

ADMINISTRATIVE JUSTICE DEPARTMENT REPORT

JANUARY- AUGUST 2023

1. Introduction

This report highlights the activities carried out by the Administrative Justice Department of the Zimbabwe Human Rights Commission (hereafter referred to as the Commission) from January to August 2023. Complaints were received through physical walk-in, WhatsApp and SMS Hotline numbers, email, and Administrative Justice Mobile Clinics. During the reporting period, investigations were undertaken through telephonic interviews, letters of inquiry, and field investigations.

2. Processing of complaints

2.1. Cases received by province

During the period January to August 2023, the Commission received a total of three hundred and two (302) cases. The Harare Office received and actioned one hundred (100) cases; the Bulawayo Office received and dealt with sixty-two (62) cases; the Manicaland Office received and actioned one hundred and twelve (112) cases; and the Masvingo office received and processed twenty-eight (28) cases. Figure 1 illustrates this information.

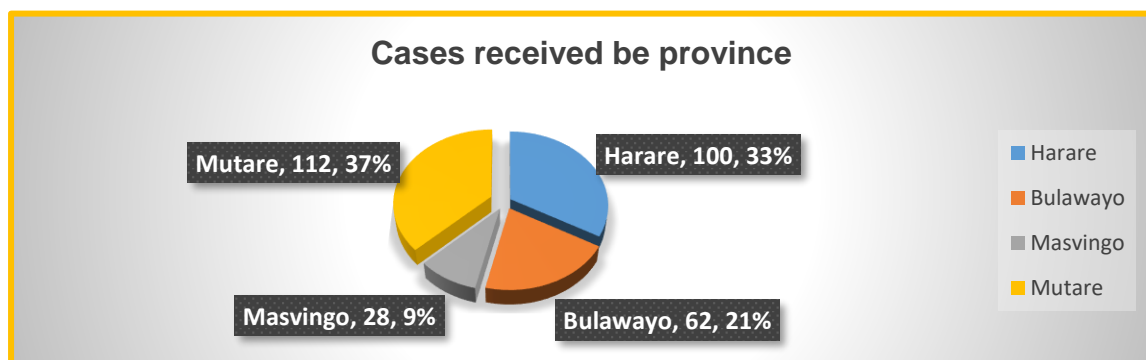


Figure 1: Cases received by province

Of the three hundred and two (302) cases received, one hundred and sixty (160) are pending further investigation, one hundred and ten (110) have been advised, and twenty-eight (28) have been referred to partner organizations that are better suited to deal with the issues. Figure 2 shows these cases.

