions of the organisation. A total of 14 project staff were recruited as follows:- 8 Human Rights Officers, 2 Drivers, and one each for Information Communication Officer, Monitoring and Evaluation Officer, Public Relations Officer, and Project Administrator.

#### 2.2.6 Organisational Development

The Commission undertook a Job Evaluation exercise in the later part of the year as the final phase of its Organisational Development process. The Job Evaluation exercise was to ensure that the Commission has a proper grading structure that talks to the approved organisational structure in line with its strategic plan.

### **2.2.7 Learning and Development**

The Commission in 2017 continued to capacitate staff members through Capacity Development workshops held locally, regionally and internationally as a way of strengthening its Institutional capability to deliver on its Constitutional mandate. There were also several members of staff who graduated during the year with post-graduate degrees in different fields. Of note, was the graduation of the Executive Secretary Mrs. Makanatsa Makonese with a Doctor of Philosophy Degree (PHD) from the University of Zimbabwe. Other staff members graduated at different levels in fields that include Accountancy, Administration, Governance, and International Relations.

### 3 OVERVIEW OF THE HUMAN RIGHTS SITUATION

This section addresses the key human rights issues that arose during the reporting period which, the ZHRC tracked through a number of its activities such as monitoring missions, investigations, promotions, commemorations and its media monitoring reports. In some instances ZHRC received complaints on the subject matter, investigated and undertook actions towards protecting the rights of communities affected.

During the year under review, alleged corruption in Government ministries and departments, Parastatals, Public Entities and the Private Sector highlighted the endemic culture of personal enrichment, political patronage and impunity which crippled service delivery across key sectors of the economy, further compromising protection and fulfilment of human rights of ordinary Zimbabweans.

In 2017, the Commission continued to receive complaints of illegal evictions of people from Manzou Farm in Mazowe District in Mashonaland Central Province and other districts around the country which violated the right to agricultural land, human dignity and many other rights. The Commission conducted investigations and compiled reports on some of the alleged illegal evictions all pointing to the need for security of tenure.

Flooding in Tsholotsho District in Matebeleland North displaced scores of people from their homes, and swept away infrastructure such as bridges in many parts of the country threatening livelihoods and impacting negatively on enjoyment of many other rights of affected communities. During the year, reports of alleged demolitions of dwellings and displacements of residents in Chitungwiza and Harare South were received and investigated by the Commission leading to recommendations that urged the government to implement planned relocations that protect the rights of vulnerable families.

The gazetting of Statutory Instrument (SI) 64 which outlawed the importation of certain basic commodities to protect local manufacturers from unfair competition against imported commodities, though introduced with good intentions affected the majority of consumers who relied on cheap imported basic commodities for local consumption, as citizens could hardly afford locally produced products. This threatened the enjoyment of many categories of rights including the right to food.

The year 2017 witnessed continued deterioration in service delivery in the City of Harare. Flooding in Mbare and other areas affected some households who lost personal property and contributed to a cholera outbreak which claimed the lives of some residents. Uncollected garbage, poor drainage systems, raw sewage left flowing in the open, water disconnections and a dilapidated road network were cited by residents and stakeholders as some of the issues contributing to the service delivery short-comings and hence to human rights violations. Households and victims affected by the flooding were yet to be compensated by the City Of Harare despite the existence of a Court decision to that effect.

In 2017, opposition parties appeared to struggle to offer any alternative to help alleviate the deteriorating human rights situation in the country as their calls to authorities to respect human rights went unheeded. Perennial disagreements, undermined the opposition parties' widely publicised endeavours to form a grand coalition to contest the 2018 general elections as a united front against the ruling ZANU PF party. To date, none of the opposition parties appear to have any manifesto or road map that promises positive outcomes for protecting and upholding human rights going into 2018.

Alleged widespread and pervasive corruption by the Zimbabwe Republic Police (ZRP), particularly the manner in which the Police Force were enforcing and managing roadblocks throughout the country were criticized by the public and were perceived to have perpetuated lawlessness and indiscipline among the Police Force, who through their conduct were accused of violating the rights of the motoring public, tourists and foreign visitors through alleged extortion. Human rights violations were committed against street vendors who were assaulted and had some of their wares confiscated by the ZRP and Municipal Police mainly in Harare during operations to clear the streets of vendors and during demonstrations against police heavy-handedness, respectively. There were allegations of some of the vendors and other protestors having been tortured in detention following their arrest. Efforts by the Commission to engage the Police following the completion of the Bulawayo (Burombo Flats) and Epworth reports on brutalities committed during the 2016 demonstrations were met with arrogance.

Towards the end of the year, the Commission started to monitor the Bio-Metric Registration (BVR) exercise launched by the Zimbabwe Electoral Commission (ZEC) to produce a new voters' roll for the 2018 General Elections. Some of the issues emerging from the BVR monitoring exercise included challenges by some

potential voters in obtaining proof of residence to enable them to register, the slow process for registration, limited publicity of the BVR exercise, misinformation about the purpose of the BVR exercise and alleged intimidation of people in some areas during the exercise. The Commission continued to advocate for the franchise to be extended to prisoners and people in the diaspora as well as implementation of political and electoral reforms to ensure the levelling of the playing field for the delivery of free and fair elections.

In the face of a constrained macro-economic environment, Government made commendable efforts to support the Command Agriculture Programme, resulting in a bumper harvest that secured the right to food for the majority of rural farmers and communities.

## 4 PROTECTION OF HUMAN RIGHTS

NHRIs have the responsibility to protect human rights, applying the necessary expertise and ensuring the integration of human rights in all areas that they have jurisdiction. During the period under review ZHRC conducted numerous activities in fulfilling this role. These include; monitoring the human rights situation in the country, monitoring the effective implementation of national, regional and international human rights standards in places of detention, receiving and investigating complaints, and carrying out human rights awareness programmes like outreaches, promotions, and commemorations.

### 4.1 Cases Dealt with in the Reporting Period

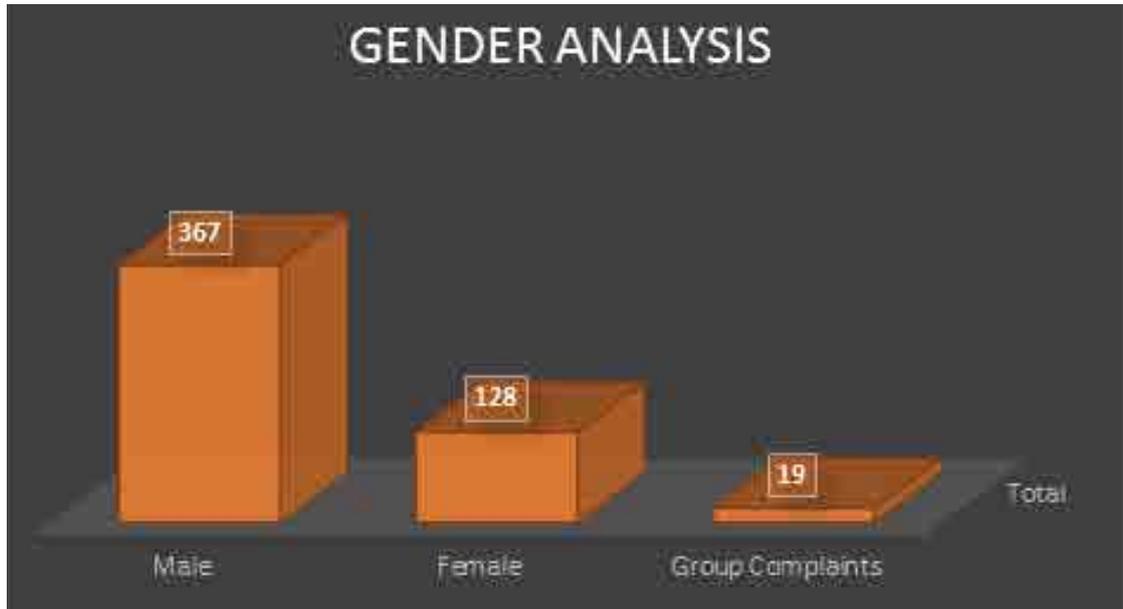
During the year under review, the ZHRC dealt with a total of six hundred and eighty nine (689) cases. One hundred and seventy five (175) cases of these were a combination of cases carried over from the previous year as well as cases submitted from the now defunct Public Protector's Office. These 175 cases were presented for closure before the Commissioners and one hundred and fifty four (154) cases were closed, with the remaining nineteen (19) deferred for further action. Therefore, ZHRC received a total of five hundred and fourteen (514) cases from the public in 2017. These were either lodged through email, messages, phone calls, letters and walk in.

### 4.2 Analysis of Complaints by Classification

Out of the five hundred and fourteen (514) cases received, two hundred and sixteen (216) were general cases; one hundred and twenty (120) were maladministration cases and one hundred and seventy eight (178) were human rights cases. ZHRC has no jurisdiction over the general cases. Thus, they were referred to organizations whose mandate deals with those matters. These organisations include the Legal Aid Directorate (LAD), Legal Resources Foundation (LRF), Zimbabwe Lawyers for Human Rights, Counselling Service Unit, and sister Independent Commissions, Some complainants were advised of a course of action to undertake in order to receive relevant assistance to their matter.

The cases received by the Commission in the human rights category related to rights such as; civil and political rights, property rights, right to food and water, equality and non-discrimination, children's rights arbitrary evictions and labour rights. In terms of the maladministration cases these mainly included; justice delays/omissions and non-payment of benefits or pension. In relation to the general cases these addressed civil or criminal litigation, deceased estates, labour cases and humanitarian assistance issues.

