ZHRC

ZIMBABWE HUMAN RIGHTS COMMISSION

For Human Dignity

REPORT ON:

NATIONAL Inquiry on ACCESS to DOCUMENTATION IN ZIMBABWE

APRIL 2020

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FOREWORD

Access to national documentation is at the core of the enjoyment of fundamental human rights and freedoms. It is for this reason that the Zimbabwe Human Rights Commission took the decision to conduct the National Inquiry on Access to Documentation in Zimbabwe in order to get a profound understanding of the issue with the view to finding durable solutions to address the plight of numerous people affected by lack of national documentation. This is the ZHRC's first ever National Inquiry in its quest to address systemic violations of human rights. The findings contained in this Report are an eye opener to the various challenges that confront people in accessing national documentation and the impact that lack of access has on their lives.

A document such as a birth certificate enhances a person's ability to navigate through life and achieve personal fulfilment. On the other hand, lack of this seemingly insignificant document results in far reaching consequences and shuts doors to opportunities later in life. In particular, lack of access impedes enjoyment of fundamental human rights and freedoms such as right to identity, freedom of movement, right to education among many others.

In conducting the National Inquiry, the ZHRC extensively engaged stakeholders to ensure that the findings would reflect the challenges of accessing documentation at the national level. The national importance of access to documentation was revealed by the high level of response by stakeholders from Government, Traditional Leaders, CSOs, Faith Based Organisations and individuals. These groups came forward to identify challenges as well as offer recommendations to address issues relating to access to documentation in Zimbabwe. Such responses facilitated the achievement of consensus on the issue of access to documentation and also enriched the findings of this Report. Further, the non-adversarial approach the ZHRC adopted in conducting the National Inquiry encouraged stakeholders to participate freely in the gathering of views on the issue at hand.

The Report recorded detailed lived experiences and testimonies of affected people, which clearly illustrate the challenges that confront people in accessing documentation and the impact thereof on their lives. It is clear that urgent responses are needed to address the identified challenges so that the plight of people failing to enjoy human rights due to lack of documentation can be resolved. Special attention should be placed on vulnerable groups of people who face multiple challenges in accessing documents. Such groups include persons with disabilities, Gukurahundi-affected communities and minorities among others.

The Report underscores the impact of lack of documentation on the enjoyment of fundamental human rights and freedoms and emphasises the need for immediate action to be taken on the specific and targeted recommendations set out therein. The yearning among people for enjoyment of fundamental human rights and freedoms has never been greater and should be met by adopting lasting solutions that are proposed in this Report.

Through this Report, we are able to take stock of on-going challenges, highlight human rights violations and contribute to legal and policy-driven imperatives to address lack of documentation. This Report is the ZHRC's legacy which ensures Zimbabweans enjoy fundamental human rights and freedoms enshrined in the Bill of Rights in the Constitution. It also provides for awareness, guidance, leadership and hope on this very important entitlement to national documentation.

The challenges identified therefore, demand collaboration among stakeholders to enhance access to documentation. Such access should cascade to the most marginalized communities. As you read this Report, I invite you to be part of the solution to addressing these challenges.

I would like to thank all stakeholders who participated in the National Inquiry as well as the ZHRC Secretariat who worked diligently and tirelessly during data gathering, analysis and compilation of this Report.

Finally, I would like to thank my fellow Commissioners who participated throughout the process by gathering compelling evidence and patiently hearing and documenting numerous testimonies of witnesses upon which this Report is based.

COMMISSIONER Dr. ELASTO. H MUGWADI

CHAIRPERSON

ZIMBABWE HUMAN RIGHTS COMMISSION

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    - The Judicial Service Commission who contributed equipment and personnel throughout the Public Hearings,
    - The Ministry of Home Affairs and Cultural Heritage who provided information and support
    - The Registrar General's Department who provided technical and advisory support to the National Inquiry process and Public Hearings and by setting up Help Desks to assist witnesses
    - The Department of Social Welfare who provided technical and advisory support to the Public Hearings and by setting up Help Desks to assist witnesses
    - The Media who covered the National Inquiry process and raised awareness among citizens
    - Development Partners and Civil Society Organisations.
- International, Regional and National experts who provided technical support to the National Inquiry process, Brian Burdekin, Justice Zione Ntaba and Justice Charles Hungwe.
- Individuals and stakeholders who participated in the National Inquiry by completing witness submission forms and taking their time to submit oral evidence before the panel of Commissioners.
- Stakeholders including Traditional and Religious leaders who made valuable input and participated in the National Inquiry consultative, outreach and validation meetings and mobilised communities.
- ZHRC staff from the Programmes and Administration Departments who worked tirelessly and efficiently throughout the process to ensure success of the National Inquiry.
- Special thanks to the dedicated and committed National Inquiry staff who had the primary and direct responsibility of implementing the National Inquiry and ensuring that set goals were achieved.

ACRONYMS

AMTO	Assisted Medical Treatment Order
ATD	Access to Documentation
BDRA	Births and Deaths Registration Act
BEAM	Basic Education Assistance Module
CBOs	Community Based Organisations
CID	Criminal Investigations Department
CHI	Complaints Handling and Investigations
CSOs	Civil Society Organisations
CYDT	Community Youth Development Trust
DDC	District Development Coordinator
DRG	Department of the Registrar General
DSW	Department of Social Welfare
EPR	Education, Promotion and Research
FBOs	Faith Based Organisations
FODPZ	Federation of Organisations of Disabled Persons in Zimbabwe
HRBA	Human Rights Based Approach
ID	Identity Document
IEC	Information Education and Communication
JSC	Judicial Service Commission
LRF	Legal Resources Foundation
MATWIDOWS	Matabeleland Widows and Single Parents Trust
MoHACH	Ministry of Home Affairs and Cultural Heritage
MoHCC	Ministry of Health and Child Care
M and I	Monitoring and Inspections
NI	National Inquiry
NHRI	National Human Rights Institution
OPWD	Organisations of Persons with Disabilities
PACDEF	Peace Building and Capacity Development Foundation
PDC	Provincial Development Coordinator
PWDs	Persons with Disabilities
RG	Registrar General
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
SOPs	Standard Operating Procedures
SPSS	Statistical Package for the Social Sciences
TRACE	Transparency, Responsiveness, Accountability, and Citizen Engagement
UNICEF	United Nations Children's Fund
UNHCR	United Nations High Commissioner for Refugees
WILD	Women Institute for Leadership Development

