



**Lodge your complaints to ZHRC
and other service providers**

SMS/WhatsApp 0786602035/0771838656
Harare: +263242 703596/703616/701811
Bulawayo: +263 29264170-73

Email: info@zhrc.org.zw
Website: www.zhrc.org.zw
Facebook @zhrc.zw
Twitter: @zhrc365



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Safeguard Your Right to Health, Safeguard Your Right to Life

**Comply with Lawful Instructions,
Rules and Regulations, on COVID -19**



**Wash your
hands**



**Maintain Social
Distancing**



**Wear a
face mask**



No Gatherings

Human Rights Issues and COVID 19

About the Zimbabwe Human Rights Commission.

- The Zimbabwe Human Rights Commission (ZHRC) is the National Human Rights Institution (NHRI) for Zimbabwe created by Chapter 12 of the Constitution of Zimbabwe as one of the Independent Commissions supporting democracy and entrenching human rights in Zimbabwe.
- Its purpose is to protect, promote and enforce human rights and fundamental or basic freedoms enshrined in the Constitution and various international instruments.
- It also protects people from abuse of power and maladministration by State institutions and State officials.

What is COVID 19?

- COVID 19 is a highly infectious disease caused by Coronavirus. The World Health Organisation (WHO) declared COVID 19 as a global pandemic due to the speed and scale of its transmission.
- COVID 19 is mainly transmitted through droplets generated where an infected person coughs, sneezes or exhales. These droplets are too heavy to lay in the air, and quickly fall on floors or surfaces.
- One can be infected by breathing in the virus if one is within close proximity of someone who has COVID 19, or by touching a contaminated surface and then your eyes, nose or mouth.

What are Some of the Laws Passed to Prevent and Contain COVID 19?

- Through SI 76 of 2020, the President of Zimbabwe declared COVID 19 a national disaster. In order to prevent and contain the spread of COVID 19, the Government of Zimbabwe has subsequently passed a number of regulations under the Public Health Act.
- SI 77 of 2020 prohibits gatherings, provides for compulsory testing, compulsory disinfection, isolation of an individual with COVID 19 from healthy persons. It also provides for 'quarantine' of individuals without symptoms of COVID 19 who have potentially been exposed to COVID 19 from those who have not been exposed. It also provides for 'isolation' of infected persons which means separating those who have contracted COVID 19 from those people without symptoms. It also provided for closure of schools, universities and other learning institutions.
- SI 83 of 2020 popularly known as the Lockdown Order confined people to their homes (except those offering essential services) initially for 21 days starting from 30 March 2020 to 19 April 2020. SI 83 also provided for closure of businesses except those offering essential services, prohibition of all transport services except those provided by ZUPCO and other authorised service providers among other regulations.
- SI 96 of 2020 protects tenants from eviction if they fail to pay rent on time for the period of the lockdown. It should be noted that SI 96 of 2020 does not absolve/ excuse tenants from paying rentals.
- SI 99 of 2020 extended the lockdown by two weeks from 3 May to 17 May 2020 as noted. The lockdown was relaxed to level 2

allowing for Commerce and Industry to reopen but workers have to undergo rapid testing before resuming work. It prescribes that every person must wear a mask whether manufactured or improvised when in public places. It also provides for disinfection of transport service vehicles, temperature testing of individuals and sanitisation before boarding buses. It prohibits public gatherings of more than 50 people.

- SI 110 Of 2020 extended the lockdown indefinitely subject to a forty nightly review from 31 May 2020 onwards. Public examinations were declared an essential service. Outdoor exercises like jogging and walking are now allowed as well as low-risk sports but with only 50 spectators wearing masks and maintaining social distancing. Formal business operating hours were extended to operate between 08:00am and 4:30pm.

The Regulations to Prevent and Contain COVID 19 Limit Certain Rights and Freedom, is this Allowed?

- The regulations cited above are primarily meant to safeguard the right to health and ultimately the right to life. To achieve this purpose certain rights are limited. People should comply with all lawful instructions, rules and regulations.
- The limitation of rights is permitted by the Constitution of Zimbabwe in terms of Sections 86 and 87 where measures are needed to deal with emergency situation. However, the limitations should not be done arbitrarily. There should be a general law of application that allows for the limitation, hence the regulations cited under the Public Health Act Chapter 15:17.
- It should be noted when restricting or limiting rights other factors are taken into account, for example, whether the limitation is proportional to the intended objective, is not discriminatory, of a limited duration, respectful of human dignity, and subject to review.

Which Rights are Limited by the Regulations on COVID 19? Freedom of Movement and Residence.

- Some rights restricted by the regulations already cited include freedom of movement and residence, freedom of assembly and association, and some socio-economic rights.
- Freedom of movement and residence is limited by such regulations such as quarantine of potentially infected people and isolation of infected people so as to break the chain of infection. People are generally expected to stay at home. The regulations provided for closure of border and entry points, suspension of public transport operations except for ZUPCO and limitations of people and limitations of people who can be carried in a vehicle or bus.
- Freedom of movement and residence is provided under section 66 of the Constitution. Ordinarily, people are allowed to enter Zimbabwe and leave Zimbabwe and move freely within Zimbabwe.

Freedom of Assembly and Association

- Freedom of assembly and association is limited because the regulations generally prohibit gatherings and where people have to gather for purposes of boarding buses or a funeral the number of people must not exceed 50 and social distancing must be maintained.

- The social distancing rule, which means keeping space of at least one to two meters apart from others also applies to people gathered at shops, pharmacies, hospitals, food retailers as well as those Organisations (CSOs) and other service providers.
- Under normal circumstances, every person in Zimbabwe has a right to gather with others and join an association of their choice and the right not to belong to or be forced to belong to an association or to attend a meeting.

Socio – Economic Rights.

Some socio – economic rights have also been limited.

- Some Socio - economic rights have been limited as well for example, the right to education due to closure of schools and universities as well as the right to work during the lockdown period.

Which are Some of the Rights which Cannot be Limited?

- It should be noted that even in the wake of a public health emergency ushered by the novel COVID 19 pandemic, certain rights cannot be limited, as provided in Section 86 (c) of the Constitution.
- These include the right to life except for the death penalty, the right to human dignity, the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment, the right to a fair trial and the right not to be placed in slavery or servitude.

Where can People Report Human Rights Violations?

- People should report alleged human rights complaints to the ZHRC.
- People should report alleged criminal violations of human rights to the police.
- People can also lodge their complaints to human rights Civil Society

Contact Details of the Zimbabwe Human Rights Commission

- ZHRC has two offices where people can lodge complaints. Because of the restrictions on freedom of movement and that our offices are still only in Harare and Bulawayo, one can lodge complaints from anywhere by phone - sms, whatsapp and through our website where there is a complaint form that can be filled and send electronically.
- ZHRC urges people to comply with all lawful instructions, rules and regulations.