Report on the Mission Visit to Chingwizi conducted from the 19th to the 22nd of August 2014.
1. Introduction
The Zimbabwe Human Rights Commission (ZHRC) represented by Four (4) Commissioners, the Deputy Executive Secretary for Programmes and Seven (7) Human Rights Officers conducted a mission visit to the Chingwizi Relocation Site in Mwenezi District from the 19th to the 22nd of August 2014. The objective of the mission was to follow up on a complaint that had been received by the ZHRC from representatives of people who had been moved from the Tokwe-Mukosi area to Chingwizi Relocation Site. The move had been triggered by floods that occurred in February 2014 which the Government of Zimbabwe (GoZ) declared a national disaster in terms of the Disaster Management Framework.¹

In conducting its visit the ZHRC considered these people as internally displaced persons (IDPs) given that their situation falls within the confines of the definition of internally displaced persons according to the African Union Convention for the Protection and Assistance for the Internally Displaced Persons in Africa (Kampala Declaration) which Zimbabwe is a signatory to and the United Nations Commission on Human Rights Guiding Principles on Internal Displacement (UN Guiding Principles).² These two instruments both define IDPs as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”.³

Unlike refugees, the IDPs have not left their country of origin. They remain entitled to the same rights that all other citizens enjoy. They do however have special needs by virtue of their displacement. In most cases internal displacements deny innocent persons access to basic services like food, shelter, health related facilities and

¹The President declared the Tokwe-Mukosi flooding a national disaster on the 9th of February 2014 in terms of section 27 of the Civil Protection Act ( Chapter 10:06).
²The Guiding Principles have gained international standing and authority, though they are not binding like a treaty.
³African Union Convention For The Protection And Assistance Of Internally Displaced Persons In Africa (Kampala Declaration). Zimbabwe has not yet ratified this Convention.
expose them to all manner of human rights violations and abuses. Therefore the crisis of IDPs requires concerted effort on the part of the state and other stakeholders, including international and local organizations, to address the specific needs of the persons affected.

1. Background
The Tokwe-Mukosi flooding is a national disaster that occurred in February 2014 after torrential rainfall pounded Masvingo Province. There is a dam being constructed in the southern part of Chivi District which is about 72 kilometres, out of Masvingo town.

Figure 1: Map of Masvingo Province

After the government declared the flooding a national disaster, an estimate of at least 2 700 families with an average size of 4.5 people per household were

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4 Available at http://en.wikipedia.org/wiki/Masvingo_Province.
evacuated from Chivi South to Chingwizi relocation site of Nuanetsi Ranch in Mwenezi District. Verification with other stakeholders indicates a possibility of a higher number of families evacuated reaching up to 6 393 families. The area is approximately 220km from the dam site. Like Chivi, Nuanetsi Ranch is located in a region that receives low and erratic rainfall and is only considered suitable for livestock rearing and drought resistant crop farming. Unlike Chivi, the area’s remoteness offers few alternatives to earn a living.

2. Methodology

The ZHRC used 4 tools in carrying out its 4 day assessment: key informant interviews; focus group discussions; household questionnaires; and participant observations. The use of 4 tools was useful for the triangulation of data at the analysis stage. The purpose of this triangulation process was not only to cross-validate data, but also to capture different dimensions of the same situation. The research by the ZHRC team was more qualitative than quantitative to yield facts, feelings and views of different interviewees. Below is an explanation of the specific tools employed to gather information.

a. Focus Group Discussions (FGDs)

FGDs intended to capture the perceptions, opinions, beliefs, and attitudes of respondents towards human rights issues. FGDs were particularly important to explore the meanings of findings that could not be explained statistically. Questions were asked in an interactive group setting where participants were free to talk with other group members. 5 FGDs were used in this rapid research to gather information from men, women, children and key informants. The group of participants was guided by a group facilitator who introduced topics for discussion and helped the group to participate in a lively and open discussion. The participants were able to agree or disagree with each other to provide insight to the moderator on how particular issues affected them. This also created a platform to identify opinions and

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ideas that exist within the Chingwizi community in terms of beliefs, experiences and practices.

b. Questionnaires

Questionnaires were administered in order to capture the past and present situation of the Chingwizi community. These were administered to 60 households randomly selected throughout the 35km stretch of land where the IDP’s were resettled. The tool comprised of open and closed ended questions to collect both qualitative and quantitative data. The administration of the questionnaires by ZHRC researchers (as opposed to distribution of self-completion by the selected respondents) enabled the ZHRC team to explain the meaning of questions to respondents and probe for more information.

