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1.0 Foreword by the Chairperson of the ZHRC

It is my pleasure to present this Annual Report of the Zimbabwe Human Rights Commission (ZHRC) for the year 2015. This report is being submitted in fulfilment of the Constitutional requirements, as provided for in Section 323 of the Constitution. The year 2015 was quite a mixed bag for the ZHRC. It had its ups and downs, but overall, the “Ups” took the upperhand. This Annual Report outlines among other things, the activities undertaken by the ZHRC in its programmes and administrative departments. The report also highlights the successes and challenges encountered during the year 2015.

The year 2015 was associated with a lot of progress and success, courtesy of the resources from the government and development partners. There was an increase in the number of cases handled, outreach activities and mission visits by the Commission. This same year saw the ZHRC renovating its head offices at No.144 Samora Machel Avenue, attaining the vote status from the Treasury, development of frameworks and manuals to guide the Commission in discharging its mandate. During 2015, the Commission collaborated with a number of organisations on crucial human rights issues such as ending child marriages, environmental rights protection and institutional building. For the very first time, ZHRC engaged student interns on industrial attachment as a way of imparting knowledge on human rights and providing support to the institution.

The year 2015 has however, not been without challenges for the Commission. ZHRC lost some of its pioneer staff members and amongst them was its first Executive Secretary



*Chairperson of the ZHRC, Commissioner
Elasto Hilarious Mugwadi*

who was appointed to the High Court bench. Furthermore, ZHRC has not been able to refill these vacancies due to the post freeze by Treasury. Nevertheless, despite the losses, ZHRC managed to cover significant ground with the limited human and financial resources at its disposal. Allow me to thank the ZHRC family for their commitment and hard work so far.

It is my honest hope that this report gives a true account of the achievements made by the ZHRC during the reporting period. I also wish that this report will prompt the public, Government and other stakeholders to work with the Commission to guarantee to the fullest -the promotion, protection and enforcement of human rights in Zimbabwe.

Yours Sincerely,

Commissioner Elasto Hilarious Mugwadi

Chairperson - Zimbabwe Human Rights Commission

2.0 Acknowledgements

This report was compiled by the Secretariat of the Commission represented in the various programme units with the guidance and direction of members of the Commission. We wish to thank the staff and management for a job well done. The Commission also wishes to thank the Government of Zimbabwe through the Ministry of Justice, Legal and Parliamentary Affairs for the support rendered.

We also wish to acknowledge the support to the Commission by the following Development Partners;

- United Nations Development Programme
- European Union
- Danish Institute for Human Rights
- OXFAM
- United Nations Office of the High Commissioner for Refugees
- United Nations Office of the High Commissioner for Human Rights
- Royal Norwegian Embassy , Harare
- Royal Danish Embassy, Harare
- Zimbabwe Environmental Law Association (ZELA)

3.0 Abbreviations

DIHR	Danish Institute for Human Rights
CHRO	Chief Human Rights Officer
CHI	Complaints Handling and Investigations
CSO	Civil Society Organisation
EPR	Education, Promotion and Research
HRO	Human Rights Officer
NANHRI	Network of African National Human Rights Institutions
MoJLPA	Ministry of Justice, Legal and Parliamentary Affairs
OCHCHR	Office of the High Commissioner for Human Rights
TWG	Thematic Working Group
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
ZHRC	Zimbabwe Human Rights Commission
ZPCS	Zimbabwe Prisons and Correctional Services

4.0 Preface

4.1. Legal and policy framework

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

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

Preface [continued]

- i) to recommend to Parliament effective measures to promote human rights and freedoms;
- j) To conduct research into issues relating to human rights and freedoms and social justice; and
- k) To visit and inspect-
 - i. prisons, places of detention, refugee camps and related facilities; and
 - ii. places where mentally disordered or intellectually handicapped persons are detained;

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

4.2. Strategic Plan

The Commission in 2015, successfully crafted a 5 year Strategic Plan (2015 -2020) that spells out its vision, mission and goals. The vision of the ZHRC is to have “a Zimbabwean Society where human rights and administrative justice are fully enjoyed by everyone” and the mission statement is “to be an effective, fearless and independent institution that is committed to the protection, promotion and enforcement of human rights and administrative justice in accordance with the Constitution of Zimbabwe and international human rights standards.” The ZHRC has also come up with core values that the Commissioners and all members of its secretariat uphold as individuals and as a team. The organizational culture at the ZHRC is thus shaped by these shared core values listed below;

Fearlessness – Courage and fortitude are virtues that all members of the Commission cherish in carrying out their Constitutional mandate.

Accessibility – All people in Zimbabwe shall have easy access to a fair, inclusive and impartial Commission that treats all parties equitably before the law.

Independence – The Commission is truly independent and all decisions of the Commission on any matter are made without undue external influence.

Preface [continued]

Responsiveness – The Commission is sensitive and responds promptly to all human rights and maladministration cases, and facilitates timely redress.

Professionalism – the Commission shall be staffed by well trained and skilled officers of diverse qualities.

Integrity – in pursuit of the highest standards, the Commission shall be guided by strong moral principles.

The Commission has four overall goals that are outlined in the Strategic Plan which are:

- i. to mobilise financial, infrastructural and technological resources required to fully establish and operationalise the ZHRC and position the Commission as a competent national champion for the advancement of human rights;
- ii. to establish comprehensive internal policies, procedures and processes, supported by well-documented manuals and a robust automated information system;
- iii. to build appropriate technical capacity within all members of the Commission and the entire management and staff;
- iv. to establish and strengthen collaboration with a wide range of cooperating partners, stakeholder organizations and groups, with a view to instil awareness of universal human rights values and principles into the fabric of society.

The attainment of the goals will move the ZHRC towards the realisation of its vision, and the enjoyment of the positive social impact by all Zimbabweans.

4.3 ZHRC Offices

Geographically the Commission has a countrywide national mandate. The ZHRC has, so far, established two Regional Offices, one in Harare and the other in Bulawayo. Each Regional Office serves 5 provinces. The Commission (ZHRC) owns a three storey office block at Number 144 Samora Machel Avenue East in Harare which was purchased by the Government of Zimbabwe in 2011 at a cost of USD 1,350,000.00 and this houses both the Head Office, as well as the Northern Regional Office that caters for the

Preface [continued]

following provinces: Harare, Mashonaland Central, Mashonaland East, Mashonaland West and Manicaland. The Commission also rents Number 127A Fife Avenue in Bulawayo which caters for the following southern Provinces: Bulawayo, Masvingo, Matabeleland North, Matabeleland South, and Midlands. Efforts are being made to secure resources from the Government of Zimbabwe and development donor partners for the purchase of permanent office space in Bulawayo as well as to cater for further decentralization into provinces and districts as provided for in the ZHRC Act.

5.0 Organisational structure of the ZHRC

5.1 Commissioners

In the year 2015, the ZHRC continued operations with eight (8) Commissioners out of a complement of nine (9) including the Chairperson and the Deputy Chairperson who are full time. Some of the Commissioners began serving their second terms following renewal of their terms in March 2015. The Commissioners are appointed for five (5) year terms which may be renewed once at the discretion of the appointing authority.

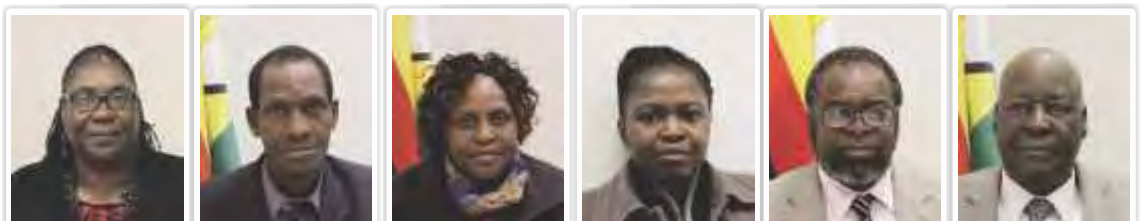
The Commissioners in office for the year 2015 were as follows;



Commissioner **Elasto Hilarious Mugwadi**
(Chairperson)



Commissioner **Ellen Sithole** (Deputy Chairperson)



From the left: Commissioners Muriel Kwanele Jirira, Joseph Kurebwa, Sheila Hillary Matindike, Sethulo Ncube, Carroll Themba Khombe and Japhet Ndabeni Ncube

The Commissioners are the policy making organ of the ZHRC, responsible for steering the Commission and giving policy guidance. They are supported by the secretariat comprised of Programmes and Administration Departments as discussed in 5.2. herein.

Organisational structure of the ZHRC [continued]

5.2. Meet the Management Team



Ms J. Charewa
Executive Secretary



Mr V. E. Mukutiri
Deputy Executive
Secretary - Programmes



Mr H. Gadzai
Deputy Executive
Secretary - Administration



Mrs. K. Makumbe
Chief Human Rights
Officer Complaints
Handling and
Investigations



Mr V. Makoni
Director Human
Resources



Mrs. Ratsauka
Chief Human Rights
Officer Education,
Promotion and
Research



Ms P. Mbanga
Chief Human Rights
Officer Monitoring and
Inspections



Mr A. Mupuwi
Director Finance

Organisational structure of the ZHRC [continued]

5.3 Departments within the Commission

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

5.3.1 Programmes Department

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

5.3.1.1 Complaints Handling and Investigations Unit (CHI)

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

5.3.1.2 Education Promotions and Research Unit (EPR)

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

- to promote awareness of and respect for human rights and freedoms at all levels of society;
- to promote the protection, development and attainment of human rights and freedoms; and
- to conduct research into issues relating to human rights and freedoms and social justice.

