

Zimbabwe Lawyers for Human Rights

2014 Annual Report



A publication of Zimbabwe Lawyers for Human Rights



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I. Introducing Zimbabwe Lawyers for Human Rights

Zimbabwe Lawyers for Human Rights (ZLHR) is a non-profit law-based human rights organisation that was established in 1996. Our core objective is to foster a culture of human rights in Zimbabwe and encourage the growth and strengthening of human rights at all levels of Zimbabwean society through observance of the rule of law. ZLHR is committed to upholding respect for the rule of law and the unimpeded administration of justice, free and fair elections, the free flow of information and the protection of constitutional rights and freedoms in Zimbabwe and the surrounding region. It keeps these values central to its programming activities.

ZLHR holds Observer Status with the African Commission on Human and Peoples' Rights. It participates actively in the activities of committees of the SADC Lawyers' Association, has affiliate status with the International Commission of Jurists, and is currently the Secretariat for the Southern Africa Human Rights Defenders Network.

Vision

To be a world-class organisation that promotes a culture of human rights, equality and respect for the rule of law for a just and democratic society in Zimbabwe.

Mission

To protect and defend human rights through sustainable litigation, education and advocacy, which contributes positively to a culture of tolerance and adherence to democratic values and practices.

Values

Professionalism ... Independence ... Integrity ... Equality ... Tolerance ...
Non-discrimination ... Courage ... Accessibility ... Responsiveness

Aims and Objectives

- To strive to protect, promote, deepen and broaden the human rights provisions in the Constitution of Zimbabwe.
- To strive for the implementation and protection in Zimbabwe of international human rights norms as contained in important sub-regional, continental and international human rights instruments.
- To strive for the adoption of a Southern African Development Community (SADC) Charter on Human Rights and to develop and/or strengthen the implementing mechanisms.
- To endeavour to find common ground with, and work alongside, other Zimbabwean groups, organisations, activists and persons who share a broadly similar concern for, and interest in, human rights.
- To liaise and work with other human rights groups wherever situated but particularly in Southern Africa, and especially those closely linked to the legal profession.
- To do all other things necessary to promote and protect human rights, the rule of law and separation of powers in Zimbabwe and the region.

1.1 The Membership

ZLHR is a membership organisation comprising around 170 lawyers with a proven track record in, and affinity for, human rights protection and promotion. Members are drawn from all provinces of Zimbabwe, and our numbers are steadily increasing. ZLHR members involve themselves in the activities of the organisation on the basis of their interest in human rights litigation, legal and rights-based education, research and advocacy. They donate part of their time and services *pro bono* to the organisation's activities and programmes, and reinforce the work of the ZLHR secretariat to expand our reach throughout the country.

1.2 The Secretariat

The organisation's secretariat operates from three offices located in Harare, Bulawayo and Mutare. ZLHR's legal support extends to all ten provinces through the services of 14 full-time lawyers, and the support of its member lawyers in private practice. A total of 35 staff members constitute the secretariat that is responsible for planning and implementing the core activities of the organisation. Apart from lawyers, various ZLHR staff are drawn from the journalism, political science, social science and financial sectors.

1.3 Governance

ZLHR's Board comprises 11 members – 10 senior lawyers in private practice and the Executive Director in her *ex officio* capacity. The membership elects the Board at the Annual General Meeting. The Board includes national representatives and regional representatives for Manicaland, Midlands and Matabeleland. The Board meets at least quarterly, and more often if necessary, to consider policy issues and oversee the strategic direction and financial and programmatic integrity of the organisation, and reports to the membership at the Annual General Meeting. The Finance and Administration Committee of the Board meets bi-monthly to monitor financial, programmatic, administrative, and policy compliance. It reports to the Board.

2014 Board Members:

Beatrice Mtetwa – Chairperson

Precious Chakasikwa – Vice Chairperson

Selby Hwacha – Chair, Finance & Administration Committee

David Tandiri – Manicaland representative

Forward Gundu – Midlands representative

Kossam Ncube – Matabeleland representative

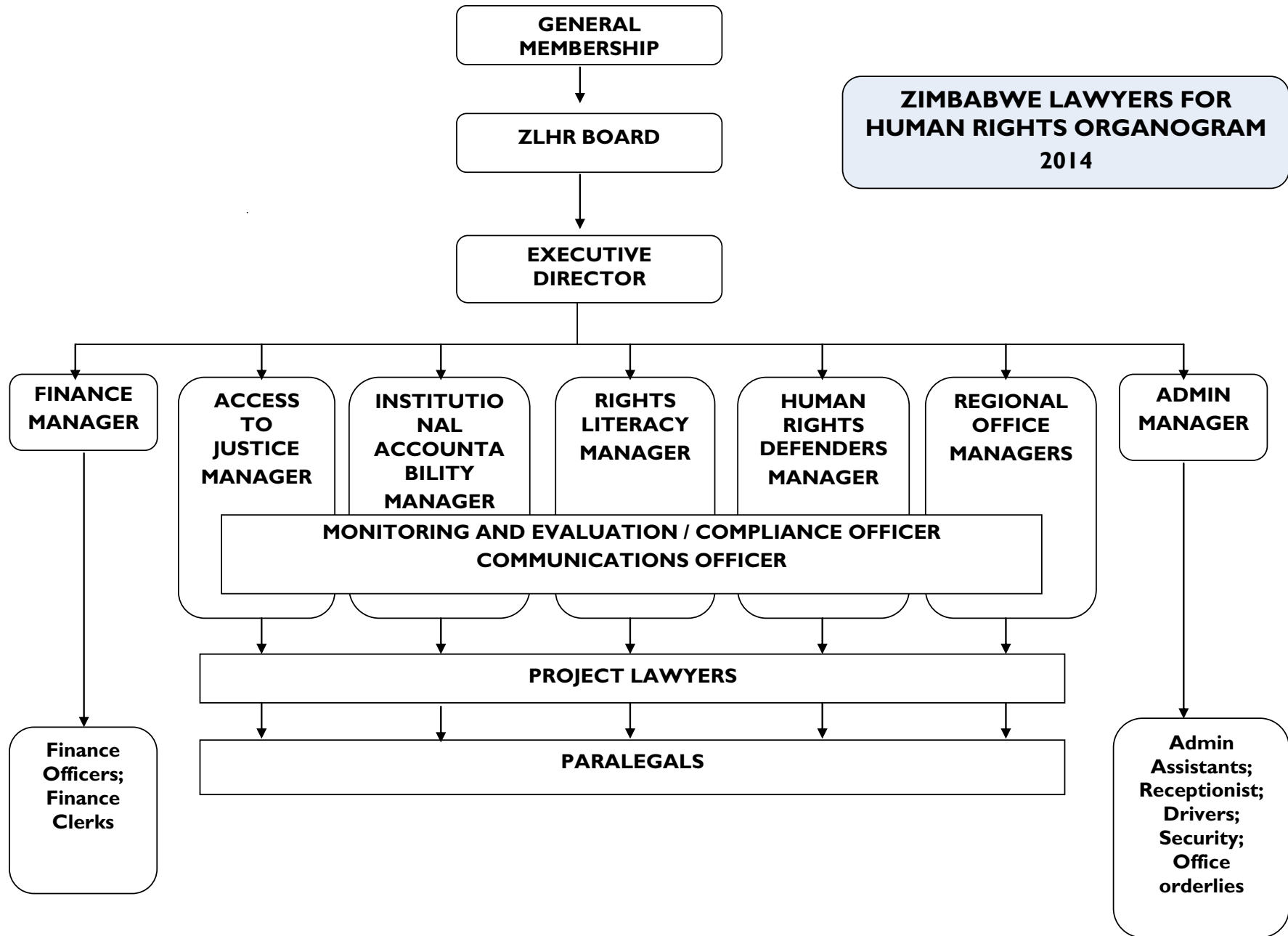
Sarudzayi Njerere – National representative

Reginald Chidawanyika – National representative

Mordecai Mahlangu – National representative

Andrew Makoni – National representative

Irene Petras – *Ex officio*



2. Statement from Chairperson and Executive Director

In 2014, Zimbabwe Lawyers for Human Rights (ZLHR) continued to shape the human rights and legal discourse of the country, relying in large part on its core interventions and expertise, which have stood the test of time, whilst drawing on the potential of the new Constitution, which had come into effect in May 2013. The operating environment and context, although different from previous periods in Zimbabwe's history, remained challenging for all sectors of society. Whilst a reinvigorated ruling party, with a considerable parliamentary majority, remained in control, reform of old practices impinging on fundamental rights and freedoms remained largely elusive.

Expectations of greater respect for citizens' rights, constitutional compliance, and service delivery were very high; moreso as a result of the inclusion in Zimbabwe's new supreme law of obligations on the state to progressively (but swiftly) deliver social and economic justice. New re-engagement efforts between the government and the international community and, to some extent, between the state and civil society, required new methods of work and interactions by all parties. Time will tell, however, whether the efforts will contribute to improved governance, accountability and respect for the rule of law.

What is certain – and what informed ZLHR's interventions throughout the year – was the need for increased efforts to confront national challenges collectively (contributing skills, legal expertise and thought leadership on policy, institutional and legislative reforms); provide services to and protect the rights of the most vulnerable in society; and ensure that, as a conscientious and responsible civic actor, ZLHR maintains and strengthens its oversight role in holding to account all actors (particularly the state as primary duty-bearer) in providing effective, transparent, cost-effective and accountable services to Zimbabweans across the political, social, economic and cultural spectra.

It is not easy to speak truth to power; ZLHR staff and its members were not spared the wrath of certain state actors during the course of the year, in their fight against impunity. Nevertheless, ZLHR was not deterred from continuing to provide legal support services to individuals, communities, and a range of national, regional and community-based organisations asserting their fundamental rights and freedoms through legitimate activities. An increase in assertion of social and economic rights was also evident from the cases taken up by our members and secretariat in the ten provinces of the country.

During the year, ZLHR made steady and concerted strides towards becoming more accessible to local communities outside main cities and towns, thus bringing social and economic justice and constitutional literacy to the doorsteps of peri-urban and rural communities. This was achieved through the rollout of one-stop mobile legal clinics where ZLHR members enthusiastically played a pivotal role in offering free



Beatrice Mtetwa — Chairperson, ZLHR

Irene Petras — Executive Director, ZLHR



legal aid and assistance, as well as constitutional rights education to communities at no cost. Our mobile legal clinics have attracted Zimbabweans from diverse social, economic and political backgrounds, whilst also allowing lawyers to obtain first-hand evidence for important public interest and strategic litigation that we hope will improve lives and society in the longer term.

Through an increased focus on research and publications, ZLHR generated information that was well received by stakeholders – whether the simplified and translated fact sheets on the Constitution, the highly popular *Legal Monitor*, or specialised publications that sought to contribute to policy, institutional and legislative reform, as well as constitutional compliance. The organisation continued to play its pivotal role within civil society, representing the sector in efforts to monitor the Constitution, interacting on their behalf with government on its treaty obligations, and offering a range of capacity-building and technical services to a range of civic groups around the country.

Within the SADC region, the expertise of ZLHR was recognised when it was granted the key responsibility of coordinating the Southern Africa Human Rights Defenders Network– a collective of human rights organisations working on diverse human rights and rule of law issues throughout the region. We relish learning from, and interacting with, our colleagues in the region, continentally and at the global level.

We take this opportunity to thank all stakeholders who were willing to engage with us: from local communities, civil society, different government ministries and departments, national constitutional commissions, and Parliament. With the strength and diversity of our partnerships, our work is made simpler and more enjoyable. Of course, none of our interventions would be possible without the support of our cooperating partners and the financing they continue to provide. Whilst ZLHR commenced the implementation of its sustainability plan some time ago, our operations could not have the reach and impact which they do, if it were not for the trust, confidence, respectful partnership and investment that they have made, and continue to make.

Despite the ever-present challenges around us, ZLHR will continue to work towards fostering a culture of human rights, constitutionalism and rule of law in Zimbabwe, and the broader region. We look forward to your continued support as we strive to make this happen.