ZHRC	Zimbabwe Human Rights Commission
ZITF	Zimbabwe International Trade Fair
ZPCS	Zimbabwe Prisons and Correctional Services
ZRP	Zimbabwe Republic Police

GLOSSARY OF TERMS

Disability: long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder a person's full and effective participation in society on an equal basis with others.

Gender: A social and cultural construct, which distinguishes differences in the attributes of men and women, girls and boys, and accordingly refers to the roles and responsibilities of men and women.

Gukurahundi: Refers to the post-independence massacres which happened in Matabeleland and parts of Midlands Provinces in Zimbabwe in the 1980s.

Human Rights and Freedoms: Entitlements and freedoms that apply to every person in the world by virtue of being human.

Human Rights Based Approach: A conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.

Identity: The characteristics and qualities of a person, considered collectively, and regarded as essential to that person's self-awareness.

Independent Commission: An institution created for a specific purpose with the authority to act independently, that is, free from outside or political control for example Chapter 12 Commissions in the Constitution of Zimbabwe.

Indigenous Peoples: Are distinct ethnic communities who are believed to be the first inhabitants of a geographical region, and whose identities and cultures are inextricably linked to the land on which they live and the natural resources on which they depend.

Intersex: A person born with a combination of male and female biological traits.

Lobola: A traditional practise/custom by which a bridegroom's family makes a payment in cattle or cash or both to the bride's family as part of the marriage process.

National Inquiry: An investigation into a systemic human rights problem in which the general public is invited to participate.

Patriarchy: A social system in which men hold primary power and predominate in roles of political leadership, decision making, moral authority, social privilege and control of property.

Policy: A set of ideas or a plan that is used as a basis for making decisions.

Public Hearings: A process of receiving testimony in public from stakeholders and the members of the public on a certain issue.

Statelessness: A situation whereby a person is not considered as a national by any State under the operation of its laws.

Treaty Body or Committee: A committee of independent experts appointed by State Parties to oversee implementation by States, of an international human rights Treaty. The Treaties use the term "committee" throughout, but these committees are widely known as "Treaty Bodies" because they are created in accordance with the provisions of the Treaty which they oversee.

EXECUTIVE SUMMARY

Access to documentation is a fundamental human right. It is a right upon which other rights can be enjoyed. National documents establish the legal relationship between a citizen and his or her country and they give rise to rights and obligations for both. They are documentary proof of one's nationality. This aspect of identity is critical to an individual's integrity as well as affecting his or her wellbeing. Notably, these documents afford a person access to fundamental human rights within a country, including obtaining employment, medical care, qualifying for social benefits, inheritance, enrolment into educational institutions, local and international travel, voting, being voted for and requesting the issuance of official documents and permits, among others. A person without documentation will have difficulties enjoying these rights and freedoms accorded to everyone, citizens or residents.

Documentation prevents statelessness which arises from gaps in law and practices that deny an individual the right to a nationality at birth or later in life. Statelessness results in marginalisation, depriving affected persons of their most basic rights, access to services and legal recognition. Individuals who lack a nationality or effective citizenship are usually among the most vulnerable to human rights violations in the entire world.

The decision to conduct the ***National Inquiry on Access to Documentation in Zimbabwe*** (National Inquiry) was informed by empirical evidence obtained from ZHRC programming work, where it was established that lack of documentation and its negative impact on human rights was a widespread problem in Zimbabwe. It was further informed by reports and research findings of other organisations as well as from concluding observations and recommendations of international and regional Treaty Bodies. The National Inquiry was, therefore, conducted to gather evidence on the nature and extent of this challenge and to make recommendations that will enhance access to documentation for people in Zimbabwe. It focused on access to birth certificates, national identity cards, passports, death certificates and proof of citizenship.

The National Inquiry Process

The National Inquiry process and methodology are presented in Chapters One and Two of this Report. The process was inclusive, consultative and participatory. It focused on people who had challenges accessing documentation. It also ensured the engagement of all relevant stakeholders working in the field of and having a role in access to documentation. These stakeholders richly contributed to the successful implementation of the process. Stakeholders who were engaged in the process included Government Ministries, Government Departments and Agencies, Independent Commissions, Academic Institutions, Civil Society Organisations (CSOs), Faith Based Organisations (FBOs), Organisations for Persons with Disabilities, (OPWD), Community Based Organisations (CBOs), Residents Associations, university students and the general public.

One of the key factors that ensured the success of the national process was awareness of stakeholders and the general public of the National Inquiry. This was a result of the ZHRC 's intensive publicity and awareness campaign under the theme; ***My Identity My Right***. The communication strategy was undertaken through a number of initiatives such as the official launch of the National Inquiry, press briefings, radio and television (TV) programmes, and social media platforms. The ZHRC also exhibited at the Zimbabwe International Trade Fair (ZITF) and the Harare Agricultural Show. It also produced audio and visual jingles. Further, there was production and dissemination of Information, Education and Communication (IEC) materials such as posters, flyers and brochures, Provincial Public Hearings newsletters and community outreaches.

