

ZHRC



ZIMBABWE HUMAN RIGHTS COMMISSION

For Human Dignity



ANNUAL REPORT

2021

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Foreword by the Chairperson



Dr Elasto Hilarious Mugwadi – Chairperson

It is with great pleasure that I present to you the Zimbabwe Human Rights Commission's 8th Annual Report since its inception. The Report is submitted in terms of Section 323 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013.

Despite the desolating second and third waves of the COVID-19 pandemic, the ZHRC remained resolute in the execution of its constitutional mandate, that is, to promote and protect human rights and fundamental freedoms, as provided for in Section 243 of the Constitution and the Zimbabwe Human Rights Commission Act [Chapter 10:30]. It is without doubt that COVID-19 had a negative impact on fundamental rights and freedoms, including the Economic, Social and Cultural Rights. The pandemic led to an overwhelmed public health-care system which contributed to disruptions in access to key healthcare services such as women's access to sexual and reproductive health facilities, among others.

The national lockdown also caused unprecedented job losses especially in the informal sector. In addition, preventive and containment measures put in place to curb the spread of COVID-19, disrupted food production and supply chains, undermining the right to food, and aggravating an already high level of food insecurity. Schools were closed for the greater part of the year impacting on the right to education for children of school going age. Some girls became victims of child marriages and pregnancies.

Zimbabwe started the vaccination roll out programme in February 2021 giving priority to frontline workers, especially medical personnel, the elderly, and those with underlying medical conditions¹. COVID-19 vaccination together with continued adherence to preventive and containment measures allowed countries, including Zimbabwe to resume their economic activities. The easing of lockdown restrictions enabled the ZHRC to continue with its field activities which had been put on hold due to COVID-19 containment measures like the

intercity travel ban. Thereafter, awareness raising, and outreach programmes were conducted to promote fundamental rights and freedoms.

Furthermore, awareness on the work and mandate of the ZHRC was raised through training of duty bearers on the human rights-based approach to service delivery as well as their duties to rights holders. Some cases of human rights violations requiring further investigations were brought to the attention of the ZHRC through outreach programmes. Monitoring of compliance with human rights standards was carried out in places of detention, care facilities as well as in communities where internally displaced persons reside based on media monitoring reports made during the lockdown period.

Amongst activities carried out by ZHRC during the year under review was the

13th NANHRI Biennial Conference held virtually in Zimbabwe, which focused on the role of National Human Rights Institutions in offering a human rights-based approach to better and sustainable recovery towards development beyond COVID-19. It was during this time that Zimbabwe assumed the chairmanship of NANHRI. I look forward to working with the team at NANHRI to effectively implement robust programmes for our network in the next two years.

I am glad that ZHRC managed to fulfill its constitutional mandate even during the different waves of the COVID-19 pandemic. I hope that next year will present new and better opportunities for attaining effective realisation of fundamental rights and freedoms especially during and after public emergencies.



Acknowledgements

The ZHRC appreciates the diligent work by Commissioners and Secretariat during the COVID-19 pandemic in ensuring that the Commission fulfills its constitutional mandate. The ZHRC acknowledges the support of the following stakeholders and development partners who made 2021 a fruitful year :

- The Government of Zimbabwe (GoZ)
- United Nations Development Programme (UNDP)
- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- International Organization for Migration (IOM)
- Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI)
- Civil Society Organisations (CSOs)
- Faith Based Organisations (FBOs)

Acronyms

CHI	Complaints Handling and Investigations
CSO	Civil Society Organisation
COVID-19	Coronavirus Disease (2019)
CRC	Convention on the Rights of the Child
EPR	Education, Promotion and Research
GIZ	Deutsche Gesellschaft Internationale Zusammenarbeit
JSC	Judicial Service Commission
ICT	Information Communication Technology
IDPs	Internally Displaced Persons
IEC	Information, Education and Communication
IHRD	International Human Rights Day
IOM	International Organization on Migration
MHRC	Mobile Human Rights Clinic
M&I	Monitoring and Inspections
NANHRI	Network of African National Human Rights Institutions
NHRI	National Human Rights Institution
NI	National Inquiry (on Access to Documentation in Zimbabwe)
NPRC	National Peace and Reconciliation Commission
GoZ	Government of Zimbabwe
GBV	Gender Based Violence
PPE	Personal Protective Equipment
RWI	Raoul Wallenberg Institute on Human Rights and Humanitarian Law
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
ZADHR	Zimbabwe Association of Doctors for Human Rights
ZHRC	Zimbabwe Human Rights Commission
ZPCS	Zimbabwe Prisons and Correctional Service
ZRP	Zimbabwe Republic Police

Executive Summary

The national lockdown imposed as a preventive and containment measure against the spread of COVID-19 hampered the Commission from carrying out its constitutional mandate as enshrined in Section 243 of the Constitution. The lockdown significantly affected the socio-economic rights of the citizens of Zimbabwe especially those employed in the informal sector. Access to education was affected, with children from marginalised families unable to partake in e-learning due to lack of necessary ICT gadgets and internet connection. The COVID-19 lockdown also caused an increase in early marriages and child labour cases. A substantial number of households remained food insecure with most people also unable to access health care services. Thus, the vaccination rollout programme was introduced to enable the resumption of economic activities.

During the lockdown period, the ZHRC conducted media monitoring which formed a basis of field activities performed when the lockdown was lifted whilst observing COVID-19 protocols. Some of the activities conducted encompassed, monitoring of places of detention, care facilities, investigations on human rights violations as well as human rights promotion through community outreach programmes, awareness campaigns (radio and television shows) as well as training seminars and workshops. The ZHRC held International Human Rights Day commemorations in Mutare under the theme, EQUALITY, as the Solution to Provide Opportunities Within

and Access to a Fairer and More Inclusive Society. Cases of human

rights violations investigated during the year included matters of maladministration, abuse of office and power. Correspondingly, ZHRC had the privilege to host the 1st ever virtual conference on the 13th Biennial NANHRI which was centred on the theme, Impact of COVID-19 on Human Rights in Africa: The role of National Human Rights Institutions in offering a human rights-based approach to better and sustainable recovery towards development beyond COVID-19.

The ZHRC managed to carry out most of its activities despite the limited timeframe because of the national lockdown restrictions. However, the Commission was not able to reach all the targeted communities throughout the country due to inadequate staff. There is therefore need to expedite recruitment of additional staff members and ensure decentralisation to outstanding provinces so that all communities in the country have equal access to the services rendered by the Commission. With regards to the improvement on the enjoyment of fundamental rights and freedoms the Ministry of Finance and Economic Development must put in place measures that improve the socio-economic rights of the people of Zimbabwe especially the vulnerable groups during public emergencies and further provide sufficient funding for the ZHRC to enable it to fully implement its mandate through decentralisation and improved staffing levels.

Introduction

1.1. Mandate of the ZHRC

The ZHRC was established in terms of section 242 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013 and operationalized by the Zimbabwe Human Rights Commission Act [Chapter 10:30]. It is one of the five (5) Chapter 12 Independent Commissions supporting democracy established in terms of section 232 of the Constitution. ZHRC has a dual mandate, that is, the Administrative Justice mandate (Ombudsman/Public Protector role) and the human rights promotion and protection mandate. The Commission derives the mandate for its work from Section 243 of the Constitution of Zimbabwe, which provides for the following functions:

- 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 regarding 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 under which persons are kept there, and to make recommendations regarding those conditions to the Minister responsible for administering the law relating to those places.
2. The Commissioner- General of Police must comply with any directive given to him or her by the Zimbabwe Human Rights Commission under subsection (1) (h).

1.2. Departments of the Commission

The Commission has two (2) departments namely, Programmes and Administration. The functions of the Departments are discussed below:

1.2.1 Programmes Department

The section is headed by the Deputy Executive Secretary for Programmes, with the support of four (4) directorates which discharge the functions of the Commission as outlined in Section 243 of the Constitution through implementation of various projects and activities. The programmes directorates are listed below:

Complaints Handling and Investigations (CHI)

The CHI Directorate is responsible for complaints handling and investigation of cases of human rights violations. It enables the Commission to exercise the functions set out in Section 243(1)(d) to (h) of the Constitution which include:

- To receive and consider complaints from the public and take such action regarding complaints as it considers appropriate
- To protect the public against abuse of power and maladministration by the State and Public Institutions and Officers of those institutions.
- To direct the Commissioner-General of Police to investigate cases of suspected criminal violations of human rights or freedoms and report to the Commission on the results of any such investigations.

Education, Promotion and Research (EPR)

The EPR Directorate assists the Commission to fulfil the functions provided for 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.

Monitoring and Inspections (M & I)

The M & I Directorate enables the Commission to fulfil the functions of the Commission provided for in Section 243 (1) (c) and 243 (1) (k) of the Constitution. These include:

- 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.

Administrative Justice (AJ)

The Administrative Justice Directorate is a newly established Department which encompasses the public protector mandate which was transferred to the ZHRC in 2013 after the abolition of the former Public Protector's Office. It is still housed in the Complaints Handling and Investigations due to inadequate staff. The AJ Directorate will start operating independently in 2022.

1.2.2 Administration Department

The Administration Department is comprised of three (3) directorates that are responsible for support services, that is, Finance, Human Resources and Administration as well as two Units namely, Records and Information as well as Information Communication Technology Unit. It is headed by the Deputy Executive Secretary for Administration who is supported by the Director of Finance and the Human Resources Director.

Organisational Structure

1.1 Commissioners

During the reporting period, the ZHRC had seven (7) part-time Commissioners and the Chairperson and Deputy Chairperson who serve the Commission on a full-time basis. The terms of office of two (2) Commissioners ended in July and August 2021 respectively. The former Commissioners are Mrs. Sheila Hilary Matindike and Pastor Petunia Chiriseri. Their contribution to the Commission is highly appreciated.

1.2 Current Commissioners



Dr. Elasto Hilarious Mugwadi
Chairperson of the ZHRC



Commissioner Dorothy Moyo
Deputy Chairperson of the
ZHRC and Chairperson of the
TWG on Economic Social and
Cultural Rights



Commissioner Sethulo Ncube
Chairperson of the TWG on
Capacity Building



Dr. Angeline Guvamombe
Chairperson of the TWG on
Environmental Rights



Commissioner Beauty Kajese
Chairperson of the TWG on
Civil and Political Rights



Commissioner Dr. Cowen
Dziva - Chairperson of the
TWG on Gender Equality
and Women's Rights



Commissioner Brian Penduka
Chairperson of the TWG on
International
Treaties and Agreements

Management

Management

The Commission Secretariat is headed by the Executive Secretary who is supported by two Deputy Executive Secretaries, responsible for Programmes and Administration respectively. There are five directors who support the two departments, three from programmes and two from administration.

1.3 Staff Attrition in the Commission

During the year under review, a considerable number of staff members left the Commission during the second half of the year for greener pastures. These include one (1) Director for Human Resources, one Principal Executive Assistant, one Driver and three Human Rights Officers. They all cited poor conditions of service as the reason for their departure.

1.4 Staff Development and Capacity Building

1.4.1 RWI conducted training on the 'Relationship between corruption and human rights' from the 25th to 28th October 2021. Commissioners and members of the secretariat attended the training workshop.

1.4.2 The Corporate Governance Unit in the Office of the President and Cabinet and Ministry of Justice, Legal and Parliamentary Affairs inducted Commissioners and Management on corporate governance.

1.5 Recruitments and appointments

Interviews for Commissioners were supposed to be held on the 10th of December to fill the two vacant positions but were postponed to 2022.

1.6 Secondment staff

The Commission maintained the seconded staff from 2020 and added one more driver operating from Bulawayo bringing the total to five.

- ICT Assistant (1)
- Transport Officer (1)
- Drivers (3)

1.7 Terminations

The terms of office of two Commissioners ended in July and August 2021 respectively. The Human Resources Director resigned on the 30th of November. Three Human Rights Officers resigned in April, November, and December respectively. One Principal Executive Assistant resigned in July. One Driver resigned effective 31 December. Contract of employment for one driver under the IOM project expired on the 31st of December.

1.8 Staff Welfare

In terms of staff protection from COVID-19, 98% of the staff members were fully vaccinated against the coronavirus. The perennial delays in receiving salaries ended with the Commission's migration of its payroll to the Salary Services Bureau (SSB) in February 2021. The transport problems that were previously faced by Commission staff have been alleviated through access to PSC buses that was granted by the Public Service Commission.

1.9 Staff Turnover

Staff turnover for the year 2021 was 9.8% (6 employees out of 61) which is significant considering the already emaciated organizational structure. This has a negative impact on the performance and visibility of the Commission. The COVID-19 pandemic continued to affect normal work processes in the form of restricted movement and reduced staff attendance. Disposable incomes of staff members continued to dwindle as the harsh economic environment continues. The increase in the prices of basic food commodities and accommodation rentals has affected the Commission employees drastically, resulting in low staff morale and demotivation. The Commission migrated to PSMAS medical aid from CIMAS, and members of staff are complaining about poor service delivery by the service provider.

Highlights on Non-programing Activities

1.3. ZHRC Strategic Planning 2021-2025

The ZHRC consolidated the ZHRC Strategic Plan for 2021 to 2025, building onto the strategy development process for alignment of the ZHRC Strategy to the National Development Strategy which was carried out in November 2020. Various stakeholders including public institutions, development partners and civil society organisations were consulted to provide input on the strategy development process. The 2015-2020 evaluation report consolidated by the consultant together with the 2021-2025 draft strategy were finalised and shared with Commissioners for input before adoption. As part of the strategy development process, the Commission participated in two Governance Cluster network meetings convened in line with the National Development Strategy 1 (NDS 1), the newly adopted five – year economic blueprint for the Government of Zimbabwe (GoZ) and its partners which guides and spurs national development.

