



OPENING/ WELCOME REMARKS BY THE CHAIRPERSON OF THE ZIMBABWE HUMAN RIGHTS COMMISSION (ZHRC), COMMISSIONER DR ELASTO HILARIOUS MUGWADI AT THE NATIONAL STAKEHOLDER CONSULTATIVE WORKSHOP ON THE NATIONAL INQUIRY ON ACCESS TO DOCUMENTATION IN ZIMBABWE. HARARE 12 MARCH 2019.

The Deputy Chairperson of the Zimbabwe Human Rights Commission, Commissioner Dr Ellen Sithole

Fellow Commissioners of the Zimbabwe Human Rights Commission

Commissioners of other Independent Commissions here present

TRACE Programme Manager, Ms. Margie Cook and other TRACE representatives here present

Development and Donor Partners

President of the Chief's Council and Traditional Leaders

Directors and Officers of Government Line Ministries

Directors and Members of Civil Society Organisations and Faith Based Organisations here present

Members of the Zimbabwe Human Rights Commission Secretariat

Ladies and Gentlemen

All protocol observed

It is my honour and pleasure to welcome you all to this National Stakeholders Consultative Workshop on the Zimbabwe Human Rights Commission (ZHRC) National Inquiry on Access to documentation.

The ZHRC has commenced a National Inquiry on Access to Documentation which is a year long project to be implemented across Zimbabwe. This National Inquiry is the first

for the ZHRC in which it seeks to look into the issues related to challenges in accessing documentation in Zimbabwe and the human rights implications thereof.

As you may be aware, a National Inquiry is an investigation into a systemic human rights problem in which the general public is invited to participate. Therefore, this National Consultative Workshop is one of the initial steps the Commission has put in place to roll out the National Inquiry by engaging you our esteemed stakeholders.

By conducting this National Inquiry the ZHRC seeks to fulfil Section 243(1) (j) of the Constitution in which the Commission is mandated to conduct research into issues relating to human rights and freedoms and social justice. Furthermore, by implementing this National Inquiry process the ZHRC is in conformity with the Paris Principles which state that 'a National Human Rights Institution must be independent in policy,

able to determine its views on particular human rights issues and decide on what recommendations to make to improve the country's human rights performance.'

This National Inquiry that the ZHRC seeks to undertake is a result of issues that arose from our programme delivery and a culmination of capacity building trainings that the ZHRC received through consultations with technical partners on how the Commission can effectively execute its mandate in the promotion, protection and enforcement of human rights. With financial and technical support from our funding partners, the ZHRC in the year 2018 held Commissioners and staff trainings on how to conduct National Inquiries and the rationale for National Human Rights Institutions (NHRIs) such as the ZHRC to conduct National Inquiries.

The importance of the ZHRC in conducting this National Inquiry will afford the Commission an opportunity to:

- a) conduct investigations into the relevant human rights issues;
- b) expose systemic human rights violations;
- c) develop findings and recommendations in relation to the issue considered;
- d) raise public awareness and provide human rights education generally and on the specific issues considered;
- e) and identify future action that should be taken by the ZHRC itself or by others to provide remedies to victims and to ensure better enjoyment of human rights in future.

For this National Inquiry, the Commission has chosen to look into the issue on Access to Documentation in Zimbabwe in which the Commission noted serious challenges in accessing documentation. The selection of this issue was informed by the empirical evidence gathered from the three (3) programming units of the Commission. For example, The Commission has through its Complaints Handling and Investigations Unit received and acted upon numerous complaints that relate to the right to identity which include failure to access birth and death certificates and national identity cards by citizens. Through the Monitoring and Inspections Unit, the Commission noted that in Old Peoples and Children's Homes some adults and children did not have documentation due to various reasons, some of which included inability to meet the requirements set out.

Furthermore, through the Education, Promotions and Research Unit which has conducted public outreaches and mobile legal aid clinics around Zimbabwe, it was noted that the issue of access to documentation was a recurring concern all over Zimbabwe. During the ZHRC mobile legal and human rights clinics and outreaches, members of the public highlighted that the requirements to access documentation are complex and expensive for the ordinary Zimbabwean.

It is important to note that these rights issues that have been noted by the Commission are provided for in the Constitution of Zimbabwe specifically in Section 35 (1), (2) and (3) which provides for the grounds one can be accorded Zimbabwean citizenship by birth, descent or registration, issuance of passports and

other travel documents as well as other identity documents issued by the state. These rights are further buttressed in local, regional and international law such as section 81 (1) (c) of the Constitution of Zimbabwe, Births and Deaths Registration Act Chapter 5:02, National Registration Act Chapter 10:17, Children's Act Chapter 5:06, African Charter on the Rights and Welfare of the Child, Convention on the Reduction of Statelessness Universal Declaration of Human Rights (UDHR) among others.

Therefore, the Commission through this first-hand evidence gathered from its programming has noted that the issue of access to documentation might be a widespread

challenge which has become a systemic human rights problem across the country that has a negative impact on Zimbabwean citizens' and residents' ability to enjoy their economic, social and cultural rights as well as civil and political rights.

To tackle these challenges with regards to access to documentation, the ZHRC has initiated the process of conducting a National Inquiry Project with the following expected outcomes:

- a. An in-depth appreciation and understanding of the challenges faced by people in Zimbabwe on access to documentation;
- b. An improved/enhanced knowledge and appreciation of the processes of acquiring various identity documents;
- c. Improved dialogue on legislative and policy reforms relating to access to documentation;
- d. Improved and increased access to documentations for the citizenry;
- e. Improved capacity for engagement between the stakeholders that have a role to play on access to documentation and the citizenry;
- f. Empowered citizenry with the ability to claim their rights to ensure they access documentation.
- g. Increased visibility of the ZHRC

As the ZHRC, we have noted the gravity and nature of the matter which is such that it cannot be resolved effectively through the ZHRC complaints resolution process which handles reported cases on a case by case basis. This has lead the Commission to take the National Inquiry methodology which allows the Commission to handle diverse but related complaints in one go. Equally, the Commission cannot execute this National Inquiry in isolation. Therefore, the Commission seeks to collaborate with stakeholders such as you our invited guests.

These national consultative workshops seek to establish and strengthen collaboration with Government Ministries, departments and agencies, Civic Society Organisations, private organisations including other stakeholders with a role to play on the issue of



access to documentation in Zimbabwe. This consultative workshop will also allow the ZHRC and the organisations here present to conduct a stakeholder mapping exercise as well as to allow the stakeholders to make input into the roll out of the Project in order to have a shared vision and ownership of the Project.

Furthermore, I believe the input of the stakeholders here present will allow for the sharing of experiences with the aim to deepen the Commission's understanding of the challenges faced by members of the public in enjoying their right to access to documentation in addition to identifying hotspots within the various Districts in Zimbabwe where the National Inquiry can be carried out.

I urge all of us to participate actively in deliberations of this workshop to ensure that we come up with a framework for priority activities, targets and indicators that will enhance the effective discharge of our constitutional mandate.

I wish you all fruitful deliberations and I now declare this workshop officially open.

I thank you