



For Human Dignity

ANNUAL
REPORT
2019

FOREWORD BY THE CHAIRPERSON



Dr Elasto Hilarious Mugwadi - Chairperson

In line with the provisions of section 323 of the Constitution of Zimbabwe, the Zimbabwe Human Rights Commission (ZHRC) presents its Annual Report for the year 2019. This is the Commission's 6th Annual Report since its establishment.

The ZHRC experienced significant growth in its work, as it embarked on its first ever National Inquiry (NI) in terms of section 243 (1) (j) of the Constitution. The section empowers the Commission to conduct research into issues relating to human rights and fundamental freedoms and social justice. The National Inquiry took the Commission to all the ten provinces and every district of the country in a quest to appreciate and find solutions to the challenges faced by citizens in accessing identity documents.¹ The NI was also an opportunity for the Commission to enhance its visibility and to strengthen its relationships with stakeholders and the general public.

The ZHRC continued to exercise its human rights protection mandate, by receiving and processing complaints. However, the Commission is disheartened by the recurrence of cases of violation of human rights which should have been a thing of the past, had the

¹ The identity documents were Birth Certificates, National Identity cards, Citizenship, Passports and Death Certificates.

Commission's recommendations been implemented. For example, human rights violations in cases of partisan distribution of food relief and other items given under the Presidential Agricultural Inputs Scheme continued to rear their ugly head. Cases of failure to honour pension obligations were also recurrent. On another very important note, it is imperative that the ZHRC Act be aligned to the Constitution so that the Commission acquires more enforcement powers. This is also the only way the Commission will be able to retain its 'A' Status accreditation when it is reviewed by GANHRI in 2021.

The Commission monitored developments in Chimanimani and Chipinge, following the impact of Cyclone Idai, in line with the African Commission 2019 theme on Internally Displaced Persons (IDPs).² The Commission urges the Government to provide durable solutions in terms of resettlement and rights to shelter of affected persons. The Commission's monitoring of institutions and places of detention, pointed to the need for review of budgetary allocation and disbursement of more resources in view of the challenges being experienced in the prevailing economic situation.

The Commission had the pleasure to extend the scope of its human rights education and promotion work to other levels of society, in particular the education sector and the hard to reach areas in all districts of the country, through the NI outreaches.

The visibility of the Commission and the impact of its programmes remained constrained due to non-decentralization. The Commission still has two offices only, the main one in Harare and another in Bulawayo, five years after operationalisation.

The year 2019, saw citizens persistently grappling with a difficult socio-economic environment characterized by hyperinflation, erosion of incomes, pensions and savings, and further decline in service delivery. This was partly due to unreliable energy supply, reduced productivity and inconsistent economic policies.

² The year of Refugees, Returnees and Internally Displaced Persons: Towards durable solutions to forced displacements in Africa.

The civil and political landscape was characterized by a shrinking civic space to exercise constitutionally provided freedoms, in particular; freedom of expression; freedom to demonstrate and petition; and freedom of assembly and association. ZHRC urges all political parties to engage in dialogue so as to promote stability, peace and economic growth in the country.

The Commission remains committed to contribute towards addressing the current political, economic and social challenges in the country, within the confines of its mandate, to promote enjoyment of rights, in particular the right to an adequate standard of living and administrative justice.

Contents

(i) FOREWORD BY THE CHAIRPERSON	2
(ii) ZHRC COMMISSIONERS 2019.....	8
(iii) ACKNOWLEDGEMENTS	
(iv) ACRONYMS	
(v) EXECUTIVE SUMMARY	
1. INTRODUCTION.....	15
1.1. Legal and Policy Framework	15
1.2. Organisational Structure.....	17
2. OVERVIEW OF THE HUMAN RIGHTS SITUATION IN 2019	23
3. NATIONAL INQUIRY ON ACCESS TO IDENTITY DOCUMENTATION IN ZIMBABWE ...	27
3.1. Introduction	27
3.2. Outputs	27
3.3. Process and Preparatory Phase.....	27
4. PROTECTION OF HUMAN RIGHTS AND PROTECTION FROM MALADMINISTRATION	33
4.1. Introduction	33
4.2. Cases Dealt with in 2019.....	33
4.3. Analysis of Complaints by Classification	35
4.4. Analysis of Complaints by Provinces.....	35
4.5. Analysis of Complaints by Gender	36
4.6. Mobile Human Rights Clinics (MHRCs).....	36
4.7. Highlights of the Investigations conducted in 2019.....	38
4.7.1. Freedom to Demonstrate and Petition.....	38
4.7.2. Violations of Children’s Rights.....	39
4.7.3. Right to Equality and Non-Discrimination	39
4.7.4. Evictions	39
4.7.5. Maladministration Case.....	40
5. ENFORCEMENT OF HUMAN RIGHTS	42
5.1. Monitoring of Human Rights.....	42
5.2. Missions to Cyclone Idai Affected Communities	42
5.3. Monitoring of the Aftermath of Disturbances after the January 2019 “Stay Away”	44
5.4. Election Monitoring.....	44
5.4.1. Review of the ZHRC Election Strategy and Elections Report.....	44

5.4.2.	Monitoring of Lupane East and Glen View South By Elections.....	45
5.5.	Review of ZPCS Rehabilitation and Community Reintegration Programme	46
5.6.	Monitoring Missions to Institutions and Places of Detention	46
5.6.1.	Visit to Tongogara Refugee Camp	46
5.6.2.	Prisons Monitoring and Inspections Missions.....	47
5.6.3.	Monitoring of Police Holding Cells.....	48
5.6.4.	Monitoring of Mental Health Institutions.....	48
5.6.5.	Engagement with ZPCS and Mental Health Institutions	49
6.	PROMOTION OF HUMAN RIGHTS.....	50
6.1.	Introduction	50
6.2.	Press Statements.....	50
6.3.	Development and Distribution of IEC Materials	52
6.4.	Practitioners' Training Manuals on Constitutional Rights.....	52
6.5.	Education, Promotion and Research Manual	53
6.6.	Training of Duty Bearers	53
6.7.	Community Outreaches.....	54
6.8.	Roadshow Outreaches.....	55
6.9.	Exhibitions	56
6.10.	Community Radio Programmes.....	57
6.11.	Human Rights Education in the Education Sector.....	58
6.11.1.	Human Rights Education in Schools	58
6.11.2.	Tertiary Institutions Debate Competition and Commemoration of IHRD	59
7.	Thematic Working Groups (TWGs)	61
7.1.	Introduction	61
7.2.	Gender Equality and Women's Rights (GEWR) TWG	61
7.3.	Special Interest Groups (SIGs) TWG	62
7.4.	Children's Rights (CR) TWG	63
7.5.	Civil and Political Rights (CPR) TWG.....	63
7.6.	Environmental Rights TWG.....	64
7.7.	Economic, Social and Cultural Rights TWG	65
7.8.	International Agreements and Treaties TWG	65
8.	REGIONAL AND INTERNATIONAL MEETINGS	67
8.1.	65 th Ordinary Session African Commission on Human and Peoples' Rights.....	67
8.2.	AOMA Mediation Training	67
8.3.	United States Ombudsman Association (USOA) Annual Conference.....	67

8.4.	Learning Visit to the Egypt National Council of Human Rights (ENCHR).....	68
8.5.	Capacity Building Initiatives.....	68
8.5.1.	Alternative Dispute Resolution, Psycho-social and Client Management Training	68
8.5.2.	Case Management System Update.....	69
8.5.3.	Raoul Wallenberg Institute (RWI) Supported Trainings	69
8.5.4.	Negotiation and Mediation for Consensus-Based Nation-building Course.....	70
9.	CHALLENGES, LESSONS LEARNT	71
9.1.	Challenges.....	71
9.2.	Lessons Learnt	71
10.	RECOMMENDATIONS	73
11.	FINANCIAL STATEMENT	76

ZHRC COMMISSIONERS 2019



From left to right: Commissioner Dr. Elasto Hilarious Mugwadi Chairperson of the ZHRC; Commissioner Dr. Ellen Sithole – Deputy Chairperson ZHRC; Chairperson of the TWG on International Treaties and Agreements



From left to right: Commissioner Sethulo Ncube; Chairperson of the TWG on Capacity Building; Commissioner Dr. Joseph Kurebwa Chairperson of the TWG on Civil and Political Rights; Commissioner Sheila Hillary Matindike, Chairperson of the TWG on Special Interest Groups



From left to right: Commissioner Kwanele Muriel Jirira, Chairperson of the TWG on Gender Equality and Women's Rights; Commissioner Japhet Ndabeni Ncube, Chairperson of the TWG on Economic, Social and Cultural Rights; Commissioner Pastor Petunia Chiriseri, Chairperson of the TWG on Children's Rights

ACKNOWLEDGEMENTS

The ZHRC is indebted to its Commissioners and the Secretariat who worked tirelessly throughout the year. The Commission acknowledges the unwavering support of the following stakeholders and development partners who contributed immensely to a productive year:

- The Government of Zimbabwe (GoZ)
- United Nations Development Programme (UNDP)
- European Union (EU)
- Transparency, Responsiveness, Accountability and Citizen Engagement (TRACE)
- Swedish International Development Agency (SIDA)
- Embassy of Sweden
- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- International Organization for Migration (IOM)
- Raoul Wallenberg Institute (RWI)
- Civil Society Organisations (CSOs)
- Faith Based Organisations (FBOs)

ACRONYMS

ACHPR	African Commission on Human and People’s Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AOMA	African Ombudsman and Mediators Association
CAT	Convention against All forms of Torture, Inhuman and Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CHI	Complaints Handling and Investigations
CIPA	Commission Integrated Performance Agreement
CPU	Civil Protection Unit
CSO	Civil Society Organisation
CRC	Convention on the Rights of the Child
HRE	Human Rights Education
EPR	Education, Promotion and Research
EU	European Union
FBO	Faith Based Organisation
GANHRI	Global Alliance for National Human Rights Institutions
GIZ	Deutsche Gesellschaft Internationale Zusammenarbeit
HCP	Harmful Cultural Practices
HRC	Human Rights Council
ICT	Information Communication Technology
IEC	Information, Education and Communication
IOI	International Ombudsman Institute
IOM	International Organisation on Migration
MDC-A	Movement for Democratic Change- Alliance
MHRC	Mobile Human Rights Clinic
M&I	Monitoring and Inspections
MOU	Memorandum of Understanding
NANHRI	Network of African National Human Rights Institutions
NHRI	National Human Rights Institution

NI	National Inquiry (on Access to Documentation in Zimbabwe)
SDC	School Development Committee
SDG	Sustainable Development Goals
SIDA	Swedish International Development Agency
SGBV	Sexual Gender Based Violence
POLAD	Political Actors Dialogue
RWI	Raoul Wallenberg Institute
TRACE	Transparency, Responsiveness, Accountability and Citizen Engagement
TWG	Thematic Working Group
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
ZANU-PF	Zimbabwe African National Union- Patriotic Front
ZAS	Zimbabwe Agricultural Show
ZBC	Zimbabwe Broadcasting Corporation
ZHRC	Zimbabwe Human Rights Commission
ZITF	Zimbabwe International Trade Fair
ZPCS	Zimbabwe Prisons and Correctional Service
ZRP	Zimbabwe Republic Police

EXECUTIVE SUMMARY

During the year 2019, ZHRC launched its first ever National Inquiry (NI) on Access to Documentation in Zimbabwe which became the main focus of the Commission's work. The NI was implemented in a systematic manner in all ten Provinces of the country starting with stakeholder engagements at provincial level followed by deployment of teams for outreaches in all Districts to raise awareness and receive evidence submission forms from witnesses and stakeholders. A total of 7,544 (4,877 females and 2,647 males) witness and stakeholder submission forms were received. The Public Hearings were conducted from July to November 2019. The National Inquiry focused on five identity documents namely, birth certificates, national identity cards, death certificates, passports and citizenship certificates. In the coming year, the Commission anticipates to conclude the National Inquiry on Access to Documentation in Zimbabwe and present its final report to Parliament.