1.2 13th Biennial Conference of the Network of African National Human Rights Institutions (NANHRI)

The ZHRC, in collaboration with the Network of African National Human Rights Institutions (NANHRI), hosted a blended 13th NANHRI Biennial Conference where ZHRC as the host NHRI had physical proceedings in Zimbabwe while the 45 other NHRIs followed the proceedings virtually. The Conference, which was the first ever to be held virtually owing to the restrictive measures associated with the COVID-19 pandemic deliberated on the contribution of the National Human Rights Institutions (NHRIs) to recovery beyond COVID-19. The meeting was attended by more than 100 participants drawn from the membership of NANHRI, regional and international State and inter-State institutions, as well as non-governmental organisations. The Conference was organised under the theme, ***Impact of COVID-19 on Human Rights in Africa: The role of National Human Rights Institutions in offering a human rights-based approach to better and sustainable recovery towards development beyond COVID-19.***

The meeting extensively deliberated on the impact of COVID-19 on human rights as well as disaster and pandemic preparedness. Close attention was paid to enjoyment of the right to health as a measure of evaluating the extent to which the pandemic resulted in violation of other human rights, further negatively impacting progress towards realisation of Agenda 2030 on Sustainable Development and the African Union Agenda 2063.

For the NHRIs to effectively contribute to the recovery under the national strategies and plans, the Conference adopted a common reference framework: *The Harare Declaration and Action Plan of the Network of African NHRIs*. The Declaration and the Action Plan were based on the results of deliberations, presentations and testimonies from selected people that were developed to assist in affirming the role of the Network of African National Human Rights Institutions in providing a human rights-based approach towards sustainable recovery beyond the pandemic. The Conference was supported by the UNDP and the RWI.



Figure 1.1: Chairperson of NANHRI Dr. E.H. Mugwadi with the Guest of Honour Minister of Justice Legal and Parliamentary Affairs, Honourable Ziyambi Ziyambi During the Official Opening of the 13th Biannual Conference

Protection of Human Rights

1.4. Complaints Received

In terms of sections 243 (1) (d), (e), (f), (g) and (h) of the Constitution of Zimbabwe, the ZHRC has the constitutional mandate to protect citizens from human rights violations and maladministration by the state and public institutions and by officers of those institutions. This mandate is fulfilled through the Complaints Handling and Investigations (CHI) Department. This mandate is implemented through carrying out of investigations on individual and/or group complaints on alleged human rights violations, maladministration and any other human rights related issues which are of national interest for the purpose of securing appropriate redress for such violations.

The ZHRC received and actioned a total of 744 cases as compared to six hundred and 642 cases received and actioned in 2020. This marked a 15.9% percentage increase in cases received. This increase can be attributed to mobile human rights clinics, use of mobile hot lines, multimedia publicity, radio programmes and human rights outreaches and awareness campaigns. The investigations that were conducted during 2021 ranged from alleged partisan distribution of food aid (agricultural inputs and food aid); violation of the right to freedom of association and conscience through forced attendances of witch-hunting activities; arbitrary evictions and demolitions; violation of children's rights; property rights complaints; maladministration by public institutions and officials, among others.

Of the 744 cases that were received, 240 cases involved alleged human rights violations, 165 cases were cases of alleged maladministration, and 339 cases were of a general nature. There was an increase in human rights violations by 27.6%; general cases by 31% and there was a decrease of maladministration related complaints by 18.2%.

4.2 Status of Cases

The graph presented below shows the status of 744 cases that were received and actioned by the Commission in 2021. Three hundred and ninety five cases (53.1%) were advised; 271 cases (36.4%) are pending investigations; 52 cases (7%) were referred to partner organisations that were better placed to offer the remedy sought such as Zimbabwe Lawyers for Human Rights, Legal Aid Directorate, Legal Resources Foundation, Musasa Project among other such organisations; 12 cases (1.6%) were resolved; two cases (0.3%) were declined for lack of jurisdiction; 9 cases (1.2%) were held in abeyance; two cases (0.3%) were withdrawn and one case (0.1%) was transferred from the Northern Region to the Southern Region Office for further management.

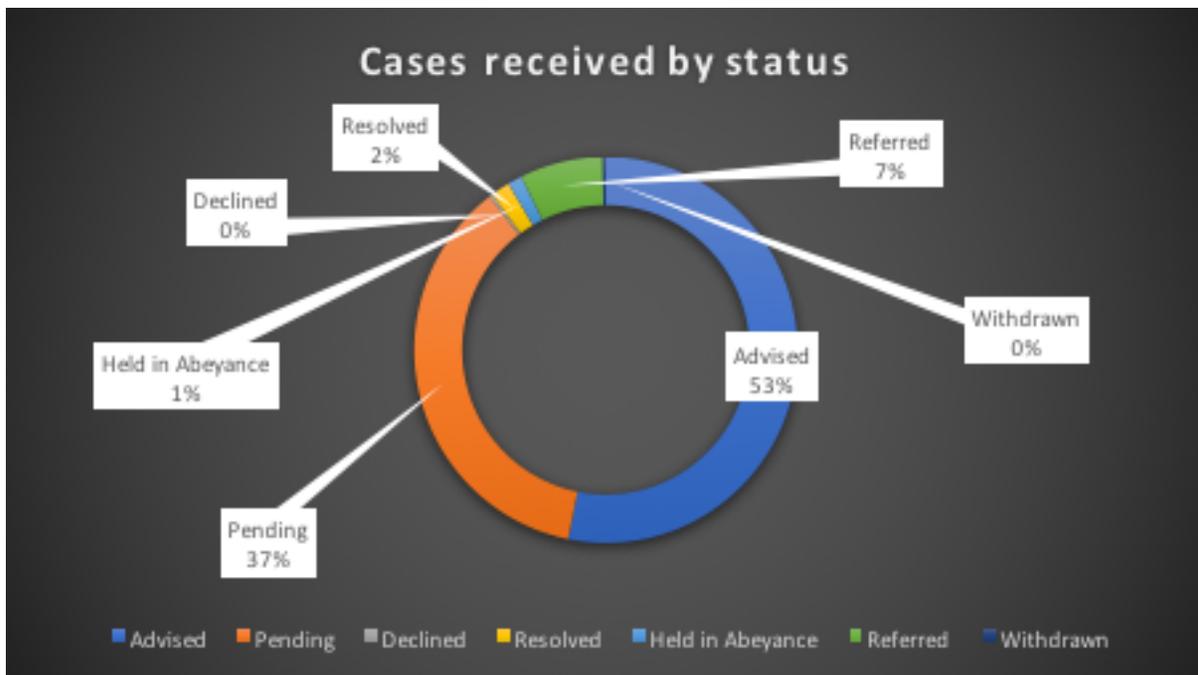


Figure 4.1: The status of received cases

1.3 Nature of Complaints

1.3.1 Human Rights

In 2021 the Commission received 240 cases of alleged human rights violations as compared to 188 cases in 2020. This was an increase of 27.7%. For 2021, the specific human rights cases can be classified as follows: 17 cases were on the right to health; 11 cases on children's rights; one case on the right to human dignity; four cases on the right to personal security; 11 cases on labour rights; three cases on environmental rights; 57 cases on property rights; 11 cases on the right to education; one case on women's rights; 37 cases on equality and non-discrimination; four cases on freedom from torture, cruel, inhuman and degrading treatment

and punishment; thirty-six cases on access to documentation; four cases on the right to food and water; one case on the rights of accused and detained persons; four cases on the right to agricultural land; four cases on political rights; 17 cases on freedom from arbitrary eviction; four cases on freedom of assembly and association; two cases on the right to privacy; two cases on freedom of conscience; three cases on freedom of movement and residence; one case on the right to life; three cases on the rights of persons with disabilities; one case on the right to administrative justice. In 2021, there was an increase in cases relating to violation of land rights including evictions.

1.3.2 **Maladministration**

ZHRC received a total of 181 cases on allegations of maladministration as compared to 195 cases in 2020. This was a decrease by 7.7%. The maladministration cases received in 2021 can be classified as follows: 57 cases on justice delay; 43 on abuse of office; 59 on abuse of power; 21 on delay in processing of benefits and one on access to documentation.

1.3.3 **General**

The Commission received a total of 339 complaints of a general nature. Of these complaints, 200 were of a civil nature; 61 of a criminal nature; 21 complaints were labour matters; four involved domestic violence; 2 were requests for monetary assistance; 23 were on access to documentation; seven were on administration of deceased estates; one was an inquiry on interpretation of regulations relating to operations of small and medium enterprises; two were inquiries on interpretation and application of COVID-19 regulations; one was an inquiry on the process involved in change of name; one inquiry on human rights and vaccination; one case was a request for resolution of a family dispute; one inquiry on the right to privacy; one complaint was on exclusion in attending workplace workshops; one inquiry on refusal of RTGS \$10.00 notes by some service providers; one inquiry on how to claim bail refund; one inquiry on legality of the prohibition of business operations during COVID-19 national lockdowns; one complaint relating to maintenance; five general inquiries; one complaint on access to transport; one inquiry on the process for enforcement of a court order; one request for drafting of a will and one inquiry on services offered by the ZHRC.

Analysis of Complaints by Province

1.4 Analysis of Complaints by Province

Harare Province had the highest number of complaints that were lodged with the Commission with 143 complaints received and actioned; followed by Bulawayo which received a total of 141 cases. Matabeleland North recorded the lowest number of cases. The Commission will intensify its visibility in Matabeleland North Province and other provinces with low numbers of received cases to ensure that the residents in those provinces effectively utilise the services offered by the Commission. Due to the COVID-19 imposed national lockdowns and restrictions on movement, there was an intensified use of the Commission hotlines for intake of complaints. The increase in the number of cases from Mashonaland West Province can be attributed to mobile human rights clinics and awareness raising outreaches that were conducted in that province. The increase in the statistics from Manicaland Province can be attributed to the radio programmes and outreaches that were also conducted in that province during the reporting period. The provincial distribution of cases for 2021 is shown below. For the part designated as unknown, the province of origin was unknown at the time of compiling the statistics.

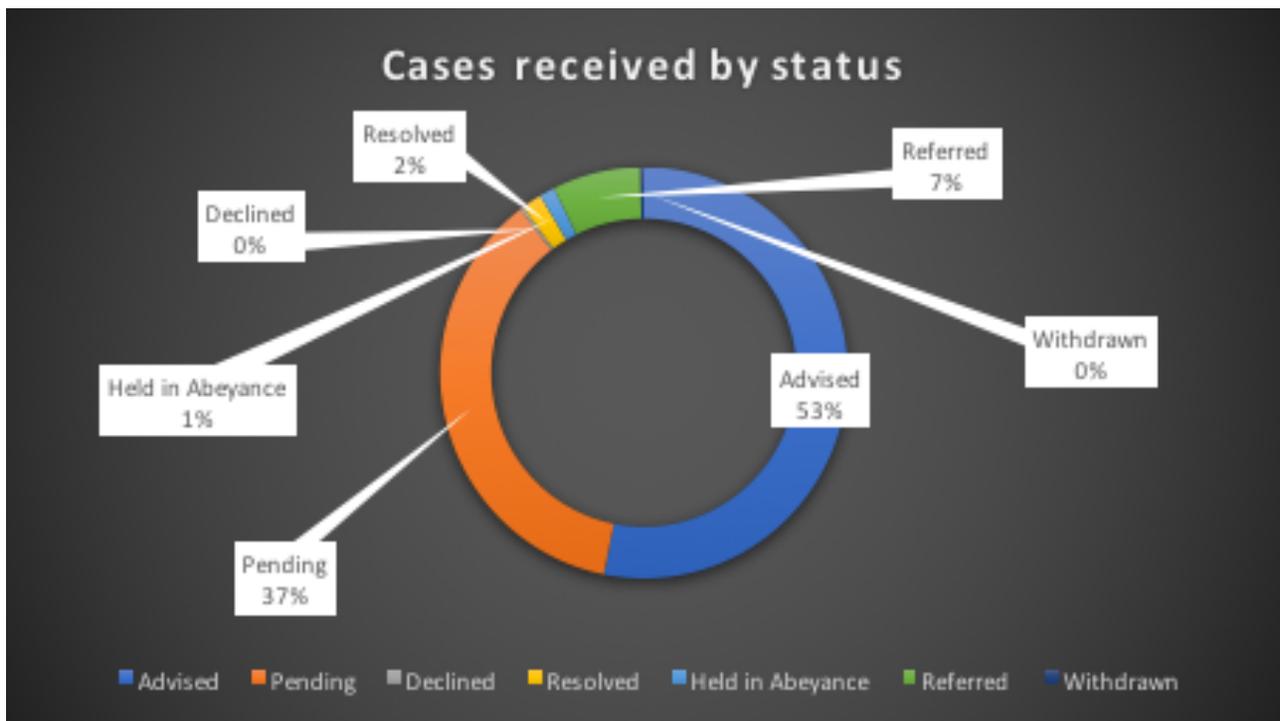
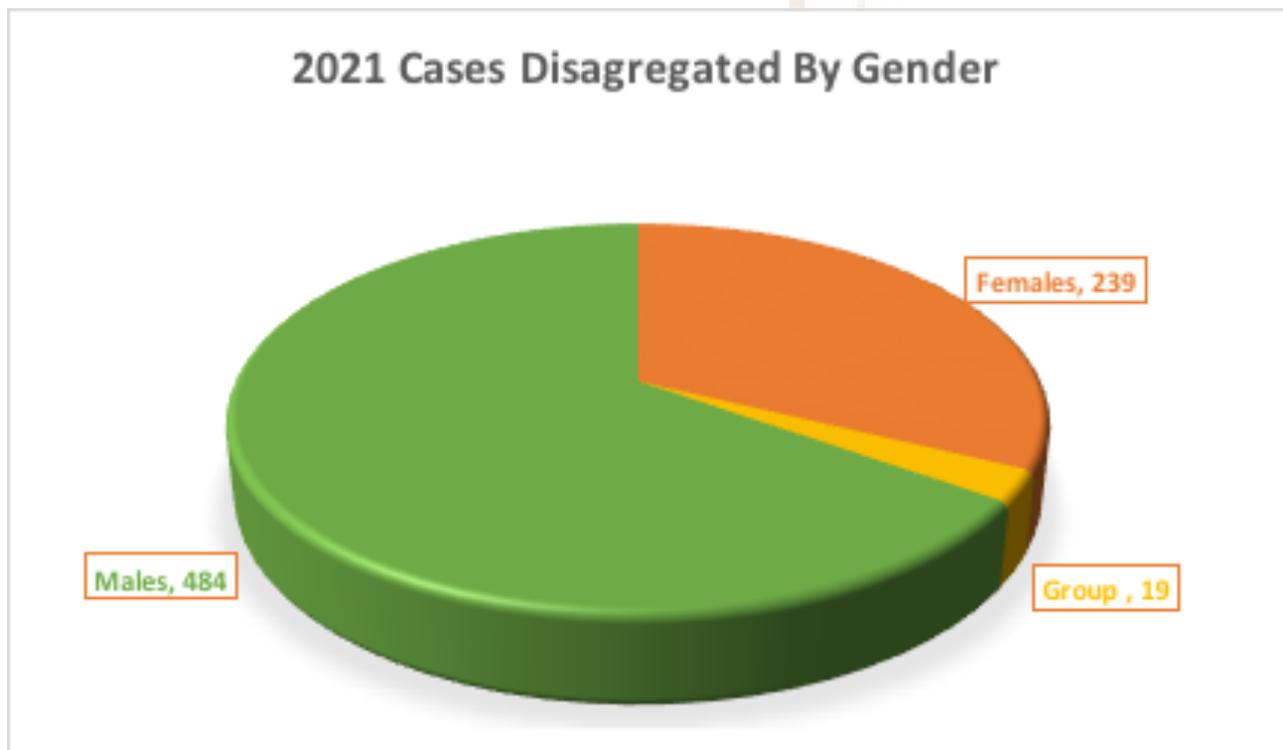