### 4.3 Analysis by Gender

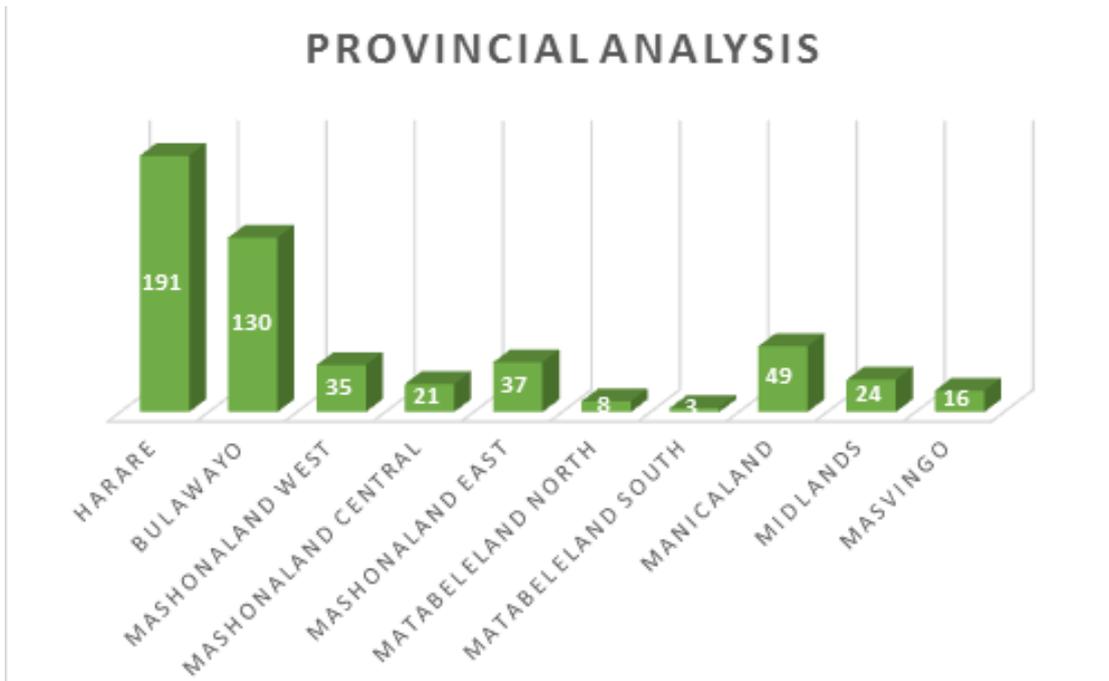


The above figure outlines three hundred and sixty seven (367) males, one hundred and twenty eight (128) females and nineteen groups approached ZHRC for assistance in the year 2017. The number of male complaints continues to increase and is higher than that of females by two hundred and thirty nine (239). ZHRC intends to research on the reasons why there are less women lodging complaints particularly on human rights violations considering they are a more vulnerable group susceptible to abuse and violation.

### 4.4 Analysis of complaints by provinces

The figure below illustrates the Provincial distribution of cases received during the year under review. The highest number of cases received were from Harare Metropolitan Province and Bulawayo Metropolitan Province. This is probably due to the geographical location of the two ZHRC offices which are in those two provinces while the Commission has no physical presence the eight (8) rural provinces of Zimbabwe. These rural provinces continue to register few complaints largely because of accessibility and visibility challenges of the ZHRC. It is crucial, therefore, for ZHRC to decentralize to all Provinces to ensure easier accessibility by members of the public.

#### 4.5 Analysis by status of cases



Out of the five hundred and fourteen (514) cases received, two hundred and one (201) cases were advised for alternative remedies; one hundred and nine (109) were referred to other organizations and two hundred and four (204) cases are pending before the Commission. The pending cases are still under investigation and either await responses from respondents or further particulars from the complainants themselves.

#### 4.6 Mobile Legal Aid Clinics

ZHRC has collaborated with various partners in order to conduct mobile legal aid clinics. These partners include the LRF, ZLHR, and the Zimbabwe Environmental Law Association (ZELA). Before conducting a mobile legal aid clinic in a specific area the Commission engages Councilors, Government Ministries/Departments and Community Leaders in order to establish and strengthen linkages with stakeholders in those areas. These platforms allow ZHRC to go to the people, making the organization more accessible in reaching communities in the various parts of the country. Furthermore, the mobile clinics promote the visibility of the ZHRC and facilitate access to its complaints handling mechanisms by vulnerable members of society. To date ZHRC conducted mobile legal aid clinics in Budiriro, Epworth, Murehwa, Harare South, Manyame (Chitungwiza peri urban), Karoi, Honde Valley, Nyanga, Mutoko, Lower Gweru District (Vungu), Gutu, Mutare Rural District, Chiredzi. These were attended, overage, by participants numbering between 70 and 130 people per meeting.

During the course of the year, the mobile legal aid clinics have contributed to improving ZHRC's visibility particularly in rural areas. The Commission received complaints ranging from 15 to 22 that stem from ZHRC's presence in the areas where mobile legal aid clinics were conducted. More cases were received by the office as a follow up to issues discussed during the legal aid clinics.

#### **4.7 Case Management System**

In 2017, the Commission embarked on a process of installing an automated case management system (CMS) which would see the ZHRC improve how it deals with cases as well as the turn-around time. This was done with the support from the United Nations Development Programme (UNDP). The development of the CMS was done by a hired information technology consultant with input and reviews by both the Secretariat and Commissioners. The Secretariat also received training on how to navigate the system. A manual was developed by the consultant on how to use the case management system. The consultant will continue assisting the Commission for an extended period until end of 2018 to ensure that the system runs efficiently.

#### **4.8 Cases Received by the Commission In 2017**

The ZHRC dealt with a number of cases as mentioned above in 2017 and below are highlights of some of the cases that the Commission dealt with during the period under review.

##### **4.8.1 Evictions**

The ZHRC investigated at least 5 cases of farm evictions where complainants were evicted from agricultural land for various reasons. The cases were received from Mashonaland West, Mashonaland Central and Manicaland. The evictions made the evictees vulnerable to the violation of other related rights. It was established through ZHRC investigations, that the complainants' rights to freedom from arbitrary eviction, right to shelter, education, health, administrative justice, freedom of movement, food, and water, right to dignity and other related rights were violated which left a lot of people in a sorry state. The cases mostly emanated from the fact that the Ministry of Lands, Agriculture and Rural Resettlement offered land to new owners in disregard of the fate of the current occupiers of the land who were not offered alternative land and in other instances the land they were offered was not suitable for agricultural and other livelihoods activities for instance in the Arnold Farm case in Mazowe

district. In allocating land to new owners, the Ministry of Lands also did not consider the needs of the former farm workers who were left homeless. Worse still, there is no policy position on the fate of the former farm workers once the farm has been allocated to new owners.

#### **4.8.2**

The ZHRC noted that the eviction of people from Arnold Farm without suitable alternative land was not sanctioned by the Courts as required by the law, therefore in violation of numerous rights. In the course of the evictions, the rights to; freedom from arbitrary eviction, education, health, administrative justice, freedom of movement were chief among those negatively impacted. It is worth noting that the issue of adequate compensation to the affected families continues to be a bone of contention which State institutions involved in this exercise have not prioritized. The State when effecting evictions through its institutions should ensure the evictees possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment, and other threats. The evictions at Arnold farm were not well coordinated between government agencies, thereby causing suffering by the evictees. In brief the evictions and demolitions at Arnold and Valeria farms were unconstitutional and are a clear violation of rights as stated in the Declaration of Human Rights.

#### **4.8.3**

It was noted that farm workers were arbitrarily evicted from Lesbury farm (in Makoni district of Manicaland province) at the same time that their former employer was being evicted. This reduced most of the farm workers to a homeless state as most of them did not know of any other home except for the farm as they were born and raised on the farm. It was also noted when the Ministry of Lands and Rural Resettlement in issuing offer letters does not consider the human rights violations associated with evictions that follow. The Ministry of Lands and Rural Resettlement must also raise awareness on land rights to communities. When passing judgments, the courts do not consider all the relevant circumstances that safeguard against arbitrary evictions. This has led to the vulnerability of many farm workers and their families.

### **4.9 Alternative Dispute Resolution**

In dealing with cases, the Commission has also realised that it is important were possible to utilise alternative dispute resolution methods to resolve cases. For example, a complainant, (respondent's son) approached the ZHRC and alleged

that during the 2016 -2017 farming season his father (a seasoned tobacco farmer) apportioned him a piece of land where he could farm tobacco on their farm. The complainant reported that he, his mother, and brothers would tend the crop and also provide labour to the father's crop which was in a separate field. When the crop was ready to be sold at the Tobacco Auction Floors, complainant's father went on to block him from selling his eight (8) bails of tobacco, alleging all the tobacco belonged to him.

The ZHRC contacted the complainant's father who requested the ZHRC to visit his homestead as he was willing to have the matter mediated within the confines of principles of natural justice and human rights, in an orderly manner. In determining its role in this matter, the ZHRC considered that the above matter needed a facilitative process of mediation in terms of Section 14 and 15 of Statutory Instrument 77 of 2016. Mediation is a process in which disputing parties engage the assistance of an impartial third party as mediator to help them try to arrive at an agreed resolution of their dispute. The ZHRC held a mediation meeting at the parties' homestead in Mashonaland East. Both parties were present and conceded to be joined in the meeting by the Respondent's wife who is also complainant's mother, the Village Chairperson, two of complainant's friends and 1 relative and 1 farm worker.