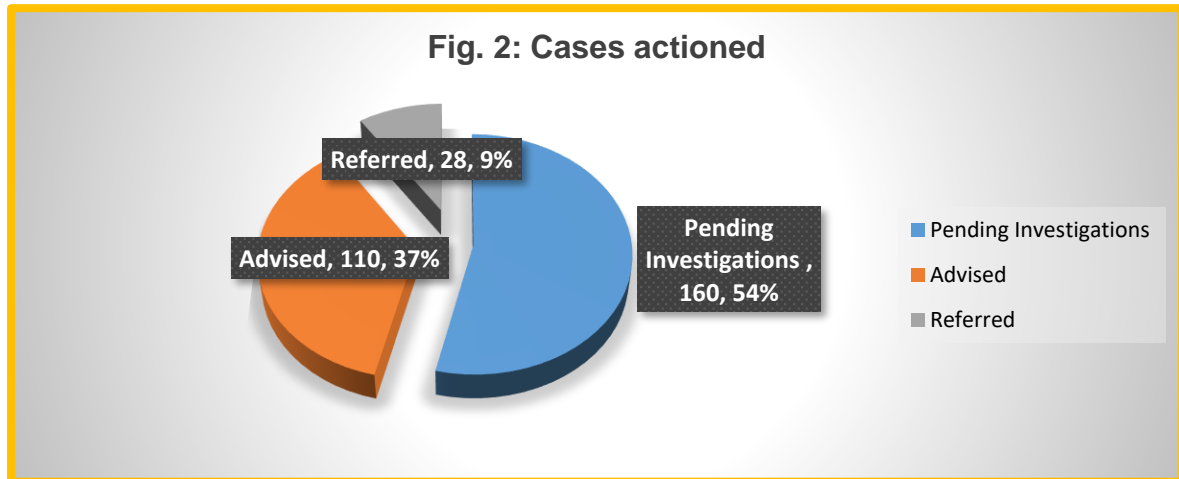


Figure 2: Cases actioned

Of the received cases, three (3) cases were referred to the Law Society of Zimbabwe (LSZ); one (1) case was referred to Zimbabwe Anti-Corruption Commission (ZACC) and eighteen (18) cases were referred to Legal Aid Directorate (LAD). Two (2) cases were referred to Legal Resource Foundation (LRF); one (1) case was referred to the National Prosecuting Authority (NPA) while the other one (1) case was referred to the Registrar General’s Office (RG) and one (1) case was referred to Gutu Rural District Council (Gutu RDC). A total of four (4) cases were resolved. This is illustrated by figure these statistics.

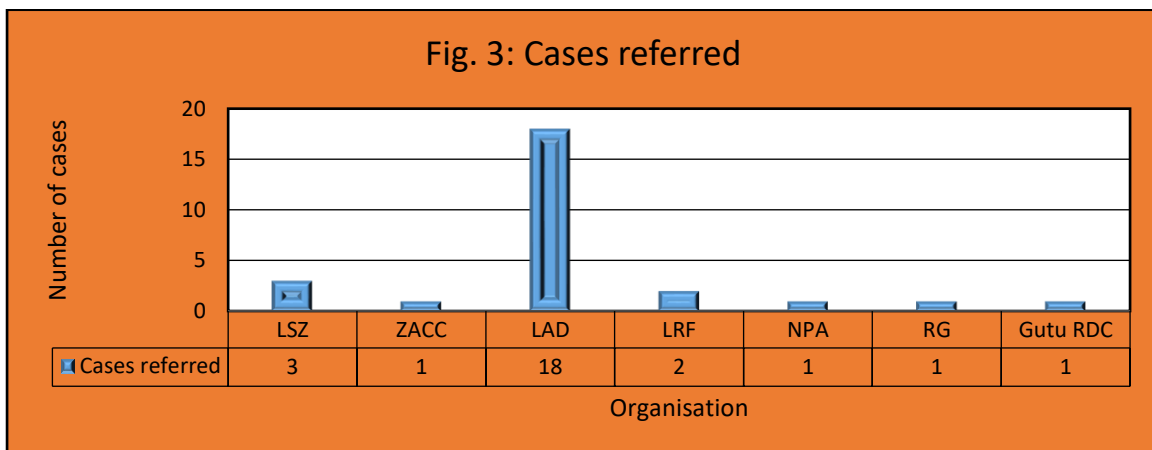


Figure 3: Cases referred

2.2. Classification by Province

Graph 1 below shows classification of the received cases according to the provinces of origin from the month of January to the month of August 2023.

Table 1: Classification of cases received by Province

Province	2023 Number of Cases received								
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Total
Bulawayo	6	2	3	5	1	3	2	1	23
Harare	6	1	4	5	6	3	6	4	35
Mash Central	0	0	0	0	1	1	1	0	03
Mash East	1	0	0	1	1	0	1	0	04
Mash West	2	52	0	0	1	0	1	0	56
Masvingo	1	58	0	0	4	1	18	4	86
Manicaland	2	5	3	2	20	2	9	12	55
Mat North	0	10	0	0	0	0	4	2	16
Mat South	0	0	0	0	0	0	0	0	0
Midlands	0	0	0	1	16	2	3	2	24
Total	18	128	10	14	50	12	45	25	302

To better understand the contributions made by province, the total number of cases received by provinces are depicted in Figure 4 below.