Though the team intended to administer questionnaires to gender-balanced household respondents, 66.7% per cent of the randomly selected respondents were women as shown below. This was because most men were reported to be away from their homes as they were busy working in order to fend for their families. Some of the men were working in the nearby sugar-cane plantations outside the relocation site. In most cases women stayed at home doing household chores and taking care of the children, the elderly and the sick. However this was an advantage to the ZHRC team which captured the views of women who are often excluded in consultations on issues affecting them.

Figure 2: Sex-Disaggregation for Interviewed Respondents
c. Key Informant Interviews

Key Informant Interviews were conducted with multi-sectoral members of the society and organizations in the area. The purpose of key informant interviews was to collect in-depth information from a wide range of leaders, professionals, and residents with first-hand knowledge about the community. These experts provided insights on the nature of problems faced.

d. Participant Observations

Participant observation was used to gain intimate familiarity with the community and their activities through intensive involvement with people in their environment. Using observations gave the team an understanding of the geographical location, land size, types of housing, water supply and sanitation, health, education and recreation facilities.

3. Limitations

During the Tokwe-Mukosi visit the ZHRC team was supplied with different accounts and or views surrounding the disaster. This was coupled by the deficiency of reliable sources of material to verify statistics and facts on lost property and affected people. In some instances, government employees were sceptical about revealing information about the disaster. As such the report may not provide exact data regarding the disaster, but highlights the human rights issues arising from it.

The Tokwe-Mukosi disaster and conflict in the Chingwizi Transit camp traumatised the residents, and this had a great bearing on the issues deemed to be acceptable for discussion. Some respondents were in fear and not at liberty to divulge information. In dealing with these shortcomings, the ZHRC team informed respondents about the purpose and intended uses of the research, and highlighted that there were no risks involved in participating. The inquiry was also guided by the confidentiality of information supplied by respondents and participation in the research was voluntary, free from any coercion and harm.

Initially when the visit was planned it was anticipated that the above mentioned tools would be administered in the Chingwizi holding camp where households were very
close to each other. More households would have been reached within the 2 days of actual field work. However when the visit was finally undertaken, residents had been resettled to the 35 km wide relocation site and therefore a smaller sample was feasible in the sparsely located households. Nevertheless, the small sample size does not discredit the validity of the findings as it was corroborated by the use of focus group discussions and key informant interviews.

4. Legal Framework

a. Constitutional, Legislative and Policy Framework
The Constitution of Zimbabwe Amendment (No.20) Act 2013 is the supreme guideline within the national legislative framework in as far as assessment of the situation at Chingwizi relocation site is concerned. The following sections of the Constitution and other national laws and policies are relevant:

- Section 71 which provides for property rights
- Section 73 which provides for environmental rights
- Section 75 which guarantees the right to education
- Section 76 which guarantees the right to health care
- Section 77 which provides for the right to food and water
- Section 80 which provides for the rights of women
- Section 81 which provides for the rights of children
- Section 82 which guarantees rights of the elderly
- Section 289(f) which provides for the right not to be deprived arbitrarily of the right to use and occupy agricultural land
- Section 292 which provides for security of tenure for occupiers of agricultural land
- Civil Protection Act (Chapter 10:06), section 27 provides for presidential powers to declare a national disaster.
- Disaster Management Framework of Zimbabwe
- Zimbabwe National Contingency Plan 2012-2015

b. Regional and International Legal Framework
State Parties have the responsibilities to respect, protect and fulfil their obligations under regional and international law, so as to prevent and avoid conditions that might lead to the arbitrary displacement of persons. States may also seek the cooperation of international organizations or humanitarian agencies, civil society organizations and other relevant actors to work together during displacements.⁸

The main two instruments governing IDPs are the Kampala Convention and the UN Guiding Principles. These two instruments provide for the obligations and responsibilities of State Parties with respect to the prevention of internal displacement and protection of and assistance to IDPs. Some of the relevant provisions of these two instruments are as follows:

- Articles 4, 5, 6, 9, 10 and 12 of the Kampala Declaration
- Principle 5, 9, 16(3), 18, 19(2) of the UN Guiding Principles.

