



STATEMENT ON RIGHTS OF INTERNALLY DISPLACED PERSONS (IDPs) IN ZIMBABWE

13 July 2020

1. The ZHRC continues to monitor the human rights situation in the country during the COVID-19 pandemic, in compliance with Section 243 (1) (c) of the Constitution and the Zimbabwe Human Rights Commission Act [Chapter 10:30] and issuing out statements on its findings. This statement is specifically focusing on rights of internally displaced persons (IDPs).
2. Worldwide, there are millions of people who are forced to leave their homes but remain within the borders of their countries. Causes of such displacements range from conflict, violence, development projects, disasters and climate change, among others. Some of these people live in situations of protracted internal displacement or face chronic displacement risk.
3. According to the United Nations Guiding Principles on Internal Displacement, (1998), internally displaced persons are “persons or groups of persons who have been forced or obliged to flee or 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 generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State Border”. What distinguishes IDPs from other voluntary migrants or refugees is that their movement is coerced or involuntary and that they stay within internationally recognised state borders.
4. Since 2014, ZHRC has been monitoring the human rights situation of IDPs and conducting investigations of alleged violations of human rights. Some of the investigated cases included that of the Chingwizi displacements, due to a man-made disaster which resulted in flooding and loss of property for the community which lived in the vicinity of Tokwe-Mukorsi Dam. ZHRC recommended adoption of a human rights-based approach to implementation of relocations and fulfilment of the State’s triad duty to respect, protect and fulfil human rights as well as compensation for loss of property.
5. ZHRC also monitored the situation of communities in Chimanimani and Chipinge who were affected by Cyclone Idai in March 2019. The Commission recommended a human rights- based approach to disaster management which includes strengthening of early warning systems, respect and protection of

rights of affected communities as well as timeous provision of humanitarian assistance, in a non-discriminatory manner.

6. In June and July 2020, ZHRC received complaints of coerced relocation of communities in various parts of the country such as Chiredzi in Masvingo Province and Dotito in Mashonaland Central Province. The following observations have been made relating to the continuing trend of internal displacements in Zimbabwe:

6.1 Displacements caused by developmental projects

- Section 13 of the Constitution provides for national development. It provides that the State and all institutions of government at every level must endeavour to facilitate rapid and equitable development. There is emphasis that the measures put in place by government must protect rights of the affected people who should be involved in the formulation and implementation of development plans and programmes.
- It has been noted that there is non-compliance with the United Nations Guiding Principles on Internal Displacement which provide that IDPs are entitled to enjoy without discrimination, the same rights and freedoms under international and domestic as other citizens in their country.
- The Principles prohibit arbitrary displacements on several grounds, including ethnic, religious and racial.
- The State therefore has the duty to provide protection for IDPs from initiators and implementers of developmental projects and also facilitate provision of humanitarian assistance.

6.2 Displacements caused by business operations and projects

- It has also been noted that there is limited compliance with the United Nations Guiding Principles on Business and Human Rights (UNGP, 2010). UNGPs are a set of guidelines for States and businesses to prevent, address and remedy human rights abuses committed by companies. The Principles have three pillars relating to duties of the State to protect and ensure access to remedies for victims of human rights violations as well as the corporate responsibility to respect human rights and also put in place internal measures for remedying human rights grievances.
- In cases where businesses propose to implement projects which may result in violation of human rights, the State has the duty to protect rights of citizens through regulation, policymaking, investigation and enforcement of legal frameworks which protect citizens from abuse.
- Corporate responsibility to respect human rights means that businesses must act with due diligence so as to avoid infringing on the rights of others and to address any negative impacts. In conducting due diligence,

the UNGPs encourage companies to conduct a *Human Rights Impact Assessment*, through which they assess the actual and potential human rights impacts of their business operations and projects.

- The duty to ensure access to remedies lies on both the State and corporations. The State has the duty to provide access to remedy through judicial, administrative and legislative means. Corporates have the responsibility to prevent and remediate any infringement of rights that they contribute to.

7. Recommendations

The ZHRC recommends the following:

- The Government should ensure that developmental projects initiated by public institutions, private individuals and companies are subjected to a *Human Rights Impact Assessment*, which highlights the actual and potential human rights issues emanating from the projects so that appropriate and proactive remedial action is taken in order to prevent violation of human rights and the rise of conflicts.
- The Government must comply with Section 13 of the Constitution which calls on the State to put in place measures for protection of rights of communities where developmental projects are taking place, including the right to be consulted in the formulation and implementation of development plans and programmes.
- The Government must comply with Section 74 of the Constitution which provides for freedom from eviction. The provision prohibits arbitrary evictions which are not sanctioned by the law and calls for consideration of all relevant circumstances.