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*Chairperson of the ZHRC,
Commissioner E. H. Mugwadi*

1. FOREWORD BY THE CHAIRPERSON OF THE ZHRC

Since the last Annual Report of 2015, the Zimbabwe Human Rights Commission (ZHRC) has grown in leaps and bounds. There are some achievements that have been made that are synonymous with an Institution that has long been in existence. The amount of work that has been carried out by the Institution in the past year has been commendable.

The support from Government and development partners has given rise to our very own, world class Human Rights Commission. The accreditation of the ZHRC with an "A" status by the Global Alliance for National Human Rights Institutions (GANHRIs) gives testimony of an Independent and Paris Principles compliant Commission. The "A" status is the highest score afforded to NHRIs with the following privileges;

- Participation in international and regional work and meetings of national institutions, as a voting member;
- Holding office in the Bureau of the Global Alliance of National Human Rights Institutions (GANHRI) or any sub-committee the Bureau establishes;
- Speaking rights in International Human Rights Mechanisms;
- Participation in sessions of the Human Rights Council and taking the floor under any agenda item.

It is indeed pertinent that all NHRIs comply

with the Paris Principles so as to provide the necessary and effective human rights protection system at the national level. It is equally pertinent for an NHRI to participate in international human rights fora, including the UN human rights treaty body system, aimed at enhancing the effective monitoring and implementation of international human rights norms at the national level. The ZHRC has been privileged to participate at the UPR Session in Geneva, during the presentation of Zimbabwe's second cycle UPR Report in 2016. In the year 2016 the ZHRC successfully accredited with the International Ombudsman Institute (IOI) as a voting member, having met the requirements for such status. The ZHRC will participate at meetings of the IOI and interact with other members to share notes and improve handling of the administrative justice function.

The total number of cases received by the Commission in 2016 was 515 compared to 278 cases received in 2015, showing a significant increase in quantity of services. Reports on the ZHRC investigation findings, decisions, and recommendations were shared with relevant government Ministries and Departments for action. More reported cases are still under investigation. A total of three (3) mental health institutions and twenty one (21) prisons were monitored to assess human rights conditions and recommendations were made to the respective Ministries for redress. In addition, significant inroads were made in bringing visibility of the Commission to the general populace by engaging in various promotional activities and key stakeholder engagements. Through outreach engagement meetings, the ZHRC directly reached out to more than

10,000 people around the country.

The Commission Office Building at No. 144 Samora Machel Avenue was renovated at a cost of over half a million dollars funded by the Commission's development partners.

The year under review was not without its fair share of challenges. Funding constraints have meant that the ZHRC continues to operate from only two offices Countrywide making it inaccessible to the larger populace. The Commission remains concerned that the Zimbabwe Human Rights Commission Act [Chapter 10:30] has not yet been aligned to the Constitution and therefore is not yet compliant with the Paris Principles.

Despite the challenges, the Commission remains committed to promoting, protecting and enforcing human rights for the improvement of the lives of the citizens of Zimbabwe.

Commissioner Elasto Hilarious Mugwadi

Chairperson - Zimbabwe Human Rights Commission

2. Acknowledgements



The Commission extends its gratitude to members of staff and management for the compilation of this Annual Report. The Commission thanks the Government of Zimbabwe for the support rendered.

The Commission wishes to acknowledge support from the following Development Partners:

- United Nations Development Programme (UNDP)
- European Union (EU)
- Danish Institute for Human Rights (DIHR)
- Royal Norwegian Embassy , Harare

The Commission also extends its gratitude to the following partners and many others who rendered support to the discharge of its constitutional mandate in 2016:

- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- United Nations Office of the High Commissioner for Refugees
- United Nations Office of the High Commissioner for Human Rights
- Zimbabwe Environmental Law Association (ZELA)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Human Rights NGO Forum.



3. ABBREVIATIONS

CHRO	Chief Human Rights Officer
CSO	Civil Society Organisation
GANHRI	Global Alliance for National Human Rights Institutions
GIZ	Deutsche Gesellschaft Internationale Zusammenarbeit
HRC	Human Rights Council
IOI	International Ombudsman Institute
NHRI	National Human Rights Institution
MOU	Memorandum of Understanding
TWG	Thematic Working Group
UPR	Universal Periodic Review
ZHRC	Zimbabwe Human Rights Commission
ZPCS	Zimbabwe Prisons and Correctional Services

4. PREFACE

4.1. Legal and policy framework

The Zimbabwe Human Rights Commission (ZHRC) is the National Human Rights Institution (NHRI) for Zimbabwe set up by the Constitution of Zimbabwe, Amendment (No. 20) Act, 2013 (Sections 232 and 242) and the Zimbabwe Human Rights Commission Act [Chapter 10:30], for purposes of promoting, protecting and enforcing human rights. It is a hybrid institution with a dual mandate following its assumption of the functions of the now defunct office of the Public Protector. The Commission derives its mandate for its work from section 243 of the Constitution of Zimbabwe which provide for the functions as follows;

- a) to promote awareness of and respect for human rights and freedoms at all levels of society;
- b) to promote the protection, development and attainment of human rights and freedoms;
- c) to monitor, assess and ensure observance of human rights and freedoms;
- d) to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
- e) to protect the public against abuse of power and maladministration by the State and public institutions and by officers of those institutions;
- f) to investigate the conduct of any authority or person, where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person;
- g) to secure appropriate redress including recommending the prosecution of

offenders where human rights or freedoms have been violated;

- h) to direct the Commissioner- General of Police to investigate cases of suspected criminal violations of human rights or freedoms and to report to the Commission on the results of any such investigation;
- i) to recommend to Parliament effective measures to promote human rights and freedoms;
- j) To conduct research into issues relating to human rights and freedoms and social justice; and
- k) To visit and inspect-
 - i. prisons, places of detention, refugee camps and related facilities; and
 - ii. places where mentally disordered or intellectually handicapped persons are detained;

In order to ascertain the conditions under which persons are kept there, and to make recommendations regarding those conditions to the Minister responsible for administering the law relating to those places.

4.2. Financial Vote Status

UN Principles relating to the status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles) regard the financial autonomy of National Human Rights Institutions (NHRIs) as crucial to their effective discharge of duty. In line with this requirement, the ZHRC was granted independent vote status in January 2016 by the Government of Zimbabwe. The Commission is grateful for this support and appreciates the lobbying by various stakeholders including the Parliament of Zimbabwe that contributed to this milestone achievement. This financial independence

allows the Commission to make its own decisions based on its mandate and priorities. This is a major achievement towards ZHRC's fulfilment of its mandate in line with Section 325 (2) of the Constitution which requires the Commission to be given an opportunity to make representations to a parliamentary committee as to the funds to be allocated to it in each financial year. It is commendable that Government is committed to preserving the Commission's financial independence.

4.3 Global Alliance for National Human Rights Institutions Accreditation

On 12 May 2016, ZHRC was accredited, with an 'A' rating, by the Global Alliance for National Human Rights Institutions (GANHRI). Receiving an 'A' status accreditation from this body is an indication of ZHRC's compliance with the Paris Principles. One of the benefits of the 'A' status is that the ZHRC can participate fully in international and regional meetings, holding office and exercising voting rights on all the agenda items of GANHRI's meetings. This is important in that Zimbabwe is now part of the global community with a voice in the human rights discourse. In order for GANHRI to grant ZHRC the prestigious honour, principles relating to mandate and competence, autonomy from Government, independence, pluralism, adequacy of resources and adequacy of powers of investigation were considered.

ZHRC has made significant accomplishments in terms of capacity building of Commissioners and Secretariat, instituting internal systems being guided by a comprehensive five year Strategic Plan as well as infrastructure procurement and development. The Commission has made progress in clearing the backlog of cases inherited from the Public Protector with Commissioners meeting monthly to consider those cases of complaints brought before it. The Commission continues to consider and sign Memorandum

of Understandings (MOUs) with other stakeholders, in particular Civil Society Organisations (CSOs) to facilitate an effective referral system for cases and awareness raising to enhance its visibility and awareness of human rights. Some of the Organisations the Commission has signed MOUs with include, Legal Resources Foundation (LRF), Zimbabwe Human Rights NGO Forum, Election Resource Centre (ERC), Zimbabwe Doctors for Human Rights, Habakkuk Trust and Zimbabwe Human Rights Association (ZimRights).

4.4 Acceptance to the International Ombudsman Institute

ZHRC was accepted to the International Ombudsman Institute (IOI) at a meeting held in Bangkok, Thailand on 15 November 2016. Established in 1978, IOI is the global organisation for the co-operation of more than 170 independent Ombudsman institutions from more than 90 countries worldwide. The IOI is organised in 6 regional chapters including Africa. ZHRC's recognition by IOI is a result of its application for consideration by the global body as it deals with cases of abuse of power as well as maladministration by state institutions and officials apart from its general human rights function. This follows the adoption of the Public Protector role by ZHRC as provided for in the Constitution. This means the Commission, in its effort to focus on good governance and capacity building, will now be able to access IOI support in terms of training, research and regional subsidies for projects.

4.5 Official Opening of the Refurbished ZHRC Offices

The Commission hosted a ceremony to mark the official opening of its National Head Quarters and Northern Regional Offices at No 144 Samora Machel Avenue, Harare on 27 May 2016. The Guest of Honour for the event

was Honourable Vice President Responsible for Justice, Legal and Parliamentary Affairs Comrade Emmerson Dambudzo Mnangagwa. At the occasion, the Chairperson of the Commission expressed gratitude to the Government of Zimbabwe which had purchased the three-storey building for the Commission through the Ministry of Local Government, Public Works and National Housing. The building which had previously been used as a restaurant and night club was however not ideal for use as offices from the onset. In order to be user friendly, the building had to undergo extensive renovations and refurbishment, particularly on the ground floor which now houses the offices for Human Rights Officers and the public reception, interviewing and meeting rooms, and other related facilities. This is the space where the

ZHRC clients come for various services, key among them being the lodging of complaints to the Commission on alleged human rights violations and maladministration cases. The renovations were made possible through a grant extended to the Commission by the Royal Danish and Norwegian Embassies. The Commission also used the occasion to announce the news about the 'A' status accreditation with GANHRI. In his keynote address the Vice President Mnangagwa indicated that Government would continue to financially support the Commission, and commended Development Partners for the assistance they had granted the Commission thus far He appealed to them to continue complementing Government efforts in making the ZHRC fully operational.



Fig.1. The Chairperson of ZHRC, Commissioner Elasto Hilarious Mugwadi welcomes guests at the Official Opening of the Refurbished ZHRC Offices on 27 May 2017



Fig 2: The Guest of Honour, Honourable Vice President Emmerson Dambudzo Mnangagwa Responsible for Justice, Legal and Parliamentary Affairs about to officially open the Refurbished ZHRC Offices on 27 May 2017

4.6 ZHRC Offices

Geographically the Commission (ZHRC) has established two Regional Offices, one in Harare and the other in Bulawayo. Each Regional Office serves 5 provinces. The ZHRC owns a 3 storey office block at Number 144 Samora Machel Avenue East in Harare which, houses both the Head Office, as well as the Northern Regional Office that caters for: Harare, Mashonaland Central, Mashonaland East, Mashonaland West and Manicaland.

The Commission is also renting premises at Number 127A Fife Avenue in Bulawayo for its Southern Regional Office which caters for: Bulawayo, Masvingo, Matabeleland North, Matabeleland South and Midlands. Efforts are being made to secure resources from the Government of Zimbabwe and Development Partners for the purchase of permanent office space in Bulawayo as well as to cater for further decentralisation into provinces and districts as provided for in the ZHRC Act.