Other important governing instruments are the Hyogo Framework for Action 2005-2015⁹, and the Southern African Development Community Disaster Relief Management Strategy 2012-2015.

5. Findings

a. Key Achievements

i. Emergence Rescue and Evacuation

The ZHRC team found that there were different groups of people in the relocation site. There were those whose homes and fields were submerged and destroyed by floods, some whose homes were in potential danger from the encroaching floods and others whose homes were not in any danger from the floods.

The State is commended for averting the loss of lives when disaster was imminent through rescue efforts that were conducted. National, Provincial and District

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⁹ These are guiding principles on disaster management which were adopted in Hyogo, Japan from 18-22 January 2005.
authorities went on to co-ordinate a multi-sectoral response to the disaster. Different Government line Ministries, Non-Governmental Organizations (NGOs) (Civil Protection Committee), private entities and individuals pooled resources to assist the situation. This is in line with Article 5(6) of the Kampala Declaration which states that States shall provide sufficient protection and assistance to IDPs and where available resources are inadequate to enable them to do so, they shall cooperate in seeking the assistance of international organizations and humanitarian agencies, civil society organizations and other relevant actors.

ii. Education in Emergency
The government, with support from development partners, facilitated enjoyment of the right to education enshrined in section 75 of the Constitution. This was through the setting up of basic infrastructure such as three primary schools and one secondary school. The government also supported with the provision of basic state funded education through the Basic Education Assistance Module (BEAM). The students will not be paying school fees for the period 2014 and 2015. This was also in line with Article 9(2) (b) of the Kampala Convention which requires the State to provide IDPs, to the fullest extent practicable, with education. The retention of some teachers from Tokwe-Mukosi area is also commendable to ensure continuity and child protection in such a disaster.

iii. Access to Health Services
To ensure that the IDPs have access to basic health care, the State has facilitated the establishment of a clinic which is operational at the relocation site. A permanent structure is currently under construction and basic drugs are reported to be available and children are receiving regular immunizations. Antenatal care for expectant mothers is also available. The health facility is manned by qualified personnel that include nurses and a visiting doctor. An ambulance was available for the transfer of patients to the referral hospital in Chiredzi. Basic equipment including solar powered electricity was installed. The State’s effort is consistent with the UN Guiding Principles on IDPs which requires States to provide essential medical services, and access to primary health services that include immunization of children, sanitation services and supplementary feeding programmes.
iv. Preserving the Family Unit

The Government moved people from the transit camp into the relocation site of one hectare per family unit. They were moved as families in order for them to maintain family, friendship and community ties. In doing so, ZHRC commends the State for complying with UN Guiding Principle 17 which recognises the importance of preserving the family unit despite displacement. The family is the natural and fundamental group unit of society and is entitled to protection by the society and State.10

v. Relief Aid

The ZHRC notes that the State has enabled the provision of food to the residents through food aid from NGOs. At the time of the visit the World Food Programme, through Plan International, had been providing families with basic food items on a monthly basis, taking cognisance of family size.

The State is commended for resettling IDPs in an area with satisfactory road network which stretches from Rutenga to Ngundu- Chiredzi highway.

vi. Administrative Service

The presence of local government office and other key service departments, including general security was also commendable. This helped in the coordination and delivery of basic goods and services including relief aid.

vii. Compensation

This was one of the main complaints raised by the relocated families during the ZHRC field visit. The Commission was, therefore, encouraged by the Provincial Administrator’s confirmation that at least US$2 million would be released in the coming week to make part payment to the families as compensation. Although this amount fell short of the US$9 million needed to pay full compensation, and was coming 6 months late, the efforts by government are acknowledged and commendable.

10 Universal Declaration of Human Rights: Article 16(3).
b. Key Issues of Concern

The UN Guiding Principle 18\textsuperscript{11} states that, at the minimum and regardless of the circumstances, States shall provide IDPs with essential food and potable water, basic shelter and housing, essential medical services and sanitation. Despite the above mentioned efforts that the State has made to ensure that the basic human rights of the IDPs are met, the ZHRC notes with concern the shortcomings on the part of the State in fulfilling these rights.

i. The Right to Compensation

The Committee on Economic, Social and Cultural Rights General Comment 7 is applicable in relation to the Chingwizi residents’ situation. It provides that State Parties shall ensure, prior to carrying out any evictions and particularly those involving large groups such as in this case, that all feasible alternatives are explored in consultation with the affected persons.\textsuperscript{12} Furthermore State Parties shall also see to it that all the individuals concerned have a right to timely and adequate compensation for any property which is affected.