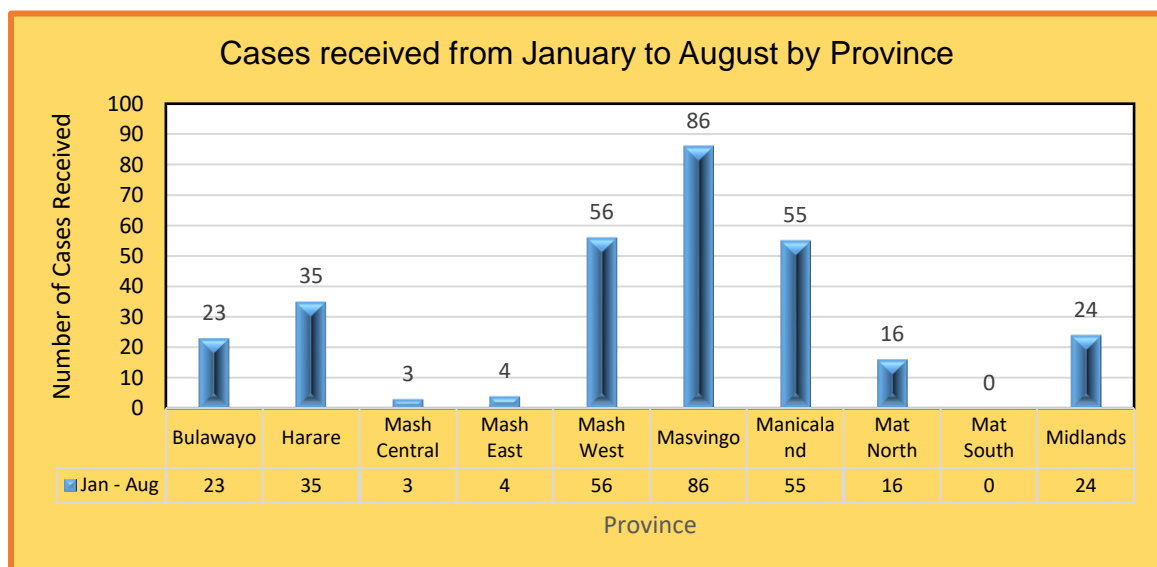


Figure 4: Cases received from January 2023 to August 2023 by Province

The statistics indicates that Masvingo Province received 86 cases (29%) followed by Mashonaland West and Manicaland Provinces, which received 56 (19%) and 55 (18%) cases, respectively. Matabeleland South, Mashonaland Central, Mashonaland West, and Mashonaland East Provinces did not register any cases during the month under review, and their overall number of cases remains constant from prior months. This is further highlighted in the chart below, which shows the number of cases received per province for the month of August. More activities will be implemented to raise public awareness of the Commission's role in advancing administrative justice.

The number of cases increased due to the increased number of Mobile Human Rights Administrative Justice Clinics held in provinces. There was a notable increase in cases received in Manicaland as a result of increased visibility of the Commission through the installation of signage on the building and the use of help desks on Fridays to assist the public with human rights issues and other general legal issues. To ensure that residents in Matabeleland North and Mashonaland Central, as well as other provinces like Mashonaland East Province, which had the fewest instances, efficiently use the Commission's services, the Commission will expand its presence in those areas.

2.3. Classification of cases by Gender

The cases received from January to August 2023 were further classified according to gender. From the three hundred and two (302) cases received, a total of two hundred and thirty-three (233) cases were received from males while the remaining sixty-nine (69) were received from females. This is shown in figure 5 below.