Before the onset of the National Inquiry, the ZHRC also commissioned a ***Background Paper on Access to Documentation in Zimbabwe*** **(**Background Paper), which captures pertinent issues on access to documentation. The Background Paper enhanced knowledge and awareness among ZHRC Commissioners and staff by informing and providing them with guidance on the implementation of the National Inquiry. In addition to benefitting from this research paper, ZHRC held a number of internal strategic and capacity enhancing meetings with technical input from international, regional and national experts in the field of access to documentation.

Stakeholder consultations and outreaches were conducted in all the districts of the 10 provinces from June – November 2020, in order to engage citizens and stakeholders on the National Inquiry. Outreaches included visits to minority and marginalised communities such as San, Tonga and Doma. A total of seven hundred and forty-one (741) stakeholders and twenty thousand, five hundred and sixty-four (20,564) people were engaged in the national Inquiry process. The National Inquiry received seven thousand five hundred and forty-four (7544) written submission forms from individuals and one hundred and ninety-one (191) written submission forms from stakeholders. It is from these submissions that statistics of this research are drawn from.

The other pertinent objective of the outreaches was to identify and mobilise potential witnesses who later gave evidence on challenges confronting people in accessing documentation. Thereafter, the ZHRC held ten (10) provincial and one national Public Hearing and reports with findings from each province were compiled. A total of one thousand four hundred (1400) witnesses attended the public hearing sessions.

Some of the limitations which were encountered and were mitigated included time and resource constraints, participation of marginalised groups, cooperation from the Department of Registrar General and mobilisation and accessibility to communities.

Commissioners conducted field visits from 16 to 20 December 2019, to marginalised communities to get in-depth understanding of and gather evidence on peculiar challenges faced by these communities in accessing documentation and to assess the impact of lack of documentation on the enjoyment of human rights. A total of nine hundred and eighty-nine (989) community members (454 females, 535 males, and 17 PWDs), were engaged during the field visits which were conducted in the following communities;

- Communities affected by Gukurahundi disturbances (Matobo, Matabeleland South);
- Indigenous Minority Communities (San, Matabeleland South);
- Communities living along Zimbabwe's borders (Mutasa District, Manicaland Province, bordering Mozambique);
- Inmates and mentally impaired persons (Khami Prison and Mlondolozi female Prison and Mental Institution, Bulawayo);
- The refugee community (Tongogara Refugee Camp, Manicaland Province); and
- Cyclone Idai disaster affected communities (Kopa, Chimanimani, Manicaland Province).

Validation meetings were conducted in all the ten provinces from 13 – 21 January 2020, to share preliminary findings of the National Inquiry with stakeholders. A total of four hundred and fifty-five (455), stakeholders participated at the validation meetings. All the provinces validated the preliminary findings as accurate and representative of the national documentation issues pertaining to their communities. Stakeholders also made additional input to the draft provincial reports that were shared. The draft National Inquiry Report findings and recommendations were further availed to the Ministry of Home Affairs and Cultural Heritage (MoHCH) and the Registrar General's Department (DRG) for their feedback on accuracy of information in relation to institutional processes and procedures. The Report was then reviewed and adopted by the ZHRC Commissioners in April 2020.

Summary of Key Findings

The findings of the National Inquiry are addressed in Chapter Three which covers evidence on;

- Challenges experienced by the public and special interest groups and
- The impact of lack of documentation on the enjoyment of human rights.

Evidence was gathered on a plethora of challenges that people experienced in accessing the five documents. The National Inquiry established that the biggest challenge people are facing resulted from lack of a birth certificate as a primary document. This finding was consistent with various findings from stakeholders such as, Transparency, Responsiveness, Accountability, and Citizen Engagement **(**TRACE), Legal Resources Foundation (LRF) and the Parliamentary Portfolio Committee on Defence, Home Affairs and Security Services, among others.

While peculiar challenges were noted in certain provinces, the over-arching challenges were similar across all the Provinces. These included the following:

- Lack of decentralised Department of Registrar General (DRG) services entailing long distances to access services coupled with expensive/unaffordable transport costs;
- The DRG's non-standardised application of registration policies among provinces;
- Lack of birth confirmation records.
- Cumbersome process for home birth registration.
- Costs of accessing services and payment modalities.
- Sporadic mobile registration programmes;
- Resource constraints at the DRG's Offices such as lack of equipment, consumables, office infrastructure and staff accommodation which hamper the quality of services provided.
- Lack of human rights-based service delivery and customer care by the DRG staff which turn away some people because they don't have all the requirements;
- Allegations of corruption;
- Unaffordable citizenship by registration fees of RTGS 5000.00.
- Procrastination and negligence by parents to register children.
- Lack of awareness on the importance of registration by some people;
- Language barriers.
- Non-acceptance of confirmation letters from Traditional Leaders by some DRG Officers.
- Demand for completion of lobola payments.
- Generational non-documentation challenges.
- Migration and unknown whereabouts of parents.
- Falsification of documents and registration information .
- Marginalisation of minority groups such as San, Tonga and Doma communities
- Challenges experienced by persons with disabilities (PWDs) and other vulnerable groups.

Special Interest Groups

Thirteen (13) categories of special interest groups presented peculiar and additional challenges in accessing documents and these are discussed in Chapter Four. The Report draws special attention to their articulated challenges as well as the impact of lack of documentation as follows;

Children:

- Procrastination or negligence by parents to register their children's births.
- Lack of awareness, cultural practices or reluctance by parents to register children born out of wedlock in their maiden names.
- Laws prohibiting fathers or paternal relatives to register children in the absence of mother, maternal relatives or death certificate of deceased mother.
- Migration or unknown whereabouts of parents.
- Difficulties faced by children in child headed families.
- Difficulties of registering children born in prison.
- Un-documented children in conflict with the law cannot be released on bail, are at risk of being prosecuted as adults thereby incurring stiffer sentences.