The ZHRC sought clarity from TIMB on the process followed when selling tobacco. It had a meeting with Tobacco Industry Marketing Board (TIMB) Public Relations Officer. ZHRC also had a meeting with Northern Tobacco Risk Administrator who informed the ZHRC that Respondent had stopped the release of funds from the sale of tobacco by complainant as he wanted to verify if it was not his own tobacco. He suspected that his son was stealing from him. At this point Northern Tobacco stopped the release. They advised that only when parties agreed and instructed them through an affidavit of how to release the funds, then would they disburse the funds. A Settlement was reached, and the parties agreed on how they would share the proceeds of the tobacco sales. The parties to the dispute confirmed having received the disbursements into their respective bank accounts as per the agreed settlement facilitated by the ZHRC.

## 5 MONITORING OF HUMAN RIGHTS

The functions of the ZHRC are stipulated in Section 243 of the Constitution and Section 243(1)(k)(i) imposes a duty on ZHRC to visit and inspect prisons, places of detention refugee camps and related facilities. The ZHRC has interpreted the term “related facilities” widely to include all institutions where people are kept or detained.

The monitoring function of the Commission, seeks to enhance the participation of vulnerable and marginalised groups in claiming their rights. Unannounced and systematic inspection of conditions of detention is an effective means of preventing torture and ill treatment and other forms of human rights violations. Therefore, through this monitoring role, ZHRC contributed in improving conditions of detention in compliance with national, regional, and international standards. This entails that there must be adequate accommodation, ablution facilities, personal hygiene, nutrition and medical treatment, among other requirements. ZHRC has developed tools to guide and allow monitors to gather relevant information to assess the conditions of children’s homes and old people’s homes. After monitoring the above mentioned institutions, ZHRC submitted recommendations to responsible Ministers who administer the laws relating to those places. ZHRC has continuously engaged government ministries and other stakeholders who have cooperated in the development of action plans emanating from the recommendations in order to address the conditions in places of detention. ZHRC uses the action plans to track implementation of recommendations by the responsible institutions. The main challenges that these institutions are facing relates to limited resources which have caused most of them to function below optimal standard of operation. Therefore, Treasury is recommended to disburse adequate funds to Ministries which administer detention centres.

During the period under review ZHRC monitored three prisons, one mental health facility, three children’s homes, three old people’s homes and the Tongogara Refugee camp. The following are the findings from the detention centres:

### 5.1.1 Prisons

Since the beginning of operations in 2014, the ZHRC has conducted 25 monitoring and inspection visits out of 46 prisons around Zimbabwe. In 2017, ZHRC inspected Marondera Farm Prison and noted that prison conditions remain poor. The minimum human rights standards for the prisoners were not being met. In as much as the environment was generally clean the state of the cells and institutions infrastructure were in a bad state. Female inmates were residing in wooden cabins and male cells had broken windows and cracked walls, not conducive for any whether conditions. Once again issues such as a poor diet, limited bedding, poor clothing, shortages of drugs, limited detergents and toiletries were noted in the monitoring teams findings. The ZHRC visited Harare Remand Prison in a bid to assess the human rights standards conditions of detained illegal foreign immigrants and noted that challenges of delayed deportation and resolution of prohibited immigrants' issues led to their unnecessary lengthy stay at the prison. Ordinarily prohibited immigrants in Zimbabwe are housed in prisons as there are no specific detention facilities for them. This means that they are subjected to prison conditions when they have not committed criminal offence. The ZHRC continues to follow up on the implementation of its recommendations with the various stakeholders such as Immigration, ZPCS and Ministry of Home Affairs.



*Showing state of women cell (left) and male cell (right) at Marondera Farm Prison*

### 5.1.2 Mental Health Facilities

The Commission monitored Chikurubi Special Institution for Forensic Care and was pleased to be informed that one of the recommendations it made to Parliament in 2016 concerning, resuscitating the operations of the Special Board and the Mental Health Tribunal which make and review orders about the treatment and care of people with mental illness was finally adopted. The ZHRC monitoring team was informed by authorities of the facility that both Boards had been fully constituted and would be commencing meetings in due time. Thus, ZHRC encourages the Boards to commence meetings which will in the long run alleviate the number of inmates in the facility by discharging all eligible cases.

At the time of the visit, the institution was sufficiently resourced owing to the financial, human and technical assistance provided by Medecins San Frontiers (MSF) International. However the Sister in Charge indicated that the MSF program was coming to an end in December 2017, therefore, ZHRC recommended Government to strategise towards resource mobilisation to ensure that the institution stays afloat financially.



*Picture above showing ZHRC and ZPCS officer addressing mental patients at Chikurubi Special Institution*

### 5.1.3 Children's Homes

During the period under review ZHRC monitored Thembiso Children's Home in Bulawayo province, Manhinga Children's Home (Manicaland province) and Mutare Probation Home (Manicaland province). Thembiso and Manhinga children's homes are private owned whereas Mutare Probation Home is a Government institution. However, there were slight differences in comparison. The enjoyment of human rights by institutionalized children in children's homes was to a large extent being met. In terms of the living conditions, the ZHRC found that the homes monitored had adequate bedding and meals comprised of a balanced diet and health services were accessible at nearby clinics. The common challenge found in all children's homes was that of the right to identity and birth registration as provided for in the constitution of Zimbabwe. The homes faced challenges in ensuring that children had birth certificates for those who had no known relatives. At one of the homes there was a total of 19 children without birth certificates. The ZHRC made a recommendation to the Ministry of Public Service, Labour and Social Welfare to regularize this position.

### 5.1.4 Older People's Homes

The old people's homes that ZHRC inspected in 2017 were Entembeni Old People's Home in Bulawayo, Makoni Old People's in Rusape (Makoni District) Home and Zororai Old People's Home in Sakubva, Mutare urban. The main findings that stemmed from inspecting these homes related to shortage of resources thereby solely relying on donor funding in order to operate. This is not sustainable as the primary source of their funding should be the Government of Zimbabwe. As a result, meeting the minimum standards as provided for in International Instruments such as the United Nations Principles for Older Persons Resolution 46/91 adopted by the General Assembly in 1991, and the Madrid International Plan of Action on Ageing, remained a challenge. These Principles encourage Governments to provide older persons with access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help. Makoni Old people's home was particularly in a sorry state, with challenges in the provision of bedding, clothing, food and other accessories for the older persons. The Ministry of Labour and Social Services indicated that providing the homes with adequate funding remained a challenge for Treasury due to the harsh economic environment. This calls for the support of partners and other well-wishers so that older persons continue to enjoy their human rights even in institutions.



*ZHRC staff talking to a board member and care givers (standing) at Makoni Old People's Home and some of the older persons (seated) institutionalised there.*



*ZHRC staff interviewing the matron at Zororai Old People Homes.*

### 5.1.5 Refugee Camp

ZHRC conducted its first monitoring visit to Tongogara Refugee camp in August 2017. The Commission's findings on the monitoring mission related to issues of, amongst others housing, religion, education and livelihoods. ZHRC applauds the State and its cooperating partners for efforts invested in addressing basic services to ensure the observance and enjoyment of human rights for refugees and asylum seekers in the country. However, the issue of the right to work and the freedom of movement of the asylum seekers and refugees remained a hindrance in meeting the minimum human rights standard for the groups because of the encampment policy that Zimbabwe has adopted. In as much as Zimbabwe entered reservations on four provisions entrenched in the 1951 Refugee Convention, the State is still obliged to uphold obligations in other regional and international treaties such as the African Charter on Human and People's Rights, International Covenant on Economic Social and Cultural Rights and International Covenant on Civil and Political Rights which protect the freedom of movement, right to work, provision of social security and public relief. The ZHRC recommends that Government revisits and reconsiders its reservations to the UN Refugee Convention so that the refugees and asylum seekers in the country can enjoy increased rights.



*Picture above shows ZHRC monitors at the Tongogara Clinic*

### 5.2 Monitoring and Observing Elections

Election monitoring is a crucial role for the Commission, involving the observation of the conduct of the election process in line with national legislation, regional and international human rights and election standards. This function is inclusive of the right to free and fair elections as provided for in the Constitution of Zimbabwe 2013 and the Electoral Act, (Chap 2:13). Throughout monitoring of elections, ZHRC receives complaints and investigates matters relating to elections. In addition, ZHRC releases press statements of the electoral process alerting the public of preliminary findings and recommendations in the period leading to the elections.

### 5.2.1 By Elections

ZHRC in the year 2017 monitored and observed on Election Day two By-Elections which took place in Bikita West and Mwenezi East. Some of the findings which stem from the By-Elections observed by the Commission in 2017 relate to amongst others; distribution of food aid on political lines and meddling of traditional leaders in political party activities as well as threats and intimidation of communities by political actors. ZHRC publication of distribution of food on political lines triggered positive redress mechanisms by relevant authorities thus, deterring the occurrence of such actions in future elections. This deterrence was evidenced during the Mwenezi East By-Elections, where the ZHRC observed and received confirmation from the public that food was distributed to all members of the community on a first time basis without considering political affiliation.