Figure 3: Issues of Priority for Resettled IDPs

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\includegraphics[width=\textwidth]{figure3.png}
\caption{Issues of Priority for Resettled IDPs}
\end{figure}

\textsuperscript{11} UN Guidelines on IDPs.
\textsuperscript{12} General Comment 7 paragraph 13.
As shown in the figure 3 above most interviewed Chingwizi residents indicated that compensation was their major concern and was necessary in order to make amends for their suffering. These residents lost immovable property due to relocation and suffered more losses of household effects together with livestock during movement. The residents highlighted that compensation was necessary to resolve most of the problems they were facing. Having compensation would enable them to establish new homes, start income generating activities, restock livestock, and secure basics such as food, health and education.

The delays are unfortunate given the fact that the Tokwe-Mukosi disaster was not natural but man made. The flooding and subsequent emergency evacuation was clearly caused by a government planned dam construction project. Ideally, the government should have compensated and properly relocated affected families prior to commencement of the construction. The shortcomings in planning have caused the current losses and suffering among helpless and vulnerable citizens. The government must therefore move swiftly to address the anomalies by way of adequate compensation.

ii. The Right to Land

Land is very central to the survival and livelihoods of most families. At the time of the visit the families had been settled on 1 hectare plots compared to the estimated 5 hectares that they used to have in Chivi. This was considered to be largely inadequate to sustain the families given the fact that Chingwizi is an arid area. Families were advised to construct structures to live in but this was not considered as farmland. There were promises that the people would be allocated farmlands in a farm located adjacent to the settlement. Indications on the ground and confirmed by the Provincial Authorities were that people were likely to reach the farming season with nowhere to farm and this would be another disaster. According to General Comment 7, States Parties are to take all appropriate measures, to the maximum of its available resources to ensure that adequate alternative housing, resettlement /or access to productive land is available. This applies where those affected are unable to provide for themselves, which is the case with the Chingwizi residents.
Some households originally allocated 4 hectares in an earlier resettlement phase were requested to share the same pieces of land with 3 other families. This was another shortcoming in planning that raised questions (among the affected families) of transparency and sincerity by the government authorities. Inevitably, this has been a cause of conflicts among the resettled farmers.

In fact the authorities were neither clear nor consistent on the resettlement model they were adopting for Chingwizi. This was a source of further concern because the indecision was causing unfortunate delays in completing the whole relocation and resettlement exercise.

iii. The Right to Secure Livelihoods

A number of livelihood activities were being carried out in the resettled people’s old home areas. These include the following:

- Crop farming including cotton, maize, and small grains
- Cattle, chicken and other livestock production
- Income Savings and Lending (ISAL) from which people could also borrow money to start other income generating activities.
- Gardens, managed at both household and community (cooperative) levels.

However in the relocation site it was noted that there were very little economic and livelihoods opportunities available. Article 23 of the Universal Declaration of Human Rights provides for the right to work and protection against unemployment and this right also extends to IDPs. ZHRC notes that the residents were surviving mainly on donor hand-outs as they have no capacity to generate income for themselves. The few employment opportunities that were available in the relocation site such as construction were mainly available to men due to actual and perceived weaknesses of women. This worsened the poverty situation of women led households.

The Chingwizi Irrigation Project appears to be long term. The Tokwe-Mukosi dam is not yet complete. Further, the irrigation project is estimated by the Ministry of Agriculture, Mechanisation and Irrigation Development to cost US$169 million. Work
on the project has not yet commenced raising fears that the Chingwizi residents may have to wait several years before they start benefitting. The proposed “Cluster Model” where the irrigation project will be managed as a single entity on behalf of all resettled farmers for production of sugarcane with individual households being paid dividends at the end of each marketing season has not been understood or agreed to by the relocated residents. The authorities have also not come out clearly on the hectarage to be allocated to each household under the irrigation scheme causing further anxiety among the relocated families.

iv. The Right to Adequate and Decent Shelter

As shown in Figure 4 the average family size of the interviewed respondents is 5 people per household. A significant proportion (50%) of the respondent households exceeded 6 persons per household. On that note the ZHRC notes with concern that the majority of the residents were allocated one tent per household regardless of the family size. This made the residents’ life uncomfortable. In some families, fathers-in-law were sharing the same tent with their daughters-in-law, a situation that is culturally and socially unacceptable. Moreover the tents are reported to retain a lot of heat during hot weather and vice versa during the cold weather making them uncomfortable and susceptible to wear and tear.