Figure 4.2: Provincial distribution of cases in 2021

Disaggregation of Cases by Gender

1.5 Disaggregation of Cases by Gender

The Commission received cases from 484 males and 239 females. There were 19 group complaints, and two complaints could not be classified due to inadequate information. The complaints received from males constituted 65% of the total complaints received. The complaints received from females constituted 32.1% of the total complaints; group complaints constituted 2.6% of the total complaints and 0.3% of the complaints were unknown. These numbers showed a marked increase of cases, and the percentage increases were as follows: males – 16%, females – 10% and group complaints – 68.4% compared with the previous year. The increase in complaints lodged by females can be attributed to the outreach, radio programmes and awareness campaigns that were conducted in various provinces around Zimbabwe. There is still need to further interrogate the barriers that hinder women from lodging complaints with the ZHRC so that measures can be put in place to promote equal access to the Commission by both males and females.



Consideration of Cases by the Commission

1.6 Consideration of Cases by the Commission

During 2021, the Secretariat presented ten cases for closure before the Commission and 15 investigative reports in June and November 2021. Of the ten cases presented, eight were closed as resolved and two were deferred to allow further investigations to take place for the purposes of clarifying certain critical issues raised by the Commission. Cases considered by the full Commission are as presented in the table below:

Table 4.1: Cases Considered by the Commission

Classification	June	Total
Referred	0	0
Advised	1	1
Declined/Lack of Jurisdiction	0	0
Resolved	7	7
Withdrawn	0	0
Complainants Whereabouts are unknown	0	0
Not Sustained	0	0
Pending/Deferred	2	2
Insufficient Detail	0	0
Total	10	10

During the month of November 2021, the department presented a total of 15 investigative reports before the Commission. Of the 15 reports that were presented 12 were adopted and three reports were deferred for various reasons.

1.7 Mobile Human Rights Clinics (MHRCs)²

To raise awareness on the work of the Commission, the ZHRC conducted mobile human rights clinics on its own and jointly with other civil society organisations such as the Counselling Services Unit (CSU) and the Zimbabwe Lawyers for Human Rights (ZLHR). The objectives of the MHRCs are to raise awareness on the work of all institutions involved, raise awareness on topical issues like child marriages; increase knowledge on reporting and enforcement mechanisms and remedies, to provide free legal advice and receive complaints from the partner organisations.

² Mobile Human Rights Clinics are held for the purposes of providing legal advice and receiving complaints to mitigate the effects of non-decentralisation of the Commission

ZHRC-IOM Mobile Human Rights Clinics

1.7.1 ZHRC-IOM Mobile Human Rights Clinics

ZHRC conducted 18 Mobile Human Rights Clinics in Shamva in Mashonaland Central Province; Mhondoro-Ngezi in Mashonaland West Province and Gwanda in Matabeleland South Province.

The total number of people who attended the MHRCs was 1112. Of these 511 participants were males and 601 were females. The MHRCs targeted 1060 participants in compliance with the COVID-19 mitigation regulations and measures that were announced by the Ministry of Health and Child Care. However, the targeted number was surpassed by 52. The teams raised awareness and education sessions on the mandate of the ZHRC, its composition as well as the complaints handling and investigation mechanism.

During the MHRCs, the Commission received a total of 90 cases classified as follows:

Table 4.2: Nature and number of cases received at MHRCs

Nature of Cases	Quantity
Civil	21
Documentation	21
Pension	5
Abuse of office	13
Right to property	
Labour	3
Right to food	3
Right to administrative justice	6
Right to education	3
Justice Delay	4
Delay in benefits	3
Right to health	1
Total number of cases received	90

During the discussions, it emerged that many communities were aware of the existence of the ZHRC and had a general understanding of what human rights are. The following issues emerged: -

- Access to documentation especially birth certificates continued to be a major concern to the people. In most of the cases, challenges to access to documentation were generational as most of the people were unable to access birth certificates and, subsequently, identity cards because their parents and grandparents lacked the same documents. The ZHRC will continue lobbying for the implementation of recommendations in the National Inquiry on Access to Documentation Report.
- Child marriages were cited by the participants as a cause of major concern. Some participants felt that the ambit of child rights has been widened to a point where the rights presented a danger to the children themselves. They felt that there is a general misunderstanding amongst children with regards to what constitutes violation of their rights.
- Participants from Ward 5 in Shamva District were concerned about an impending eviction since some nearby communities had already been evicted to pave way for development of a growth point within the area.
- In Mhondoro-Ngezi area, the main complaints from the community related to the employment by the nearby mining company ZIMPLATS of workers from outside their district. They complained that they expected first preference to be given to community members from the district.
- They further complained that there was no consultation by the Zimbabwe National Water Authority (ZINWA) on the closure of local dams and the release of water into nearby streams.
- They were concerned about the high rate of child pregnancies caused by adults.
- Those in Gwanda expressed concern over the high level of maladministration at the local police station in as far as handling of reported cases was concerned and the challenges faced at the Registrar general's Office when making application for acquisition of national documents. They further highlighted that the lockdown had presented the communities with many challenges including early child marriages.
- The communities were also concerned about the lack of ICT gadgets and infrastructure to support online learning for their children especially in the face of continued closure of schools due to the COVID-19 regulations.
- The communities felt that the Government was supposed to scale-up public assistance programmes to ameliorate the hardships caused by lockdown restrictions which prohibited operation of businesses and the informal sector.

1.7.2 ZHRC- ZLHR Mobile Legal Clinics

ZHRC in partnership with the Zimbabwe Lawyers for Human Rights (ZLHR) undertook 3 outreach Mobile Legal Clinic (MLC) activities at Helywin Clinic and Gatshekatshe Primary School in Mhondoro, Mashonaland West Province, on the 7th to the 9th June 2021.

The Issues that were observed by the ZHRC included:

- The majority of those who attended did not have much information or knowledge on ZHRC. The ZHRC introduced the participants to the work and mandate of the Commission, explained the procedure for lodging complaints and admissibility criteria, the remedies available and other matters pertaining to its operations.
- Lack of understanding on the parameters of children's rights. Parents appeared to fear disciplining their children due to fear of arrest for violating the rights of the children.
- The communities expressed concern over the age of sexual consent which is 16 years and the age of marriage at 18 years, stating that it caused challenges especially if the child became pregnant before attaining the age of 18 and the parents wanted the responsible man to take responsibility by marrying the girl.
- The community members were aware of the law on the prohibition of child marriages, but they felt that the police were not taking the cases seriously hence the continuation of the practice on the ground. They concluded that there was no political will to deal with the issue of child marriages especially within religious sects.

From the legal aid clinic, the ZHRC advised five complainants and admitted two cases of maladministration.

1.7.3 ZHRC-CSU Manicaland Province Outreach

The Zimbabwe Human Rights Commission in partnership with the Counselling Services Unit (CSU) undertook an outreach in Manicaland Province at Utopia Lodge with some residents of ARDA Transau who were relocated from Chiadzwa Diamond Fields in or around 2010. A total of five cases were taken up by the ZHRC for investigations. There were 22 participants with six males and 16 females.

The issues that were raised were as follows:

- Lack of security of tenure for people relocated from Chiadzwa Diamond Fields, causing uncertainty and anxiety.
- Rampant abuse of power by the ward councillor and inaction by the police. It was alleged that he was taking public property for his own use as well as renting out houses meant for the relocated people to his own tenants and pocketing the money.
- The proliferation of gatekeepers who prevented community members from accessing

public offices such as that of the District Development Coordinator (DDC). It was also alleged the DDC selected to work with certain individuals or committees and not everyone.

- Existence of illegal settlers who corruptly benefitted from services meant for the relocated community.
- The relocation area lacks adequate grazing land, the relocated persons were mostly subsistence farmers, so they were being forced to live an urban life which they were not used to.
- Those with piped water were being forced to pay for the service to both ZINWA and ZESA and the required amounts were beyond the reach of many yet on relocation they were informed that the Diamond Mining Company was going to pay for this service.
- Privatisation of public amenities such as boreholes prevented access by the rest of the community.
- Lack of political will to resolve the outstanding issues relating to the relocation of the community which have been outstanding since 2010. The issues include:

houses for adult children who were supposed to get their own houses but are still living under the same roof with their parents; schools and clinics are far from the community and no schools have been built within the community to date and the issue of compensation has not been resolved.

1.8 Highlights of Cases Received and Actioned by the Commission in 2021

This section presents highlights of some of the cases that were received and actioned by the Commission in 2021.

1.8.1 Land rights

a) Sanyati, Mashonaland West Province Investigation

The Complainant, a resident from Edziwa Village in Sanyati made a complaint to the ZHRC on her own behalf and on behalf of other villagers where she alleged that they were being evicted from land which they had occupied for over twenty years by the Chief and District DDC for Sanyati to pave way for Shadreck Goddard, a commercial farmer. The Complainant alleged that the land was approved by the Land Inspector in 1998 and the villagers were allowed to stay and build structures on the land. The Complainant further alleged that the evictions were being carried out without a court order and the affected villagers had not been allocated alternative land. They were informed by the DDC that they would be compensated for the houses they constructed and their agricultural produce. Eighty-six households were affected by this administrative action. The 1st Respondent in the matter, Chief Wozhele, indicated that the disputed land was taken away from his family by the colonial administration and sold to Agricultural Rural Development Authority (ARDA) in 1973. Consequently, his family was resettled in Dubugwani. In the early 2000s ARDA halted its farming business because it was no longer lucrative and Village Head Edziwa

then took advantage of the fact that the land was lying idle and unlawfully sold the land to the Complainants. It was explained that the Complainants were aware that they illegally settled on the land in question, They had been ordered off the land in previous years and look for alternative residence under neighbouring village heads but they were reluctant to comply because they had a sense of entitlement to the disputed land. The 2nd Respondent corroborated the 1st Respondent's testimony but failed to prove that the evictions had been carried out with authority from a court order as required by Section 74 of the Constitution. The 2nd Respondent promised to email the court order to ZHRC but did not do so. The investigation was conducted from the 25th to the 29th of October 2021.

b) Gumai Village, Ward 7, Chipinge District, Manicaland Province

Investigation

The complaint was brought on behalf of the residents of Gumai Village, Ward 7 of Chipinge Central District in Manicaland Province. He alleged that the Respondents were allocated land next to their communal land, by the Ministry of Lands, Agriculture, Fisheries, Water, Climate and Rural Development (Ministry of Lands) but they encroached into the communal land which they converted into their farms. The Respondents also burnt the houses of all the villagers in the communal area. Criminal proceedings were instituted against the Respondents who were given custodial sentences. Upon their release from prison, they went back to the same community and built houses on the disputed

communal land which they claimed to have inherited from their forefathers.

The Complainant further alleged that sometime in November 2020 their homes were burnt down again, and they were told to leave the village. The issue was referred to the District Development Coordinator who went to the village to try and mediate but he was not successful. He said he would return with feedback but until the completion of the investigation he had not done so. The investigation was conducted from the 26th to the 30th of April 2021. The District Development Coordinator, the Ministry of Lands, Chief and Headman for the area were engaged.

It was found that it was the former commercial farmer who had invited the complainants to form a village on his farm before the Government's Land Redistribution exercise in 2000. When the farm was acquired by the Government, they continued staying in the village until it was offered to Respondents who have valid offer letters. The Ministry of Lands confirmed this. They also highlighted that there was no communal land in Ward 7 as it was all farming land. The ZHRC was shown the map of the area which shows the outline of the area to confirm that the disputed land was not communal land.

