

Statement On The Human Rights Situation Of Special Interest Groups During The National Lockdown

1. Introduction

Section 243 (1) (c) of the Constitution of Zimbabwe and the Zimbabwe Human Rights Commission Act [Chapter 10:30], mandates the ZHRC to monitor the observance of human rights in Zimbabwe. Article 1 of the Universal Declaration of Human Rights (UDHR 1948) provides that all human beings are born free and equal. Furthermore, Article 2 of the UDHR read together with Article 2 of the African (Banjul) Charter on Human and People's Rights (1986), emphasises that everyone is entitled to all the rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Again the Banjul Charter in Article 18 obliges states to fulfil the rights of the vulnerable such as women, children, persons with disabilities and older persons. Sections 19-21 as well as 80-83 of the Constitution also provide guarantees for protection of rights of marginalised and vulnerable groups such as children, youths, women, older persons and persons with disabilities.

Through its series of Monitoring Missions in response to the COVID-19 pandemic, the Commission noted human rights concerns peculiar to special interest groups such as women, children, the elderly and persons with disabilities. As highlighted by the abovementioned international, regional and domestic human rights standards, rights of such vulnerable persons should be fully protected at all times including during public emergencies such as the COVID-19 pandemic.

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2. Rights of Women

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol) specifically provide for rights of women at international and regional levels, respectively. At national level, Section 80 of the Constitution provides for rights of women. Section 80 (1) of the Constitution provides that every woman has full and equal dignity of the person with men and this includes opportunities in political, economic and social activities.

Section 76 of the Constitution enshrines the right to have access to basic health-care services, including reproductive health-care services. In some communities visited by ZHRC during the reporting period, women raised concerns of limited access to sexual and reproductive health services. Some women highlighted that they were failing to replenish their contraceptive stocks (either tablets or injectables). This challenge was exacerbated by limitations in freedom of movement which prevented women from freely going to health centres that are far from their homes.

Another limiting factor which was raised is the price of contraceptives which have gone beyond the reach of the ordinary woman and are in foreign currency. Some women lamented the fact that they were failing to negotiate for safe sex with their partners, resulting in contracting sexually transmitted infections as well as unwanted pregnancies. This was stated to be as a result of shortage of condoms in retail shops which are located in their communities. Where the condoms are available, prices are

on the high side. Some women indicated that in order to avoid unprotected sexual relations they were citing the need for their husbands and partners to observe the COVID-19 precautionary rule of social distancing but at times this denial of conjugal rights resulted in domestic violence.

Some women narrated that shortage of condoms resulted in them contracting sexually transmitted infections. Due to restricted movement and lack of money for medical fees they failed to access medical care so they are now resorting to self-treatment using herbal treatments known as “maguchu”. It was also highlighted that due to limited access to reproductive health care services and condoms, many women are at risk of

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getting unplanned and unwanted pregnancies during the COVID-19 national lockdown.

In relation to maternal rights, some pregnant women said that they were being turned away from ante natal health centres and told to return after the lockdown. It was their argument that such a position put their lives and those of the unborn babies at risk due to delays in identification of ante natal problems. Another pertinent issue which was raised is the closure of shops which sell affordable clothes for new born babies such that expectant mothers were forced to buy expensive clothes from flea market owners operating from homes.

Section 77 of the Constitution provides for the right to food and water. With regards to access to water, women said that they were experiencing challenges in accessing clean and potable water. It was noted that in both urban and rural communities there were very few scattered boreholes for people to fetch water. In most cases women and the girl child bear the burden of sourcing for water. Communities said they were now resorting to unsafe sources of water which pose risks of outbreak of water borne diseases such as cholera and typhoid.

In terms of availability of food, women indicated that they were experiencing food shortages due to exorbitant prices charged by retail shops. Breastfeeding mothers indicated that they did not have enough food for themselves since they only had one meal per day. As a result of inadequate food these breastfeeding mothers failed to produce enough milk for their infants.

In relation to enjoyment of other socio-economic rights, Article 13 (e) of the Maputo Protocol reiterates on the need to put in place measures for protecting rights of women involved in informal economic activities. It emerged from the monitoring mission that women’s sources of livelihoods were negatively affected by the lockdown since the majority of them work in the informal sector. This was worsened by the fact that some communities have not yet received food aid and/or cash disbursements either from government or non-governmental organisations.

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ZHRC gathered that there was an increase in cases of domestic violence during the time of monitoring. Women complained that they were going through verbal, physical and sexual violence which was perpetrated by their husbands. It was explained that most men were frustrated by the restrictions imposed by the lockdown which prevented men from going to work or engaging in income generating activities. Some men also complained that they were also victims of domestic violence being

perpetrated by their wives or partners. They said due to economic hardships and failure by the men to adequately provide for their families, women challenged their breadwinner role resulting in break out of domestic violence.