5. ORGANISATIONAL STRUCTURE OF THE ZHRC

5.1 Commissioners

The ZHRC commenced the year 2016 with 8 Commissioners including the Chairperson and Deputy Chairperson. These are; Commissioner Elasto Hilarious Mugwadi (Chairperson), Commissioner Ellen Sithole (Deputy Chairperson), Commissioner Muriel Kwanele Jirira, Commissioner Joseph Kurebwa, Commissioner Sheila Hillary Matindike, Commissioner Sethulo Ncube, Commissioner Carroll Themba Khombe and Commissioner Japhet Ndabeni Ncube.

An additional appointment was made to the Commission in 2016 to fulfil the required membership compliment of 9 Commissioners. The appointment of Commissioner Petunia Chiriseri was with effect from 07 July 2016. Commissioner Chiriseri was immediately tasked to chair the Children's Rights Thematic Working Group (TWG). Her first official

assignment was participating at the belated Day of the African Child commemorations held at SOS Children's Villages in Waterfalls, Harare on the 30th of July 2016. Since then, Commissioner Chiriseri has been involved in a lot of the Commission's work in the office as well as in the field.

Commissioner Petunia Chiriseri holds a Masters in Business Leadership and a Bachelor of Science, Botany and Zoology from the University of Zimbabwe, among various other qualifications. The new Commissioner has been involved in a series of advocacy activities as a Founder of Christian Mothers Voice, a movement formed to create constitutional awareness and the inclusion of Women's Voice in Africa as well as Founder of Concerned Christian Leaders Network, a campaign for Hunhu/Ubuntu.



Fig 3: His Excellency the President of the Republic of Zimbabwe R. G. Mugabe (centre) poses for a picture flanked by Commissioner Pastor Petunia Chiriseri (to his left) soon after her swearing in ceremony at State House.

5.3 Departments within the Commission

The ZHRC carries out its mandate as provided for in the Constitution of Zimbabwe through a Secretariat that began duties at the beginning of June 2014. The Secretariat is divided into two main departments responsible for Programmes and Administration, respectively.

5.3.1 Programmes Department

The Programmes Department, headed by the Deputy Executive Secretary – Programmes, ensures that the functions of the Commission as stated in Section 243 of the Constitution of Zimbabwe are carried out through implementation of various projects and activities. There are three (3) Units which carry out the day to day operations of the Programmes as follows;

5.3.1.1 Complaints Handling and Investigations Unit (CHI)

It was created to enable the Commission to exercise the functions set out in Section 243(1) (d) to (h) of the Constitution and is responsible for handling and investigations of complaints. The functions include;

- To receive and consider complaints from the public and take such action in regard to complaints as it considers appropriate;
- To direct the Commissioner-General of Police to investigate cases of suspected criminal violations of human rights or freedoms and to report to the Commission on the results of any such investigations.

5.3.1.2 Education Promotion and Research Unit (EPR)

The functions of the Commission that are the focus of the Unit are in Section 243 (1) (a), (b) and (j) of the Constitution namely:

- to promote awareness of and respect for human rights and freedoms at all levels of society;

- to promote the protection, development and attainment of human rights and freedoms; and
- to conduct research into issues relating to human rights and freedoms and social justice.

5.2.1.3 Monitoring and Inspections Unit (M & I)

The M & I Unit facilitates the Commission's functions as set out in Sections 243(1) (c) and 243(1) (k) of the Constitution. These are as follows:

- to monitor, assess and ensure observance of human rights and freedoms.
- to visit and inspect prisons, places of detention, refugee camps and related facilities;
- to visit and inspect places where persons with disability such as those with mental challenges are detained.

5.3.2 Administration Department

The Administration Department is comprised of 4 units that deal with finance, human resources, public relations and information technology. It is headed by the Deputy Executive Secretary Administration who is supported by the Director Finance and the Director Human Resources.

5.3. Staff Establishment of the ZHRC

The establishment for ZHRC by the close of 2016 stood at 73% of the total approved compliment compared to 75% from the previous year. The table below gives a representation of the establishment.

Table. 1 Total Number of Employees by Gender

	Female		Male	
	Full Time	Part Time	Full Time	Part Time
Executive Secretary	1	0	0	0
Programmes	11	0	6	0
Administration	10	0	12	0
Projects	0	5	0	6
Interns	0	3	0	3
Total	22	8	18	9

5.3.1 Turnover

The Commission recorded a turnover rate of 2.4% during 2016 compared to 19% in 2015. The reduction in the rate was attributable to the following;

- Timely remittance of salaries on the prescribed dates.
- Alignment of salaries to comparable grades in the public sector.
- Commencement of benefit schemes for members of staff.

5.3.2 Farewell to Project Staff

Before the Commission recruited its secretariat in 2014, there were two members of project staff seconded from the United Nations Development Programme (UNDP) and the Danish Institute for Human Rights (DIHR). Mr Robert Kirenga, Senior Advisor to the Commission from the Danish Institute for Human Rights (DIHR) from 2013 offered advice on its various projects. He left the Commission at the end of 2016 following the end of project of the DIHR.

From the UNDP, the Commission was privileged to work with Mrs Noria Mashumba-Zacharius from 2014 to 2016. The Commission wishes to express its profound gratitude to the

two institutions and the hard work of the two individuals seconded as project staff.

5.3.3. Appointments

Commissioner Petunia Chiriseri was appointed as the 9th and last Commissioner on the 7th of July 2016.

5.3.4. Recruitment of Staff

The Commission received Treasury concurrence to recruit the Executive Secretary during the year. The selection process for the Executive Secretary was finalised and Mrs Makanatsa Makonese, (Formerly CEO of the SADC Lawyers Association) was scheduled to commence work at the Commission on 03 January 2017. The Commission also recruited twelve (12) Project Staff to help augment employee numbers as the recruitment freeze from Treasury is still in place. As part of its corporate social responsibility, the Commission recruited six (6) interns from local universities to assist with their work related learning programmes.

5.3.5. Organisation Development

The Commission undertook an organisation development exercise with work on a new organizational structure. The final process

of the job evaluation exercise will be done during the first quarter of 2017.

5.3.6. Staff Development

The Commission in 2016 continued with capacity development exercises nationally, regionally and internationally as a way of strengthening its institutional capacity to deliver on its Constitutional mandate. These activities are detailed in Chapter 9 of this Report. Moreover, several members of staff graduated during the year with Post-graduate

degrees in diverse fields indicating an increase in the development of knowledge and skills.

5.3.7 Opportunities in the Future

The Commission will aggressively work on a staff retention strategy to retain its staff so as to consolidate its gains and achievements into the future. Staff retention will ensure that the investments made in training and coaching staff are not lost.

6. ACTIVITIES ON PROTECTION OF HUMAN RIGHTS IN 2016



6.1 Preamble

Protection of human rights is one of the core roles of NHRIs. During this period ZHRC conducted numerous activities in fulfilling this role. These include; receiving and investigating complaints, monitoring the human rights situation in the country and monitoring the effective implementation of national, regional and international human rights standards in prisons, places of detention and mental institutions and advising relevant Ministries in the improvement of conditions in these institutions.

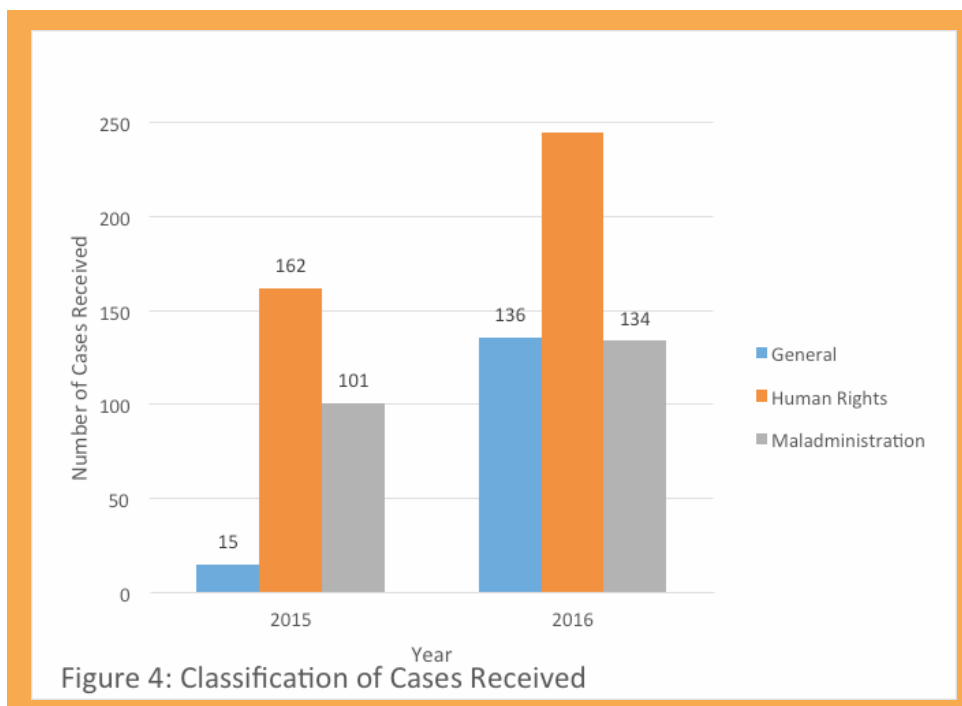
6.2. Complaints received in the reporting period

In the year under review, the ZHRC handled a total of 666 cases, representing an increase of 38.1% compared to cases dealt with in 2015. 34 of the 666 cases were carried over from 2014 and 2015. 117 were cases which had been issued at the Public Protector's Office and 515 were cases received from the

public in 2016. The 515 complaints received in 2016 represent an 85.2% increase from the 278 cases received in 2015. The increase is attributed to, among others, publicity of the Commission's work in the media, the road shows and other outreaches conducted by the ZHRC in 2016 around the country, and the referred cases from stakeholders who have entered into MOUs with ZHRC.

6.2.1. Analysis of complaints received

The 245 cases of the 515 received in 2016 were human rights complaints which was a 51.2% increase from the 162 human rights complaints cases received in 2015. 136 cases which amount to 26.4% of the total of 515 cases were general matters while 134 cases which made up 26% of the 515 cases related to maladministration issues. A comparative analysis of the complaints received in 2015 and 2016 is summarised in the following graph.