1.8.2 Freedom of Association and Conscience

Mbire District, Mashonaland Central Province Investigation

The ZHRC investigated allegations of violation of the right to freedom of association and conscience in Mbire District in Mashonaland Central Province from the 29th of November 2021 to the 3rd of December

2021. The Complainant acting on his own behalf and on behalf of others alleged that he was a member of the Jewish Voice Ministries and that according to his beliefs he is not supposed to associate with witch hunters known as *tsikamutanda* and other traditional related practices were contrary to the doctrine of the church he attended. He alleged that sometime in early July 2021 during the national lockdown period, there was a gathering that was organised by the village head and other members of the community which culminated in the launch of some witch-hunting activities. Contrary to his religious beliefs and convictions, the Complainant and others alleged that they were coerced to be part and parcel of the witch-hunting activities. He further alleged that at one point he was accused of having goblin or *chikwambo* at his house and that he was engaging in witchcraft activities. As a result of such allegations, the complainant was convinced that his right to dignity had been impaired since he received backlash from the community, and no one wanted to associate with him anymore. He also further alleged that the village head and the *tsikamutanda* visited his house and put some pegs (*hook*) by force. He viewed such conduct as a violation of his right to privacy. On investigation, the ZHRC interviewed the Respondent who stated that no person had been forced to attend the witch hunting ceremonies. He further stated that the whole community agreed to have the *tsikamutanda* in the area and that the Complainants were part of those who had given the consent to the coming of the witch hunters. The Commission's findings were that Complainants and other community members were being forced to attend the

witch-hunting ceremonies against their will and conscience. It was consequently recommended that traditional leaders should not force people to attend such activities and engage in rituals they are not agreeable with as that amounts to violation of the right to freedom of conscience as enshrined in section 60 of the Constitution and in regional and international treaties to which Zimbabwe is a party.

4.8.3 Investigations on Equality and Non-Discrimination

Mberengwa District, Midlands Province Investigation

From the 18th to the 22nd of October 2021, the ZHRC investigated complaints of discrimination on political grounds in Mberengwa where it was reported that the Ward Councillor had removed the Complainant's parents from the social welfare food aid list. The Complainant further alleged that he participated in the social welfare programme on behalf of his parents who cannot perform menial tasks like road rehabilitation. The reason for their removal was that the complainant supported an opposition political party, the MDC-Alliance while the Councillor supported the ruling party, ZANU PF. The Complainant further alleged that the Chief summoned him to appear before his court and presided over a maintenance case. The Chief ruled that Complainant should pay for the upkeep of the children. Complainant further alleged that after failing to pay the Chief ordered the attachment of four cattle that belonged to him.

From the investigative visit the ZHRC managed to come up with the following

findings: contrary to Complainant's allegations that his parents were removed from the food aid list, it was only in May 2020 that the family did not receive the food allocation. On the issue of the civil suit, the matter was brought before the Mberengwa Magistrate Court contrary to the allegations made.

1.8.3 Equality and Non-discrimination

a) Partisan Distribution of Agricultural Inputs in Bumhira Village,

Ward 12, Nyanga District in Manicaland Province

The ZHRC investigated allegations of partisan distribution of food aid and agricultural inputs in Bumhira Village, Ward 12, Nyanga, Manicaland Province from the 29th of March to the 2nd of April 2021. The Complainant alleged that food aid and Pfumvudza/Intwasa agricultural inputs were distributed by the village head and Agricultural Extension Services (AGRITEX) Officers on partisan grounds in Bumhira village. According to the Complainant, there was a well organised scheme by the Village Head and AGRITEX officers to exclude known MDC supporters from receiving food aid and agricultural inputs. He, further, alleged that some AGRITEX officers were selling the Pfumvudza/Intwasa inputs, turning the programme into their cash cow, benefitting at the expense of the villagers for whom the programme was designed.

In response to the allegations, the village head conceded that he indeed distributed agricultural inputs and food aid on partisan grounds, arguing that MDC members were supposed to receive humanitarian aid

from “their leader”. The District Agricultural Extension Officer for Nyanga District absolved the AGRITEX officers accused of stealing Pfumvudza inputs, arguing that one of the officers for Ward 12 is a well-known farmer in the region and a beneficiary of the Command Agriculture Programme which has been giving her agricultural inputs for a long time. Despite being mentioned in all the interviews conducted by the ZHRC in the region as an involved party, the District Development Coordinator, professed ignorance on the matter.

The ZHRC made the following findings: that there was indeed partisan distribution of Pfumvudza agricultural inputs in Nyanga, Ward 12 which amounted to a violation of the right to equality and non-discrimination as provided for under Section 56 of the Constitution; that the distribution guidelines for the Pfumvudza/Intwasa Programme adopted in the area conferred too much discretionary power on village heads and this resulted in abuse of power. To remedy the human rights violations, the ZHRC made recommendations to relevant stakeholders to comply with the principle of equality and follow the laid down guidelines for distribution of humanitarian aid.

b) Buhera West District, Manicaland Province Investigation

The investigative visit was conducted from the 12th to the 16th of April 2021. The Complainant alleged that the Government of Zimbabwe through the Department of Social Welfare, in a bid to alleviate food deficit aggravated by the COVID-19 related lockdown made available some maize to the villagers of Buhera West District in Manicaland Province on the 6th

day of January 2021. The distribution point was at Chani Business Centre, Buhera West where the beneficiaries gathered to receive maize from the Department of Social Welfare. The Complainant further alleged that during the distribution, the Respondent, the ward councillor used his political power and forcibly took other portions allocated to other village heads which were meant to benefit their subjects.

In response, the Councillor indicated that she was not involved in any discriminatory practices in the distribution of food aid as she usually delegates the distribution monitoring to the Ward Development Committee (WADCO). She further stated that residents at the Buhera Rural Service Centre complained to the DDC about food deficit because of COVID-19 induced national lockdown prevented them from generating income for buying their own food. That is why some bags of maize were set aside for the said residents. Engagements with the District Social Development Officer revealed that the bags of maize that were repossessed were for those people who were fraudulently receiving double allocations from both the Department of Social Development and a development partner known as World Vision. The District Development Coordinator stressed that the bags of maize that were allegedly diverted to the Rural Service Centre were meant to assist those who lost their livelihoods because of confinement to their homes because of the national lockdown. The ZHRC found that because of the COVID-19 induced national lockdown, there was increased food insecurity which caused hunger to both urban and rural households. It was unfortunate that in urban areas, those

who were in employment did not qualify for humanitarian aid or public assistance yet some of them were not receiving any salaries during the national lockdown. Their employers did not pay salaries citing lack of income due to closure of businesses. It was also noted that there was lack of harmony between the community leaders and members, with divisions along political party lines, resulting in disintegration of community togetherness.

c) Nyamandlovu District, Matabeleland North Province Investigation

The ZHRC investigated allegations of discrimination based on tribal grounds and maladministration at Delikosh Farm in Nyamandlovu District, Matabeleland North Province from the 21st to the 23rd of June 2021. The Complainant alleged that there had been a long-standing dispute between himself and some villagers. He further alleged that he was expelled from the village and evicted from his homestead by Chief Mabhena because he was a Shona man living in a Ndebele community. The complainant also tried to report the cases of ill treatment to the village head but did not get any assistance from him. He stated that he was told by the village head to go back to Chivhu where he belonged. He further alleged that he no longer received food aid in his village because of the dispute. It was the complainant's statement that he was a victim of criminal activities orchestrated by some of the community members, He reported all the cases to the police, but he felt they were not being thoroughly investigated because of tribalism. From the interviews conducted the ZHRC managed to find out that there was

a long-standing dispute between Mr. Ncube and other community members. The Police highlighted that Mr. Ncube had reported various cases and, in most instances, he cited discrimination on tribal grounds as a defence when he was wrong. However, they also stated there were some instances where some community members exhibited jealous of his farming activities and the borehole, he has on his farming land. The Chief stated that from his own understanding the complainant was Ndebele, and it was not true that community members discriminated him because of his tribe. Some of the cases which had some criminal elements were referred to the police. ZHRC had an interview with the Officer in Charge of Nyamandlovu Police Station who acknowledged that Mr. Ncube reported several cases and some of them had been fully investigated while investigations for the rest of the cases were still pending. The allegation of discrimination on tribal grounds was not sustained.

1.8.4 Maladministration

a) Chiadzwa, Marange District, Manicaland Province Investigation

The ZHRC conducted a field investigative visit to Chiadzwa Diamond Fields in Marange District of Manicaland Province from the 6th to the 10th of April 2021. The Complainants alleged that they were assaulted by the security guards of Zimbabwe Consolidated Diamond Company (ZCDC) and Anjin Investments during the COVID-19 lockdown. Reports were made to the Zimbabwe Republic Police, but nothing was done. Of the three Complainants interviewed, two were shot and injured by the ZCDC security guards. However, three other Complainants

who were assaulted by Anjin Investments' security officers could not be located because their whereabouts were unknown as they are originally from Chipinge.

The findings of the investigation were that: Complainants were indeed injured by security officials employed by the two mining security companies and there are medical reports to that effect. However, there was no maladministration found on the side of the Police as the engagements with the police revealed that two of the Complainants had not made a formal police report, but the police issued a "Request for medical report" at Cashel and Nhedziwa Police Station to receive medical attention at Mutambara District Hospital. Such conduct did not constitute a formal complaint for the police to initiate investigations. One of the Complainants was unwilling to report the matter to the police because he was aware that by conducting illegal mining, he was acting in contravention of the existing mining laws and as a result, he was afraid of being charged with an offence.

It was further noted that due to the COVID-19 lockdown there was a high rate of threats, harassment, and assault by the security guards of the mining companies as most people were resorting to illegal mining to earn a living. It was also noted that there was a high rate of school dropouts, who ended up engaging in illegal mining activities. The ZHRC also noted the need to capacitate the communities of their rights, including the procedures for reporting matters to the police, so that the mining companies are held accountable for violating the rights of community members.

b) Seke and Wedza Districts, Mashonaland East Province

Investigation

The ZHRC investigated alleged human rights violations and maladministration in Wedza and Seke Districts of Mashonaland East Province from the 10th to the 14th of May 2021. The Complainant, Mrs. Lucia Chiota alleged that she was forced to relocate from Seke to Wedza, where she resided with her relatives because she was illegally dispossessed of the piece of land that she owned under Chief Seke in Seke district, Mashonaland East by one Christopher Tembo who claimed to be a member of the Central Intelligence Organisation (CIO). The said Mr. Tembo allegedly allocated himself a piece of land in Complainant's fields and constructed some structures. Complainant requested the Respondent to vacate her land, but he declined to do so and instead threatened her with death. She reported the matter to Chief Seke in 2017 but until the time of the investigation the Chief had not yet resolved the matter. Complainant also reported the continued intimidation to the police, but no action was taken.

From the investigations conducted by the ZHRC and after interviewing Manyame Rural District Council, Chief Seke and Headman Chiota, it was found out that the land in dispute was communal land and the complainant was in the habit of selling part of her land and allocating it to the buyers. Complainant had sold and allocated about eight stands and had exhausted part of her land. It was noted that, as a way of resolving the illegality, Manyame Rural District Council had fined those who had illegally bought the land. The council was also in the process

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of regularizing the illegally acquired stands in pursuance of a council resolution. The dispute between the Complainant and Mr. Tembo was pending before the courts. There was also a protection order obtained by Mr. Tembo against the Complainant. The ZHRC recommended that the Ministry of Local Government and Public Works and Manyame Rural District Council formulate measures to curtail illegal sale of communal land, amongst other recommendations.

c) PROMOTION OF HUMAN RIGHTS

ZHRC continued to advance its work on the promotion of human rights as provided in section 243 (1) (a) of the Constitution of Zimbabwe. The Commission used multifaceted approaches such as outreaches, awareness through media platforms, commemorations, engagement meetings with duty bearers and distribution of IEC materials. Below are activities conducted to ensure promotion of fundamental rights and freedoms.

1.1 Human Rights Awareness Outreaches

The Commission conducted awareness raising activities in the form of outreaches as well as citizen awareness raising workshops on human rights centred development and advocacy workshops in Chipinge, Hurungwe, Matobo, Bulilima, Mangwe, Tsholotsho, Bikita and Mutare urban and rural Districts. In total, eighty-five (85) awareness raising activities were conducted in the mentioned districts. The main aim of these activities

was to raise awareness on constitutional rights, human rights, and COVID-19, including raising awareness on the National COVID-19 Vaccination Programme as well as the impact of COVID-19 on the enjoyment of human rights.

Due to the restricted number of people allowed at public gatherings, the activities were attended by community leaders who were then expected to disseminate knowledge and information to communities in their wards. The participants included: traditional leaders such as Chiefs, Village Heads and Headmen or their Representatives; Ward Councillors; Village Health Workers (VHWs); Child Care Workers (CCWs); Environmental Health Technicians (EHTs); Prophets; Church Leaders; Traditional Healers; Government Departments; Business Operators and Persons with Disabilities (PWDs). The 85 human rights awareness raising activities were attended by a total of 5487 people (2889 females and 2598 males).

The issues raised during the outreaches included the following: use of excessive force by the police in enforcing COVID-19 regulations; inadequate water sources (boreholes) in some districts for example in Matobo and Hurungwe; demand for bribes by police from those in breach of COVID-19 regulations; low numbers of primary and secondary schools which are also not proximate to the communities such that learners have to walk for long distances to get to the nearest schools; lack of ICT tools for e-learning and the need to teach children about rights and their corresponding duties.

The San communities in Tsholotsho and Bulilima were concerned about their inability

to participate in politics due to lack of civil documents. In addition, high levels of illiteracy were noted amongst both communities. In Mutare rural participants indicated that there were high rates of home births owing to religious beliefs that barred women from accessing reproductive health services leading to high infant mortality rates. In Hurungwe participants raised concerns over delays in attending to criminal cases reported to the police or outright inaction by the police on criminal cases brought to their attention. In Mutare urban participants highlighted limited access to food as well as safe, clean, and potable water due to limited income generating opportunities and perennial water shortages in the city. Participants in Bikita District stated that the district received above average rainfall but there were fears of poor harvests since farmers received some inputs late into the season.