### 5.2.2 Biometric Voter Registration Exercise

In line with the undertaking of the scheduled 2018 harmonised elections, the Zimbabwe Electoral Commission (ZEC) commenced a blitz exercise nationwide of the Biometric Voter Registration (BVR), towards encouraging the public to register, which was arranged in four phases. ZHRC prudently took part in this exercise, allowing the Commission an opportunity to appreciate the process and assess whether the public are fully enjoying their human rights. ZHRC Programme officials were accredited as observers and participated in phases one and three of the blitz exercise.

The Commission monitored the BVR exercise in three provinces in the month of October and November 2017. These were Harare Metropolitan Province, Masvingo Province and Matebeleland South Province. Overall the BVR process moved swiftly at the Centres observed by ZHRC monitors in the three Provinces. The registrants were satisfied with the undertakings of the process. ZHRC acknowledges the ZEC commitments to situate BVR Centres in areas which had been selected for all the phases. ZHRC found that there was presence of voter educators in different parts of the provinces. The registrants confirmed that there were educators who disseminated flyers and educated the communities at gatherings such as church functions, schools, cattle dipping areas and social welfare distribution sites.

The ZHRC received complaints during this exercise on the secrecy of the ballot where some registrants alleged that the serial numbers on their registration

slips were being recorded. The issue was raised with ZEC who assured the ZHRC that this misconception was being addressed through voter education.

In light of ZECs continuation to roll out the BVR exercise, ZHRC recommends the putting up more visible signs, particularly waterproof at least a couple of metres before the BVR Centre and to ensure that all BVR Centres cater for people with disabilities in terms of convenience and to consider an alternative source of energy since solar is affected by adverse weather conditions.

### 5.3 ZHRC on the International Front

A State that ratifies or accedes a human rights treaty, assumes a legal obligation to report on the implementation of the rights and standards enshrined in that treaty. The State is obligated to adhere to the human rights standards of the treaty and to submit periodic reports to the treaty body. These periodic reports should be submitted timeously and this goes to show the States commitment to observe the treaty obligations. The United Nations High Commissioner for Human Rights prescribes nine core international human rights instruments that States are expected to be a part of. Zimbabwe is party to six out of the nine international instruments. The three international treaties that Zimbabwe has not yet ratified are the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance. ZHRC developed a position paper underlining the importance for Zimbabwe to ratify these three instruments, particularly CAT. Therefore, the Commission will continue to lobby Government to ratify the remaining core international Human Rights Treaties. Once a State Party has ratified a particular treaty it assumes implementation, reporting and other reporting obligations. Unfortunately Zimbabwe continues to have a backlog in submitting reports to the relevant treaty bodies. Examples are shown below :

- International Convention on the Elimination of Racial Discrimination (CERD) - overdue report (June 2000)
- International Covenant on Civil and Political Rights - overdue report (June 2002)
- International Covenant on Economic Social and Cultural Rights - overdue report (June 1998)

- Convention on the Rights of Persons with Disabilities - overdue (October 2015)
- Convention on the Elimination of Discrimination against Women- overdue (Feb 2016)
- Convention on the Rights of the Child - up to date

Government has acknowledged in the 2016 Universal Periodic Review (UPR) report that it faces human and financial resource constraints in compiling the state party reports. Furthermore, the absence of a full time team responsible in compiling the reports compounds the problems. ZHRC has not yet taken part in submission of complimentary reports to the treaty bodies due to resource constraints as well. The Commission foresees active involvement in the long run when the organizations capabilities have been enhanced in terms of both financial and human resources. Therefore, ZHRC recommends Treasury to take into consideration this crucial role by both Government and ZHRC when it allocates resources through the budgeting process.

### **5.3.1 Universal Periodic Review (UPR)**

ZHRC continues to be actively involved in Charter Based Mechanisms such as the UPR. At the 2nd cycle UPR review meeting of Zimbabwe held on 2 November 2016, Zimbabwe received a total of 260 recommendations, of these 142 were accepted, 18 were noted and 100 were to be the subject of further consideration by Zimbabwe before the thirty-fourth (34th) Session of the Human Rights Council (HRC) in March 2017. Out of the 100 deferred recommendations Zimbabwe accepted 14 at the adoption meeting held in March 2017. The remaining 86 recommendations did not receive the support of Zimbabwe and were therefore noted. The Chairperson of the ZHRC made a statement in which he expressed appreciation for the commitment shown by the country in committing to the UPR process. Therefore, ZHRC has developed an Implementation Plan to track Governments progress in implementing the accepted recommendations. Furthermore, ZHRC continues to encourage Government to comply with the commitments it has made to the process.

### **5.3.2 African Commission on Human and People's Rights (ACHPR)**

National Human Rights Institutions (NHRIs) in Africa, partner with the ACHPR ensuring the implementation of the African Charter on Human and People's Rights at national level and fulfilling the mandate to promote and protect human rights. In addition this partnership complements NHRIs advisory role to

the competent authorities, receiving complaints, investigating and remedying human rights violations and the dissemination of information and education on various human rights issues. ZHRC was granted Affiliate Status in May 2017 at the 60<sup>th</sup> Ordinary Session of the ACHPR held in Niamey, Niger. This status accords the Commission the rights to be invited to sessions of the Commission; and to participate, without voting rights, in deliberations on issues which are of interest to ZHRC, and submit proposals which may be put to a vote at the request of any Member of the Commission.<sup>1</sup> ZHRC will have the responsibility to present their activity reports to the Commission every two years.<sup>2</sup>

### 5.3.3 'A' Status Accreditation Conference

The ZHRC on the 30<sup>th</sup> of June 2017, held a conference to celebrate its accreditation, with an 'A' status rating, by the Global Alliance for National Human Rights Institutions (GANHRI). Participants at the conference viewed and discussed a documentary on the ZHRC's Journey to 'A' Status Accreditation. ZHRC's accreditation means that the Commission has become a legitimately acknowledged body which can participate fully in international and regional meetings, holding office and exercising voting rights on all the agenda items of GANHRI's meetings. This is important in that Zimbabwe is now part of the global village with a voice in the human rights discourse. The Guest of Honour, was the Speaker of the National Assembly and former ZHRC Chairperson who presented a paper entitled, *"An Effective National Human Rights Institution (NHRI): What does it entail?"*.

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<sup>1</sup>370: Resolution on the Granting of Affiliate Status to National Human Rights Institutions and specialized human rights institutions in Africa - ACHPR/Res. 370 (LX) 2017.

<sup>2</sup>Ibid.



*ZHRC A Status Accreditation Certificate with the Global Alliance for National Human Rights Institutions (GANHRI)*

Key recommendations to the ZHRC were that it should be alive to human rights issues in the country at any given time and not to only react to media reports and NGO monitoring reports. The Commissioner General of Police must comply with any directive given to him and ZHRC must make a follow up on all cases so referred for further investigations, the ZHRC must publicise decisions and concerns of the Commission to gain public confidence and legitimacy and for the ZHRC to guard jealously the 'A' status by professional and effective handling of human rights issues among other recommendations.

## 6 PROMOTION OF HUMAN RIGHTS

During the course of 2017 ZHRC continued to advance work on the promotion of human rights in fulfilment of one of its core functions as entrenched in the Constitution of Zimbabwe Amendment (No.20) Act 2013 in Section 243 (1) (a), that is:

*“to promote awareness of and respect for human rights and freedoms at all levels of society”*

To this end the Commission, continued to build on promotion efforts made in the previous years, employing multifaceted strategies and approaches that included roadshow outreaches, commemorations of key human rights days, engagement meetings with duty bearers such as Government Ministries, Departments, Agencies, Local Authorities and Civil Society Organisations (CSOs) and production and distribution of Information, Education and Communication (IEC) materials.

The awareness raising strategies were aimed at promoting visibility of the Commission so as to enhance service delivery by empowering communities with information to enable them to protect and claim their rights. In addition, the promotion work also aimed at raising awareness on fundamental human rights and freedoms as provided for in Chapter 4 of the Constitution of Zimbabwe. Reference was also made to international and regional human rights treaties Zimbabwe is party to. Further, recognition of the equality of all human beings including gender equality which are some of the nation's founding values and principles as provided for in Section 3 of the Constitution of Zimbabwe was also highlighted.

### 6.1 Human Rights Awareness Raising through outreaches

In 2017, ZHRC conducted a total of twenty five (25) public awareness outreaches in different parts of the country in both urban and rural area that included Lupane, Bulawayo high density suburbs, Epworth, Makonde, Hwedza, Uzumba Maramba Pfungwa (UMP), Vhungu Rural District Council in the Midlands and in Marange District. Over 11 000 people directly participated in the roadshow outreaches but the number reached is far much higher if those indirectly reached are factored in taking cognisance of the resultant multiplier effect.



*Participants in attendance at the Overspill roadshow awareness outreach in Epworth held on the 28th of March 2017*

These activities were supported by UNDP (under the project: Strengthened access to quality, inclusive and responsive human rights delivery), GIZ (under the Governance Programme) and International Office for Migration (IOM) (under the project: Strengthened human rights monitoring and protection in Zimbabwe). The Commission conducted these awareness roadshow outreaches under the theme dubbed 'Taking the Commission (ZHRC) to the people' adopted in 2016.



*Participants in attendance at ZHRC awareness raising outreach at Nketa Hall in Bulawayo on the 22nd of June 2017*

The Commission's awareness raising programmes led to a notable and steady increase in the number of complainants brought forward to the Commission over the years by the general public. In 2015 the ZHRC handled 278 cases, 515 cases in 2016 and 689 in 2017 the ZHRC received 689 cases which is a 148% increase in the number of cases received by the Commission between 2015 and 2017. Furthermore, the increase was quite noticeable in the Bulawayo office which before the outreaches from January to June 2017 received on average 10 cases per month but this rose up to 25 cases on average per month from June to December 2017 after conducting the outreaches.



