

Foreword by the Chairperson



Figure 1: Dr Elasto Hilarious Mugwadi - Chairperson of the Zimbabwe Human Rights Commission

The Zimbabwe Human Rights Commission (ZHRC/Commission) has the pleasure and honour to present to Parliament, its 9th Annual Report in accordance with section 323 of the Constitution of Zimbabwe, which directs the Commission to submit Annual Reports to Parliament.

The report highlights the major activities conducted by the Commission in 2022 laying out its challenges and successes. In carrying out these activities, the Commission was guided by its Strategic Plan (2021 to 2025) developed to guide the Commission in carrying out its mandate. These activities included human rights investigations, monitoring and assessing the human rights situation and human rights education and promotion.

The terms of office of former Commissioners Pastor Petunia Chiriseri who was the Chairperson of the Thematic Working Group (TWG) on Children's Rights and former Commissioner Sheilla Hillary Matindike, former Chairperson of the TWG on Special Interests Groups ended in 2021. The two vacant positions were not filled in 2022, which presented challenges in the smooth running of Commission business such as convening of thematic working group and oversight committee meetings. I urge Parliament to expedite recruitment of the two outstanding Commissioners.

The re-accreditation process of the ZHRC to the Global Alliance for National Human Rights Institutions (GANHRI) became due in 2022. ZHRC was last reviewed in 2016,



attaining an 'A' status. Due to the COVID-19 pandemic that affected the normal way of conducting business, the re-accreditation process for ZHRC could not be conducted in 2021. It was postponed to March 2023. As part of this process, the Commission submitted its documents for re-accreditation in October 2022.

The year 2022, saw the Commission expanding in terms of its decentralisation agenda. The Government of Zimbabwe purchased a building in Bulawayo for the ZHRC, reducing expenditure related to rentals and the inconveniences associated with constant relocation, which is not ideal for a National Human Rights Institution. In addition, the Commission opened an office in Masvingo Province in December 2022.

In August 2022, the Commission hosted the first Regional Meeting for Chairpersons of National Human Rights Institutions (NHRI) in Southern Africa, on Violence against Migrants. This arose from the realisation that SADC has been facing diverse human rights concerns such as xenophobia, terrorism, deteriorating enjoyment of socio economic rights, natural disasters, harmful cultural practices and restricted civic space and enjoyment of civil and political rights, among others. It was acknowledged that whilst SADC member states have an obligation to come up with resolutions for addressing xenophobia, SADC NHRIs also have a duty to demand accountability from the duty bearers to ensure promotion and protection of the rights of foreign nationals in their various states.

I would like to commend the Government for improving access to documentation to Zimbabwean citizens through the "blitz" mobile registration exercise by relaxing some of the stringent requirements that hindered access to different types of civil registration documents. As you may be aware, the ZHRC conducted a National Inquiry on Access to Documentation in Zimbabwe from 2019 to 2020. One of the findings of the inquiry was that people were not accessing vital civil registration documents due to lack of knowledge on accessing such documents. In response to this finding, the ZHRC recommended that awareness should be raised on the importance of acquiring such documents focusing on the human rights dimension of such importance.

The Commission notes with concern that its 2021 Annual Report was not tabled before Parliament in 2022. This means that there are now two reports presented by the ZHRC for its consideration.



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Acknowledgements

ZHRC acknowledges the hard work and diligence exhibited by Commissioners and Secretariat throughout this year. We would like to extend our sincere gratitude to the following stakeholders and development partners for the support who made 2022 a profitable year:

- The Government of Zimbabwe (GoZ)
- European Union (EU)
- Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI)
- United Nations Development Programme (UNDP)
- United Nations Children's Fund (UNICEF)
- International Organisation for Migration (IOM)
- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- Civil Society Organisations (CSOs)
- Faith Based Organisations (FBOs)

Lastly, the ZHRC remains indebted to the people of Zimbabwe and all stakeholders who continue to use its services and those who offer recommendations for the improvement of the Commission in offering service for the enjoyment of human rights and freedoms by all.



Acronyms

CHI	Complaints Handling and Investigations
1CSO	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
IEC	Information, Education and Communication
IHRD	International Human Rights Day
IOM	International Organisation 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)
GoZ	Government of Zimbabwe
GBV	Gender Based Violence
SADC	Southern Africa Development Community
RWI	Raoul Wallenberg Institute on Human Rights and Humanitarian Law
UNDP	United Nations Development Programme
ZHRC	Zimbabwe Human Rights Commission
ZPCS	Zimbabwe Prisons and Correctional Service
ZNA	Zimbabwe National Army
ZRP	Zimbabwe Republic Police



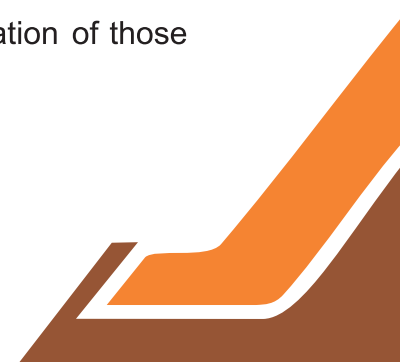
Executive Summary

The ninth Annual Report of the Zimbabwe Human Rights Commission provides an overview of the activities of the Commission in the past year carried out in line with its constitutional mandate as provided for in section 243 of the Constitution of Zimbabwe.

In 2022, the effects of COVID-19 subsided, culminating in the relaxation of restrictive and containment measures. Access to basic services such as healthcare and education was restored and enjoyment of human rights improved significantly. However, the ZHRC gathered that inflation remained an impediment affecting people's livelihoods during this course of the year, considering people were still battling with the impact of the COVID-19 lockdown. The latter exacerbated social inequalities with low-income families being subjected to the most substantial inflationary strains including lack of access to food and decent housing for their families. After assessing the economic challenges, the GoZ introduced the gold coins on 25 July as part of policy measures to lessen demand for the 'greenback'. The ZHRC commends the GoZ for this initiative, which has stabilized the exchange rate.

During the greater part of the year, the Commission did not conduct as many activities as other preceding years owing to limited financial resources. Some projects that usually complemented resources from Treasury had reached the end of project cycles at the end of 2021, resulting in reliance on Government resources for most of its activities. However, the Commission strives to fulfill its constitutional mandate within the means of available resources.

The ZHRC received 300 cases during the year but saw a decline in the number of investigated cases as compared to previous years due to resource constraints. Cases of human rights violations investigated during the year included cases of maladministration, abuse of office and power. The ZHRC conducted monitoring visits to places of detention such as prisons and homes where elderly persons are kept. In addition, election training of all staff members was conducted and by some of the local authority and house of assembly by-elections observed. There was assessment of the human rights situation focusing on key emerging human rights issues. This included monitoring the human rights situation in Hwange where sub surface coal fires have resulted in the loss of lives and injured many. The human rights situation of those



facing threats of displacement to pave way for developmental projects in Binga District of Lubimbi was also followed up on.

The Commission conducted human rights awareness raising outreaches mostly on access to national documentation around the country. The ZHRC delivered training seminars on human rights, Human Rights Based Approach (HRBA), access to justice and the protection of specific vulnerable/ special interest groups (SIGs) to duty bearers such as the Zimbabwe Prisons and Correctional Services (ZPCS) and the Zimbabwe Republic Police (ZRP). The Commission managed to host successful International Human Rights Day Commemorations in Bulawayo following the opening of the new offices procured for the ZHRC by the Government of Zimbabwe.

The Commission also held eight (8) TWGs meetings and activities, which included quarterly meetings, attending commemorative events and drafting alternate reports for submission to treaty bodies.

1. INTRODUCTION

1.1 Mandate of the ZHRC

The ZHRC was established in terms of Sections 232 (b) and 242 of the Constitution of Zimbabwe and operationalized by the Zimbabwe Human Rights Commission Act [Chapter 10:30]. It is one of the five Chapter 12 Independent Commissions Supporting Democracy. It has a dual mandate, that is, the human rights promotion, protection and enforcement mandate as well as the administrative justice mandate (Ombudsman/Public Protector role). The Commission derives its functions from section 243 of the Constitution, 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 places where mentally disordered or intellectually handicapped persons are detained;
- ii. In order to ascertain the conditions under which persons are kept in places of detention, and to make recommendations regarding those conditions to the Minister responsible for administering the law relating to those places.

1.2 Vision, Mission and Values

The vision, mission and values of the Commission are as follows:

Vision - A Zimbabwean society where human rights and administrative justice are fully enjoyed by everyone.

Mission - To protect, promote and enforce human rights and administrative justice of all people in Zimbabwe in accordance with the Constitution and international human rights standards.

Core Values: The Commissioners and all members of its secretariat have a unity of purpose in the core values that they each uphold, as individuals and as a team. The organizational culture at the ZHRC is shaped by these shared core values.

Fearlessness – Courage and fortitude are virtues that all members of the Commission cherish in carrying out their Constitutional mandate.

Accessibility – All people in Zimbabwe shall have easy access to a fair, inclusive and impartial Commission that treats all parties equitably before the law.

Independence – The Commission is truly independent and all decisions of the Commission on any matter are made without undue external influence.

Responsiveness – The Commission is sensitive and responds promptly to all human rights and maladministration cases, and facilitates timely redress.

Professionalism – The Commission shall be staffed by well-trained and skilled officers of diverse qualities.

Integrity – in pursuit of the highest standards, the Commission shall be guided by strong moral principles.



Inclusivity-The Commission is committed to provide equal access to opportunities and resources for all people who might otherwise be excluded or marginalised.

1.3 Divisions and Departments

1.3.1 Divisions

The Commission has two main divisions, that is, Programmes and Administration. The Programmes Division has four (4) departments namely: Complaints Handling and Investigations; Education, Promotion and Research; Monitoring and Inspections, and Administrative Justice. The Administration Division has three (3) departments namely: Administration, Finance and Human Resources as well as units such as the Information and Records Management Unit as well as the Information Communication Technology (ICT) Unit.

1.3.2 Programmes Division

The Deputy Executive Secretary heads the Programmes Division for Programmes, with the support of three (3) departments outlined below:

1.3.2.1 Complaints Handling and Investigations Department (CHI)

This department enables the Commission to exercise the functions set out in Section 243(1) (d) to (h) of the Constitution and is responsible for the handling and investigating human rights violations and violations of the right to administrative justice. The functions 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 affairs 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.



1.3.2.2 Education, Promotion and Research (EPR)

The EPR derives its functions from 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 the 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.

1.3.2.3 Monitoring and Inspections (M & I)

The M & I Department facilitate implementation of 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.

1.4 Administration Division

The Deputy Executive Secretary heads the Administration Department supported by the Director of Finance and the Director of Human Resources. It consists of five (5) units, namely, Finance, Human Resources, Administration, Records and Information Management and Information Technology.



1.5 Organisational Structure

1.5.1 Commissioners

The Commission comprises of nine (9) Commissioners, including the Chairperson and Deputy Chairperson. Currently, the ZHRC has seven (7) Commissioners, four (4) being female and three (3) males. There are two (2) vacancies. The current Commissioners are shown below:



From left to right: Commissioner Dr. Elasto Hilarious Mugwadi Chairperson of the ZHRC: Commissioner Dorothy Moyo Deputy Chairperson of the ZHRC and Chairperson of the TWG Economic Social and Cultural Rights



From left to right: Commissioner Sethulo Ncube – Chairperson of the TWG on Capacity Building, Commissioner Dr Angeline Guvamombe-Chairperson of the TWG on Environmental Rights, Commissioner Beauty Kajese– Chairperson of the TWG on Special Interest Groups



From left to right: Commissioner Dr Cowen Dziva - Chairperson of the TWG Gender Equality and Women's Rights, Commissioner Brian Penduka – Chairperson of the TWG on International Agreements and Treaties

1.5.2 Management

The Commission is headed by the Executive Secretary, who is supported by two Deputy Executive Secretaries, responsible for Programmes and Administration respectively. In addition, the Commission has three (3) programming directorates and two (2) directors responsible for Finance and Human Resources.