Beatrice Mtetwa
Chairperson

Irene Petras
Executive Director

3. ZLHR's Strategic Framework (2014-2018)

ZLHR undertook a comprehensive strategic review, visioning and planning exercise, commencing after the 2013 national elections. Through intensive meetings with membership, staff, select partners and the ZLHR Board, guided by the needs of our beneficiaries, and in light of global and national funding constraints, the organisation was able to streamline and restructure its programming, and reduce its budget and its structure from seven departments to four units working at an organic and interrelated level towards four priority objectives. Staff – armed with new skills on gender mainstreaming and results-based management, and a comprehensive organisational monitoring and evaluation framework – began rollout of the new strategy in early 2014. ZLHR's three offices remained busy throughout 2014, reinforcing the view that the restructuring exercise has helped us to improve our services, respond more quickly and often more proactively to challenges, and increase our services

and relevance to stakeholders and beneficiaries, by using our core skills, competencies and expertise. ZLHR, in its strategy, seeks to foster a sustainable culture of human rights and respect for the rule of law in Zimbabwe by:

- i. Increasing gender-sensitive and equitable access to civil, social and economic justice through provision of quality legal services to women, men, youth and marginalised groups;
- ii. Strengthening the efficiency and effectiveness of state (justice sector) institutions in delivering on their mandate and accounting to the public;
- iii. Increasing knowledge and public participation through the provision of reliable human rights information and platforms for dialogue; and
- iv. Protecting the rights and enhancing the safety of human rights defenders through litigation, education and advocacy.

These Priority Areas have become the focus of the 4 restructured programmes, as outlined below:

✓ Access to Justice Programme

Programme staff

Manager: Dzimababwe Chimbga

Assisted by: Lizwe Jamela

Programme staff: Tawanda Zhuwarara;

David Hofisi; Bellinda Chinowawa

Consultant: Bryant Elliot

ZLHR seeks to ensure that communities, through greater awareness and the use of the law (litigation), are equipped to access their constitutional social, economic and civil rights and, in the longer term, demand for more substantive and meaningful participation in governance issues, thus holding state and non-state actors accountable for their actions. ZLHR acknowledges the crucial role in society played by informed, empowered communities that assert their rights in promoting active citizenship. Through increasing awareness of the remedies in the Constitution during Mobile Legal Clinics, and taking on public interest, strategic and constitutional litigation, ZLHR will not only breathe life into the Constitution but also provide communities – especially the rural and peri-urban populations – with a chance to contribute to and influence the evolution of strengthened governance systems in the country. In the long term, service delivery, public services accountability, social and economic justice will become issues that communities increasingly engage with, demand and obtain.

✓ **Institutional Strengthening and Accountability Programme**

Programme staff

Manager: Connie Nawaigo-Zhuwarara

Programme staff: Agnes Muzondo; Maureen Sibanda-Shonge; Nosimilo Chanayiwa

This priority area seeks to strengthen the efficiency and effectiveness of state institutions in delivering on their mandate in order to remain accountable to the public. Through various activities, ZLHR seeks to ensure increased public awareness and scrutiny of the key role of law state institutions, particularly those involved in justice delivery. ZLHR specifically focuses on the police, the National Prosecuting Authority, the Judiciary and the Prisons to contribute towards improved accountability and changed attitudes and practices. It also aims at enhancing the oversight role of Parliament and constitutional commissions (particularly the Zimbabwe Human Rights Commission) in holding the other arms of government accountable to the constitutional ethos. This programme also contributes to research around strengthening the Constitution through policy and legislative reform, with information being disseminated to various stakeholders from community to national level.

✓ **Rights Literacy Programme**

Programme staff

Manager: Tinashe Mundawarara

Programme staff: Bekezela Mapanda; Nyasha Sanie; Prisca Dube; Kennedy Majamanda

This programme area seeks to empower communities to become active citizens through sharing of constitutional and rights-based information, participation in public dialogue and targeted debates, and dissemination of simplified IEC material. The objective is, not only to increase knowledge on the constitutional provisions, the duties of the arms of government and general human rights norms and standards, but also how to use this information to take action in asserting their rights and protecting the Constitution and the rule of law. In the long term, provision of such information will empower women, men, youth and marginalised groups from all social, economic and political backgrounds to effectively assert their rights, call for transparency and hold those in public office accountable. Communities will also be able to engage in governance issues from an informed perspective.

✓ **Protection of Human Rights Defenders Programme**

Programme staff

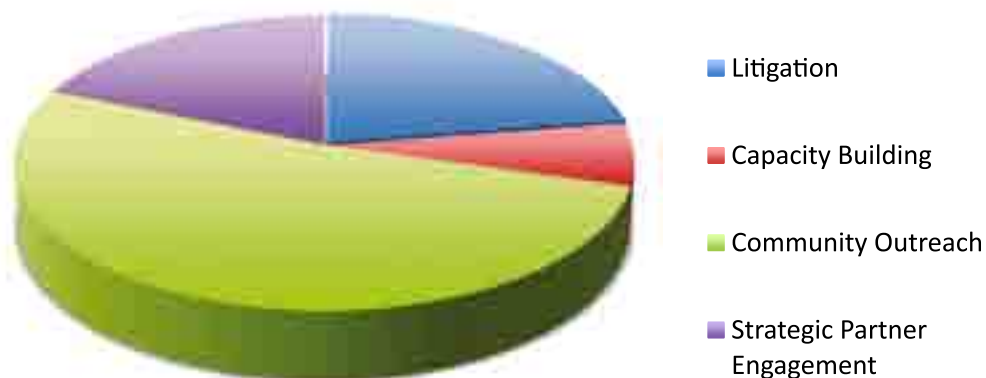
Manager: Roselyn Hanzi

Assisted by: Blessing Nyamaropa

Programme Staff: Jeremiah Bamu; Kennedy Masiye; Peggy Tavagadza

Key interventions through this flagship programme include provision of a legal safety net, capacity building through trainings and other support, research and advocacy. The activities are earmarked to ensure that human rights defenders are not only able to continue with their work in the knowledge that they are able to access affordable legal support services, but also do so in a safe environment where they are informed of their rights and the latest developments relating to this sector. A holistic integrated approach that is also forward-looking will see this programme increasingly building the skills, expertise and litigation capacity of lawyers – particularly the younger generation – for sustained interest in the legal defence of human rights defenders, and in strategic litigation and advocacy. This is complemented by another dimension of advocacy work carried out at national, regional and international platforms, to increase awareness on safety and other challenges faced by human rights defenders at the national and regional levels, as well as learning from best practices to improve future support.

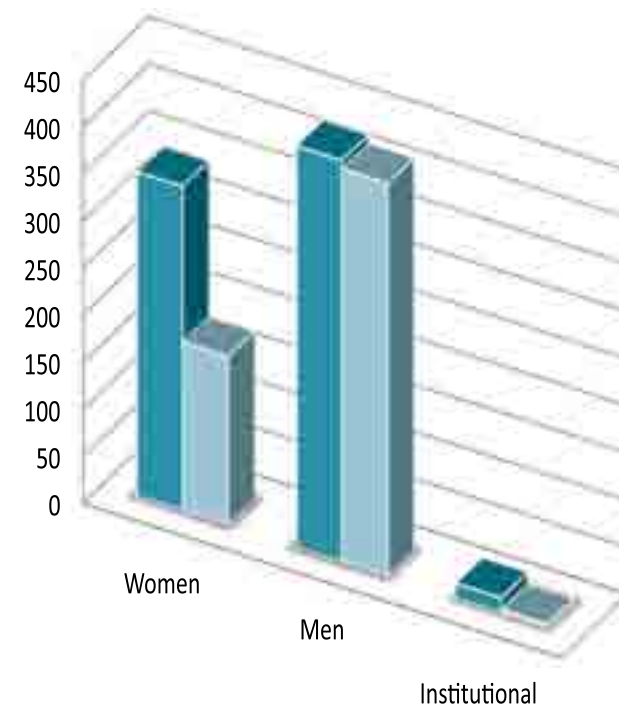
4. Taking Stock of 2014 — An Overview of ZLHR Interventions and Beneficiaries



In 2014, Zimbabwe Lawyers for Human Rights:

- ✓ Continued to operate from its three Offices in Bulawayo, Harare and Mutare, with activities in all 10 provinces
- ✓ Directly interacted with 6,157 people from different social, economic and political backgrounds around the country
- ✓ Produced and disseminated 1,080,000 copies of its popular *Legal Monitor* around Zimbabwe

Beneficiaries of litigation



	Women	Men	Institutional
■ PIL	344	426	16
■ HRDs	179	417	4

ZLHR's litigation efforts:

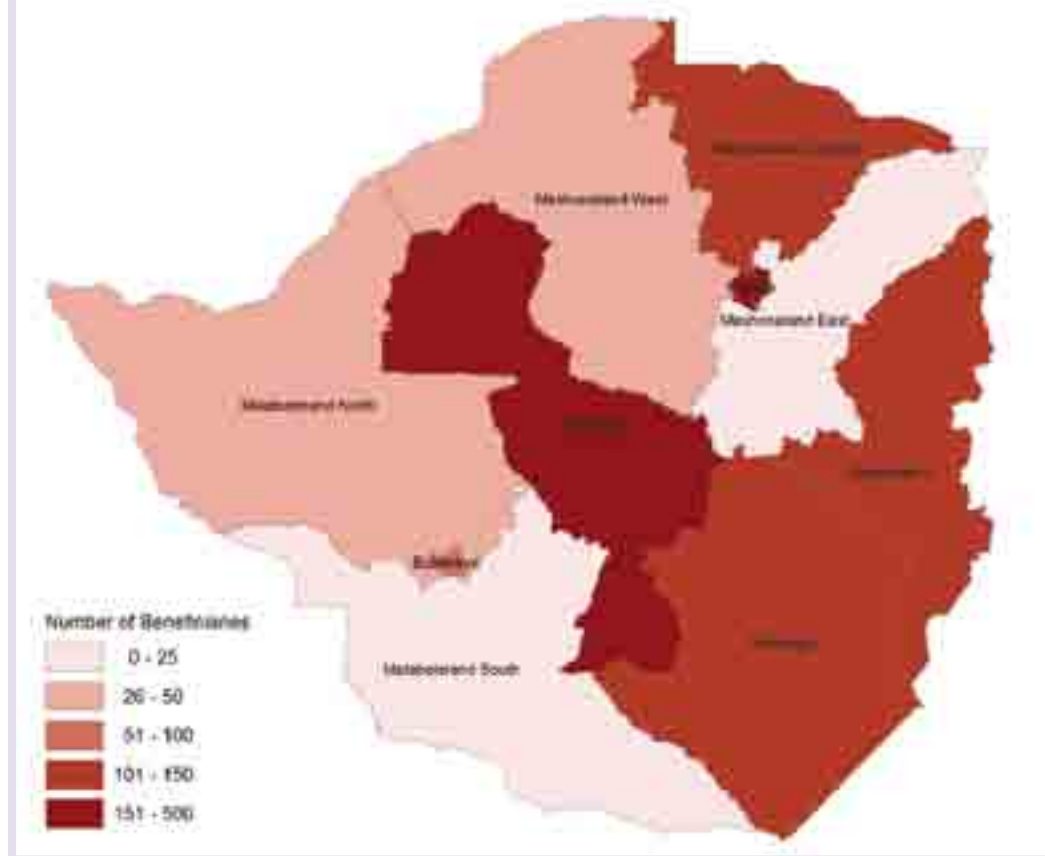
- 1386 beneficiaries in 2014
- 37% women; 60% men; and 3% institutions benefitted from ZLHR's legal services
- 43% benefitted from Emergency and Follow-Up legal services
- Midlands province had the highest number of women (211) benefitting from ZLHR legal support
- The ratio of support to women was also considerably high in Bulawayo, Matabeleland North and Mashonaland Central provinces
- Most cases occurred in Harare province
- At least 54% of beneficiaries were assisted to assert social and economic rights