6.2.2. Table 3: Gender analysis of complaints received

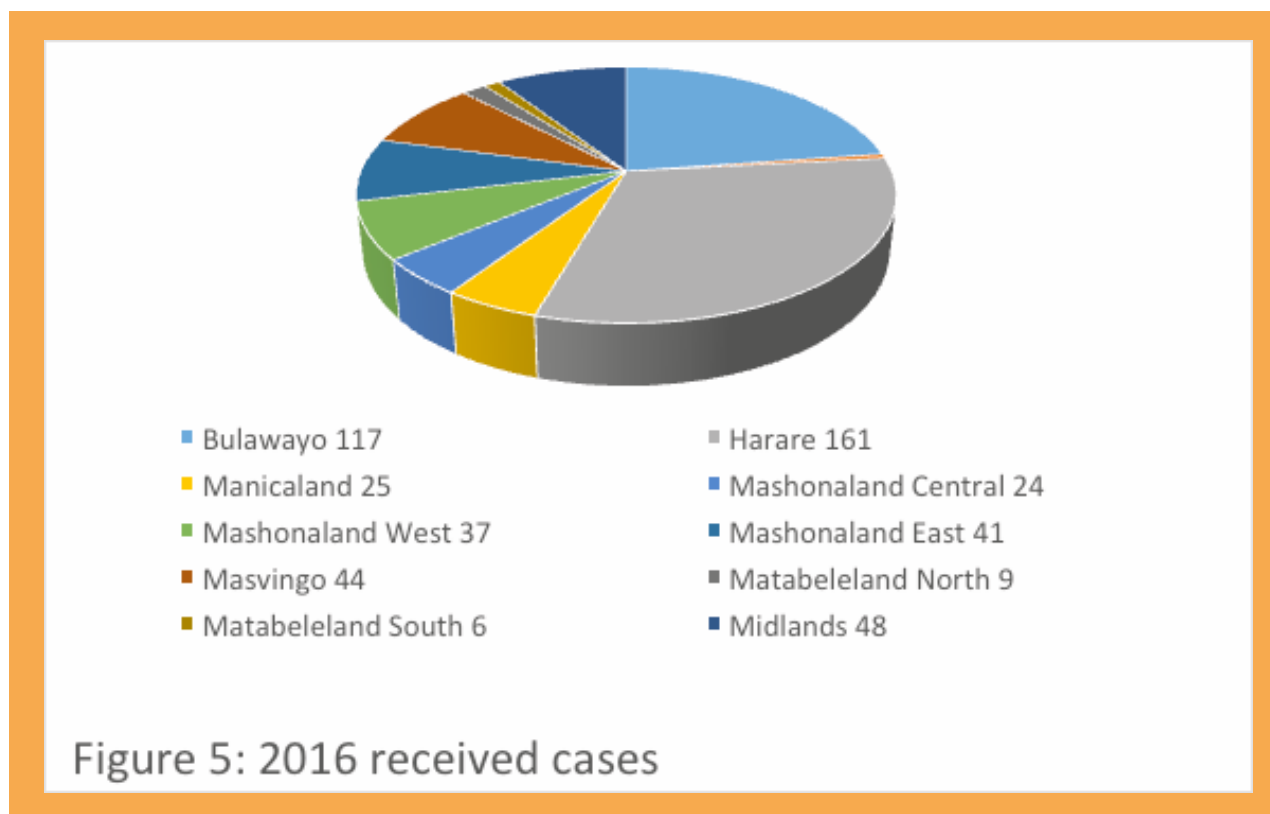
Gender	Number of cases of received		Percentage Increase/Decrease
	2016	2015	
Female	112	65	72.3
Male	379	193	96.3
Group	24	20	30.0
Grand Total	515	278	85.2

As shown in table 2 above, out of the total 515 complaints cases received in 2016; 379 were from male complainants, representing a percentage of 73.6 of the total. Complaints from females constituted 112 cases representing to 21.7% of the total. Group complaints amounted to 24 cases which made up 4.6% of the total. The low number of female complainants can be attributed to the patriarchal nature of Zimbabwean society which, subordinates women to men gravely marginalising them. This hampers the provision of platforms for women to

articulate issues that affect them. Moreover, gender roles in the home reinforce women's inability to lodge complaints of human rights violations with the Commission.

6.2.3 Geographical distribution of complaints

The chart below shows the geographical distribution of complaints received by the ZHRC in 2016.



¹ See for example the 2010 Zimbabwe MDG Status Report which describes Zimbabwe's society as one that is strongly patriarchal and accustomed to the subordination of women by men.

The pie chart shows that Harare Province received the highest number of cases at a total of 161, followed by Bulawayo Province which handled 117 cases. Midlands, Masvingo and Mashonaland East Provinces received between 48 cases to 41 cases. Mashonaland West Province dealt with 37 cases, whereas Manicaland Province handled 25 cases and Mashonaland Central Province handled 24 cases. Matabeleland North dealt with less than a total number of 10 cases and Matabeleland South received the lowest number with a total of 6 cases.

The geographical spread of the cases show the accessibility challenges affecting hard to reach remote communities who have challenges in seeking the support and protection of the ZHRC. The two provinces (Bulawayo and Harare) in which the ZHRC has physical presence contributed 54% of cases received whilst the remaining 8 provinces shared the balance 46% of cases. Furthermore, access to information including communication technologies may also have contributed since Bulawayo and Harare are the two urban provinces. This reinforces the need for the ZHRC to decentralize to provinces and districts to enhance mandate execution. Interim innovative strategies to reach out to these communities will also be considered as an option to cover the challenges.

6.2.4 Table 4: Status of Complaints received in 2016

Status	Number of cases received
	2016
Advised	146
Closed	23
Pending	236
Referred	110
Grand Total	515

Table 4 explains that out of the 515 cases received by ZHRC during the reporting year, 146 cases were advised on other remedies available, 110 cases were referral to partners which work in the human rights sector, 236 cases are matters pending for various reasons, 23 cases were closed on the basis that the files were either investigated and concluded or, adequate responses were made, or it was impossible to pursue the matters further for example were a claim could not be substantiated or the complainant did not provide further documents required.

The slow turnaround time for resolving and closing of cases is attributable to, among other reasons, the limited capacity (due to resource constraints) within the ZHRC to investigate and follow through cases. The Commission has only 8 investigators to handle both human rights and maladministration cases. These are the same officers seconded to work as technical experts in the 8 Thematic Working Groups established by the Commission. Lack of cooperation by mostly public officials worsens the situation as the investigators have to follow up many times before responses are received.

6.3 Monitoring and Inspection Visits to Prisons and Places of Detention

In 2016 ZHRC continued to uphold one of its functions entrenched in section 243(1) (k) of the Constitution which, provides for the monitoring and inspection of prisons and places of detention in order to assess the conditions and challenges faced by such institutions. During the year 2016 ZHRC has monitored 21 out of 46 prisons in Zimbabwe and made recommendations to responsible authorities for improvement of conditions of detention. Prison visits provide an opportunity for the Commission to raise visibility on the institution's role and mandate.

Furthermore, this monitoring role paves way to strengthening partnerships with relevant stakeholders and working in unison towards

the protection of prisoners and detainees' rights. Table 5 below shows the Prisons monitored visited per Province.

Table 5: Table Showing Prisons Visited by the ZHRC as at August 2016

Province	Prison
Mashonaland Central	Bindura
Mashonaland West	Kariba, Karoi, Hurungwe and Chinhoyi
Mashonaland East	Chivhu
Midlands	Whawha Juvenile, Whawha Medium and Connemara
Bulawayo	Mlondolozhi, Khami Medium, Khami Maximum and Bulawayo Central
Mat South	Beitbridge
Harare	Harare Remand and Chikurubi Male Maximum, Chikurubi Female Maximum
Masvingo	Mutimurefu
Manicaland	Rusape, Mutare Farm Prison

6.3.1 Visit to Prisons

During the course of the year, the ZHRC monitored prisons in 9 Provinces of Zimbabwe. The main challenges faced by prisons in Zimbabwe relate to financial constraints which affected the prisons' capability to cater for adequate food, bedding, clothing, sanitation and drugs. These acute resource shortages were a result of poor financial support provided to Zimbabwe Prisons and Correctional Services (ZPCS). The low quality of food was a challenge which was cross

cutting in all prisons monitored in 2016. Both prisoners and prison officers confirmed that the diet is unbalanced mainly composed of starch and vegetables with the exclusion of protein and other essential nutrients. Food containers used for the serving of the food at most prisons were worn out and unhygienic. For instance at Mutimurefu Farm Prison the containers were made of plastic which is not suitable for serving hot food. These containers were cracked and some of the food was sipping out.



Fig 6: Food containers at Mutimurefu in Masvingo Farm Prison and clothing situation at Rusape Remand Prison

In terms of access to running water, the situation differed from one prison to the other. Prisons such as Karoi, Shurugwi and Mutare faced serious shortages of running water and there was no provision of adequate tanks to store reserved water. Prisons such as Beitbridge, Hurungwe, and Kariba among others indicated that they had constant running water supply and enough tanks to store water. The clothing, bedding and sanitation situation left a lot to be desired. Uniform shortages were a cause for concern across all prisons as prisoners were only allocated one pair per person. At Prisons such as Whawha Young Offenders, Whawha Medium and Mutare Farm inmates wore worn out uniforms thereby violating the right to human dignity. Sanitary wear for female inmates was moderate at most prisons. However, female inmates indicated that they did not have sufficient under-garments.

Female inmates also raised concern relating to the wellbeing of their children in prison. The ZHRC monitoring team noted that there were no facilities in place to cater for the needs of children accompanying their mothers in prison which is detrimental to the welfare, physical and mental development

of the children. They lacked social skills and attempts to integrate them with other children outside the prison complex exposed a lot of fear and confusion in them. This is a clear violation of children's rights needing urgent attention from ZPCS and all other relevant stakeholders.

The health facilities at all the detention centers were in dire need of financial resources. In as much as the prisons had a clinic within their premises, there were staff shortages when determining the doctor patient ratio as well as limited nurses. As a consequence, prisons refer chronically ill patients to the nearest Government hospitals that also face financial challenges. In addition, transport to take patients to hospitals was a challenge. An example of this limitation is a finding made from the Midlands Province where there is only one available ambulance to ferry patients of the 14 prisons in the region. Drugs continue to be in short supply for all the prisons monitored with only the availability of painkillers such as paracetamol which is not effective particularly for cases where a patient is experiencing pain.



Fig 7: Beds for patients at the clinic and the consultation room at Whawha Young Offenders Prison

ZHRC applauds ZPCS for setting up gardening and income generating projects to sustain the prisons. Most of the vegetables harvested from the prison gardens provided food for inmates. Some prisons were hands on in improving the diet of the inmates such as Beitbridge Prison which was at the initial stages of setting up a fishing project to supplement protein intake at the time ZHRC conducted its monitoring visit. Other prisons were undertaking income generating projects, such as Hurungwe Prison which farms commercial tobacco, and Mutimurefu Prison which has a workshop undertaking welding and carpentry. ZHRC recommends that Government prioritises supporting and establishing income generating projects in prisons as a means towards resource mobilisation amidst the economic challenges faced by the country.

6.3.2 Monitoring and Inspection Visits to Mental Health Institutions

In June 2016 ZHRC monitored and inspected Ngomahuru Mental Hospital

outside Masvingo and Parirenyatwa Hospital Psychiatric Unit (Annexe) in Harare. The monitoring team took a tour of the 2 hospitals, noted down observations and formulated recommendations it provided to the relevant Ministries in order to improve the operations of the hospitals. Comparing the 2 institutions Ngomahuru Hospital faces extreme challenges which affect the patients' enjoyment of the right to food and adequate nutrition, right to water and sanitation as well as essential drugs such as sedatives whose lack thereof is detrimental to the patients and the health personnel. The Annex Hospital was better placed in terms of financial resources for it requires patients to pay for hospital bills. The hospital was afforded funds to provide the requisite needs for the patients, whereas Ngomahuru Hospital solely depended on funds yearly disbursed to Government, which had not yet been provided to the institution at the time of the monitoring visit.

Ngomahuru Hospital provided rehabilitation activities such as poultry rearing and gardening. The physical exercise equipment in the rehabilitation centre was no longer functional and needed to be repaired. On the

day of the visit, the staff compliment was stated to be at 60%. Although this was reported to be “manageable and normal in the context of Zimbabwe”, the ZHRC noted that this had the effect of impeding on the enjoyment of human rights by patients. Considering the type of patients at the hospital such a deficit of 40% is highly irregular and compromises enjoyment of human rights by both staff and patients. The staff on duty was open to serious

strain which could lead to burn out and lack of attention to the needs of the patients.

The staff compliment at Annexe was reported to be adequate and there were no reports of any discrepancies. ZHRC recommends that Treasury should increase the budget allocation to the Ministry of Health and Child Care in order for Government mental health institutions to be adequately resourced to cater for the needs of patients.