The Commission handled a total of four hundred and fifty-nine (459) cases in 2019, with the majority of the cases being filed in Harare and Bulawayo where the Commission has offices. To mitigate the effects of non-decentralisation and improve access to Commission services, ZHRC carried out 14 Mobile Human Rights Clinics in different parts of the country. Investigations carried out by ZHRC included cases of alleged partisan aid distribution (this included food and agricultural inputs), election-related violence and maladministration, amongst other issues.

ZHRC continued to monitor the general human rights situation in the country and specifically monitored the response to the Cyclone Idai disaster, by-elections, places of detention, institutions such as children's homes, old people's homes and Tongogara Refugee Camp and kept track of emerging human rights issues such as the January 2019 protests, among other interventions.

The monitoring missions by the Commission, revealed challenges being experienced in places of detention and institutions which impact on the rights of institutionalized persons.

Most of the challenges are attributed to the prevailing socio- economic situation in the country.

While the promotion work of the Commission was centered on the National Inquiry, the Commission continued to employ multi-faceted strategies to promote awareness of human rights. These strategies included human rights trainings for duty bearers; community outreaches; issuing of press statements; exhibitions; and development of IEC materials that included human rights training manuals. The Commission made a breakthrough in terms of promotion of Human Rights Education (HRE) in tertiary institutions and schools through extra-curricula activities, namely debates and quiz competitions.

The mandate of the Commission was also advanced through the work of the eight (8) Thematic Working Groups (TWGs). Of note was the capacity building workshop jointly conducted by the Gender Equality and Women's Rights and the Special Interest Groups TWGs on Sexual Reproductive Health Rights, Harmful Cultural Practices and Sexual Gender Based Violence (SGBV). Further, the two TWGs facilitated analysis of the Disability Bill by the Commission with input being sent to the relevant Ministry. The TWGs have continued to input into State Party Reports, for example, the reports on the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the African Charter on the Rights and Welfare of the Child (ACRWC). Through the Environmental Rights TWG the Commission sensitised mining communities such as Mazvihwa in Zvishavane on environmental and socio-economic rights.

The capacity building partnership with the Raoul Wallenberg Institute (RWI) saw Commissioners and Secretariat being capacitated through three (3) trainings. The trainings were on Human Rights and Displacement within the context of Climate Change; Sustainable Development Goals; and National Human Rights Institutions and International and Regional Human Rights Reporting Mechanisms.

ZHRC learnt best practices from other NHRIs when some Commissioners and members of Secretariat took part in the study visit to the Egypt National Council of Human Rights, and the Kenya National Commission for Human Rights.

The Commission was represented at Regional and International fora, such as the 41st Session of the Human Rights Council, the Global Alliance of National Human Rights Institutions (GANHRI); the Network of African National Human Rights Institutions (NANHRI); 65th Ordinary Session of the African Commission on Human and Peoples Rights; African Ombudsman and Mediators Association (AOMA), among other platforms.

Throughout the year, the Commission through its Monitoring and Investigations work produced a number of reports with recommendations that should be implemented by different stakeholders. One of the notable recommendations was that the Government of Zimbabwe should come up with durable solutions for communities affected by Cyclone Idai as well as speedy resolution to the prevailing political and socio-economic challenges.

1. INTRODUCTION

1.1. Vision, Mission and Core Values

The work of the Zimbabwe Human Rights Commission is guided by its vision, mission and values which are as follows:

Vision

A Zimbabwean society where human rights and administrative justice are fully enjoyed by everyone.

Mission

To be an effective, fearless and independent national institution for the advancement, protection, promotion and enforcement of human rights and administrative justice in accordance with the Constitution of Zimbabwe and international human rights standards.

Core Values

- Fearlessness
- Accessibility
- Independence
- Responsiveness
- Professionalism
- Integrity

1.2. Legal and Policy Framework

The Zimbabwe Human Rights Commission (ZHRC) is the National Human Rights Institution (NHRI) for Zimbabwe established 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 and to deal with maladministration by public institutions and their officials. It is a hybrid institution with a dual mandate following its taking over in 2013 of the functions of the now defunct Office of the Public Protector. The Commission derives the mandate for its work from section 243 of the Constitution of Zimbabwe, which provides for the following functions:

- 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;
- to monitor, assess and ensure observance of human rights and freedoms;
- to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
- to protect the public against abuse of power and maladministration by the State and public institutions and by officers of those institutions;
- 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;
- to secure appropriate redress including recommending the prosecution of offenders where human rights or freedoms have been violated;
- 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;
- to recommend to Parliament effective measures to promote human rights and freedoms;
- To conduct research into issues relating to human rights and freedoms and social justice; and
- To visit and inspect-
 - prisons, places of detention, refugee camps and related facilities; and
 - places where mentally disordered or intellectually handicapped persons are detained;

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

1.3. Organizational Structure

1.3.1. Commissioners

The ZHRC commenced the year 2019 with eight (8) Commissioners, with one vacancy still to be filled after the resignation of the incumbent in 2018. These are; Commissioner Dr. Elasto Hilarious Mugwadi (Chairperson), Commissioner Dr. Ellen Sithole (Deputy Chairperson), Commissioner Muriel Kwanele Jirira, Commissioner Dr. Joseph Kurebwa, Commissioner Sheila Hillary Matindike, Commissioner Sethulo Ncube, Commissioner Pastor Petunia Chiriseri and Commissioner Japhet Ndabeni-Ncube. Two (2) out of the six (6) part-time Commissioners (one female and one male) are based in the Southern Region which covers Bulawayo, Matabeleland North and South, Midlands and Masvingo. The second and final terms of office of four Commissioners including the Deputy Chairperson are due to expire at the beginning of May 2020.

1.3.2. Functions of the Commission's Secretariat

The ZHRC carries out its mandate as provided for in the Constitution of Zimbabwe through two main functions, namely Programmes and Administration. The head of the secretariat is the Executive Secretary.

1.3.3. Programmes Department

The Programmes Department 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. The Department is headed by the Deputy Executive Secretary for Programmes. There are three (3) sections under this Department, which are Complaints Handling and Investigations (CHI); Education, Promotion and Research (EPR); and Monitoring and Inspections (M & I). The Fourth section on Administrative Justice is yet to be operationalized but its functions are being performed by the existing units.

1.3.4. Administration Department

The Administration Department is headed by the Deputy Executive Secretary-Administration. It is comprised of 3 sections; Finance, Human Resources, and Administration.

1.3.5. Staff Establishment in 2019

The establishment for the ZHRC as of December 2019 stood at 76.4% of the total approved complement. This was a slight increase compared to 74.5% the previous year. The table below gives a breakdown of the establishment.

Table 1. Total Number of Secretariat staff by Gender

DEPARTMENT	Female		Male		Total
	Permanent	Contract	Permanent	Contract	
Executive Secretary	0	0	0	0	0
Programmes	12	0	7	0	19
Administration	9	0	13	0	22
Projects	0	7	0	6	13
Interns	0	5	0	3	8
Total	21	12	20	9	62

1.3.6. Geographical Spread

After 5 years of operations, the Commission has still not been able to decentralize to the Provinces and Districts in accordance with section 22 of the Zimbabwe Human Rights Commission Act [Chapter 10:30]. The Commission is currently operating from only two offices, the main one being in Harare (Northern Region) and the second one in Bulawayo (Southern Region). The Government of Zimbabwe has not yet availed funding for decentralization despite spirited engagements over the period under review. As a result, the Commission continues to largely serve the two urban Provinces of Harare and

Bulawayo out of the 10 Provinces. This explains why 54% of all complaints in 2019 emanated from the two Provinces. ZHRC clients and stakeholders continue to raise concern about the Commission’s lack of geographical spread. Even treaty bodies have also called upon the Government to adequately resource the Commission so that it is fully functional. One of the Concluding Observations³ to Zimbabwe’s State Party Report on the Convention on the Rights of the Child of 2016, called upon the State to ensure the independence of the Zimbabwe Human Rights Commission, in terms of funding, mandate, immunities and the appointment of its members, in full compliance with the Paris Principles. In addition, some of the Universal Periodic Review (UPR)⁴ recommendations accepted by Zimbabwe called for the State to adequately fund the ZHRC. The decentralization of the Commission is therefore an important compliance provision that should be adhered to.

Table 2: Geographical Spread of ZHRC Staff

	Head Office		Southern Region		Total
	Northern Region				
	FT ⁵	PT ⁶	FT	PT	
Permanent staff	35	0	6	0	41
Projects (contract)	0	13	0	0	13
Interns	0	6	0	2	8
Total	35	19	6	2	62

1.3.7. Increased Staff Complement

During the year, the Commission recruited staff to complete the approved establishment of fifty five (55) employees. However, it should be noted that this was still inadequate to meet the Commission’s current needs in order to adequately discharge its mandate.

³ UN Committee on the Rights of the Child CRC/C/ZWE/CO/2 Article 20

⁴ The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. Zimbabwe was reviewed in 2016 and received 260 recommendations.

⁵ FT- Full Time

⁶ PT- Part Time

Therefore, the Commission continued to engage Treasury for concurrence to expand its staff complement and address critical gaps in areas such as procurement and internal audit. The Commission was given concurrence to increase its staff to seventyfour employees as a result of this engagement. Recruitment for the positions was underway at the close of December 2019.

The Commission engaged the services of Projects Staff (with support from partners) in order to complement its staff during the year under review as indicated in the table below;

Table 3. Secretariat Staff Recruited in 2019

NO.	POSITIONS	PROJECTS				GVT	Total
		UNDP	GIZ	TRACE(N.I)	IOM		
1	Project Co-ordinator	0	0	1	0	0	1
2	Human Rights Officers	2	0	2	1	4	9
3	ICT Officer	0	1	0	0	0	1
4	Project Administrator	0	0	1	0	0	1
5	Driver	0	0	2	0	0	2
6	Interns	0	9	0	0	0	9
7	Data Capturers	0	0	2	0	0	2
	Total	2	10	7	1	4	24

1.3.8. Staff Turnover

During the year under review, ZHRC experienced terminations in the form of resignations and contract expirations. Of note, the Executive Secretary resigned from her post in February 2019. Concurrence to recruit for the position was granted. The resignation was largely due to the uncompetitive remuneration package offered by the Commission. ZHRC continues to face the challenge of uncompetitive remuneration which has hampered recruitment efforts and increased the risk of more resignations, particularly as the socio-economic environment continues to deteriorate. Resignation of experienced staff results in loss of investment made through various training initiatives and reduces the Commission's capacity to effectively carry out its functions.

The following table highlights the terminations recorded during the year;

Table 4. Terminations

NO.	POSITION	TERMINATION PERIOD	REASON
1	Executive Secretary	February	Resigned
2	2 Human Rights Officers	December	End of contract
3	ICT Officer	September	End of contract
4	Driver	September	End of contract
5	Monitoring & Evaluation Officer	September	End of contract
7	6 Interns	December	End of attachment

1.3.9. Internship Programme

The Commission has continued to contribute to the development of human resources, as part of its Corporate Social Responsibility. In this regard the Commission engaged nine interns from Tertiary Institutions who were attached to the different Departments within the ZHRC.