Organisational structure of the ZHRC [continued]

5.2.1.3 Monitoring and Inspections Unit (M & I)

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

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

5.3.2 Administration Team

The Administration Department comprises the units that deal with finance, human resources and ICT. It is headed by the Deputy Executive Secretary Administration who is supported by the Director Finance and the Director Human Resources.

5.3. Staff Establishment of the ZHRC

The establishment of the Zimbabwe Human Rights Commission by the close of 2015 stood at 75% of the total approved complement. The Commission embarked on a pilot internship programme during the year. The table below gives a representation of the establishment.

Table. 1 Total Number of Employees by Gender

	Female		Male	
	FT	PT	FT	PT
Programmes	10	0	6	0
Administration	13	0	12	0
Projects	0	1	0	4
Interns	0	2	0	2
Total	23	3	18	6

FT – full-time; PT- Part-time

Organisational structure of the ZHRC [continued]

5.3.1 Turnover

The Commission recorded a high staff turnover rate during 2015 at 19%. The staff loss was mainly in the professional grades and at executive management level. The high attrition rate was attributable to the uncompetitive remuneration structure including failure by the Commission to honor its contractual obligation of timely remittance of wages by the end of the month. The Commission is currently working on retention strategies for its employees.

Table 2: Total Number of Employees who left

Category	Number	% turnover
Executive Management level	1	2
Professional level	7	17
Total	8	19

5.3.2. Recruitment of Staff

The Commission's approved complement for the year was 55 (fifty-five) members of staff. Recruitment to complete the approved staff complement was not possible owing to the freezing of recruitment by Government during the period in question.

5.3.3. Organisational Development

In order to strengthen institutional capacity, the Human Resources department worked on the development of the Commission's Human Resources manual, Standard Operating Procedures and Job Description writing.

The Commission is currently undertaking an Organisation Development exercise with work on a new structure that aligns to strategy having begun.

5.3.4. Staff Development

The Commission continued to send its Officers on Capacity Development workshops locally, regionally and internationally in order to strengthen its Institutional capacity to deliver on its Constitutional mandate.

The Commission held a three day Induction and Team Building workshop for all members of staff.

6.0 Protection of Human Rights Activities in 2015

6.2 Introduction

The Commission carried out a number of activities for the protection of human rights which include receiving and investigating complaints, monitoring the human rights situation in the country, carrying out monitoring and inspection visits to prisons and places of detention so as to protect the rights of the institutionalized as listed below.

6.2. Complaints received in the reporting period

The Commission has been receiving and investigating complaints as well as taking steps to secure appropriate redress where human rights violations have been alleged. In the reporting year, the ZHRC, through its Northern and Southern Regional Offices, received and dealt with 482 complaints. Of the 482 cases, 438 cases were dealt with in the Northern Region Office and 44 cases were dealt with by the Southern Region Office.

6.2.1. Analysis of complaints received by mandate

As already mentioned above, ZHRC has a dual mandate of protecting and promoting human rights as well as dealing with administrative justice cases that were previously dealt with by the now defunct Public Protector's Office. In the year under review, the ZHRC received 278 cases from the public. Of these, 15 (5.4%) were general cases, 162 (58.3%) were human rights cases and 101 (36.3%) were maladministration cases. From the inherited Public Protector's files, the ZHRC dealt with 204 cases. Of the 204 cases, 1 (0.4%) was a general case, 16 (7.9%) were human rights cases and 187 (91.7%) were maladministration cases.

6.2.2. Gender analysis of complaints received

Of the 482 complaints received by the Commission, 107 (22.20%) were by female complainants while 342 (70.95%) were by male complainants and 33 (6.84%) were group complaints.

From the abovementioned statistics, it is clear that overall, the Commission received more complaints from males than it did from females. This could be attributed to diverse factors that include *inter alia*, the social, cultural or economic background of the complainant.

Protection of Human Rights Activities [continued]

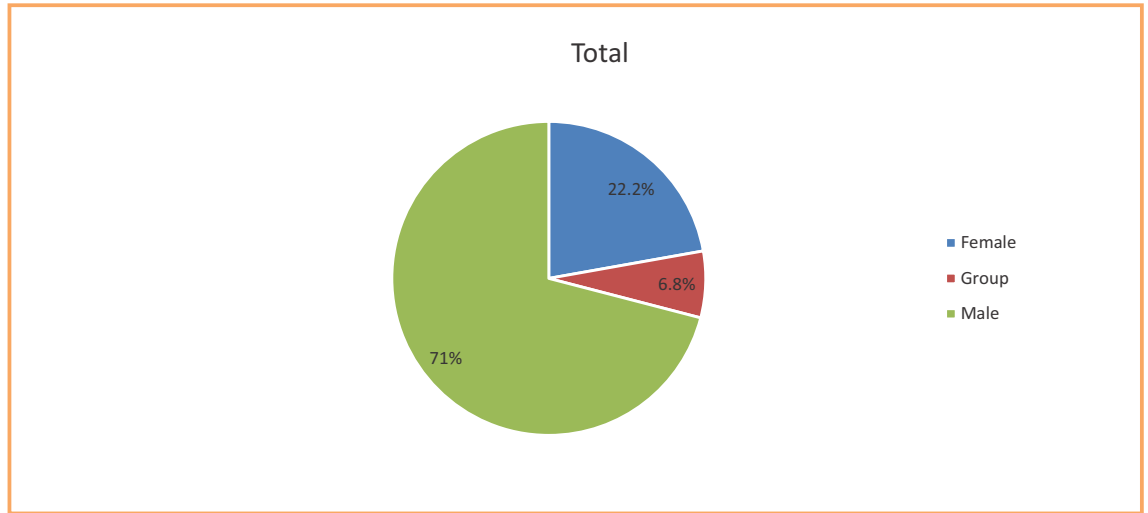


Figure 7: Pie chart showing the gender analysis of complaints received

6.2.3 Geographical distribution of complaints

Complaints received and dealt with by the ZHRC in the reporting year emanated from different Provinces in the country. The following chart shows the geographical distribution of cases dealt with:

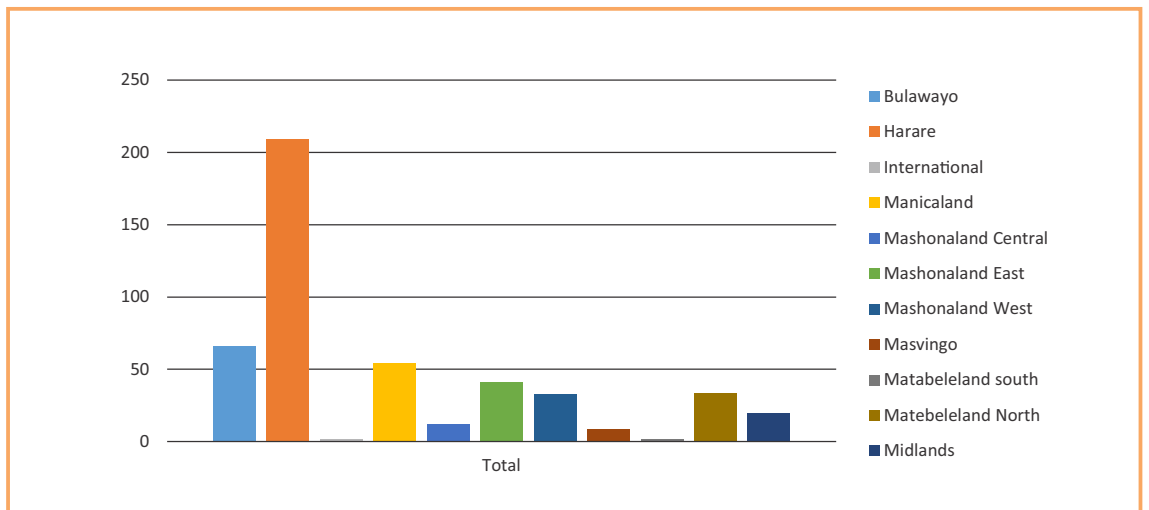


Figure 8: Bar graph showing the geographical distribution of complaints received.

Protection of Human Rights Activities [continued]

6.2.4 Status of Complaints received

Of the 482 cases dealt with by the ZHRC during the reporting year, 86 (17.8%) were advised on other remedies available; 73 (15.1%) were referred to partners within the ZHRC's referral network for redress; 88 (18.3%) are matters pending for various reasons such as provision of supportive documents on the allegations and responses from the alleged respondents; and 235 (48.8%) were closed because the files were either investigated to their logical conclusion, adequate responses were made and/or it was impossible to pursue the matters further.