Fig 8: To the left, clothing situation at Ngomahuru during winter and to the right the bedding in one of the wards

6.3.3 Stakeholder Engagement Workshop on Detained Foreign Migrants:

The ZHRC hosted a stakeholder engagement workshop on the challenges faced by prohibited migrants in Zimbabwe Prisons on 20 September 2016. The workshop was attended by participants comprising Government, CSOs and Development Partners. The background of this workshop comes from findings of the ZHRC prisons monitoring reports which established that there was a large number of migrants housed in Zimbabwe prisons awaiting to be deported to their countries of origin. Unfortunately, the economic hardships encountered by the

country affect operations of ZPCS which is constrained to provide adequate resources to take care of this group of people. Some of the challenges being faced by these migrants include amongst others; unsuitable diet, language barriers, limited clothing and poor bedding. The Immigration department raised concerns that some inmates were being “disowned” by their embassies in the vetting process, making it difficult to effect deportation. Moreover, Zimbabwe has not established detention centres where prohibited migrants could be housed awaiting deportation. The meeting reached consensus on action points to be undertaken by various stakeholders to speed up the process of effecting deportation to their countries.

6.4 Formulation of Bills

The ZHRC, in line with its constitutional function to monitor and assess the human rights situation in the country is a committee member of the Inter-Ministerial Taskforce responsible for monitoring the alignment of laws to the Constitution. In 2016 ZHRC participated in the development of the ZPCS Bill. The process provided ZHRC an opportunity to input into the Bill ensuring that it takes cognisance of relevant provisions of the Constitution, Regional and International human rights standards in ascertaining application of a human rights based approach to the operations of prisons.

From the 30th of August to the 2nd of September 2016 ZHRC attended a workshop to enact the Coroner's Bill, which was held in Mutare. The issues discussed involved setting up of a Coroner's Office which investigates unexpected and suspicious deaths of persons. In order for the enacted Bill to be rendered effective, stakeholders proposed recommendations that include amongst others; proposal for the appointment of a Chief Coroner who is either from the Legal or Medical fraternity and the need to source funds to operationalise this office.

6.5 Monitoring of Elections

ZHRC monitored the By Elections of the Norton House of Assembly Constituency from the 19th to the 23rd of October 2016. ZHRC monitored the human rights situation that was prevailing before, during and after the Norton by election. On Election Day the 22nd of October, ZHRC staff were observers across 15 wards which made up the Norton constituency. The Commission also observed the electoral process during Election Day. All polling stations observed by ZHRC were manned by the requisite staff and were equipped with the required material for the election. The polling stations opened on time at 7am. They were set up in the required manner which allows privacy to the voter.

The turnout of voters at the By Election was average in terms of attendance.

The findings of the election environment was that it was generally peaceful, although there was one reported incident of political violence. The agents for campaigning candidates confirmed that they were able to conduct their rallies without any intimidation and that the electorate were free to attend. It was noted that ZEC was well prepared for the election, with most polling stations set up on time and materials delivered. The election process was smooth and calm. Some issues of concern on Election Day was the inaccessibility of some polling station especially by the disabled, elderly and the sick (such as those polling stations with stairs and no ramps). ZHRC noted that some voters were turned away at most polling stations due to reasons such as; unregistered voter; not possessing identification documents, attempting to vote in the wrong wards; being a voter registered in other wards and possessing defaced and not original identification cards. ZHRC managed to observe the closure and counting process of two polling stations. Interaction with ZEC officials post-election, indicated that the election result was accepted by all candidates.

6.6. MONITORING OF HUMAN RIGHTS: UNIVERSAL PERIODIC REVIEW (UPR)

The ZHRC as a National Human Rights Institution (NHRI) is responsible for ensuring the promotion and protection of human rights in the country. The establishment and operations of this institution must conform to the United Nations 'Principles relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights' (commonly referred to as the 'Paris Principles'). National Human Rights Institutions have a critical role in monitoring the State Party's compliance with the Treaty body mechanism. The UPR process provides one such opportunity of

monitoring the implementation of human rights recommendations by the state.

The ZHRC attended the 26th Session of the Working Group on the Universal Periodic Review (UPR) which was held from 31st October to 11th of November 2016. The review of Zimbabwe was held on 2nd November 2016 at the 5th meeting. The delegation of Zimbabwe was headed by the Vice President of Zimbabwe responsible for the Ministry of Justice, Legal and Parliamentary Affairs who was accompanied by twenty-six (26) members from various Ministries.

During the session, Zimbabwe responded to a list of advance questions prepared by some members of the United Nations and Human Rights Council and a total of 260 recommendations were given by 86 delegates. Of these, 142 were accepted, 18 were noted and 100 will be the subject of further consideration by Zimbabwe before the thirty-fourth (34th) Session of the Human Rights Council (HRC) in March 2017.



7. PROMOTION OF HUMAN RIGHTS

7. PROMOTION OF HUMAN RIGHTS

A core responsibility of ZHRC as an NHRI is to promote awareness of and respect for human rights and freedoms at all levels of society to contribute towards a universal culture of upholding human rights. The Commission employed various strategies to promote visibility of the Commission and to empower beneficiaries with information to claim their rights. These awareness raising strategies included roadshows, stakeholder engagements, commemorations of key human rights days, participation at exhibitions and production and distribution of Information, Education and Communication (IEC) materials. These awareness and publicity efforts have contributed significantly to the steady increase of cases received by the Commission, which rose to 515 in 2016 compared to 278 cases in 2015.

7.1 Awareness raising through Commemorations of Key Regional and International Human Rights Days

ZHRC hosted commemorative events for the Day of the African Child and International Human Rights Day and issued press statements in newspapers and its website in commemoration of International Women’s Day, 16 Days of Activism Against Gender Based Violence and International Day for People with Disabilities.

7.1.1 The Day of the African Child Commemorations, 30 July 2016



Fig 9: The Honourable Child Minister of State for Provincial Affairs (Harare Metropolitan Province), Nathan Zilikilani delivers the keynote speech at the Day of the African Child Commemorations, 30 July 2016

The Day of the African Child (DAC) is commemorated on the 16th of July every year. Belated commemorations for the Day of the African Child (DAC) were held in partnership with SOS Children’s Villages on 30th July 2016. The belated commemorations were held at SOS Children’s Villages in Waterfalls, Harare with children from SOS Bindura and SOS outreach programme in the

high density suburbs also participating. Other Children were drawn from 4 other Childcare Centres, Chiedza, Jairos Jiri, Chinyaradzo and Hupenyu Hutsva. In total, about 450 children participated in the commemorations, at which the Guest of Honour was the Child Minister of Provincial Affairs for Harare Metropolitan Province. The belated commemorations succeeded in raising awareness among children on mandate and work of the

Commission, the significance of the Day of the African Child and children's rights through various interactive sessions which included question and answer sessions, IEC materials distribution, and performance arts.

Prior to the commemorations, the Commission exhibited at the Official Opening of the Children's Parliament by His Excellency, the President of Zimbabwe at the City Sports Stadium.



Figure 10: ZHRC Chief Human Rights Officer for Education, Promotion and Research Mrs K. Ratsauka (standing) giving introductions at the belated Day of the African Child Commemorations.

7.1.2 International Human Rights Day Commemorations

Celebrating the International Human Rights Day is one of the biggest events for ZHRC which takes place annually at the end of the year on the 10th of December. ZHRC in partnership with Government, CSOs and Development Partners celebrated International Human Rights Day at Mkoba Stadium in Gweru on 10 December 2016.

The 2016 commemorations were held under the theme 'Stand up for Someone's Rights Today!' The commemorations were graced by the presence of Minister for Small to Medium Enterprises, Honourable Sithembiso Nyoni, the Resident Minister of State for the Midlands Province Senator Jason Machaya and the Provincial Leadership including Chiefs. The activities for the day included a march, poetry, songs and dance, music, solidarity messages and speeches.



Fig 11: Key Note Address by the Guest of Honour, Minister of Small and Medium Enterprises, Honourable Sithembiso Nyoni at the IHRD Commemorations, Mkoba Stadium, Gweru, 10 December 2016

About 1200 people attended the commemorations and more were reached through other media such as the T.V Programme Good Morning Zimbabwe, Star FM Radio (with a listenership of 6 million people), Radio Zimbabwe, and live coverage of the event by ZIFM, Newspaper Supplements in the Chronicle and Newsday and a pre-event publicity Roadshow.



Fig 12: International Human Rights Day Performances by Artist Group Iyasa during the IHRD commemorations; 10 December 2016, Mkoba Stadium, Gweru



Fig 13: A Representative from Persons with Disabilities Cluster Delivers a Solidarity Statement at the 2016 IHRD Commemorations; Mkoba Stadium, Gweru, 10 December 2016

7.2. Information Dissemination through Exhibitions and IEC Materials

During the course of 2016, ZHRC participated in 2 Law Society of Zimbabwe Open Days that were held in Bulawayo and Masvingo. The

purpose of these open days was to offer free legal advice to the public. ZHRC exhibited at the open days. This gave the Commission an opportunity to further raise its visibility to the public and to record complaints from people who could not easily access its offices in Harare and Bulawayo.

The National Association of Non-Governmental Organisations (NANGO) annually hosts an NGO expo allowing CSOs to showcase their work to the public. In 2016 the NGO Expo was held at the Harare Gardens from 30 to 31 September 2016 and the Commission exhibited there as well.

Significant progress was made in terms of availing quality sources of information to the public. Thirty thousand (30 000) copies of IEC materials in the form of brochures on the mandate and work of the Commission (in English, Shona and Ndebele and simplified Declaration of Rights in English) were produced under the DIHR supported project. In addition under the UNDP supported project, 33 620 copies of IEC materials were produced being 220 braille brochures, 1000 copies of the 2015 Annual Report, 10 000 copies of simplified Declaration of Rights in Shona, 5000 copies of Declarations of Rights in Ndebele, 10 000 copies of Complaints Handling and Investigations Brochures (English), and 2500 copies of Complaints Handling and Investigations Brochures in Ndebele. These materials were distributed during outreaches, at exhibitions, during engagements with various stakeholders and at the commemorations for Day of the African Child and IHRD commemorations.

7.3 Stakeholder Engagements

Throughout the year the Commission continued to engage various stakeholders. The objectives of the engagement meetings were to raise awareness of and visibility of the ZHRC; promote utilisation of services offered by the ZHRC; and establish collaborative relationships, partnerships and mutually beneficial platforms between the ZHRC, Government structures and institutions and Human Rights

Organizations (including CBOs and CSOs)

7.3.1 Engagement Meetings with Local Authorities, Government Officials and CSOs

Between May and September 2016, ZHRC conducted 8 engagement meetings with Local Authorities which included Makonde RDC, Hwedza RDC, Uzumba - Maramba Pfungwe (UMP) RDC, Mangwe RDC, Lupane RDC, Pfura RDC, Sanyati RDC and Kwekwe Town Council. The engagement meetings aimed to raise awareness and visibility of the ZHRC, promote utilisation of services offered by ZHRC and establish collaborations with identified stakeholders. Two larger stakeholder meetings attended by Civil Society Organisations and Government Officials were held also held in Gweru in May 2016 and in Chinhoyi in August 2016.

7.3.2 Engagement Meetings with Health Service Providers



Fig 14: Commissioner Kwanele Jirira posing a question at the ZHRC breakfast meeting

On the 1st of July 2016, ZHRC hosted an Interactive breakfast meeting with Health Service Providers under the theme “Enhancing the promotion and protection of the right to health through the work of ZHRC.” This meeting was prompted by the fact that throughout the roadshows the public lamented the deterioration of the country’s health sector, negatively impacting on the

right to health care enshrined in Section 76 of the Constitution of Zimbabwe. The meeting created a platform for ZHRC to have an appreciation of the current state of healthcare service provision in Zimbabwe and triangulate the findings from the outreaches with the healthcare service providers with the aim of strategizing on ways of enhancing the enjoyment of the right to health.