1.6 Human Resource Update

1.6.1 Movements in the Commission

The Zimbabwe Human Rights Commission transferred Mr Fidelicy Nyamukondiwa (Human Rights Officer) to Masvingo to enable functioning of the new office. The Commission also moved Mr Simbarashe Chitekwe a Human Rights Officer from the Complaints Handling and Investigations department to the Monitoring and Inspections department to replace Mr Nyamukondiwa.

1.6.2 Learning and Development

The Zimbabwe Human Rights Commission successfully capacitated its management and junior staff on the Integrated Results Based Management (IRBM) performance management framework. The major objective of the training was to ensure that all staff is capacitated to set clear and measurable performance targets as the ZHRC aims to improve its performance and effectiveness. Furthermore, the ZHRC Commissioners and Management were trained in Etiquette and Protocol in the month of November 2022.

1.6.3 Recruitments and Appointments

The ZHRC successfully filled eighteen (18) posts out of the nineteen (19) vacancies that were concurred by Treasury in 2022.

1.6.4 Staff on Secondment

The ZHRC has eight members of staff who are seconded within its establishment at head office and provincial offices. The seconded staff is assisting the Commission to fill in the critical manpower gap.

- 1 x ICT officer
- 1 x Transport officer



- 1 x Administration Assistant
- 5 x Drivers

The seconded staff is 8% of the current establishment. There is no seconded staff for senior level positions.

1.6.5 Terminations

The ZHRC processed three terminations in the year 2022. The positions were;

- 2 x Human Rights Officers in Education, Promotion and Research (EPR) and Administrative Justice (AJ) departments.
- 1 x Internal Auditor

1.7 Successes in terms of Human Capital

ZHRC's organisational structure that was developed at inception was reviewed to cater for decentralisation and staff progression. Treasury concurred to a new structure with a staff complement of 247. Recruitment is going to take place progressively. Seventy-nine (79) officers will be recruited in 2023.

1.8 Challenges

Disposable incomes continued to decline owing to the prevailing economic situation. The continued rise in basic food items and rentals continued to affect the Commission employees drastically, resulting in low staff morale and demotivation.



2. PROTECTION OF HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

2.1 Introduction

Ordinarily, the Commission conducts on average twenty (20) field investigations per year in a bid to address various human rights and administrative justice cases that are reported to the Commission. The cases received over the years predominantly include discrimination on government-funded programmes such as food aid and agricultural inputs; political rights; right to health; right to education; right to identity (civil documentation); police brutality; torture, inhuman and degrading treatment; administrative justice cases such as chieftainship; land dispute security of tenure; pension benefits; and abuse of office. Further, the Commission does mobile human rights clinics as a way of receiving complaints of both human rights and administrative justice.

The ZHRC introduced mobile human rights clinics in prisons for intake of complaints, in response to recommendations made by prisoners during monitoring and inspection of prisons. Through these mobile human rights clinics, the Commission receives cases relating to access to justice in prisons such as bail, appeal and right to legal representation. The ZHRC on behalf of the detained persons engages the Judicial Service Commission (JSC) and other stakeholders to assist the complainants access the remedy they seek. In situations where the ZHRC has no jurisdiction to deal with the matters, these are referred to partner organisations, which offer free legal services such as the Legal Aid Directorate and Legal Resources Foundation.

ZHRC has also utilised mediation in resolution of some cases brought before the Commission. As much as possible the Commission tries to find affordable ways to resolve matters. Matters like partisan food aid distribution are a perfect example of where ZHRC has resolved and rectified such matters through mediation. However, recommendations are submitted to the relevant Ministries and Government Departments for a lasting solution, particularly where a change in policy is required.



2.2 Statistical Overview of Cases handled in 2022

During the period under review, the Commission received and actioned one thousand one hundred and ninety-nine (1199) cases. Below is a breakdown of cases actioned.

Table 1: Statistical overview of cases dealt with during 2022

Nature of Complaints	Number of Complaints
Reported cases of human rights violations	624
Reported cases of maladministration	233
Reported cases of a general nature	342

There was an increase in reported cases of human rights violations by more than 100% from 240 in 2021, maladministration related complaints by 41.2% from 165 in 2021 and general cases by 0.9 % from 339 in the preceding year. The increase in the number of human rights violations was attributed to the Mobile Human Rights Clinics, in particular, the ones, which were conducted in prisons.

2.3 Status of cases

The graph below shows the status of the cases that were received and actioned by the Commission in 2022.

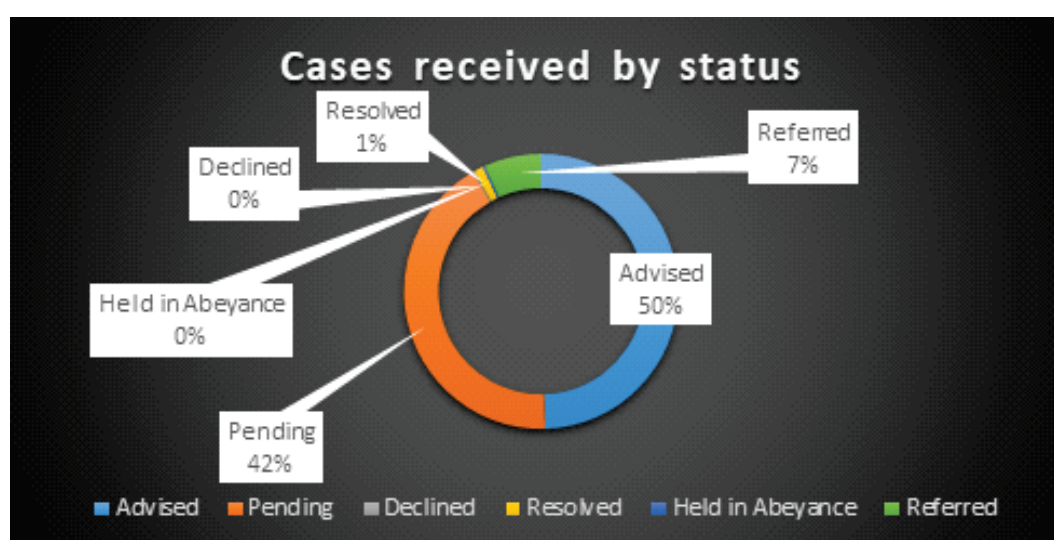


Figure 2: Cases received by Status

Five hundred and ninety-four (594) cases (50 %) were advised; five hundred and six (506) (42%) pending investigations; eighty-one (81) (6.7%) referred to partner organisations better placed to offer the remedy sought such as Zimbabwe Lawyers for Human Rights, Legal Aid Directorate, Legal Resources Foundation, Musasa Project, Zimbabwe Anti-Corruption Commission, Civil Registry Department, amongst others. Thirteen (13) cases (1%) were resolved; two (0.1%) declined for lack of jurisdiction and three (3) (0.2%) held in abeyance.

2.4 Nature of Complaints

2.4.1 Human Rights

During the reporting period, the Commission received six hundred and twenty-four (624) cases of alleged human rights violations as compared to two hundred and forty (240) cases in 2011. This was an increase of more than 100%. The cases were classified as follows:

Table 2: Statistics of reported cases of human rights violations

Nature of Complaint	Number
Access to health care services	42
Children's rights	3
Right to personal security	1
Labour rights	12
Property rights	44
Right to education	13
Equality and non-discrimination	17
Freedom from torture, cruel, inhuman and degrading treatment and punishment;	3

Access to documentation	36
Right to food and water	5
Rights of arrested and detained persons	370
Right to agricultural land	1
Political rights	18
Freedom from arbitrary eviction	12
Freedom of assembly and association	2
Right to privacy	2
Right to life	2
Rights of persons with disability	2
Right to administrative justice	9
Right to a fair hearing	19
Rights of accused persons	8
Access to information	1
Freedom of conscience	3
Total	624

In 2022, there was an increase in the number of cases for human rights violations of accused and detained persons, including the right to a fair trial and health care services, which were received from Mobile Human Rights Clinics (MHRCs), conducted in prisons during the course of the year.

2.4.2 Maladministration

The Commission received two hundred and thirty- three (233) cases on allegations of maladministration as compared to one hundred and sixty-five (165) cases in 2021



There was an increase of 41.2%. The maladministration cases received in 2022 were classified as follows; one hundred and forty-three (143) cases of justice delay; fifty-six (56) cases of abuse of office; twenty- four (24) cases of abuse of power and ten (10) cases related to delay in payment of various benefits.

2.4.3 Cases of a General Nature

The Commission received three hundred and forty-two (342) cases of general nature distributed as follows:

Table 3: Statistics of cases of a general nature

Nature of Complaint	Number
Civil matters	201
Criminal matters	50
Labour disputes	18
Land and resettlement	1
Inquiry on financial assistance	8
Inquiry on access to documentation procedures	25
Inquiry on birth certificate replacement	1
Advice on property rights	1
Inquiry on import duty	1
General inquiries	11
Inquiry on distribution of sunscreen lotions	1
Inquiry on redress for legal malpractice	4

Inquiry on access to legal practitioners by indigent inmates	1
Re-integration into Society	1
Request for prison transfer	1
Matrimonial matter	1
Inquiry on forced payment of independence day contributions one	1
Request to contact non communicating relatives	10
Inquiry on duties of parliamentarians	1
Refugee status	1
Mental health rights	3
Total	342

2.4 Analysis of Complaints by Province

In 2022, Bulawayo Province had the highest number of complaints lodged with the Commission with three hundred and fifty-four (354) complaints received and actioned; followed by Harare and Manicaland, which received totals of three hundred and thirty-three (333) and two hundred and forty-five (245) cases respectively. Matabeleland North recorded the lowest number of cases. The Commission will intensify its visibility in Matabeleland North Province as well as other provinces to ensure that the residents effectively utilise the services offered by the Commission. There was an intensified use of the Commission hot lines and walk-ins insofar as complaints intake was concerned during the year of 2022. The increase of cases from Bulawayo, Harare and Manicaland Provinces is attributable to Prison Mobile Human Rights Clinics

conducted in those provinces. For the portion designated as unknown , the province of origin was unknown at the time of compiling the statistics.

Figure 2: Cases received by Province

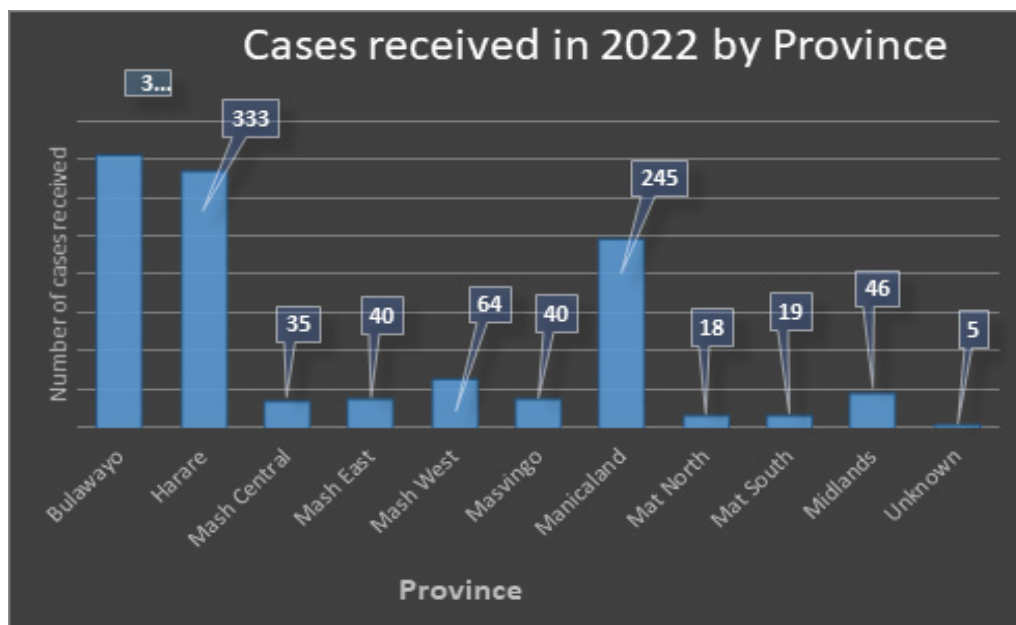


Figure 3: Cases distributed according to provinces

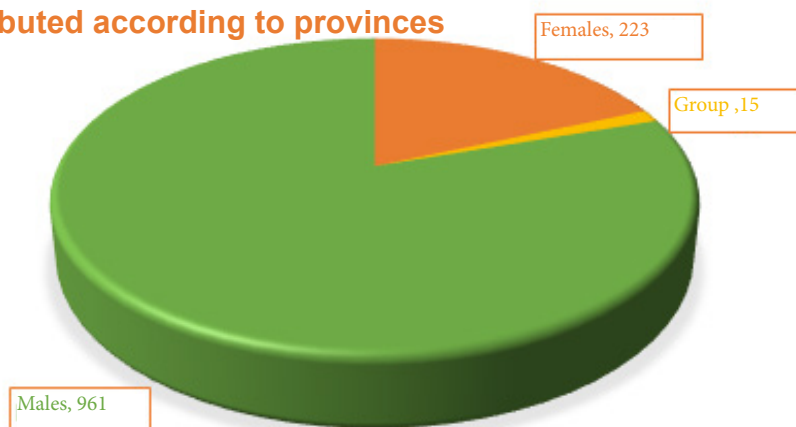


Figure 4: Cases disaggregated by gender

Cases disaggregated by gender

The figure above outlines disaggregation of cases by gender. The Commission received cases from nine hundred and sixty-one (961) males and two hundred and twenty-three (223) females. Fifteen (15) were group complaints. The complaints