1.3.10. Integrated Performance Agreement (IPA)

The Commission undertook training on the Integrated Performance Agreement (IPA) which is a precursor to agreed annual performance for the organisation. The process assisted in conceptualization of the work of the Commission; understanding how the different Departments feed into each other and is expected to inform the next Strategic Plan. Through the IPA process, the ZHRC mandate was structured with three key result areas for the Commission being established as shown in the table below;

No.	Key Result Area	Weightage	Responsible Department/s
KRA1	Human Rights and Freedoms Advancement	50	Programmes
KRA2	Administrative Justice delivery	30	Programmes
KRA3	Institutional Capacity Development	20	Governance and Administration

1.3.11. Staff Development

1.2.11.1 Paralegal Studies

In spite of the fact that the Commission's secretariat possesses diverse skills and competencies, it is imperative for them to have sound legal and human rights knowledge. A total of seven staff members were enrolled into the Diploma Course in Paralegal Studies with the Midlands State University Law School in 2019. Four members completed the programme. The rest are expected to complete in 2020. This programme is supported by a development partner organisation known as TRACE.

2. OVERVIEW OF THE HUMAN RIGHTS SITUATION IN 2019

- 2.1. The Commission's views on the human rights situation in the country are informed by the general monitoring and observations of unfolding situations, complaints received, investigations conducted, the National Inquiry on Access to Identity Documentation, outreaches, stakeholder engagements and interactions, and other activities of the Commission.
- 2.2. Among other interventions contributing to the enjoyment of human rights, Government set up a *Commission of Inquiry on Sale of State Land in and Around Urban Areas*, in an effort to address issues of illegal sale of State land. The recommendations of the Commission of Inquiry are expected to assist the Government in ensuring proper and regular settlement in urban areas that will facilitate the provision of basic services such as water and sanitation. Proper settlement reduces the need for demolition of irregular settlements which often gives rise to serious human rights violations.
- 2.3. The enjoyment of human rights was negatively impacted by a number of issues that included; corruption, effects of climate change, abolition of the multi-currency system, deterioration of service delivery and shrinking of the civic space.
- 2.4. The ZHRC commends the Government of Zimbabwe for demonstrating willingness to cooperate with international human rights mechanisms by inviting the United Nations Special Rapporteur on the Right to Food and the Special Rapporteur on Freedom of Peaceful Assembly and Association. The Commission welcomed the opportunity to interact with the two Special Rapporteurs and make its submissions. Government is urged to consider and act on their recommendations.



Figure 1: ZHRC Commissioners with UN Special Rapporteur on the Right to Food, Ms. Hilal Elver (seated right) and her team.

2.5. The Auditor General’s Report (2018) highlighted various irregularities which amounted to corruption, abuse of office and misappropriation of public funds. This has a negative impact on the enjoyment of human rights, particularly economic, social and cultural rights, as resources that would otherwise be used to enhance their enjoyment are diverted. The ZHRC notes that the Government intensified efforts to fight corruption through high profile arrests, prosecution of some of the alleged offenders and setting up of special courts on corruption. Government efforts to strengthen the Zimbabwe Anti-Corruption Commission are commendable. The Commission acknowledges efforts by Parliament, to promote accountability and transparency in Government business, by summoning State Officials and other stakeholders to appear before its Portfolio Committees.

2.6. In March 2019, the country, together with its neighbours, Mozambique and Malawi, was affected by Cyclone Idai. This disaster⁷ caused displacements and loss of property and human life in Chimanimani and some parts of Chipinge,

⁷ According to the Herald of 8 April 2019, the Government stated that 185 people were killed. However the UN Migration Agency puts the death toll at 259. People injured 200, people displaced 15 000 households, and people affected 250 000.

Buhera and Masvingo. The Government coordinated various efforts to mitigate the effects of the disaster. However, ZHRC remained concerned with the slow pace in providing durable solutions⁸.

- 2.7. Zimbabwe experienced another drought which impacted negatively on food security. Efforts of Government and other stakeholders in mitigating the situation through subsidies and food aid and relief programmes are appreciated. However, the Commission remains concerned by complaints of partisan food aid distribution, which it continues to receive.
- 2.8. In 2019, public service delivery continued to deteriorate. The prolonged strike and incapacitation of medical personnel seriously compromised the right to life and the right to health care which are enshrined in the Constitution of Zimbabwe. Of great concern, is the decline in the quality of maternal health care, scarcity of medication in public institutions with private players charging exorbitant prices, or demanding payment in foreign currency. The right to health is closely linked to the right to safe, clean and potable water whose access has continued to be a great challenge especially in urban areas.
- 2.9. Challenges experienced in the energy sector, in particular, long periods of electricity load shedding and fuel shortages, negatively impacted on service delivery and productivity in the country.
- 2.10. Socio-economic rights were negatively impacted by a number of factors, that included, closure of companies, mineral ore and foreign currency leakages in the mining sector, limited agricultural production and the change in financial policies, for example introduction of SI 142/19 which ended the multi-currency system. These factors had far reaching implications on the household economy causing erosion of incomes, pensions and savings. The enforcement of SI 142/19 by Government proved difficult, with the parallel market continuing to

⁸ Further information is provided for under the Monitoring section of this report.

thrive. This resulted in price distortions, with the price of goods increasing beyond the reach of ordinary citizens due to hyperinflation.

- 2.11. Environmental degradation continued to be an issue of concern due to rampant illegal artisanal mining activities, and business entities which are non-compliant with business and human rights principles. Of great concern to the Commission was the violence in the mining sector that was unleashed by “machete” wielding artisanal miners. These became a menace to the public and law enforcement agencies, threatening national security and the right to life. The Government is urged to enforce and strengthen laws governing the sector, so as to curb loss of lives and violence.
- 2.12. Civil and political rights were not fully enjoyed by citizens, in particular, the freedoms of association, assembly, demonstration, petition and expression. This challenge was evidenced by the protests of 14 January 2019, which were sparked by fuel price increases, and resulted in violence. These incidents were subsequently used by police to deny issuance of permits or clearances for holding public gatherings.
- 2.13. Political polarization persisted despite setting up of the Political Actors Dialogue (POLAD) by His Excellency, President E.D. Mnangagwa. POLAD was meant to be a platform for promoting peace, reconciliation and development. However, the main opposition party, MDC-A declined to participate in the Dialogue. ZHRC remains hopeful that the main political parties will find common ground to dialogue and contribute to the resolution of the socio economic challenges facing the country.

3. NATIONAL INQUIRY ON ACCESS TO IDENTITY DOCUMENTATION IN ZIMBABWE

3.1. Introduction

The Commission is empowered in terms of Section 243 (1) (j) of the Constitution to conduct research into issues relating to human rights, freedoms and social justice. Through its work, the Commission noted systemic human rights violations arising from limited and lack of access to national identity documents by some citizens. In an effort to identify the root causes and proffer solutions to the challenges, the Commission embarked on a National Inquiry (NI) on Access to Documentation. The Inquiry focused on five national documents, namely; national identity cards, passports, citizenship certificates, birth certificates and death certificates.

3.2. Outputs

The NI had the following four outputs;

- 3.2.1. Enhanced cooperation and linkages between ZHRC and Stakeholders on documentation;
- 3.2.2. Enhanced awareness of the general public on the National Inquiry and the role and mandate of the ZHRC;
- 3.2.3. Enhanced understanding of socio-economic challenges faced by people in accessing identity documents by the ZHRC; and
- 3.2.4. Greater understanding by the Government and stakeholders on the situation regarding access to documentation in Zimbabwe.

3.3. Process and Preparatory Phase

In preparation for the NI, the Commission undertook the following:

- 3.3.1. Capacity building for Commissioners and Secretariat, to equip them with knowledge and skills on how to carry out a National Inquiry. Expert facilitators that included 2 judges (one regional and one local), communication experts and technical experts from the *Commission of Inquiry into Sale of State Land in and around urban areas since 2005*, shared best practices for conducting public hearings.



Figure 2: Justice Ziona Ntaba from Malawi facilitating a session at the NI Capacity Building Workshop.

A trial public hearing was held in Epworth (in March 2019) to enhance practical skills on conducting the NI. A research paper was commissioned to identify the gaps in the laws and policies on accessing identity documentation.

The process of implementing the National Inquiry was highly consultative and participatory with two national Stakeholder meetings being conducted in Harare and Bulawayo on the 12th and 14th of March 2019 respectively. A total of 75 participants (41 males and 34 females) attended the Harare meeting whilst in Bulawayo 125 (59 males and 66 females) attended. The purpose of these consultative meetings was to sensitize stakeholders on the NI and gather preliminary information on the extent of challenges being faced by citizens in their areas.

Monitoring visits to selected⁹ prisons and older persons and children's homes were undertaken in May 2019. The visits focused on documenting the extent of lack of access to national documentation and challenges in accessing documentation in institutions.

⁹ Institutions visited include the following; Mutimurefu, Mutare farm prison and Whawha Young Offenders Prison, Makoni Old People's home, Manhinga Children's Home.

3.3.2. Two hundred and twelve (212) university students¹⁰ (72 males and 140 females) were engaged, to raise awareness on the National Inquiry on Access to Documentation. The engagements were held from 8 to 10 May 2019, to identify the challenges the youth are facing in accessing national documentation.

3.3.3. Awareness and visibility of the National Inquiry was achieved through the implementation of a communication and visibility strategy. Some of the strategies included the official launch of the Inquiry at a Press conference held on the 20th March 2019, exhibition at the Zimbabwe International Trade Fair, (under the theme “My Identity My Right”) use of mass media including social media, Information, Education and Communication (IEC) materials.

3.4. **Mobilisation and Submission of Witness Forms**

After the preparatory phase and consultations, ZHRC embarked on a process of mobilizing witnesses, gathering evidence and identifying witnesses to appear before the panel of Inquiry.

A systematic process starting with stakeholder engagements at provincial level, followed by deployment of teams for outreaches to all districts to raise awareness on the NI and to receive submission forms from witnesses and stakeholders was adopted. A total of seven thousand, five hundred and forty-four (7544) written witness submissions was received from all the Provinces (4877 females and 2647 males and 237 were persons with disabilities). One hundred and ninety-one (191) stakeholder forms were submitted to the Commission.

The Commission made it a priority to target marginalized groups by visiting their communities and engaging with them, directly and through their representatives. These communities included the San in Matabeleland North and Matabeleland South, the Doma

¹⁰ From Great Zimbabwe University, Midlands State University and the National University of Science and Technology.

in Mashonaland Central Province, border communities, refugees at Tongogara Refugee Camp, institutions which house vulnerable groups such as persons with disabilities, prisons, old people’s homes and orphanages.



Figure 3 ZHRC outreach held in Kairezi, Muzarabani

3.5. Public Hearings

Public Hearings were conducted in all the Provinces from July to November 2019. A total of one thousand four hundred witnesses (1400) were invited to attend the Public Hearings to give evidence (854 females, 544 males and 2 intersex), out of this number seven hundred and seventy-eight witnesses gave oral evidence (460 females, 316 males and 2 intersex) as shown in the graph below.