7.4. Outreaches

From April to July 2016 ZHRC conducted a total of 11 roadshows to raise awareness on the existence of the ZHRC. These roadshows took place in Harare, Masvingo, Chiredzi, Bulawayo, Matobo, Kariba, Mutoko, Chegutu, Gokwe, Binga and Chimanimani. The total number of attendees at these roadshows was estimated at 3000 participants. The roadshows were conducted in partnership with a consortium of three Civil Society Organisations namely, Zimbabwe Human Rights Association (ZimRights), Zimbabwe Association of Doctors for Human Rights (ZADHR) and Zimbabwe Human Rights NGO Forum.



Fig 15: Educational sessions at the roadshows were punctuated by music and dance

The roadshows were a platform for communities to air their concerns relating to human rights issues affecting them as communities. Some of the issues which were submitted included amongst others; alleged partisan distribution of food aid in rural communities, the numerous roadblocks mounted by the police which allegedly promoted corruption and impacted negatively on freedom of movement, service delivery challenges in hospitals and clinics and the need for the Commission to decentralise to all provinces. Complaints were also received at the roadshows. IEC materials were distributed at the road shows. In addition, these outreaches paved the way for ZHRC to strengthen partnerships with various stakeholders premised on the mutual concern for the promotion and protection of human rights in Zimbabwe.



Fig 16: Part of the crowd that attended the ZHRC roadshows at Tshovani in Chiredzi

In a related event, five outreaches were conducted in the Matobo District between July and September 2016 in partnership with Habakkuk Trust, a Civil Society Organisation based in Bulawayo with whom the Commission signed an MOU. The outreaches were similar to those of the road shows namely to raise awareness of the public on human rights, inform target communities of the mandate and work of ZHRC as a National Human Rights Institution (NHRI), raise visibility of the ZHRC and gather information on human rights issues affecting the communities in Matobo.



Fig 17: Some of the participants who were present at a ZHRC - Habbukuk supported outreach in Matobo

8. ENFORCEMENT OF HUMAN RIGHTS



8.1. Food Aid Cases

The ZHRC received complaints involving alleged discrimination on the basis of political affiliation in the distribution of agricultural inputs and food aid in Buhera North Constituency (which is made up of 8 wards that is, wards 7, 8,9,10,11,12,13 and 31 which were all affected), Mazowe Central Constituency (in particular wards 7 and 8), Muzarabani North and South Constituencies (wards 2 and 17 respectively) and Bikita East Constituency (in particular the Dewure Resettlement Scheme covering wards 4 to 25.) the ZHRC came to the conclusion that there was indeed discrimination and exclusion in the distribution of food aid in Bikita East Constituency, Mazowe Central Constituency, Muzarabani North and South and Buhera North, contrary to Government pronounced policy discouraging partisan distribution. The ruling ZANU PF members were the major alleged perpetrators in violations linked to distribution of food, agriculture inputs and other forms of aid. However, in some instances, for example in Buhera North Constituency, members were not aware of the food distribution criteria which had exposed them to manipulation by those responsible for food distribution. For those who were aware of the grievance procedure there had been no recourse even though they followed the proper channel.

The ZHRC continues to receive complaints on food aid which is an indication that there is a grave problem which needs to be addressed. The ZHRC continues to engage all relevant stakeholders to come up with a solution to address the issues that have been brought forward by the Zimbabwean citizens.

8.2. Binga Investigations

The ZHRC received complaints relating to alleged discrimination in the distribution of food aid in the District of Binga in Matabeleland North Province. Although this was a case of partisan food aid distribution, one of the findings the ZHRC made was lack of proper documentation to allow people to receive food aid. The District Administrator revealed that some beneficiaries did not have birth certificates in order to enable them to obtain national IDs which are required during food distribution. This is a matter that has to be dealt with to allow citizens to have proper documentation to enable them enjoy their rights without any form of discrimination.

8.3. Chiredzi Investigations

A complaint on the disappearance and alleged violation of the victim's right to personal liberty and freedom from torture, cruel, inhumane and degrading treatment of Kariborn Nyemba (hereinafter referred to as the victim) was filed by Honourable Chiwa, the Member of Parliament for Chiredzi, who had been requested to do so by the victim's relatives in 2015. The violations are alleged to have been committed in May 2015 by a Captain of the Zimbabwe National Army, one Edmore Gono and an Officer in the Central Intelligence Unit of the Zimbabwe Republic Police, Henry Dhowa. The complaint was filed in July 2015 and this was within the period allowed by Section 4 (a) of the Zimbabwe Human Rights Commission Act [Chapter 10:30].

The ZHRC began its investigations into the matter in August 2015. The relevant

respondents were afforded the chance to state their side of the story. Witnesses for the complainants and respondents were also questioned. The ZHRC found that the victim's human rights had indeed been violated and made the following recommendations:

(a) The **Zimbabwe Republic Police** should investigate the issue of torture as alleged by complainant, as well as the case of arson against the complainant and bring the perpetrators to book; should investigate Inspector Dhowa's conduct and take disciplinary measures against him for not following standard

procedures in executing his duties and for detaining the victim in a place not legally designated for detention purposes; and should guarantee and ensure the victim's security upon return to his home town in Chiredzi.

(b) The **Zimbabwe National Army** should investigate and take disciplinary measures against Captain Gono for the following: i) usurping the work of the police and ii) illegally detaining the victim in an illegal place his private residence which is not designated for detention.

9. CAPACITY BUILDING OF THE ZHRC THROUGH NATIONAL, REGIONAL AND INTERNATIONAL WORKSHOPS

ZHRC has received numerous technical cooperation and capacity building initiatives from Development Partners to equip the Commission to effectively execute its mandate. The training courses that ZHRC has undertaken in 2016 were essential in guiding the staff to develop methodological tools and to adopt best practices and lessons from other NHRIs.

9.1 Learning visit to Namibia Ombudsman

ZHRC undertook a learning visit to the Namibian Ombudsman Offices from the 5th to the 11th of June 2016. The purpose of the exchange visit was to allow ZHRC secretariat to learn from the Office of the Namibian Ombudsman principles on complaints handling. These principles pertain to case management, research and resultant drafting of case analysis, investigative techniques, human rights education techniques and methods as well as human rights monitoring and evaluation tools and reporting techniques. The learning visit to the Namibian Office of the Ombudsman was an eye-opener as it provided pointers for areas where the Commission needs to improve such as case and information management.

9.2 Development of tools to Monitor and Inspect Mental Health Institutions

The Commission conducted a 2 day workshop to develop tools to monitor and inspect Mental Health Institutions. This workshop was held from the 20th to the 21st of June 2016. Participants present at the workshop included; Government, CSOs and Development Partners. In light of the fact that the ZHRC had not yet developed standard guidelines

and tools for monitoring and inspecting mental health institutions this workshop was crucial in improving methods for carrying out monitoring and inspections visits. The workshop used a participatory approach allowing participants to make contributions to the different elements that would make up the tools. The outcome of the 2 day workshop was a draft model of tools to be used by ZHRC in fulfilling its function of monitoring and inspecting mental health institutions.

9.3 Investigative Techniques Workshop

In the course of the year the Commission receives and considers complaints from the public and takes appropriate action in regard to the complaints. Section 243 (1)(f) of the Constitution entitles ZHRC to investigate complaints where it is alleged that any of the human rights and freedoms set in the Declaration of Rights has been violated by any authority or person. Every investigation attempts to uncover the truth of a specific event or incident. In order for the Commission to be effective in this regard it was prudent for it to be armed with the requisite skills in conducting investigations. Therefore, ZHRC secretariat was trained on investigative techniques from the 4th to the 8th of July 2016 in Nyanga. The structure of the training workshop covered a wide range of topics which included amongst others; principles of investigations, application of human rights perspective to conducting an interview and the principles of good report writing. Through this training workshop ZHRC Secretariat acquired the knowledge on how to conduct a formal inquiry in order to establish the truth of matters that they undertake in their day to day work.

9.4 Legal Drafting and Judgement/ Decision Writing Workshop

It is critical for an NHRI to be capacitated on legal drafting and decision making as it is pivotal for it to draft legal opinions, legal briefs, and judgements since its day to day work involves receiving complaints that require investigating, conciliation or mediation. It was against this background that ZHRC secretariat was trained on legal drafting from the 29th of August to the 2nd of September 2016 in Vumba. The main objective of the workshop was to equip the ZHRC Secretariat with legal drafting knowledge and skills. Teaching them on how to research and synthesise facts, laws, and legal issues in order to achieve a concise and articulate legal document. This training workshop contributed towards ZHRC staff acquiring the requisite tools with the adoption of standards that will lead to the development of clear, relevant and logical legal drafts.

9.5 59th Ordinary Session of the African Commission on Human and Peoples' Rights

The ZHRC attended the 59th Ordinary Session of African Commission on Human and Peoples Rights held in Gambia from the 20th to the 29th of October 2016. The Session was particularly focusing on the rights of women. The ZHRC had an opportunity to appreciate the different working groups that presented on various human rights issues, to learn and adopt best practices from other NHRIs. The Commission learnt that Zimbabwe has not yet submitted any reports since 2006 which have amounted to 5 state party reports in total. It is recommended that Government should expedite the process of reporting and to engage all relevant stakeholders in this process. ZHRC plans to apply for affiliate status with the African Commission in 2017 to enable submission of reports on progress or challenges in the promotion and protection of human rights.

9.6 Train the Trainer Part 2 Workshop

The ZHRC through its 5 Year Strategic Plan (2015-2020) is encouraged to capacitate itself with diverse skills, by training staff to develop relevant technical capacity to exploit modern information and communication technologies necessary to enhance institutional performance. The Strategic Plan also provides for continued professional development and technical skills capacity building programs.

ZHRC Secretariat participated in Train the Trainer Part 2 from the 1st to the 4th of November 2016. The capacity building training was a follow-up to the Train the Trainer Part 1 that dealt with instructional techniques which was held in Gweru in 2015. The material used for the training allowed participants to attain knowledge in carrying out a training needs analysis, developing training budgets and design suitable training materials to measure and evaluate training initiatives.

The training highlighted on the importance of conducting research before engaging people in that set up and the need to write clear, concise and well structured reports. The training provided ZHRC Officers with a broad conceptual framework on how to conduct effective training in their various capacities. The outcome of the training was an appreciation and understanding by participants on the principles of how to be a trainer.



Fig 18: Presentations and group work by participants at the training

10. THEMATIC WORKING GROUPS (TWGS)



ZHRC established 8 Thematic Working Groups (TWGs), in accordance with paragraph 7 of the First Schedule of the ZHRC Act in order for it to better exercise its functions. The TWGs are as follows:

- Children's Rights
- Gender Equality and Women's Rights
- Civil and Political Rights
- Economic, Social and Cultural Rights
- Capacity Building and Development
- Environmental Rights
- Special Interests (with a specific focus on the elderly, youth and persons living with disabilities)
- International Agreements and Treaties

The first 4 TWGs mentioned above are specifically provided for by paragraph 7(3) (a) - (d) of the first schedule, whilst the last four were established in line with paragraph 7(3) (e) thereof which states that the ZHRC may establish any other thematic area which it may deem necessary. In terms of their composition, TWGs are chaired by a Commissioner and supported by the secretariat, headed by a Chief Human Rights Officer (CHRO). TWGs are a fora which the Commission utilises to thoroughly interrogate different rights in thematic sectors in order to ensure the respect and fulfillment of the mandate of ZHRC. Best practices towards the promotion and protection of human rights are shared in these TWGs as various stakeholders meet to dialogue on pertinent issues affecting that relevant thematic sector. In terms of paragraph 7 subsection 2 (b) of the First Schedule of the ZHRC Act, the Commission may appoint as members of the TWG persons who are not members of the Commission and may fix terms and conditions of their appointment. Therefore, this allows the invitation of experts

from different schools of thought in a particular field of interest to join the TWGs.