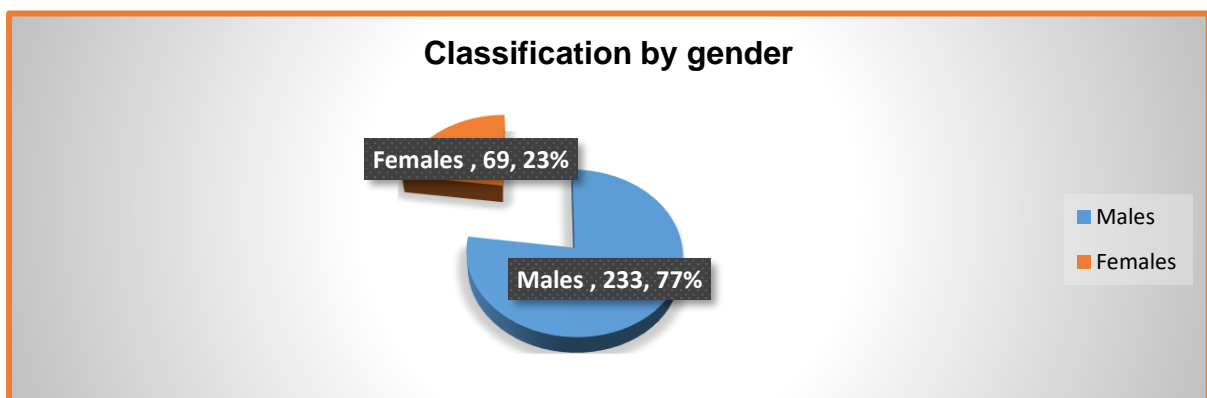


Figure 5: Classification by gender

Male complaints account for 77% of the total complaints received. Complaints from females account for 23% of all complaints received. In contrast to the fourth quarter of 2022, complaints from females increased by 3% and complaints from males decreased by 3% decrease but cases received from males remain higher than those from females. The Mobile Human Rights Clinics in prisons held across the country have contributed to the high number of complaints from males.

There is need to ensure that many barriers that prohibit women from registering complaints are demystified and deconstructed. These include restricted access to information, patriarchy, financial restrictions, and gender stereotypes that confine women to the domestic sphere.

Nature of complaints

Out of the three hundred and (302) cases received, fifty-eight (58) cases were of abuse of office, twenty-three (23) cases were of abuse of power, eighty (80) cases involved justice delay, fifteen (15) cases were related to delay in benefits, eight (8) cases were related to access to documentation and one hundred and eighteen (118) cases were of general nature. This is shown in figure 6 below.

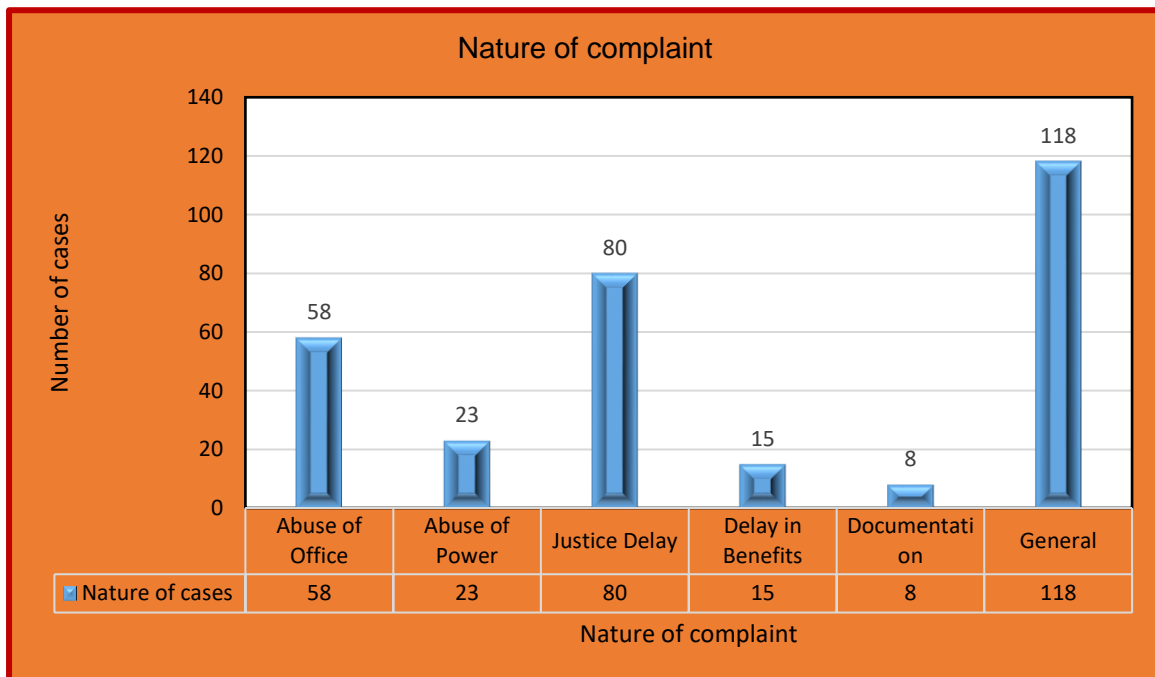


Figure 6: Nature of complaints

2.3.1. Maladministration

The statistics were further classified according to their different types. The graph below shows the number of cases received from January 2023 up to August 2023 under the maladministration category.