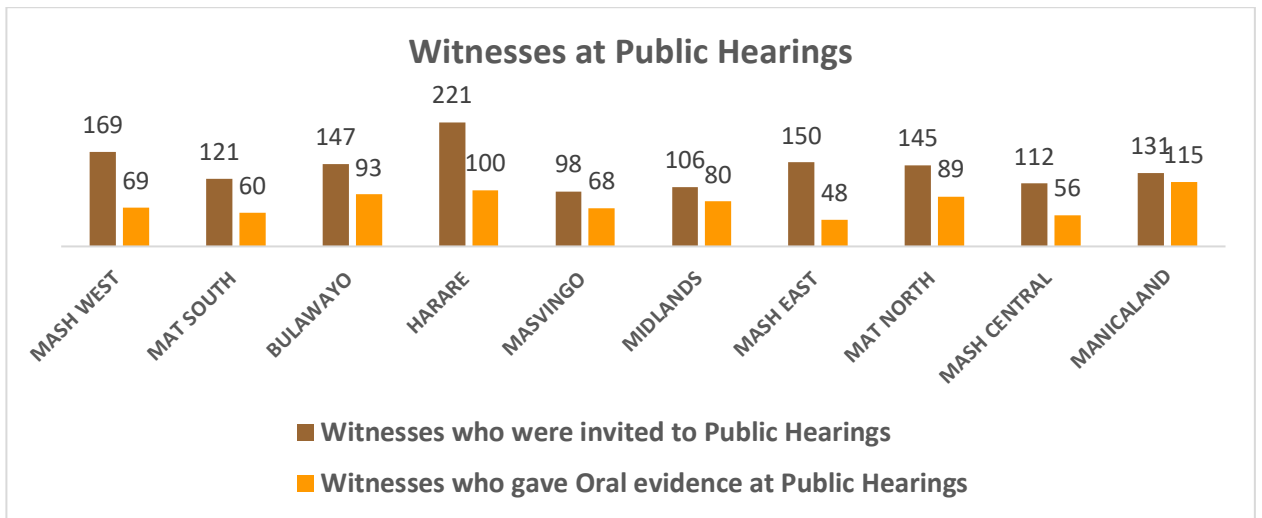


Figure 4 Witnesses at Public Hearings

In addition to public hearings dedicated for each Province, hearings were also conducted for national stakeholders, such as Independent Commissions, the Ministry of Home Affairs and Cultural Heritage, Registrar General’s Office, ZIMSTATS, Zimbabwe Republic Police and CSOs.

In addition to making submissions, witnesses who gave oral evidence were assisted by the Registrar General’s Office and the Department of Social Welfare through help desks that were set up throughout the public hearings sessions.

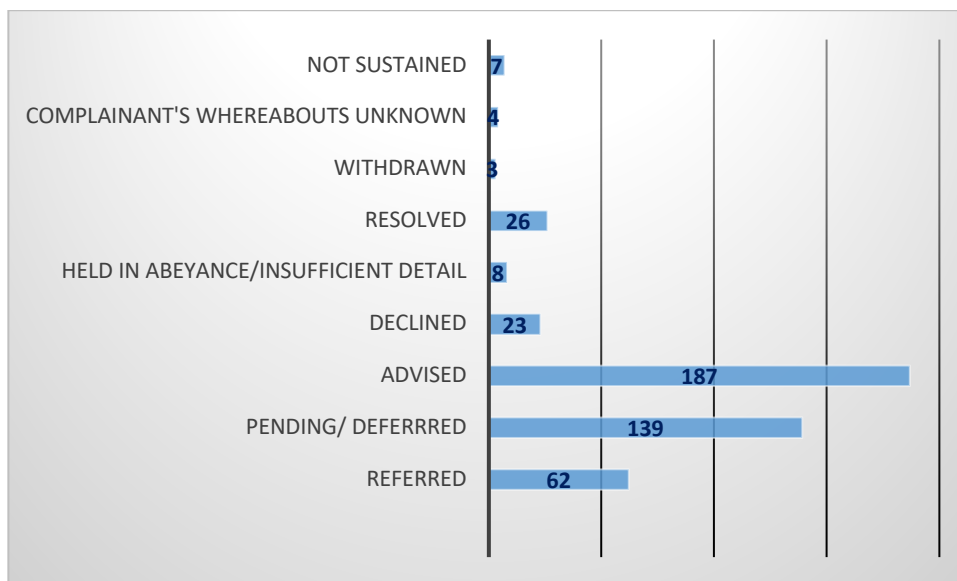


Figure 5: Classification of outcome of cases

These strategic partnerships resulted in witnesses being offered services and assistance on documentation issues, provision of advice on registration and getting officially written referral letters to aid in registration.

The NI process is to continue into 2020 with outstanding activities being Provincial validation meetings, production of the Report, adoption of the Report by the Commission, launch of the Report and submission to Parliament, publicity of findings and recommendations and follow up on implementation of recommendations.

4. PROTECTION OF HUMAN RIGHTS AND PROTECTION FROM MALADMINISTRATION

4.1. Introduction

The Commission's mandate to protect citizens from human rights violations and maladministration is provided for in section 243 (1) (d, e, f, g, h) of the Constitution. Within the Commission, this mandate falls under the Complaints Handling and Investigations Department (CHI). The Commission implements this mandate through carrying out investigations on individual/group complaints of alleged human rights violations, maladministration and any other human rights issues which are matters of national interest, with the purpose of recommending redress to such violations. The Commission handled a total of four hundred and fifty-nine (459) cases in 2019. Investigations carried out by ZHRC included cases of alleged partisan aid distribution (this included food and agricultural inputs), election related violence and maladministration, amongst other issues.

4.2. Cases Dealt with in 2019

As already reported, ZHRC dealt with a total of four hundred and fifty-nine (459) cases. The Commission received four hundred and twelve (412) cases from the public in 2019. Of the four hundred and twelve (412) cases, one hundred and seventy- six (176) cases were human rights related, seventy- four (74) were on maladministration and one hundred and fifty- eight (158) cases were for general issues. Four (4) of the cases could not be categorised due to different reasons (some complainants could not be located to provide further details) and were either declined or held in abeyance.

Of the four hundred and fifty-nine (459) cases dealt with by the Commission, *Figure 5* below shows the breakdown of the outcome of the cases that were dealt with by the Commission;



Figure 6: A witness taking oath before making his submission

- 4.2.1. 1,5% of the cases could not be sustained as the claim made by the complainants could not be substantiated,
- 4.2.2. 0, 65 % of the complaints were withdrawn,
- 4.2.3. 0, 87% of the cases were closed because the complainants' whereabouts were unknown. The complainants could not be traced at their last known addresses and they had not visited the Commission's offices to follow up on their cases.
- 4.2.4. 5, 6% of the cases were resolved to their logical conclusion;
- 4.2.5. 30, 2% of the cases are pending. Most cases remain pending until the remedy that has been sought has been implemented and it's the implementation that has been challenging due to the prevailing economic situation in the country (for example, cases on pensions);
- 4.2.6. 13,5% were referred to organisations better placed to deal with them;
- 4.2.7. 40, 7% and 5% were advised and declined respectively.
- 4.2.8. 1, 7% of the cases were held in abeyance as they had insufficient details and will be opened once sufficient information has been provided by the complainants.

4.3. Analysis of Complaints by Classification

The cases received by the Commission relating to maladministration were seventy- four (74) which include justice delay (20), abuse of office (22), abuse of power (17), documentation (5) and delay in processing of benefits (10).

In relation to the one hundred and seventy-nine (179) human rights cases received, the rights that were frequently violated included property rights (55), the right to a fair hearing (2), labour rights (16), equality and non-discrimination (18), freedom from torture or cruel, inhuman or degrading treatment or punishment (6), right to human dignity (7), freedom from arbitrary eviction (7), right to Administrative Justice (20), right to documentation including birth registration (5), children’s rights (4), right to food and water (9), right to shelter (2), right to education (8), right to personal security (7), right to privacy (4), right to health (2). One (1) case each was received on the following; rights of persons with disabilities, right to agricultural land, rights of women, access to information, right to life, freedom of association and assembly and the rights of arrested and detained persons.

4.4. Analysis of complaints received by Provinces

Figure 6 illustrates the Provincial distribution of cases received during the year.

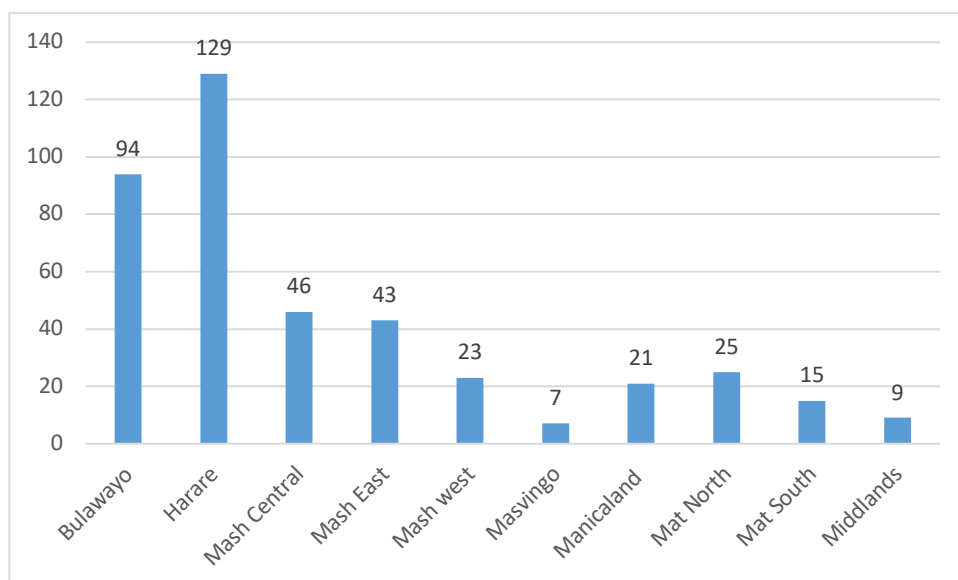


Figure 5: Cases received by Province

Harare and Bulawayo Provinces retained the highest number of cases received during the year due to the fact that the Commission has offices in these locations. Masvingo recorded the lowest number of cases.

4.5. Analysis of Complaints by Gender

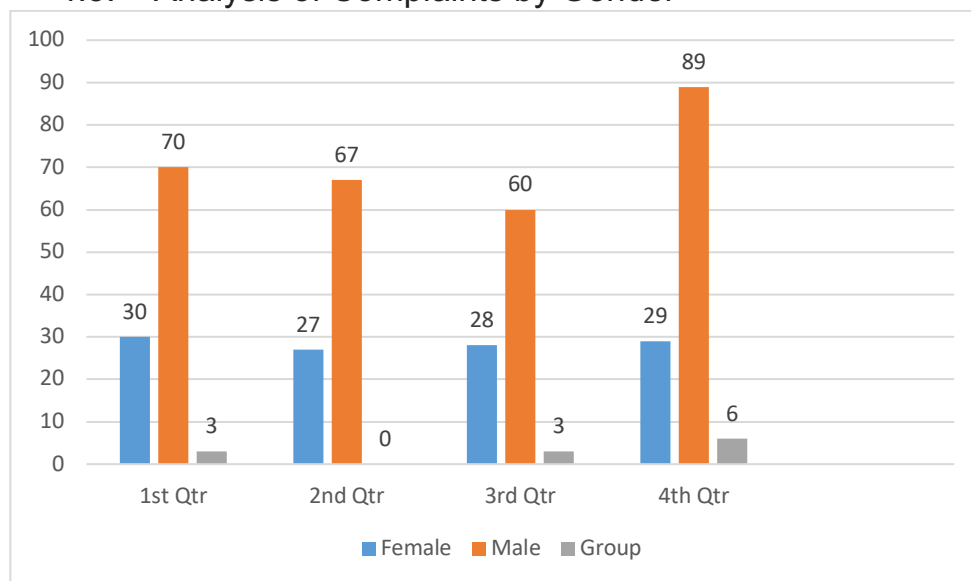


Figure 6: Classification by Gender

Figure 7 shows a breakdown of the cases received disaggregated according to gender. The Commission received a total of two hundred and eighty-six (286) cases from males and one hundred and fourteen (114) cases from females, and twelve (12) cases were group complaints. The percentage of cases received from females was 28, 5%, a slight increase of 1, 5% as compared to 2018 when 27% of the cases received were from females. There is still need to interrogate and address the barriers that women face that deter them from reporting cases to the Commission.

4.6. Mobile Human Rights Clinics (MHRCs)

ZHRC conducted fourteen (14) MHRCs which covered 928 people (260 Males and 668 Females), in partnership with the Zimbabwe Environmental Law Association (ZELA), Zimbabwe Lawyers for Human Rights (ZLHR) and Habakkuk Trust. Some of the MHRCs were supported by IOM. The MHRCs were held in Manicaland, Matabeleland North, Mashonaland East, Mashonaland West and Mashonaland Central Provinces.