ZLHR lawyers continued to empower citizens to assert their right to access social and economic justice

ZLHR continued to assist human rights defenders from persecution or prosecutions for asserting their fundamental rights and freedoms through provision of a legal safety net

4.1 Legal Services

Total Number of Beneficiaries of ZLHR Legal Services per Province



4.2 Capacity Building Services

Through ZLHR's interventions:

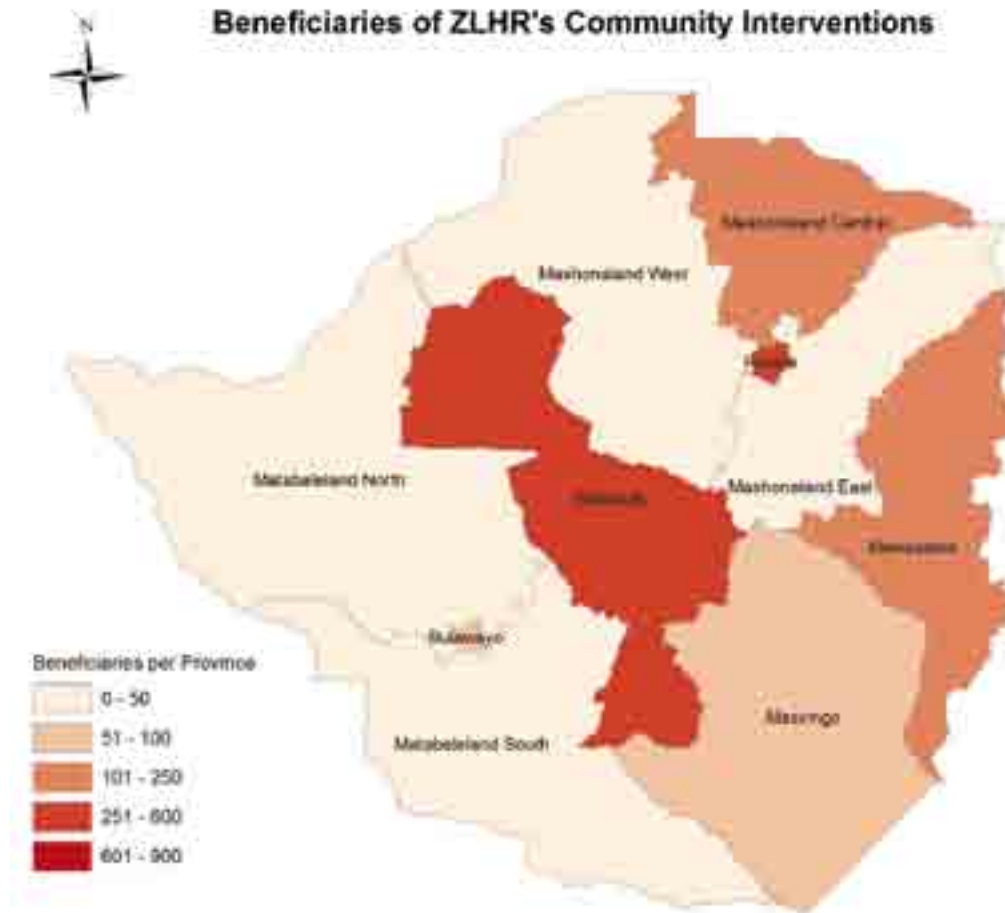
- ✓ 426 participants were capacitated in constitutional and rights-based awareness
- ✓ 38 lawyers were trained in litigation skills, particularly around socio-economic rights litigation
- ✓ 264 human rights defenders gained knowledge and skills on safety, risk management and how to access legal services and remedies
- ✓ 198 stakeholders benefitted from health, HIV and human rights related trainings
- ✓ 43% of participants in capacity building activities were women

Lizwe Jamela of ZLHR sharing human rights information with human rights defenders.



ZLHR's mobile legal clinics are improving access to justice for villagers such as these in Nemaire, Rusape seen here with ZLHR's Blessing Nyamaropa

4.3 Community Outreach



4.4 Research and Advocacy

In 2014, ZLHR's research and information dissemination efforts produced:

- Two publications – one on Criminal Justice Reform, and an Audit of Government's Compliance with the Constitution
- Simplified and comprehensive analyses of various draft laws, including the Electoral Amendment Bill, the National Prosecuting Authority Bill, and the Zimbabwe Gender Commission Bill
- 65 press statements and information alerts to create awareness of its work, the general human rights situation, cases before the courts, and public interest and understanding of legal and constitutional issues.

In partnership with other civil society organisations, ZLHR:

- Spearheaded the drafting of a National Peace and Reconciliation Commission Model Law
- Worked with 37 other CSOs from around Zimbabwe to produce the Shadow Universal Periodic Review Mid-Term Report for submission to the United Nations Human Rights Council
- Represented civil society in the Ministerial Working Group on implementation of the recommendations arising from Zimbabwe's Universal Periodic Review at the United Nations.

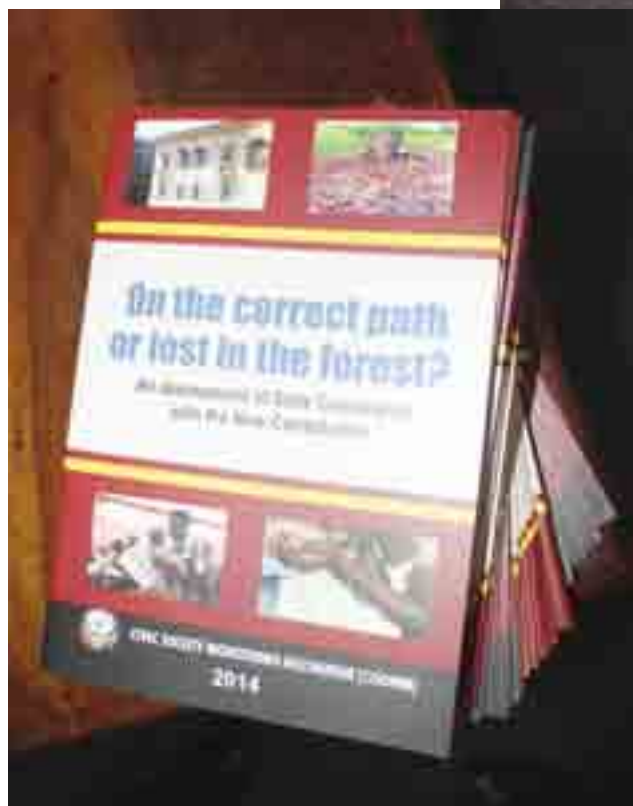
ZLHR's advocacy and regional human rights strengthening efforts saw:

- Attendance and involvement at the sessions of the African Commission on Human and Peoples' Rights and the United Nations Human Rights Council
- Steering of the Southern Africa Human Rights Defenders Network, and involvement in the Pan-African Human Rights Defenders Network
- Engagement with various government departments on issues of institutional and legislative reform, constitutional compliance and protection of rights and fundamental freedoms for all.

Left: Through its flagship newsletter, The Legal Monitor, ZLHR is empowering marginalised communities with information on human rights



Below: CISOMM monitored and assessed the government's adherence to and implementation of the new Constitution



Right: ZLHR's simplified fact sheets on constitutional rights, which include the right to education, the right to health care, the right to safe, clean and potable water and the right to freedom from arbitrary eviction

4.5 Strategic Stakeholder and Partner Networks

ZLHR engaged with various stakeholders throughout 2014 on areas of common interest– from different government bodies, quasi-governmental departments and institutions, to non-state actors, and members of the public. These included:

- Parliament of Zimbabwe:
 - Senate Thematic Committee on Human Rights
 - Portfolio Committee on Health
 - Senate Thematic Committee on HIV
 - Portfolio Committee on Justice, Legal and Parliamentary Affairs
 - Parliament Women's Caucus
- The Justice Sector:
 - Ministry of Justice, Legal and Parliamentary Affairs
 - Judicial Service Commission
 - Rules Committee
 - Law Development Commission
 - Law Society of Zimbabwe
- Independent Commissions:
 - The Judicial Service Commission
 - The Zimbabwe Human Rights Commission
- The Public Health Sector:
 - Ministry of Health
 - National Aids Council



Above: ZLHR representatives led by board member, Andrew Makoni, appearing before the Senate Thematic Committee on Human Rights



Above: Zimbabwe Chimnga of ZLHR, Tiseke Kasambala of Human Rights Watch and Deprose Muchena of Amnesty International addressing a media briefing in August ahead of the SADC summit held in Zimbabwe

- Regional and Global Rights Bodies
 - SADC Lawyers' Association
 - Pan-African Human Rights Defenders Network
 - Pan-African Lawyers' Union
 - African Commission on Human and Peoples' Rights
 - United Nations Human Rights Council
 - United Nations Special Procedures
 - United Nations Office of the High Commissioner on Human Rights



Right: Retired SA Constitutional Court Judge Justice Zak Yacoob and Retired Zimbabwe High Court Judge Justice Moses Chinhengo debate with ZLHR board member Sarudzayi Njerere and moderator Brian Kagoro on constitutional issues



ZLHR considers legislators as key stakeholders in the promotion of human rights

● **Local Partners included:**

- Various civil society organisations, community based organisations and Aids service organisations
- Media houses (print and electronic)
- Development partners
- Members of the public

Right: Some of the Chitungwiza residents attending a ZLHR Frankly Speaking Series discussion on the right to freedom from arbitrary eviction



Above: Gabriela Knaul, the United Nations special rapporteur on the independence of judges and lawyers, delivering the annual human rights lecture



5. 2014 in Retrospect

In order to further ZLHR's vision, mission and core objectives, the organisation planned and implemented various activities in community, provincial, national, continental and global spaces. Indeed, 2014 was a year in which ZLHR worked to assist people from all social backgrounds and geographical regions through legal support, educative and literacy programmes, research-based advocacy initiatives, and institutional and policy engagement.

5.1 ZLHR in the Community

Equipping communities with knowledge of their constitutional rights and obligations not only contributes to increased rights literacy within society, but also empowers individuals and communities to become active citizens who can engage in local and national affairs, and who can assert and demand their civil, economic and social rights. Through such community interventions, lawyers are also better able to understand the human rights issues affecting communities, compile first-hand evidence of socio-economic issues affecting a particular societal group, and better showcase the value of policy and legal interventions in addressing such challenges. Community activities thus contribute to ZLHR increasing access to social and economic justice, rights literacy and an active, engaged and mobilised citizenry.