Complaints can be received through the hotline and efforts to locate the complainant would be ongoing as in some instance the numbers do not easily going through

received from males constitute 80% of the total complaints received, with those from females constituting 19% and group complaints constituting 1% of the total complaints. These figures show a marked increase of cases reported by males as compared to females in comparison with the preceding year. The percentage increase and decrease are as follows: males– increased by 15%; females– decreased by 13.1% and group complaints – decreased by 1.6 % as compared to 2021 . There is need for relevant stakeholders to conduct awareness programmes on the demystification and deconstruction of various barriers that hinder women from lodging complaints by confining them to domestic spaces such as limited access to information, patriarchy, financial constraints, and gender roles.

2.5 Cases presented before the Commission

During the period under review, the Commission conducted two meetings to discuss cases and investigative reports. The Commission considered seventeen (17) cases. Out of the 17 (seventeen) cases presented, sixteen (16) were closed and one (1) was deferred. Cases presented before the full Commission are classified in detail in the table below.

Classification	2022
Referred	0
Advised	0
Declined/Lack of Jurisdiction	0
Resolved	13
Withdrawn	0
Complainants Whereabouts are unknown	0
Not Sustained	3
Pending/Deferred	1
Insufficient Detail	0
Total	17

Table 3: Status of cases presented before the Commission

Sixteen (16) reports were presented before the Commission in 2022. Of these sixteen (16) reports, one (1) was for Human Rights Mobile Clinics and fifteen (15) were investigative reports. Nine (9) of the reports were presented to the Commission in May 2022, that is, eight (8) investigative reports and one (1) Mobile Human Rights Clinic Report. The rest were presented on 14 November 2022. Of the sixteen (16) reports, eleven (11) reports were adopted and are now in the implementation phase while five (5) were deferred for various reasons.

2.6 Mobile Human Rights Clinics (MHRCs)²

In order to raise awareness on the work of the Commission, the ZHRC, individually or jointly with other partners conducted MHRCs in communities and prisons. The objectives of the MHRCs were to raise awareness on the work of the ZHRC and on topical issues such as child marriages; increase knowledge on reporting and enforcement mechanisms and remedies, provide free legal advice and receive complaints of human rights violations and maladministration as well as offer legal advice to participants of the MHRCs.

2.6.1 Tongogara Refugee Camp Mobile Human Rights Clinics

From the 17-21 January 2022, the Commission conducted Mobile Human Rights Clinics at the residence of Tongogara Refugee Camp to raise awareness on the work of the Commission and on the rights of refugees as well as their responsibilities. The MHRCs sought to proliferate knowledge to refugees on reporting and enforcement mechanisms and remedies, provide free legal advice and receive complaints from within the camp.

(a) Statistical overview

On 18 and 19 January 2022, a total number of three hundred and ninety three (393) attended the MHRCs. Of the three hundred and ninety-three (393), one hundred and fifty-five (155) were males and two hundred and thirty-were females._During the MHRCs, the Commission received two hundred and forty-nine (251) cases classified as follows:

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

Type of case/issue	Number
Documentation/Registration	83
Shelter/Accommodation	66
Labour	6
Right to food	4
Right to education	4
Justice Delay	5
Resettlement	3
Delay in benefits	10
Right to health	12
Rights of PWDs	1
Right to water	25
Family reunification	2
Basic necessities	30
Total number of cases received	251

Table 4: Statistics and nature of the cases received at the MHRC

(b) Issues that emerged

The following issues emerged from the discussions with community members:

- Non- Registration and documentation of all those who came after 2018 affecting access to accommodation, food, clothing, education (for school going ages) and healthcare services
- Inadequate supply of clean, safe, portable water in other sections
- Lack of electricity and alternative sources of energy such as firewood to sustain the families for the whole month
- Adult education – high levels of illiteracy among Mozambicans

- Lack of representation of other nationals in distribution committees leading to social inequalities and discrimination.
- Lack of tools of trade in vocational training institutions and employment opportunities after acquiring the skills.
- Non-payment for services rendered. For example, some of the refugees who were employed to build a block at St Michaels indicated that they were not paid for the services rendered.
- Language barrier especially during commemorations of special events. The community highlighted that speakers mainly used the English Language with Swahili interpretation, yet some participants did not understand Swahili.
- Lack of security – the shelters used are made up of fabric which can be easily cut using sharp objects which culminated to high incidences of theft.
- There was inadequate ZRP officers to protect all the refugees at the camp and there was need to supplement the workforce.
- Resettlement- The refugees felt that they had settled at the camp for too long and deserved an opportunity to resettle in other countries.
- After the 06 August incident, most of the refugees were not afforded the right to a fair trial. Furthermore, some of the refugees who were deported left their children thus leading to the sprouting of child headed families. This has affected the rights of these children, in particular, access to education since they were forced to stay at home and look after their siblings.
- Requesting for local integration – so that those who would have stayed at the camp for a period of five (5) years or longer become subsequently integrated into the local communities and granted Zimbabwean citizenship.
- Access to comprehensive healthcare The doctor available is a general practitioner; hence, the need for specialist doctors to be deployed to offer services at the camp clinic.
- The GoZ should facilitate the exit of rejected asylum seekers. The camp residents indicated that keeping them after rejecting their applications was an injustice. Others were rejected and notified that they should leave the country within three (3) months from the date of rejection but no one followed up to check if they left the country. Some have been in the camp for the past twelve or more years since their rejection of their applications for asylum.

2.6.2 Mobile Human Rights Clinics in Prisons

The Commission conducted Mobile Human Rights Clinics (MHRCs) in Harare Metropolitan, Bulawayo Metropolitan and Manicaland Provinces. The prisons that were visited included Remand Prison, Chikurubi Maximum Prison, Chikurubi Female Prison and Harare Central Prison, Bulawayo Prison, Khami Remand Prison, Khami Medium Prison and Khami Maximum Prison from the 7-10 February 2022. Similarly, ZHRC conducted the same MHRs Clinics in Manicaland Province and visited Mutare Remand Prison, Mutare Farm Prison, Chipinge Prison, Rusape Prison and Little Kraal Prison from 22-27 May 2022. Through the MHRCs, the Commission reached to one thousand nine hundred and sixty-seven (**1967**) inmates. The MHRCs focused on the access to justice and sensitisation on the mandate and work of the ZHRC as well as intake of complaints from the prison inmates. ZHRC managed to have discussions with three thousand one hundred and eighty-eight (**3188**) detained persons in Bulawayo and four thousand nine hundred and eighty-two (**4982**) in Harare.

During the discussions, the following issues emerged:

- Access to documentation.
- Right to health care. Inmates alluded that they are failing to get medication at the prison health facilities
- Right to food of inmates with ulcers and other medical conditions, which require special diet.
- Abuse of prisoners by prison officers
- Justice Delay. Prisoners sometimes fail to go to court due to transport challenges.
- They were also complaints against legal practitioners not doing their jobs diligently.
- Some prisoners claimed that they had inadequate clothing to such an extent that they borrowed from their counterparts when attending court sessions.
- General Welfare – Overcrowding in prisons such as Rusape and Chipinge
- Amnesty for the 'big five' crimes which include murder, rape, robbery, treason, carjacking

Some of the recommendations made included requests for expansion of the ZPCS rehabilitation programme and strengthening of its psychosocial support services to ensure reintegration of prisoners within the society. There should be equitable distribution of prison rations amongst prisons in a particular province. Other recommendations proffered included mobilisation of resources for construction of more prisons to reduce congestion.

2.6.3 Mobile Human Rights Clinics in Mhondoro-Ngezi

The ZHRC conducted MHRCs in wards 9, 11 and 12 of Mhondoro Ngezi from 15-17 March 2022. The targeted number of people for the week was 285, at 95 people per MHRC in line with the COVID 19 Regulations. Two hundred and thirty nine cases **(239)** people attended the mobile clinics, 83 females and 156 males. There was intake of complaints at each of the mobile clinics. Below is table indicating the classification of cases received.

Table 5: Statistics and nature of the cases received at the MHRC

Classification of Cases	Number of Cases
Civil	2
Documentation	4
Pension	2
Justice Delay	5
Right to property	4
General Criminal	3
Total number of cases received	20

Issues of concern raised by the communities

During the discussions, the following issues of concern emerged:

- Environmental degradation caused by mining activities leading to infringement of corresponding rights such as health rights, air pollution, and rights to property.

- River pollution caused by sewerage leakages due to discharge of sewage effluent from Turf Growth Point into the nearby river.
- The community also raised concerns over the lack of employment opportunities for the youths by despite presence of mining companies in the area. They argue that as they are the most affected, they ought to have some advantage.
- They also raised concerns over the policy implemented by the nearby school, which insisted that all students procure school uniforms from it using exorbitant prices and denying those who have not bought uniforms from the school access to classes.
- There was a concern of mining activities interfering with farming activities. Resettled farmers alleged that there were people who claimed to have mining claims and came to conduct mining activities on their farming land, depriving them of their homes and fields. They also said that the police were victimizing them. The farmers appealed for title deeds to protect them from evictions.

2.6.4 Mobile Human Rights Clinics conducted by ZHRC and ZLHR

From 6-8 June 2022, the ZHRC in partnership with the Zimbabwe Lawyers for Human Rights (ZLHR) undertook three (3) MHRC activities in Manicaland at Chishakwe Rural Health Centre in Mutare Rural, Arise Caring Trust in Honde Valley Mutasa and Nyazura. The Commission sensitised the participants on its mandate, procedures for lodging complaints, jurisdiction and available remedies. Participants welcomed the operationalisation of the Mutare Office and advised that they would refer cases to the Commission. Three hundred and ten (310) people being two hundred and forty-five (245) females and sixty- five (65) males attended the MHRCs.

Issues observed by the ZHRC included:

- There is need for ZHRC to increase its visibility in Manicaland and to advertise the operationalisation of the Mutare Office.
- There is need for awareness of children's rights and responsibilities as parents and guardians indicated they were afraid to discipline their children due to fear of being arrested for child abuse.



- The communities expressed concern over the inconsistency between the age of consent, which is 16 years and the age of marriage, which is 18 years, stating that it caused challenges especially when the child gets pregnant.
- The people were aware of the law on the prohibition of child marriages; however, they felt that the police was not taking the case seriously, hence the continuation of the practice in communities.
- Participants indicated that religious sects were disregarding the prohibition of child marriages and continuing with the practice

From the MHRC the ZHRC advised 12 people but did not take up any cases for investigation due to lack of jurisdiction.