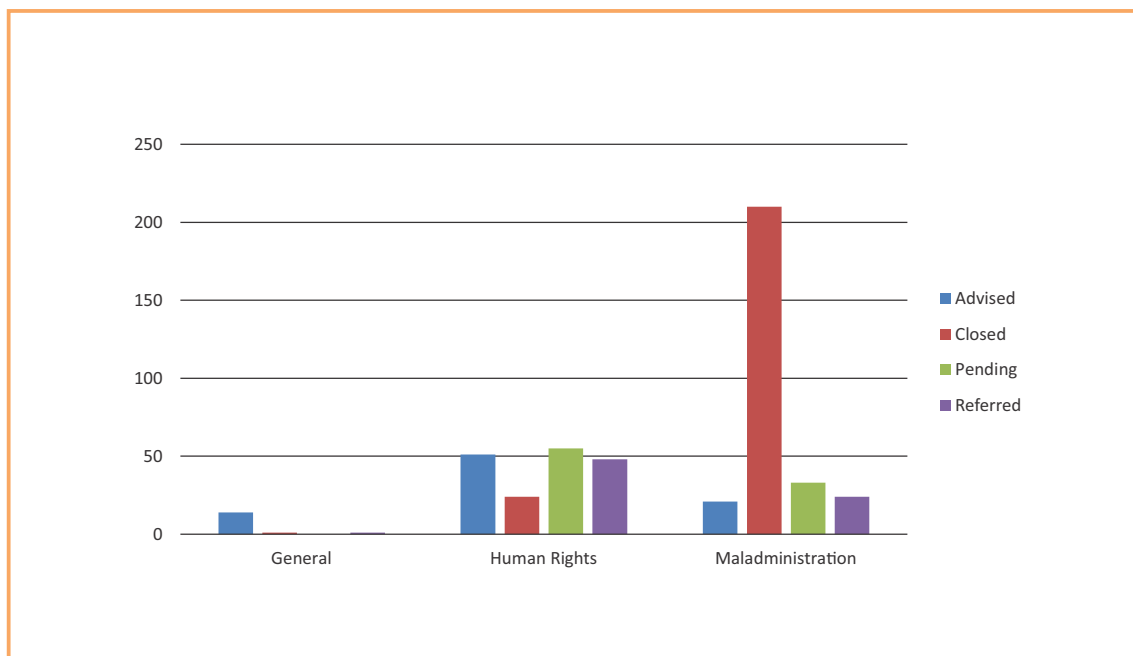


Figure 9: Bar Graph Showing ZHRC Annual Progress in Dealing with Different Types of Complaints Received.

6.3 Monitoring and Inspection Visits to Prison and Places of Detention

Pursuant to its mandate to protect human rights of prisoners and facilitate the Commission's functions that are set out in Sections 243(1) (c) and 243(1) (k) of the Constitution, the ZHRC carried out monitoring and inspection visits to various institutions which are; Bindura Prison, Chikurubi Maximum (male section), Chikurubi Female Maximum Prison, Chivhu Prison, Ingutsheni Hospital as well as the Harare Central Police Cells. The specific purpose for the visits was to assess the general conditions in the institutions through interacting with officials, inmates/patients as well as general observation of the environment. These monitoring visits also provided a platform for the

Protection of Human Rights Activities [continued]

Commission to raise visibility on its mandate and work. On the other hand, it offered an opportunity for ZHRC to get an appreciation of the operations and challenges that these institutions faced respectively.

6.3.1 Prison visits: Chikurubi Maximum (18 March 2015), Chivhu (19 March 2015), Bindura (19 Aug 2015), Chikurubi Female (08 Oct 2015)

The situation around all the prisons that were visited by ZHRC is relatively the same. The biggest challenge is that prisons are under resourced due to the economic difficulties facing the country. As a result, inmates cannot receive a balanced diet, adequate drugs, and adequate uniforms and bedding. Nevertheless, ZHRC applauds the efforts being made by the Zimbabwe Prisons and Correctional Services (ZPCS) in mitigating the challenges being encountered in prisons around the country. Amongst the efforts being made by ZPCS are supplementary projects as witnessed at Chivhu, Chikurubi female and Bindura Prisons. The projects included poultry (Chivhu and Chikurubi female prisons), maize farming, gardening and other projects such as sewing, hairdressing (Chikurubi female and Bindura female inmates) and shoe mending. These projects are rehabilitative measures for the inmates and at the same time offer supplementary support to the ZPCS and in-turn improve the welfare of inmates themselves. One peculiar interesting case was that of Bindura Prison where the prison carries out intensive farming at Chawagona Hapana farm. The farm produces maize which can sustain Bindura prison and also surplus to support other prisons. The prison also has a vibrant gardening project which provides relish to the inmates and some vegetables are dried for future consumption.



Figure 1: The pictures above show the clothing situation in Bindura Prison. As shown in the picture, prisoners use pieces of blankets as clothing.

Protection of Human Rights Activities [continued]

ZHRC also appreciates the efforts made by ZPCS in addressing the needs of female inmates which include uniforms, sanitary wear and bedding at Chikurubi Female Prison. In the same vein, ZHRC acknowledges and appreciates the partnerships that ZPCS has entered with various faith based organisations as well as development partners in addressing the needs of inmates.

It was noted that there were infant facilities at Chikurubi female prison to cater for children accompanying their mothers in prison. There was also evidence of separation of inmates according to the various categories for example, female, males, mentally challenged, TB patients and nursing mothers were kept separately- in the respective prisons.

The major challenges in prisons is inadequacy of resources. Inmates and officials confirmed that the provision of a balanced diet was below standards as well as availability of basics such as toiletries. Bindura prison reported serious shortages of clothing and blankets to an extent that inmates wrapped themselves with blankets. Another common challenge across all prisons was overcrowding of inmates and shortage of staff accommodation. In addition to that, Maximum prisons stated that they are understaffed. Prison officials were staying away from the prisons and posed a challenge in cases of emergencies such as the 13th March 2015 at Chikurubi Maximum where additional manpower was needed.

6.3.2 Visit to Police Cells: Harare Central Police Station, 08 September 2015

This was essentially a learning and familiarisation visit and it was an integral aspect of the process of developing a manual for monitoring and inspections. The overarching objective was to strengthen collaborative partnerships between the ZHRC and the Zimbabwe Republic Police (ZRP) and to undertake an audit of facilities in light of the ruling of the Supreme Court in the case of *Williams & Others v Co-Ministers of Home Affairs & others SC 207/11* which is the leading case on police conditions. At Harare Central Police Station, ZHRC commended efforts to keep the cells clean and sanitary facilities in order. There were water reservoirs in place as well as disinfectants for toilets in place to ensure attainment of the right to health for inmates. It was confirmed that sanitary wear for female inmates were in place. At the time of the visit, ZHRC witnessed that the cells had enough blankets and there was no overcrowding. The officials indicated that in as much as their resources were limited, the situation at Harare central police was manageable due to the fact that they keep inmates for a lesser period of time as compared to prisons. However, a matter of concern that was raised was that there was need to repair the laundry machine (at the time of the visit) as well as repairing ventilation equipment.





7.0 Promotion of Human Rights

The promotion mandate of the ZHRC was realized in 2015 through implementation of various activities for promotion of human rights and enhancement of its visibility. This included but was not limited to holding public seminars and workshops, producing publications and participating at exhibitions and commemorations.

7.1 Commemoration of Regional and International key Human Rights Days

As part of ongoing efforts to enhance visibility, increase awareness on human rights and enhance dissemination of information and interactions with the public, throughout the year ZHRC joined the government and other organisations to commemorate key human rights days including International Women's Day, Workers Day, Day of the African Child and International Human Rights Day.

7.1.1 International Women's Day Commemorations, 8 – 13 March 2015

International Women's Day is celebrated annually on 8 March to focus attention on the rights of women around the world, and highlight women's issues globally focusing on their achievements. Ahead of the main commemorations of International Women's Day, media and publicity activities for the commemorations were conducted. The international theme for 2015, “*Make it Happen*” (*Beijing + 20*) encouraged more effective action for advancing and recognising women and girls. The United Nations (UN) theme for the year was “*Empowering Women, Empowering Humanity: Picture It*”. Zimbabwe localised the theme to “*Beijing + 20: The Journey towards women empowerment in Zimbabwe: Successes and Challenges*”.



Figure ?? Deputy Minister of Women's Affairs, Gender and Community Development Honorable A. Damasane, delivering the Keynote Address

Promotion of Human Rights [continued]

The Chairperson appeared on television on the 5th of March 2015 on ZTV – Good Morning Zimbabwe and three live radio programmes were hosted from the 9th to 11th of March 2015 on Radio Zimbabwe, Star FM and ZiFM respectively. The main event was the stakeholder engagement commemorative International Women's Day seminar convened by ZHRC on 13 March 2013. The Deputy Minister for Women's Affairs, Gender and Community Development was the Guest of Honour. The seminar brought together various stakeholders from different backgrounds to further raise awareness of the public on the mandate and work of ZHRC in general and the Thematic Working Group on Gender Equality and Women's Rights in particular; raise awareness on the importance of International Women's Rights Day and the rights of women; and facilitate dialogue among key stakeholders to come up with practical steps to ensure effective action for advancing and recognising women.

7.1.2 Workers' Day Commemorations, 1 May 2015

Again as part of advocacy initiatives and enhancing visibility, ZHRC commemorated Workers Day on 1 May 2015 by issuing a press statement that was published in the Herald and Newsday newspapers and subsequently uploaded on the ZHRC website. The press statement went a long way to publicise the Commission's views on workers' rights by reiterating that workers' rights are human rights that should be protected, promoted and enforced through the Constitution. In the press statement, the ZHRC noted with concern that, due to the prevailing socio - economic environment in the country, workers in the formal and informal sectors continued to face immense challenges such as involuntary retrenchments, wages pegged below the poverty datum line and late payment of salaries. A synopsis of complaints received by the ZHRC demonstrated that labour related complaints continue to feature prominently.