Mobile Legal Clinics

- ✓ During 2014, ZLHR carried out 32 Mobile Legal Clinics in 7 provinces
- ✓ A total of 2,923 people from different social, economic and political backgrounds benefitted from legal aid services and constitutional sensitisation interventions
- ✓ 62% of participants from the targeted communities were women

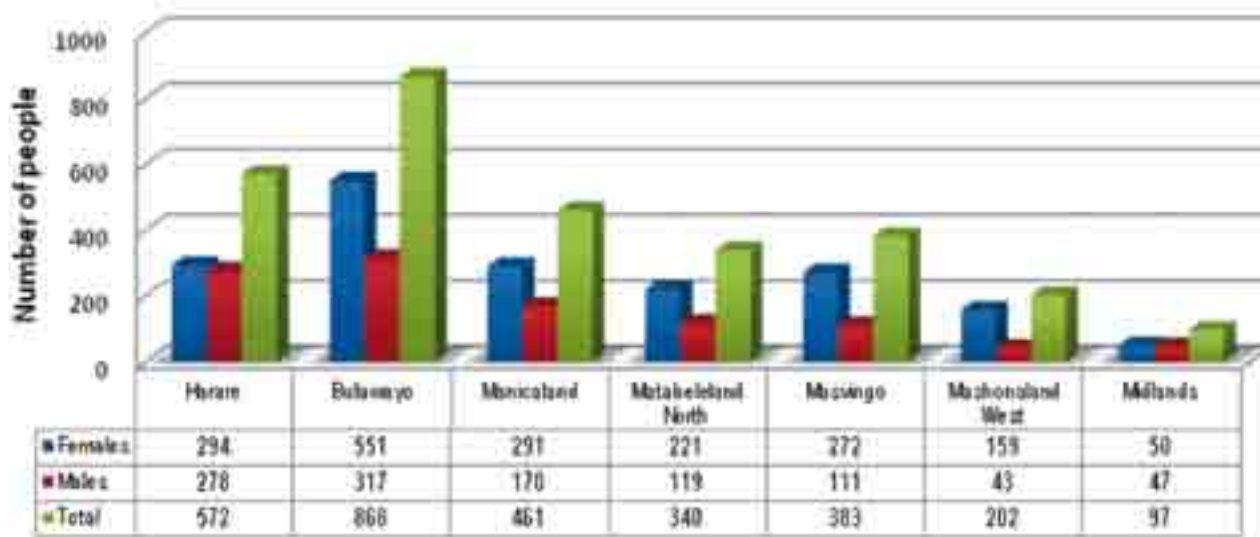
The concept of Mobile Legal Clinics is not a new intervention for ZLHR. Since 2004, the organisation has been implementing 'Situational Trainings' – low cost, on-site provision of legal advice and assistance, together with education on issues affecting specific communities. With the realisation of the need for lawyers to be more accessible to communities in an inclement economic environment, ZLHR further developed its 'Mobile Legal Clinics' initiative to better respond to beneficiary needs. These Mobile Legal Clinics provide a one-stop accessible service for community members at the local level, with activities centering on the provision of human rights and constitutional literacy sessions, legal support services (consultations, legal advice and public interest litigation), and the creation of a platform for community members to network, dialogue and debate, and learn together about fundamental and other rights issues affecting their welfare and how they can be addressed.

Other than lawyers becoming more accessible to local communities, the Mobile Legal Clinics are a source of information to community members, facilitate an increase in access to justice and constitutional implementation and protection by and for communities. For ZLHR, lawyers are better able to identify potential Public Interest Litigation cases that can improve conditions for a large number of people and address issues specific to those communities, while the information collected contributes first-hand data and evidence that can be used in research, policy formulation, and advocacy engagement with government and other actors for institutional, legislative and administrative reforms, as well as greater accountability and effectiveness of state institutions and actors.



ZLHR's Nosimilo Chanayiwa engaging a client at a mobile legal clinic held in one of Bulawayo's high density suburbs

ZLHR Community Interventions: Location and Beneficiaries



Mobile Legal Clinic Showcase: Siakobvu, Mashonaland West

The Siakobvu area is located in Mashonaland West. The target community is found in the Nyami Nyami District. This area is severely underdeveloped, with poor road networks, limited infrastructure and perennial droughts. Siakobvu lies in ecological regions 4 and 5 (suitable for ranching and wildlife sanctuaries and not subsistence farming), with low rainfall. Hunger and the threat of starvation perpetually haunt the villagers. This situation has also resulted in increased levels of dependency of the people on those with political ambitions.

Through its Mobile Legal Clinic initiative, lawyers provided human rights information to the community, particularly focussing on their fundamental rights guaranteed in the Constitution. Through testimonies and legal consultations, ZLHR was able to take up a number of public interest cases. These included litigation on behalf of children who had their results withheld by school authorities after the Basic Education Assistance Module (BEAM) had failed to pay their school fees; children who had failed to obtain birth certificates because of the rigid requirements demanded by the Registrar General's office, amongst others. As a result of the intervention by ZLHR lawyers,

the children's examination results were eventually released and the Registrar General's office put in place a mechanism to ensure that affected children would be assisted in obtaining birth certificates at the district offices.

ZLHR has maintained its interactions with communities in this area, and is currently working on ensuring that hundreds of families are not subject to forced evictions and internal displacement as private developers enter the area to work on commercial projects.

ZLHR member Tanaka Muganyizi offering legal advice to a client at one of ZLHR's mobile legal clinics



Dialogue Sessions

- ✓ ZLHR facilitated 13 Dialogue Sessions at the community level in 2014
- ✓ A total of 270 people participated in the sessions
- ✓ Key discussions focused on governance, socio-economic rights, and HIV, human rights and the law
- ✓ 57% of the targeted participants were women

Apart from national level debates and dialogue sessions, ZLHR in 2014 focused its efforts more on facilitating platforms for dialogue within local communities. The discussions went beyond the usual topics bedeviling society today, such as politics, personalities, and elections. They instead sought to interrogate different aspects such as governance, the accountability of various state institutions impacting daily lives, and social issues such as HIV, public health and their linkages to law and human rights. The dialogues were organised in the form of 'Advocacy Dialogues', which sought to raise awareness on pertinent issues in the community, and elicit different perspectives and solutions to address the issues under discussion. ZLHR acknowledges that such debate gives room for both citizens and local council or government officials to be put on the spot objectively in a bid to interrogate and solve societal problems.



ZLHR reached out to villagers in Siakobvu in Mashonaland West province by rolling out its mobile legal clinic in the marginalised district

In Chitungwiza, ZLHR has created platforms for dialogue on the Constitution for women and men attending its "Frankly Speaking" discussion series





Above: Villagers in Zwishavane had access to human rights lawyers at a ZLHR mobile legal clinic

Topics were selected after consulting the target communities and other stakeholders. The audiences/participants for the community dialogues were members from the particular community, and included people living with HIV (PLHIV), community leaders and opinion-makers, amongst others. Residents and local councilors were also included to tackle pertinent community challenges and answer community questions and concerns.

An outcome of one such Advocacy Dialogues was the development of a community campaign to hold government accountable and advocate for the fulfillment of the Abuja Declaration, through which government undertook to allocate 15% of the national budget to health.

Right: ZLHR's Peggy Tavagadza ensured that Masvingo residents were not left out when ZLHR rolled out its mobile legal clinics



5.2 ZLHR at National Level

Litigation

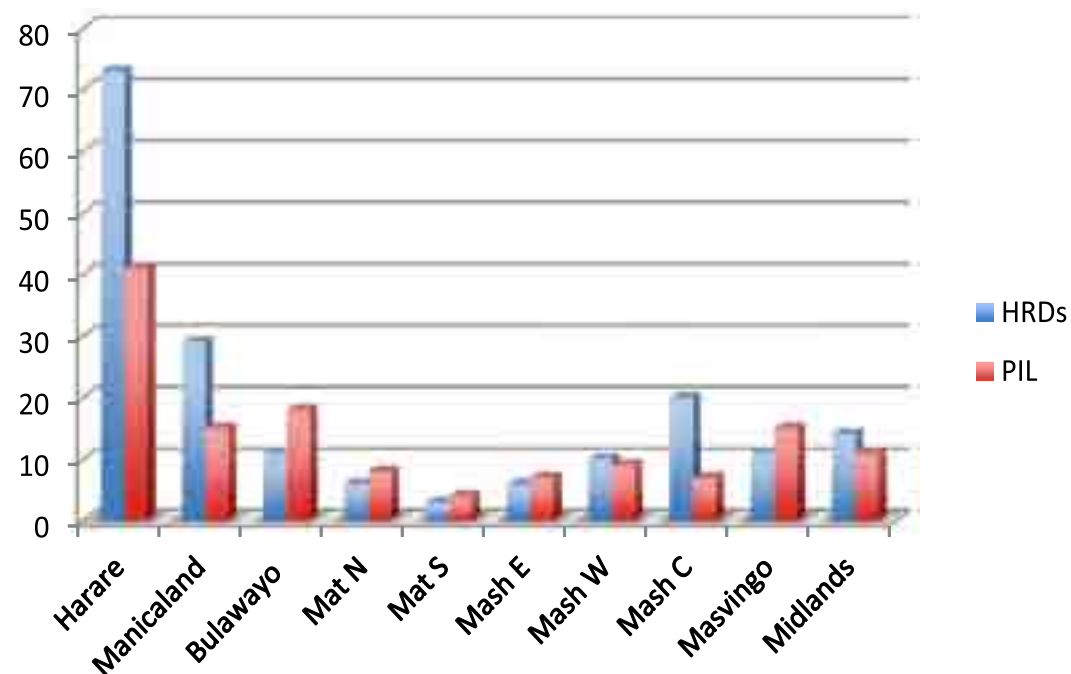
One of ZLHR's two flagship programmes involves the protection of human rights defenders (HRDs) through the provision of legal support services. This safety net offers not only protection in the event of HRDs coming into conflict with the law as a result of their peaceful and legitimate human rights activities, but also encouraging such work to continue and maintaining civic space by allaying fears that HRDs will not be able to afford legal services in the event that they are arrested and prosecuted during the course of their work.

The emergency and follow-up legal support provided by ZLHR ensured that the protection, and safety, of HRDs was guaranteed and that they were better able to continue with their work in the knowledge that lawyers would be available to assist them.

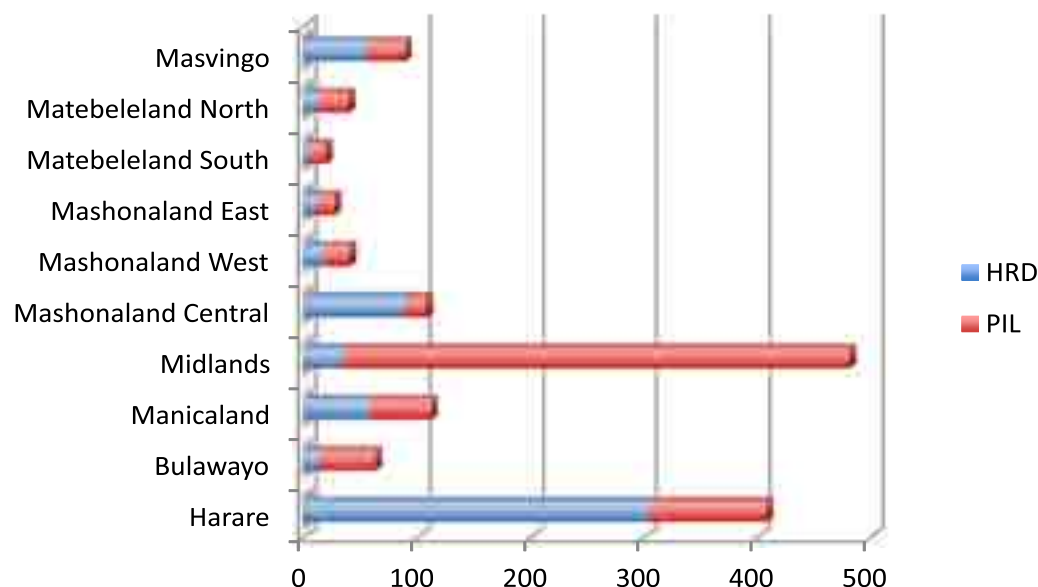
The second flagship programme – public interest litigation – directly provided social, economic and civil remedies for a total of 786 people around the country in 2014. The number far exceeds this, as the judgments were able to be used in relation those facing similar violations, whilst positive judgments in favour of ZLHR clients had the effect of reforming the conduct or reducing the probability of future similar violations by state and non-state actors alike.