**Figure 4: Family Sizes of the 60 Interviewed Households**

<table>
<thead>
<tr>
<th>Household Size</th>
<th>No. of respondents Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 or less</td>
<td>6</td>
</tr>
<tr>
<td>3 to 5</td>
<td>24</td>
</tr>
<tr>
<td>6 to 10</td>
<td>23</td>
</tr>
<tr>
<td>10 and more</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60</strong></td>
</tr>
</tbody>
</table>

At the time of the visit a few households had managed to construct some pole and dagga houses to complement the tents. As shown in figure 5 below, a considerable number of women respondents were either single, divorced, separated or widowed.
Other households were headed by elderly persons, mostly women. These labour constrained households faced difficulties in clearing the bushy land and constructing new homes.

**Figure 5: Marital Status of Interviewed Respondents**

![Marital Status Chart]

v. The Right to Food

Section 77 (a) of the Constitution provides that every person has the right to safe, clean and potable water and 77 (b) provides for sufficient food. Efforts have been made by the State and NGOs to provide food and water to the residents but the supply has not been sufficient to enable full realisation of the right.

As indicated earlier the main source of food at the relocation site is the supply from World Food Programme being distributed through Plan International. These humanitarian agencies were providing the following food items, mealie meal, cooking oil, peas or beans and soya mince. It was reported that this exercise would be coming to an end at the end of September 2014. ZHRC notes with concern the lack of a clear strategy that will ensure sustainable food security for the residents after September 2014. This is particularly important as there were limited livelihood opportunities in the relocation site.
vi. The Right to Privacy

Most of the families had an average of one tent per household. It was reported that there was no privacy as the parents had to share the bedroom with their children. This resulted in challenges in terms of privacy and parents at times had to send away children in order to enjoy their conjugal rights or do it in the bush which was morally unacceptable. There were also reports of high moral decadence in the community, for instance there were unconfirmed reports that 98 girls between the ages of 12-14 had fallen pregnant. One of the child participants in an FGD discussion said: “tozvibata sei imi vana mai muchingoita tiripo”. (meaning – it is difficult to abstain when our mothers indulge in our presence).

At the time of the visit most of the households did not have ablution facilities and in most cases people resorted to relieving themselves in the open which was very uncomfortable and indecent especially for women. It also poses a health hazard to the community.

vii. The Rights to Water and Sanitation

ZHRC notes with concern the unavailability of safe and clean water and sanitation facilities. Water was reported to be inadequate. Some of the boreholes at the relocation sites have a very low water yield. Some of the residents have to walk over 5 kilometres in search of water for domestic use. Furthermore, the residents also highlighted that the water quality is not suitable for human consumption and domestic use. Households that are located nearer to the old camp site are still accessing the piped water that was installed when the people were still in the camp. However there were reports that the tank that they were using was going to be relocated to the clinic site.

As earlier stated most of the households in the settlement had no proper ablution facilities and people were still relieving themselves in the open, a situation which posed a health hazard.

viii. The Right to Health Services, Including Maternal Services and Immunizations
The Constitution in Section 76 provides for the right to have access to basic health care services including reproductive health care services. There is only one clinic at the relocation site which stretches for 35 kilometres. This has made it difficult for the disabled, the aged and the sick who have limited mobility to access it. There were indications of limited choices in terms of family planning methods for women forcing them to switch to methods that may not be suitable for them. Special attention should be given to the specific health care of needs of women in particular reproductive health care.\textsuperscript{13}

ix. \textbf{The Right to Education}
At the time of the visit there were 3 primary schools and one secondary school. However the schools were still in the form of makeshift structures and furniture was inadequate to cater for the number of pupils. There was one secondary school in a settlement stretching for 35km and most of the pupils were walking an average of 6 kilometres to school. This worked against their right to education as provided in Section 75 (1) of the Constitution. Parents were worried about the safety and security of their children and the vulnerability created by the need to walk long distances in the bushy area. Moreover a school environment that is not adequately resourced may negatively affect the performance of pupils. There were no Early Childhood Development (ECD) facilities in the settlement meaning that the younger age group is disadvantaged.