The table below shows areas where the Mobile Human Rights Clinics were held and the dates.

Mobile Human Rights Clinics Conducted in 2019

Provinces	Areas	Dates
Manicaland	Nyanga, Honde Valley and Mafararikwa	3 to 7 June 2019
Masvingo	Mhondongori & Mapanzure	28 to 29 March 2019
Mashonaland East	Murehwa (2), Mutoko (2)	29 to 31 July 2019
Matebeleland North	Nkayi	27 March 2019
Mashonaland West	Karoi	18 February 2019
Mashonaland Central	Guruve (2), Mbire	5 to 7 June 2019

ZHRC received a total of fifteen (15) complaints relating to human rights violations and maladministration during the MHRCs. Of the fifteen (15), nine (9) were pertaining to human rights violations, (4) were pertaining to maladministration and two (2) cases were of a general nature.

The following were some of the issues raised during the MHRCs

- Communities still face challenges in accessing birth certificates;
- Early child marriages are still rampant in spite of them being outlawed by the Constitution and the Courts, pointing to need for more awareness in communities to change attitudes;
- Inaccessibility of health care facilities due to long distances and shortages of medicines;
- High levels of land degradation allegedly being caused by Chinese mining companies who were not making efforts to rehabilitate the land after their mining activities;

- Allegations that some mine workers were sexually abusing young girls;
- Pollution of water sources resulting in diseases and loss of livestock. There is no compensation for the losses;
- There were cases of alleged unprocedural eviction of illegal settlers.



Figure 7: Mobile Human Rights Clinic in Nyanga, Manicaland Province

4.7. Highlights of the Investigations conducted in 2019

In this section, the Commission highlights some of the investigations conducted in 2019.

4.7.1. Freedom to Demonstrate and Petition

A complaint was received from the Movement for Democratic Change Alliance (MDC-A) after it had called for a demonstration on 14 August 2019. It alleged acts of torture and abductions of its members by alleged Zimbabwe African National Union- Patriotic Front (ZANU PF) youths, detention of their members by the ZRP and other state security agents and releasing them without any charges. They also alleged that the ZRP was violating their right to demonstrate and petition in terms of section 59 of the Constitution. The investigation was conducted from the 1st to the 7th of September 2019. The detailed report is available on the ZHRC website.

4.7.2. Violations of Children's Rights

The Commission received four (4) complaints on violation of children's rights. In one of the complaints, parents of children learning at Nyamuti Primary School in Mount Darwin District of Mashonaland Central Province reported that one hundred and sixteen learners at the school were assaulted by a war veteran for writing political messages inside the school toilets. The investigation was conducted from the 11th to the 15th of February 2019. The war veteran had been imposed by the Councillor to be an advisor to the School Development Committee (SDC), a position which does not exist in **Statutory Instrument 87 of 1992**¹¹. The issue was referred to the District Schools Inspector (DSI), District Social Welfare Office and reported to the Zimbabwe Republic Police. ZHRC intervened after complaints were raised on delays in the investigation of the case by ZRP. After the intervention of ZHRC, a docket was compiled and the case was referred to court. The accused was found guilty and sentenced.

4.7.3. Right to Equality and Non-Discrimination

The Commission continued to receive cases of violation of the right to equality and non-discrimination in relation to partisan distribution of humanitarian aid which includes Presidential Inputs and Food Aid. Such cases keep recurring, despite several reports and recommendations having been made by the Commission to the duty bearers. There are several investigative reports on the issue which were produced by the Commission. These are available on the ZHRC website. The Commission expects duty bearers to come up with a holistic and lasting solution on this issue.

4.7.4. Evictions

An investigation on an alleged impending unlawful eviction of former farm workers at Labor of Longlands farm in Marondera was conducted from the 11th to the 15th of February 2019. The former farm workers and other residents highlighted that they had been notified of the impending evictions and that the farm had been sold to the Commercial Bank of Zimbabwe, Destiny of Africa Network and other land developers for them to develop and sell residential stands. They were therefore told by the then Ministry of Local Government

¹¹ This is the legislation providing for SDCs

Urban and Rural Development (Ministry of Local Government) officers that the land on which they were staying was earmarked for urban extension. The findings of this investigation revealed that some of the people staying at Labor of Longlands were indeed former farm workers. However, a large number of the settlers had recently moved onto the farm.

The land developers had legally acquired parts of the farm for their business purposes and ownership transferred to them in line with the law. They went on to seek eviction orders from the courts in line with the Constitution which requires evictions to be carried out after obtaining a court order. The welfare of the affected people therefore became the responsibility of the Government. The Commission noted that there was a policy framework gap to be filled to protect former farm workers facing such kind of evictions and displacements. The State has also not been pro-active to address cases of illegal settlements only to move in when the situation becomes dire. The detailed report of the investigation is available on the ZHRC website.

4.7.5. Maladministration Case

The ZHRC conducted an investigative visit in Uzumba Maramba Pfungwe in Mashonaland East from the 9th to the 11th of April 2019 after receiving a complaint on allegations of maladministration by Ministry of Mines and Mining Development and the Zimbabwe Police Service. The complainant alleged that he had been carrying out mining activities under his mining block since 2012 when on 27 October 2018, the mine was raided by the Ministry of Mines and Mining Development and three armed men who identified themselves as soldiers from the Zimbabwe National Army who threatened him at gunpoint. He alleged that he reported the matter by telephone to the Provincial Mining Director at the Ministry of Mines and Mining Development in Marondera and to the Officer-In-Charge at the Zimbabwe Police Service (ZPS) Mutawatawa on the 27th of October just after the incident occurred but he was not assisted by either of the two Respondents. The ZHRC found that the Complainant's right to Administrative Justice was violated when the

Zimbabwe Police Service refused to investigate the report that was made to them. The ZHRC engaged the Officer in Charge at Mutawatawa Police Station who then invited the complainant to report the case which was done. The complainant confirmed that a docket was compiled and the matter is still pending before the Magistrates Court. The complaint against the Ministry of Mines and Mining Development could not be substantiated. The detailed report is available on the ZHRC website for further reading.

5. ENFORCEMENT OF HUMAN RIGHTS

5.1. Monitoring of Human Rights

The monitoring function of the ZHRC is in terms of Sections 243 (1) (c) and (k) of the Constitution. The function is conducted through the Monitoring and Inspections Department of the ZHRC. In 2019 ZHRC focused on monitoring the response to the Cyclone Idai disaster, by-elections, places of detention, institutions such as children's homes, old people's homes and keeping track of emerging human rights issues such as protests, among other interventions.

5.2. Missions to Cyclone Idai affected Communities

ZHRC, has a role to play in ensuring observance of human rights in cases of natural disasters. Between March and May 2019, ZHRC conducted 3 monitoring visits to the Cyclone Idai affected communities in the Chimanimani and Chipinge districts. The purpose was to assess the extent of the impact of the disaster and the responses by Government and other stakeholders in addressing fundamental human rights issues arising from the disaster.

Findings from the monitoring missions noted that human life was lost, as already reported¹². The disaster impacted negatively on the enjoyment of human rights which included; the rights to property, shelter, food, safe, clean and potable water, healthcare, clean environment, human dignity, freedom of movement and residence and education by the citizens. This was evidenced by the extreme cases of total destruction of homes, household goods, crops and livestock and infrastructure such as roads and bridges. Important documents such as identity and professional documents were also lost. Despite numerous weather forecasts predicting the cyclone, it was the Commission's view that the Government was ill prepared to mitigate the impact of the disaster.

¹² Refer to the Overview of the Human Rights Situation Section in this Annual Report

ZHRC noted that there was limited information amongst communities warning them of the impending disaster and no clear evacuation and rescue strategies were put in place before the occurrence of the cyclone. The UN Guiding Principles on Internal Displacement (1998), state that IDPs are entitled to enjoyment of human rights, including adoption of measures by Government for protecting and assisting them with durable solutions for their displacement and losses incurred.

Follow up monitoring visits noted efforts by the Government together with other stakeholders to meet the needs of affected communities, including evacuations, clearing of roads, rebuilding of bridges, donations/aid assistance and visits to the communities.

In compliance with the aforementioned UN Guiding Principles, it was recommended that the Government of Zimbabwe should strengthen disaster management systems/strategies and programmes that adapt to the effects of climate change. In addition, Government was requested to waiver provisions of the Missing Persons Act [Chapter 5:14] in terms of the waiting period before declaring a person as missing, especially in disaster situations, to enable families to register the presumed deaths of their missing relatives. Instead of the legislated 5 years, communities suggested a waiting period of 6 months in circumstances of that nature. IDPs need to be continuously assisted with humanitarian support and provided with durable solutions in terms of relocation, permanent shelter, food aid and other entitlements.

5.3. Monitoring of the Aftermath of Disturbances after the January 2019 “Stay Away”

The ZHRC monitored and released a report on the human rights impact of the “Stay Away/Shut Down” Demonstrations of 14-18 January 2019. This was done through interviews with affected people, visits to police stations, prisons and monitoring court processes from 22 January to 1 February 2019. As a result of the violence that occurred, various rights were violated which included the right to life (there were 3 confirmed deaths); right to property due to wanton destruction and looting of property; right to personal liberty (there were cases of arbitrary arrests and detentions); right to human dignity; freedom from torture, inhuman and degrading treatment or punishment; right to privacy; freedom of assembly and association and freedom to demonstrate and petition.

ZHRC recommended that the amount of force applied by security forces in dealing with demonstrations should be proportionate to the circumstances. On the other hand, organizers of demonstrations should take cognizance of the fact that only peaceful demonstrations are protected by the Constitution.

5.4. Elections Monitoring

5.4.1. Review of the ZHRC Election Strategy and Elections Report

On 26 March 2019, ZHRC convened a meeting to which all Independent Commissions were invited to assess the extent to which the ZHRC implemented its Election Monitoring Strategy. The workshop reviewed the ZHRC election report and dialogued on the role of the Commission in election monitoring, challenges and lessons learnt during election monitoring.

The meeting recommended amendments to electoral laws ahead of 2023 elections. ZHRC was commended for coming up with an election strategy which guided the Commission’s elections monitoring mandate during the electoral cycle. The need for ZEC and ZHRC to work together in planning and conducting civic education and awareness raising on civil and political rights was highlighted.

5.4.2. Monitoring of Lupane East and Glen View South By-Elections

ZHRC monitored two (2) by-elections in Lupane East (29 July to 05 August 2019) and Glen View South (3 to 8 September 2019). The objectives of election monitoring were; to assess the compliance of the electoral environment and processes to human rights standards; come up with a report on the findings highlighting areas of good practice and those that need improvement in future elections; propose possible recommendations to ZEC, Parliament, political parties and other stakeholders. The Commission observed that the elections were held under generally peaceful conditions. However, there were complaints regarding violation of the right to equality and non-discrimination with respect to partisan food aid distribution before the elections. The use of state resources for partisan politics continued as well as the involvement of some senior civil servants in political party activities.

5.5. Review of ZPCS Rehabilitation and Community Reintegration Programme

ZHRC conducted four (4) review meetings with ZPCS officials and ex-female inmates in Bulawayo, Manicaland, Midlands and Mashonaland East Provinces. The objectives of the review meetings were to: assess the ZPCS's rehabilitation and Community Reintegration Programme and to document challenges faced in the rehabilitation and reintegration of female ex-convicts in the provinces with the aim of strengthening the Programme.