Figure 5.1: Participants following discussions at one of the outreaches in Hurungwe District

A total of 21766 IEC materials were distributed during the awareness raising activities. These included Brochures on human rights and COVID-19; Abridged Declaration of Rights (English, Shona, and Ndebele); Brochures on the mandate and functions of the ZHRC; Death penalty booklets; and Abridged Ndebele National Inquiry Report.

1.2 Human Rights Media Awareness

During the reporting period, the ZHRC partnered with Hevoi FM in Masvingo (Masvingo Province), YA FM in Zvishavane (Midlands Province), 98.4 FM in Gweru (Midlands Province) and Diamond FM in Mutare (Manicaland Province) to raise awareness on COVID-19 and its implications on human rights guaranteed by the Declaration of Rights. The programmes also deliberated on the current National COVID-19 Vaccination Programme and its implications on human rights. In total 20 radio programmes were done at the four radio stations. The estimated radio programmes listenership stood at 5.4 million.

The topics covered in all the radio stations included:

- Mandate and functions of the ZHRC, including its work during emergencies such as the COVID-19 pandemic.
- Access to information- the importance of access to information during public health emergencies such as COVID-19, particularly in relation to the National COVID-19 Vaccination Programme. Correspondingly, a summary of the Commission's findings in its monitoring missions of the National COVID-19 Vaccination Programme and the role of the Commission in promoting enjoyment of human rights in public health emergencies was given.
- The impact of public emergencies such as COVID-19 on children's rights, the role of the Commission in protecting and promoting children's rights in emergencies, including a summary of the Commission's findings and recommendations from monitoring observance of children's rights during the COVID-19 lockdowns.
- The challenges experienced by communities and residents in accessing services during the COVID-19 lockdown and the Commission's role in promoting access to services.
- Limitation of rights and clarification that non-derogable rights such as the right to life; the right to human dignity; the right to a fair trial; and freedom from torture or cruel, inhuman, or degrading treatment or punishment; and freedom from slavery or servitude cannot be limited even during emergencies.
- In addition to the radio programmes, Information, Education and Communication (IEC) materials were distributed to the community members in the provinces where the radio programmes were held. The distribution of IEC materials was coupled with interactive sessions with community members and stakeholders to enhance understanding of topical human rights issues. The sessions were also meant to acquaint community members on the work of the Commission and further forge collaborative partnerships with different stakeholders.



Figure 5.2: ZHRC interacts with the presenters and listeners during the Radio Programmes at Diamond FM (Mutare)

1.3 Awareness through distribution of IEC Materials

One of the strategies used by ZHRC to raise awareness on human rights is through the dissemination of IEC materials. During the period under review, the ZHRC distributed IEC materials in Bubi, Shamva, Centenary, Seke and Chegutu Districts as a human rights awareness raising strategy. The dissemination of the IEC materials targeted areas with high flow of human traffic such as shopping centres, health institutions, schools, mining compounds and main roads. The IEC materials distributed focused on the mandate and work of the Commission, human rights and COVID-19 as well as modalities for accessing the services of the Commission.

Whilst distributing the IEC materials, the ZHRC interacted with people to understand the human rights concerns faced in the targeted areas and the impact of COVID-19 on the enjoyment of their rights. The issues raised included high levels of unemployment due to COVID-19 related retrenchments, non-enjoyment of the right to education by children owing to a lack of ICT gadgets for online learning, increase in prices of basic commodities, high levels of domestic violence, failure to get vaccinated against COVID-19 due to long distances travelled to access vaccination centres and challenges in accessing primary documents such as birth certificates and National Identity Cards. The number of IEC materials that were distributed during the exercise was 7585 and 7600 people were reached out to.



Figure 5.3: A Human Rights Officer disseminates IEC Materials to the public during outreaches in Bubi District, Matabeleland North Province

1.4 Highlights of Training Workshops Conducted

For purposes of building internal capacities as well as the capacities of key stakeholders, the following trainings were conducted during the period under review.

1.1.1 Training of Commissioners and Secretariat on Human Rights and Devolution

With the adoption of the Devolution and Decentralization Policy by the Government of Zimbabwe in August 2020, the ZHRC as a National Human Rights Institution made a deliberate effort to understand the nexus between human rights and devolution. On that account, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law facilitated a training for Commissioners and some members of the Secretariat in May linking the two concepts to ultimate enjoyment of human rights from a human rights-based approach to service delivery.

1.1.2 Corporate Governance Training and Board Induction for Commissioners and Management

To comply with the provisions of Chapter 9 of the Constitution of Zimbabwe which speaks to principles of public administration and leadership, the Parliament of Zimbabwe enacted the Public Entities and Corporate Governance Act [Chapter 10:31] in 2018. This Act provides for corporate governance of public entities, that is, statutory bodies (parastatals), certain constitutional Commissions, and commercial entities that are owned or controlled by the Government. In compliance with the provisions of the Act, the ZHRC Commissioners and members of management attended a training on corporate governance from the 24th to the 25th of March 2021 conducted by the Corporate Governance Unit in the Office of the President and Cabinet. The purpose of the training was to capacitate Commissioners and management on the statutory framework guiding board practice as well as unpacking of the provisions of the Public Entities and Corporate Governance Act and its application to the work of the ZHRC.

1.1.3 Training of Commissioners and Secretariat on Human Rights and Anti-corruption

The Commission in partnership with the RWI hosted a workshop on Human Rights and Anti-Corruption from the 25th to the 29th of October 2021. The workshop centered on increasing knowledge among Commissioners and the secretariat on the nexus between human rights and corruption and how to address this relationship in the work of ZHRC. During the workshop, it was established that in most instances where there is corruption, there is bound to be human rights violations. It was gathered that since there is a link between human rights and corruption, there is need for collaboration between the ZHRC and the Zimbabwe Anti-Corruption Commission in handling cases of corruption that have a bearing on the enjoyment of human rights.



Figure 5.4: ZHRC participants following proceedings during the Training Workshop on Human Rights and Anti-corruption



Figure 5.5: Commissioner Dr. C. Dziva receives a certificate at the Training Workshop on Human Rights and Anti-corruption

1.1.4 Training of the Parliamentary Committee on Peace and Security on the Nexus between Human Rights, Peace and Security

In terms of Section 243(1)(i) of the Constitution of Zimbabwe, the Commission is mandated “to recommend to Parliament effective measures to promote human rights and freedoms.” Therefore, the Parliament of Zimbabwe recognised the constitutional role of the Commission as an advisor on human rights and invited ZHRC to a two-day capacity building workshop held for the Parliamentary Thematic Committee on Peace and Security in Kariba from 8th -9th May 2021. The overall objective of the workshop was to deepen the participants’ understanding of their mandate in peace and security processes in Zimbabwe and to enhance their analytical and interpretation skills of Bills and Acts so that they ensure integration of peace and security in legislation. The ZHRC made a presentation on its role and functions of the Commission including its contribution to the promotion of peace and security. Other Chapter 12 independent commissions such as the Zimbabwe Electoral Commission and the National Peace and Reconciliation Commission were also in attendance and presented papers relating to their mandates and the theme of the training workshop.

1.1.5 Training of the Parliamentary Thematic Committee on Human Rights

The Zimbabwe Human Rights Commission was invited by the Parliament of Zimbabwe to participate in the human rights training of members of the Thematic Committee on Human Rights. From the 27th -28th November 2021, the Commission presented on the role and work of the ZHRC, achievements of the Commission in human rights promotion and protection, human rights monitoring, and enforcement mechanisms as well as opportunities for creating synergies with Parliament. The ZHRC had the opportunity to showcase its work and highlight its successes and challenges.

1.1.6 Training of Ambassador’s Designate on the Role of the ZHRC

On 6 May 2021 and 26 November 2021, the ZHRC was invited to facilitate during the Diplomatic Training Courses for Ambassadors-Designate and Officers from the Ministry of Foreign Affairs and International Trade which were held in Harare. The Commission delivered papers on “The Role of the Zimbabwe Human Rights Commission”. The training sessions enabled the Commission to impart human rights knowledge to Ambassadors’ Designate and ministry officials and appraised them of the current human rights issues and the role of the ZHRC in promoting and protecting human rights.

1.1.7 Human Rights Training of Zimbabwe Prisons and Correctional Service Officers at Ntabazinduna Training Depot

Prior to this engagement, the Commission's interaction with ZPCS generally centred on monitoring of prisons. The ZHRC and ZPCS then partnered in conducting training programmes for correctional officers of different ranks. From the 26th -28th May 2021, the ZHRC trained 1 200 recruit training officers and from 25-29 October 2021, 402 senior officers were also trained on human rights principles as well as the human rights-based approach to law enforcement and correctional service, informed by the domestic, regional minimum international standards for the treatment of inmates.

The training seminars were conducted to foster a culture of human rights-based approaches to law enforcement by ZPCS officials in the provision of correctional services, rehabilitation, and reintegration of offenders into society. The training seminars were also aimed at establishing collaborative relationships, partnerships, and mutually beneficial platforms between the Commission and ZPCS to enhance protection of fundamental rights and freedom of prisoners. In a show of approval, most of the trainees felt that the training equipped them with new knowledge on human rights and reinforced the knowledge minimum standards for humane treatment of inmates which they already had.

During the training sessions, some of the issues raised included the following: challenges in accessing primary documents for inmates; discriminatory nature of the death penalty; permitting some inmates to practice their religious practices compromising the security of prisons; the law being unfair as it does not take into account men's vulnerabilities; the ZHRC's position on the inconsistency of the marital age and the age of sexual consent and the ban of corporal punishment leading to failure of raising upright future leaders.



Figure 2.6: ZHRC Director facilitating one of the training sessions during the training of recruit training officers in May 2021



Figure 5.7: The Closing Ceremony for the Senior Officers' Training



Figure 5.8 The Executive Secretary (centre) and ZPCS Management following proceedings during the Official Opening

1.4 Highlights of Engagements and Networking with Stakeholders

5.5.1 Engagement meeting with the Civil Registry Department

During the period under review, the ZHRC held an engagement meeting with the Civil Registry Department (previously known as the Registrar General's Office) in Kadoma. The purpose of the meeting was to explore the next steps in the implementation of the Commission's recommendations in the Report on the National Inquiry on Access to Documentation in Zimbabwe and to consider developing a concept note for Phase 2 of the National Inquiry Project. In addition to the Programmes Secretariat from the Commission, the meeting was attended by nineteen (19) participants from the Civil Registry Department comprising of senior management from their head office and Provincial Registrars from all the ten (10) provinces of the country.

The objectives of the engagement were to: analyse findings and recommendations in the National Inquiry Report; devise strategies for the implementation of the recommendations focusing on those made to the Ministry of Home Affairs and Cultural Heritage which is the parent ministry for the Civil Registry Department, Department of Immigration and the Zimbabwe Republic Police; devise strategies for resolving the 7544 submissions received by ZHRC during the National Inquiry process and other complaints on access to national documentation that were received thereafter.

The recommendations by the Civil Registry Department to improve service delivery and enhance access to documentation in

Zimbabwe included: adequately equipping sub-offices; integration of systems; intensifying awareness campaigns; procurement of digitalised mobile registration equipment; installation of solar panels and generators so that sub-offices can be computerised in remote areas; procurement of high terrain vehicles; adoption of mobile money payments for example eco-cash, one-money and tele-cash to ensure financial inclusion; strengthening of the public relations function and establishment of a training centre.

1.1.2 Round Table Discussion on Human Rights and the Rights to Health and Education

The ZHRC held a round table discussion in Harare with the representatives of government ministries, civil society organisations and other stakeholders to share perspectives on COVID-19 and its implications on the promotion, protection, and fulfilment of human rights in Zimbabwe. The meeting sought to appreciate the progress made, challenges faced and identify other human rights concerns on COVID-19 diagnostic testing as well as the National COVID-19 Vaccination Rollout Programme. A total of 40 participants were invited to the meeting where the Swedish Ambassador to Zimbabwe was part of the attendees. Panellists at the meeting were drawn from the Ministry of Health and Child Care, Ministry of Primary and Secondary Education, the Parliamentary Portfolio Committee for Primary and Secondary Education as well as the Zimbabwe Association of Doctors for Human Rights.

It was concluded that the COVID-19 vaccination programme was shrouded by lack of proper information dissemination. At the roundtable meeting, the Ministry of Primary and Secondary Education pointed out that the right to education was a right for every child. The government faced a dilemma in trying to balance the right to health and the right to education considering the health risks associated with face-to-face learning against the educational needs of children better served when learners were physically in schools. The Ministry of Primary and Secondary Education highlighted those standard operating procedures were developed to guide schools on measures to be adopted and implemented at schools to adequately respond to the needs of each individual learner, members of staff or visitors in relation to COVID-19 prevention and containment.

The Ministry of Health and Child Care encouraged citizens to get vaccinated at Government approved health centres which were easy to monitor. A virtual participant from Ghana's Commission for Human Rights and Administrative Justice advised Zimbabwe to develop a National Emergency Response Plan that provides guidelines for measures to be adopted during the pre- and post- emergency period.

5.5.3 Exhibition at the Zimbabwe International Trade Fair (ZITF - (Bulawayo)

With financial and technical assistance from the GoZ and the UNDP, the ZHRC participated at the ZITF exhibitions held from the 21st to the 24th of September 2021. The exhibitions were running under the theme: ***“Showcasing the New Normal***

for Business and Industry: Realities and Opportunities.” The ZHRC took advantage of the exhibitions to discharge its awareness raising function. This was done during the interactive sessions between the ZHRC secretariat and the members of the public and stakeholders who visited the ZHRC. The Commission also distributed different IEC materials including its brochures, Declaration of Rights booklets, and Reports of the National Inquiry on Access to Documentation in Zimbabwe. The objectives of the exhibition were to promote awareness of human rights, visibility of the Commission; and facilitate intake of complaints from people who participated in the exhibition. During the exhibitions, the IEC and branded materials that were distributed reached out to over 1500 people with some of the materials distributed to organisations and groups of people.