x. \textbf{The Right to Employment}
It was discovered that a majority of the residents in the relocation site were not employed due to lack of opportunities for sustainable livelihoods. The relocation site falls in agro-region 5 which is an arid area. This means that the residents could not engage in agricultural activities to sell farm produce. The situation was further worsened by the fact that there were no irrigation facilities to augment the erratic rain as a result the majority of the people were idle and had no sources of income.

There are fewer people who are self employed. These include cross boarder traders and those who trade in smaller commodities such as airtime, reed mats and baskets.

\textsuperscript{13} Principle 19(2) UN Guidelines.
It was noted that the trading of commodities in the area is not very viable because the residents have no money to purchase them due to little or no sources of income.

Those who were formally employed constituted the least percentage. They are mostly men who worked in the Triangle sugar-cane plantations and at the construction sites within the relocation site.

xi. Consultations and Engagements

The provincial authorities outlined an extensive consultative process that was done with the affected families prior to the disaster, and even after. While this is acknowledged and commendable, loss of trust between the citizens and government authorities seemed to have negatively affected cooperation. The citizens started resisting government initiatives on the basis of alleged false promises by government authorities. This led to a deadlock and authorities resorted to compelling residents to settle on the basis of a model they did not understand or agree to. As a result the residents appeared despondent and unwilling to speak freely about issues affecting them. Consultations should be based on mutual trust and respect between the engaging parties to ensure cooperation. This is important because consultations with those affected is one of the procedures that should be adopted when dealing with displaced or evicted people. Moreover according to General Comment 7, State Parties shall consult IDPs and allow them to participate in decisions relating to their protection and assistance.14

Related to the above, ZHRC realises that most of the residents were intimidated and compelled to leave their homes, in particular those living on higher ground regardless of the fact that their homes were not in danger of flooding. The evacuation should have been done only for those who were in immediate danger. In order to facilitate the relocation, the GoZ had classified the people into 3 phases: phase 1, phase 2 and phase 3. According to the Ministerial Statement on the Tokwe/Mukosi Disaster by the Minister of Local Government, Public Works and National Housing (Dr I. Chombo), 1 247 families were in immediate danger of flooding. However the ZHRC team found that much more than 1 247 families were evacuated

14 Article 9(2)(k)of Kampala Declaration
including those in phases 2 and 3, particularly phase 3\textsuperscript{15}, who were not in immediate or potential danger.

xii. Environmental Rights
Section 73 of the Constitution guarantees the right to a safe and clean environment and also to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures. Environmental rights of people at Chingwizi are not being fully realised. As mentioned above, the residents were facing challenges with regards to sanitation and are relieving themselves in the bushes. Worse still, unmonitored cutting down of trees was evident during the visit and if no timely interventions are made, the environmental damage in and around the Chingwizi area will be massive in the not so distant future.

xiii. The Right to Protection of Vulnerable Groups

Figure 7: Most Vulnerable Groups in Resettled Area

![Chart showing the most vulnerable groups in the resettled area.]

As shown in the figure 7 above the ZHRC found that there are various groups within the relocation site. Women and children were considered by respondents and

\textsuperscript{15} Provincial authorities informed ZHRC that the objective of relocating families under phase 3 was to create a buffer zone around the dam so as to avoid siltation of the dam through soil erosion caused by crop farming.
interviewees to be the most vulnerable groups. This was because they were burdened by practical gender roles and also because of limited access to economic opportunities. In particular women were walking long distances to access health related facilities for their children and fetching water as well as clearing the land. The children were also facing the same challenges in terms of walking long distances to school posing further abuse risks particularly for the girl child. The elderly, sick and disabled also had difficulties in accessing health related facilities especially for those who were chronically ill, as well as attending meetings thereby excluding them from development and relief aid opportunities including food distribution. The youth were mostly affected by idleness with the lack of employment and recreational activities.