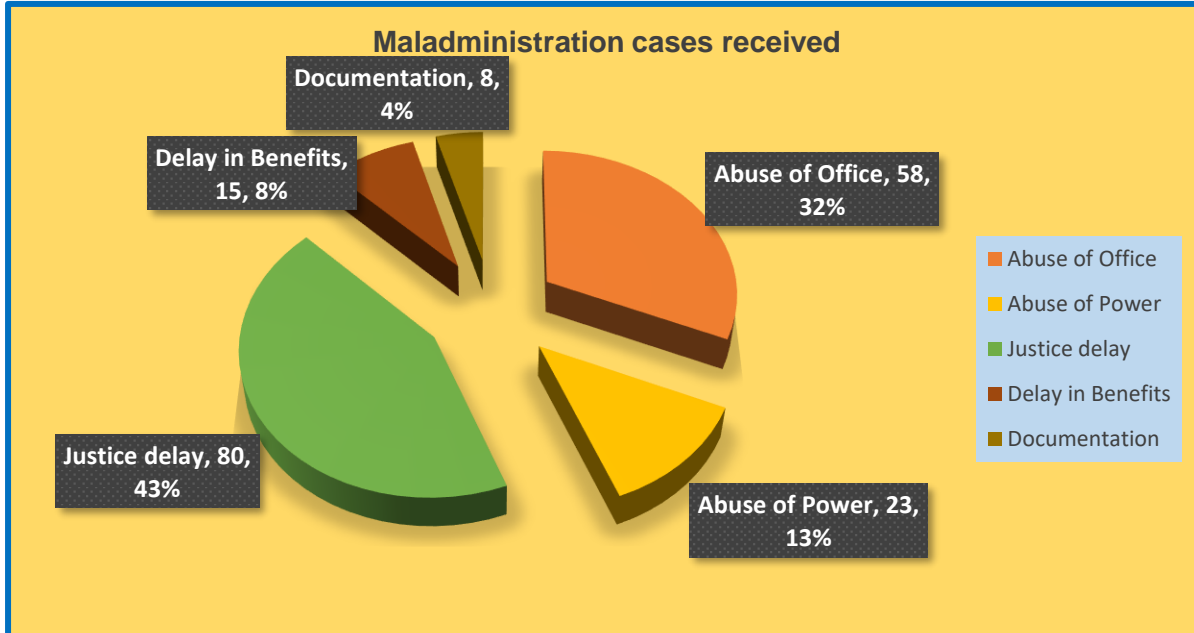


Figure 7: Maladministration cases received

According to the chart above, there were more complaints of justice delay and abuse of office against Zimbabwe Republic Police (ZRP), which was primarily listed as the respondent. Many complainants complained that the ZRP prolonged investigations, resulting in infringement of their rights due to protracted pretrial detention. Furthermore, numerous complaints of abuse of office were filed against the ZRP's Criminal Investigation Department, which violated individuals' rights by torturing accused persons so that they could admit to crimes. As a result, there is a need for continued capacitation of the police on administrative justice.

2.3.2. General cases received

The Commission received a total of one hundred and eighteen (118) cases of a general nature. The cases were further categorised in a bid to understand their nature. Figure 8 below shows the general cases received and their categorisation.