During the period under review only 4 TWGs out of the 8 TWGs implemented activities which were scheduled on the ZHRC work plan. These TWGs were the Gender Equality and Women's Rights, Environmental Rights, International Agreements and Treaties, Children's Rights and the Special Interests TWGs. The activities of the remaining 4 TWGs which are; Civil and Political Rights, Economic, Social and Cultural Rights, Environmental Rights and Capacity Building and Development TWGs were not scheduled on the 2016 ZHRC work plan owing to limited resources. The activities implemented by the TWGs are outlined below:

10.1 Children's Rights Thematic Working Group

Key recommendations of the Concluding Observations on the Second Periodic State Party Report of Zimbabwe (January 2016) on the United Nations Convention on the Rights of the Child (UNCRC) talks to the need to capacitate ZHRC and its TWG on Children's Rights to become an effective independent monitoring mechanism on implementation of children's rights in the country. The need for such capacitation came to the fore when the Commission participated in the Child Rights Conference attended by over 250 delegates organized by Civil Society Organisations under the umbrella of the Child Rights Coalition coordinated by the Zimbabwe National Council for the Welfare of Children (ZNCWC) from 28 - 29 September 2016. The Conference deliberated on the UNCRC and African Committee of Experts on the Rights and

Welfare of the Child (ACERWC) Concluding Observations and Recommendations.

In view of that, the Commission secured financial and technical support from Save the Children Zimbabwe to initiate activities towards full operationalization of the Children's Rights Thematic Working Group. In pursuance of that, in August 2016, the Commission hosted an inception meeting of the TWG attended by fifteen (15) representatives from Government and Civil Society. The objectives of the inception meeting were to introduce key players in the children's rights sector to the work of the Commission in the protection and promotion of children's rights as provided for in the Constitution and the Zimbabwe Human Rights Commission Act. The meeting also accorded an opportunity to the Commission to appreciate the work being done by players in the children's rights sector, challenges being encountered and priority areas the Commission could focus on in its quest to play a more active role in advancing children's rights through the Thematic Working Group. The major outcome of the TWG inception meeting was that the Commission gathered valuable input into the Terms of Reference of

the TWG which were subsequently revised by a smaller core group tasked with coordinating further refinement of the TORs ahead of major stakeholder engagement meeting.

In October 2016 again with funding from Save the Children, the Commission hosted a larger meeting of the TWG comprising of representatives of Government and Civil Society working on children's rights across all regions of the country attended by 65 participants representing 28 organizations. The objectives of the larger stakeholder meeting were three-fold; to familiarize participants with the constitutional mandate to protect and promote children's rights through establishment and operationalization of the Children's Rights Thematic Working Group, provide a platform for all key players in the sector to highlight major issues impacting children in their thematic areas of focus and explore how the TWG could factor such issues in its work and further review and adopt the TORs of the TWG. The major outcome of the expanded TWG stakeholder meeting was a final version of the TORs which was unanimously adopted by participants at the meeting.



Fig 19: Children entertain guests during the DAC 2016 commemorations

10.2 Gender Equality And Women's Rights Thematic Working Group

Having completed processes towards the operationalization of the Gender Equality and Women's Rights TWG, 2016 saw the TWG embarking on activities to strengthen and promote the visibility of the TWG. In February 2016, it conducted its planning meeting with the TWG members. They came up with the Work Plan for the year detailing activities to be conducted during the course of the year. Inter alia, some activities planned for were trainings on communications strategy, rights based approach, commemorations for International women's Day (IWD) and 16 days of activism, campaign against child marriages, development of a conceptual paper on gender and engagement of stakeholders in the Sexual reproductive and health rights sector. However due to limited funding the TWG was only able to undertake the activities detailed below.

In March 2016, the TWG was invited and attended the national commemorations of the IWD, held in Rukweza, Manicaland and similar commemorations hosted by the Netherlands Embassy. In addition the TWG Chairperson was invited as a guest speaker at the belated commemorations for the IWD held at Great Zimbabwe University in Mashava, Masvingo under the Global theme for 2016 which was: "Planet 50-50 by 2030: Step It Up for Gender Equality", and the National theme: "Taking the international Women's Day to the people".

During the course of the year, the TWG was invited to participate in workshops discussing gender and women's rights issues some of which are as follows;

- A Parliamentary public hearing into the high prevalence of child marriages in Mashonaland Central
- Women Regional Indaba for the purpose

of facilitating dialogue between rural women and social service providers, policy makers and women's rights advocacy with a view to advance gender sensitive social accountability.

- Stakeholder Policy Brief by UNWomen and FEMPRIST on the Gendered Assessment of the Conditions of Women and Children in Prison.
- Sensitization on UN Resolution 1325 meeting by the Ministry of Women Affairs, Gender and Community Development and UNWomen to enhance key stakeholders' understanding of Resolution 1325 and the utility of a National Action Plan, craft a framework to guide the development of the Zimbabwe National Action Plan on Resolution 1325.
- Panel discussion on women and reconciliation in Zimbabwe organized by National Transitional Justice Working Group held to discuss issues of women, peace and reconciliation with recommendations being advanced for the improvement of Peace and Reconciliation in Zimbabwe, one of which was speeding up the operationalization of the National Peace and Reconciliation Commission (NPRC) and legislation enabling the NPRC to commence its mandate.

The TWG also commemorated the 16 Days of Activism against Gender Based violence whose theme was 'From Peace in the Home to Peace in the World: Make Education safe for all' by publishing a press statement in the Herald edition of 10 December 2016.

The TWG also developed and printed two thousand five hundred (2,500) brochures to publicize the Commission and the TWG with the following key areas: the mandate and work of ZHRC, definition of thematic working group, profile of the TWG, definition of gender, women's rights and functions of the Thematic Working Group.

10.3 International Agreements and Treaties Thematic Working Group

In 2016 the International Agreements and Treaties TWG was mainly involved in one activity which is the implementation of the Universal Periodic Review (UPR). This was in light of the fact that Zimbabwe was due for the 2nd cycle review session on the 2nd of November 2016. Owing to limited resources the Commission failed to submit a UPR report to the Human Rights Council (HRC) in March 2016. In as much as ZHRC had missed this deadline it still showed commitment to draft this report in October 2016 when resources permitted. The TWG held a consultative meeting to foster dialogue on the UPR and to consolidate stakeholder input into the ZHRC UPR report. Thus, the outcome of the meeting was a shared understanding of the UPR process and the adoption of the ZHRC UPR with proposed amendments.

From the 3rd to the 7th of October 2016 in Geneva, Switzerland, ZHRC attended the pre-session to the UPR. The session was attended by CSOs and from United Nations member states. The pre-session meeting program included a training on effective UPR reporting and presentation. Furthermore, NGOs from different countries got an opportunity to present on human rights trends in their countries in light of the fact that they are not provided a slot to present during the review session of their countries.

10.4 Thematic Work Group on Special Interests Groups

During the period under review the Special Interests Group TWG in February 2016 held a planning meeting where member organisations came together and brainstormed on possible activities to be carried out in 2016. In the following month the TWG held a follow up meeting to develop a work plan for 2016 as well as developing

a workplan of activities for the year. The TWG's priority theme for 2016 was 'rights of indigenous persons'. In pursuance of the theme, in June 2016 the TWG carried out an assessment of the human rights situational analysis of an indigenous minority community known as the San Community in Tsholotsho. To improve the capacity of Human rights officers in the TWG, a human rights officer took part in an Advanced Human Rights Course on Rights of Indigenous People which was held at University of Pretoria in South Africa.

10.5 Environment Thematic Working Group

The Constitution of Zimbabwe has a provision for the protection of the environment for the benefit of present and future generations. In this regard, the ZHRC has established the Environment Thematic Working Group (ETWG). The following persons and institutions comprise the ETWG:

- Mr. A. Matiza, the Deputy Director in the Ministry of Environment, Water and Climate
- Mrs. S. Mwandiyambira, Program Officer in the Zimbabwe Council of Churches
- Mr. N. Manyeruke, Chairperson of the Department of Environmental Science and Technology at the National University of Science & Technology
- Mr. M. Dhliwayo, Executive Director of the Zimbabwe Environmental Law Association.
- Mr. T.N.T. Paskwavaviri, the Acting Chief Government Mining Engineer in the Ministry of Mines and Mining Development,
- Mr. D. Matyanga, a Senior Manager in the Chamber of Mines of Zimbabwe,
- Mr. L. Muradzi, the Chief Agricultural Extension Specialist (Land Use & Planning) in the Ministry of Agriculture, Mechanisation and Irrigation,
- Mr. M. Mtetwa, the Deputy Director for

Policy, Research, Planning, Programs & Coordination in the Ministry of Local Government, Public Works and National Housing.

The ETWG identified the “right to water” as a priority right as was identified by the Baseline Survey on the status of human rights in Zimbabwe². The “right to water” entitles everyone to safe, clean and potable water for personal and domestic uses. The major activities of the ETWG comprise:

10.5.1. Conference on the Right to Safe And Potable Drinking Water

The Environmental Thematic Working Group (ETWG) conducted a workshop on the realisation of the right to safe, clean and portable water in Zimbabwe to deliberate on the Constitutional right to water by different stakeholders and the communities affected. The ETWG used the outcomes to plan on the strategies to lobby Parliament, relevant Authorities such as EMA, Government Ministries and the Private Sector in order to facilitate measures that promote the realisation of the right to “sufficient, safe, accessible and affordable water, without discrimination”. It also came out during the conference that the government was expected to take reasonable steps to ensure that water sources should not be contaminated and that every person should have access to the vital resource and that the right to water has a bearing on other fundamental rights like the right to life and right to health. The workshop resolved that more efforts and resources should be channeled towards research on the right to water. The Zimbabwe Human Rights Commission passed the following resolutions that were recommendations of the ETWG:

(a) That the working group engages watchdog institutions that monitor water

pollution by industries. In this regard the group will interrogate the Environmental Management Agency (EMA) and work with it to engage “big polluters” that have red codes. The Thematic Working Group will identify the challenges faced by EMA and the big polluters in monitoring /implementing the Environmental Management Plans;

(b) That the EPR Unit of the ZHRC, puts emphasis on the “right to safe water” when conducting the forthcoming meetings with Human Rights Organisations and Local Authorities;

(c) That the working group engages the new Ministry of Rural Development and Preservation of National Cultural Heritage about existing plans to improve infrastructure to enhance the “access to water” in rural areas in semi-arid regions; and

(d) That the working group engages ZIMRIGHTS to provide evidence about the failure by the local authority to provide safe drinking water in Mabvuku for a long period (15 years). Once this information is gathered it will become the basis of discussions between the Thematic Working Group and Harare City Council.