2.7 Highlights of Cases received and Investigated in 2022

The Commission received and actioned a number of cases in 2022 as highlighted above. Below are summaries of some of the cases that were investigated:

2.7.1 Right to Administrative Justice- Chipinge Investigation

ZHRC investigated allegations of arbitrary eviction at Rusitu Resettlement Area in Chipinge Manicaland Province. The Complainants alleged that they are farmers settled at Rusitu Resettlement Area in Chipinge, who were resettled there around 1992. In 1994, the Government and Rural District Council recognised their status as occupiers of the land and made an undertaking to effect regularization, but no paperwork had been processed for them at the time of the investigation in April 2022. Despite promises of regularization, before the first lockdown in May 2019, the Ministry of Lands issued them with eviction notices. The complainants sought protection against arbitrary eviction and other ancillary rights violated because of the eviction. They highlighted that when they became aware of the impending eviction, they engaged local leaders but no positive results were achieved. The responsible authorities had not provided any alternative land. They were disgruntled with the lack of regularization of their tenure by the authorities.

The ZHRC engaged the offices of the Ministry of Lands and the District Development Coordinator (DDC). The engagements ensured that the District Lands Committee instructed the Provincial Lands Office to generate a written communication for the

District Lands Office to start pegging and issuing offer letters to the complainants. Complainants confirmed that because of the intervention by the ZHRC, regularization had started at one of the farms and the occupiers of the land had been given offer letters. One of the farms is yet to be regularised because it has pegs in both Chimanimani and Chipinge and the two districts had not yet concurred on the way forward.

Complainants had also raised concern about a community clinic that they constructed through their own initiative with authority from Chipinge Rural District Council (CRDC), which pegged the land, where the clinic was built. The community members funded the project themselves providing building materials, cement and labour. After completion of the clinic's construction, complainants were advised that the CRDC wanted to take over administration of the clinic. The community opposed the takeover of the clinic by the council because they wanted the clinic to fall under the Ministry of Health and Child Care. They alleged that after opposing the takeover of the clinic by the council, the opening of the clinic has been delayed to spite them.

The ZHRC engaged the CRDC Acting Chief Executive Officer (CEO) and the District Medical Officer (DMO) who highlighted that did not have problems with the clinic falling under Ministry of Health and Child Care. They explained that the reason why there was a delay in its opening was because there were outstanding construction issues. There was no perimeter fence and the house for nurses had not yet been built. The offer by a neighbouring farmer to accommodate the nurses was still under consideration, particularly the issue of rentals and the independence of the said nurse if they took occupation of the house owned by a member of the community. These developments were communicated to the Complainants. The clinic was eventually opened and handed over to the Ministry of Health and Child Care. The intervention by the ZHRC settled the dispute between the duty bearers and the community.

2.7.2 Right to Equality and Non-Discrimination- Buhera West Investigation

ZHRC conducted an investigation in which Complainant alleged that humanitarian aid in the form of food aid that was meant to alleviate hunger in food insecure homes in Buhera West of Manicaland Province was being distributed on partisan grounds. He alleged that a Ward councilor and her secretary (respondents) were responsible for distribution of humanitarian assistance from the Government and non governmental

organisations. Complainant alleged that the respondents took advantage of their political affiliation to the ruling party and forcibly took food rations intended for distribution to vulnerable members of the community and distributed these to members of their political party. He gave an example of a distribution exercise conducted at Chani Business Centre on the 6 January 2021 where some beneficiaries did not benefit while Respondents went away with excess bags of maize.

In response, the Councilor indicated that she was not involved in any discriminatory practices in the distribution of food aid as she usually delegated the monitoring of the distribution to the Ward Development Committee (WADCO). She further stated that on the day in question some of the bags of maize had to be allocated to residents of the Buhera Rural Service Centre who had complained to the DDC about hunger even though initially they were not part of intended beneficiaries. The District Development Coordinator confirmed that he had used his discretion to ensure that those who had not benefited previously also benefited because they had lost their livelihoods due to the COVID 19 induced lockdown. He indicated that this did not prejudice anyone as because they still received food rations from World Vision.

Engagements with the District Social Development Officer also confirmed that the bags that were taken away were for those people who were double dipping, which is receiving aid from both the Department of Social Development and World Vision, which also had a humanitarian programme for the benefit of food insecure households. The ZHRC found that as a result of the COVID-19 pandemic induced national lockdown there was increased food insecurity which saw a number of people suffering from hunger especially in urban areas since they did not qualify to receive food aid. It was realised that they lost their livelihoods during the lockdown and were vulnerable and food insecure. The Commission managed to establish the correct position why the Complainant did not qualify to receive food aid from the Department of Social Development and the justification for distribution of food to residents of the Buhera Rural Service Centre. Complainant was satisfied with the information provided.

3. PROMOTION OF HUMAN RIGHTS

3.1 Introduction

ZHRC discharges its work through multifaceted approaches for the promotion of human rights through the Education, Promotion and Research department (EPR). The Department is responsible for human rights awareness raising, advocacy, promotion and development of human rights as well as conducting research on human rights and social justice issues. The Commission employs diverse awareness raising strategies depending on the target group and the objectives to be achieved. These include outreaches, commemorations; engagement meetings, trainings, campaigns; exhibitions, television and radio programmes, press statements and research. In light of the above, several activities were conducted in fulfillment of its ascribed functions, including:

3.2 Awareness Raising Outreaches on Human Rights Centred Development and Advocacy

During the year under review, ZHRC conducted 46 human rights awareness-raising outreaches. The main purpose of the outreaches was to sensitise communities on the mandate and work of the ZHRC and the different human rights enshrined in the Constitution of Zimbabwe Amendment (No. 20) Act of 2013. Three (3) outreaches were held in Mzilikazi District (Bulawayo Metropolitan Province), twelve (12) in Shurugwi District (Midlands Province), fifteen (15) in Binga District (Matabeleland North Province) and sixteen (16) in Buhera District (Manicaland Province). A total of **2 454** people attended the outreaches with **1520** being males and **934** being females.

Participants at these outreaches comprised of people with strategic roles in information and knowledge dissemination in targeted communities. Among those selected were community leaders such as traditional leaders (Village Heads and Chiefs), Ward Councillors, Education Officials, School Heads, representatives of Government Ministries/ Departments, Civil Society Organisations, Faith Based Organisations Women's Organizations, Child Protection Committees, Village Health Workers, the Youth, Representatives of Persons with Disabilities, Child Care Workers, Village Health Workers who interact with communities on a regular basis.

Outreaches held in Buhera and Binga Districts targeted stakeholders relevant in the enforcement of the provisions of the Births and Deaths Registration Act [Chapter 5:02]. The main purpose of these outreaches was to promote awareness among communities of the importance of acquiring vital civil registration documents, how to access such documents and to outline the link between possession of such documents and the enjoyment of human rights. During the human rights awareness outreaches, the ZHRC noted that the participants were cognizant of the importance of acquiring important civil documents such as birth certificates and identity documents. Participants were also able to show the link between acquiring civil documents and enjoyment of human rights. Participants were knowledgeable of their role as different duty bearers in facilitating access to civil registration within their communities and areas of jurisdiction.

During the awareness raising campaigns, participants stated that people were still experiencing challenges in accessing vital civil registration documents such as birth certificates. It was reported that there were high cases of gender-based violence during the COVID-19 lockdown as well as high rates of teenage pregnancies and child marriages especially in some religious sects. The participants also requested for the increase in the number of schools in Matabeleland to prevent long distance travel to school by learners. Participants at most of the outreaches urged the Commission to decentralise its services in order to reach the rural and peri-urban areas for increased awareness raising on the rights and freedoms enshrined in the Constitution and the Commission's complaints handling procedure.

3.3 Citizen Awareness raising through Dissemination of IEC materials

During the period under review, the ZHRC conducted citizen awareness raising through dissemination of IEC materials in Murewa and Marondera Districts (Mashonaland East Province). The Commission distributed 1400 reading materials encompassing of the Declaration of Rights (English and Shona), ZHRC Brochures on work and mandate of the Commission and electoral rights fliers. In addition, the brochures contained information on how the public can remotely access the services of the Commission. Approximately **600** people were reached, that is, **360** males and **240** females.

During the exercise, the ZHRC concurrently interacted with communities from the two districts, particularly in areas with heightened activities. Government Departments, Civil Society Organisations (CSOs) and Community/ Traditional Leaders were also engaged in-order to understand their views on the general human rights situation in particular, the electoral atmosphere subsequent to the by-elections that were held in March 2022.

During the interactions, the community members affirmed that the election process was non- violent in nature, with a significant number of people showing signs of voter apathy especially at Marondera Market Place where people were more concerned about providing for their families. There were also purported cases of defacing, tearing and pulling down of posters of all campaigning candidates by supporters from contesting political parties. Further, the Commission noted that at the places visited, there was non adherence of COVID-19 protocols such as wearing of masks, non sanitization of hands and temperature checks at all designated places (supermarkets).

3.4 Training Seminar on Human Rights based Approaches to Law Enforcement and Access to Justice

a) Training of ZPCS Recruit Training Officers at Ntabazinduna Training Depot

The ZHRC conducted a Seminar at Ntabazinduna Training School (Matabeleland North) on the Human Rights Based Approach (HRBA) to Law Enforcement and Rehabilitation of Offenders as well as Access to Justice targeting Recruitment Correctional Officers (RCOs). The Training Seminar was conducted from the 6-8 April 2022. The objectives of the training were as follows:

- Raise awareness and visibility of ZHRC within the Zimbabwe Prisons and Correctional Services (ZPCS).
- Raise awareness of both civil and political rights and economic, social and cultural rights, their limitations and the role of ZPSC in promoting and protecting these rights as duty bearers.
- Foster a culture of human rights based approaches (HRBAs) to law enforcement by Senior ZPCS Officials in the rehabilitation, provision of correctional services and re-integration of offenders into society.

- Enhance knowledge of Senior ZPCS Officials on minimum standards on prison conditions, as well as share key findings from ZHRC prison monitoring missions.
- Establish collaborative relationships, partnerships, and mutually beneficial platforms between ZHRC and ZPCS towards protection of rights, entitlements, and freedoms of prisoners.

ZHRC trained 771 RCOs, with 560 being males and 211 being females. The Training Seminar was a continuation of the Commission's efforts to capacitate the ZPCS on HRBAs and access to justice.



Figure 5: ZPCS senior officers and ZHRC Secretariat during the Opening Ceremony of the human rights training seminar





Figure 6: ZHRC EPR Director making a presentation at the seminar for Recruit Correctional Officers

b) Training of Recruit Police Officers at ZRP Ntabazinduna Training School

Subsequently, a similar training was conducted for Recruit Police Officers at Ntabazinduna Training Depot. This was the first ever seminar to be conducted by the ZHRC for Recruit Police Officers of the Zimbabwe Republic Police (ZRP). The seminars on HRBAs and access to justice for Recruit Police Officers facilitated an appreciation among Recruit Police Officers joining the service on their constitutional duties to uphold human rights based approaches when discharging their law enforcement responsibilities. Two hundred and forty four (**244**) participants consisting of 106 males and 138 females attended the seminar. This number was inclusive of ZRP instructors and facilitators. Three thousand and two hundred (**3200**) IEC materials were disseminated during the ZPCS Training Seminar and **920** during the ZRP Training Seminar.



Figure 7: Some of the participants at the ZRP Training Seminar for Recruit Police Officers

3.5 ZHRC - ZACC Radio Programme

The ZHRC in collaboration with the Zimbabwe Anti-Corruption Commission (ZACC) conducted a radio programme on human rights and corruption on the 26 January 2022 from 15:00Hrs to 15:30Hrs at Radio Zimbabwe. The purpose of the programme was to enhance visibility and partnership between the two Commissions as well as raise citizens' awareness on the nexus between human rights and corruption.

The radio audience was urged to report cases of corruption to the relevant authorities, that is, the police or ZACC. Moreover, the listeners were advised of the ZHRC referral system. It was reinforced that cases of corruption did not fall within ZHRC's jurisdiction hence the referral of such cases to the relevant authorities. The audience was urged to refrain from corruption as it had a negative impact on the enjoyment of human rights and fundamental freedoms and impeded national development.