During interactions with members of the public, some of the issues noted included the following:

- The position of the ZHRC on forced vaccination of employees and students in some tertiary institutions and Government Departments and Ministries?
- The challenges being faced by people in accessing primary documents such as birth certificates and identity cards, especially in rural areas.
- Measures put in place by ZHRC to ensure that people whose livelihoods were affected by the lockdown were compensated for their loss.

- The position of the ZHRC regarding the denial by the Government to allow students to repeat grades since they lost out on their studies due to the lockdown?

During the exhibitions, the Commission conducted radio and television interviews. One television programme was recorded at ZITF and broadcast on national television on the 26th of September 2021 while all six radio interviews were broadcast live. It is estimated that through the television and radio programmes the ZHRC reached out to approximately 31 million people.



Figure 5.9: A Human Rights Officer interacts with visitors at the ZHRC stand at the ZITF in September 2021

1.1.4 International Human Rights Day (IHRD) Commemorations

On 10 December 2021, the Commission hosted the IHRD commemorations in Mutare, Manicaland Province where the ZHRC opened a new office in October 2021. The commemorations were held under the theme, ***EQUALITY, as the Solution to Provide Opportunities Within and Access to a Fairer and More Inclusive Society***". The objectives of the commemorations were as follows:

- to raise awareness of the existence, mandate, and functions of the ZHRC including contact details of the Mutare office, human rights and redress mechanisms available in the event of human rights violations.
- to raise awareness of International Human Rights Day (IHRD) and its significance amongst stakeholders and communities in Manicaland Province.
- to promote utilisation of ZHRC services by communities in Manicaland Province.
- to create and sustain platforms and networks for engagements with duty bearers and key stakeholders relevant to the protection, promotion and fulfilment of human rights and freedoms in Manicaland Province.

Before the commemorations, the Commission conducted a stakeholder engagement meeting with Mutare stakeholders including representatives of Government departments, civil society organisations from Manicaland Province. The Department also conducted four (4) pre-event outreaches in Mutare peri-urban areas and Mutare high density suburbs to raise awareness of the event, publicise the existence, mandate, and functions of the Commission, to identify participants to the commemorations, and to disseminate Information, Education and Communication (IEC) materials on human rights. In addition to the pre-event outreaches, the ZHRC participated in a 10-minute live radio programmes on Diamond FM in Mutare as part of the strategy to mobilise communities in and around Mutare to raise awareness of the IHRD commemorations. The radio programmes were also used as a strategy to raise visibility on the establishment, mandate, and functions of the ZHRC as well as alerting listeners on the opening of a new provincial office in Mutare.

The IHRD commemorations were graced by the Minister of State for Provincial Affairs and Devolution for Manicaland Province, Honourable Nokhuthula Matsikenyeri, who delivered the keynote address. Speeches to mark the occasion were also delivered by the United Nations Development Programme (UNDP) Deputy Resident Coordinator, the ZHRC Chairperson, representatives of civil society organisations including ZNNP+, ZLFHR, Women's Coalition of Zimbabwe (WCoZ), Zimbabwe teachers Associations (ZIMTA), Youth Alive and Tariro Foundation through solidarity messages.

Entertainment was provided by a local

Traditional Dance Group (Chenhaka Trust), a local Gospel Artiste (Dorcas Moyo) and a local Poet who played an important role in providing human rights education and entertainment (edutainment) highlighting specific human rights violations that are perpetrated in communities which were delivered through song, dance, drama, and poetry.

Achievements of the 2021 IHRD Commemorations included reaching out to more than 650 people during the pre-event outreaches, direct mobilisation of 171 people who attended the main commemoration event including local communities, stakeholders from Government and civil society, reaching out to 60% people in Manicaland Province through the radio coverage that was done before the commemorations and on the day of the commemorations (Diamond FM has a listenership of 60% of the Manicaland Province population which is equal to 1.7 million) increased awareness of the existence, mandate and functions of the Commission, increased awareness of the significance of the IHRD and its 2021 theme, awareness of the opening of the ZHRC Mutare Office, and establishment and potential sustenance of platforms and networks for engagements with Duty Bearers and Key Stakeholders in Manicaland Province for sustained collaborations relating to future programming work in the Province by the Commission.

The ZHRC also reached out to approximately 4 000 people through the distribution of IEC materials which the ZHRC believes will be further disseminated by organisations within their areas of operation.



Figure 5.10: Guest of Honour, Honourable Nokuthula Matsikinyeri making the Opening Remarks during the International Human Rights Day Celebrations in Mutare on 10 December 2021.



Figure 5.11: Participants following proceedings during the IHRD Commemorations in Mutare on 10 December 2021.

1.1.5 **Activities Conducted in Partnership with other organisations**

The ZHRC participated in partner-supported training workshops. The workshops were hosted by the Shelter for Dialogue, the Zimbabwe Human Rights Association (ZIMRIGHTS) and the Zimbabwe Association of Doctors for Human Rights (ZADHR). The Dialogue for Shelter workshop focused on the human rights issues affecting irregular settlements and how the Commission can work with such groups. The ZADHR workshop focused on the right to health during the COVID-19 pandemic and how the Commission can collaborate with different stakeholders to enable the realisation of this right especially for vulnerable groups. The Commission also facilitated a ZIMRIGHTS training workshop of its grassroots structures on the mandate and work of the Commission and how communities can access the Commission's services. All the three training workshops were conducted virtually because of the national lockdown due to the COVID-19 pandemic.

During the period under review, the Commission participated in activities of other stakeholders such as the Zimbabwe Christian Alliance (ZCA) and the Zimbabwe Humanitarian Livelihoods and Development Trust (ZHLDT) ZHRC participated in a ZCA virtual meeting that was held on the 3rd of March 2021. The ZHRC participated in a ZCA virtual technical planning meeting.

The purpose of the meeting was for the ZHRC and ZCA to plan on activities they could implement together in 2021 since the two parties now have a MOU. The ZCA shared information on the project they were implementing on peacebuilding in the different communities of Midlands, Matabeleland South and North Provinces. As part of the project, communities where they operate requested to be capacitated on human rights and the work of the Commission. The ZCA therefore, requested to collaborate with the ZHRC in its activities conducted in the said communities.

The ZHRC also participated in the ZHLDT Stakeholders Engagement Meeting held with the Tsholotsho District duty bearers. The meeting was held in Tsholotsho Business Centre on the 19th of March 2021. The purpose of the meeting was to capacitate stakeholders on the Human Rights Based Approach (HRBA), work of the ZHRC as well as human rights hotspots issues in Tsholotsho. The issues raised included the failure to benefit from wildlife by inhabitants of Tsholotsho especially the San community (an indigenous minority group), lack of knowledge of human rights and the exclusion of the San community from development processes and employment opportunities.

Monitoring & Enforcement of Human Rights

5 MONITORING AND ENFORCEMENT OF HUMAN RIGHTS

The importance of the monitoring function of the ZHRC is that it informs the work of the other programming functions by identifying human rights concerns for investigation or information gaps which should be addressed through human rights promotion and awareness. The confinement measures put in place to curb the spread of COVID-19, presented challenges in access to health care, sustainability of livelihoods, employment and income generating activities and had a bearing on the general enjoyment and realisation of human rights. It was therefore imperative for the Commission to monitor and assess the observance of human rights at all levels of the society and proffer viable recommendations on improving the human rights situation amid the COVID-19 pandemic. Below are activities carried out under the ZHRC monitoring function.

5.1 Consultations on the Universal Periodic Review (UPR)

Zimbabwe was due for review during the 40th session of the Human Rights Council (HRC) in October 2021. During the second cycle of the Universal Periodic Review (UPR), Zimbabwe accepted 151 recommendations. As part of the preparation for the third review, Zimbabwe Human Rights Commission (ZHRC) and stakeholders were expected to prepare and submit a report to the HRC by July 2021 to form part of the basis for the review in January 2021. Thus, the report focused on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in Zimbabwe since the last review in 2016. Most recommendations accepted by the Government of Zimbabwe (GoZ) focused on efforts to prevent GBV and violence against women and children.

In coming up with the above-mentioned report, the Commission held stakeholder consultations and validation meetings with Government Ministries, Independent Commissions, Thematic Committees from Parliament and Civil Society Organisations (CSOs). Further information was obtained through desk review of other stakeholder reports (such as Government Ministries, Civil Society Organisations (CSOs), Community Based Organisations) among others and from templates completed by stakeholders on the implementation of recommendations. The objectives of the feedback meetings were to share the Zimbabwe Human Rights Commission (ZHRC) draft parallel report with stakeholders, consult with stakeholders and receive input into the draft as well as to confirm accuracy and credibility of the draft report.

Feedback/validation meetings of the draft report were conducted in five provinces

namely, Manicaland, Masvingo, Bulawayo, Matabeleland North, Matabeleland South, and Harare Provinces. Eighty-seven stakeholders attended the meetings physically and virtually through zoom (33 attended physically and 54 through zoom). In consideration of COVID-19 regulations, only ten participants were invited to attend the physical meetings per province.

The meetings began with short presentations by the Commission on the process and its experiences of the UPR process. The draft report and matrix were presented, and participants invited to give input and feedback to both documents. Deliberations centred around the issues of the COVID-19 pandemic, citing that most COVID-19 quarantine centres were not disability friendly. Stakeholders pointed out that during lockdown period, the Government of Zimbabwe (GoZ) failed to come up with effective social protection systems to safeguard the lives and livelihoods of most vulnerable groups. Correspondingly, during the lockdown period, people were not accessing documentation such as birth certificates causing a backlog. Stakeholders recommended that the ZHRC initiative on access to documentation be an ongoing process that assists people to access documentation for purposes of identification and access to education for those of school going age.

The implementation of constitutional provisions and alignment of laws to the Constitution also formed the subject of the discussions. Stakeholders recommended relaxation of the restrictive laws on independent and government media so

that civilians could openly discuss and debate on critical issues and make informed decisions. Other recommendations that were proffered related to issues of violence and discrimination against women and girls, freedom of assembly as well as the right to health.

After the presentation of the matrix draft report, stakeholders made recommendations on the need for the GoZ to ensure that public officials involved in food aid distribution were trained on good governance and human rights to ensure respect for human rights and fundamental freedoms. Other recommendations focused on issues of access to justice, detention centres, access to drinking water, access to education and co-operation with civic society. For instance, the stakeholders highlighted that Matapi Police cells were no longer fit for human habitation and appealed to the ZHRC to intensify its monitoring visits and continue assessing the human rights situation in detention facilities. ZHRC accepted the recommendation. The ZHRC worked on the report covering the period 2017 to 2021 in preparation of Zimbabwe's 3rd Cycle Review and finalised the drafting of its alternative report to the UPR, during the second quarter of 2021. The report and matrix were submitted to the Office of the High Commissioner for Human Rights (OHCHR) on the 15th of July 2021.

5.2 Monitoring the Human Rights Situation in Communities Facing Displacements

5.2.1 Uzumba District

The conflict between a private Chinese investor, Heijin Mining Company, and villagers from Kaseke Village in Uzumba District of Mashonaland East Province was brought to the attention of the ZHRC through media monitoring. The matter involved mining of the black granite stone in the community by Heijin Mining Company. The media reports highlighted that around 39 households were on the verge of losing their land and property due to the company's mining activities. Villagers were against the proposed granite mining project by the mining company and raised their objections with the Ministry of Mines and Mining Development, Ward Councillor, and the Chief. To verify the issues on the ground and assess the human rights situation, the ZHRC embarked on a monitoring visit from the 27th September to 1st October 2021.

It was noted that the Environmental Impact Assessment (EIA) was not completed due to the objections raised by the villagers. The Uzumba Rural District Council reportedly sent out a letter to the Provincial Ministry of Mines and Mineral Development on the 13th of September 2021 to inquire on the mining project as well as to raise their concerns. The Provincial Mines Office responded to the concerns raised and acknowledged the error that had occurred in pegging the mining areas and further guaranteed that the matter was going to be addressed. At the time of the visit, no mining activities had taken place due to the objections raised by the villagers. The Government then revoked the mining permit for Heijin Mining Company. The Company indicated that it was going to appeal to the Mining Commissioner in line with provisions of the Mines and Minerals Act against the revocation of its mining permit since it had followed due process including consulting the villagers and identifying alternative land for their relocation.

5.2.2 Monitoring Visit to Lubimbi Village in Binga District on Impending Internal Displacements

In September 2021, the ZHRC assessed the human rights situation of residents of Lubimbi Village in Binga District of Matabeleland North Province who were facing impending displacements. The villagers were advised that they were going to be relocated to pave way for a dam construction project meant to augment water supply to the city of Bulawayo and intensify economic activities such as fishing, power generation, recreation as well as irrigation in Binga. At the time of the visit, the development initiative was ongoing and anticipated to be completed by December 2021. The ZHRC gathered that valuation of property and assets for community members had not been done, meaning that compensation had not yet been determined. However, since the dam construction was already underway, there was a risk of the community being forced to relocate by December 2021 before the GoZ secured a new

settlement area and proper shelter for them.

There were concerns regarding the issue of delays in identifying and approving the relocation area. The Lubimbi community was concerned about the uncertainty of their future with respect to where they would stay. There was no clear roadmap for the relocation, thus creating accountability gaps on the part of the relevant duty bearers. The ZHRC was informed that community members were excluded from consultative meetings on development projects and as such recommended the adoption of a holistic participatory approach when implementing development initiatives. The Commission urged the Binga Rural District Council and the Ministry of Local Government and Public Works to work together and ensure the success of the project.