10.5.2. Human Rights Training Meetings For Mining Communities

The Zimbabwe Human Rights Commission (ZHRC) in collaboration with the Zimbabwe Environmental Law Association (ZELA) held five human rights training meetings for Zvishavane and Shurugwi communities from the 20th to the 23rd of July 2016. The communities covered were Mhondongori, Mapirimira, Mazvihwa, Tongogara and Chachacha. These full day human rights training meetings had

² The Baseline Survey was conducted in May 2015 and is available on the ZHRC website

the objectives to; increase capacity of local community members to identify, document and report violations of environmental, socio-economic cultural rights. Communities reported violations to environmental rights, namely; the right to good health due to air and water pollution resulting from mining activities. Other participants included traditional leaders, district administrator's office, Rural District Council officials and community based groups/human rights defenders. From the trainings it was found that the communities are now aware of ZHRC's existence, mandate and functions and that several human rights issues arise in the mining Communities, for instance violation of environmental rights

10.5.3. Zimbabwe Alternative Mining Indaba 2016

The Zimbabwe Human Rights Commission Thematic Working Group on Environmental Rights participated in the 5th edition of the Zimbabwe Alternative Mining Indaba (ZAMI) organised by the Zimbabwe Environmental Law Association (ZELA) at Holiday Inn, Bulawayo, from the 28th to the 29th of September 2016. The theme for the workshop was "Mining Sector Reforms: A call for Economic, Social and Environmental Justice"

ZAMI is a multi-stakeholder engagement forum that explores opportunities and challenges related to the country's mining sector. The event has been organised since 2012 and has exuded tremendous growth to become one of the most influential public interest annual national meetings. ZAMI is also a national process feeding to the regional movement of the Alternative Mining Indaba. Participants at the conference included Community Based Organisations, Ministers, Members of Parliament, the Clerk of Parliament, and Parliamentary Portfolio Committee on Mines, Traditional Leaders, Local Authorities, Media, Government Departments, Mining Companies, Small Scale Miners, Artisanal

Miners, Civil Society Organisations and ZHRC. Regional representation was from Mozambique, Zambia, South Africa, Kenya and Democratic Republic of Congo.

The conference recommended that the mineral and mining reforms should be included in the Minerals and Mines Amendment Bill and that the proposed Bill should take cognisance of Free, Prior and Informed Consent (FPIC).

10.5.4. Zimbabwe Environmental Law Association (ZELA) Responsible Investments Conference

The ETWG was invited to participate in a Responsible Investment Conference and a one day exchange visit in Gwanda. The activities were organised by ZELA under the auspices of the Embassy of Finland Lusaka and Christian Aid. The multi-stakeholder engagement was an organised forum that was meant to explore opportunities and challenges related to the country's mining sector. The forum had an effect of increasing best practices to be adopted within mining communities when it comes to business and environment. The participants included Rural District Councils (Gwanda; Shurugwi; Mutare; Mhondoro-Ngezi; Mutoko; Zvishavane and Bindura), Communities from the listed RDCs; Chiefs (Nhamba-Garanyemba; Mathema; Masuku; Mathe-Gungwe; Masunda; Mapanzure; Ndanga; Chirau; Zvimba), National Investment Economic Board, Zimbabwe Council for Higher Education, The media and donors.

10.5.5. Extraordinary Environmental Rights Thematic Working Meeting

The ETWG in collaboration with ZELA conducted an Extra-Ordinary meeting of

the Environmental Rights Thematic Working Group (ETWG) on the 28th of November 2016. The purpose of the meeting was to present and deliberate on environmental challenges in the mining sector as identified

from community complaints from the mining districts of Shurugwi and Zvishavane, make proposals about remedial activities/actions including the development of a Work Plan. This workplan will guide activities for 2017.



Fig 20: Chairperson of ZHRC (fifth from left) with the members of the Environment TWG at the meeting

10.6. Civil and Political Rights Thematic Working Group Report

The Thematic Working Group on Civil and Political rights remained un-operational in 2016 although activities were carried out. The Chairperson of the TWG Commissioner Dr. Kurebwa together with a member accompanied the Monitoring and Inspections Unit in monitoring the Norton By-Election in October 2016. The Norton Constituency National Assembly seat fell vacant following the expulsion of MP Christopher Mutsvangwa from ZANU PF. Section 129(1)(k) of the Constitution provides that a seat becomes vacant when a member ceases to be a member of the political party of which he/she was a member when elected to Parliament. The ZHRC monitored and observed the Norton By-Election to ensure that they were conducted efficiently and in accordance with respecting the human

rights and freedoms entitled to the candidates and electorate. The monitoring included pre, election and post-election periods.

A member of the TWG also attended the Elections Indaba by the Zimbabwe Electoral Commission wherein they sought to meet all stakeholders in elections to come up with an electoral system for the General Elections in 2017. The stakeholders had to come up with a suitable voter's roll and ZEC sought to educate stakeholders on the pros and cons of several types of voter's rolls. A follow up meeting was held in October however, before the meeting came up with a way forward, it was interrupted by political parties who were unhappy with ZEC as an institution and eventually abandoned.

10.7. Economic, Social and Cultural Rights TWG

The Thematic Working Group on Economic Social and Cultural Rights is one of the

8 TWGs of the Zimbabwe Human Rights Commission. The Zimbabwe Human Rights Act (Cap. 10:30) mandates the ZHRC to set up Thematic Working Groups (TWGs) for the '... better exercise of its functions ... as it considers appropriate'. In clause 7(3), the Working Groups shall be based on thematic areas one of which is the thematic area of 'Economic, Social and Cultural Rights'. During the course of the year 2016 the TWG attended various workshops and meetings and organised its own activities. However, the activities were limited as the TWG has not been formally operationalised due to funding constraints.

Key achievements of the TWG

10.7.1. Drafting Key Documents

During the course of the year the TWG secretariat drafted a concept note, draft terms of reference and compiled a list of potential members to the TWG. These key documents were drafted to formalise the operationalisation of the TWG. The concept note focused on the inception workshop for the TWG while the draft terms of reference are a guide to the appointment and work of the TWG members. These documents have been reviewed by the Commissioner of the TWG.

10.7.2. Workshops and Networking Meetings

During 2016 the TWG attended two meetings. The first meeting was a Consultation meeting on the Interim Poverty Reduction Strategy Paper (IPRSP). The Interim Poverty Reduction Strategy (IPRSP) is an initiative to enhance Government's efforts in fighting poverty in the country and to ensure that there is inclusive growth guided by the ZIMASSET blueprint. The key participants at the meeting were the Government Ministries as well as non-state actors in the Social services sector. Presentations at this meeting were given by the Government Ministries as they highlighted their achievements as set out in the ZIMASSET blueprint and in line with Social Development Goals. The key output which was envisaged

through the IPRSP strategy is to facilitate the re-engagement process of Zimbabwe with the International Financial Institutions (IFIs) and cooperating partners, which is key in financing the country's development process and crafting of measures that can be implemented in the short to medium term, with long lasting impacts that guarantee improvement in citizenry welfare.

The second meeting was the Regional Capacity Strengthening Convening for National Human Rights Institutions from 22-25 November 2016 at Holiday Inn Sandton, Johannesburg in South Africa. The objective of this workshop was to highlight the rights of key populations of the LGBTIQ in Africa with focus on the role of National Human Rights Institutions on the promotion and protection of human rights of these populations.

10.7.3. Engagement Meeting with People Living with Albinism

To ensure that the marginalised benefit from the services offered by the ZHRC, the TWG on ESCR convened an engagement meeting with people with Albinism. The meeting was held at the Brethren in Christ Church in Bulawayo on the 17th of December 2016. The main purpose of the engagement meeting was to enlighten this vulnerable group of persons on the mandate and functions of the ZHRC as well as gather views on issues affecting them as people with albinism with regards to their economic, social and cultural rights in Zimbabwe. During this meeting the TWG was able to get in-depth knowledge on the challenges being faced by persons living with albinism and the participants present were able to provide recommendations on how their plight could be resolved.

11. SUMMARY OF HUMAN RIGHTS SITUATION IN ZIMBABWE 2016



Zimbabwe ended the year 2016 on a positive note having successfully undergone a Universal Periodic Review (UPR) of its human rights record by fellow member states of the United Nations on 2 November 2016. Zimbabwe received a total of 260 recommendations. 142 of these were accepted, 18 were noted, and 100 were subject for further consideration.

However, a violent wave of civil unrest preceding that process, particularly, between July and September 2016 was characterised by calls for national 'stay - away' as people exercised their civil right to demonstrate and petition. The protesters cited various challenges that included delays in payment of civil servants salaries, increased roadblocks and harassment of citizens. Calls were made for the prosecution and dismissal of corrupt officials, abandonment of the introduction of bond notes and revocation of Statutory Instrument 64 of 2016 which imposed a ban on some imported goods to protect local industries from unfair competition. The protests were organised over the Internet via WhatsApp, Twitter and Facebook social messaging platforms, using mainly the #ZimbabweShutDown2016, #Tajamuka and #ThisFlag hashtags. The government refused to sanction the protests which were suppressed by state security agents even when the protesters had Court Orders authorising their protest. In response to complaints lodged to the ZHRC, the Commission conducted two investigations into police conduct during the protests. These investigations led to the publication of a press statement by the Commission condemning police and security agents' heavy handedness and also calling on the protesting public to ensure their demonstrations were peaceful and respectful of the rights of others.

Other protests were organised by opposition political parties under the banner of the National Electoral Reform Agenda (NERA) to press for electoral reforms ahead of the 2018 elections. Political anxiety was also caused by endless reports in the media of factionalism within the ruling party Zanu PF around succession and squabbling War Veterans leadership. The much anticipated grand coalition of opposition political parties, in particular, the MDC -T and Zimbabwe People First (Zim PF) did not materialise, with the MDC - T itself divided over the appointment of two additional Vice Presidents for the Party. Nonetheless, people continued to exercise their political right to vote in by - elections that took place including the Norton and Chimanimani by - elections and several council wards that fell vacant. The Norton by - election was heavily contested with some incidents of violence being experienced in the run up to the elections.

Fulfilment of socio-economic rights was difficult as the Zimbabwean economy continued to be under stress throughout 2016 on account of a tight liquidity crunch and other macro - economic challenges. To alleviate the cash crisis and externalisation of foreign currency, withdrawal limits at banks were drastically reduced and long queues at banks became the order of the day. Despite the resistance by some citizens, the government, through the Reserve Bank of Zimbabwe (RBZ), introduced bond notes backed by an Afreximbank facility towards the end of the year. On a positive note, the government managed to settle the US\$107, 9 million International Monetary Fund (IMF) debt. The introduction of Statutory Instrument 64 of 2016 was intended to promote local industries, protect local jobs, and grow the economy. However, company closures continued owing to other policy

and practical challenges. In urban areas many people resorted to vending, selling all sorts of wares in the streets as a desperate coping mechanism to earn a living. This led to conflicts with urban councils and law enforcement agents often manifesting in running battles with the vendors as authorities tried, with little success, to force them to trade in designated areas. A severe drought for the second consecutive year had a toll on agricultural production and many rural households had to rely on food relief programmes. The Commission received a number of complaints alleging politicisation of food aid and agricultural inputs prompting the Commission to carry out investigations on the issue. The investigations confirmed some of the allegations leading the ZHRC to release a statement through a press conference condemning discriminatory and partisan distribution of aid. In general, socio-economic challenges were experienced throughout the year and had a negative impact on enjoyment of socio-economic rights. Such challenges included the continued economic decline, high levels of unemployment, food insecurity, limited provision of basic services such as quality education, quality health, provision of clean water and sanitation, and a dilapidated road network.

11.1. RECOMMENDATIONS

In view of the on-going violations, the ZHRC urges the Government of Zimbabwe to:

- 11.1.1. Improve on service delivery and be committed to finding a lasting solution to the ever declining social and economic conditions*
- 11.1.2. Speedy realignment of all laws that do not comply with the Constitution.*
- 11.1.3. Operationalize the outstanding Independent Commissions such as the National Peace and Reconciliation Commission (NPRC) and the Gender Commission.*
- 11.1.4. Continue to source for durable solutions to address economic challenges which are in turn contributing to the violation of rights.*
- 11.1.5. Refrain from interfering with the freedoms enshrined in the Constitution such as freedom of assembly, association and freedom of conscience.*



12. CONCLUSION

ZHRC succeeded in completing most of the planned activities for the period under review. Some of the highlights for 2016 amongst others relate to the recognition of ZHRC by GANHRI which granted the Commission an accreditation with an "A" Class Status, accreditation to the IOI as a voting member, as well as the official opening of the offices of the Commission which is an indication to the public that the organisation is set and fully operational in promoting, protecting and addressing human rights issues in this country. The operations of the Commission have come a long way and therefore, the continued financial and technical support from Government, Development Partners, and CSOs is greatly acknowledged.