Orphans:

- Failure to meet registration requirements such as death certificates, witnesses, unknown whereabouts of relatives, lack of cooperation of relatives and lack of money to cover costs of registration fees and transport costs.
- Issuance of short birth certificates to orphans in care homes, which are not accepted for passport applications.
- Failure to receive social welfare benefits such as Basic Education Assistance Module (BEAM).

Women:

- Out of a total of 7544 witness submissions received, 4877 were received from women.
- Women across all age groups and in all Provinces bear the burden of challenges associated with lack of identity documents.
- Some women were divorced because they lacked identity documents.
- Some women face gender-based violence from their husbands or grown up children because of failure to register children due to their un-documented status.
- Some women are stigmatised, looked down upon and called demeaning names such as *zvidhuura* (fake people).

Inter-Sex Persons

- Inter-sex persons are not recognised at law.
- National identity documents are categorised in the conventional male and female sex categories, without provision of inter-sex.
- Parents determine sex of inter-sex persons at an early age before puberty or when children are old enough to identify themselves as male or female.
- The law does not accommodate inter-sex persons who wish to change their sex on their identity documents as their bodies transform at puberty.

Persons with Disabilities

- User-unfriendly DRG infrastructure for wheel chair users, e.g. no ramps or rails
- Information on DRG services, requirements and legislation are not in accessible format for persons with disabilities, such as audio or braille.
- Lack of sign language interpreters in DRG Offices.
- Lack of capacity and awareness by DRG officials to provide disability sensitive services.
- Allegations of ill-treatment, abuse and name calling of persons with disabilities by some DRG Officials.
- Negative and discriminatory attitudes by families of persons with disabilities resulting in hiding them in their houses and not registering them
- Mentally impaired mothers often fail to register their children due to lack of support from relatives, resulting in generations of unregistered children
- Financial dependency on relatives to cover registration costs.
- Lack of identifying features of disabilities on identity cards render persons with disabilities vulnerable especially in emergency situations.

Minority Groups

San Community

- High illiteracy and poverty levels marginalised them and made access to documentation difficult.
- Language barriers affect access to documentation.
- Long distances and costs of travel to DRG Offices affect access to documentation.
- Understanding of the importance and value of registration is not appreciated.
- Most births are home births which make registration difficult as there are no birth confirmation records.

Tonga Community

- Long distances and costs of accessing DRG Offices is a matter of concern
- Some communities were prone to attacks by wildlife as some had to walk an average of 25KM to access DRG services.
- Lack of awareness of registration requirements is a barrier to accessing registration.

Coloured Community (mixed race)

- National identity documents of Coloured persons classify their place of origin as double zero, meaning that no place of origin is assigned to them.
- This means they cannot access land from places of origin as none was assigned to them, yet there are born in Zimbabwe.

Doma Community

- Doma people live in remote areas where social services are not accessible.
- Long distances and costs of accessing RG Offices was a matter of concern.
- Nearest RG Office from Chapoto (in Mashonaland Central is about 105km), transport is very costly, especially when covering witness costs.

- Many members of the community do not access death certificates.

Elderly Persons (60years +)

- Elderly persons who had identity documents but no birth certificates find it difficult to obtain birth certificates as one of the requirements was that they should present witnesses who are 10 years older than them. Most are not aware of process of self-registration.
- Experience difficulties accessing registration due to challenges associated with old age such as loss of memory resulting in failure to remember birth details such as place of birth, date of birth and villages where they came from and their chiefs.
- Bear the burden of looking after un-documented grandchildren left by their children
- Are too frail to register their grandchildren
- Lack finances to afford registration fees and transport costs to access DRG Offices.

SADC Foreign Nationals

- Are not aware that they qualify for registration of citizenship by birth if they were born before 2013 to one or both parents who were citizens of SADC countries. They therefore remain with their old identity cards with the restrictive alien status.
- Are not aware that the fee for regularising their citizenship status is RTGS 40 as opposed to RTGS 5000.00.
- Inconsistencies from the RG's Office in dealing with issue of Alien IDs and citizenship, in some cases where one of the parents was a foreign national and another Zimbabwean, children were issued with Alien IDs contrary to the provisions of Section 36 of the Constitution.

Prison Inmates

- A large percentage do not have national identity documents and this prevents them from accessing rehabilitative opportunities such as education and vocational skills.
- Inmates are unable to get supporting documents and witnesses required in the registration process.
- Are at risk of not being granted bail if un-documented.
- Not eligible for age related amnesties as there are no identity documents to prove their age.
- ZPCS is constrained by resources such as fuel to ferry inmates to RG Offices.
- Are not able to benefit from bilateral agreements for inter-state transfer of inmates to serve sentence in their country of origin due to lack of documentary proof of their nationality.

Gukurahundi Affected Communities

- Adverse effects of Gukurahundi on accessing national documents such as birth certificates and death certificates are still being experienced
- Many people lost national documents in Gukurahundi era and are unable to replace them.
- Failure to get death certificates in cases of missing persons who died in this era resulting in generations of un-documented persons.
- Failure to get death certificates prevents registration for birth certificates and consequently national identity cards.
- In cases where witnesses were required to support application of documentation, many are often scared to testify about the death of their relatives for fear of the unknown.
- Some Gukurahundi affected persons are reluctant to participate in mobile registration exercises as it reminds them of Gukurahundi events.
- Approximately 90% of those who experienced Gukurahundi are suffering from mental health impairments due to the trauma and cannot access documentation.