*Children were part of the participants ARDA – Anjin Resettlement outreach held on the 25th of October 2017 in Manicaland*

The roadshow outreaches also served a dual role of awareness raising while offering a platform for conducting mobile clinics enabling people to lodge complaints on site during and after the outreaches so as to access redress. This gave an opportunities to the rural communities of ARDA - Anjin resettlement, Mutawatawa, Muswe and Nhakiwa in UMP, Garaba, Goto and Mukamba in Hwedza, Chiwundura, Muchakata and Ndimi business centres in the Midlands to mention a few, to lodge their complaints with the ZHRC. Over 100 cases/complaints were received ranging from human rights abuses, matrimonial issues, civil disputes, maladministration related complaints, pension-related complaints, maintenance, birth and death certificates cases and criminal matters during the outreaches. In instances where complaints were not admissible considering the mandate of the Commission, the ZHRC gave legal advice and referred the cases to stakeholders better placed to deal with the cases. Some of the complaints lodged affecting the communities in general were as follows:

## Summary of human rights issues raised during the outreaches

<b>Nature of Right</b>	<b>Issues around the particular right</b>	<b>Place/s issue was raised</b>
Right to housing	Overcrowding as nineteen (19) people share four (4) rooms and one (1) toilet. In the case of Mabutweni, residents reported they face challenges in their efforts to extend their houses as a fee (US\$500.00) is required by Council which they cannot afford. In the case of Arda Anjin, residents have no ownership documents for the houses allocated to them.	Mabutweni in Bulawayo and ARDA - Anjin in Marange
Right to education	Withholding of examination results and certificates by schools over non - payment of schools fees.  OVCs unable to access education due to lack of resources and guardianship.  Shortage of teachers at some schools in UMP with some having as few as two (2) teachers to take care of the whole school an example given being Marava.  Ministry of Primary and Secondary Education (MOPSE) withdrew temporary teachers with no plans for replacements which has created shortage of teachers in schools in UMP.	Nketa, Epworth, and UMP
Rights of persons with disabilities	Persons with disabilities being left out in development initiatives within their communities which exacerbates poverty levels among them.	Nketa Mabutweni and Entumbane in Bulawayo
Right to food	Partisan food distribution of food relief	Nketa Mabutweni Entumbane Overspill and Munyuki in Epworth
Political rights	Violations of political rights during elections including being coerced to vote for particular political parties and being forced to join certain political parties and being told who to vote for.	Munyuki in Epworth Mabutweni in Bulawayo
Environmental rights	Non collection of refuse.	Epworth both at Munyuki and Overspill
Women's rights	Men being victims of gender based violence but not taken seriously when they report matters to the police.	Munyuki in Epworth
Right to safe clean and portable water	Un-serviced water supplies thereby leading to unclean water supply and poor water supplies.	Epworth Chitsungo, Mutawatawa Muswe and Nhakiwa
Right to healthcare	Non - access to maternity medical services resulting in unsafe home deliveries. Non - supply of mosquito nets in light of the malaria outbreak?	Epworth Chitsungo Mutawatawa Muswe and Nhakiwa in UMP

Children's rights	Prevalence of child marriages	Nketa Mabutweni in Bulawayo
Right to birth registration	Inability by grandparents and guardians to satisfy requirements of the Registrar's Office which are rigid concerning birth registration for OVCs particularly in the absence of mothers.	Chitsungo Mutawatawa Muswe and Nhakiwa in UMP

## 6.2. Establishment of collaborative platforms to facilitate the work of the Commission

Preceding the outreaches which were carried out in the various areas were seven (8) stakeholder engagement meetings conducted with duty bearers such as Rural and Urban District Councils and Human Rights Organisations operating in the areas the outreaches were later conducted. The engagements were held in Chiredzi, Bulawayo, Epworth, Vungu, Hwedza and UMP and Marange – Zimunya. Through the engagement meetings, ZHRC managed to reach out to over two hundred and ten (210) councillors, seventy (70) human rights organisations and over one hundred (100) duty bearers from Government ministries, departments and agencies. After these engagement meetings, the ZHRC received complaints from the councillors and duty bearers who were present on human rights issues affecting their communities.

The engagement meetings went a long way to de-mystify human rights and deal with misconceptions regarding the Commission (for example, the Commission being viewed as an NGO) resulting in more and more duty bearers, in particular, District Administrators, Councillors, Chiefs and Headman and Kraal Heads being more receptive of the Commission's work and taking an active role in organising the outreaches. Furthermore, these stakeholder engagement meetings gave a platform for the ZHRC to create collaborative relationships with different Human Rights and Community Based Organisations in the areas visited, towards the realisation of the mandate of the ZHRC to promote, protect and enforce human rights.



*A ZHRC Human Rights Officer making a presentation at the engagement meeting held at the Chiredzi RDC on Tuesday, 10 October 2017*

### **Human rights awareness through commemorations of key human rights days**

ZHRC continued to commemorate key human rights days as a strategy to further raise visibility of the Commission, raise awareness on human rights and establish collaborative platforms. The commemorative events hosted by the ZHRC in 2017 included the International Human Rights Day, the Day of the African Child and the International Women's Day.

### **6.3 International Human Rights Day Commemoration**



*ZHRC Commissioners (from left Prof Carroll Themba Khombe, Sheilla Hillary Matindike, Dr Ellen Sithole and Kwanele Muriel Jirira) follow proceedings at the 2017 International Human Rights Day in Harare.*

As it has become a norm within the ZHRC, on the 8<sup>th</sup> of December 2017, the ZHRC in partnership with Government Ministries, Departments, Agencies and Civil Society Organisations joined the rest of the world in commemorating the International Human Rights Day (IHRD). The commemorations were held at Takashinga Cricket Ground in Highfield, Harare. The 2017 commemorations were held under the theme #StandUp4HumanRights which focused on the need for people to stand up for their own rights and those of others and also the commemorations marked the beginning of year-long celebrations on the 70th anniversary of the UDHR.



A Commemorative March was held in Highfield as component of the proceedings of the IHRD Commemorations held on 8 December 2017

This event played a crucial role in raising the visibility of the ZHRC as well as raising awareness on human rights through the speeches that were delivered during the commemorations, pre event roadshow, newspaper supplement in the Standard (with a readership of approximately 350 000 people), live radio coverage and jingles played on Star FM, (with a listenership of approximately 6,000,000 people) interviews on Star FM, ZBC TV and media coverage by various other media houses. Furthermore, a total of over forty (40) organisations were engaged in preparation of the event whilst nine (9) organisations joined the ZHRC to put up exhibitions. The exhibitions gave the ZHRC an added strategy to enhance its visibility by interact with the general public on a one to one basis at the same time distributing hundreds of IEC materials mainly abridged versions of Declaration of Rights in English and Shona (700), T-shirts (500) and brochures (1 000).

The event was graced by Mrs. Virginia Mabhiza, Permanent Secretary for Ministry of Justice, Legal and Parliamentary Affairs representing the Minister, Honourable Ziyambi Ziyambi who was supposed to be the Guest of Honour. Some of the Guests included the Swedish Ambassador, second Secretary from the Australian Embassy, UNDP Country Director, representatives of the Office of the Harare Metropolitan province, and many Civil Society Organisations, Government Officials and Artist Groups. In total approximately one thousand five hundred (1500) participants.



*Older persons were part of the gathering to mark the 2017 International Human Rights Day*



*Participants follow proceedings at the belated commemorations Day of the African Child at SOS children's village, Bulawayo on 15 July 2017*

ZHRC also conducted commemorations of the Day of the African Child held in partnership with SOS Children's Villages Bulawayo on the 15<sup>th</sup> of July 2017 at Herman Gmeinner Primary School Hall. The commemorations were held under the child friendly version of the theme: *"Accelerating protection, empowerment and equal opportunities for children in Africa by 2030"*. These commemorations were attended by two Hundred (200) children drawn from eight different children's homes in Bulawayo which include Isiah Children's Home, Thembeiso Children's Home, Khayelihle Children's Home, Emthunzini Wethemba Children's Home, Mustard Seed Children's Home, Sandra Johnes and Sir Humphrey Gibbs Children's Homes. The event was graced by the Child Vice President of Zimbabwe, Child Minister of State for Bulawayo Metropolitan Province, Senior Minister of State of Bulawayo Metropolitan Province, ZHRC Commissioners resident in Bulawayo, Child Parliamentarians resident in Bulawayo, representatives from government ministries/ departments and agencies and representatives from Civil Society Organisations. ZHRC distributed two hundred and fifty (250) t-shirts, three hundred (300) brochures and two hundred and fifty (250) simplified Declaration of Rights for awareness raising purposes.

#### **6.4 Awareness Raising through Exhibitions**

The ZHRC successfully mounted 5 (5) exhibitions at Zimbabwe International Trade Fair (ZITF) in Bulawayo, Harare Agricultural Show and Khaya Arts Modelling Show and Exhibition in Bulawayo, NGO Expo in Harare and at the Gender Forum in Harare. The exhibitions contributed immensely to the awareness efforts giving the Commission a platform to interact with the general public.