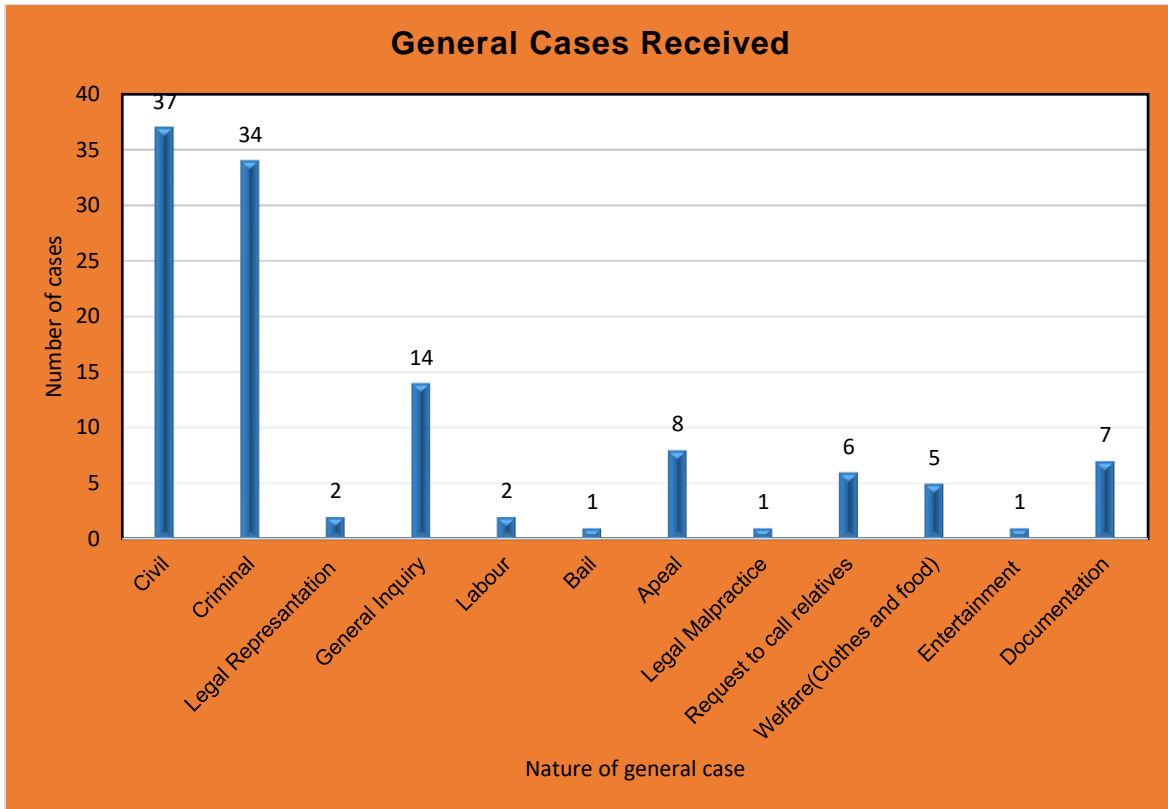


Figure 8: General cases received

According to the table above, many general cases were both civil and criminal in nature. The Complainants only needed legal advice on these issues, and the ZHRC assisted them.

Achievements

The department successfully organized stakeholder engagement meetings in Harare Metropolitan Province on 26 July 2023 and in Bulawayo Metropolitan Province on 26 September 2023. Representatives from public institutions attended these meetings, which resulted in collaboration and sharing of ideas.

Furthermore, the department successfully participated in engagement meetings with public institutions for the review of service charters. This is a key step in ensuring that public institutions enhance their service delivery in order to foster good governance. Furthermore, the department presented seven investigative reports, which were all adopted by the Commission. The department conducted a workshop on the Administrative Justice Manual from September 18th to 20th September 2023. The

training course provided officers from the Administrative Justice Department with the necessary expertise on how to handle cases of maladministration.

Challenges

The department faced several challenges, including insufficient financial, and material resources to carry out all planned operations, scarcity of tools of trade, and vehicles for investigations to complete the identified activities. Unstable internet at the offices affected effective implementation of departmental activities and conducting of work-related research by officers.

These challenges can be mitigated by provision of adequate resource, stable internet connection and continuous capacity building of officers in the department to ensure efficiency.

Conclusion

All in all, the department is progressing well in terms of promotion and protection of the right to administrative justice. Efforts will continue to be made to ensure that public institutions and officials adhere to the administrative justice standards enshrined in section 68 (1) of the Constitution.