7.1.3 The Day of the African Child, 16 June 2015

The ZHRC also celebrated the Day of the African Child in 2015 as strategic platforms to enhance visibility and create increased awareness of human rights and legal issues for children. In addition to issuing a press release published again in two newspapers, the Herald and NewsDay and posted on the website, four Interactive Radio Programmes on Star FM and Radio Zimbabwe were aired.

Furthermore, the Chairperson appeared on the television programme, *“Good Morning Zimbabwe”*. The Day of the African Child was commemorated under the theme; *“25 Years after the Adoption of the African Children's Charter: Accelerating our Collective Efforts to End Child Marriage in Africa”*. Zimbabwe has one of the highest child marriage prevalence rates in Africa. According to the United Nations Population Fund (2000), 31%

Promotion of Human Rights [continued]

of Zimbabwean women entered into child marriage between 2000 and 2011, translating to 1 in every 3 girls getting married before 18 years of age. The Day of the African Child Commemorations came at an opportune time for the Commission as this contributed to the ongoing debate in the country on child marriages and age of consent to sex.

7.1.4 International Human Rights Day Commemorations, 17 December 2015

The belated celebration for International Human Rights Day held at Chitungwiza Aquatic Complex on 17 December 2015 was arguably one of the biggest promotional activities organised by ZHRC since its inception with over 4000 participants from diverse backgrounds in attendance. The event was successful in bringing on board visible participation of duty bearers in human rights promotional activities in the country with the Guest of Honour being the Vice President of Zimbabwe, Honourable Emmerson Dambudzo Mnangagwa responsible for the Ministry of Justice, Legal and Parliamentary Affairs (see Figure.3). The event was therefore a strategic engagement platform that brought together high ranking Government officials, local authorities, Commissions, development partners, a host of Civil Society Organisations and the public at large to promote human rights. ZHRC managed to expand the platform for collaboration in highlighting the importance and universal nature of fundamental human rights and freedoms in the *Universal Declaration of Human Rights (UDHR)*, *International Covenant on Civil and Political Rights (ICCPR)* and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.

The overall focus for the celebrations of the 50th Anniversary was on 'freedom' recalling the four freedoms that underlie the Universal Declaration of Human Rights (UDHR) and the two Covenants, which are "*freedom from fear, freedom of speech, freedom of worship and freedom from want*". Thus, the theme adopted by the office of United Nations Office for the High Commissioner for Human Rights (OHCHR) for the International Human Rights Day commemorations as part of the 50th anniversary celebrations was; "*Our rights. Our freedoms. Always*".

As a result of hosting the event, ZHRC was able to increase awareness among duty bearers and key stakeholders of the freedoms highlighted in the ICCPR, the ICESCR and the Constitution and their duty to protect and promote these freedoms in Zimbabwe in line with regional, international and Constitutional obligations. In addition, ZHRC was able to enhance partnerships and collaboration between duty bearers and key stakeholders for protection and promotion of fundamental freedoms in Zimbabwe at all levels of society. The event went a long way to increase the visibility of the Commission in Chitungwiza and nationwide because of the engagements, the high attendance and the national media coverage. The promotional event has already resulted in complainants being referred to the Commission by the public in Chitungwiza, a clear indication of increased visibility of the Commission in the area. By successfully hosting an event of such magnitude, the Commission asserted its position as the lead organisation in the promotion and protection of human rights and fundamental freedoms in Zimbabwe.

Promotion of Human Rights [continued]



Figure 4?: A collage of photos on the proceedings of International Human Rights Day commemorations at Chitungwiza Aquatic Complex on 17 December 2015 with the Guest of Honour Vice President responsible for Justice, Legal and Parliamentary Affairs E.D Mnangagwa delivering the keynote address.

Promotion of Human Rights [continued]

7.2 Exhibitions

7.2.1. Showcasing the work of the Commission and increasing visibility through Exhibitions

ZHRC has consistently used exhibitions to showcase its work, interact with the public and increase visibility. Exhibitions are an integral component of all major commemorative events that are hosted by the Commission, in particular International Human Rights Day. ZHRC participated in the exhibition mounted by the Ministry of Women's Affairs, Gender and Community Development on the side lines of the national event to celebrate International Women's Day with the First Lady, Amai Grace Mugabe as the Guest of Honour. The ZHRC also participated in exhibitions convened by the Law Society of Zimbabwe (LSZ) in Mutare and Bulawayo. The LSZ Open Day initiative aimed to provide free legal advice to the public, educate members of the public about the justice delivery system and allow members of the public the opportunity to interact with players in the justice delivery system. This presented ZHRC with an opportunity to be visible and offer its services in Mutare (an area it had not yet visited) as well as Bulawayo. However, the Commission could not exhibit at the Bulawayo Trade Fair and Harare Agricultural Show, which are the biggest exhibition events in the country due to financial constraints.



Figure. 4 Visitors to the Exhibition Stand view ZHRC pamphlets and abridged versions of the Constitution during the Child Parliament official opening.

Promotion of Human Rights [continued]

7.2.2 Dissemination of the Commission's views on key human rights issues

The Paris Principles state that within the framework of its operation, an NHRI should address public opinion directly or through any press organ, particularly in order to publicise its opinions and recommendations. In pursuance of that, ZHRC issued press statements in the print media and on its website as and when it felt its voice on emergency human rights issues needed to be heard. For example, ZHRC issued a press statement in June 2015 in reaction to the Prosecutor-General's views on the age of consent to sex and marriage in Zimbabwe which allegedly seemed to condone child marriages.

ZHRC felt such remarks from the Office of the Prosecutor General had a direct effect of undermining the efforts which had been made by the Commission, the Government, the African Union and other organisations in raising awareness of the negative effects of child marriages in Zimbabwe in particular and in Africa in general. This statement greatly enhanced the visibility of the ZHRC and clarified the official position of the Commission and called for the alignment of the laws to the Constitution on the age of marriage, which is 18 in the constitution but unspecified in customary type of marriages.

On another occasion ZHRC issued a press statement to express its concern over proposals to introduce examination fees for Grade Seven (7) examination candidates. ZHRC took the opportunity to remind the Government and the Ministry of Primary and Secondary Education (MOPSE) that the proposed fee introduction, if true, contravened provisions of international human rights instruments that Zimbabwe is party to. For example, Article 13 (2a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 28 (1) of the Convention on the Rights of the Child (CRC) call on State Parties to make *primary education compulsory and available to all*, while secondary education in all its different forms should be made generally available and accessible. Furthermore, the Commission observed that the proposed fees were an infringement of one of the basic fundamental human rights enshrined in Chapter 4 of the Constitution of Zimbabwe provided for in Section 75 (1) (a) which states that “every citizen and permanent resident of Zimbabwe has a right to a basic State-funded education, including adult basic education”. Section 27 (1) (a) of the Constitution of Zimbabwe further obliges the State to “take all practical measures to promote free and compulsory basic education for children”.

Promotion of Human Rights [continued]

7.3 Stakeholder Engagement

Throughout the year the Commission intensified engagements with stakeholders by interacting directly with the public for promotion of human rights as well as raising its visibility. Such efforts include the following;

7.3.1 External Stakeholder Consultative Workshops for the ZHRC's Strategic Plan, 12 and 14 of May 2015

ZHRC held two consultative meetings in order to come up with a Strategic Plan to guide its work from (2016-2020). One was held in Bulawayo, covering the Southern Region and the other was held in Harare covering the Northern Region. The workshops sought to define ZHRC's short term and long term objectives, its strategic focus areas and carry out a ranking of the strategic priorities so as to allocate resources accordingly. The exercise sought to identify the resources required to support the strategy in a sustainable manner as well as putting in place a comprehensive resource mobilisation plan that supports the strategy; and ultimately, to establish the foundation for a robust, independent, credible and effective Human Rights Commission, that has the buy-in, support and commitment of key stakeholders.

7.3.2 Training on Engagement with UN Human Rights Mechanisms and monitoring places of detention, 8-10 October 2015

ZHRC had an opportunity to go through an intensive training on engaging with international human rights mechanisms as well as monitoring places of detention. The training was facilitated by the Office of the High Commissioner for Human Rights (OHCHR) in collaboration with the UNDP. Experts were brought in from the OHCHR and UNDP to deliver the knowledge. Best practices on monitoring places of detention as well as investigative monitoring were derived from the Uganda Human Rights Commission experiences through two of its representatives who were facilitators.

7.3.3 Engagement with the Education Sector, February 2015

ZHRC conducted a series of meetings with the MOPSE to explore ways of engaging with the Ministry on integration of Human Rights Education (HRE) into the school curricula in view of the curricula review process under way. This is part of an initiative to explore ways of effectively integrating human rights into the school curricula as set out in Section 7 of the Constitution of Zimbabwe. This initiative is still ongoing.

In line with education sector engagement, ZHRC supported Prince Edward High School (23 October) in convening a seminar of secondary schools in order to encourage formation of human rights clubs in schools. The seminar was attended by eight (8) schools. The resolution was that human rights clubs will act as conduits for the dissemination of human rights education and awareness.

