

# COMMISSIONS WATCH 3/2017

## ZIMBABWE HUMAN RIGHTS COMMISSION

### [5th May 2017]

#### **Zimbabwe Human Rights Commission: Report on Food Aid Cases**

In Parliament recently, the Deputy Ministry of Public Service, Labour and Social Welfare made a Ministerial Statement on the Government's Food Deficit Mitigation Programme, which was repeated in the Senate the following day. He denied that there was widespread partisan distribution of food aid and stoutly maintained that the system for implementation of the programme was such as to rule out partisan distribution; he said the Ministry had received only half a dozen complaints. In both Houses MPs' responses, based on personal observations, indicated that what was still happening on the ground was very far from the ideal situation painted by the Ministerial statement, which is available on the Veritas website in a document that includes MPs' responses [\[available here\]](#).

Surprisingly there seems to have been no reference to the Zimbabwe Human Rights Commission's [ZHRC] September 2016 report on its investigation into the subject [\[report available here\]](#). The report is summarised below.

#### **The ZHRC Investigation into Food Distribution**

The Constitution empowers the ZHRC to, among other things, receive and consider complaints from the public concerning violations of human rights and to take such action in regard to the complaints as it considers appropriate. Further, in terms of section 244(2) of the Constitution, the Commission may submit reports to Parliament on particular matters relating to human rights and freedoms which, in its opinion, should be brought to the attention of Parliament. The report on Food Aid cases, which documents its investigations of alleged discrimination on the basis of political affiliation in the distribution of agricultural inputs and food aid in various areas in the country, is one such report.

#### **Background**

The Zimbabwe Human Rights Commission's report on Food Aid cases was in response to complaints about the exclusion of members of opposition groups, primarily members of the MDC-T, from the Food Deficit Mitigation Programme – a national initiative rolled out by the Department of Social Welfare and Plan International to address the humanitarian crisis caused by the drought. The Programme provides cash and food aid for work or directly to vulnerable families in the country. Individuals in Buhera North Constituency, Mazowe Central Constituency, Muzarabani North and South Constituencies and Bikita East Constituency complained about the political use of food aid, and corruption in the administration and distribution of food aid. After conducting investigations in the affected areas between May and August 2016, and after taking into account the Ministry of Public Service, Labour and Social Welfare's

oral evidence before the Parliamentary Thematic Committee on Human Rights on the Food Deficit Programme, the Human Rights Commission concluded in its report that “*there was indeed discrimination and exclusion in the distribution of food aid in Bikita East Constituency, Mazowe Central Constituency, Muzarabani North and South and Buhera North.*” The report also noted that “*the ruling ZANU-PF members were the major perpetrators in violations linked to distribution of food, agriculture inputs and other forms of aid.*”

### **The ZHRC Press Statement and Report on Food Aid Cases**

On 7th September, ZHRC chairperson Elasto Mugwadi released a statement on the food aid cases. The statement, which is available on the Veritas website [[available here](#)], summarises the Commission’s report on the food aid cases. The complaints submitted to the Human Rights Commission claimed violation of the right to food and the right to equality and non-discrimination, particularly on grounds of political affiliation. Both the right to food and the right to equality and non-discrimination are protected in the Constitution, sections 77(b) and 56(3) respectively from a constitutional perspective, the Commission not only found that the right to food and the right to equality and non-discrimination had been violated, but also that the rights of elderly persons to receive reasonable care and assistance from their families and the State, in terms of section 82(a) and (c) of the Constitution had been violated. The Commission’s report also went beyond our Constitution and cited international law provisions that Zimbabwe, as a State party thereto, had violated: Article 7 of the Universal Declaration of Human Rights [[available here](#)], Article 26 of the International Covenant on Civil and Political Rights [[available here](#)], and Article 2 of the International Covenant on Economic, Social and Cultural Rights [[available here](#)], all of which enshrine the right to equality before the law and freedom from discrimination. The Commission’s report also mentions the UN Guiding Principles on the Right to Food, which in addition to non-discrimination, refer to pertinent issues of availability, accessibility and sustainability in guaranteeing the right to food.

### **Highlights of the Report**

In a nutshell, the Commission’s report exposes the use of food aid, in certain areas of the country, to suppress political dissent by making access to essential government programs conditional on support for the ruling party.

“*Villagers in the Mazowe Central Constituency, Dewure Resettlement Scheme of Bikita East, Muzarabani and Buhera North were facing discrimination in the distribution of food aid and agriculture inputs on the basis of their political affiliation to the opposition party, the MDC*” reads the Commission’s report. Interviews conducted by the Commission also revealed that “*beneficiaries are expected to chant ruling party slogans and to produce party affiliation cards before receiving food aid.*”

The report records, in April 2016, the MDC-T Ward 7 Councillor in Buhera North Constituency was allegedly assaulted by ZANU-PF members after

raising concerns about the partisan distribution of food. The assault was reported to the police, but the matter had not been brought before the courts. The Commission's report highlights other issues related to the distribution of food aid, some of which are noted below.