- ✓ ZLHR undertook 323 cases in 2014 (emergency and follow-up services, and public interest/constitutional litigation)
- ✓ 43% of total cases were public interest litigation cases
- ✓ 1,386 people benefitted from ZLHR's legal support services in all 10 provinces
- ✓ 600 (44%) were human rights defenders provided with emergency and follow-up legal support; 786 (56%) were people benefitting directly from public interest litigation
- ✓ 93% success rate in emergency and follow-up cases in 2014

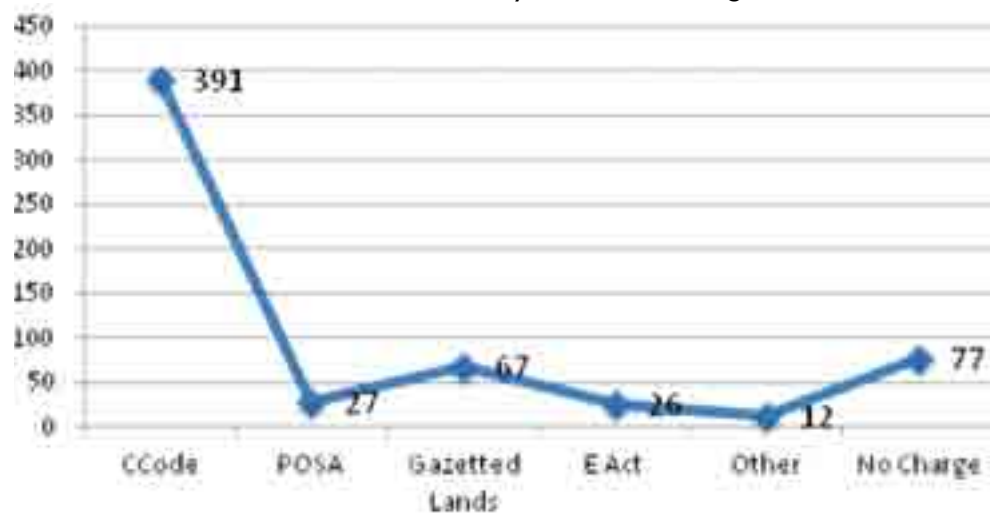
Type and Number of ZLHR Cases per province



Provincial Location: Number of Beneficiaries of ZLHR Legal Support



Number of HRDs assisted by ZLHR and Charges Faced



This litigation was undertaken as part of ZLHR's improved Access to Justice programme. The programme area engaged in strategic human rights litigation that has an impact on the wider community, benefitting more people beyond the primary litigant in a specific case. The cases taken up fall into three main categories/thematic areas, namely:

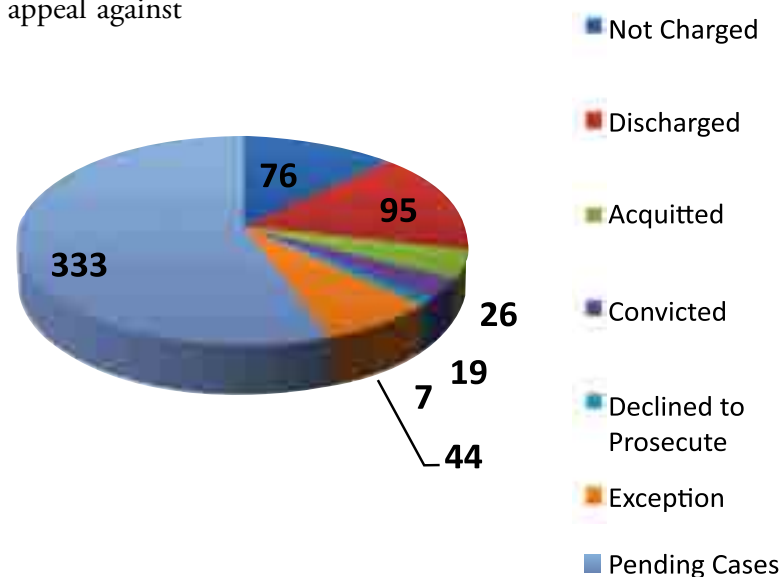
- i. Constitutional litigation: focuses on bringing cases before the Constitutional Court of Zimbabwe, challenging unconstitutional laws and arbitrary decisions and administrative conduct inconsistent with the Constitution;
- ii. Strategic impact litigation: focuses on legal action to challenge arbitrary decisions by state functionaries that have the effect of violating fundamental human rights. The strategic litigation normally has a wider impact beyond the primary litigant for the case. There is a specific focus, through this category of litigation, on the realisation of social, economic and cultural rights;
- iii. Anti-impunity litigation: focuses on launching civil claims against state and non-state actors who, through their actions that include use of torture, assault, malicious prosecutions and persecutions against individuals, violate fundamental human rights.

ZLHR strongly believes that, in the absence of agreement by state and non-state actors to engage positively and constructively to review, reform and strengthen policy, laws and administrative practices, litigation is the best method to foster constitutionalism, breathe life into the Constitution, and improve compliance, accountability, and respect for the rule of law.

Key Litigation Facts and Figures:

- ✓ In 2014, ZLHR undertook a total of 183 emergency and follow-up cases, benefitting 600 HRDs.
- ✓ Of these cases, 73 were undertaken in Harare; 11 in Bulawayo; 28 in Manicaland; 20 in Mashonaland Central; and 14 in Midlands.
- ✓ Beneficiaries of ZLHR legal interventions were drawn from communities including Siakobvu, Mutawatawa, Tsholotsho, Binga and Kariba, to mention a few.
- ✓ The majority of HRDs assisted were men (69%). Women HRDs constituted 30% of the beneficiaries, and the remaining 1% related to litigation on behalf of institutions.
- ✓ Of concern, 4 children were detained with their mothers; they were eventually released after ZLHR's intervention.
- ✓ 65% of HRDs were charged with violating the Criminal Law (Codification and Reform) Act; 11% with violating the Gazetted Lands (Consequential) Act; 4.5% under the Public Order and Security Act (POSA); 4.3% with the Electoral Act; and 2% with other assorted charges such as the Broadcasting Services Act, the Immigration Act, and the Censorship and Entertainment (Controls) Act.
- ✓ Unlike previous years, where the Criminal Code was more utilised, POSA was once again most commonly applied in many cases where HRDs were exercising their right to freedom of assembly.
- ✓ 12% of the total HRDs were released without charge after ZLHR lawyers intervened.
- ✓ 30% of HRDs assisted were released without any charges in the cases which were finalised in 2014.
- ✓ Out of the cases finalised for 267 HRDs, the success rate was 93% (comprising cases where the HRDs were either released without charge; or lawyers challenged the application of the charge; or the prosecutor failed to prove the case beyond reasonable doubt – discharged; or acquitted after full trial; or appeal against conviction was successful).

Outcome of cases against HRDs



SHOW CASES

HRDs ASSERTING THE RIGHT TO ACCESS MEDICAL CARE AND FORCED REMOVALS ...

S v Patrick Chinounda & 29 Others (Chiredzi)

ZLHR took up this case, which arose in Chingwizi– a camp near Chiredzi for internally displaced persons. The matter arose on 2 August 2014 and involved 30 villagers, who were assisted by ZLHR. Members of the Zimbabwe Republic Police had swooped on villagers at Chingwizi after they resisted the relocation of a medical clinic from Chingwizi transit camp in a bid by the government authorities to force them to move to a new site before the government had compensated them and provided sufficient and productive land for their use. The provocative move by the police led the villagers to resist the attempted transfer, and ended in confrontation with the police.

In a retributive exercise, the police the next day enlisted the services of the Zimbabwe National Army and launched a pre-dawn raid on Chingwizi transit camp where they rounded up close to 300 villagers. Everyone who was deemed a ‘threat’ to the move was targeted, resulting in the authorities burning the villagers’ tents, which they had called home since February. Out of the 27 villagers eventually detained, one woman had a suckling baby.

Lawyers challenged the lawfulness of the arrest of the Chingwizi villagers, who were finally brought to court on 5 August 2014 facing public violence

charges under the Criminal Law (Codification and Reform) Act. They appeared for trial a few months later. On 8 December 2014, and with the legal support of ZLHR, 25 villagers were set free as no evidence was found against them; 26 villagers were discharged at the end of state case and the trial for the other 5 will continue in January 2015.



Some of the Chingwizi villagers represented by ZLHR

... AND THEIR FREEDOM OF ASSOCIATION ...



ZLHR member lawyer, Tonderai Bhatasara, walks out of Rotten Row Court with his happy clients – the GALZ leadership

S v Gays and Lesbians of Zimbabwe (GALZ)

ZLHR intervened to assist the Gays and Lesbians of Zimbabwe (GALZ) after their office was subjected to a police raid, property confiscated, and the organisation and its representatives charged for a second time with ‘running an unregistered organisation’ in contravention of the Private Voluntary Organisations (PVO) Act. ZLHR argued, on behalf of GALZ, that this charge did not disclose an offence, and there was already a pre-existing High Court order that exempted the organisation from registering under the PVO Act. The magistrate confirmed that GALZ was not obliged to register under the PVO Act and that the High Court order exempting the organisation from registering was binding.

STRATEGIC IMPACT LITIGATION TO PROTECT THE RIGHTS OF DETAINEES...***Jennifer Williams & 3 Others v The Minister of Home Affairs & 3 Others***

ZLHR took up this case on behalf of four members of Women of Zimbabwe Arise (WOZA) who had been arrested during a peaceful demonstration in Harare and wished to challenge the conditions of detention of the holding cells at Harare Central police station where they had been detained. ZLHR argued that the conditions of detention were inhuman and degrading and therefore violated the constitutional rights of the women. Among other issues raised, ZLHR argued that the practice of forcing women to remove their shoes and undergarments whilst in detention was inhuman and degrading; further, the poor conditions in the cells were such that they violated the fundamental rights of the WOZA detainees. In a precedent-setting judgment, the Constitutional Court of Zimbabwe concurred with these arguments and declared the Harare Central police station holding cells to be uninhabitable and a violation of the constitutional rights of the detainees. The Constitutional Court directed the state to ensure that essential amenities, such as clean toilets that are private, were provided; that each detainee had a clean mattress and adequate blankets and access to clean water at all times; and that detained women be allowed to keep their undergarments including brassieres; and wear suitable footwear in the cells. ZLHR is now monitoring the implementation of this court judgment so as to ensure it benefits women detainees in the future.



ZLHR lawyers chat with members of Women of Zimbabwe Arise after the Constitutional Court case in Harare

PROTECTING THE RIGHT TO FREEDOM FROM ARBITRARY EVICTION, AND THE RIGHT TO SHELTER...

Makani and 5 Others v Epworth Local Board and 4 Others



Thomas Marumise (left) and Peter Makani (second from left), who are victims of the government sanctioned house demolitions, and their lawyers, Tonderai Bhatasara and Dzimbabwe Chimbga of ZLHR, at a media briefing held in Harare



ZLHR filed this application of behalf of Epworth residents, whose houses were being arbitrarily destroyed by members of the Zimbabwe Republic Police and the Epworth Local Board. The litigation sought to challenge the conduct of these authorities on the basis that demolishing houses without a court order is illegal and unconstitutional. ZLHR argued that the conduct of evicting the applicants from their homes without due process or notice, amounted to self-help and violated, especially, section 74 of the Constitution, which prohibits arbitrary evictions. The High Court agreed with the submissions by ZLHR and granted an order to interdict the authorities from evicting and destroying the Epworth residents' property. ZLHR was, using this litigation, able to also stop and pre-empt any intended further evictions and demolitions of property for others in this community without due process being followed.



Justice at last! Tsitsi Chimhutu of Nyanga inspecting her bank statement after compensation was paid to her by the police

... HOLDING THEM ACCOUNTABLE...

Chimhutu v Minister of Home Affairs and 3 Others

Tsitsi Chimhutu was assaulted during police investigations in Mutare. ZLHR lawyers brought civil proceedings on her behalf against the police officers involved, for using extra-judicial tactics to force a false confession from Ms. Chimhutu. Following a full trial, the court awarded Chimhutu damages in the sum of US\$ 3,000 in February 2014. ZLHR's legal intervention sought to challenge the culture of impunity within the uniformed forces and re-assert the pre-eminence of constitutional protections that prohibit use of coercive tactics and force as methods of investigations by law enforcement agents. These are endemic challenges in the law enforcement and security sector in Zimbabwe. The government paid over the entire damages award after lawyers followed up to ensure implementation of the court order.