Tongogara Refugees

- Those whose refugee applications were rejected dating back to 2010 continue to stay at Tongogara Camp un-documented as they do not qualify to be registered.
- Children born in Zimbabwe to parents whose refugee status was rejected are not issued with birth certificates.
- Children born to parents, where one parent was granted refugee status but the other parent's application is rejected are not issued with birth certificates.
- A category of Rwandese refugees affected by the cessation clause whose deadline for voluntary repatriation has lapsed are unwilling to return to Rwanda alleging that the circumstances that led them to flee are still existent. These are without documents and their children in Zimbabwe are not eligible to be issued with birth certificates
- A category of one thousand five hundred and seventy-six (1576) Mozambicans who came to Tongogara refugee camp at the height of the internal conflict in Mozambique are still treated as asylum seekers. Without refugee status they cannot be issued with temporary resident permits and therefore they cannot acquire identity documents nor can their children born in Zimbabwe be issued with birth certificates

Disaster Affected Communities

- Due to Cyclone Idai disaster communities lost their national documents, registration services were disrupted and RG infrastructure was destroyed
- Mobile registration exercise that was launched by the DRG to mitigate the effects of the cyclone was hampered by unavailability of electricity, inadequate power backup to print documents, shortage of consumables, delays in verification of fingerprints and the overwhelming demand for documents
- Eighteen thousand four hundred and seventy-seven (18477) people were assisted in Chimanimani by the DRG to acquire identity documents as at 12 December 2019.
- Not all affected by the cyclone were able to have their documents replaced or processed.
- In some instances where documents were swept away, DRG Officials still required national identity card or birth entry numbers, those who could not remember could not be assisted on the spot as verification had to be done through fingerprints.
- There is no follow up process by the DRG to go back to areas where mobile registration exercises were conducted to assist people they had served and to issue the documents they had applied for. Most people failed to raise bus fares to collect documents applied for during mobile registration exercises.

Border Communities

- Difficulties are experienced by people living along the border in establishing their actual nationality as there are no physical border demarcations. This was prevalent in Mashonaland Central in areas bordering Zambia and Mozambique such as Mbire, Muzarabani, Mount Darwin and Rushinga.
- Due to non-availability of accessible services such as health facilities most women gave birth at home or have to travel to health facilities in neighbouring countries, resulting in difficulties acquiring birth confirmation records
- Some parents whose children were born in Zimbabwe but immunised in Mozambique fail to acquire birth certificates for their children. DRG officials automatically assume the person is Mozambican on detection of a Mozambican immunisation mark.

Impact of Non-documentation on the Enjoyment of Human Rights

Chapter Five of the Report deals with findings on impact of non-documentation on the enjoyment of human rights. The National Inquiry found that lack of identity documents severely impedes the enjoyment of several fundamental human rights and freedoms by different populations in the country as provided for in the Constitution. As earlier stated, access to documentation is a human right and a right upon which the enjoyment of other human rights is based. Without identity documents people are deprived of their human rights. The findings show that there have been violations of human rights such as right to education, political rights, access to health and social services, freedom of occupation, trade and profession, right to administrative justice and freedom of movement and residence among others. The manner in which lack of documentation impedes the enjoyment of human rights and freedoms was demonstrated by witness testimonies of how they are constrained by lack of documentation. As a result of these violations, people have failed to fulfil their potential in life and have been left impoverished.

Analysis of Findings

The National Inquiry findings are analysed in Chapter Six. The analysis includes the assessment of laws, policies and institutions including mandates and processes. It revealed that there were gaps and inconsistencies in legislation that pose barriers to documentation which include the following;

Administrative practices which affected access to documentation by Government Ministries and Departments with a mandate on documentation such as; Ministry of Home Affairs and Cultural Heritage, Department of Registrar General, Immigration Department, Ministry of Health and Child Care, Department of Social Welfare and the Zimbabwe Republic Police among others. Administrative practices by these institutions proved to be fundamental in terms of people being able to access documents. These included but were not limited to the following;

- Lack of a national policy on documentation.
- Lack of adequate decentralisation of DRG services.
- District and sub offices not adequately resourced and providing limited and manual registration services.
- Shortage of consumables e.g. ink, passport paper and equipment such as computers, printers, vehicles.
- Inadequate human resources.
- Delays in verification process of fingerprints required for registration.
- Use of Standard Operating Procedures that are not adopted by the DRG leading to inconsistencies in application of processing documentation (Draft DRG Procedure Manual, Births and Deaths).
- Lack of enforcement of the policy deterring health institutions from withholding birth confirmation records for lack of payment of hospital bills
- Lack of coordination on documentation issues among Government Ministries and Departments.
- No national statistics on documentation.

The analysis noted root causes and factors which hindered documentation including but were not limited to the following;

- Generational non-documentation.
- Poverty.
- Migration of parents leaving unregistered children in the custody of relatives and friends.
- Corruption.
- Rigidity in application of laws governing registration.
- Cultural and religious beliefs.
- Breakdown of the traditional family unit and people's attitudes towards registration.

Some laws and policies which hinder documentation were identified, for instance the provision of the Citizenship Act which prohibits dual citizenship was found to be inconsistent with the Constitution of Zimbabwe. Similarly, the Births and Deaths Registration Act was found to have discriminatory provisions, for instance distinguishing children born out of wedlock and Section 12 in particular, which does not allow fathers to register their children in the absence of a mother or maternal relative where children are born out of wedlock. Furthermore, the DRG was using draft Standard Operating Procedures (SOPs), as guidelines in issuing documents. Some of these instructions were not in conformity with legislation, thereby restricting access to documentation. There were knowledge gaps, attitude problems and practices which both duty bearers and citizens had towards documentation which also impacted on access to documentation and the enjoyment of human rights and freedoms. These included the following;

- Lack of knowledge on registration requirements which can be attributed to non-availability of information on the law and other information necessary for registration
- Lack of legal awareness and empowerment among citizens which is a critical aspect for national documentation to be effective.
- Lack of knowledge and awareness among the public of positive changes in the law and policies such as Section 43(2) (a), which provides for citizenship of a person by birth, if one or both of his or her parents was a citizen of a SADC Country, as such people who could have benefited from such a provision remained unregistered
- Illiteracy and lack of access to information on registration contributes significantly to non-documentation.
- A number of undesirable practices which members of the public have resorted to in order to ease the process of accessing documentation. For example, giving bribes in order to facilitate or expedite the process of acquiring documents and falsifying information to counter inability to meet the requirements for accessing documentation.