3.6 Participation at the Zimbabwe International Trade Fair

The Commission participated at the Zimbabwe International Trade Fair (ZITF) exhibitions (25 – 30 April 2022) which ran under the theme: ***“Rethink, Reimagine, Reinvent Value Chains for Economic Development.”*** During the exhibitions, the ZHRC discharged its awareness raising function by educating visitors on the mandate and work of the Commission as well as on human rights and the Human Rights Based Approach (HRBA) to service delivery. The ZHRC held radio and television interviews, disseminated IEC materials also administered quiz questions to the public as additional methods of raising awareness on human rights and the work of the ZHRC.

a) Radio and Television Interviews

The ZHRC participated in radio and television interviews, which focused on unpacking the mandate of the ZHRC and its link with the ZITF theme as well as the importance of the HRBA to service delivery. During the interviews, citizens were encouraged to register to vote to enable them choose leaders to represent them and hold accountable for ensuring that there is economic growth. The ZHRC is estimated to have reached millions of people through the radio and television interviews on ZTV (approximately 6 million viewers), National FM (approximately 8 million listeners), Power FM (approximately 5 million listeners), Star FM (approximately 13,5 million listeners), Khulumani FM (approximately 2 million listeners) and Classic FM (approximately 4 million listeners).

b) Distribution of IEC Material and Quiz Competitions

One thousand four hundred and twenty three (1423) people, 623 males and 800 females visited the ZHRC stand. The Honourable Minister of Justice, Legal and Parliamentary Affairs (MoJLPA), Honourable Ziyambi Ziyambi also visited the stand. Five thousand five hundred and ten IEC materials were distributed during the exhibition. To enhance people's knowledge on the work of the ZHRC and on human rights, the ZHRC administered quiz questions to the public and gave away T-shirts to those who passed the quiz. Correspondingly, Khaya Arts Productions and Seke Teachers College provided edutainment at the ZHRC stand on 29 April 2022.

c) Issues raised by the public

The visitors raised concerns over difficulties in accessing civil documents such as birth certificates and national identity cards; the skyrocketing prices of basic commodities;



deteriorating economy; high unemployment rates; how people in remote areas can report human rights violations seeing that the ZHRC has not yet decentralised its services. They further highlighted that some people, particularly those in the rural peripheries, had no network coverage to report grievances of human rights violations over the phone or via text messages and WhatsApp messages. Below are some of the pictures of the activities that took place at the ZITF.



Figure 8: ZHRC Human Rights Officers (HROs) interacting with members of the public at the ZITF stand



Figure 9: ZHRC Chairperson Dr E.H Mugwadi explaining some points during an interview with ZTV.

3.7 International Human Rights Day Commemorations and Official Opening of the Bulawayo Office

The ZHRC hosted the official opening of the ZHRC Bulawayo Office and the International Human Rights Day (IHRD) commemorations observed by the international community annually on 10 December. Since its establishment and operationalisation in 2014, the ZHRC has for the past eight (8) years taken a leading role in organising national commemorations of the IHRD in different parts of the country, adopting various strategies for the commemorations and working in partnership with diverse sectors in Government, Civil Society, the Private Sector, Community Leaders and host communities, among others. IHRD commemorations held by the Commission are another vehicle to promote awareness of and respect for human rights and freedoms.

The 2022 IHRD commemorations ran under the following theme: **“Dignity, Freedom and Justice for All” #STANDUP4HUMAN RIGHTS**. This year’s commemorations marked the 75th anniversary of the UDHR. Thus, the commemorations focused on the following key objectives:

- **Educate:** Increasing global knowledge and awareness of the UDHR and its enduring relevance for our times and for the future; and showing how the Declaration has guided the work of the UN Human Rights.
- **Promote Attitude Change:** Countering the increasing scepticism of and rollbacks against human rights by establishing that human rights are never relative and must always be upheld as what unites all of humanity.
- **Empower and Mobilize:** Offering concrete knowledge and tools to help people better exercise their rights.

The new ZHRC Bulawayo Offices procured with support from the Government of Zimbabwe, were officially opened on 9 December 2022, the same day as the IHRD commemorations. Therefore, the ZHRC used the IHRD commemorations as a platform to celebrate such a huge milestone and to share information about the location of the new ZHRC Offices. The participants for the official opening ceremony were drawn from Government Ministries, Departments and Parastatals, tertiary institutions, Residents Associations, CSOs and the business community. One and

eleven (111) people (45 males and 66 females) attended the official opening ceremony including the Guest of Honour, ZHRC Commissioners and secretariat.



Figure 10: The Guest of Honour, Honourable Minister Judith Ncube officially opening the new ZHRC Bulawayo Offices.



Figure 11: New ZHRC Bulawayo Offices at 46 Park Road, Suburbs in Bulawayo

International Human Rights Commemorations in Pictures



Figure 12: Chairperson of the ZHRC giving a live interview to Star FM on the sidelines of the IHRD commemorations



Figure 13: Khaya Arts Productions providing entertainment during the commemorative event

3.8 Highlights of human rights issues raised by participants at the 2022 pre-International Human Rights Day Outreaches

3.8.1 Right to Administrative Justice (Section 68 of the Constitution)

Participants particularly in Bulawayo Metropolitan Province complained of cases of maladministration, such as delays in attending to criminal cases reported to the police or outright inaction after receiving complaints or reports. In the rural districts, people highlighted that districts were inaccessible because of transport challenges. In addition, concerns about poor service delivery by different service providers including poor provision of piped water for irrigation and for consumption, poor drainage systems, poor roads infrastructure and limited access to credit facilities by informal sector traders.

3.8.2 Right to Life (Section 48 of the Constitution)

A significant number of male participants raised concerns over the provision in section 48 of the Constitution, which exempts women from the death penalty. This was viewed as discrimination against men. The Commission highlighted to the participants that there is advocacy and lobbying for abolition of the death penalty that is currently going on. They could also add their voice to their discussion.

3.8.3 Children's Rights (Section 81 of the Constitution)

During the outreaches, parents expressed reservations on the abolition of corporal punishment for children blaming its outlawing for the high levels of child indiscipline and delinquency. The participants highlighted the need to raise awareness on the negative effects of corporal punishment and alternative disciplinary procedures. They emphasized that children should be sensitized on both their rights and responsibilities as well as the duty to respect their parents and guardians, elders in their communities, serve their communities and observe all other African values enshrined in the African Charter on the Rights and Welfare of the Child (ACRWC). Correspondingly, communities raised concerns on the prevalence of harmful religious and cultural practices such as virginity testing, child marriages, and denying children access to education and to health care by some apostolic sects. Such apostolic sects also resisted COVID 19 vaccinations.

3.8.4 Right to Food and Water (Section 77 of the Constitution)

Participants in Bulawayo highlighted that limited access to food as well as safe, clean and potable water were due to limited income earning opportunities and perennial water shortages in the city. In Shurugwi, the communities were concerned about the drought while some areas in Binga reported that some areas had not been receiving food from government. In most districts, more water points/ borehalls were needed as well as rehabilitation and maintenance of existing ones, which were non-functional or partially functional. The ZHRC advised participants to engage Ward Councillors, Members of Parliament and Government Institutions who had a duty to ensure constant supply of water and to address issues of sustainable livelihoods in their communities.

3.8.5 Rights to Education and Health care (sections 75 and 76 of the Constitution)

Generally, rural communities (e.g. in Binga) reported the difficulties they faced in accessing health facilities since they had to travel long distances. In addition, it was reported that children in some areas walk long distances to access education. Another concern raised by participants from Binga was that of lack of special schools for PWDs.

3.8.6 Political Rights (Section 67 of the Constitution)

During discussions on political rights, some participants alleged cases of harassment, intimidation, coercion by members of certain political groups as well as partisan distribution of food and inputs. This was said to be one of the most prevalent forms of human rights violations particularly during election periods (both pre election and post-election periods).

3.8.7 Independence of the ZHRC (Section 235 of the Constitution)

Participants inquired on the extent to which the ZHRC was independent since the President appointed its Commissioners and it received most of its funding from the Government. This gave the Commission an opportunity to explain the appointment and selection process of Commissioners as well as standards that guide operations of NHRIs the world over.

3.8.8 Powers of the Commission (Section 243 (1) (h) of the Constitution)

Participants were concerned about the Commission's lack of arresting powers in the event of gross human rights violations. The Commission explained its functions including the function that empowers ZHRC to direct the Commissioner General of Police to investigate cases of suspected criminal violations of human rights and freedoms and to report to the Commission on the results of any such violations. If the Police fails to comply with the directive to conduct investigations, that conduct amounts to maladministration and non-compliance with principles of administrative justice.

3.8.9 Citizenship Rights (Section 35 of the Constitution)

Communities appreciated the blitz mobile registration exercise, which has gone a long way to assist its members in accessing civil registration documents. However, they informed ZHRC that they continued to experience challenges in that regard especially in Binga and Buhera. They reiterated that during the blitz registration exercise, officers from the Civil Registry Department arrived in the communities without prior communication and stayed for a short period at a particular area. As a result, community members did not benefit from the exercise, which they became aware of after the departure of the registration team. Communities expressed concern over hand written documents, which often posed challenges. In Buhera, communities reportedly experienced challenges in acquiring death certificates for their relatives who were buried in rural areas since Chiefs requested payments to issue death confirmation letters. This contributed to failure of children to attain birth certificates.

3.8.10 Rights of the elderly (section 82 of the Constitution)

Communities raised concerns relating to payment of pensions using the currency that they had not contributed. For example, some former Council and Government pensioners made pension contributions in foreign currency whilst still in service, however upon retirement, they were receiving their pensions using the local currency, which has lower value as compared to the latter.

3.8.11 Environmental rights (section 73 of the Constitution)

Communities in Shurugwi were concerned about the operations of private companies (particularly Chinese) and powerful political figures involved in mining activities that breached human rights, engaged in unfair labour practices, degraded the natural

environment and instigating forced human displacements to pave way for mining ventures that did not benefit local communities. They reiterated that there was deliberate pollution of water bodies (dams, rivers and streams), sand poaching and informal mining activities. Furthermore, they indicated that siltation of dams and drying up of water bodies was impeding access to safe water for drinking by individuals and animals.

3.9 Stakeholder Training Sessions on Follow-up on Implementation of National Inquiry on Access to Documentation Recommendations

The Commission conducted **nineteen (19)** trainings for duty bearers to sensitise them on the importance of their roles in facilitating access to documentation among communities within their areas of jurisdiction. The trainings were carried out in Mazowe (Mashonaland Central Province), Bulilima, Mangwe, Insiza, Matobo (Matabeleland South Province), Mberengwa, Gokwe North, Gokwe South (Midlands Province), Nyanga and Mutasa (Manicaland Province). Two trainings were conducted in each district with the exception of Bulilima, Mangwe and Mazowe Districts where one training was conducted per district. The trainings were conducted under Project EU/RWI project. The trainings were carried out in line with Outcome 1 of the Project, which is aimed at ***“contributing towards increased access to national documentation among communities experiencing challenges, through the implementation by relevant stakeholders of ZHRC National Inquiry on Access to Documentation recommendations.”***

The objectives of the trainings included:

- Promoting awareness of the mandate and functions of the ZHRC with reference to NI;
- Enhancing awareness of the importance of obtaining civil registration documents in relation to enjoyment of human rights and access to services among the targeted duty bearers;
- Raising awareness on the importance of civil registration and requirements for accessing civil registration documents and address socio-cultural impediments which hamper access to documentation; and

- Promoting the role of targeted duty bearers in enforcing provisions of the Births and Deaths Registration Act Chapter 5:02 (BDRA) and facilitating registration in their communities taking advantage of the government 'blitz' registration programme.