Promotion of Human Rights [continued]

7.3.4 Engagement with Informal Traders and Urban Councils Association, 8 December 2015

The ZHRC held a number of meetings with various Informal (vendors) associations in order to facilitate a dialogue between vendors and local authorities. The background being the conflict that has been going on since Government's announcement of evicting vendors off the streets to the designated points. The main objective of the meetings was to find amicable and sustainable human rights based ways of dealing with these issues. Informal traders stated that they lacked recognition and support by the local authorities who viewed them as criminals. Other concerns raised related to corruption, lack of infrastructure (such as ablution facilities) at new vending sites, and also politicization of the allocation of vending stalls. There was alleged existence of violence, unlawful detention and torture by the municipal police. An issue of concern was that of child vendors and sexual abuse of children and women. The vending sites have no security such that some exchanged sexual favors for security. On the other hand, the Urban Councils acknowledged the concerns of vendors, but appealed that issues of access to livelihoods needed to be balanced with the need to sanity in cities as well. More so, urban councils indicated that the issues of illegal vending were becoming a threat to formal and registered traders in the CBD, at the same time compromising revenue/tax collection.

7.3.5 Outreach with Faith Based Organisations (FBOs), 18 June 2015

ZHRC convened an outreach meeting with Faith Based Organisations. The overall aim of the outreach was to raise awareness of the role and mandate of the ZHRC and to explore strategies for building partnerships with this group to contribute towards realizing the mandate of the Commission. The outreach was attended by ninety eight (98) participants, thirty six (36) being women and sixty two (62) being men, all representing twenty five (25) faith based organisations and over thirty five (35) churches. The engagement resulted in increased visibility of the Commission and created an avenue for information dissemination through the Church which commands respect and influence amongst the cross section of society.



Figure 6: Picture Collage showing artists conducting human rights education through drama, a panellist making a presentation, some members of the apostolic sects and the general public following proceedings at the public dialogue to contribute towards ending child marriages

Promotion of Human Rights [continued]

7.3.6 Televised Public Dialogue on Ending Child Marriages, 28 August 2015

The Commission convened a Public Dialogue to contribute towards ending Child Marriages on 28 August 2015, in Epworth in Harare where child marriages are rampant. Through this activity, the ZHRC sought to maintain the momentum, following the radio awareness programmes and news releases in June 2015 carried out in commemorating the Day of the African Child. The dialogue brought together panellists from key Government line ministries and members of the public to discuss the causes of child marriages and recommended practical measures to be adopted to end this problem. The deliberations were recorded by ZBC and condensed into two television documentaries aired by the national broadcaster in December 2015. ZHRC also produced a position paper from deliberations of the event on the subject to be shared with Parliament and other relevant stakeholders.

Promotion of Human Rights [continued]

7.3.7 Engagement with Civil Society Organisations

The Commission intensified engagements with Civil Society Organisations (CSOs) to enhance collaboration and partnership by starting a process of signing MOUs with some key ones. Towards the end of 2015, ZHRC was approached by a consortium CSOs to implement the project titled, *Towards a strengthened Human Rights Commission in Zimbabwe funded by the Kingdom of Netherlands through Hivos*. The consortium consists of Zimbabwe Human Rights NGO Forum (the Forum), Zimbabwe Human Rights Association (ZIMRIGHTS) and Zimbabwe Association for Doctors for Human Rights (ZADHR). The partnership seeks to strengthen ZHRC to adequately respond to the promotion and protection of human rights in Zimbabwe through a two-pronged approach of awareness raising of the Commission's mandate and work as well as the partners analysing the work of the Commission and making recommendations for improvement in 2016. The project will enable the Commission to undertake 12 outreach activities in 10 districts of the country, development of Information Educational Communication material, publication of quarterly reports as well as press statements on emerging human rights issues in the country.

7.4 Simplified Version of the Declaration of Rights in the Constitution

In line with the ZHRC function of promoting awareness of and respect for human rights and freedoms at all levels of society, the Commission developed a simplified version of the Declaration of Rights, that is, Chapter 4 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013. The document has been developed into an A6 booklet and the English version was printed and dissemination to the public started in December 2015. The Ndebele and Shona drafts were produced and are yet to be printed and eventually it will be translated into other vernacular languages for wide dissemination. Use of IEC materials is one of the several initiatives the ZHRC uses to implement its promotional mandate of human rights issues, education and awareness raising in society.

Promotion of Human Rights [continued]



Figure 6. Copies of the simplified ZHRC English version of the Declaration of Rights

8.0 Enforcement of Human Rights

The enforcement mandate of the ZHRC entails the implementation of its decisions and recommendations. The Constitution confers power on the ZHRC for the enforcement of human rights. The Commission has been able to make recommendations to Parliament and other stakeholders which have been well received and implemented. The following highlight the enforcement mandate of the Commission;

8.1 Hurungwe West By-Election Investigation

The ZHRC conducted an investigation wherein the Complainant was an Independent Candidate for the Hurungwe West Constituency in the 10 June 2015 By-Elections. He lodged a complaint with the Zimbabwe Electoral Commission (ZEC) alleging that, the atmosphere of intimidation created by ZANU-PF a contesting party in the same elections made it impossible to have free and fair elections come 10 June 2015. The complaint was then passed on to the ZHRC to investigate in terms of Section 133H of the Electoral Act [Chapter 2:13]. The investigation pointed to human rights violations of the independent candidate and his supporters. The Commissioner General of the Zimbabwe Republic Police was directed to investigate the human rights violations which occurred in Hurungwe West Constituency and ensure that all the perpetrators of violence face the full wrath of the law. This is in line with Section 243 (1) (h) of the Constitution which empowers the ZHRC to direct the Commissioner –General of Police to investigate cases of suspected criminal violations of human rights or freedoms and to report to the Commission on any such investigations.

8.2 Springfarm Investigations

An investigation was conducted by the ZHRC following a complaint by one of the candidates leading to the 10 June 2015 By-election. The complainant alleged human rights violations against his candidature by members of another contesting party. The ZHRC at the end of the investigations, made recommendations one of which was to direct the Commissioner General of Police in terms of Section 243 (1)(h) of the Constitution of Zimbabwe to investigate the alleged human rights violations and ensure that the perpetrators were brought to book.

8.3 Recommendations of the Commission

The ZHRC, following its activities on monitoring and investigations, prepares reports with recommendations to the various stakeholders which reports are placed in the public domain as a point of reference. Although the Commission's recommendation

Enforcement of Human Rights [continued]

are not legally binding on Government they are of persuasive value. This is not to say that the Government ignores the recommendations. On the contrary, the recommendations and reports of the ZHRC have been taken seriously by the Government with entities such as the ZPCS using the recommendations to request more funding for prisons.

9.0 Capacity Building of the ZHRC through International, Regional and Local Workshops and for a

Training courses for employees of NHRIs in particular Human Rights Officers is critical in building capacity of the human rights practitioners bearing in mind the diverse skills and knowledge required for effective implementation of activities in terms of the mandate.

9.1 Participation at the Danish Institute for Human Rights (DIHR) Study Mission, 10 - 23 January 2015

Members of senior staff of the Commission undertook a learning visit to the Danish Institute for Human Rights (DIHR) in Copenhagen, Denmark for 15 days. The tour was foremost a strategic revision and planning platform to produce the work plan and budget for the DIHR/Norway capacity building project. The activities of the tour included induction of Secretariat to the work and operations of the DIHR as a National Human Rights Institution (NHRI) and presentations were made from the various departments of the Institution such as the Education Department and the Office of the Ombudsman for exposure and widening of horizons of the Commission staff.



9.2 Uganda learning visit, 11- 15 May 2015

Two members of the ZHRC secretariat went to Uganda for a five day learning visit with the Uganda Human Rights Commission (UHRC). It was imperative for the ZHRC to learn from other established NHRIs internationally and in Africa, in order to capacitate and strengthen the neo-systems adopted for handling complaints and investigations. This was critical at the developmental stage of the ZHRC and in the advancement of its mandate to engage in exchange visits with other Commissions to equip its Human Rights Officers with in-depth skills, techniques and experiences that can be channelled to develop the ZHRC. The visit provided an opportunity for officers to learn about the Complaints Handling and Investigations approaches used by Uganda Human Rights Commission.

9.3 Regional Face-to-Face Foundation Course for African National Human Rights Institutions, 23-27 November 2015.

Two (2) ZHRC secretariat officers represented the Commission at the Regional Foundation Course for African National Human Rights Institutions held in Nairobi, Kenya. This was a foundation course for junior level employees of NHRIs to enhance their understanding of human rights issues. The course was organised by the Network for

Capacity Building of the ZHRC through International, Regional and Local Workshops and for a [continued]

African National Human Rights Institutions (NANHRI) and the Raoul Wallenberg Institute (RWI). The objectives of the course were to explain fundamental human rights concepts; identify the main international and regional sources of human rights; explain the roles and functions of National Human Rights Institutions (NHRIs) and how those roles may be further strengthened; and strengthen networking between NHRIs in the region. In addition, participants shared best practices such as nursery schools in the workplace, regular team building exercises for staff that ZHRC could adopt in order to enhance the execution of its mandate.

9.3.1 Referral Stakeholder Seminar, 16 April 2015



The ZHRC noted that it may be seized with cases wherein violations have occurred but it may not have the jurisdiction to handle the cases in question; or where, due to the nature of the violation, the ZHRC is not necessarily the ideal institution to handle such cases. In this regard, the ZHRC decided that there is need for a working relationship between itself and various organisations including government and the Civil Society to ensure that human rights are promoted and protected. The ZHRC held a Referral Stakeholder Seminar which was attended by 33 organisations. At the end of the seminar, it was agreed that the ZHRC negotiates

and signs Memorandum of Understanding with relevant organisations on how the referral system would work. This referral system also entails organisations referring cases to the ZHRC where it is felt that human rights situation are best handled by the ZHRC. As such, the ZHRC has a working relationship with various CSOs and the Legal Aid Directorate and this is fundamental for the protection and enforcement of human rights in Zimbabwe.