- Duty bearers, especially at lower levels such as the DRG's District and Sub offices did not have sufficient knowledge of registration procedures resulting in citizens not being documented.
- It was noted that there was poor customer service by some of the DRG offices.
- Evidence gathered also showed practices by the DRG officials which militate against access to documentation. For example, practises such as using the type of immunisation mark as the only determinant of nationality without any other supporting evidence or investigation to establish nationality.

Recommendations

Chapter Seven addresses recommendations formulated out of the National Inquiry process. These recommendations are aimed at redressing the grave and widespread problem of non-documentation, so that access to documentation, which is a fundamental human right is enhanced and enjoyed by all in Zimbabwe. The recommendations address the following issues; policy and legal framework, administration of documentation, family structure, gender and cultural dimensions of documentation and knowledge, attitudes and practices of duty bearers and citizens towards documentation. The recommendations propose issues which include but are not limited to the following;

- Development of national and internal policies regulating registration,
- Further decentralisation of DRG offices and services,
- Investigation of allegations of corruption,
- Formulation and implementation of policies and accelerated registration of all special interest groups such as persons with disabilities, Gukurahundi affected communities, minority groups, inter-sex persons, Tongogara Refugees and disaster affected communities
- Implementation of the policy prohibiting health institutions from withholding birth confirmation records for failure to pay hospital fees
- Implementation of the policy allowing schools to enrol children without birth certificates pending birth registration
- Undertaking by the DRG of a comprehensive institutional and staff capacity assessment and implementation of the findings
- Retraining and reorientation of DRG staff on registration procedures, client service charter and Human Rights Based Approach to service delivery
- Ensuring regular and well-resourced mobile registration programmes,
- Awareness raising on the importance and requirements of accessing national documentation among the public, in partnership with relevant stakeholders
- Formulation policies which take into consideration the gender dimension of documentation
- Ratification of the 1961 United Nations Convention on the reduction of statelessness
- Alignment of Citizenship Act to the Constitution to allow dual citizenship
- Establishment of a one stop shop for service provision by institutions with a mandate to conduct national documentation
- Increased budgetary support to adequately resource the DRG and relevant institutions to deliver their mandates on national documentation
- Production of vital national statistics on documentation

The recommendations are directed at the following relevant stakeholder duty bearers for actioning.

- Ministry of Home Affairs and Cultural Heritage (RG Department, Immigration Department and Zimbabwe Republic Police)
- Ministry of Health and Childcare
- Ministry of Primary and Secondary Education
- Ministry of Justice Legal and Parliamentary Affairs
- Ministry of Finance and Economic Development
- Parliament of Zimbabwe

- Public Service Commission
- Department of Social Welfare
- Zimbabwe National Statistics Agency (ZIMSTAT)
- Ministry of Local Government and Public Works
- Civil Society Organisations

Conclusion

In conclusion, the National Inquiry established that a significant number of people were not documented and this lack of documentation adversely impacted on the enjoyment of their human rights. Generations of people without documentation have been created and many more have been left stateless or at the risk of statelessness. The Report covers numerous testimonies of witness experiences on challenges they have faced in accessing documentation and how this has affected their enjoyment of fundamental human rights and freedoms.

The conclusion provides the necessary follow up steps that will be required to monitor implementation of recommendations so that access to documentation is enhanced.

The conclusion further outlines some recent developments and good practices which were noted during the National Inquiry process such as the approval by Cabinet of a Bill on the Citizenship Act, the introduction of regular mobile registration in some Provinces and the response of the Department of the Registrar General to Cyclone Idai.

PART A: INTRODUCTION TO THE NATIONAL INQUIRY PROCESS

CHAPTER 1: INTRODUCTION

The Zimbabwe Human Rights Commission (ZHRC) is the National Human Rights Institution (NHRI) for the country and one of the five (5) Independent Commissions (IC) established in terms of Chapter 12 of the Constitution[1] specifically under sections 232 and 242. The ZHRC is a hybrid NHRI incorporating Public Protector functions. The mandate of the ZHRC is stipulated in section 243 of the Constitution and includes the promotion of a human rights culture, receiving complaints, undertaking human rights investigations, monitoring the human rights situation, education on human rights issues, advising Government and supporting the international and regional human rights system. The Zimbabwe Human Rights Commission Act[2] puts into effect these constitutional provisions and provides for the dual mandate to protect, promote and enforce human rights and administrative justice.

Access to documentation is a fundamental human right that should be enjoyed by all. The legal framework governing national documentation in Zimbabwe is set out in the Constitution and subsidiary legislation. Section 35(1) of the Constitution provides for different ways of acquiring citizenship, namely, by birth, descent or registration[3]. Section 81 provides for the rights of a child to be promptly provided with a birth certificate, while section 35(3)(b) accords a citizen the right to acquire passports and other travel documents. Births and deaths registration is regulated by the Births and Deaths Registration Act[4] (BDR Act), while the National Registration Act[5] and Citizenship of Zimbabwe Act[6] regulate national and citizenship registration, respectively. , The Ministry of Home Affairs and Cultural Heritage (MoHACH) is mandated, through the DRG to manage the civil registration system in Zimbabwe. Other institutions such as the Ministry of Health and Child Care (MOHCC)[7] and the Department of Social Welfare (DSW)[8] play a role in facilitating the documentation process.