*Students at the ZHRC stand during the Harare Agricultural Show which the ZHR participated from 21st to the 26th of August*

During the ZITF the ZHRC was one of the 175 exhibitors showcasing their work at the 58<sup>th</sup> edition of ZITF 2017, which took place from the 25<sup>th</sup> to the 29<sup>th</sup> of April 2017. The ZHRC stand attracted an average of 65 visitors per day. The ZHRC also, from the 21<sup>st</sup> to the 26<sup>th</sup> of August, 2017 participated at the annual Harare Agricultural Show (HAS) exhibitions. The HAS provided an opportunity for the Commission to promote its visibility, enhance public awareness of its mandate and functions and highlight its achievements since inception in 2010. The Commission reached out to Radio Zimbabwe listeners through live radio coverages, while over 1,000 people passed through the ZHRC Exhibition Stand and interacted with the Commission Secretariat.



*Part of the crowd at the exhibitions, on the 6th of May 2017 at Tshabalala terminus, Bulawayo.*

### **6.5 Awareness Rising through IEC materials distribution**

In 2017 the Commission distributed over 20 000 IEC materials in three languages, English, Ndebele, Shona and these included simplified Declaration of Rights, brochure on the Mandate and Work of the Commission, Complaints Handling and Investigations brochure, Gender Equality and Women's Rights Thematic Working Group brochure, newsletters, branded t-shirts, pens and caps. These were distributed at the roadshows, outreaches, exhibitions, engagement meetings and commemorations. The distribution of these materials helped in raising visibility of the ZHRC and ensured communities were left with sources of knowledge and information on human rights as well as how to report issues to the ZHRC.

## 7 THEMATIC WORKING GROUPS (TWGs)

For the better exercise of its functions, ZHRC established 8 Thematic Working Groups. These were established in terms of the Zimbabwe Human Rights Act (Chapter 10:30), Section 3(2) as read with the First Schedule paragraph 7. The working groups were created to take responsibility for the specialized thematic issues they focus on. This was in recognition of the importance of drawing on expert input of relevant stakeholders and to promote inclusiveness, openness, transparency, participation and accountability in the work of the Commission. This was premised on the understanding that human rights are multi-faceted and require a collaborative, consultative and inclusive approach. Working groups also helped in building and strengthening networks and coordination on issues of common interest. Membership of these working groups was drawn from persons who work in those particular fields and as such assisted in bringing key human rights issues and violations peculiar to the thematic area. The 8 TWGs are;

- Economic, Social and Cultural Rights
- Civil and Political Rights
- Children's Rights
- Environmental Rights
- Special Interest Groups
- Gender Equality and Women's Rights
- International Treaties and Agreements, and
- Capacity Building

### 7.0. Operationalisation of TWGs

In the course of the reporting period, ZHRC operationalised the remaining four (4) TWGs which are; Economic, Social and Cultural Rights TWG, Civil and Political Rights TWG, International Agreements and Treaties TWG and the Capacity Building TWG. The TWGs have appointed members and have terms of reference guiding the functioning of the groups in place.

#### 7.1 Children's Rights Thematic Working Group (CRTWG)

Having completed developing its work plan, the CRTWG conducted a Children's Rights Capacity Building Workshop for Commissioners and Programmes Secretariat from 31 October to 2 November 2017, which enhanced participant's awareness of International and Regional Instruments on Human Rights, State Party Reporting, UPR, SDGs and Legal and National laws and Policies on Children's Rights. The training was financially and technically funded by Save

the Children Zimbabwe. Other resource persons for the training included UNICEF, UNDP, Ministry of Justice, Legal and Parliamentary Affairs, Ministry of Public Service, Labour and Social Welfare and Zimbabwe National Council for the Welfare of Children.



*Participants following proceedings at the Children's Rights Capacity Building Workshop held from the 31st October to the 2nd of November 2017*

## **7.2 Thematic Work Group on Gender Equality and Women's Rights**

The Gender Equality and Women's Rights (GEWR) successfully developed a work plan for 2017 and co-opted new members to the TWG namely Musasa Project and Katswe Sistahood to strengthen the TWG in terms of expertise. The Commission issued a Press Statement to commemorate International Women's Day on 8 March 2017 published in the Chronicle and Newsday on 8<sup>th</sup> March 2017 and it was also posted on the ZHRC Website. The TWG was also represented at the national International Women's Day celebrations held at the Harare International Conference Centre.

During the third quarter of 2017 the TWG on GEWR reviewed concept notes for the Training and Engagement Meeting with Sexual Health and Reproductive Health Stakeholders and Enhancing Women's Participation in the 2018 General Elections. A meeting was subsequently held with UNFPA which indicated in principle their willingness to support the training workshop on Sexual and Reproductive Rights. Concurrently another meeting was held with Habakkuk Trust in Bulawayo on sourcing for funding radio programmes to promote

Women's Participation in the 2018 General Elections. The Commission also participated in UN Women meeting where it unveiled focus areas for its various programmes for 2018 onwards and thereafter a meeting was held between UN Women and the Commission to explore areas of collaboration. The TWG also managed to review factsheets on the Gender Provisions in the Constitution as well as Gender Based Violence. The Gender and Women's Rights TWG also participated and represented the Commission at various forums that included at the National Gender Forum which was hosted by the Zimbabwe Gender Commission from the 19<sup>th</sup> to the 20<sup>th</sup> of October at Cresta lodge Harare where the Commission also mounted an exhibition showcased its work as well as distributing IEC material on the mandate and functions of the Commission.

### **7.3 Thematic Work Group on Special Interests Groups (SIG)**

The TWG of Special Interest Groups also put in place its work plan and held quarterly meetings. The TWG enhanced the Commission's ability to serve People with Disabilities by ensuring two members of the ZHRC Secretariat were trained in sign language in collaboration with Deaf Zimbabwe. The Special Interest Groups TWG also engaged the World Bank on the issue of putting in place a national mechanism for accessing of sun-creams lotions and spectacles at referral hospitals and clinics by People with Albinism after learning that the Bank had prioritized the issue and this is still work in progress.

The TWG on SIG conducted validation meetings on the findings of the Research Report on the Human Rights Situation of the San Community conducted 2016. The validation meetings were conducted with the Provincial Director for Education, Provincial Administrator, District Administrator, Department of social services, centre headmen, councillors from ward 7, 8 and 10, Chief Tategulu and the Ministry of Rural Development, Promotion, and Preservation of Culture and National Heritage. The validation with duty bearers constituted the final step before the report is adopted and distributed to stakeholders.

### **7.4 Environmental Rights Thematic Working Group**

For the year ending 2017, the thematic working group carried out various engagements and these are some of the major ones undertaken;

*Implementation Of The Right To Water In Zimbabwe; 28 February 2017  
– Rainbow Towers Harare*

The workshop was convened by the Community Technology Development Trust. The key participants at the meeting were members of non-governmental organisations, Zimbabwe National Water Authority (ZNWA), the Harare City Council, traditional leaders from various provinces in the country and members of staff from various local authorities. The objectives of the meeting were as follows; to review the current laws on the right to water and identify gaps therein, to discuss the roles and responsibilities of water regulating authorities and see how they can contribute to sustainable water management and the attainment of water rights by all citizens and to evaluate stakeholder involvement in water management to improve water regulation in Zimbabwe. In the workshop the following points emerged that the right to water can be enjoyed as an independent, derivative or subordinate right. The right to water is interlinked with the right to life in that it is a necessary precondition to the enjoyment of life; Gender mainstreaming strategies have to be employed in water resource management because women use water more and often than men hence the need to engage them in decision making; and the right to water is a civil and political right as it imposes a duty upon the state to act. It is also an economic, social and cultural right which imposes a duty upon the state to act to ensure its fulfilment. It is also an environmental right which prescribes a clean and healthy environment.

*Training Of Mining Communities On Environmental, Economic, Social And Cultural Rights (EESCRS) March – November 2017*

The Zimbabwe Human Rights Commission (ZHRC) in collaboration with the Zimbabwe Environmental Law Association (ZELA) held training workshops on environmental, socio-economic and cultural rights affecting the communities of Shurugwi and Zvishavane during the course of the year. The program was made possible with the help of ZELA and financial support from the Embassy of Finland, Lusaka. The objectives of these trainings were as follows to increase capacity by community members to identify, document and report violations of environmental, economic-socio and cultural rights ; to increase engagement with communities in mining areas so they continue to be receptive and supportive of ZELA and ZHRC human rights public education programs; to give feedback to communities on complaints they submitted to ZHRC in previous meetings and to educate the communities on the protection and promotion of Environmental, Economic-Social and Cultural rights.

Participants included traditional leaders, the local leadership and community based groups/human rights defenders. From the training, it was found that many community members are now aware of the ZHRC's existence, mandate and functions.

*Mazvihwa Community Vs Murowa Diamonds (Pvt) Ltd Investigative Visit – July 2017*

The ZHRC carried out an investigation in Zvishavane. Complainants were community members residing near Murowa Diamond Mine under Chief Mazvihwa in Zvishavane. They alleged that as a result of mining activities by Murowa Diamond Mine environmental pollution was being witnessed from a range of activities which included blasting which produced excessive dust. It was further alleged by complainants that the blasting at the mine resulting in some of their houses cracking. These allegations were denied by the company.

In the Mazvihwa investigation, the ZHRC found out that the allegations of cracking of houses and dust emissions can be substantiated. However, there was a need to engage independent consultants to assess, monitor and verify claims by the complainants on the effect of blasting and dust emissions to the houses, health and wellbeing of the complainants. This is mainly because there are two competing views and at most times during the investigative process, the residents of Mazvihwa were always sceptical of the results of the consultants who carried out the assessments. Their main argument being that the consultants were biased and had been hired by the company. Furthermore the reports and findings of the consultants hired by company are too technical such that there is need for experts to clearly decipher the findings in the reports. The ZHRC continues to follow up on the recommendations of the report which included meeting with the Ministry of Mines among other stakeholders that are being engaged.