Capacity building

- ✓ ZLHR carried out 17 trainings – including some to enhance safety and risk management for human rights defenders, others to strengthen litigation skills of human rights lawyers, and others to increase knowledge on HIV, human rights and the law
- ✓ Participants were drawn from civil society and community-based organisations, the legal sector, and stakeholders in the HIV and public health communities
- ✓ 46% of participants were women

Litigation, as a strategy to ensure greater compliance with the Constitution and exert pressure for respect for fundamental rights and freedoms, must be complemented with knowledge by relevant stakeholders of their rights, and the avenues open to them to enforce such rights. It is also important to ensure that human rights lawyers remain capacitated and aware of new developments in the field of human rights and public interest litigation, so as to strengthen the services offered by ZLHR to human rights defenders. As such, capacity building and sensitisation is a further complementary strategy utilised by ZLHR as part of its overall objectives. At the national level, ZLHR worked throughout 2014 to increase the capacity of a range of stakeholders from different sectors in understanding the Constitution and human rights

issues in Zimbabwe, and being aware of how to use the law as an effective tool for compliance. A number of highly participatory trainings were carried out under the Protection of HRDs and the Institutional Strengthening and Accountability programmes.

Participants were drawn from diverse backgrounds, but all with a common goal of contributing to fostering a culture of human rights through their varying activities and interventions.

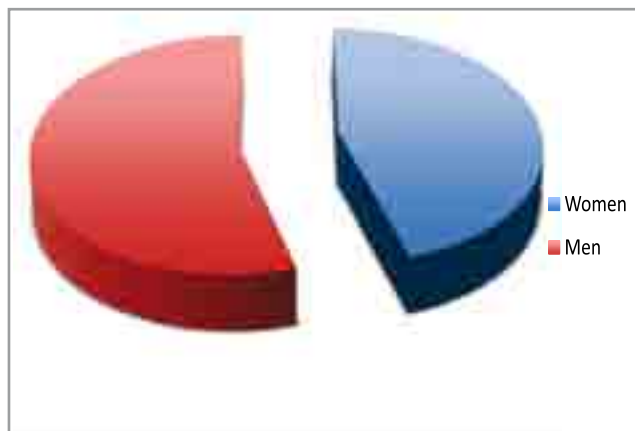
Litigating to Enforce Socio-Economic Rights

In order to build on and consolidate the skills of ZLHR member lawyers, a socio-economic rights litigation training was held in Harare in November. A total of 23 lawyers (15 men and 8 women) participated in the training. ZLHR sought to audit the condition of social and economic rights in Zimbabwe since the adoption of the new Constitution in May 2013, review

Training session on socio-economic rights litigation



ZLHR Consultations and Partner Engagement



progress made in litigation efforts, and develop a clear strategy and framework for how ZLHR member lawyers will continue to contribute to influence socio-economic transformation through research, policy formulation, and public interest litigation. The training also sought to strengthen the capacity of ZLHR members to protect and enforce socio-economic rights using local, regional and international legal mechanisms and systems. The training was highly participatory, with practical exercises on case building and drafting court papers. This workshop increased the knowledge and ability of ZLHR members to research and craft strong social and economic rights cases for purposes of public interest litigation and reform of policy and administrative practices. The ability of lawyers to approach the local courts, as well as regional and international mechanisms to seek redress on cases

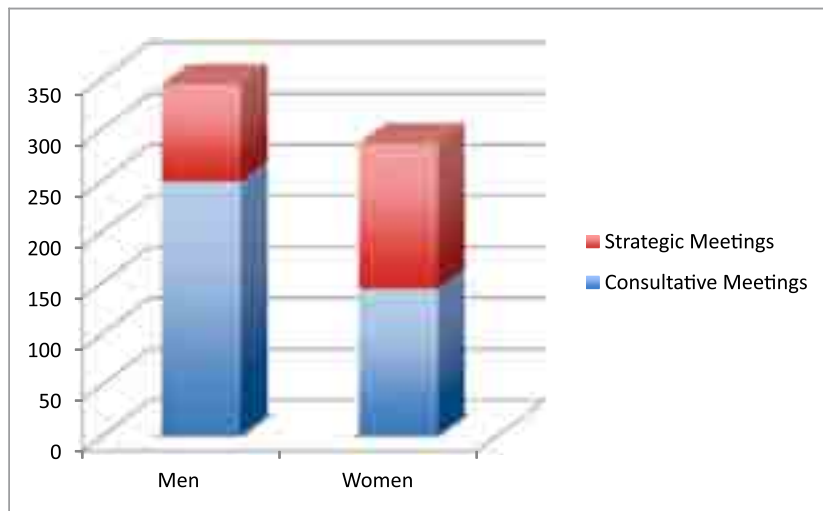
economic and social rights was strengthened, and this is expected to improve on the quality and number of cases brought before the courts, and the impact it will have on large sectors of society.

Symposium on HIV and the Law

As part of its objective of influencing public health policy reform and compliance, ZLHR hosted the 2nd Symposium on HIV, Human Rights and the Law under the theme: *Taking Stock, Taking Action for an Improved National AIDS Response*. This Symposium took place in September in Harare. A total of 108 (70 men and 38 women) participants were drawn from the HIV and reproductive health sector in Zimbabwe, key advocates

in health rights, AIDS service organisations, groups of people living with HIV, legislators, and regional partners. The main objective of the symposium was to impart knowledge on human rights and law and specifically address issues of criminalisation of HIV, intellectual property and the right to sexual and reproductive health. It also sought to explore methods and mechanisms for the promotion and protection of the right to health, as now protected under the Constitution of Zimbabwe. The symposium was interactive and plenary sessions offered a platform to discuss and engage participants in the key issues presented by experts. Experts in the government health sector, civil society and legal profession

Meeting Type	Men	Women	Total
<i>Consultative Meetings</i>			
• ZLHR Member Lawyers	101	51	152
• Civil Society	58	34	92
• Parliamentary Committees	68	40	108
• Working Group on Prisons	22	19	41
<i>Strategic Meetings</i>			
• SADC Lawyers Association Women's Forum		90	90
• Symposium on the Administration of Justice	25	18	43
• Interaction with UN Special Rapporteur on Independence of Judges and Lawyers	70	34	104
TOTAL	344	286	630



Participants in ZLHR Meetings

made presentations on issues relating to the law and HIV. Presentations were made with special focus on three key areas which were; unpacking the right to health, criminalisation of HIV transmission, and intellectual property and access to medicines. A plan of action was developed to increasingly integrate the responses and initiatives of the varied stakeholders towards addressing the key issues identified through the symposium.

Training of Trainers on the Constitution and Available Legal Remedies

In March, ZLHR hosted 24 participants (13 men and 11 women), drawn from community based organisations across the country at a two-day workshop in Bulawayo. The seminar sought to transfer skills to CBO partners on legal remedies available to communities whose rights have been violated. It was also a chance to create awareness on provisions of the new Constitution. By training community leaders, the expectation is that they will be able to address the knowledge gap for HRDs based in communities who have limited knowledge of the remedies available in the event of violations of their rights. Participants were also equipped with a range of facilitation skills for use when they train their fellow community dwellers on the legal remedies available and how to access support from ZLHR.

Participants also attended a court session, after which they engaged with the facilitators, asking questions and clarifications on legal procedure, the conduct of the Magistrate and the effect of some of the orders that were made. This sought to demystify the courts through practical interaction with justice sector stakeholders.

Training of trainers – participants follow the sessions closely



Research and Publications

- ZLHR produced a range of publications, including one on Compliance with the Constitution, and another on Reform of the Criminal Justice System
- Various simplified and specialised analyses of laws and position papers were published and disseminated
- One Model Bill was produced on the National Peace and Reconciliation Commission

Research was the foundation for most of the programmes implemented by ZLHR in 2014, including litigation, increasing social and economic justice, and strengthening state

institutions (with a particular focus on the justice delivery chain). ZLHR produced 2 major publications – one focusing on reform of the criminal justice system to improve conditions for accused persons and prisoners; the other interrogating how far the government had complied with the new Constitution.

The Institutional Strengthening and Accountability programme further contributed to debate and research on alignment of laws with the new Constitution by producing analyses of draft laws and their compliance with the Constitution and international human rights norms and standards. These were published in simplified format and disseminated widely to the public by ZLHR's civic and community partners. Copies were also provided to parliamentarians and used as a basis for ZLHR interactions with them in various

parliamentary committee meetings, public hearings and seminars conducted in terms of the Memorandum of Understanding that ZLHR has with the Parliament of Zimbabwe. The analyses produced were complemented by policy and position papers on relevant issues, such as appointment of judges, the justice delivery system, and the independence of the judiciary. ZLHR also produced a comprehensive schedule of Priority Laws for Reform, as a basis for its continuing advocacy and policy engagement with government on the alignment of laws with the new Constitution.

ZLHR's regular weekly newsletter, the *Legal Monitor*, was produced under ZLHR's Rights Literacy programme and widely disseminated. The *Legal Monitor* has a weekly print run of 20,000 copies, and is distributed throughout the country, but with a particular focus and reach in peri-urban and rural areas in all 10 provinces. Issues covered included updates on cases taken up by ZLHR and its members, thematic human rights issues such as the right to water, shelter, and education, and simplified 'Know Your Rights' information.

ZLHR also finalised research on three legal training manuals for lawyers and judicial officers – one on Socio-Economic Rights Litigation, a second on Trial Observation, and a third on Fundamental Rights Litigation.

Launch of report on detention centres and prisons



SHOW CASE PUBLICATIONS

Report on the Analysis of the Criminal Justice System and Conditions of Pre-Trial Detention in Zimbabwe

ZLHR, in collaboration with the Law Society of Zimbabwe, produced a publication on the criminal justice delivery system and the conditions of pre-trial detention in Zimbabwe. The research focused on the conditions of detention centres and prisons in Zimbabwe and the criminal justice delivery chain with a view to identifying ways to enhance the rights of pre-trial detainees. The findings were validated and ultimately endorsed by stakeholders who included government agencies, the legal profession, and civil society.



A publication on prison conditions jointly published by ZLHR, the Law Society of Zimbabwe and the Community Law Centre at the University of the Western Cape

On the Correct Path, or Lost in the Forest?

This report was produced in May 2014. It is an evaluation of the government's compliance with, and implementation of, the new Constitution covering the critical election period immediately after the promulgation of the Constitution and the relevant court decisions made during that period. Violations by omission and commission are detailed in the report as well as various statutes that require urgent amendment. General breaches are listed, whilst more far-reaching instances of non-compliance are reported in a more detailed and substantive manner. The report concludes with recommendations on how to strengthen compliance and improve areas in

which progress in implementation has been slow. The publication was the result of work done by various members of the Civil Society Monitoring Mechanism (CISOMM) and is a collation of the information obtained from them.

Analysis of Electoral Amendment Bill

ZLHR produced an analysis of the Electoral Amendment Bill that was gazetted in 2014. This analysis measured compliance in relation to the process of amending the law, as well as whether the content complied with the provisions of the new Constitution and regional and international standards on the conduct of free and fair elections. A number of pertinent observations were made on the provisions, with recommendations on how the Bill could be improved in order to contribute more substantively to free and fair elections in the future.

5.3 ZLHR and its Strategic Partners

- ✓ In 2014, ZLHR directly interacted with 1,152 strategic stakeholders and partners
- ✓ The organisation engaged all three arms of government – the executive, legislature and judiciary
- ✓ ZLHR engaged strategic national institutions and constitutional commissions such as the Zimbabwe Human Rights Commission
- ✓ ZLHR continued to interact with other CSOs and CBOs on areas of mutual interest
- ✓ Strategic ZLHR membership consultative meetings were conducted around the country
- ✓ Members of the public were also involved in ZLHR activities through public debates

ZLHR considers engagement with a range of state and non-state actors to be crucial in advancing its strategic aims and objectives. The organisation continued, as in previous years, to interact closely with a range of players, from the community level (from where first-hand knowledge and information can be obtained), through the regional (provincial) level using its Regional Offices (to understand issues specifically affecting communities in various provinces) to the national level, where policy, legislative and administrative practices can be influenced and reformed. ZLHR also continued to play an important role at the sub-regional and continental level through its leadership of legal and human rights defender networks to address thematic issues and challenges facing different countries, as well as the global level, in attempts to promote compliance and respect for international human rights and legal norms and standards.