Image 1 Outreach meeting on the NI in Chipinge

[2] Amendment (No. 20) Act 2013. It entered into legal force on 22nd May 2013.
[2] [Chapter 10:30]
[3] These methods of acquisition of citizenship are amplified in Sections 36, 37 and 38 of the Constitution.
[4] [Chapter 5:02]
[5] [Chapter 10:17]
[6] [Chapter 4:01]
[7] By providing birth confirmation records for babies born in health institutions.
[8] By facilitating registration of abandoned children and carrying out investigations where whereabouts of parents are unknown, among other functions.

1.1 Establishment of the National Inquiry and its Terms of Reference

Image 2 ZHRC Commissioners and Staff at the Public Hearing in Matebeleland North Province

The ZHRC conducted its maiden National Inquiry at its own initiative in 2019 – 2020 as part of its mandate in terms of Section 243 (1) (j) of the Constitution. The resolution to conduct the National Inquiry was made in 2018. This decision was informed by issues that were emerging in the course of ZHRC programming work pointing to the fact that challenges in accessing national documentation were widespread. This challenge had become a systemic human rights problem across the country affecting several people. Through its Monitoring and Inspections function in Care Homes, Prisons and Children's Homes, it was observed that adults and children did not have documentation due to various reasons. Through the Complaints Handling and Investigations function, the ZHRC received several complaints articulating the problem of access to national documentation. Similarly, a recurring concern of non-documentation was also noted during public outreaches and mobile human rights clinics under the Education, Promotion and Research function of the ZHRC.

The resolve by ZHRC to conduct the National Inquiry was furthermore informed and strengthened by research and work of other stakeholders such as Legal Resources Foundation (LRF), Parliamentary Portfolio Committee on Home Affairs, Defence and Security Services, and TRACE's Access to Documentation (ATD[9]) survey, and the media. Information from these sources was consistent with ZHRC's empirical evidence which demonstrated the wide spread challenges citizens were facing in accessing documentation.

The decision to conduct the National Inquiry was also informed by concluding observations and recommendations arising from the consideration of Zimbabwe's State Party reports by international and regional Treaty Bodies[10] and mechanisms[11], further demonstrating the widespread shortcomings in birth registration. The Treaty Bodies expressed concerns on the low number of births registered, the low number of birth certificates issued, especially in rural areas and to low-income households and the absence of legislative provisions to guarantee that children

[9] See Annexure 2 for Literature Review.
[10] Concluding observations on the second periodic report of Zimbabwe, Committee on the Rights of the Child, 2016, available at https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/ZWIndex.aspx, and Concluding Observations and Recommendations by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the Republic of Zimbabwe Report on the Status of Implementation of the African Charter on the Rights and Welfare of the Child, 2015, available at https://www.acerwc.africa/reporting-table/.
[11] Universal Periodic Review, Recommendations made to Zimbabwe, 2016 available at https://www.upr-info.org/en/review/Zimbabwe.

born stateless acquire a nationality. Such recommendations, which Zimbabwe is obliged to implement in this regard[12] tally with findings of this National Inquiry.

The United Nations Sustainable Development Goals (SDGs)[13], which Zimbabwe is committed to achieving together with the rest of the world, place birth registration firmly on the international development agenda. It includes a dedicated target (16.9) under Goal 16*: including birth registration, by 2030*. Therefore, implementation of recommendations from this National Inquiry will contribute to the achievement of SDGs.

The ZHRC noted that the problem of non-documentation could not be effectively resolved through a piecemeal approach of dealing with documentation cases on a case-by-case basis. The preliminary evidence showed that there was a systemic human rights problem across the country affecting significant numbers of people thus requiring a holistic, pro-active and more cost-effective approach. Such an approach ensured that a large number of individual complaints would be dealt with through a national process. Comparatively, many NHRIs the world over, have conducted National Inquiries when necessary, as a way of resolving human rights problems that are widespread and recurring. For instance, Kenya, Malawi, South Africa and Australia have all conducted similar inquiries in the past[14].

In conducting the National Inquiry in all the ten (10) Provinces, ZHRC Commissioners were guided by five Terms of Reference as follows;

1. to inquire into the challenges in accessing national documents and the extent to which they affect people in Zimbabwe;
2. to inquire into and determine the root causes and factors which prevent access to national documents;
3. to assess the impact of lack of documentation on the enjoyment of human rights by all people and groups guaranteed under the Constitution, national laws and relevant international and regional treaties;
4. to review the effectiveness of existing laws, institutions, policies and procedures and analyse attitudes and beliefs relating to accessing national documents in Zimbabwe; and
5. to report, recommend and follow-up on steps to be taken in addressing barriers identified in accessing national documents.

1.2 Methodology

The methodology for conducting the National Inquiry took a qualitative and quantitative approach. The data was collected through a number of methods such as stakeholder engagements, validation meetings, outreaches, field visits, literature review and Public Hearings.

Before embarking on the National Inquiry, ZHRC Commissioners and Secretariat carried out several capacity building activities[15] with the view of increasing their knowledge on access to documentation, effective communication and adducement of evidence in public hearings[16]. A trial or pilot public hearing was held in Epworth Harare on 21 June 2019, where Commissioners gathered evidence from people who had challenges accessing documentation in that locality. This process enhanced Commissioners' skills on conducting public hearings.

The ZHRC commissioned a Background Paper on Access to Documentation [17] with the aim of researching on access to documentation issues and guide the ZHRC in implementing the National Inquiry. The research paper outlined the legal and policy frameworks governing access to documentation in Zimbabwe, the regional and international human rights standards on access to documentation, challenges of accessing national documents and the impact of lack of documents on the enjoyment of human rights, among other things.