6. Conclusion
From the above observations, the Commission applauds the State for working together with other stakeholders in responding to the Tokwe-Mukosi disaster through the provision of basic services. However, the Commission recognises that there is need to immediately mobilise resources to compensate IDPs, provide information and adequate land for sustainable livelihoods. It is prudent for the State to adopt a human rights based approach which puts the human being at the centre in addressing IDP related emergencies.

7. Recommendations

a. It is recommended that the State must take appropriate measures to ensure that people are resettled in adequate productive land that supports livelihoods and is suitable for crop and livestock production. The issue of land tenure in the relocation site is unclear to the residents and has affected their willingness to invest on their plots. The ZHRC recommends that the State guarantees security of tenure to the residents as clearly provided for in section 292 of the Constitution.

b. ZHRC recommends that the State should expedite the process of providing just and fair compensation as well as effective remedies for the loss of the following: immovable property; household goods and
effects; and livestock, according to Article 12 of the Kampala Declaration. The information on the assessment of homes and the criteria used to evaluate lost property should also be shared with the affected IDPs.

c. The State is called upon to extend programmes such as the harmonised social cash transfer as a stop gap measure to the community for a certain period until such a time that they receive their compensation and are self sustaining. Such an arrangement would assist in reducing poverty and suffering in underprivileged households and ensure improved access to basic social services such as education and health.

d. The State should ensure that IDPs have access to decent, permanent shelter which maintains the family unit, at the same time retaining privacy between family members. In the interim the State should also facilitate the provision of adequate temporary durable shelter for the IDPs taking into account their family sizes.

e. Under the current living circumstances where people do not have any other livelihood activities, they are likely to require food assistance for the foreseeable future. ZHRC recommends that the state puts in place sustainable measures that comply with Principle 18 of the UN Guiding Principles on Internal Displacement which provides that the state has an obligation to ensure at the minimum and regardless of the circumstances and without discrimination, that competent authorities shall provide internally displaced persons with essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation.

f. ZHRC recommends that the State should ensure that quality education is available to IDPs especially children and also construct appropriate schools with adequate furniture and stationery to
enhance the quality of primary and secondary education according to section 75 of the Constitution. Furthermore there is need to create ECD educational facilities that are accessible in terms of cost and distance especially for the tender age groups.

g. ZHRC recommends that the State maintains and strengthens its relations with humanitarian agencies to alleviate the Chingwizi residents’ situation guided by Article 9 (3) of the Kampala Convention. This article states that where appropriate States should be assisted by international organisations, humanitarian civil society organisations and other relevant actors in cases of such emergencies.

h. ZHRC recommends that in accordance with article 9(2)(c) of the Kampala Convention, the State should provide for special protection and assistance to the elderly, the disabled, people living with HIV/AIDS, expecting mothers, mothers with young children and other vulnerable groups. The State should also ensure that these groups have access to food, health related facilities and information.

i. In dealing with displacements generally, the ZHRC recommends that for future planning purposes the State should put in place procedures to be followed to minimise the adverse effect of displacement according to UN Guiding Principles 5 and 9. All feasible alternatives should be explored to avoid displacement where possible.

j. Section 77(a) of the Constitution guarantees that every person including IDPs have a right to safe, clean and potable water. ZHRC recommends that the State at the most minimum and regardless of the circumstances and without discrimination provide and ensure safe access to potable water, essential medical services and sanitation in accordance with Principle 18(a) and (d) of the UN Guiding Principles.
k. The ZHRC calls on the Parliament of Zimbabwe, based on Section 243 (1) (i) of the Constitution, to enact an Act of Parliament to specifically entrench provisions that protect the Internally Displaced Persons. Zimbabwean laws should define who an Internally Displaced Person is, and oblige the state to protect such people in line with regional and international standards.

l. Finally, in view of the length of time it is likely to take to supply irrigation facilities and water for the benefit of the settlers and to alleviate the burden of perennial State food supplies to these people, the ZHRC strongly recommends that all those people who were on high ground with no threat or likelihood of being affected by the flooding, should be allowed to retrace their roots to enable them to engage in cropping activities for this coming summer season which is just around the corner. This recommendation is premised on the understanding that the dam water could be controlled for all future purposes and intents through the sluice gate system which would check flooding of areas adjacent to the dam.