9.3.2 Training on the prevention of Torture, 23-24 April 2015

The ZHRC also convened a two day training workshop for all members of staff of the ZHRC on the prevention of torture. It was noted that ZHRC staff come across torture issues in their various capacities hence the need for them all to be knowledgeable on torture and how it can be prevented. The ZHRC, it was noted, receives and investigates complaints from the public and these complaints may include allegations of torture by either the state machinery or private persons. It was thus necessary for the ZHRC to undertake this training so that they are fully equipped to deal with these cases. The ZHRC can also prevent torture especially where they are able to visit places of detention at any

Capacity Building of the ZHRC through International, Regional and Local Workshops and for a [continued]

given time. As such ZHRC monitors had to be knowledgeable about torture, how it can be hidden, how it can be identified and how it can be prevented. Further, it was noted that educating the public and other stakeholders about human rights was a way to impart knowledge about torture prevention as well as find ways of enhancing the human rights curricula of law enforcement agencies.

9.3.3 Development of Systems and Manuals for the ZHRC

Since its operationalisation, the programmes unit has been working on systems and procedures to effectively carry out its functions as follows;

9.3.4 Complaints Handling Manual and ZHRC Regulations

The CHI Unit developed the Complaints Handling Manual for its internal use. The Manual is a part of the complaints handling system of the ZHRC and sets out the standard operating procedures which are to be followed by Commissioners and staff of the ZHRC from the time a complaint is lodged until it is finalised.

The Commission also produced Zimbabwe Human Rights Commission Regulations with the technical assistance of Veritas. The Commission adopted these regulations, after which they are to be submitted to the Ministry of Justice and Parliament for gazetting. The purpose of the regulations would be to inform the public on how complaints are dealt with at the Commission and how to bring their complaints before the Commission.

9.3.5 Monitoring and Inspections Framework Development Workshop, 9 -13 November 2015

The ZHRC team had a retreat meeting in Nyanga for the purposes of coming up with draft guidelines and frameworks that guide the operations of the M&I Unit. The retreat was conducted with support from the DIHR. During the process the team managed to come up with four drafts which are; the Draft M&I Framework, Inspection form for Officers in Charge, Checklist for prisons monitoring and inspection and Checklist for Police cells and Places of detention. These tools are aimed at guiding the staff when conducting inspection and monitoring of detention places and compilation of reports.

9.3.6 Education, Promotion and Research Framework

In line with the ZHRC's thrust to develop systems that provide standards for its work, the Unit developed a framework that will guide the ZHRC's work on education, promotion and research on Human Rights. The framework provides for the three mandate areas of the Unit that is education, promotion and research, goals, focus areas and strategies. In addition, the framework will enable the Commission to benchmark its education, promotion and research activities, develop action plans and evaluate the impact of programmes against regional and international standards.

Capacity Building of the ZHRC through International, Regional and Local Workshops and for a [continued]

9.4 Training of Trainers Workshop - Part I 16-20 November 2015

ZHRC convened a Training of Trainers (Part1) Workshop for Human Rights Officers and Management. The training was conducted by the Zimbabwe Institute of Management (ZIM) at Village Lodge in Gweru. This training focused on enabling the Secretariat, in particular Officers, to apply the principles of adult learning in a training situation and formulate behaviorally stated training objectives. The training equipped participants with skills to plan, deliver, conduct and evaluate training content on human rights issues to diverse audiences. The training was able to successfully capacitate the ZHRC programmes staff on the principles of adult learning in a training situation and formulate behaviorally stated training objectives. Moreover, ZHRC staff were equipped on how to plan and prepare instructions to meet specified training objectives. Train the Trainer Part 1 also imparted participants with skills to design and prepare training aids appropriate to given training objectives and target population.



Figure 7. Participants at the Train the Trainer (Part 1) ZHRC training held at the Village Lodge, Gweru, 16 – 20 November 2015

10. Thematic Working Groups (TWGS)

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

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

The first four TWGs mentioned above are specifically provided for by paragraph 7(3) (a) – (d) of the first schedule, whilst the last four were established in line with paragraph 7(3) (e) thereof which states that the ZHRC may establish any other thematic area which it may deem necessary.

In terms of their composition, TWGs are chaired by a Commissioner and supported by the secretariat, headed by a CHRO. TWGs represent a key element in the protection, promotion and enforcement of human rights as they are at the centre of projects aimed at ensuring that the ZHRC has fully implemented its mandate. TWGs facilitate exchanges among experts and help identify, select and transfer good and best practices in a particular field of interest. In terms of paragraph 7 subsection 2 (b) of the First Schedule of the ZHRC Act, the Commission may appoint as members of the TWG persons who are not members of the Commission and may fix terms and conditions of their appointment.

The Gender Equality and Women's Rights, Environmental Rights and the Special Interests TWGs became the first functional TWG having received support from development partners. The remaining TWGs are at formative stages because of budget limitations. The TWG yet to be functional does not have external members, but it is envisaged that it will incorporate members from other sectors to reflect diversity and inclusiveness of all sectors working to promote and protect human rights in Zimbabwe. Despite this, in 2015, the TWGs were involved in various activities which are outlined below.

Thematic Working Groups (TWGS) [continued]

10.1 Children's Rights Thematic Working Group

The Children's Rights TWG participated at various workshops and meetings throughout 2015 as indicated below. In June 2015 the ZHRC attended outreaches conducted by Save the Children to raise awareness of Children Rights in Chinhoyi and Kadoma. The outreaches were done in commemoration of the Day of the African Child whose theme was; *"25 Years after the Adoption of the African Children's Charter: Accelerating our Collective Efforts to End Child Marriage in Africa"*. As a result, the engagements emphasized the need to end child marriages in Zimbabwe.

In July 2015, the Commission was invited by the Ministry of Public Service Labour and Social Welfare to attend a stakeholders' workshop on the alignment of the Children's Act to the Constitution at the Zimbabwe Institute of Public Administration and Management Complex in Darwendale, Norton. Objectives of the workshop were; to create a platform where stakeholders could deliberate and agree on the ideal law for children in Zimbabwe. During the workshop it was agreed that the Children's Act needs to be amended so as to conform to the Constitution and other human rights considerations.

10.2 Gender Equality And Women's Rights Thematic Working Group

The Gender Equality and Women's Rights TWG strives for the promotion and protection of women and men in society.

On the 12th of October 2015 the TWG convened its first meeting in Harare. The purpose of this meeting was to introduce the ZHRC, fully expand on the concept of thematic working groups and select TWG members for their buy in and acceptance into the TWG. The meeting identified members to be invited for the National Stakeholder Engagement Workshop as well as setting the agenda for the Workshop.

The TWG convened the National Stakeholder Engagement Workshop, which deliberated on human rights issues affecting gender equality and women's rights in Zimbabwe. It set out priorities for the TWG, recommendations and way forward for the operationalization of the TWG. The TWG in its advocacy work, published a solidarity press statement on the 16 Days of Activism against Gender-based Violence which was from the 25th of November to the 10th of December running under the theme *"From Peace in the Home to Peace in the World: Make Education Safe for All"*. The ZHRC urged the Government of Zimbabwe, relevant Civil Society Organisations, Communities and other players to accelerate efforts to promote, protect and enforce all rights of women and girls. It called upon the Government through the Ministry of Justice, Legal and Parliamentary Affairs to expedite the alignment of all pieces of legislation concerning women and girls so as to advance the right to education in all educational spheres and to all people in Zimbabwe.

Thematic Working Groups (TWGS) [continued]

Below in pictures, the workshop held at Holiday Inn, Harare on the 27th of November 2015.



Figure 8: The Chairperson of ZHRC (left) Commissioner E. H. Mugwadi giving welcome remarks (right) The Gender Equality and Women's Rights Chairperson Commissioner K.M Jirira (in pink) introducing the Thematic Working Group.

Thematic Working Groups (TWGS) [continued]

10.3 Civil and Political Rights Thematic Working Group

The TWG on Civil and Political Rights, was established in order to ensure that Zimbabwean citizens participate in decision making, are fairly represented, able to seek redress for discrimination, and conduct business with public officials openly and in a transparent manner, without fear or favour. The TWG is in the process of finalising the terms of reference for its work before appointing members from various organisations including CSOs to enable the TWG to be fully functional, particularly for purposes of voter education and election monitoring for the general election in 2018.

Unfortunately, due to financial constraints, it is not yet operationalised. As such it was not able to have any activities of its own during 2015. However, working together with the Monitoring and Inspections Unit of the ZHRC, the members of the TWG were able to participate in the by-elections that were held in Zimbabwe throughout the year. It is hoped that funds permitting the TWG will be operational in 2016 and will be able to work on the realisation and fulfilment of Civil and Political rights in Zimbabwe.

10.4 Economic, Social and Cultural Rights Thematic Working Group

The TWG is in the process of coming up with terms of reference for its work before appointing members from various organisations including CSOs to enable the TWG to be fully functional in 2016. The Economic Social and Cultural Rights TWG did not have resources to operationalize in 2015. However, it managed to attend a number of meetings.