Engagement with the Parliament of Zimbabwe

In 2014, ZLHR continued to strengthen its ties with the Parliament of Zimbabwe in terms of its Memorandum of Understanding. The organisation engaged parliamentary committees and other stakeholders who have a role to play in the oversight of government policies, activities and work. High-level breakfast meetings provided a platform for discussion on issues of transparency and accountability in government entities and review of impending legislation. The objectives of the breakfast meetings were to strengthen the capacity of oversight bodies to work more efficiently and effectively together in their investigative mechanisms and so improve their legislative and policy implementation scrutiny roles. Another objective was to provide a platform for Parliamentarians, Constitutional Commissions, the Auditor General's Office, Attorney General's office, the National Prosecuting Authority, and civil society to effectively interrogate government accountability, document challenges, and develop possible areas of intervention to improve the efficiency and effectiveness of Parliament in ensuring government accountability. The stakeholders developed key strategic recommendations that would strengthen their oversight role. One of the key recommendations was the urgent need to harmonise laws with the Constitution to strengthen the powers of the



ZLHR Executive Director, Irene Petras, engages Assistant Commissioner Takawira Nzombe of the Zimbabwe Republic Police

institutions that have an oversight function. Stakeholders also highlighted the need to address the inadequacy of budget for parliamentary work, to enable parliament to carry out its duties without undue interference or financial constraints.

Engagement with the Judiciary (Judicial Service Commission)

ZLHR held an All Stakeholders' Symposium on the Administration of Justice in December 2014 in Nyanga. The meeting attracted 43 delegates (25 men and 18 women) under the theme '*Towards effective administration of justice in Zimbabwe: Lessons from the SADC Region*'. ZLHR sought to create a platform for stakeholders in the administration of justice in Zimbabwe and the SADC region to share experiences and lessons on strategies for strengthening institutions, systems and structures for improved administration of justice. During this symposium, strategies for transforming and strengthening the justice delivery system in order to enhance the rule of law in Zimbabwe were proposed. An output of the symposium was the production of a Communiqué on the key findings and the development of a Plan of Action involving all stakeholders. The challenges faced in the effective administration of justice were highlighted and corresponding recommendations were made to address

these challenges faced by key rule of law institutions. There was increased awareness of administration of justice barriers among various stakeholders and the compilation of critical information that will contribute towards efforts to work across the state-civil society spectrum towards reforming and strengthening the justice delivery system in Zimbabwe.

Engagement with Civil Society

Show Case: *The Civil Society United Nations Universal Periodic Review (UPR) Mid-Term Report*

In March 2014, ZLHR, the Human Rights NGO Forum and the National Associations of Non-Governmental Organisations hosted a meeting to launch the Civil Society UPR Mid-Term Stakeholders' Report in Harare. The launch was attended by 47 people (28 women and 19 men). The three organisations represent Zimbabwean civil society in interactions with the government on human rights and treaty compliance issues at the continental and United Nations level. In this report, CSOs assess the status of implementation of the 130 recommendations accepted by the Government of Zimbabwe (GoZ) in October 2011 during the United Nations Universal Periodic Review of the country. Where the GoZ was lacking, suggested steps to remedy the situation



Board chairperson, Beatrice Mtetwa, and board member, Sarudzayi Njerere, following proceedings during public interviews for the appointment of judges

were provided. Assessment of progress was based on information provided by CSOs throughout the country that participated in the drafting of the report. It is hoped that the submission of the Stakeholders' Report will go a long way in ensuring that the government fulfills its UPR obligations by 2016.

National Transitional Justice Working Group

The National Transitional Justice Working Group is a platform established by various non-state Zimbabwean transitional justice stakeholders to provide the interface between transitional justice stakeholders and the official transitional justice processes in Zimbabwe. A consultative meeting was held in Harare on 27 February 2014 to set the objectives, terms of reference and the structure of the group, 47 Civil Society Organisations participated. On 23 May 2014, 31 Civil Society Organisations representing various transitional justice stakeholders elected an eight member National Transitional Justice Working Group (NTJWG). ZLHR's Roselyn Hanzi was elected as the representative for the Justice and Accountability thematic area. While elected by different organisations, members of the NTJWG serve the group in their voluntary personal capacity to advance the needs of transitional justice stakeholders as expressed in the strategic plan of the (NTJWG).

Engagement with ZLHR Membership

The ZLHR Board and secretariat conducted 8 consultative meetings in 2014 with its membership around the country to address and solicit views and suggestions on a range of issues. The meetings were held in Bulawayo, Gweru, Harare, Masvingo and Mutare, and included all members located in other cities and towns. ZLHR members were, in this way, able to contribute to the development and finalisation of ZLHR's strategic plan and focus areas. The consultations also served to gather information and contributions to the reform of the Court Rules governing the civil and criminal procedure impacting on the enjoyment of fundamental freedoms of accused persons in the Magistrates' Courts and the High Courts of Zimbabwe. Input was provided with a view to aligning the court rules with the new Constitution to ensure better protection of human rights. Members identified the gaps in the rules of court, practicality of implementation and other areas requiring improvement and made recommendations on possible amendments or even

repeal of offending provisions. Discussions also focused on challenges to the legal profession, with a specific focus on the work of human rights lawyers, and how they can be protected and empowered to better represent their clients and contribute to constitutionalism and the rule of law in Zimbabwe. Recommendations from the consultative meetings assist in engagements with the Judicial Service Commission, as well as ensuring that ZLHR members remain active and invested in the work of the organisation, and that such work remains relevant to the legal profession, as well as broader society.

Engagement with the Public

ZLHR interacted with the public throughout the country primarily through its Mobile Legal Clinics and community dialogue platforms – information which has been provided in previous sections of this Annual Report.

One-Year Anniversary of the new Zimbabwe Constitution

On the first anniversary of the new Constitution of Zimbabwe entering into force, 22 May 2014, ZLHR hosted a panel discussion at the Zimbabwe College of Music. Speakers included two former judges, Justice Zak Yacoob (Retired South African Constitutional Court Judge) and Justice Moses Chinhengo (Former Judge of the High Court of Zimbabwe) and a member of the National Assembly – Hon. Jessie Fungayi Majome, MP. Civil society was encouraged to be vibrant in order to transform the constitutional culture of the country. The fact that the Constitution remains a concern for very few people, with most people either unaware of how it can assist them or concerned with meeting basic needs and requirements of daily life, requires Zimbabweans to rally behind the new Constitution, align subsidiary laws, and ensure constitutional awareness and use of the Constitution by the broader Zimbabwean population. Speakers urged parliament to make use of its numbers and enact laws in line with the new Constitution. Participants were generally skeptical of any progress that can be made given the political configuration that currently obtains in the country and low levels of respect for constitutionalism and the rule of law. However, the panelists implored participants to play their own role in the furtherance of democracy and good governance.

6. ZLHR: Beyond Zimbabwe's Borders

- ✓ ZLHR participated at the African Commission on Human and Peoples' Rights and the United Nations Human Rights Council
- ✓ The organisation pursued several communications at the African Commission on Human and Peoples' Rights after domestic legal remedies failed
- ✓ Legal expertise was contributed in strategic interventions by Zimbabwean and regional civil society at SADC and AU Summits
- ✓ ZLHR was actively involved in advocacy and legal initiatives with the SADC Lawyers' Association, the African Court Coalition and the Pan-African Human Rights Defenders' Network, amongst others
- ✓ Strategic interventions were undertaken on behalf of the Southern Africa Human Rights Defenders Network, which ZLHR coordinates

The organisation's Protection of Human Rights Defenders and Access to Justice programmes spearheaded ZLHR's strategic partner engagement, advocacy and litigation at sub-regional, continental and global platforms throughout 2014. Consequently, ZLHR was able to engage with representatives of key quasi-governmental institutions at the sub-regional, continental and international level in attempts to influence legal proceedings, foreign policy and policy engagement to improve the rights and governance conditions in Zimbabwe and the SADC region. Thematic human rights issues affect many countries in the Southern Africa region, and the continent at large. It is for this reason that ZLHR extends its programming and efforts beyond national borders, as collective pressure builds and considerably expands the voice of African non-state actors in their attempts to influence changes in attitudes and practices by African governments. Some of these institutions and stakeholders targeted by ZLHR included the African Commission on Human and Peoples' Rights, the African Union, the Southern Africa

Development Community (SADC), and the United Nations Human Rights Council. Strategic partners in such civic efforts include the SADC Council of NGOs, the SADC Lawyers' Association, the African Court Coalition, the Pan-African Human Rights Defenders Network and other sub-regional networks. ZLHR was selected to coordinate the strategic interventions of the Southern Africa Human Rights Defenders Network due to its pioneering work at the national level.

6.1 Litigation

ZLHR continues to spearhead the use of continental legal mechanisms in efforts to obtain redress for survivors of violations to the African Charter on Human and Peoples' Rights, who have failed or been unable to obtain remedies through the national courts. The organisation currently has several active cases at the African Commission on Human and Peoples' Rights in Banjul, The Gambia. These include:

- A challenge to the legality of the Zimbabwe government's Operation Murambatsvina of 2005, where thousands of innocent people were subjected to arbitrary eviction, destruction of their homes and property, bodily harm and loss of life, as well as disruption of education, health and sanitation services.
- Attempts to enforce the rights of Zimbabweans in the Diaspora to exercise their fundamental right to be involved in the governance of their country, particularly through the right to vote in national elections.
- A challenge, on behalf of the Women of Zimbabwe Arise (WOZA), against the conduct of the police in dealing with demonstrations and seeking to enforce the protection of their organisational members rights to freedom of expression, assembly and association.
- A communication seeking to have the government investigate extra judicial killings, torture, rapes, destruction of property and other violations of rights of affected people lawfully residing on select farms belong to opposition political party members during the land reform programme.

6.2 Contributing Technical Expertise at the Regional and Global Level

Elections and Democracy

ZLHR members were involved in several regional election observation missions under the ambit of the SADC Lawyers' Association. Through the observation missions, and strategic meetings to review trends, practices and challenges, ZLHR contributed knowledge and expertise to addressing electoral and democracy shortfalls in the region and strengthening civic and law-based organisational involvement in such processes at the national and regional level.



Irene Petras and Connie Zhuwarara of ZLHR participate during a panel discussion at the SADC LA Conference

Freedom of Assembly and Association

ZLHR was included in a team of technical experts undertaking a study on Freedom of Assembly and Association in Africa on behalf of the African Commission on Human and Peoples' Rights. In 2014, meetings were held with the African Commission's Special Rapporteur on Human Rights Defenders in Accra, Ghana, to validate the report, after which it was presented

to the African Commission on Human and Peoples' Rights. It is expected that this will contribute to the development of an African Union Protocol on Freedom of Assembly and Association in future years, thus strengthening the instruments available to human rights defenders throughout Africa.

Protection of Human Rights Defenders and Civic Space

ZLHR also participated in the launch of a study, to which it contributed, entitled '*Strategies for Enabling Civil Society Organisations*'. This took place in Geneva, Switzerland, with the participation of the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Freedom of Association. ZLHR shared its concerns on challenges and experiences from Zimbabwe such as the targeting of civil society organisations and criminalisation of work of HRDs. The Special Rapporteur highlighted how the study remained relevant to all human rights defenders in different parts of the world who were also facing challenges of shrinking space. He called on states to honour their responsibilities at the international level. The meeting was also an opportunity to share information on the operating environment for human rights defenders from different regions of the world and share strategies to overcome common challenges.

African Human Rights Defenders' Protection Strategies

ZLHR's manager for the Protection of Human Rights Defenders programme was included in a panel to share information and experiences on advocacy strategies using the African Commission on Human and Peoples' Rights. This took place in Luanda, Angola, during the NGO Forum before the 55th session of the African Commission on Human and Peoples' Rights. The panel was organised by the International Services for Human Rights. It registered dynamic and interactive participation as well as constructive exchange of information, experiences and expertise from various geographical regions.