Figure 6.1 ZHRC Engagement Meeting with the Local Leaders and other Community Representatives in Lubimbi, Ward 20, Binga District

5.3 Maganga Farm Evictions

The ZHRC gathered that farmers from Maganga farm in Marondera were evicted from the land they had been occupying for several years to pave way for Hunyani Estate. Their property was forcibly removed and dumped along the Harare-Mutare railway line. The ZHRC therefore conducted a monitoring visit to ascertain the living conditions of the IDPs and then provide appropriate recommendations to the duty bearers and all relevant stakeholders as provided for in Section 243(1) (c) of the Constitution, which mandates the Commission to monitor, assess and ensure the observance of human rights and freedoms at all levels of the society in Zimbabwe.

Even though the ZHRC established that there was a court order legalising the eviction of settlers from Maganga Farm, what was lacking was adequate notice before eviction. The Commission observed that some of the affected people were staying in the open without shelter. Those evicted including children and pregnant mothers were exposed to the harsh weather conditions and complained that they were not able to harvest their crops before

eviction. There was therefore need for the Government to provide the affected people with decent shelter to shield them from the harsh winter conditions and ensure availability of food.



Figure 6.2: ZHRC conducting a Monitoring and Inspection mission at Maganga Farm.

5.4 Monitoring and Inspection of Prisons

During the year under review, the Commission conducted 19 prison monitoring missions supported by the GIZ. The monitoring missions were guided by ZHRC's constitutional mandate provided for in Section 243 (1) (k) (i) which mandates the Commission to visit and inspect prisons, places of detention, refugee camps and related facilities. Access to adequate and wholesome food had improved. Female inmates at all the visited prisons confirmed that they had adequate sanitary wear, and their request was to be provided with more undergarments. Because of the national lockdown and stoppage of visits their relatives who usually provided them with underwear were no longer able to assist them, hence the request.

Access to justice was raised as a major concern, as inmates on remand were going through prolonged pre-trial detention of up to 32 months due to the transfer of Magistrates working on the cases and transport challenges faced by the ZPCS which affected regular court attendances. Inmates also requested review of the selection criteria for beneficiaries of presidential amnesties to include those convicted of the big five crimes namely: rape, murder, armed robbery, car hijacking and stock theft as well as for juveniles. They argued that the ZPCS adopted a correctional approach which prioritises rehabilitation so as rehabilitated offenders, they deserved consideration for presidential pardon.

Other challenges noted in prisons included the limited availability of back-up water storage tanks, lack of meat in the diet of inmates, inadequate medication for the chronically ill

except for those on anti-retroviral treatment (ART) who indicated consistent availability of their medication, inadequate clothing, and bedding provisions. At most farm prisons, it was reported that there was shortage of protective clothing like gumboots and overalls. Satellite prisons need proper infrastructure since they are using premises availed by other government departments. The ZHRC is lobbying for adequate financial that enables the ZPCS to refurbish prison facilities country wide for the improvement of living conditions of inmates and correctional officers.



Figure 6.3: Commissioner Beauty Kajese (left) and Commissioner Dr. Cowen Dziva (3rd from left) with other ZHRC staff listening to the Officer in Charge of Mutare Remand Prison during a Prison Monitoring Visit in October 2021.

5.5 Monitoring and inspection of Care facilities

Zimbabwe Human Rights Commission monitored eight care facilities housing children and older persons in Matabeleland South, Mashonaland West, and Harare. The institutions had innovative personnel who ensured that they engaged in income generating projects for the institutions' self-sustenance. The care institutions ensured that all chronically ill children and elder persons acquired their medication from nearby health institutions monthly. At some residential care facilities like Gwanda Old People's Home, elder persons received palliative care from nurses stationed at nearby clinics. The rehabilitation skills of residents based at the care institutions were strengthened during the national lockdown period through acquisition of self-sustenance skills such as farming which helped to increase yields and food security.



Figure 6.4: ZHRC Secretariat Interacting with the Elderly at Gwanda Old People's Home.

However, ZHRC is concerned with the ineligibility of privately run institutions to benefit from social protection programmes supported by the Government and donor partners such as the World Food Programme (WFP) and International Society of the Red Cross. This issue was highlighted at a monitoring and inspection visit conducted at residential care facilities/homes housing children in Matabeleland South and Mashonaland West. As a result of the said ineligibility, the institutions were not entitled to receive monthly food provisions, administrative grants and educational assistance. This exclusion resulted in resource constraints at privately run institutions like Ethandweni and Ekhaya Kip Keino Children's homes which experienced difficulties in paying tuition fees for some of the children in their care with some of them being turned away from school.

Furthermore, the Commission noted concerns emanating from the late disbursement of funds for homes eligible to benefit from social protection programmes like per capita grants, administration grants, food aid and education assistance which was attributed to delays in processing of the benefits by the relevant government departments. A substantial number of children did not have documentation such as birth certificates especially the new admissions while others were reportedly issued with short birth certificates which were not accepted in schools for enrolment purposes. The ZHRC therefore encouraged the Government to revisit its policies and ensure that all institutions benefit from the social welfare protection programmes regardless of their public or private status.

5.6 Monitoring Institutions for Persons with Disability

ZHRC monitored 10 institutions for Persons with Disabilities in Mashonaland West, Midlands, Masvingo and Manicaland Provinces. The monitoring missions focused on assessing the overall enjoyment of human rights by both the residents and care givers at the facilities as well as to assess the measures put in place to combat the spread of COVID-19. The Commission noted that all the visited institutions had adopted strict measures for prevention and containment of COVID-19, which included restricted movement for both residents and care givers, provision of personal protective equipment in the form of sanitizers and face masks. They also disseminated basic information on COVID-19 as well as on precautionary measures to the residents.

The challenges highlighted during the visits included: under-resourcing which negatively affected the operations of the institutions and the inadequate and inconsistent provision of PPE. The lockdown restrictions resulted in reduction in the quantities of the donations received from individuals and churches. This affected the provision of goods and services thereby impacting on enjoyment of socio-economic rights by the vulnerable groups. Officials from the Ministry of Public Service, Labour and Social Welfare indicated that institutions were entitled to per capita grants, but delays in disbursement were often experienced. The institutions also raised the issue of the non-availability of concrete measures for after-life services such as funeral support or assistance in the event of death of a resident since a considerable number of residents were no longer in

touch with families and other relatives. The ZHRC recommended that the Government provides state-funded funeral policies or state-assisted funerals. In as far as the right to food and water is concerned, it was observed that most of these institutions had turned to market gardening, and other self-sustaining projects like rearing of broilers, goats, rabbits, and piggery to supplement their diet.

5.7 Monitoring of the General Human Rights Situation

During the national lockdown period, ZHRC continued with media monitoring of electronic, print, and social media platforms keeping track of the different human rights and administrative justice related reports. Press statements were made on the prevailing human rights situation in the country during the COVID-19 lockdown period and published in the mainstream media and social media. Since there was an intercity travel ban, the Commission conducted physical general human rights monitoring missions in urban and peri urban areas of Harare and Bulawayo.

5.7.1 Press Statement on COVID-19 Vaccination

On the 2nd of August 2021, the Commission released a statement on the human rights issues relating to the national COVID-19 vaccination Programme. The statement welcomed the move by the Government to introduce the free vaccination programme for the general populace. The Commission opined in the statement that corporates and other business entities should desist from coercing their employees to be vaccinated

as this was against their rights to freedom of choice, conscience, and bodily integrity. Furthermore, the Government and other partners were urged to scale up awareness raising programmes on the importance of vaccines. Recommendations made to various stakeholders included the need for citizens to adhere to stipulated COVID-19 guidelines, availing more doses of the vaccines to vaccination centres by the Government and compliance with Government measures for the containment of the spread of the COVID-19 pandemic by private companies.

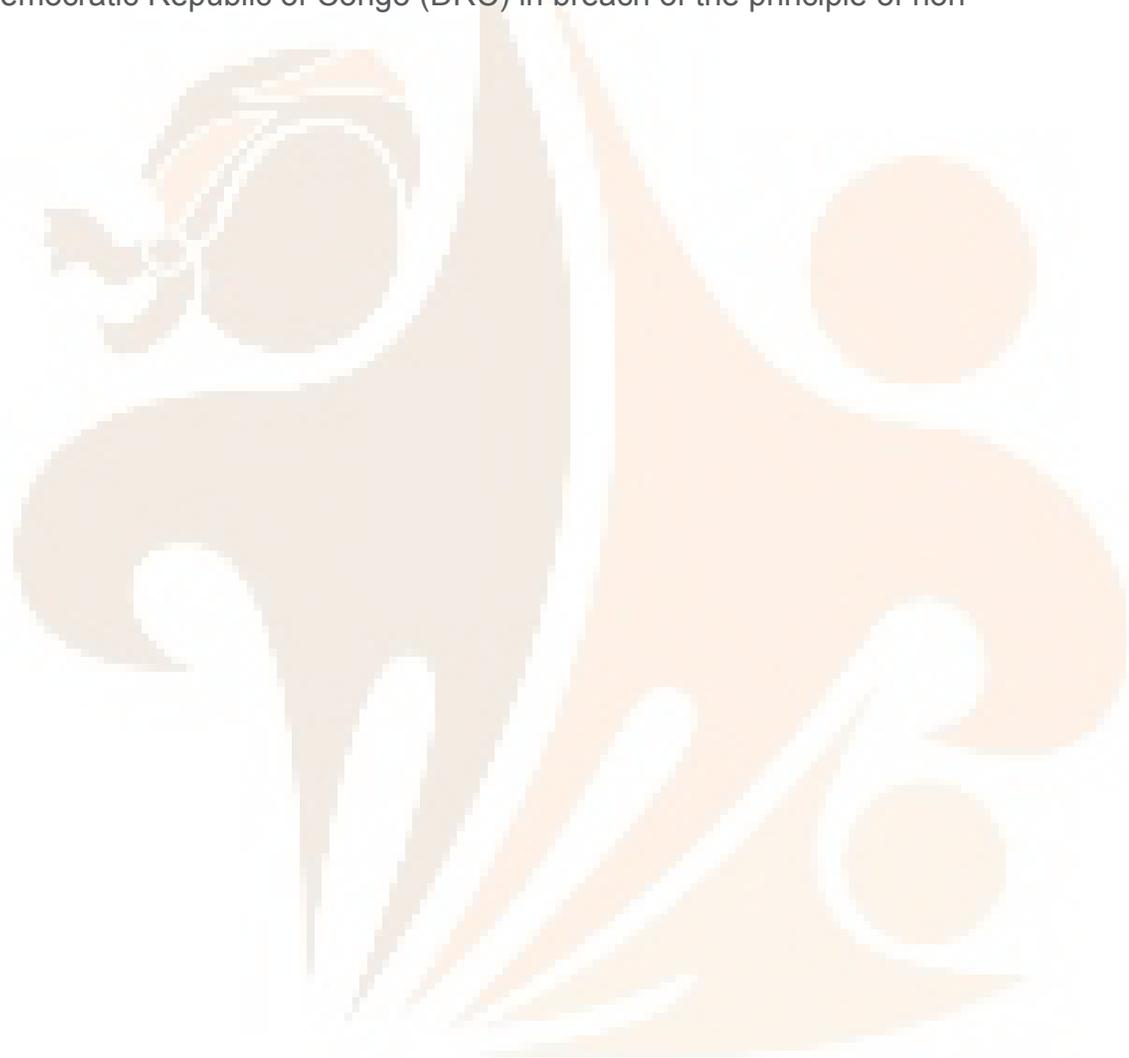
5.7.2 Monitoring of the General Human Rights Situation Monitoring in Bulawayo and Harare

With the support of the GIZ, the Commission conducted general human rights monitoring in terms of section 243 (1) (c) of the Constitution of Zimbabwe from 17 to 20 August 2021. Due to the restrictions on intercity travel, the Commission monitored urban areas and peri-urban areas in Harare and Bulawayo. Human rights issues raised by the communities included limited access to clean, safe, and potable water, deterioration in the enjoyment of the right to healthcare services, specifically in relation to the vaccination programme, limited access to food and the right to education. Communities commended the national vaccination programme but lamented the shortages of some doses of the vaccines. This resulted in long queues at vaccination centres with some alleging that they had to sleep at the centres to be assured of a dose. Health workers complained of being over-worked due to the high demand for the COVID-19 vaccinations such that they could not effectively attend to other health

care issues of patients besides vaccinations. Some religious sects contended that they could not be forcibly vaccinated against their religious beliefs. During the lockdown periods, access to transport was a major challenge since commuter omnibuses had been banned in urban areas, forcing commuters to board 76-seater buses which were often overcrowded or resort to boarding illegal pirate taxis. In all areas monitored, communities felt that the closure of schools affected the enjoyment of the right to education. The high costs of internet data bundles and limited access to ICT gadgets affected participation of children from low-income families in online learning. It was also highlighted that juvenile delinquency, child marriages and substance abuse had become rampant.

5.8 Engagement Meeting on 72 Expelled Refugees

In August 2021, the ZHRC monitored Harare Remand Prison and Chikurubi Female prison following a complaint from the United Nations High Commission for Refugees (UNHCR) that there were refugees who had been removed from Tongogara Refugee Camp and detained at Harare Remand Prison and Chikurubi Female Prison awaiting deportation. The ZHRC noted that the refugees had been detained at the prisons without following due process. This resulted in the Commission holding an engagement meeting with the Minister of Public Service, Labour and Social Welfare, Commissioner for Refugees, and other Government Officials on 31 August 2021. The engagement meeting sought to highlight the issues arising from the decision of Government to expel the refugees to their countries of origin. The Commission advised that the Committee for Refugees should ensure that in expelling refugees, due process should be followed in accordance with the Refugees Act [Chapter 4:03] and the 1951 Convention on Refugees. In addition, the Government was urged to respect the principle of non-refoulment which stresses that no person should be returned to a country from which they fled in fear of persecution or harm. However, the advice of the Commission was not heeded as it was later learnt that the refugees had been expelled and returned to the Democratic Republic of Congo (DRC) in breach of the principle of non-refoulment.