The participants for the trainings were drawn from community leaders, Education Officials, School Heads, representatives of Government Ministries/Departments, CSOs, FBOs, Women's Organisations, Child Protection Committees, Village Health Workers, the Youth and any local groups who interacted with communities on a regular basis. The stakeholders were capacitated on HRBAs for them to further cascade the knowledge and information to their respective communities and constituencies for wider reach and impact. Furthermore, their roles in facilitating access to civil registration documents would enhance and promote implementation of recommendations of the NI on Access to Documentation, which is a key outcome of the project.

Nine hundred and eighty three (**983**) stakeholders, **611** males and **372** females attended the trainings.

Some of the issues raised during the trainings included the following:

- Concerns regarding wrong capturing of applicant details at the CRD offices upon registration;
- Some religious sects reportedly not registering their children due to religious beliefs;
- Change of names and adoption of double-barrelled surnames for women who opt to keep both their maiden and marital surnames presenting identity dilemmas to affected women;
- Physical inaccessibility of public facilities/ buildings by Persons with Disabilities (PWDs);
- Difficulties for children with disabilities in acquiring civil documents owing to fathers denying paternity and refusal to assist in attaining Birth Certificates (BCs); and
- lack of knowledge on the requirements and importance of acquiring civil documents.



Figure14: Participants following proceedings during the training in Mazowe



Figure 15: ZHRC Facilitator leads interactive discussions during human rights awareness outreaches in Buhera District

3.10 Development, Translation and Dissemination of IEC Materials

The Commission developed new IEC materials particularly to support implementation of recommendations on the National Inquiry on Access to Documentation. The IEC materials developed and designed included a poster, two (2) brochures, one on civil registration requirements and the second one on human rights issues related to civil registration, banners and t-shirts. Below are photos of some of the developed IEC materials. These were later translated into Shona and Ndebele languages.



Figure 16: IEC materials produced

4. ENFORCEMENT OF HUMAN RIGHTS

4.1 Introduction

ZHRC enforces human rights through assessment and monitoring of the human rights situation as well as inspection of care institutions for vulnerable groups. The Monitoring and Inspections Department (M&I) is responsible for assessing the observance of human rights at all levels of the society. Correspondingly, the department monitors and inspects places of detention such as prisons, police cells, mental institutions, refugee camps, older persons and children's homes. The Commission also monitors the human rights situation during elections and carries out media monitoring. The department assesses Government compliance to Treaty and Charter based mechanisms such as the Convention on the Rights of the Child (CRC), Convention on the Elimination of All forms of Discrimination against Women (CEDAW), ICCPR (amongst others) and the Universal Periodic Review processes. In addition, the department monitors human rights compliance in legislation development and court processes.

4.2 Monitoring and Inspection of Prisons

The ZHRC monitors places of detention to ascertain conditions under which inmates are kept there. This is done in line with Section 243 (1) (k) of the Constitution of Zimbabwe. After conducting the monitoring visits, the Commission then comes up with a comprehensive report citing the human rights situation in a specific institution and areas that need improvement to ensure detained persons are kept in humane conditions. In light of the above, the Commission monitored thirteen (13) prisons in 2022.

The Commission commends efforts by the GoZ and ZPCS for the purchase of farming equipment such as tractors, disc plough planters and boom sprays in farm prisons such as Guruve, Anju Farm, Mutare and Gwanda amongst others, in efforts to increase productivity levels. During follow-up visits, the ZHRC noted there was improvement in some prisons. Guruve prison had a new block of cells and the main prison had been repainted, Ntabazinduna prison was cordoning toilets off from the cells to allow prisoners the right to privacy when relieving themselves. Other prisons

were renovating cells the small windows, which were inherited from the colonial era and replacing with bigger windows to allow ventilation.

Generally, in all prisons visited, inmates were provided with three meals per day broken down into breakfast, lunch and supper. However, there was a challenge in preserving perishable foods such as meat owing to power cuts that could not keep refrigerators running. In addition, the measures introduced by Government on procurement saw prisons taking long to receive goods procured. Since prisons do not have adequate farming inputs, it becomes a challenge at the end of the day to ensure that inmates have adequate maize meal and beans. Prisons monitored during the month of December 2022, such as Gwanda, Plumtree and Esigodini did not have beans, because of protracted procurement procedures.

Overcrowding was noted as a challenge in all prisons including satellite prisons like Esigodini. For instance Bindura prison had four hundred and eighty (480) inmates against a holding capacity of 250, Gwanda had 217 inmates against a holding capacity of 60, Esigodini with a holding capacity of 15, had 43 inmates. Other challenges noted in prisons visited included the limited availability of back- up water storage tanks, ZPCS staff accommodation shortages, medication for the chronically ill (except for those on ART) as well as inadequate clothing and bedding. Inmates at Plumtree, Guruve and Gwanda prison wore torn uniforms, which barely covered the essentials. At Gwanda Prison, most of the inmates wore their own clothes, which compromises security. At one of the prisons, the Commission saw an inmate who was wearing a wet uniform after bathing because he did not have an alternative set to change into.

The ZHRC recommends an increase in the budget for the ZPCS to ensure refurbishment of prison facilities country wide, purchase of uniforms and the construction of staff quarters at the prisons.



Figure 17: ZHRC and ZPCS officers in front of the newly painted cells at Guruve Prison

4.3 ZHRC-ZPCS Engagement meeting and 1st Taskforce Meeting

ZHRC held a stakeholder engagement meeting with the Zimbabwe Prisons and Correctional Service (ZPCS) from 10-13 May 2022 in Bulawayo. The objective of the engagement was to have an appreciation of the challenges, being faced by the ZPCS in administering places of detention. The meeting also sought to deliberate and understand issues that hindered the implementation of recommendations proffered by ZHRC. Part of the agenda further included the setting up of a Taskforce drawn from the two organisations, which would be responsible for following up on recommendations proffered by the ZHRC.

The taskforce drafted the Terms of Reference (TOR) highlighting the composition of the taskforce's membership, schedule for meetings, Chairpersons, duration of office holders as well as submission of reports. The purpose of setting up the Taskforce was to give increased and joint attention to the recommendations that have remained outstanding for a long time. There was therefore need for further analysis of the

recommendations and development of action plans to address the challenges hampering implementation.

The first meeting of the Taskforce was held in Harare in November 2022. The meeting deliberated on the recommendations, which had not been implemented over a long period, a work plan for 2023 and giving updates on the situation in prisons.



Figure 18: ZHRC Commissioners and staff with ZPCS Officers Commanding Provinces and other senior Officers

4.4 Review of the Elections Strategy

The workshop for the review of the Zimbabwe Human Rights Commission Elections Strategy was conducted from 15-17 June 2022. The workshop served as a dialogue platform for the ZHRC to re-examine its current Election Strategy, assess its effectiveness in aiding the Commission to discharge its human rights mandate particularly in providing remedies for violations of human rights and administrative justice violations during the electoral cycle. During the review process, past experiences were reflected on, to ensure the negative aspects were considered and corrective action taken.



Figure 19: ZHRC Members of Management listening to remarks from the RWI during the review of the Elections Strategy

4.5 Monitoring of the Human Rights Situation and observation of By- Elections

In line with section 243 of the Constitution, the Commission monitors the human rights situation during electoral processes and further engages relevant stakeholders with a view to ascertain their preparedness for conducting free, fair, and credible elections. In light of the above, the Commission monitored the human rights situation during the holding of by-elections, such as the March and July 2022 by-elections. These were conducted following a proclamation made by His Excellency, President Emmerson Mnangagwa to hold by elections to fill in vacancies of the National Assembly and local authority seats across the country. The proclamation was made through Statutory Instrument (SI) 2 of 2022.

From the monitoring visits conducted, the ZHRC noted that there was gender imbalance in terms of both the contesting candidates as well as the electorate. Contesting candidates were mostly males whilst most voters were female. In most places monitored, there was low participation by youths in the electoral processes, particularly on the Election Day. Furthermore, the Commission noted that although the general political and electoral environment seemed peaceful, there was salient intimidation, threat and coercion to the electorate to comply with the directive to pose as assisted voters in places such as Chipinge and Kariba. There were many incidents

of assisted voters across all polling stations. The observation confirmed earlier allegations that ZANU PF was coercing and compelling its supporters and other eligible voters to pose as assisted voters.

The ZHRC also noted that there was limited information on cut-off dates for registration of people to be eligible to vote in a by election leading to an increased number of turned-away voters. In addition, there were reports of vote buying whereby the electorate was persuaded to vote for a particular party in exchange for money and groceries. In places such as Binga, there was selective application of the law, whereby the law enforcement agents gave preference for the ruling party to conduct campaign rallies as compared to other contesting parties. ZHRC urged all political leaders and stakeholders to abide by the Code of Conduct for Political Parties at all times.

4.6 Training on Monitoring of the Human Rights Situation during Elections

In pursuance of its mandate of monitoring and observing Elections and By-Elections, the Commission held two (2) workshops during the year under review to capacitate Commissioners and Secretariat on human rights monitoring during elections and election observation. The Commission further reviewed the monitoring tools used to address gaps. The participants were sensitised on the electoral processes and the cycle as well as the role of the ZHRC in electoral processes. Facilitators from the Zimbabwe Electoral Commission (ZEC) and Zimbabwe Election Support Network (ZESN) made presentations at the training workshop.

4.7 Reporting to Treaty Bodies

Convention on the Rights of the Child Alternative Report Workshop

One of the key functions of an NHRI such as the ZHRC, is to assess Government's compliance to Treaty and Charter based mechanisms. NHRIs may compile and submit Periodic Alternative Reports to Government Reports on human rights achievements and violations. The reports assist the State and relevant stakeholders to enhance their capacity to deal effectively with Human rights challenges.

In fulfilment of the function, the, ZHRC convened a workshop to draft and finalise its Alternative Report on the United Nations Convention on the Rights of the Child

(UNCRC) from the 14th to the 18th of November 2022. The Commission went through the first draft report developed in 2021 and sought further input from stakeholders and other Children's Rights Thematic Working Group members. The Alternative Report also proffered recommendations for the improvement of the survival and development of children in Zimbabwe. In attendance at the workshop were stakeholders were:

- Ministry of Primary and Secondary Education
- Ministry of Ministry of Public Service, Labour and Social Welfare
- CSOs were represented by Legal Resources Foundation and;
- Zimbabwe Council for the Welfare of Children

The report did not only focus on the weaknesses in safeguarding of Children's human rights in Zimbabwe but also on the best practices in the country. It also highlighted on the general principles provided in the Constitution of Zimbabwe in regards to the Rights of Children, gaps and achievements concerning Civil Rights in relation to Children as well as issues to do with Violence against Children especially in relation to corporal punishment in families, in schools and in other settings. Recommendations were proffered in the report in regards to thematic areas that were discussed. The report awaits ZHRC Commissioners approval and submission to the United Nations International Children's Emergency Fund (UNICEF).

4.8 Monitoring Emergency Situations

4.8.1 Melfort Old People's Home

On 21 October 2022, the ZHRC conducted an emergency monitoring and inspection mission to Melfort Old People's Home after a fire accident. The purpose of the monitoring visit was to assess the human rights situation following the fire incident and destruction of property. In addition, ZHRC sought to assess response mechanisms and measures in place to avoid fire and other related accidents at the home.

The fire destroyed the kitchen, greenhouse and some vegetables in the garden as well as two electricity poles. Livestock was not affected but forage for the goats was all burnt. None of the residents was injured and no fatalities were recorded.

At the time of the visit, there were no fire extinguishers for the care institution and no fire preparedness measures were in place in case of emergencies. The Commission

recommended that a standard fireguard be constructed on either side of the boundary fence of the home. The home was urged to acquire serviceable fire extinguishers for use in case of fire accidents.



Figure 20: ZHRC monitors assessing the situation at Melfort Old People's Home following the fire accident

4.9 Monitoring of the Human Rights Situation of people affected by Coal Seam fires in Hwange

From 4-8 December 2022, the ZHRC conducted a monitoring mission to Hwange, to assess the human rights situation of persons affected by coal seam fires at Number 2 and 3 Housing Areas of Hwange Colliery Company. The monitoring mission was guided by section 243 (1) (c) of the Constitution, which gives the ZHRC the mandate to monitor, assess and ensure the observance of human rights and freedoms in Zimbabwe. From this visit, the ZHRC gathered facts on the severity of the coal fires focusing on the impact they had on the enjoyment of fundamental rights and freedoms and further proffer viable recommendations to the Government of Zimbabwe (GoZ), on how best to improve the human rights situation of the affected community.