3. Rights of Children

The Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) provide guarantees for protection of rights of children. Sections 19 and 81 of the Constitution also guarantee rights of children. From its monitoring process, the ZHRC established that children in both urban and rural communities are at very high risk of malnutrition since most families are surviving on one meal per day. Nursing mothers indicated that their infants were not getting adequate breast milk since the mothers are struggling to have a balanced diet. In relation to child abuse, it was reported that cases of child marriages were rampant especially in farming communities. It was also highlighted that children were manipulated to engage in child labour due to hunger which forced them to embark on part time jobs in order to get food for themselves and their families.

With respect to the right to education, some parents said that their children were disadvantaged by the introduction of electronic learning (e-learning) due to high prices data bundles and lack of electronic gadgets necessary for them to participate in online classes.

Stakeholders in the education sector highlighted that opening of schools without putting in place safety measures first would expose school children, educators and ancillary staff at learning institutions at risk of infection with COVID-19. The directive by Government for schools to procure sanitizers and face masks among other items for their use, was said to be difficult to enforce especially in rural schools where parents

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struggle to pay enough fees to meet administrative costs of schools. An extra burden of procuring COVID-19 personal protective equipment and other safety items was said to be unachievable for most schools. This therefore means that many schools lack preparedness for the re-opening of schools in June 2020 as scheduled. Calls were made for Government to intervene by providing clear guidelines for the re-opening process as well as financial and material support.

4. Rights of Persons with disabilities

Zimbabwe is a party to the Convention on the Rights of Persons with Disabilities (CRPD 2006), The CRPD provides that States have the responsibility to ensure the enjoyment of human rights by persons with disabilities. Sections 22 and 83 provide for rights of persons with disabilities. During its field monitoring, the ZHRC noted that the majority of persons with disabilities survive on vending which has been prohibited by the lockdown regulations. The Commission was also advised that there were delays in distribution of humanitarian aid from both Government and private players. This delay has resulted in unavailability of food and hunger for persons with disabilities. In a few communities there are limited supplies of food aid which is not enough to benefit all persons with disability who are experiencing food deficit. Another challenge which is affecting persons with disability is mobility due to limited public transport and the requirement to produce exemption letters which they do not have since they are formally employed and do not belong to the essential services sector.

5. Rights of the older persons

Section 82 of the Constitution provides for rights of older persons. It states that older persons have the right to social protection but on the ground it was noted that during the monitoring exercise older persons had limited access to public assistance social welfare services such as food aid and subsidised medical care. Some of them indicated that they survive on vending but the income is not enough to sustain them and the orphaned or abandoned grandchildren whom they look after. However, as a result of lockdown, they were not able to embark on income generating activities. With respect to pensioners they said that they were not able to travel to towns or business centres to collect their monthly pension pay outs. Their plight was aggravated by the fact that their children who used to support them, were also not working because

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of the lockdown. In terms of access to health care. Prices for medication for the elderly especially those with chronic conditions was said to be too expensive and mainly sold in foreign currency. A significant number of older persons highlighted that due to failure to raise funds for medication, they end up resorting to unprescribed and untested traditional herbs.

6. Recommendations

In light of the diverse challenges faced by different segments of vulnerable groups, the ZHRC proffers the following recommendations:

- The Department of Social Welfare and other organisations providing food relief should extend their vulnerability assessment criteria beyond older persons and persons with disabilities, to include other vulnerable people who are constrained from fending for themselves by the national lockdown, such as pregnant and nursing mothers.
- The Ministry of Primary and Secondary Education should put in place clear and achievable measures to ensure safety of pupils and staff members in the event that schools open during the COVID-19 pandemic. The Ministry should provide schools with requisite resources for protection against COVID-19 in schools.
- The Ministry of Local Government and Public Works should also facilitate installation of boreholes across the country in both urban and rural communities so as to relieve women and girls of the burden of walking long distances to fetch water and wastage of valuable in queues at water points.
- The Ministry of Women Affairs, Community, Small and Medium Enterprise Development should intensify its empowerment programmes to all communities (urban and rural) where women are struggling to fend for their families and becoming victims of different forms of domestic violence.
- The Ministry of Health and Child Care should put in place measures that ensure improved access to sexual and reproductive health rights to all citizens, as well as safety measure for health personnel so that they feel secure enough to assist citizens, especially pregnant women and nursing mothers.

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