On 18 February 2015 the ZHRC attended the workshop hosted by the Consumer Council of Zimbabwe which aimed at bringing together different stakeholders to input into the Consumer Protection Bill. The workshop also aimed at mapping a way forward for the drafters of the law on Consumer Protection law by drawing lessons from countries like South Africa which have successfully operationalised Consumer Protection laws. It was highlighted that The Consumer Protection Act of South Africa promotes and advances the social and economic welfare of consumers in South Africa and thus the law in Zimbabwe should aim to do the same.

The ZHRC attended a one day Water Conference on 9 March 2015 hosted by the Combined Harare Residents Association. The conference aimed at presenting the arguments for and against prepaid water meters and make informed positions for advocacy. This came against a background of local authorities having announced the impending installation of prepaid water meters.

Thematic Working Groups (TWGS) [continued]

The Commission was invited to a workshop to validate the Ministry of Sports, Arts and Culture's draft National Policies on 8 July 2015. This was a process which had been preceded by national consultations which had been done with various stakeholders. The main objective of the workshop was to confirm whether the draft policies and action plan capture the interests of the sectors concerned with sport, arts and culture.

10.5 Capacity Building and Development Thematic Working Group

The Capacity Building and Development TWG is in the process of appointing members from various organizations and stakeholders to enable it to be fully functional, particularly for purposes of strengthening the skills, competencies and abilities of all relevant stakeholders on the subject of human rights.

The ZHRC was invited by the Ministry of Justice, Legal and Parliamentary Affairs in conjunction with the Inter-ministerial Taskforce (IMT) to attend a two day workshop on training legal officers and Legal drafters on mainstreaming gender in the alignment of laws to the Constitution process from the 6th to 7th of October 2015. The objectives of the workshop were: To provide legal officers and legal drafters within government ministries with knowledge and understanding of gender, gender mainstreaming in legislative drafting processes; To provide drafters with knowledge and analysis of gender equality and women's articles and provisions in the Constitution, regional and international instruments; and to provide guidelines and tools on how to conduct a gender analysis of Bills to ensure compliance with gender equality and women's rights provisions in the Constitution.

From 27 to 29 October 2015, the ZHRC was invited by the Ministry of Justice, Legal and Parliamentary Affairs (MoJLPA) to attend a workshop wherein the Ministry with the support of United Nations Development Programme (UNDP) facilitated the training of trainers on the Human Rights Based Approach (HRBA). The objectives of the workshop were: To address the limited knowledge and skills in the application of HRBA as well as to mainstream gender in the work and activities of members of the Justice, Law and Order Section (JLOS), Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC) and the Universal Periodic Review (UPR) Steering Committee; To equip participants with the knowledge of the basic principles of human rights, international human rights treaties, and the human rights monitoring systems; To acquaint participants with the key concepts and application of HRBA; To develop a common understanding of HRBA among participants; and to sensitize participants on HRBA and gender mainstreaming issues.

Thematic Working Groups (TWGS) [continued]

10.6 Special Interest Groups Thematic Working Group

The purpose of the TWG on Special Interest Groups is to enhance the exercise of the mandate of the Commission of protecting, promoting and enforcing rights of special interest groups such as the elderly, people living with disabilities, the youth, and linguistic, cultural, religious and indigenous groups in Zimbabwe.

On the 25th of September 2015, the TWG successfully organized a National Stakeholder meeting to introduce the ZHRC and the envisaged TWG to the selected stakeholders, deliberating on human rights issues affecting people the targeted disadvantaged groups in Zimbabwe. The meeting deliberated on the way forward for the operationalization of the TWG.



Figure 9: Above Left: Chairperson of the TWG Comm. S.H Matindike making a presentation, and a participant with a hearing impairment making a presentation.

Thematic Working Groups (TWGS) [continued]

The TWG joined the rest of the world in commemorating International Day of Persons with Disabilities on the 3rd of December 2015. The theme for 2015 was: *“Inclusion matters: access and empowerment of people of all abilities”*. The TWG produced a press release which was published on the Commission's website and in selected newspapers. Amongst other issues, the press release called for the government to prioritise the protection of the rights for people with disabilities. Further, the ZHRC pledged to work with all stakeholders in the protection, promotion and enforcement of human rights of people with disabilities.

On the 27th of October 2015 the TWG attended a workshop organized by the National Age Network of Zimbabwe, a coalition of civic organizations and government departments working with older persons. The priority areas were security of incomes and livelihoods, quality health, HIV and care services, participation and support during emergencies, disaster reduction, climate change and mitigation efforts. It was resolved that besides the Older Persons Act, government should introduce an Ageing Policy which should take into account issues of social assistance for older persons, harmonize the legal age for seniority in the Constitution, Acts of Parliament and human rights instruments which provide for 60, 65 and 70 years.

10.7 International Agreements and Treaties Thematic Working Groups

The establishment of the International Agreements TWG was prompted by the fact that human rights are universal and Zimbabwean citizens should fully enjoy these rights like all other citizens globally. The Zimbabwe Government has acknowledged the universality of human rights by ratifying several international human rights agreements/treaties.¹ However, ratification of international agreements on its own is not sufficient to ensure the full enjoyment of the rights enshrined in those agreements by the citizens of Zimbabwe. There is need for their domestication in national laws and policies as well as their implementation. The TWG on International Agreements will assist the ZHRC in its contribution towards ensuring that Zimbabwe is a party to all the relevant international and regional human rights instruments and observes the letter and spirit of those instruments. The TWG will assist the ZHRC in its reporting obligations to regional and international bodies on various human rights concerns, being guided by the Paris principles.²

¹The Treaties ratified by Zimbabwe includes, among others the following, International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples Rights.

²Principle 3(d) states that NHRIs have an obligation; *“To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence”*

Thematic Working Groups (TWGS) [continued]

During the reporting period, the TWG has been attending a series of meetings on the Universal Periodic Review (UPR) that were being organised by the Ministry of Justice, Legal and Parliamentary affairs. The meetings were to prepare for the Zimbabwean report which is due for submission and presentation in 2016. Thus, in these meetings the TWG has been familiarising itself with the processes involved as well as giving input where necessary.

10.8 Environmental Rights Thematic Working Group

The ETWG's objective in the environmental sector is to ensure: (i) the protection of the environment for the benefit of present and future generations and; (ii) promote ecological sustainable development and use of natural resources while promoting economic and social development.

The Commission in partnership with OXFAM documented the experiences of Mining Communities amidst the mining activities being carried out by Government and Mining Companies in Shurugwi. The partnership resulted in the production of an advocacy video which is a tool used for lobbying the State, mining companies and relevant stakeholders to protect the environment. In addition, a policy brief with recommendations was produced and forwarded to Parliament, relevant Government ministries and the private sector in order to influence and secure appropriate redress and effective measures for the preservation of the environment for present and future generations.



Figure 10: A ZHRC officer (in white t – shirt) interviewing informal gold miners on the outskirts of Shurugwi Town

Thematic Working Groups (TWGS) [continued]

On the 12th of March 2015 the ZHRC attended the launch of two position papers by the Zimbabwe Environmental Law Association (ZELA). The titles of the papers are: *“Formalising and Integrating Large, Small and Artisanal Gold Mining and Trading to Increase the Contribution of Gold to Zimbabwe's Economy and Development”* and *“Understanding Mineral Revenue Leakages in Zimbabwe”*. The two research papers were commissioned by PACT and ZELA respectively. The workshop was attended by members of the Parliamentary Portfolio Committee on Mines and Energy, representatives from ZELA, PACT, ZHRC, Parliament and journalists in mining. The position papers urged miners to regularise their mining activities in order to improve their contribution to the fiscus.

On the 26th-28th of August 2015 the ZHRC in partnership with ZELA organised a three day training workshop of the programmes staff to strengthen the capacity of the ZHRC to handle complaints of EESCR violations in mining communities as a way of promoting Human Rights.

The 21st of September 2015 saw the Commission making great strides to formally operationalise the Environmental Rights Thematic Working Group through an inception meeting. The meeting was attended by among others, stakeholders from government, civil society and faith based organisations. The meeting resulted in the nomination of the following as members of the TWG: Ministry of Agriculture, Mechanisation and Irrigation Development, Ministry of Mines and Mining Development, Ministry of Environment and Climate, Ministry of Local Government, Public Works and National Housing, ZELA, National University of Science and Technology, Zimbabwe Chamber of Mines and Zimbabwe Council of Churches.

The Commission was invited by ZELA to attend the ZAMI workshop on the 23rd-24th of September 2015. The objectives of the workshop were to provide an alternative space for stakeholders to discuss some of the opportunities and challenges in Zimbabwe's mining sector and the impacts of mining on community livelihoods, human rights and environmental sustainability among others; and how these could be addressed; to create a platform for engagement among mining companies, government and civil society, the media and the communities affected by mining operations and to discuss the on-going legal reforms and developments in the mining sector .

The workshop recommended, amongst others that the Government should ensure transparency and accountability as a way of unlocking value from the mining sector and to formulate a completely new Mines and Minerals Act which is in line with the principles of the African Mining Vision formulated in 2009 by the African Heads of State and aligned to the Constitution of Zimbabwe Amendment (No.20) Act 2013.

Thematic Working Groups (TWGS) [continued]

ZHRC Thematic Working Group on Environment, in collaboration with ZELA carried out a pilot project of training communities in mining regions on the 21st -22nd of October 2015. The training was on environmental, socio-economic and cultural rights affecting the communities in Zvishavane (Mhondongori Primary School and Mapanzure Clinic); Shurugwi (Musasa Primary School). The training capacitated Communities on the background, mandate and work of the ZHRC and educated them on the protection and promotion of Environmental, Economic-Social and Cultural Rights.