The Commission gathered that residents of Number 3 housing area at the Hwange Colliery Company were mostly affected. They highlighted that the settlement used one

(1) communal toilet, which created high demand for its use so other residents resorted to using nearby open bushy areas to relieve themselves. They said during the day, the toilets were closed due to limited water supply because of water rationing. This prompted residents to resort to the bush toilet system, which exposed them to the risk of coal seam fires. The community members highlighted that they were living in fear of succumbing to burns or suffering permanent deformities due to the sub surface fires.

Victims of the fires were interviewed and they stated that Hwange Colliery neither compensated them for the expenses incurred during the tragedies nor offered them psychosocial support. Hwange Colliery on the other hand, highlighted that all danger zones were barricaded and awareness campaigns were conducted but people still accessed danger zones in search of coal for sale since it is a source of income. The Hwange Colliery Company was urged to expedite the process of improving water sanitation and hygiene, including drilling boreholes and construction of more toilets and bathrooms for the communities in question. ZHRC recommended that awareness campaigns be intensified so that people were adequately sensitised about the danger zones. Security measures should be put in place to apprehend trespassers. It was further recommended that non-trepassers who were injured by the fires be compensated by the companies carrying out coal mining in Hwange.

5. THEMATIC WORKING GROUPS

5.1 Environmental Rights

a) Business and Human Rights RoundTable Conference: 7-8 September 2022

In September 2022, the ZHRC held a Roundtable Conference on Business and Human Rights (BHR). Participants were drawn from Independent Commissions, Government departments, civil society organisations and the private sector. The meeting discussed provisions of the United Nations Guiding Principles on Business and Human Rights, violations of human rights by business entities and the road map for adoption of a National Action Plan (NAP) on Business and Human Rights in Zimbabwe. It was agreed that there was need for identification of problem areas relating to business and human rights, selection of priority areas to pursue and coming up with a research paper which highlights in detail the key issues relating to BHR in Zimbabwe.

Participants concurred that there be - high level engagement of the relevant government ministry to get its buy-in on the adoption of a NAP as well as setting up a technical committee and steering committee to ensure auctioning of the adopted resolutions. The role of the steering committee entailed engaging relevant stakeholders and lobbying for adoption of the NAP. The technical committee would comprise of state and non state stakeholders relevant to the issue of business and human rights, whose roles would include resource mobilisation and developing the NAP. It was also agreed that there was need to conduct a time bound consultative national baseline assessment on business and human rights. Thereafter the technical committee would commence drafting and validation of the NAP and finally launching and implementation. It was emphasised that there was need to mobilise adequate resources for this process to succeed.

b) Dialogue on National Action Plans on Business and Human Rights in the Southern Africa Region, 6 – 7 December 2022; Maputo, Mozambique

The Chairperson of the Environmental Rights Thematic Working Group, Commissioner Angeline Guvamombe attended a regional multi-stakeholder Dialogue

on Business and Human Rights, held in Maputo, Mozambique from 6-7 December 2022.

The meeting discussed in detail the UN Guiding Principles on Business and Human Rights (UNGPs) and National Action Plans (NAPs) as key tools for operationalising responsible business conduct. Experiences from other countries were shared on the steps they have taken towards adoption and implementation of NAPs on BHRs. There were also deliberations on the draft African Union Business and Human Rights Policy as a framework for NAPs in the region. It was noted that there is need for extensive lobbying to secure the commitment of governments within the region.

5.2 Gender Equality and Women's Rights (GEWR) Thematic Working Group

The GEWR TWG represented by the Chairperson of the TWG, Commissioner Dr. Dziva and Ms Sandra Moyo attended a Training on Bodily Autonomy and Integrity (BAI) for National Human Rights Institutions. The training was held in South Africa on the 23rd and 24th of August 2022. During the training, Commissioner Dr. Dziva presented a paper titled **“Good practices in supporting BAI: Experiences from the region.”** The paper among other issues highlighted the importance of mobilising communities and advocating for the rights to bodily autonomy and integrity as well as key sexual reproductive health and rights priorities with a focus on eliminating stigma and discrimination. The objective of the training was to sensitise and train organisations such as the ZHRC on BAI, the rights of marginalised groups and brainstorming how organisations can advocate for these rights.

Commissioner Dr. Dziva also attended a conference in Kadoma, Zimbabwe, which was organised by the American Friends Service Committee (AFSC) and Zimbabwe Peace Project (ZPP) under the theme “Exploring Gender Conflict as a result of COVID-19 in Africa.” He presented a paper entitled, **“Overview on the socio-political impact of Covid-19 on Women in Africa.”**

The TWG also participated in the Review of the Zero tolerance 365: National programme on gender based violence prevention and response workshop held in Mutare from 22-24 September 2022. The Ministry of Women Affairs, Community, Small and Medium Enterprise Development (Ministry of Women Affairs) hosted the workshop. Stakeholders with the mandate of fighting gender based violence (GBV) who were drawn from government departments and ministries, funding partners



attended civil society organisations attended the workshop. The Objectives of the Workshop were to: review the GBV 365 with a view to come up with a National GBV strategy for the period 2022 going forward; brainstorm as partners offering GBV services and come up with a coordinated approach to service provision; and strengthen GBV prevention and response mechanisms.

The TWG also participated in a one-day workshop in Kadoma hosted by the Ministry of Women Affairs, Community, Small and Medium Enterprises. The purpose of the workshop was to have a discussion to revitalise the National Gender Machinery. National Gender Machineries (NGM) are one of the strongest mechanisms for a coordinated approach to advancing gender equality, women's rights, and women's empowerment in countries. In Zimbabwe, the NGM has historically included the Ministry responsible for Women's Affairs, Gender Focal Persons in Government Line Ministries, the Women's Parliamentary Caucus and gender equality and women's rights activists in Civil Society. The working of the NGM has not been coordinated and the workshop aimed at strategising ways to revitalise the NGM in Zimbabwe.

5.3 Special Interest Groups TWG (SIG TWG)

In December 2022, the SIG TWG held a Follow-up Roundtable Discussion on the rights of Persons with Disabilities (PWDs) to review the implementation of recommendations and strategies agreed on by stakeholders in November 2021. Several recommendations were made. These included awareness raising on disability rights through various platforms by ZHRC; training of ZHRC Staff on provisions of the Disability Policy; training of Parliamentarians, Chief's Council, traditional Chiefs and Councillors on disability rights and inclusion; review of ZHRC Complaints Handling mechanism with a view to embrace disability issues and review of the ZHRC monitoring and inspection tools.

During the Follow-up round table meeting, the Department of Disability Affairs sensitised participants on implementation of the Disability Policy and gaps being noted. It was resolved that more awareness activities were required for PWDs to be familiar with the policy. Participants were briefed on the progress made in pushing for the finalisation of the PWDs Bill. The meeting resolved to mobilise PWDs constituency to attend public consultations on the Bill when convened by Parliament to make their input. It was agreed that there was need to train and have engagement meetings with

the Parliamentary Thematic Committee on Disability and Human Rights. The roundtable also provided the Zimbabwe Electoral Commission (invited) to present on disability inclusion initiatives underway in preparation of the 2023 harmonised elections.



Figure 21: Participants pose for a photo after the Follow-up Roundtable workshop on the rights of PWDs.

The SIG TWG also participated in meetings and workshops hosted by its members and other stakeholders. The TWG was invited to a stakeholders' engagement meeting in Chitungwiza to respond to complaints made by Chitungwiza residents regarding challenges being faced in accessing safe, clean and potable water. Chitungwiza Residents Association, National association of Youths Association (NAYO) (a member of the TWG) and Accountability Lab convened the meeting. During the engagement meeting, several challenges and human rights violations that were a result of the water shortages were highlighted. These included rape, physical and sexual harassment, verbal abuse, sexual exploitation among others. During the meeting, it was resolved that there was need for a long lasting solution to the water crisis faced by Chitungwiza residents. ZHRC was tasked to engage Chitungwiza Municipality on the issue.

In October 2022, the SIG TWG attended a workshop hosted by Deaf Zimbabwe Trust on Disability inclusion in electoral processes. In December 2022, the SIG TWG also

attended a costing workshop hosted by the Disability Policy by the Department of Disability in the Ministry of Public Service, Labour and Social Welfare, United Nations Agencies and other partners. The SIG TWG also participated in the International Disability Day commemorations hosted by the Department of Disability.

5.4 Children's Rights TWG (CR TWG)

A number of activities on the promotion of Children's rights were conducted by different departments of the Commission with the support of the UNICEF project, which speaks to **“strengthening the capacity of the Commission for promotion and outreach on children's rights**. The CR TWG held a Quarterly Meeting on 20 October 2022. Representatives of the members of the TWG, ZHRC Commissioner and Secretariat attended the meeting. The objectives of the meeting were to discuss TWG membership and terms of reference as well as to deliberate on UNICEF support to the TWG running until the end of December 2022.

On the 3rd of November 2022, the Commission hosted a combined commemoration of Children's of three (3) children's days namely (Day of the African Child (DAC), International Day of the Girl Child (IDGC) and World Children's Day (WCD) relating to the protection, promotion and fulfilment of children's rights regionally and internationally were observed. These commemorations are important events on the global calendar when the international community reflects on progress made and challenges still to be addressed towards promotion, protection and fulfilment of children's rights. The commemorations were held at St Micheal's Primary School and representative pupils from the Secondary School also attended. In addition, the refugee community and other stakeholders such as the Ministry of Public Service, Labour and Social Development, Department of Social Development, United Nations High Commission of Refugees (UNHCR) and representatives from the Ministry of Primary and Secondary Education (MOPSE) among others, also attended the event. The commemorations were held at Tongogara Refugee Camp and the Guest of Honour was Commissioner Dziva, the Chairperson of the TWG.



Figure 22: Children's Rights Thematic Working Group Chairperson Commissioner Cowen Dziva delivering his speech during the children's rights commemorations at Tongogara Refugee Camp in Chipinge

The TWG produced and disseminated press statements to commemorate children's days throughout the year. The press statements produced were for the Day of the African Child and World Children's Day. These statements were published in the local newspapers on the days of the celebrations. The press statements highlighted the importance of commemorating those events in relation to the protection of the rights of children. On WCD, the Commission organised three Child Parliamentarians who were interviewed on ZTV to mark the day.

6. NETWORKING ACTIVITIES AND STAKEHOLDERS' ENGAGEMENT MEETINGS

6.1 Regional Meeting of NHRIs in Southern Africa on Violence against Migrants

The ZHRC as Chairperson of the Network of African Human Rights Institutions (NANHRI) hosted the inaugural regional meeting for Chairpersons of NHRIs in Southern Africa on Violence against Migrants. The Conference was held from 25 to 26 August 2022. It was attended by NHRIs from southern Africa, which included Democratic Republic of Congo (DRC), South Africa, Mozambique, Malawi, Zambia, Namibia, Eswatini, Madagascar and Zimbabwe. The objectives of the meeting were to interrogate the drivers of violence against migrants, highlighting the role of NHRIs in promoting and protecting fundamental human rights and freedoms of migrants and coming up with strategies for protecting the foreign nationals migrating within SADC States from violence to ensure that Member States are cognisant of the fact that a human rights based approach to migration requires that both the objectives of migration policies as well as the process in which these are being implemented comply with human rights .

Some of the topics deliberated on during the meeting included unpacking of the concept of xenophobia; regional and international standards on protection of foreign nationals; the role of NHRIs in promoting and protecting human rights of migrants (regular and irregular) from xenophobia and strategies for protecting foreign nationals migrating amongst SADC States from violence against migrants. The meeting adopted the Harare Declaration on 26 August 2022. It was resolved that NHRIs in southern Africa should meet with the secretariat of SADC and highlight their role in addressing the issue of violence against migrants. There should be advocacy and lobbying for law and policy reform to ensure humane treatment of migrants by the countries in southern Africa.