Politicisation of Food Aid Adversely Affecting Elderly Persons Although the rights of elderly persons were not raised by the complaints, it became clear from the Commission's investigations that the politicisation of food aid was adversely affecting elderly persons. Food aid that was specifically intended for vulnerable members of society, including elderly persons, was not reaching elderly persons as they were excluded on the basis of their children and their grandchildren's political affiliation. This was the case in Mazowe Central Constituency and Bikita East Constituency. Denying elderly persons food aid on the basis of their descendant's political persuasion is in direct contravention of section 6(1)(a) of the Social Welfare Assistance Act which classifies those over the age of sixty as vulnerable. In Muzarabani North and South, the Food Deficit Mitigation Programme, started in October 2015, was supposed to assist the elderly, the disabled and the chronically ill as well as vulnerable households, yet only ZANU-PF members benefited. The ZANU-PF members who benefited were not necessarily elderly, disabled, chronically ill or vulnerable.

Lack of Knowledge of Criteria of Food Aid Distribution The report reveals that constituents were poorly informed about the assistance they are entitled to, and how that assistance can be accessed. Although the National Policy on Drought Management stipulates the criteria of food aid distribution, constituents of Buhera North were not aware of the criteria. The Commission expressed the view that "*the lack of knowledge exposes them to manipulation as there is no transparency and accountability*". The complainants from Buhera North were also ignorant of the procedure to be followed to have their grievances addressed. In its recommendations, the Commission calls on the Ministry through the Department of Social Welfare to "*sensitise the public on vulnerability assessment criteria for the existing Food Deficit Mitigation Strategies and the Drought Management Programme so that they are fully aware of the entire process.*"

San Community in Tsholotsho District Neglected The Commission's report notes that the San community, which is vulnerable in many ways, was not given priority during food aid assessments. People who were not as vulnerable as the San community received food aid ahead of the San community which, according to the Commission's report, was "*always at the bottom of the list of beneficiaries*". The Commission derived these conclusions following a field visit to the San community in the District of Tsholotsho in June 2016 to document the human rights situation in the area.

Food distribution process usurped by ZANU-PF Youth Procedurally, agricultural inputs and food aid should be distributed through distribution

committees which are comprised of the District Administrator, Ward Councillors, Headmen, representatives from various government ministries and departments, including Grain Marketing Board, District Development Fund, Agritex and the Zimbabwe Republic Police. However, in *“Bikita East and Mazowe Central Constituency youth from the ruling party, who are not even part of the distribution committee, were involved in the distribution of food aid and agriculture inputs”*. It also does not help that the distribution committees are, according to the complaints lodged to the Commission, *“controlled by ZANU-PF party officials who dictate who should or should not be given food aid”*.

Complaints mechanisms Complaints against food distribution committees at the ward level should be directed to the district committee, which is presided over by the District Administrator. If the matter is not resolved at that level, the matter should be taken to the provincial committee chaired by the Provincial Administrator. In Buhera and Mazoe, the constituents were aware of the procedural steps to take to lodge complaints, and took the requisite steps. In both constituencies, however, complaints lodged were not satisfactorily resolved.

### Conclusion

The Commission’s report makes recommendations to various stakeholders involved in the distribution of food aid—

- the Ministry of Public Service, Labour and Social Welfare should, among other things, *“carry out investigations into the cases of discrimination in the distribution of food aid”* and take action *“against public officials who deviate who deviate from their core duties and undertake private politically affiliated activities on government time.”*
- the Public Service Commission *“should monitor the activities of its officials and other stakeholders it engages in food aid distribution to ensure that food aid distribution is conducted in a non-partisan matter and that they do not prioritise their political affiliation when executing their duties as public officials since such conduct amounts to maladministration”*.
- the Zimbabwe Republic Police *“should remain apolitical at all times, and investigate criminal violations of human rights impartially and timeously”*.

### Comment

Withholding food aid, for whatever reason, can have dire consequences for those affected—

- the health risks are numerous
- the possibility of starving to death is a reality – especially for the very young and the elderly
- young girls and women are put at risk of sexual exploitation in exchange for material benefits.

Veritas urges the various stakeholders mentioned in the ZHRC report to take its recommendations seriously and to act on them swiftly to curtail further politicisation of the distribution of food aid.

**Legislation mentioned in the report available on Veritas website**

Social Welfare Assistance Act [[available here](#)]

Older Persons Act [[available here](#)]

Disabled Persons Act [[available here](#)]

*Veritas makes every effort to ensure reliable information, but cannot take legal responsibility for information supplied*

*To subscribe or unsubscribe from this mailing list please email [billwatch@mango.zw](mailto:billwatch@mango.zw)*

*If you wish to contact Veritas please email [veritas@mango.zw](mailto:veritas@mango.zw)*

*If you are requesting legislation please email [veritas@mango.zw](mailto:veritas@mango.zw) or look for it on [www.veritaszim.net](http://www.veritaszim.net)*

follow us on     (+263 71 893 3633)