The building and maintenance of partnerships with various stakeholders has assisted the Commission in implementing the scheduled activities for the year. ZHRC has been fully involved in raising awareness, monitoring, investigating and recording the human rights issues of 2016 in furtherance of encouraging the respect of all human rights. Through stakeholder engagements and outreaches, the Commission utilised these platforms to educate the public on numerous human rights issues as well as distribute promotional material which communicates the work of ZHRC. The operations of the TWGs also contributed towards ZHRC reaching out to various stakeholders, discussing pertinent issues that affect different human rights thematic sectors and compiling action points towards the protection of these rights.

The capacity development initiatives which were undertaken by ZHRC in 2016 will in the long run strengthen the execution of its mandate. For instance; the study visit to the Namibia

Ombudsman provided principles which the Commission will adopt in strengthening its public protector role. Learning best practices from other NHRIs through platforms such as the UPR or the African Commission on Human and People's Rights, was an opportunity for the Commission to go back to the drawing board and self-assess in order to couch effective strategies that will improve the human rights situation in the country. Capacitating ZHRC staff with investigative techniques, legal drafting and monitoring detention tools arms them with the requisite knowledge and skills geared towards fully administering their day to day work.

The work of the Commission has not been without challenges. The monitoring role of the Commission has been considerably hindered at times due to resource constraints. For example, ZHRC failed to rapidly respond to emergency human rights situations throughout the country as a result of inadequate funding for such programs. Moreover, a major impediment is the fact the ZHRC is not decentralised to all provinces therefore, in most instances it is not able to verify allegations of human rights violations reported in other parts of the country. The enforcement role of the Commission is also hampered in situations where Government fails to effectively implement the recommendations provided by the Commission during visits to institutions such as prisons and mental hospitals owing to economic hardships faced by the country. Moreover, maladministration allegation cases are not responded to the relevant parties. This in turn makes it difficult for the Commission to effectively handle certain cases to their logical conclusion. It is anticipated that continued engagement with relevant stakeholders will yield solutions to alleviate this plight.

13. RECOMMENDATIONS



The ZHRC makes the following recommendations;

- 13.1. The Government of Zimbabwe should take advantage of the UPR process by seriously considering recommendations from participating peer states with a view to addressing most of them. Further, as far as possible, sincerely implement these recommendations for the improvement and enjoyment of human rights by the citizens of Zimbabwe.
- 13.2. The Government of Zimbabwe should submit all outstanding State Party Reports to the various Treaty Bodies.
- 13.3. The Government of Zimbabwe should take all necessary measures to ensure that fundamental human rights and freedoms, enshrined in the Constitution, are fully respected and implemented.
- 13.4. The Ministry of Justice Legal and Parliamentary Affairs, Parliament of Zimbabwe and respective line Ministries promptly align legislation to the Constitution, taking into account the fundamental human rights and freedoms in the Declaration of Rights, so as to enhance the enjoyment of human rights by all the people of Zimbabwe.
- 13.5. Treasury should take all necessary measures to ensure that prisons and mental hospitals are adequately resourced in terms of human and financial resources. This comes after the monitoring visits which have shown that most prisons and mental health institutions are under-resourced leading to violations of prisoners' and patients' rights.
- 13.6. The Government of Zimbabwe, in particular the Office of the President and Cabinet (OPC), and Local Authorities should ensure effective service delivery in essential sectors like education, health, food security, and infrastructure development. Citizens are suffering while public officials appointed to these mandate areas have failed to come up with meaningful solutions to fast deteriorating living conditions.
- 13.7. The Government of Zimbabwe, in particular Treasury Authorities, should support the ZHRC through resourcing of the decentralisation efforts so that the Commission is easily accessible.
- 13.8. The capacity of the ZHRC should be enhanced through unfreezing of existing posts as well as authority to appoint staff members for the added Public Protector mandate of the Commission. The appeal is for the Treasury Authorities to reconsider the blanket freeze that is now crippling operations of new institutions like the ZHRC.
- 13.9. The Ministry of Justice, Legal and Parliamentary Affairs and indeed all Parliamentarians and relevant stakeholders should strengthen the human rights enforcement capacity of the ZHRC by ensuring that the enabling legislation provides for execution of the Commission's decisions and recommendations.



14. FINANCIAL REPORT

The Commission Financial Statements for 2016

1. Background Information

In line with the desire to implement effective internal control systems, the Commission has a Sub-Committee responsible for Budget, Finance, and Audit and Risk aspect of the entity. This has been set in line with Section 50 of the Public Finance Management Act (Chapter 22:19). The Committee's reports have been formally adopted by the Commission during the year under review. The Committee is guided by the following summarized terms of reference:

- Review the Commission's Annual Budget to ensure representativeness, sufficiency

and completeness

- Monitor budget implementation and approve review modifications
- Review Internal Control Systems, including related policies of the Commission annually to address any creeping Control Risks
- Follow-up implementation of Audit recommendations
- Appraise the full Commission on Commission's Financial Matters
- Asset Management and review of attendant policies

Over the past year, the Committee has satisfactorily carried out its duties and the following table summarises the meetings and attendance by various committee members:

MEMBER	DESIGNATION	2016 TOTAL MEETINGS	MEETINGS ATTENDED
E. H MUGWADI	Committee Chair	3	2
E. SITHOLE	Committee Deputy Chair	3	3
S. MATINDIKE	Committee Member	3	3
J. N NCUBE	Committee Member	3	3
E. V MUKUTIRI	Acting Executive Secretary (Ex. Officio)	3	3
H. GADZAI	Secretariat in Attendance	3	3
A. MUPUWI	Finance Director in Attendance	3	3
C. TANYANYIWA	Secretariat (Minute-taker)	3	2

2. Zimbabwe Human Rights Commission Financial Statements for Year-Ended 31 December 2016

STATEMENT OF FINANCIAL PERFORMANCE DURING THE YEAR

<u>INCOME/REVENUE</u>	NOTE	AMOUNT
Government grants, transfers and subsidies	1	\$ 1,718,252
Grants for development partnerships	2	\$ 633,015
Exchange Rate Gains		\$ 495
Total Revenue		\$ 2,351,762
<u>EXPENDITURE</u>		
Payroll and Employee Related Costs	3	\$ 1,544,725
Goods and services		\$ 128,762
Administrative Costs	4	\$ 163,373
Repairs and Maintenance Costs	5	\$ 119,238
Direct Programme Costs	6	\$ 327,097
Total Expenditure		\$ 2,283,195
Surplus/(Deficit) for the Year		\$ 68,567

STATEMENT OF FINANCIAL POSITION AS AT 31 DECEMBER 2016

ASSETS:	NOTE		AMOUNT
Non-Current Assets			
Land and Buildings	7	\$	1,350,000
Computer Equipment		\$	144,553
<i>Less: Accumulated depreciation</i>		\$	-17,070
Office Furniture & Fittings		\$	80,121
<i>Less: Accumulated depreciation</i>		\$	-15,819
Motor Vehicles		\$	250,554
<i>Less: Accumulated depreciation</i>		\$	-50,111
Total Non-Current Assets		\$	1,742,229
Current Assets			
Cash at Bank		\$	1,091
Other Current Assets	8	\$	1,168
Total Current Assets		\$	2,260
Total Assets		\$	1,744,488
<u>EQUITY AND LIABILITIES:</u>			
Equity			
Accumulated Fund		\$	1,402,361
Liabilities			
Trade Payables	9	\$	342,127
Total Equity and Liabilities		\$	1,744,488

3. Significant Accounting Policies

3.1 Basis of Financial Statements Presentation

The financial statements have been prepared in terms of generally accepted accounting practice in compliance with Section 37 of the Public Finance Management Act (Chapter 22:19) of Zimbabwe. On that basis, the Commission chose to treat the transactions and preparation of the statements in accordance with the modified cash receipts and cash payments basis. On the basis, revenue is recognized when received rather than when anticipated, and expenses are recognized when paid rather than when incurred. Depreciation estimates are made on the portion of the assets that have been consumed during the financial period and charged against the statement of receipts and payments. The liabilities that have been created during the year and prior years are treated in terms of Section 17 (8) of the Public Finance Act (Chapter 22:19); such liabilities are treated as current expenditure in the following years as provided through the Appropriation Act of that particular year.

The Commission has applied the following accounting policies and will consistently apply them from one period to the other unless need for change in accounting policy is justified in its future financial statements presentation.

3.2 Grant Income

Revenue is recognized when received rather than when earned.

3.3 Expenses

These are recognized when paid rather than when incurred. The only expenditure item that is accrued is depreciation charge for the use of Commission Assets during a financial year.

3.4 Home Currency

The Commission is operating in an economy where multi-currency system has been permitted since February 2009. However, for

purposes of presentation, the Commission has adopted the United States of America Dollar (US\$) as its home currency.

3.5 Taxation

The Commission is a State Entity created in terms of Chapter 12 of the Constitution of Zimbabwe (Amendment No. 20) Act of 2013. The Entity is exempt in terms of paragraph 2(d) of the Third Schedule of the Income Tax Act (Chapter 23:06)

3.6 Property, Plant and Equipment (PPE)

Property, Plant and Equipment relates to tangible non-current assets owned by the Commission mainly held for use in the production and supply of services in terms of the Constitutional mandate. These assets are in form of land and buildings, furniture and equipment, motor vehicles and specialised computer software. The cost of an item of PPE is recognized as an asset when it is probable that future economic benefits or service potential associated with the item accrue to the entity and the cost of such an item can be measured reliably. PPE is measured at cost together with other attributable costs to ensure it has been put for its intended use less accumulated depreciation. In the presentation of these financial statements, depreciation has been charged to reflect their estimated values as at the year-end.

3.7 Management Judgements and Estimations

In the process of preparation of these annual financial statements, management is inherently required to make certain assumptions and estimates that may affect the amounts reported and other related disclosures. Actual results in the future may differ from those reflected in these financial statements, resultantly in material difference. Such judgements have been made on the treatment of values of property, plant and equipment and resultant depreciation.

4. Notes to the Financial Statements

Note No.	Explanation
1.	Government grants, transfers and subsidies relates to direct transfers from the National Treasury, tax set-offs and other support in-kind from the Government of Zimbabwe.
2.	Grants from Development Partners relates to two grants received as follows: i. Danish and Norwegian Governments support for \$204,908 ii. Danish Government support for \$428,602 These funds were channelled through the Danish Institute for Human Rights.
3.	Payroll and related costs consists of payroll expenditure from support as follows: i. Government of Zimbabwe \$1,400,829 ii. Short-term grants from Development Partners \$ 143,896
4.	Administrative Costs relates to following specific costs and charges for depreciation: i. Administrative costs and other overheads \$163,372
5.	Repairs and Maintenance Costs as follows: i. Motor Vehicles \$37,535 ii. Technical Equipment & Premises \$89,999
6.	Direct Programme Costs Supported as follows: i. Grant from Danish and Norwegian Governments \$151,756 ii. Grant from Danish Government \$175,341
7.	Land and Buildings value relates to the cost of the Commission's No. 144 Samora Machel Avenue Head Office in Harare. The building was provided by the Government of Zimbabwe for the use by the Commission.
8.	Other current assets relate to stocks of office and computer consumables kept in office stores.
9.	Trade Payables relate to amounts owing to various service providers. Included in the figure are amounts that were inherited during the handover of the Harare Office building from Government. The Commission is engaging respect service providers with a view to adjust figures relating to electricity, rates and water charges.