ZLHR presented on how the organisation had made use of the African Commission on Human and Peoples' Rights to advocate for the protection of human rights defenders in Zimbabwe through the use of Urgent Appeals,

meetings with special mechanisms, presentation of statements during the public sessions of the African Commission on Human and Peoples' Rights and filing communications under the Commission's protective mandate. Other than creating awareness to participants who had not interacted with ZLHR before, the discussion presented an opportunity for ZLHR to interact with some of the African Commissioners as well as representatives of other CSOs from around Africa.

Prevention of Torture

ZLHR attended a meeting to explore possible collaboration with the Committee on the Prevention of Torture in Africa (CPTA) in the development of a General Comment on Reparations. The African Commission's Commissioner Mute also participated, and indicated his desire to make CPTA more pro-active and contribute to the establishment of long-term structures that could be applied in the future, rather than focusing only on ad-hoc issues such as promotional missions. Currently, work is underway to develop an initial draft paper on reparations in the African context.

Governance, Rule of Law and Democracy

ZLHR was one of the organisations from Africa invited to participate in the African civil society discussions to formulate recommendations for minimum goals and demands for greater democracy on the African Continent ahead of the US-Africa Summit in the United States of America in August 2014. Thematic discussions focused on issues such as the media, human rights, elections, challenges to the protection of civil society, good governance and accountability, conflict and security. ZLHR participated in the human rights panel. Some key recommendations made included the need to ensure the protection of social and economic rights and greater accountability for aid provided to governments.

ZLHR communications officer Kumbirai Mafunda outside Swaziland High Court after the court proceedings for Swazi human rights lawyer Thulani Maseko and Bheki Makhubu

AS THE SECRETARIAT OF SAHRDN

Regional Advocacy Mission with Swaziland Lawyers for Human Rights – Mbabane, Swaziland

ZLHR has, over the past decade, engaged with the Law Society of Swaziland and members of the Swaziland Lawyers for Human Rights with a view to strengthening the protection of human rights in both Zimbabwe and Swaziland, in particular, and in the broader Southern African region. As part of the continuing engagements, ZLHR dispatched a team of lawyers to Swaziland to engage with their counterparts in that country. The visit coincided with the arrest, detention and trial of prominent human rights lawyer, Thulani Maseko who has endured a history of persecution at the hands of the Swazi authorities as a result of his work on behalf of human rights defenders. ZLHR and Swaziland Lawyers for Human Rights hoped to identify and delineate common strategies to strengthen the capacity of human rights lawyers to advocate for and defend the enjoyment of human rights, provide solidarity and support, conduct a fact finding mission and observe the court proceedings against Thulani Maseko. ZLHR also held meetings with the Swaziland Law Society and a number of key action points were identified to assist in these endeavours.



7. Keeping Everyone Informed

- ZLHR produced and disseminated 90 press releases and information alerts
- A total of 1,080,000 copies (54 editions, including 4 special editions) of the Legal Monitor were produced and distributed countrywide
- 1,200 audio CDs and DVDs were produced and disseminated, including 200 copies of a documentary on social and economic rights issues

In 2014, ZLHR issued a total of 90 press releases, alerts and updates. These were disseminated via the organisation's various electronic mailing lists, on its social media platforms, and in print media publications. This material contributed to increased understanding of the human rights situation and topical challenges by different stakeholders at the national and international levels, as well as broader knowledge by stakeholders of the work and interventions of ZLHR.

Influential and respected media outlets continued to rely on ZLHR's alerts in their stories, as evidenced by the active voices of ZLHR as an organisation, and the organisation's lawyers and members, who were extensively quoted in monitored media articles. Local media outlets such as the *Standard*, *Newsday* and the *Daily News*, and regional and international media houses such as the South African Broadcasting Corporation (SABC), Bloomberg news agency, Al Jazeera, Moneyweb as well as specialist legal newsletters such as the Legal Brief, relied upon ZLHR's updates.

ZLHR continued, in this way, to promote access to information and knowledge throughout the country. In 2014 this information provided vulnerable and marginalised communities with more diverse information and improved their knowledge and ability to influence processes that affect and influence their lives, thereby underlining the importance of access to information and knowledge as essential conditions to further the development of democracy and active citizen participation in the country.



ZLHR considers the media as a key player in the dissemination of information-Dzimbabwe Chimbga during an interview with Fazila Mahomed of Press TV

7.1 The Legal Monitor

Most of the articles published in the *Legal Monitor* in 2014 covered issues normally ignored or given peripheral treatment by the mainstream media. Such media houses in turn re-published many of these stories, thereby increasing ZLHR's visibility and the reach of its information. Victims of rights violations – particularly from marginalised and disadvantaged communities– swamped the three ZLHR offices with requests for assistance using information gathered from the *Legal Monitor* and other publicity of ZLHR work in the media. A vigorous documentation and media campaign against criminal defamation and insult laws paid off after key victories in the Constitutional Court, using material collected from ZLHR, amongst others.



Information is power – some Chisumbanje villagers holding on to copies of The Legal Monitor, ZLHR's flagship newsletter



Above: Terry Mutsvanga of Coalition Against Corruption and Kennedy Masiye of ZLHR launching a documentary film entitled Dhamu:Voices From A Tent. The 30-minute documentary captures life at Chingwizi transit camp as well as Tokwe Mukosi village

7.2 Production of DVDs and Audio CDs

In 2014, ZLHR produced and participated in the broadcasting of four special radio programmes in partnership with various community and commercial radio stations, namely CORAH FM, Radio Dialogue, Radio VOP and ZiFM. These included a 30-minute special documentary on the violation of rights to health, shelter and education of internally displaced persons at Chingwizi Transit Camp in Masvingo province.

The broadcast programmes focused on human rights content guaranteeing economic, social and cultural rights and also sought to enhance knowledge of the provisions of the new Constitution. This resulted in ZLHR opening new avenues to reach out to communities by using alternative media platforms to share human rights messages on a total of 1,200 audio Compact Discs and some on DVDs including 200 copies of the documentary.

7.3 Human Rights Day Festivities

In commemoration of International Human Rights Day in December 2014, ZLHR conducted a series of mobile legal clinics across the country where the organisation's member lawyers and project officers offered free legal assistance to the general public – an exercise which led to the identification of cases for possible public interest litigation, especially for poor and marginalised people who cannot afford legal fees. At these mobile clinics, ZLHR conducted programmes to raise awareness of human rights issues, capacitate communities on their rights, and provide information on referral mechanisms and available services in the event of human rights violations.

In December 2014, ZLHR in partnership with Zimbabwe Human Rights NGO Forum (the Forum) hosted Gabriela Knaul, the United Nations Special Rapporteur on the Independence of Judges and Lawyers, who provided an insight into issues regarding the independence of the judiciary. In her address Knaul, who was the guest speaker at a joint Annual Human Rights Lecture hosted by ZLHR and the Forum, challenged governments to ensure that the judiciary is allowed to operate independently. Knaul told the delegates, who included judges, legal practitioners, media practitioners and human rights defenders, that the judiciary was in a privileged position to avert the erosion of the rule of law and to uphold the human rights principles and values upon which democratic societies should be built.

ZLHR staff with Gabriela Knaul, the visiting United Nations (UN) Special Rapporteur on the Independence of Judges and Lawyers



Three Masvingo-based lawyers (Phillip Shumba, Collen Maboke and Martin Mureri) scooped the 2014 ZLHR Human Rights Lawyer of the Year Award for tenaciously fighting for the acquittal of Chingwizi flood victims who were dragged to court for asserting their rights. Shumba, Maboke and Mureri, who are all based in Masvingo province, were recognised at the Annual Human Rights Lecture.



Masvingo based human rights lawyer Martin Mureri receiving the ZLHR Human Rights Lawyer of the Year Award from Gabriela Knaul, the United Nations Special Rapporteur on the Independence of Judges and Lawyers

Dickson Bhewu (on the left), a beneficiary of a ZLHR scholarship, is pursuing a law degree at the University of Zimbabwe



7.4 ZLHR Investing in Youth – The Future of Zimbabwe

In 2014, ZLHR launched a scholarship established in honour of the late South African liberation icon and Former South African President, Nelson Mandela. This scholarship will support students who excel in academic studies, but who may not have otherwise had the opportunity to be inspired and assisted to possibly become the next icon in the struggle for a better society. Dickson Bhewu, a 22 year-old University of Zimbabwe undergraduate law student, became the first recipient of this ZLHR scholarship.

7.5 ZLHR's Social Media Footprint

ZLHR consolidated its footprint on social media platforms such as Facebook and Twitter, where the organisation has been quite active. Interact with us and learn about our work and legal, constitutional and human rights developments:

Facebook page: Zimbabwe Lawyers For Human Rights

Twitter handle: @ZLHRLawyers

8. ZLHR Staff

Access to Justice Programme

Left to right – Manager: Dzimbabwe Chimbga;

Assisted by: Lizwe Jamela; Programme staff: Tawanda Zhuwarara, David Hofisi, Bellinda Chinowawa; Consultant: Bryant Elliot



Institutional Strengthening and Accountability Programme

Left to right – Manager: Connie Nawaigo-Zhuwarara;

Programme staff: Agnes Muzondo, Maureen Sibanda-Shonge, Nosimilo Chanayiwa



Rights Literacy Programme

Manager: Tinashe Mundawarara

Programme staff: Bekezela Mapanda, Nyasha Sanie, Prisca Dube, Kennedy Majamanda



Protection of Human Rights Defenders Programme

Manager: Roselyn Hanzi

Assisted by: Blessing Nyamaropa; Programme Staff: Jeremiah Bamu, Kennedy Masiye, Peggy Tavagadza



Information and Communications*Kumbirai Mafunda***Compliance, Monitoring and Evaluation***Linda Sibanda***Finance Team**

*Left to right – Manager: Bronwyn Robinson
Finance staff: Marj Appel, Ingrid Pinto*



Administration Team

Left to right – Manager: Hilary Makoni

*Administrative staff: Mercyline Soko; Patience Chimedza; Ruthy Chibwe; Caroline Mukundu;
Anesu Kamba; Fanuel Hungwe; Charles Nyamusengudza; Ephraim Matanda; Chenjerai Marindiko*



9. Our Partners in 2014

Australian Aid
British Embassy
Canadian Fund for Local Initiatives
Centre for Disease Control
Cultures of Resistance Network
European Union
Ford Foundation
Hivos
National Democratic Institute
National Endowment for Democracy
Royal Belgian Embassy
Royal Danish Embassy Office/Danida
Royal Netherlands Embassy
Royal Norwegian Embassy
Open Society Initiative for Southern Africa
Sigrid Rausing Trust
Trocaire
USAID

Our Legal Advisors

Gill, Godlonton & Gerrans
Dube, Manikai & Hwacha

Our Auditors

Deloitte and Touche

Our Bankers

Stanbic Bank Zimbabwe

Zimbabwe Lawyers for Human Rights has nationwide coverage.
For more information on the organisation's nearest representatives in your area, please contact the following offices:

Harare Office

(National coverage)

6th Floor, Beverley Court
100 Nelson Mandela Avenue, Harare
Phone: (+263 4) 705370/708118/764085/251468
Fax: (+263 4) 705641

Mutare Office

(Covering Manicaland and Masvingo provinces)

Ground Floor, Winston House
Corner 1st Street and 2nd Avenue, Mutare
Phone: (+263 20) 60660

Bulawayo Office

(Covering Matabeleland, Midlands and Bulawayo provinces)

3rd Floor, Barclays Bank Building
Corner 8th Avenue/J. Nkomo Street, Bulawayo
Phone: (+263 9) 722014

Email: info@zlhr.org.zw

Website: www.zlhr.org.zw

Facebook: [Zimbabwe Lawyers for Human Rights](#)

Twitter: [@ZLHRLawyers](#)

24-Hour Hotlines

National: (+263 772) 257 247
Manicaland/Masvingo: (+263 773) 855 718
Matabeleland/Midlands: (+263 773) 855 635