Issues noted from the review meetings included the need to expedite the establishment of an open female prison in Zimbabwe¹³, the need for an increased budgetary allocation and disbursement to the ZPCS's rehabilitation and Community Reintegration Programme. The ZHRC noted the need to scale up Public - Private Partnerships (PPPs) which enable private companies to employ inmates and ex-inmates. The need for provision of livelihood opportunities to reduce chances of recidivism¹⁴ of offenders was also highlighted.

5.6. Monitoring Missions to Institutions and Places of Detention

5.6.1. Visit to Tongogara Refugee Camp

ZHRC conducted a follow up monitoring visit to Tongogara Refugee Camp from 18 to 21 February 2019. The mission sought to strengthen the enjoyment of human rights by refugees and asylum seekers through tracking implementation of recommendations made by the Commission in 2017 and to document emerging human rights issues within the camp.

¹³According to the ZPCS, Marondera has been identified for this purpose.

¹⁴ The tendency of a convicted criminal to re-offend.



Figure 8: ZHRC meeting with Camp leaders at Tongogara Refugee Camp

ZHRC noted that most of the 2017 monitoring visit recommendations were at various stages of implementation. Notably, efforts had been made in the provision of education and health services amongst others. However, resource constraints remain a challenge for full implementation of the recommendations exacerbated by the fact that the refugee camp is a fast growing community due to an estimated 150 new arrivals every month. The total population of refugees and asylum seekers at Tongogara Refugee Camp increased from eleven thousand and eighty-one (11,081) in 2017 to twelve thousand four hundred and eighteen (12,481) in February 2019. The emerging human rights issues and recommendations that were noted were that there is need to attend to welfare issues of camp staff; to bring to finality the determination of cessation of the refugee status of Rwandese within the camp; to decongest the reception area; to come up with vocational training programmes; and to strengthen and improve social protection service provision within the camp.

5.6.2. Prisons Monitoring and Inspections Missions

ZHRC inspected Murambinda, Nyanga and Chipinge Prisons from the 25th to the 29th of February 2019. The inspections were in terms of Section 243 (1) (k) of the Constitution. A follow up inspection of Karoi Prison was conducted on the 11th of July 2019, following media reports that indicated that the right to human dignity of inmates was being compromised due to poor detention conditions. The common findings from the missions were that the ZPCS remains financially constrained and unable to keep inmates under

humane conditions. ZHRC noted general decline of reports on torture and cruel treatment of inmates by officials, as compared to previous inspections. Of concern was the dilapidated state of infrastructure and non-availability of tools of trade at all the institutions visited. There is need for either renovation of existing infrastructure or construction of new buildings. The clothing and food situation for inmates in all prisons also remains dire.

5.6.3. Monitoring of Police Holding Cells

ZHRC inspected cells at Filabusi, Gwanda Urban and Plumtree Police Stations from the 4th to the 8th of March 2019. In addition to the Constitution, the Commission was also guided by the Luanda Guidelines on Pre-Trial Detention¹⁵ when conducting inspections. The aim of the monitoring visits was to assess the human rights situation of detainees in police cells, and the conditions of police cells and police station infrastructure *vis a vis* accepted norms and standards. Key findings from the visits were that the staff members in general, in as much as they understood the rights of detained persons in the Constitution, lacked appreciation of the Luanda Guidelines. No complaints of human rights violations were reported by the few inmates seen. Of concern was the lack of hygiene materials and equipment to ensure cleanliness in the cells. Infrastructure at all visited police stations needs attention. For example, the water system at Plumtree Police station was not working resulting in the station and staff quarters lacking running water. Staff at the police stations raised concern over limited availability of tools of trade such as stationery, vehicles and ICT equipment.

5.6.4. Monitoring of Mental Health Institutions

ZHRC conducted follow up inspections to three (3) Mental Health Institutions namely Ngomahuru, Mlondolozhi and Ingutsheni (from 22 to 24 October 2019). The purpose of these inspections was to assess the implementation of recommendations to the Ministry of Health and Child Care contained in monitoring reports compiled by the Commission in 2015 and 2016 (see ZHRC website).

¹⁵ Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa 2014

Findings were that rights of patients in Mental Health Institutions were not being fulfilled in terms of access to adequate food and clothing; and adequate health care. Due to the nature of their conditions, it is inappropriate for patients to stay in the dark without being observed, hence the need for alternative energy sources. Failure to convene Mental Health Boards resulted in prolonged detention of patients recommended for discharge by doctors. The ZHRC met with Mental Health Institutions and recommended that the Boards convene regularly.

5.6.5. Engagement with ZPCS and Mental Health Institutions

Engagements with ZPCS and Mental Health Institutions were held in Bulawayo and Harare on the 3rd and 5th of December 2019, respectively. The aim of the engagements was to share ZHRC monitoring and inspection findings in prisons and mental health institutions. ZPCS officers, doctors from the mental health institutions and members of Civil Society Organizations attended the engagements.

The resolutions of the engagements were that there is need for allocation of adequate resources to the prisons and mental health institutions; to resuscitate regular sittings of the Mental Health Review Boards; provision of alternative sources of energy; decongesting prisons; and establishment of an open prison for female offenders.

6. PROMOTION OF HUMAN RIGHTS

6.1. Introduction

ZHRC is mandated in Section 243 (1) (a) of the Constitution to promote awareness of and respect for human rights and fundamental freedoms at all levels of society. The awareness raising work of the Commission is spearheaded by the Education, Promotion and Research Department. In 2019 the promotion work focused mainly on the promotion of the National Inquiry (NI) on Access to Documentation in Zimbabwe through multifaceted strategies.

Other promotion work included human rights trainings for duty bearers; community outreaches; issuing of press statements; exhibitions; and development of IEC materials that included human rights training manuals. The Commission made a breakthrough in terms of promotion of Human Rights Education (HRE) in tertiary institutions and schools through extra curricula activities, namely debates and quiz competitions.

6.2. Press Statements

It is important that the ZHRC regularly communicates its views and findings where human rights violations have occurred so as to promote a culture of respect for human rights. In this regard, ZHRC issued five (5) press statements in 2019 communicating its position on emerging human rights issues and to commemorate human rights days. In particular, the Commission issued a press statement after monitoring the disturbances that occurred in the country in January 2019. In the statement, the Commission took note of human rights violations that had occurred as already reported in the monitoring Section of this report.

The Commission recommended that the State should ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), prosecution of offenders and the respect of human rights and fundamental freedoms among many other recommendations. Whilst the Government of Zimbabwe rejected the recommendation to ratify CAT during the consideration and adoption of its Report at the

Universal Periodic Review (UPR) in 2016, the Commission urges the ratification of the instrument in the letter and spirit of section 53¹⁶ of the Constitution of Zimbabwe.

Up to 50 media houses as well as freelance journalists attended the press conference. The contents of the press statement received more than 6 mentions in the local press and was aired on the national broadcaster Zimbabwe Broadcasting Corporation (ZBC) as well as regional and international news channels such as SABC, BBC and Al Jazeera reaching out to millions of people as a result. The press statement is available on the Commission's website and has been downloaded more than 1400 times at the time of producing this report.



Figure 9 ZHRC hold a Press Conference on the 22 January 2019 on the then human rights situation in the Country

Other press statements that were issued by the Commission were: to commemorate International Women's Day (8 March 2019); on Cyclone Idai-induced disaster (22 March 2019); on the Planned Demonstrations by the MDC Alliance (August 2019) and on International Human Rights Day (10 December 2019).

¹⁶ The section provides that no person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.

6.3. Development and Distribution of IEC Materials

Since operationalization, the Commission has continued to invest resources in development and distribution of IEC materials as a key strategy for information dissemination and raising awareness of human rights. These IEC materials are distributed at all events of the Commission. A major achievement for the Commission in 2019 was the production of human rights training manuals in addition to brochures, leaflets and booklets.

6.4. Practitioners' Training Manuals on Constitutional Rights

Two (2) training manuals on Constitutional rights were developed to facilitate effective training of various stakeholders on human rights and fundamental freedoms. Of these, Volume 1 was finalized and printed. It is anticipated that the manual will be used by other Practitioners such as teachers and members of the security forces in fulfilment of Section 7 of the Constitution that provides for the promotion and public awareness of the Constitution.

The Commission produced the first draft of Volume 2 of the manual focusing on the rights of specific groups namely arrested and detained persons, children, Persons with Disabilities (PWDs), the elderly, women, and veterans of the liberation struggle.

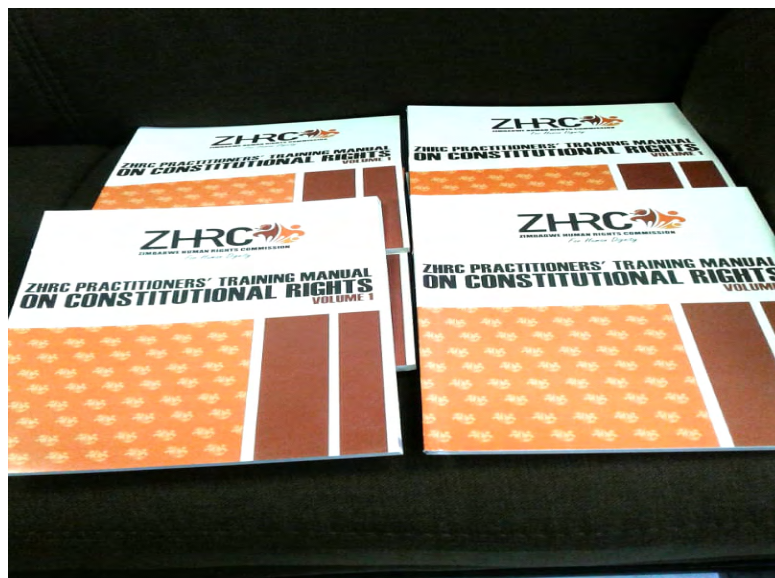


Figure 10: Copies of the Practitioners Training Manual Vol 1

6.5. Education, Promotion and Research Manual

The Commission also completed development of the Systems Manual on Education, Promotion and Research (EPR). The manual defines the parameters and provides guiding procedures in the education, promotion and research work of the Commission.

6.6. Training of Duty Bearers

ZHRC conducted four (4) human rights-centred development and advocacy training workshops in Kariba, Karoi, Muzarabani and Mbire Districts, respectively targeting mainly Traditional Leaders, Councillors, Rural District Council CEOs, Faith Based Organizations (FBOs), Government Ministries and Departments, Civil Society Organizations (CSOs) among other stakeholders. A total of 329 people attended (196 males and 133 females). The objectives of the trainings were to educate participants on constitutional rights and to enable duty bearers to appreciate their roles in the fulfilment of human rights. A key component was a focus on the concept of Human Rights Based Approach to Development (HRBA) and Advocacy.



Figure 11 Participants at the Kariba Stakeholder Training

Issues that came out of the meetings included how citizens were struggling to realise socio-economic rights in light of the deteriorating economy and how this has negatively impacted on service delivery by various Ministries and Local Authorities.

IEC materials were distributed to participants as follows; 800 Commission brochures (English and Shona versions); 800 National Inquiry brochures; 800 Simplified Declaration

of Rights booklets (English); 800 Simplified Declaration of Rights booklets (Shona); 800 ZHRC 2017 Annual reports.

6.7. Community Outreaches

The Commission held nine¹⁷ follow up human rights awareness outreach activities in three (3) Districts namely; Murewa, Mutoko and Beitbridge. A total of 634 participants (420 females and 214 males) were reached. Special focus was placed on issues affecting enjoyment of rights by women. Notable issues of concern during the outreaches included the following:

- 6.7.1 Harmful cultural and religious practices by certain sects such as child marriages, child pledging and appeasement of avenging spirits (*kuripa ngozi*).
- 6.7.2 Violation of the right to education for many children who were not attending school.
- 6.7.3 Discrimination and stigmatization of people with albinism especially in schools by other children unintentionally discriminating against them or singling them out.
- 6.7.4 Violations of the rights of persons with disabilities and older persons.