*Provincial Alternative Mining Indaba 4-5 July (Village Lodge, Gweru) Culminating In The Zimbabwe Alternative Mining Indaba 2017, Holiday Inn, Bulawayo: 4-5 October 2017.*

The ZHRC was invited to attend the 6<sup>th</sup> edition of the Zimbabwe Alternative Mining Indaba (ZAMI) organised by the Zimbabwe Environmental Law Association (ZELA) at Holiday Inn, Bulawayo, from the 4<sup>th</sup> to the 5<sup>th</sup> of October 2017. This was a sequel to the Provincial Mining Indaba which had discussed the same issues, but at a provincial level. ZAMI is a multi-stakeholder engagement forum that explores opportunities and challenges related to the country's mining

sector. The event has been organised since 2012 and has exuded tremendous growth to become one of the most influential public interest annual national meetings. ZAMI is also a national process feeding to the regional movement of the Alternative Mining Indaba.

The forum had an effect of increasing participation of often excluded ordinary stakeholders such as local communities as well as their interface with policy makers and the private sector on the management and utilisation of mineral resources in Zimbabwe.

Participants included Government Ministries; Government Departments representatives, Members of Parliament; Local Authorities, Clerk of Parliament's representative; Traditional Leaders; Media; Civil Society Organisations; Mining Companies Artisanal Miners, Community representatives from all the ten provinces; Faith Based Leaders, representatives from Zambia; Kenya; Tanzania; South Africa; Botswana; Malawi; Mozambique; Lesotho; Swaziland; Namibia; Ghana; Development Partners and ZHRC which was being represented by the Executive Secretary and an Officer in the Environment Thematic Working Group.

The conference focused on outcomes on the mineral and mining reforms that should be included in the Minerals and Mines Amendment Bill and that the proposed Bill should take cognisance of Free, Prior and Informed Consent (FPIC). Of Particular interest was the issue of reserved areas and what that meant for the mining sector and other sectors of the economy together with the social fabric of the state which touches on environmental, economic and socio-cultural rights. Suggestions were made for the ZHRC to attend the South African Mining Indaba to learn from other jurisdictions.

### **7.5 Economic Social and Cultural Rights Thematic Working Group**

During the period under review the TWG successfully held its first operationalisation meeting, TWG members participated at various meetings, workshops and blended learning courses to capacitate them on ESCR. The TWG is chaired by Commissioner Ndabeni Ncube and has Mrs K Makumbe as technical head assisted by Ms. P Ndlovu and Mr. C Mugoto.

## Consultative Meeting



*Participants present at the consultative meeting.*

A consultative workshop was at Crowne Plaza Hotel, Harare on the 18<sup>th</sup> of July 2017 for purposes of introducing the Commission to stakeholders as well as to seek stakeholder buy-in on operationalizing the ESCR TWG. Present were various stakeholders from government ministries as well as civil society organisations with expertise in economic social and cultural rights from all over Zimbabwe. The participants who were present suggested that the following organisations should make up the members of the TWG: Ministry of Health and Child Care, the then Ministry of Rural Development, Promotion and Preservation of National Culture and Heritage, National Alliance for Rural Development (NARD), Zimbabwe Human Rights Association (ZimRights), Amagugu International Heritage Centre, World Gender Media, ZIMTA/ Teachers Association, Zimbabwe Association of Doctors for Human Rights (ZADHR), Urban Councils and Association of Rural District Councils of Zimbabwe, Zimbabwe Congress of Trade Unions (ZCTU), Zimbabwe Farmers Union (ZFU), Community Working Group on Health (CWGH) and Labour Economic Development Research Institute Zimbabwe (LEDRIZ) to mention a few.

## Public Dialogue on Typhoid

The ZHRC was invited to the public dialogue on recurrent outbreaks of typhoid fever and diarrheal diseases hosted by the Community Working Group on Health at the Holiday Inn Harare on the 29<sup>th</sup> of September 2017. The objectives were as follows:

- To discuss drivers of typhoid and waterborne diarrheal diseases.
- Identify gaps surrounding interventions.

- Discuss long lasting interventions and strategies to prevent typhoid and waterborne diarrheal diseases.
- Strengthen community awareness, participation and self-reliance in fostering the culture of prevention and control of waterborne diseases (affected communities to share)
- Promote stakeholder engagement and collaboration in response to typhoid and waterborne diarrheal diseases.

After deliberations from various participants the following key recommendations were made: community awareness around hygiene should be promoted; social media mobilisation to spread messages on water borne diseases; advocacy should be intensified around issues of hygiene; use of churches, schools, Residents Associations, NGOs, vendors committees and rank marshal committees to promote awareness on water borne diseases; mobile educational vehicles to disseminate information on the disease and its prevention; improve supply of tapped water in urban areas and dumpsites should be protected and provided with security to avoid access to the general public.

### **Training on Economic, Social and Cultural Rights**

The ZHRC also received training from the Raoul Wallenberg Institute on Economic, Social and Cultural Rights. The training began with a one-week theory on these principle in May 2017 and it included various stakeholders from Government, Civil Society Organisation and Academic Institutions. This was followed up by an indepth visit to Lund and Stockholm in Sweden (August/ September 2017) to visit various institutions that dealt with economic, social and cultural rights. The concept was to be able to obtain best practices that we would be able in implement in our various organisation, adapting this to our local context. The training includes coming up with a proposal from each organisation which will be low cost and implementable in 2018. The ZHRC will come up with a pamphlet that speaks to the economic, social and cultural rights that are affecting the general population and how this can be claimed or how citizens can effectively participate in these processes.

### **Business and Human Rights Blended Learning Course**

The ZHRC attended a Blended learning course on Business and Human Rights in Morocco from 3 to 5 July 2017. The training provided information sharing on the governance gap by corporations which continue to cause human rights

harm especially given the transnational economic activity in various countries. The participants to this course were drawn from National Human Rights Institutions from Zimbabwe, Kenya, Morocco, Uganda, Algeria, Mali, Nigeria, Zambia, Malawi, Cameroon, Egypt, Senegal, Burkina Faso, and Sierra Leone.

The deliberations and training looked at various issues among others which include: the main challenges to the implementation of human rights in the business context such as weak laws, lack of political will, and lack of knowledge by right holders and the fact that where governments benefit from economic activities which cause harm, they are compromised; the United Nations Guiding Principles on Business and Human Rights; these principles are necessary in order to ensure that business behave responsibly so as to avoid adverse impact on communities and that states regulate companies at home and abroad; NHRIs were encouraged to develop National Action Plans on business and human rights; The learning course also highlighted the main adverse impact issues in the Extractive industries operating in Africa in the areas of oil, gas and mining and the issue of corporate social responsibility NHRIs must have a duty to ensure that a Human Rights Impact Assessment takes place and that human rights based approach principles are respected by businesses.

### **Blended Learning on Economic, Social and Cultural Rights**

The ZHRC was invited to a blended learning course in which it participated from the 6<sup>th</sup> of November to the 3<sup>rd</sup> of December 2017 through the online component of the course and the physical training workshop which was held from the 11<sup>th</sup> to the 15<sup>th</sup> of December in Abuja, Nigeria. The overall goal of the course was to ensure that NHRIs have a well-developed understanding of how to perform their mandated functions to protect and promote economic, social and cultural rights.

The course combined presentations of thematic areas with interactive learning approaches that provided a comprehensive understanding and hands-on experience of how NHRIs can work with ECSR. The training gave an opportunity for the ZHRC to learn and exchange experience with peers from other countries and cultures.

### **Regional Capacity Strengthening Convening for National Human Rights Institutions**

The ZHRC participated in the regional convening of NHRIs aimed at

strengthening their capacity to respond to the rights of key populations. The following were the key points from the workshop:

- There are avenues for NHRIs to work in ensuring the rights of key populations are protected especially with regards to advocacy towards eradicating violence and discrimination which are as follows
- NHRIs can help protect these rights by hosting dialogues on HIV and TB.
- TB is a leading cause of death amongst infectious diseases.
- The region accounts for 28 percent of globally notified TB cases in 2014 and has 74 percent of the estimated 1, 2 million HIV infected TB patients.
- Equity and human rights demand a special effort to reach key populations

The Guidelines on the Conditions of arrest, police custody and Pretrial detention in Africa give hope for the protection of the rights of detainees and have a section on vulnerable groups. However there are not any measures for people with HIV.

Article 3 European Convention for the protection of human rights and fundamental freedoms and the African Commission's Special Rapporteur on Prisons and Conditions of detention in Africa 2012 respond to human rights in detention and the rights of vulnerable groups. In matters concerning SOGGIE, NHRIs are encouraged to intervene as amicus curiae in the courts of law to provide expert opinion on human rights. Where there are laws to protect Key populations, NHRIs should advocate for their implementation. NHRIs also have a role in engaging political parties so as to sensitise them on human rights issues regardless of sexual orientation. The secretariat of NHRIs should engage more with the Commissioners and partner more with civic society for example in Kenya the NHRI chairs the civic society forum.