Thematic Working Groups

6 THEMATIC WORKING GROUPS

6.1 Children's Rights Thematic Working Group

With financial and technical support from Save the Children Zimbabwe and UNICEF, the ZHRC prepared for the periodic reporting under the Convention on the Rights of the Child (CRC). In August 2021, a consultant carried out interviews with ZHRC staff members and stakeholders to gather more information to incorporate into the report. A report incorporating the views was then produced. A validation process will take place before adoption by the Commission.

6.2 Gender Equality and Women's Rights Thematic Working Group

During the first quarter of the year, the Gender Equality and Women's Rights Thematic Working Group (GEWR-TWG) received a research grant from the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) to conduct a research and draft a paper and policy brief on the devolution agenda in Zimbabwe and human rights. The TWG drafted a paper that focused on the devolution agenda and the political participation of women in Zimbabwe. As part of the drafting process, from the 1st to the 5th of November 2021, two members of the TWG and the Chairperson of the TWG participated in a symposium and policy brief review workshop to get feedback from other authors on this paper. The feedback received was incorporated into the final paper and submitted to RWI in early 2022.

6.3 Special Interest Groups Thematic Working Group

The Special Interest Groups Thematic Working Group (SIGTWG) promotes the rights of vulnerable groups in society, specifically persons with disabilities, indigenous minority groups, youths, and older persons. In 2018 the SIG TWG produced a position paper of the Disability Bill which was submitted to the Ministry of Public Service, Labour and Social Welfare for their consideration. In partnership with RWI hosted a Roundtable Discussion on the Human rights situation of Persons with Disabilities (PWDs) on the 11th and 12th of November 2021.

The objectives of the round table discussion included dialogue on disability, human rights and impact of COVID-19 on PWDs, sharing findings and recommendations arising from the monitoring of the human rights situation in the country during the COVID-19 era with specific focus on PWDS and increasing awareness on the current human rights situation of persons with disabilities in Zimbabwe during the COVID-19 era. In addition, ZHRC sought to raise awareness on the National Disability Policy and strategies to operationalize the policy for the benefit of PWDS during emergencies. Despite the COVID–19 pandemic restrictions, the Commission continued to execute its mandate of visiting and inspecting various institutions including places where people with mental patients are kept. Since the outbreak of the COVID – 19 pandemic in 2021, the Commission visited and inspected 10 institutions for PWDs in Masvingo, Midlands, Mashonaland West and Manicaland Provinces. Challenges

faced by PWDs in the wake of COVID-19 were discussed at the roundtable discussion. These included lack of access to information resulting in those with hearing impairments being harassed by law enforcement agents for non-compliance with given instructions.



Figure 7.1: Participants following proceedings during the Roundtable Discussion on Human Rights Challenges faced by PWDs

7.4. Environmental Rights Thematic Working Group

7.4.1. Use of Digital Platforms

The national lockdown due to COVID-19 adversely impacted on stakeholder engagements and public gatherings carried out by the Environmental Rights Thematic Working Group (ER-TWG) because of the prohibition of large gatherings. Despite the lockdown, the Commission was able to continue operating, through remote working arrangements and migration to online information, communication, and technology (ICT) services and facilities. In addition to radio shows promoting access to justice, the Commission and Zimbabwe Environmental Law Association (ZELA) prioritised the development and dissemination of recordings in Hwange through Hwange FM Radio. The usage of digital platforms whereby the ER-TWG hosted virtual webinars in conjunction with ZELA provided the opportunity for interactive engagements with various stakeholders.

7.4.2. Gender and Extractives Symposium 2021 Women Leadership

This was held between the 15th and the 16th of 2021. The webinars were a follow-up to the passing of a resolution to develop a National Action Plan (NAP) on Business and Human Rights (BHR) for Zimbabwe in September 2020. With the pandemic, webinars quickly became the norm for real time live engagements with audiences, regardless of their location in the country. The ER-TWG sought to strengthen visibility in communities in the extractives through establishing a network of community based human rights champions as a means of strengthening access to justice.

7.4.3. Capacity Building workshops and Training of Champions

The ER-TWG provided capacity building on environmental, economic, social and cultural rights, the mandate and functions of the Commission, and their roles and responsibilities. This was meant to enhance understanding of human rights issues by champions selected in communities. The training workshops and mobile legal aid clinics were conducted in Marange Manicaland; Bikita Masvingo and in Zvishavane Midlands Provinces. Champions include paralegals; early childhood development care workers; community development workers; community health care workers; the clergy/ religious leaders; traditional leaders; ward committees and community policing forum members. The champions in turn contributed to empowering communities and deepening their understanding of human rights.

7.4.4 Zimbabwe Alternative Mining Indaba (ZAMI)

The Commission attended the Zimbabwe Alternative Mining Indaba held between the 4th to 8th of October 2021 Bulawayo. The ZAMI creates opportunities for citizens to hold duty-bearers to account on how their finite mineral wealth is being managed for the benefit of all Zimbabweans. The Commission participated in the following sessions: business and human rights, implementation and dissemination of the United Nations Guiding Principles Dissemination and Implementation, gender and extractives; Climate change impacts, vulnerability and adaptation in Zimbabwe; Land rights, development induced displacements and resettlements; Corporate accountability on human rights due diligence and impact assessments, including environmental impact assessments, water rights, farmers rights; Public finance management; Corruption; Mining revenue transparency initiatives and best practice.

7.4.5. Mobile Legal Clinics

From the 19th to the 22nd of October 2021, the ER-TWG in collaboration with ZELA participated in mobile legal clinics in Bikita and Zvishavane. The mobile legal clinics were meant to assist mining communities through provision of human rights education and strengthening understanding of human rights and transparency frameworks. Key actors in the strengthening of human rights such as the Zvishavane and Bikita Rural District councils were included in the programme. The clinics provided communities living in mining areas with an understanding of economic, social, and cultural rights and on available legal remedies in the courts and through the ZHRC complaints handling mechanism. The mobile legal clinics also improved the communities' capacity and knowledge on monitoring of environmental injustices and collection of possible public interest litigation cases.



Figure 7.2 Human Rights Officer in Hwengere during a Mobile Legal Aid Clinic

Challenges

8. CHALLENGES

The major challenges that were encountered during the reporting period included:

8.4 High Staff Turnover/Poor Conditions of Service

A considerable number of staff members left the Commission during the second half of the year for greener pastures. These included one director-human resources, one executive assistant, one driver and one human rights officer. They all cited poor conditions of service as the main reason for their departure.

8.5 Slow Decentralisation Process

The pace of decentralisation is slow due to limited financial resources and inadequate personnel to provide services at the satellite offices so officers end up travelling long distances to reach out to communities with human rights promotion, protection, and enforcement services. Consequently, high fuel costs, wear and tear of motor vehicles and subsistence costs for officers remain high against a depleted budgetary allocation.

8.6 Delayed Responses to Cases of Human Rights Violations due to the National Lockdown

In undertaking its activities during the year under review, ZHRC's field activities such as investigations, awareness raising outreaches and monitoring missions were disrupted by the restrictive measures which were put in place to curb and contain the COVID-19 pandemic. Due to the imposition of a national lockdown which was meant to curb the spread of the COVID-19 pandemic, immediate response, and investigation of allegations of human rights violations was difficult. As a result, investigations were then conducted way after the fact and at times the remedy sought would have been superseded by events. Notwithstanding these challenges, the ZHRC managed to implement most of the planned programme activities for the months of July to October 2021 when lockdown restrictions were eased from level 4 to level 2.

Recommendations

9. RECOMMENDATIONS

The Commission proffers the following recommendations to address the key issues highlighted in the report.

Ministry of Health and Child Care

- 1.1 To ensure consistent provision of medical drugs to clinics and hospitals at prisons and care institutions.
- 1.2 To provide adequate and consistent information on the effectiveness and side effects of COVID-19 vaccines to encourage citizens to get vaccinated from an informed point of view.
- 9.3 To ensure there is adequate PPE for frontline workers.

Ministry of Public Service, Labour and Social Welfare

- 9.1 To provide citizens with adequate public assistance during emergencies
Such as the COVID-19 pandemic.
- 9.2 To provide state funded funeral policies or state-assisted funerals for institutionalised children, PWDs and older persons.

Ministry of Finance and Economic Development

- 9.3 To provide sufficient funding and recruitment concurrence to enable the ZHRC to fully implement its mandate through decentralisation and improved staffing levels.
- 9.4 To avail adequate resources to institutions such as prisons, children's homes, old people's homes, and disability institutions so that they comply with relevant minimum standards.
- 9.5 Timeous release of funds for per capita grants and decentralisation of the application process for vendor numbers so that care institutions can comply with the requirement for vendor numbers required in the processing of grants.

Ministry of Primary and Secondary Education

- 9.6 To capacitate the education sector with adequate learning resources and infrastructure to promote enjoyment of the right to quality in education even during public emergencies.

Civil Registry Department

- 9.7 To adequately sensitise the public on registration requirements to prevent rejection of applications for primary documents.
- 9.8 To scale-up mobile registration and clear the backlog caused by the COVID-19 national lockdown.
- 9.12 To accelerate issuance of national documents to children and the elderly in care homes since access to documentation remains a challenge.

Ministry of Home Affairs and Cultural Heritage

- 9.13 To monitor and ensure implementation and compliance with internal policies and procedure manuals by staff at the Civil Registry Department so that there is timely issuance of national documents.
- 9.14 To investigate allegations of corruption in the Civil Registry Department and take appropriate measures.
- 9.15 To formulate and implement policies on accelerated registration of vulnerable groups including inmates and persons in care institutions.

Ministry of Justice, Legal and Parliamentary Affairs and Zimbabwe Prisons and Correctional Services

- 9.16 To improve allocation of provisions to inmates particularly clothing and food in all the prisons.
- 1.17 Constant decongestion of prisons to ensure social distancing.
- 9.18 Liaise with the Justice, Law and Order Sector and enhance access to justice through adoption of measures for preventing prolonged pre-trial detention.

Zimbabwe Republic Police

9.19 To strengthen the human rights-based approach to law enforcement and discourage use of excessive power by police officers especially in the enforcement of COVID-19 Regulations.

Ministry of Local Government and Public Works

1.20 To ensure in cases of intended displacements, compensation for the internally displaced persons is worked out and made available prior to the commencement of developmental projects.



**ZIMBABWE HUMAN RIGHTS COMMISSION
VOTE 28**

**UNAUDITED STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR 31 DECEMBER
2021**

	2020	2021
INCOME: (Voted Funds)	29,188,589.00	146,524,846.00
	29,188,589.00	146,524,846.00
LESS EXPENDITURE	29,173,678.00	145,828,002.00
Employment Costs	17,374,549.00	76,249,149.00
Basic Salaries	9,287,388.00	24,375,778.00
Housing Allowances	1,633,382.00	5,777,309.00
Transport Allowances	269,809.00	1,263,115.00
Other Allowances	6,183,970.00	44,832,947.00
Goods and Services	10,110,035.00	23,920,598.00
Communication information supplies	1,834,645.00	5,015,018.00
Educational Materials, Supplies and Services	-	-
Hospitality	-	-
Medical Supplies and Services	-	-
Office Supplies and services	683,970.00	2,124,538.00
Rental and Hire Expenses	1,948,647.00	7,518,750.00
Training and Development	3,459.00	377,585.00
Domestic Travel Expenses	1,511,414.00	2,805,991.00
Foreign Travel Expenses	476,488.00	272,772.00
Utilities and other Services	627,789.00	4,334,166.00
Financial Transactions	7,649.00	42,426.00
Institutional Provisions	3,015,974.00	1,429,352.00
Other Goods and Services	-	-
Maintenance	1,689,094.00	17,924,516.00
Physical Infrastructure	38,397.00	454,921.00
Technical & Office Equipment	-	200,000.00
Vehicle and Mobile Equip	951,773.00	7,897,398.00

Stationary plant, machinery & fixed equipment	44,850.00	100,000.00
Fumigation and Cleaning	15,000.00	50,000.00
Fuel, Oils & Lubricants	639,074.00	9,222,197.00
Other items not included above	-	
Grants	-	1,100,442.00
Subscriptions to various organisations	-	1,100,442.00
Acquisition of Fixed Assets	-	26,633,297.00
Motor vehicles	-	15,821,693.00
Building	-	-
Other machinery and equipment	-	10,811,604.00
Surplus of income over expenditure	14,911.00	696,844.00

Approved by

.....Signature.....

Date.....

Designation: Executive Secretary

Notes to Financial Statements

Notes to Financial Statements

Note 1. Funding by Treasury

For the year 2021, all our requests were funded by the Treasury.

Note 2. General funding of activities and Capital Expenditure

There has been some marked improvement in the funding of capital expenditure compared to the same period last year.

Note 3. Exchange rates RTGS/USD

	2020	2021
Exchange rates as at 31 December	83.0134	110.2960
Annual budget	38,735,185	166,608,691
Budget equivalent to US\$	466,614	1,510,560
There was 224% increase in annual budget provisions on a comparative basis from 2020 to 2021		

Note 3 Acquisition of Fixed Capital Assets

The Commission acquired three motor vehicles, ICT and office furniture valued at **ZWL 26 633 297**

Note 4. Budget Releases by Treasury

	2020	2021
Budget	38,735,185.00	166,608,691
Releases	38,734,340.00	146,524,846
Unreleased budget	845.00	20,083,845
Percentage releases	99%	88%