Figure 11: Participants following proceedings at the training workshop on environmental protection.

On the 28th of October 2015 ZHRC attended the launch of the Report on Communities, Companies and Conflict by the Centre for Natural Resource Governance (CNRG). The research was commissioned by CNRG with support from the Heinrich Boll Foundation. The objective of the workshop was to launch the aforementioned report as well as capacitate the participants on the findings of the report. The following highlights emerged from the report; that the upscaling of mining activities vis a vis the absence of a strong mining law, institutional framework and political will to protect communities against displacements and other disadvantages brought about by mining means more mining conflicts are lined up for Zimbabwe. As a way of redress it was recommended that the

Thematic Working Groups (TWGS) [continued]

country should come up with a new, progressive and inclusive mining law that addresses its contemporary needs and acknowledges the need to devolve the mining sector to ensure local authorities have greater autonomy over their resources.

From the 16th to the 18th of November 2015 a follow up to the Zvishavane –Shurugwi trainings, ZHRC and ZELA conducted mobile legal clinics to receive complaints on EECSR. In Shurugwi, two mobile legal aid clinics were held at Mhondongori and Mapirimira. In Zvishavane one mobile legal aid clinic was conducted at Musasa Primary School. A total of 118 people attended the mobile legal aid clinics being 33 in Shurugwi and 85 in Zvishavane. At the Legal Aid Clinics, 42 complaints were rejected for various reasons. The most common one being that the ZHRC had no jurisdiction in the matter or that the complainants had no valid claim at law. A total of 58 clients were referred to other state institutions and agencies for assistance. A total of 18 human rights cases were accepted.

The ZHRC team learnt that there is need for awareness raising activities aimed at local communities on basic Environmental, Economic, Social and Cultural Rights.



Figure 12: Community members listening to instructions on how to complete a complaints form.

11. Assessment

With support from government and funding partners, the ZHRC achieved a lot in respect to human rights promotion, protection and enforcement in Zimbabwe. The year 2015 saw the operationalization of the Gender and Women's Rights, Environmental Rights and the Special Interest Thematic Working Group. In the field of human rights promotion, the ZHRC managed to raise awareness on its existence and its mandate through commemorations such as the International Human Rights Day, the International Women's Day celebrations and exhibitions at gatherings organized by other organizations. Such platforms gave the ZHRC an opportunity to educate the public about the Declaration of Rights, communicating its mandate and functions through distribution of visibility materials on human rights issues.

During the year under review, the ZHRC staff and commissioners were capacitated to effectively promote, protect and enforce human rights. The development of the complaints handling manual is one such important achievement for the Commission in 2015, considering that complaints handling and investigation is the core business of the ZHRC. The availability of the manual ensured existence of a uniformed and professional procedure in handling of human rights complaints. Indeed, the ZHRC has managed to effectively deal with complaints being brought before the Commission and those inherited from the defunct Public Protector Office.

In addition, the development of human rights education, promotion and research, and monitoring and inspection frameworks are equally important in the promotion and protection of human rights by the ZHRC. The frameworks guide the work of the Commission so much so that everyone acting on behalf of the Commission have a common understanding and do the work at hand systematically, and in accordance with the ZHRC Strategic Plan 2015-2020, the Baseline Survey and International Human Rights Instruments and best practices.

The work of the Commission has not been without challenges. The mandate to handle complaints has been haunted by challenges, chief among them being lack of responses from certain government departments. Maladministration is common in some government departments and parastatals however, when asked to respond to allegations of maladministration, some have chosen not to respond or to address the issues at hand. This makes it difficult for the Commission to effectively handle certain cases to their logical conclusion. It is anticipated that continuous engagement will yield positive results as the Commission continues to make all stakeholders aware and understand the mandate of complaints handling and investigations.

Assessment [continued]

Further, budgetary constraints have been a major impediment which made it difficult for the ZHRC to recruit new staff nor replace those resigning. Staff of the Commission are demoralized due to poor remuneration, which is often paid very late. For the great part of the year the Commission was suspended from Medical Aid services by CIMAS due to non – payment of subscriptions. The Commission spent the year still negotiating the issue of pension and insurance scheme for staff members as well as making piecemeal remittances of contributions to the national social security fund, NASSA.

Also, due to resource constraints, the ZHRC could not decentralize to all provinces as anticipated, let alone to conduct widespread and systematic awareness activities in most parts of the country. Had the budget allowed, more outreaches and dialogues would have been conducted and more IEC materials produced and disseminated. Some planned activities had to be dropped, for example, exhibiting at ZITF and Harare Agricultural Show due to lack of commitment by treasury and funding partners.

12 Recommendations

The ZHRC makes the following recommendations;

- 12.1.** That Treasury adequately disburses funds to the ZHRC to effectively promote, protect and enforce human rights in Zimbabwe.
- 12.2.** That Treasury provides concurrence for the ZHRC to recruit new staff and replace resigning staff so as to be able to effectively carry out its mandate. Considering that ZHRC inherited files from the defunct Public Protector office, there is need to allow ZHRC to recruit more staff especially for the ZHRC's administrative justice role. There is need to fund additional manpower and the retention of staff in office.
- 12.3.** That the Government of Zimbabwe, takes all necessary measures to ensure that fundamental human rights and freedoms, enshrined in the Constitution, are fully respected and implemented.
- 12.4.** The Ministry of Justice Legal and Parliamentary Affairs, Parliament of Zimbabwe and respective line Ministries promptly align legislation to the Constitution, taking into account the Fundamental Human Rights and Freedoms in the Declaration of Rights, so as to enhance the enjoyment of human rights by all the people of Zimbabwe.
- 12.5.** Government to ratify and domesticate the Convention Against Torture (CAT), which protects human beings from being subjected to torture. This recommendation is given in light of the cases relating to torture that the Commission continues to receive in Zimbabwe.
- 12.6.** The Ministry of Justice Legal and Parliamentary Affairs, Treasury and ZPCS take all necessary measures to ensure that prisons and places where mentally challenged or intellectually handicapped persons are kept are adequately resourced, in terms of human and financial resources. This comes after the monitoring visits which have shown that most prisons are understaffed and under-resourced.

13. Financial Report



Statement of Profit or Loss and Other Comprehensive income for the year ended 31 December 2015

	DR \$	CR	
Revenue		1,003,068.00	
Partner Funds		43,609.51	
Donation		1,415.00	
Tender fees		1,150.00	
		1,049,242.51	
Depreciation- Motor Vehicles	46,100.00		
Depreciation- Computer Equipment	14,878.00		
Office Furniture- Depreciation	7,807.00		
Domestic Allowances	14,862.61		
Domestic Travel Fares	9,938.20		
Foreign Travel Allowances	10,770.65		
Foreign Travel Fares	18,740.33		
Subscriptions	15,000.00		
Exhibitions and Hiring Expenses	18,173.24		
Salaries	644,581.04		
Medical Cover	72,972.00		
Funeral Cover	7,839.00		
NSSA	5,508.34		
Internet	5,116.84		
Telephone	20,250.00		
Fuel & Lubricants	76,569.70		
Newspapers	6,767.58		
General Maintenance Services	2,050.00		
Mobile Communication	7,350.00		
Taxation	29,217.90		
Licences: Softwares & Renewals	720.00		
Courier & Postage	641.00		
Provisions and Groceries	8,241.07		

Statement of Profit or Loss and Other Comprehensive income for the year ended 31 December 2015 (continued)

	DR \$	CR	
Printing and Stationery	6,249.12		
Motor Vehicle Repairs ,Tolling	30,689.00		
Teas and Cleaning	546.85		
Bank Charges	3,810.86		xxxxxxxxxxxxx To be adjusted and reallocated to respective GLs
Electricity	2,610.00		
Security	9,397.50		
Rental Expenses	4,225.84		
Maintanance of Technical Equipment	1,108.39		
Gifts, Donations, Legacies & Honorariums	289.00		
Inter Transfer	215.00		xxxxxxx to be reallocated to respective GLs
Training & Development	1,364.00	1,104,600.06	
Deficit for the year		(55,357.55)	
Retained Earnings b/d		4524.44	
		(50,833.11)	

Statement of Financial Position as at 31 December 2015

Assets	Notes	2,015 \$
Non-current assets		
Land and Buildings		1,350,000
Computer Equipment		99,184
Accumulated Depreciation		(29,755)
Office Furniture & Fittings		78,070
Accumulated Depreciation		(15,614)
Motor Vehicles		230,500
Accumulated Depreciation		(75,200)
		<u>1,637,185</u>
Current assets		
Inventories		17,411
Trade Receivables		-
Petty Cash		1,514
Cash at Bank		16,438
		35,363
		<u>1,672,547</u>
EQUITY AND LIABILITIES		
Capital and Reserves		
Retained Earnings		(55,357.55)
Retained earnings/Accumulated Fund		1,488,389
		<u>1,433,032</u>

Assets	Notes	2,015 \$
Current liabilities		
Trade and other payables		
Telone		32,012
NSSA		24,421
Cimas		20,723
Income Tax Payable		43,116
Security		98,771
Other Creditors		21,063
Total current Liabilities		240,106
Total equity and liabilities		1,673,138
		(590.87)