### **International Agreements and Treaties Thematic Working Group**

The TWG was one of the four (4) which could not be operationalised in the previous year owing to resource constraints. In 2017, support was received from GIZ to enable the TWG to be operational. The TWG is responsible for assessing the country's compliance to treaty obligations and implementation of recommendations and concluding observations by Treaty Bodies. It is chaired by Commissioner E. Sithole who is assisted by secretariat members, Priscillah Mbanga, Tipei Sibindi; Alondolozwe Sitsha and Benevolence Taguta.

### Operationalisation of the TWG

The Zimbabwe Human Rights Commission (ZHRC) hosted a consultative meeting for the International Agreements and Treaties Thematic Working Group (TWG) on the 20<sup>th</sup> of July 2017 at Rainbow Towers Hotel, Harare. A total of thirty six (36) participants (18 females and 18 males) attended the meeting. These participants were representatives from Government, Independent Commissions, Civil Society (CSOs) and Academia. The purpose of the consultative meeting was to operationalise the International Agreements & Treaties TWG and to address specific issues relating to the thematic area affecting human rights and freedoms of the nation.



The Workshop successfully fulfilled its objectives of reviewing the terms of reference for the TWG and in identifying members who would make up the TWG and proposing activities for the TWG. Participants appreciated the roles and responsibilities expected of the International Agreements & Treaties TWG.

### 7.7 Capacity Building and Institutional Development TWG

The TWG on Capacity Building and Institutional Development was set up for the purpose of strengthening the capacity of the Commission to promote, protect and enforce human rights in Zimbabwe as well as to improve human rights knowledge and its application in institutions and in society in general. It is chaired by Commissioner Sethulo Ncube and supported by members of the secretariat Priscillah Mbanga, Alondolozwe Sitsha, Elizabeth Danga and Linet Sithole.

In 2017, the TWG took steps towards full operationalisation when it held a consultative meeting on the 15<sup>th</sup> of September 2017 at Crowne Plaza Hotel, Harare. A total of thirty one (31) participants (Six (6) females and twenty five (25)

males) attended the meeting. These participants were representatives from Government, Independent Commissions, Civil Society Organisations (CSOs) and Academia. The purpose of the consultative meeting was to operationalise the Capacity Building and Institutional Development TWG and to deliberate on specific issues relating to the thematic area.



*Some of the participants at the Capacity Building TWG workshop*

It was agreed that the composition of the TWG would consist of seven (7) members although this number could be increased if necessary. It was agreed in the meeting that the members of the TWG would be tasked to draw up other working documents besides the terms of reference to guide the TWG in its operations.

### **7.8 Civil and Political Rights Thematic working group**

The TWG is headed by Commissioner Dr. Joseph Kurebwa who is the Chairperson of the TWG, with technical support from Secretariat who are Ms. Catherine Yewedzo Manjengwa, Ms. Sindiso Nkomo and Mrs. Kurai Makumbe. The TWG is also made up of members who are drawn from different organisations who have expertise in civil and political rights. These organisations are as follows: Zimbabwe Republic Police (ZRP); Zimbabwe Peace Project (ZPP); Zimbabwe Lawyers for Human Rights (ZLHR); Ministry of Justice, Legal and Parliamentary Affairs; Zimbabwe Heads of Christian Denomination; Africa University; Election Resource Centre (ERC) and Zimbabwe Union for Journalists.

During the year 2017, the CPR TWG conducted a few activities such as operationalisation of the TWG, Consultative meeting, inception meeting and participation at the Christian Alliance Workshop. This report serves as a summary of activities undertaken by this TWG during the period under review.

### 1. Operationalization of the TWG

The year 2017 saw the operationalization of the CPR TWG. This began with a consultative meeting with stakeholders in the civil and political arena which was held on the 26<sup>th</sup> of June 2017 Harare. The main purpose of this meeting was to introduce and operationalize the CPR TWG. The objectives of the meeting were as follows: to form the Thematic Working Group on Civil and Political Rights; to operationalize the TWG on Civil and Political Rights; to obtain input from stakeholders relating to the ToRs for the Civil and Political Rights TWG and to obtain suggests on who can form part of the members of the TWG. At the end of the meeting, the participants suggested the organisations that would be better placed to be members of the TWG based on their expertise.



*Participants who were present during the workshop.*

The members of the TWG had their first meeting on the 24<sup>th</sup> of October 2017. It was at this meeting that members signed their appointment letters as well as reviewed and adopted the terms of reference for the TWG. Furthermore, the meeting identified priority areas for action by the group. The following were noted as priorities:-

- *Elections*- It was agreed that some members of the TWG should feed into the the teams that would be monitoring the Biometric-Voter Registration Process. During this process, they ought to monitor accessibility of voter registration centers to people with disabilities.

- It was also imperative that the TWG also monitor *rallies*- that would be conducted by the political parties particularly the use of hate speech in the upcoming election campaigns. It was also called upon to monitor *voter education*, as well as the role of Traditional Leaders and Council Officials in Elections. There was need to engage with these prior to the elections in 2018.
- The TWG was also called upon to ensure that the ZHRC Lobbies for citizenship status for those with *Alien Status* in order for them to be registered as voters.
- To ensure that ZHRC engages in media monitoring/coverage and information dissemination.
- To ensure that the state participated in State reporting to the Human Rights Council.

Lastly, the meeting noted that there was need to fund these activities and identified possible funding partners which the Commission would engage with to ensure that these activities took place. Potential donors were identified taking into consideration the priority areas of the TWG.

### **7.8.1 Monitoring of By-Elections**

The TWG members were part of the team that observed By-Elections that took place in Mwenezi and Bikita in 2017 together with the Monitoring and Inspections Unit for the ZHRC.

### **7.8.2 Christian Alliance All Stakeholders Conference**

On the 29<sup>th</sup> of August 2017, the TWG was represented at an All Stakeholders Conference for Church Leaders by Christian Alliance in Bulawayo. The purpose of the conference was to provide a platform for church leaders to discuss the state of the nation in as far as the preparation for the upcoming harmonised elections is concerned from the perspectives of the various church leaders around Zimbabwe. The conference provided a platform for the church leaders to meet with representatives from Independent Commissions members such as the National Peace and Reconciliation Commission (NPRC), Zimbabwe Electoral Commission (ZEC) and Zimbabwe Human Rights Commission (ZHRC). The conference focused on proposing action points that would assist the church in the election process. The following action points were suggested: church leaders should motivate congregates to participate in governance processes and address the issue of fear within the Church; utilise the church space to engage different groups of people; to lure and promote

youth participation, the Church should use creative arts and sports; peace Prayer rallies and marches; all Church leaders to use the national broadcaster ZBC to rebuke violence; voter education to be concentrated in rural areas to demystify the BVR process. Target vulnerable flood victims in Tsholotsho who are being intimidated; church leaders should be whistle blowers on any cases of violence and partnership with ZHRC and other human rights organisations.

### **7.9 Challenges faced by TWGs**

The TWGs successfully implemented some of the activities planned for the year 2017. However, in some instances they faced challenges which adversely affected implementation. The following are the challenges encountered by the TWGs:

Absence of a fully functional secretariat for the TWGs.

Limited funding compromised the implementation of some of the activities planned by the TWGs.

Lack of cooperation (not attending meetings and late submission of required documents) by some members of the TWGs hampered implementation.

## 8 RECOMMENDATIONS

### Ministry of Finance and Economic Development/Treasury

- 8.1** Treasury is encouraged to allocate and disburse adequate funds for the administration of detention facilities and institutions such as children homes, prisons, mental health institutions and Refugee Camp.
- 8.2** Treasury should provide adequate funding for ZHRC for its operational activities such as monitoring, investigation, human rights awareness and administrative justice interventions.
- 8.3** Treasury should provide concurrence for recruitment of staff and funding for the decentralisation of the ZHRC into provinces as a matter of urgency so that it has grassroots presence to effectively deliver services within communities.

### Ministry of Justice Legal and Parliamentary Affairs

- 8.4** Government through the Ministry of Justice, Legal and Parliamentary Affairs is encouraged to clear the state party reports backlog.
- 8.5** Government is encouraged to take positive steps in implementing the accepted UPR recommendations.
- 8.6** Government should expedite the alignment of all Zimbabwean statutes, including the Zimbabwe Human Rights Commission Act, to the Constitution of Zimbabwe.

### Ministry of Public Service, Labour and Social Welfare

- 8.7** The Ministry of Public Service, Labour and Social Welfare in conjunction with the Registrar General's Office should ensure that all children in children's homes in the country be registered and have birth certificates.
- 8.8** The ZHRC recommends that Government, through the Ministry of Public Service Labour and Social Welfare, revisits and reconsiders its reservations to the UN Refugee Convention so that the refugees and asylum seekers in the country can enjoy increased rights.
- 8.9** The Ministry should ensure that institutionalized older persons are provided with adequate food, clothing and bedding so that they maintain their human dignity in institutions.

Zimbabwe Electoral Commission (ZEC)

- 8.10** That the ZEC continues with voter education on the BVR especially surrounding the assurances of the secrecy of the ballot.
- 8.11** That ZEC pushes for the amendment of the Electoral Laws so that they are aligned to the Constitution so as to better protect the right to vote.

## 9 FINANCIAL STATEMENT

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDING 31 DECEMBER 2017			
	Note	2017	
		US\$	
			1 781 896
Revenue	1		1 781 896
Expenditure			1 874 933
Payroll and Employee related costs	1 234 920		
Goods and Services			370 848
Administrative Expenses	2		105 507
Repairs & Maintenance costs			154 658
Subscriptions to International bodies	9 000		
Deficit for the year	3	(93 037)	
Other Comprehensive income		-	
Total Comprehensive income		(93 037)	







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