¹⁷ Outreaches were conducted in Ward 1 (Madamombe), Ward 3 (Chingwaru), Ward 28 (Mabika) in Murewa District; Penemene (ward 4), Lutumba (ward 5) and Malala (ward 6) in Beitbridge District; Kabasa B Chiutsi (Ward 6), Chiwore (Ward 16) and Nyahondo (Ward 22) in Mutoko District



Figure 12: A Human Rights Officer facilitates an Outreach Session in Murewa

6.8 Roadshow Outreaches

Seven (7) roadshow outreaches were conducted; three in Matobo District (Matabeleland South Province) from 21 – 23 May 2019; and four (4) in Guruve District (Mashonaland central Province) from 6 – 10 May 2019. A total of 1, 759 people attended the outreaches.

Four hundred and seventy seven (477) people (214 males and 263 females) attended the Matobo outreaches held at Tudi 1 Centre, Gohole Primary School, and Drie Centre.



Figure 13: A Human Rights Officer delivers a session in Matobo District

One thousand two hundred and eighty two (1,282) people attended the roadshow outreaches in Guruve District.¹⁸ A total of 9,880 IEC materials were distributed; 8,150 in Guruve and 1,730 in Matobo. In addition to the issues already pointed out, communities in Guruve were concerned about the non-recovery of money which devalued whilst in banks as well as pensions and policies whose value was eroded during the 2008 hyperinflationary period; the need to increase social grants for older persons; the discriminatory nature of the death penalty¹⁹ and challenges experienced in enforcement of school fees payments.

6.9 Exhibitions

ZHRC exhibited at both the Zimbabwe International Trade Fair (23 – 27 April 2019) and Zimbabwe Agricultural Show (19 – 24 August 2019). Besides raising awareness on the mandate and work of the Commission and on human rights, the focus of awareness raising was foremost on the National Inquiry on Access to Documentation in Zimbabwe.

During the exhibitions, performing artistes were engaged to facilitate information dissemination through song and dance. An estimated 2,500 people visited the ZHRC stand at ZITF while millions of people were reached through live radio and TV programmes.²⁰

Nine hundred one (901) people visited the ZHRC stand at the Zimbabwe Agricultural Show.

¹⁸ The outreaches were held at Ruyamuro Business Centre, Bakasa Business Centre, Guruve Centre and Mudhindo Centre

¹⁹ In terms of Section 48 (2) of the Constitution the death penalty cannot be imposed on women. Men below 21 years and above the age of 70 are also exempt from execution

²⁰ The programmes were broadcast on Radio Zimbabwe (8 million listeners), Star FM (2-3 million), National FM (1.5 million), ZBC TV (6 million) and Power FM (3 million).



Figure 14: Visitors at the ZHRC ZITF stand



Figure 15: Children from Chishawasha Primary School at the ZHRC Stand at the Zimbabwe Agricultural Show

6.10 Community Radio Programmes

The Commission up scaled its radio awareness programmes through live community radio programmes, bearing in mind that the mainstream stations do not reach every part of the country. In some areas community radio stations are even more popular than the mainstream radio stations. The Commission conducted community radio programmes on

civil and political rights that were aired live on Nyaminyami FM Radio in Kariba in Mashonaland West Province from 31 July to 2 August 2019, Diamond FM in Mutare (Manicaland Province) from 7 - 9 August 2019 and YA FM and 98.4 FM in Midlands from 18 – 22 November 2019.



Figure 16: ZHRC Secretariat participating in a radio programme at Diamond FM, Mutare

T-shirts were distributed as prizes for winners who correctly answered the live radio quiz questions.

6.11 Human Rights Education in the Education Sector

6.11.2 Human Rights Education in Schools

The Commission managed to make a break through towards supporting HRE in schools in compliance with Section 7 (b) of the Constitution that requires the Constitution to be taught in schools as part of the curricula. This also resonates with Article 25 of the ACHPR which provides for the promotion of the Charter by the State to ensure, through teaching, education and publication of the respect for human rights and freedoms. In that regard, in November 2019, the ZHRC in partnership with the Ministry of Primary and Secondary Education piloted a human rights quiz competition with learners from 12 High Schools in the Harare Province at Girls High School. Winners of the competition were Harare High School. HRE empowers children to recognize and enjoy their own rights and develop their capabilities to the fullest while at the same time, respecting and upholding the rights of others.

Star FM live recorded the quiz competition and produced four radio programmes that were subsequently broadcasted for the benefit of other students nationwide.



Figure 17: The inaugural ZHRC schools quiz competition was conducted by the veteran and seasoned Quiz Master Steve Vickers

6.11.2.1 Tertiary Institutions Debate Competition and Commemoration of IHRD

ZHRC commemorated 2019 International Human Rights Day (IHRD) celebrations through a Tertiary Institutions Debate Competition at the Celebration Centre in Harare on 10 December 2019. The Debate Competition featured law students from Universities in Zimbabwe who already have human rights courses as part of their curriculum. These were University of Zimbabwe (UZ), Great Zimbabwe University (GZU), Midlands State University (MSU) and Zimbabwe Ezekiel Guti University (ZEGU).



Figure 18 The Debate Master setting the ground rules for all the teams of the Debate Competition

The 2019 International Human Rights Day theme was; **“Youth Standing up for Human Rights”**, highlighting the critical role that young people play in promoting awareness of human rights amongst their peers, in their communities and more specifically, as part of their academic discourses and interactions. The winners were Midlands State University.



Figure 19 ZHRC Chairperson and fellow adjudicators and some of the participants at the Debate Competition

7 Thematic Working Groups (TWGs)

7.1 Introduction

In accordance with paragraph 7 of the First Schedule of the ZHRC Act and in order for it to better exercise its functions, the ZHRC has 8 Thematic Working Groups (TWGs) and 7 of them carried out activities for 2019²¹ as outlined below:

7.2 Gender Equality and Women's Rights (GEWR) TWG

The Gender Equality and Women's Rights (GEWR) and the Special Interests Groups (SIG) TWGs co - hosted a capacity building workshop on Sexual Reproductive Health Rights (SRHR), Harmful Cultural Practices (HCPs), Sexual Gender Based Violence (SGBV) and disability rights for the Commission and TWG members, under the Spotlight Initiative²².

The workshop enabled the Commission to appreciate, its role as a NHRI in protecting, promoting and advancing the Sexual Reproductive Health Rights (SRHR) of women and girls from a human rights perspective focusing on women with disabilities.

²¹ The Thematic Working Group on Capacity Building and Development did not carry out any activities for the year in review.

²² The Spotlight Initiative (SI) is a comprehensive programme on ending all forms of Gender-Based Violence (GBV) and Harmful Practices (HPs) and to promote the Sexual and Reproductive Health Rights (SRHR) of women and girls supported by the United Nations with sponsorship from the European Union. Zimbabwe is one of the eight countries in Africa selected to deliver the SI. The other countries are: Liberia, Nigeria, Niger, Mali, Malawi, Mozambique and Uganda. This global partnership was launched in September 2017 by the United Nations (UN) Secretary-General and the European Union (EU) High Representative and Vice President (HRVP).



Figure 20 Participants at the SRHR Workshop on Women with Disabilities held in Harare, June 2019

The Gender Equality and Women’s Rights TWG also represented the Commission at various fora on gender, made input into Bills and State Party Reports impacting on gender issues notably the Marriages Bill and the State Party Report on CEDAW.

7.3 Special Interest Groups (SIGs) TWG

It has been mentioned above that the Special Interest Groups TWG co – hosted the capacity building workshop²³ and in addition to that, the TWG made input into the Disability Bill. A consultant was engaged to analyse the Disability Bill and input was also proffered by the TWG members. After finalization of the document, it was shared with the Ministry of Public Service, Labour and Social Welfare with the anticipation of sharing it further with other relevant stakeholders.

²³ The workshop was on Sexual Reproductive Health Rights (SRHR), Harmful Cultural Practices (HPs), Sexual Gender Based Violence (SGBV) and disability rights

The TWG was represented at a three-day workshop on the SADC initiative to promote the Rights of Indigenous Peoples from 11 – 13 December 2019 in Windhoek, Namibia. It was supported by the Government of the Republic of Namibia and the United Nations Department of Economic and Social Affairs (UNDESA). The meeting focused on the San communities and reviewed progress as well as challenges in implementing work plans developed in 2018 and also set new targets. The anticipated outcome is realisation of the rights and economic mainstreaming of the San Communities in the region.

7.4 Children’s Rights (CR) TWG

The Children’s Rights TWG met the Committee of Experts on the African Charter on the Rights and Welfare of Children (ACRWC) in June 2019. The Committee was on a mission to monitor the status of the implementation of its 2015 concluding observations and recommendations made to the Government of Zimbabwe. The Committee was also interested in the Commission’s observations on the experiences of children during the January 2019 Protests and Stay Away and other issues that affected children during the pre and post-election periods.

The TWG through the Commission also sent its contribution to the Government of Zimbabwe regarding implementation of children’s rights in the country which forms part of the State Party Report on the ACRWC. The TWG also continued to represent the Commission at various fora on children’s rights such as tracking and making input into Bills impacting on children’s rights such as the Child Justice Bill.

7.5 Civil and Political Rights (CPR) TWG

The TWG participated at the 64th Ordinary Session of the African Commission on Human and People’s Rights that was held in Sharm El-sheik, Egypt from the 24th of April 2019 to 2nd of May 2019. Among the topical issues discussed were xenophobia as a human rights violation, persecution of human rights defenders and excessive use of force by law enforcement officials and non-enjoyment of freedom of expression by journalists. These issues are particularly important as they hinge on enjoyment of civil and political rights by

everyone. The TWG represented the Commission at various fora and continued to assess the enjoyment of civil and political rights in the country.

7.6 Environmental Rights TWG

The Environmental Rights TWG conducted a consultative meeting on a model National Action Plan (NAP) on Business and Human Rights (BHR), and facilitated the holding of 3 mobile human rights clinics. TWG Secretariat went on a learning visit to the Kenya National Commission on Human Rights (KNCHR) and the United Nations 8th Annual Forum on Business and Human Rights²⁴. The consultative meeting was held in May 2019 and deliberated on the process that Zimbabwe should adopt towards developing a NAP on BHR. One of the recommendations from this meeting included a visit to a National Human Rights Institution (NHRI) that implemented a NAP process, hence the learning visit was then undertaken from the 4th to 8th of November 2019 to the KNCHR. The visit was primarily aimed at benchmarking on best practices on formulating a NAP on BHR.

The ZHRC, for the first time participated in the United Nations 8th Annual Forum on Business and Human Rights in November 2019. The theme was; *“Time to Act: Governments as Catalysts for Business Respect for Human Rights.”* The main focus of the forum was to ensure stock-taking and lesson-sharing on efforts to move the UN Guiding Principles on Business and Human Rights from paper to practice.

The three (3) mobile human rights clinics were conducted in Marange, Mhondongori and Mapanzure. The main purpose of these clinics was to educate the communities on environmental rights. The TWG also represented the Commission at various fora.

²⁴ All these activities were implemented with support from Zimbabwe Environmental Law Association.

7.7 Economic, Social and Cultural Rights TWG

The TWG was represented at the UNAIDS High Level Consultative meeting with NHRIs to promote the implementation of commitments made on the Right to Health for All in June 2019. Each NHRI represented was tasked to draft a country roadmap to promote and protect HIV-related human rights and to integrate this agenda within the existing mandate. ZHRC drafted a roadmap which it anticipates to implement in 2020. The TWG represented the Commission at various fora.