Figure 23: Some of the participants who attended the Regional Meeting of NHRIs in Southern Africa on Violence against migrants in Harare, Zimbabwe from 25-26 August 2022.

6.2 Meeting for follow-up on the Marrakech Declaration on the Rights of Human Rights Defenders

ZHRC was invited by the African Defenders (Pan African Human Rights Defenders Network), Network for African National Human Rights Institutions (NANHRI) and the Ghana Commission for Human Rights and Administrative Justice (CHRAJ), to attend a two (2) day Meeting to follow up on the Marrakech Declaration, adopted by the Global Alliance for National Human Rights Institutions (GANHRI) in 2018. The Executive Secretary. The participants included representatives of National Human Rights Institutions (NHRIs) and Civil Society Organizations (CSOs) represented the Commission from countries such as Nigeria, Liberia, Uganda, Sudan, Eswatini, Namibia, Malawi, Zambia, and Zimbabwe among others.

The meeting adopted the Accra Declaration and Plan of Action for the Protection of Human Rights Defenders between National Human Rights Institutions in Africa and Human Rights Defenders. It was resolved that there should be enhanced trust between NHRIs and HRDs through regular inclusive and substantive consultative engagements; increased partnership between NHRIs and HRDs networks in the

efforts to champion the institution of progressive, enabling laws, policies, regulations and practices for the operation of civil society organisations and the protection of HRDs; establish and efficiently implement robust early warning and protection systems for HRDs within the mandates of NHRIs; strengthen systems and increase capacities within NHRIs to specifically monitor and document incidents of violation and abuse of rights of HRDs and track trends and patterns for evidence-based action, among other courses of action.



Figure 24: Participants at the Human Rights Defenders Meeting held in Accra, Ghana

6.3 Zimbabwe Electoral Commission Delimitation Workshop

On 28 May 2022, ZHRC attended a Delimitation stakeholder engagement meeting hosted by the Zimbabwe Electoral Commission. In attendance were Members of Parliament, independent political candidates, representatives from political parties, CSOs, Government Departments and Independent Commissions. The meeting was in fulfillment of Section 37A of the Electoral Act, which requires the Commission to conduct delimitation in consultation with stakeholders. ZEC made a presentation on the delimitation process, which involves dividing the country into constituencies and wards for the purpose of holding elections. They further highlighted that the delimitation process is carried out in terms of sections 160 and 161 of the Constitution of Zimbabwe, which states that delimitation is a periodic exercise done once every ten

(10) years. During the delimitation process, ZHRC ensures that the process is conducted following due process and monitors the observance of human rights. The Commission can play an advisory role in the delimitation process.

7. CAPACITY BUILDING ACTIVITIES

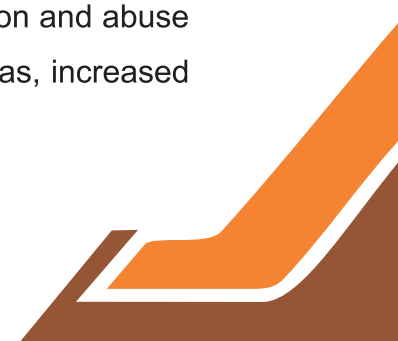
7.1 Training Workshop on Administrative Justice

From 22-23 November 2022, ZHRC conducted a workshop on Administrative Justice to strengthen the capacitate of its staff in the discharge of the public protector function. The specific objectives of the workshop were:

- To provide a platform for the development of the ZHRC's comprehensive internal operational framework and manual for Administrative Justice, (to be incorporated into the existing Complaints Handling Manual) which will be the guiding policy framework for handling of administrative justice cases by the Commission,
- Introduce ZHRC staff basic notions about the ZHRC's public protector mandate and provide a dialogue platform for the ZHRC staff regarding its implementation of the administrative justice function
- Build the capacities of new staff on the Commission's functional mandates, with a focus on the public protector function and its role in human rights protection and promotion.

7.2 Training Workshop on Prevention, Detection and Response to Sexual Exploitation and Abuse of Children

With support from UNICEF, ZHRC conducted a three-day training workshop from the 13-15 December 2022 in Gweru. The objectives of the workshop were to train the Complaints Handling and Investigations on **Protection from Sexual Exploitation and Abuse** (PSEA). The purpose of the training was to enable the investigators to mainstream children's rights in cases that they receive even those that do not have glaring children's rights issues. The other objective of the training was to capacitate the Commission with skills for handling child victims of sexual exploitation and abuse during investigations. The expected outcome of the workshop, which was, increased



awareness of children's rights issues, specifically in cases received by the Commission was met basing on the workshop evaluation that exhibited that the participants had grasped the concepts that they were trained on.

8. CHALLENGES AND LESSONS LEARNT DURING THE REPORTING PERIOD

8.1 Successes

Some of the successes of the ZHRC during the reporting period included acquisition of an immovable property in Bulawayo for use as the office for the Bulawayo Metropolitan Province as well as decentralisation to Masvingo Province. The Commission opened an office in Masvingo Province on 23 December 2022, to provide service to all the districts in the province.

8.2 Challenges

The major challenges that were encountered during the period under review included:

1. Resource constraints to conduct field activities such that some activities were put on hold, including monitoring of by elections in places such as Mberengwa and Matopo. Resource constraints and donor apathy hampered the ZHRC from immediately reacting and investigating complaints of human rights violations.
2. Despite opening offices in four (4) Provinces, the reach of Commission programmes continued to be limited. There is therefore need to recruit more staff and ensure that all Provinces have functional offices able to deliver on the human rights mandate.
3. The Commission remains concerned with the disregard of its recommendations by some stakeholders resulting in the same complaints being received.

9. LESSONS LEARNT

The ZHRC learnt the following:

1. That following up on recommendations made throughout its programming activities provided insights into the challenges and gaps faced by stakeholders in implementation of the same.
2. The integration of business respect for human rights is key in achieving the enjoyment of human rights and freedoms in the country.

3. In order to fulfil its responsibilities, the ZHRC benefits from the continued support of Government, Civil Society Organisation and other entities.

10. RECOMMENDATIONS

The Commission hereby proffers the following recommendations to different stakeholders.

Ministry of Health and Child Care

- 10.1 To ensure constant provision pharmaceutical drugs at places of detention.

Ministry of Local Government and Public Works

- 10.2 To provide adequate, safe and reliable water and sanitation services as well as providing citizens with social security services.
- 10.3 To ensure that traditional leaders desist from engaging in partisan political activities in line with Section 280 (2) of the Constitution of Zimbabwe.

Ministry of Finance and Economic Development

- 10.4 Avail adequate resources to institutions such as prisons so that they comply with relevant minimum standards.
- 10.5 To ensure that adequate funds are availed for social protection programmes.

Ministry of Home Affairs and Cultural Heritage, and Civil Registry Department

- 10.6 To strengthen internal policies and procedure manuals consistent with relevant laws to guide staff at the Registrar General's Office on timeously issuing of national documents.
- 10.7 To conduct regular mobile registration programmes.
- 10.8 To formulate and implement policies on accelerated registration of vulnerable groups including inmates.

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

- 10.9 To improve allocation of provisions to inmates particularly clothing and bedding
- 10.10 Constantly decongest prisons to avoid overcrowding.

Zimbabwe Republic Police

- 10.11 To strengthen the human rights-based approach to law enforcement especially during election periods
- 10.12 To investigate all cases of politically motivated violence reported to them without partisanship performance of duties.
- 10.13 To be apolitical in the discharge of their duties and non discriminatory in the clearance of political party rallies or activities as provided in Section 208 of the Constitution.

Zimbabwe Electoral Commission

- 10.14 To enhance the voter education programme and ensure that it reaches all areas.
- 10.15 To avail the voters' roll on time to avoid conspiracy theories.
- 10.16 To intensify voter education to the electorate, political agents and as well as parties on the election processes.

Political Parties

- 10.17 To desist from engaging in violence and other forms of intolerance against other contesting parties.
- 10.18 To observe and respect the ZEC's Political parties, candidates, and stakeholders' Code of Conduct to ensure the promotion of a peaceful election.
- 10.19 To educate their supporters, agents, and candidates to embrace political tolerance.

Civil Society Organisations

- 10.20 To intensify voter education campaigns ahead of the 2023 harmonised elections.
- 10.21 To encourage citizens especially the youths to register to vote and educating them on the importance of citizen participation in elections.

Voters

- 10.22 Voters should exercise their freedom of assembly and association without any fear and report cases of alleged violations to the police.
- 10.23 To register and exercise their right to choose their leaders.

FINANCIAL REPORT

VOTE 28.- ZIMBABWE HUMAN RIGHTS COMMISSION								
APPROPRIATION ACCOUNT								
FOR THE YEAR ENDED DECEMBER 31, 2022								
	Original Budget	Supplementary	Unallocated	Total /	Actual			
Expenditure Head	Estimates	Budget	Reserves	Revised	Expenditure as	More than	Less than	Explanation for main variations
	2022		Transfers	Budgets	at December	Estimated	Estimated	
	\$		\$	\$	\$	\$	\$	
PROGRAMME 1. POLICY AND ADMINISTRATION								
EXPENSES								
Compensation of employees.....	77 107 300	24,009,000.00	29,729,342.47	130,845,642.47	198,821,769.93	67,976,127.46	-	The excess was due to general increases in exchange rates for USD allowances
Use of goods and services.....	75 998 000	122,410,000.00	-	198,408,000.00	195,438,826.48	-	2,969,173.52	The saving was due to funds not released by Treasury .
Other Expenses.....	-	-	-	-	-	-	-	-
Acquisition of fixed capital assets.....	23,550,000.00	186,000,000.00	37,573,000.00	247,123,000.00	264,099,251.73	16,976,251.73	-	The excess was due to general increases in the prices of goods and services.
	\$176 655 300	\$332 419 000	67,302,342.47	576,376,642.47	658,359,848.14	84,952,379.19	2,969,173.52	
PROGRAMME 2. HUMAN RIGHTS AND FREEDOM								
EXPENSES								
Compensation of employees.....	32 568 300	10 145 000	13,913,764.00	56,627,064.00	86,024,174.91	29,397,110.91	-	The excess was due to general increases in prices
Use of goods and services.....	85 500 000	137 702 000	-	223,202,000.00	111,147,095.20	-	112,054,904.80	The saving was due to funds not released by Treasury .
Other Expenses.....	-	-	-	-	-	-	-	-
Acquisition of fixed capital assets.....	57,150,000.00	-	-	57,150,000.00	46,050,000.00	-	11,100,000.00	The saving was due to funds not released by Treasury .
	\$175 218 300	\$147 847 000	13,913,764.00	336,979,064.00	243,221,270.11	29,397,110.91	123,154,904.80	
PROGRAMME 3. ADMINISTARTIVE JUSTICE								
EXPENSES								
Compensation of employees.....	4 222 400	1 294 000	2,152,051.00	7,668,451.00	11,829,276.83	4,160,825.83	-	The excess was due to general increases in exchange rates for USD allowances
Use of goods and services.....	27 932 000	45 888 000	-	73,820,000.00	31,606,378.53	-	42,213,621.47	The saving was due to funds not released by Treasury .
Other Expenses.....	570 000	-	-	570,000.00	519,950.13	-	50,049.87	The saving was due to funds not released by Treasury .
Acquisition of fixed capital assets.....	19 300 000	-	-	19,300,000.00	17,540,995.00	-	1,759,005.00	The saving was due to funds not released by Treasury .
	\$52 024 400	\$47 182 000	2,152,051.00	101,358,451.00	61,496,600.49	4,160,825.83	44,022,676.34	
Total:	\$403 898 000	\$527 448 000	83,368,157.47	1,014,714,157.47	963,077,718.74	118,510,315.93	170,146,754.66	
Net Underspending.....						<u>51,636,438.73</u>		
2023.								
Month / Day / Year	D. Mazambani,							
	Executive Secretary to the Zimbabwe Human Rights Commission.							