7.8 International Agreements and Treaties TWG

In line with its work of assessing Zimbabwe's compliance to International Treaty Body obligations, the TWG was represented at two meetings in Geneva, Switzerland from 4 to 6 March 2019. These were the Global Alliance of National Human Rights Institutions (GANHRI) Annual Meeting and the 41st Session of the Human Rights Council. The deliberations focused on the role that NHRIs play in reviewing the Global Compact for Safe, Orderly and Regular Migration (GCM).²⁵ The Human Rights Council focused on rights pertaining to housing, migrants, civil and political rights as well as emerging human rights issues.

The Special Rapporteur (SR) on the human rights of Internally Displaced Persons (IDPs) identified the role of NHRIs in promoting and protecting the human rights of internally displaced persons as one of her priorities during her mandate, and decided to dedicate her report to the 41st session of the Human Rights Council (June 2019) to IDPs. To this end, the SR co-organized a one-day consultative workshop preceding the Global Alliance for National Human Rights Institutions (GANHRI) annual meeting, in collaboration with the UN Refugee Agency (UNHCR), GANHRI and the Office of the High Commissioner for Human Rights (OHCHR). During the meeting, NHRIs including the ZHRC, presented their lessons learnt in light of forced displacements, challenges, good practices and recommendations.

²⁵ It is an intergovernmental negotiated agreement prepared under the auspices of the United Nations that describes itself as covering all dimensions of international migration in a holistic and comprehensive manner.



Figure 21 ZHRC Delegation attending the GANHRI Meeting in Geneva, Switzerland

REGIONAL AND INTERNATIONAL MEETINGS

8.1 65th Ordinary Session African Commission on Human and Peoples’ Rights

The Commission took part in the 65th Ordinary Session of the African Commission on Human and Peoples’ Rights (ACHPR) which was held in Banjul, the Gambia from 19 to 27 October 2019. The Republic of Zimbabwe presented its combined report²⁶ in line with reporting obligations under the African Charter. ZHRC presented a statement on its overall assessment of the human rights situation in the country.

8.2 AOMA Mediation Training

The Chairperson of the Commission attended an AOMA training on mediation hosted by the Public Protector of South Africa in Durban, South Africa on the 13th and 14th March 2019. The purpose of the meeting was to train 27 Ombudsman and Mediators from Africa. The outcome of the meeting were guidelines which focused on how to conduct mediation and the value of interest based negotiations in resolving disputes.



Figure 22: ZHRC Chairperson participating in a role play on mediation at the Conference

8.3 United States Ombudsman Association (USOA) Annual Conference

ZHRC was represented at the USOA Annual Conference from the 16th to the 20th September 2019 held in Honolulu, Hawaii. The Conference theme was “*The*

²⁶ 11th, 12th, 13th, 14th and 15th combined periodic report from 2007 – 2019.

*Ombudsman: Making Things Pono*²⁷.” The Conference discussed how to mitigate the many challenges faced by Ombudsman in trying to produce results with little resources.



Figure 23 ZHRC Delegation attending the USOA Annual Conference in Hawaii, USA

8.4 Learning Visit to the Egypt National Council of Human Rights (ENCHR)

A Commission delegation undertook a learning visit to the ENCHR from the 17th to 19th of September 2019 in Cairo, Egypt. The purpose of the visit was to exchange best practices on programming relating to complaints handling and investigation and education, promotion and research. The delegation also visited the Egyptian National Council for Women where it learnt of various projects that empower women.

8.5 Capacity Building Initiatives

8.5.1 Alternative Dispute Resolution, Psycho-social and Client Management Training

The Commission conducted a capacity building workshop for the officers in the CHI Department at Holiday Inn, Mutare from the 5th to 7th of March 2019. The objectives of the workshop included; familiarization with substantive aspects related to alternative dispute resolution mechanisms such as mediation, arbitration and negotiation; sensitization on psycho-social counselling; debriefing mechanisms and client management.

²⁷ *It means to make things right and to restore balance and harmony in the communities we serve and live in.*

8.5.2 Case Management System Update

In an effort to continuously improve the Case Management System (CMS), the Commission updated the system through mainstreaming disability. It adopted the Washington Group Short Set of Questions on Disability²⁸ to ensure that relevant data on persons with disabilities is captured. Minor issues that made the system difficult to use were also rectified making it more user friendly and efficient. Capacity was enhanced through a refresher training.

8.5.3 Raoul Wallenberg Institute²⁹ (RWI) Supported Trainings

Four (4) trainings (3 workshops and 1 professional training programme [PTP]) were held during the year with support from the RWI for Commissioners and the Secretariat. The 3 workshops were on Human Rights and Displacement within the context of Climate Change, Sustainable Development Goals (SDGs) and on the Role of NHRIs in Regional and International Human Rights Reporting Mechanisms. The main purpose of the trainings was to enhance the capacity of the Commission to handle the different human rights aspects from a more informed perspective.

The PTP was on the Equal Status and Rights of Women and was attended by stakeholders from CSOs, Government Ministries and Departments and local authorities. The objective of the training was to enhance enjoyment of rights for women and equal status guaranteed by the Constitution, legislation and policies, through ensuring that decision making is informed by international human rights standards and principles.

²⁸ The Washington Group (WG) Short Set is a set of questions designed to identify (in a census or survey format) people with a disability. These are people at greater risk than the general population of facing participation restrictions due to the presence of difficulties in six core functional domains, if appropriate accommodations are not made. The questions ask whether people have difficulty performing basic universal activities (walking, seeing, hearing, cognition, self-care and communication) and were originally designed for use with the general population. However, the focus on functioning and the brevity of the tool mean that it can be rapidly and easily deployed in a variety of settings. (Source <http://www.washingtongroup-disability.com/washington-group-question-sets/short-set-of-disability-questions/> – accessed 21 April 2020)

²⁹ RWI is a human rights Institute based in Lund, Sweden

8.5.4 Negotiation and Mediation for Consensus-Based Nation-building Course

ZHRC participated in the Negotiation and Mediation for Consensus-Based Nation-building Course³⁰ from the 28th to 30th of March 2019 at Africa University, Mutare. The training course sought to develop the capacity of Zimbabwean policy makers and practitioners from different stakeholder groups in consensus oriented nation building. This provided them with the necessary dialogue, negotiation and mediation skills and approaches. It further aimed to develop a network of state and non-state actors across different political persuasions who share a common understanding of how to constructively engage in nation building.

³⁰ The course was hosted by Africa University in partnership with the Centre for Security Studies, Zurich and the Swiss Embassy in Zimbabwe.

8 CHALLENGES AND LESSONS LEARNT

9.1 Challenges

In undertaking its work in 2019 the Commission experienced the following challenges among others;

9.1.1 Declining resource envelope due to the erosion of the value of the budgetary support from Treasury. This also reduced the value of remuneration, raising incapacitation issues and consequently the Commission's competitiveness as an employer was negatively affected. The lack of competitiveness created the risk of attrition and loss of skills invested in staff.

9.1.2 Human resource constraints due to inadequate staff complement.

9.1.3 Limited access to Commission services outside of Harare and Bulawayo due non – decentralization that hindered lodging of complaints.

9.1.4 Inaccessibility of remote areas hindered mobilisation efforts for human rights awareness outreaches due to poor road infrastructure.

9.1.5 Lack of enforcement powers to ensure implementation of recommendations by stakeholders.

9.2 Lessons Learnt

During the reporting period, ZHRC learnt the following lessons:

9.2.1 The ZHRC must strengthen relations with different Government Departments to ensure that they support human rights in line with their obligation to protect and promote human rights.

9.2.2 A multi-pronged approach in communicating the work and mandate of the Commission with various communities increases the visibility of the Commission nationwide.

9.2.3 Continuous engagement eventually yielded results with the Ministry of Finance and Economic Development. The ZHRC obtained Treasury

concurrence to increase its staff from 55 to 74. However, it should be noted that this is still inadequate. The ZHRC therefore requests Parliament to ensure that sufficient funds are allocated to the Commission as provided for in section 322 of the Constitution.

9 RECOMMENDATIONS

Office of President and Cabinet

10.1 Give directions on the implementation of the recommendations by the Commission of Inquiry on Pensions and Insurance.

Ministry of Finance and Economic Development/ Treasury

10.2 The Ministry should increase budgetary allocation and disbursement of funds to support ZPCS Rehabilitation and Community Reintegration Programme.

10.3 The Ministry should allocate adequate resources for rehabilitation of infrastructure at prisons and police cells progressively throughout the country.

Ministry of Justice, Legal and Parliamentary Affairs

10.4 Provide waivers or suspension of the provisions of the Missing Persons Act (Chapter 5:14) in terms of the waiting period before declaring a person as missing, during natural disasters to enable survivors to access pensions, insurances, documents and other benefits.

10.5 Prioritise alignment of the ZHRC Act to the Constitution. The need to align the ZHRC Act to the Constitution and the Paris Principles on National Human Rights Institutions, was one of the UPR recommendations made to the Government of Zimbabwe in 2016.

10.6 Government through the Ministry of Justice, Legal and Parliamentary Affairs should show commitment to advancement of human rights by putting plans in place and demonstrating progress made towards implementation of various State Party Reporting obligations.

10.7 Government of Zimbabwe should ratify the following;

10.7.1 Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

10.7.2 International Convention for the Protection of All Persons from Enforced Disappearance.

10.7.3 Optional Protocol to the Convention on the Rights of the Child (CRC) on Communications Procedure.

10.7.4 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

10.7.5 International Convention on the Protection of the Rights of all Migrant Workers and members of their families

10.8 The Ministry should prioritize the establishment of an open female prison.

Ministry of Public Service, Labour and Social Welfare

10.9 Address and finalise cessation refugee statuses of Rwandese within the Tongogara Refugee Camp.

10.10 Take measures to ensure the decongestion of the refugee reception area at Tongogara Refugee Camp which is overcrowded.

Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement

10.11 Put in place a policy framework to address the issues of farm workers who were displaced and continue to be displaced as a result of the land reform process or land re-allocation.

Ministry of Home Affairs and Cultural Heritage/Zimbabwe Republic Police

10.12 Ensure compliance by police officers on proportionate use of force during demonstrations that become violent.

Ministry of Defence Security and War Veterans

10.13 Take measures to ensure that soldiers who are deployed to assist the ZRP in maintaining law and order carry out their work within the confines of their mandate and in compliance with human rights, particularly the right to life and the right to personal security.

Ministry of Health and Child Care

10.14 Prioritise convening of Mental Health Boards so that patients certified by doctors as mentally fit are discharged timeously.

Ministry of Local Government, Public Works and National Housing

10.15 The Ministry should ensure that durable and sustainable solutions are implemented in areas that were affected by Cyclone Idai.

11. FINANCIAL STATEMENT

UNAUDITED STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR 31 DECEMBER 2019

INCOME: (Voted Funds)	9,964,752
LESS EXPENDITURE	
Employment Costs	2,155,873
Basic Salaries	891,314
Housing Allowances	241,088
Transport Allowances	57,258
Other Allowances	966,213
Goods and Services	1,440,437
Communication information supplies	287,393
Educational Materials, Supplies and Services	-
Office Supplies and services	111,067
Rental and Hire Expenses	87,601
Training and Development	3,330
Domestic Travel Expenses	86,847
Foreign Travel Expenses	378,682
Utilities and other Services	298,745
Financial Transactions	596
Institutional Provisions	186,176
Other Goods and Services	-

Maintenance	1,053,972
Physical Infrastructure	9,541
Technical & Office Equipment	-
Vehicle and Mobile Equip	227,323
Stationary plant, machinery & fixed equipment	2,243
Fumigation and Cleaning	4,530
Fuel, Oils & Lubricants	810,335
Current Transfers	37,533
Subscriptions to various organisations	37,533.00
Acquisition of Fixed Assets	5,271,636
Motor Vehicles	4,996,750.00
Computer & Networking Equipment	60,214.00
Furniture and Equipment	214,672.00