Following these preliminary activities, the ZHRC then embarked on the National Inquiry by deploying two teams, one headed by the Chairperson and the other by the Deputy Chairperson. These teams shared eight (8) provinces

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[12] See Annexure 8 for extract of recommendations.

[13] Adopted by the United Nations General Assembly in September 2015 available at https://sustainabledevelopment.un.org/post2015/transformingourworld.

[14] Public Inquiry into allegations of Human Rights violations in Magarini, Marindi, by Kenyan National Human Rights Commission in 2006, and An Inquiry into the State and Welfare of Homeless Children, by the Australian Human Rights and Equal Opportunity Commission in 1987 – 89.

[15] Key stakeholders such as the DRG were invited to share the legal and policy framework of their mandate, Legal Resources Foundation (LRF) and Zimbabwe Lawyers for Human Rights (ZLHR) shared their experiences in this field. Commissioners and staff held a *National Inquiry Strategic and Methodological Training & Planning Meeting for Public Hearings held from 14 -16 May 2019.*

[16] [16] Awareness and lessons learnt on Regional and national best practices for conducting Public Hearings were learnt from the Lands Commission, expert facilitators who included two judges (one regional and local) and communication experts

[17] See link to website in Annexure 14.

but jointly conducted two (2) public hearings in Harare and Masvingo[18]. The teams were supported by the ZHRC Secretariat and partners including the Judicial Service Commission, the DRG and the DSW. The teams were also assisted by other various service providers such as media personnel, logistics and accommodation providers. The ZHRC Secretariat in collaboration with the DRG and DSW provided technical and advisory services to the Commissioners during the hearings and to witnesses at help desks, set up during the National Inquiry to assist the general public.

[18] See Annexure 1 on Deployment Schedule for Public Hearings.

CHAPTER 2: THE NATIONAL INQUIRY PROCESS

2.0 Introduction

The ZHRC made careful consideration and effort to engage stakeholders and members of the public throughout the process. The process entailed the following;

1. Dissemination of information and notifications on the commencement and launch of the National Inquiry to relevant government departments, stakeholders and the general public,
2. Targeted engagements with the MoHACH and the DRG offices as access to documentation mandate holders,
3. Field visits[19] were conducted by ZHRC Secretariat to nine (9) Provincial DRG offices and some District and sub offices to get appreciation of the infrastructure of the offices and observe service delivery,
4. Engagement meetings were held with University Students in raising awareness of the National Inquiry on Access to Documentation were part of the process. The engagements were held with students from Great Zimbabwe University, Midlands State University and the National University of Science and Technology,
5. Stakeholder consultative meetings were held at national, provincial and district levels,
6. Community outreach meetings were held in all the districts to raise awareness of the process, gather evidence and identify witnesses for public hearings,
7. Partnering with stakeholders in mobilising, conducting community outreaches, disseminating information and administering witness forms[20],
8. Publicity campaign of the National Inquiry through electronic and print media, social media, bulk Short Message Service (SMS)[21],
9. Field visits to vulnerable communities, such as San, Doma, Tonga and border communities; refugees; and disaster affected communities and
10. Stakeholder validation meetings of the preliminary key findings[22] (at provincial and national levels).

2.1 Evidence Gathering

The ZHRC received evidence from witnesses and stakeholders from all the ten Provinces. These stakeholders and witnesses participated by giving evidence indicating the type of national document they had encountered challenges in accessing; the nature of the challenge experienced; the root causes of the challenge; the impact of lack of documentation on the enjoyment of human rights; and suggesting recommendations to deal with the identified challenges. The evidence gathered revealed that a significant number of people were not documented and therefore, unable to enjoy their constitutionally guaranteed human rights. A triangulation of evidence from the multiple sources showed consistencies with National Inquiry findings. The evidence was gathered using the various methods elaborated below.

2.1.1 Literature Review (Public Reports and Researches)

The ZHRC reviewed public reports and researches conducted by other institutions[23]. Key among these were the Report on the Baseline Survey conducted by TRACE, the research by LRF and the Report of the Parliamentary Portfolio Committee on Defence, Home Affairs and Security. Evidence from these reports identified key challenges of accessing national documentation and recommendations. One of the key findings was the significant numbers

[19] See Summary Report on findings in Annexure 17

[20] These were Provincial and District Development Coordinators (PDCs and DDCs), Traditional Leaders, Councillors, CSOs and other community leaders.

[21] Counselling Services Unit (CSU) volunteered to send out bulk SMS with information on notices and outreaches and public hearings, which reached 4637 members of the public (Mashonaland West 1390, Harare Province 1, 169, Midlands 1,080, Mashonaland East 738, Bulawayo and Matabeleland South 260).

[22] The preliminary findings of the National Inquiry were subjected to validation processes by stakeholders. The first validation by Provincial stakeholders was done in January 2020. All the 10 Provinces validated the findings and indicated that the findings were an accurate reflection of access to documentation issues in their Provinces.

[23] See detailed Literature Review in Annexure 2.

of people without birth certificates. The finding by the ATD Baseline Survey that the most difficult document to obtain is the birth certificate is also consistent with the National Inquiry findings[24].

Image 3 ZHRC Staff administering Witness Submission Forms in Manicaland Province

2.1.2 National and Provincial Stakeholder Consultative and Validation Meetings

Prior to conducting public hearings, evidence of challenges experienced by people in accessing documents was gathered from national and provincial stakeholder consultative/engagement meetings. In these meetings, stakeholders identified hotspot areas where the issue was prevalent. This informed the areas that the ZHRC targeted for outreaches and gathered evidence from the written submission forms. The ZHRC further engaged stakeholders during the course of conducting evidence gathering outreaches in all the districts of the 10 Provinces in Zimbabwe. After conducting public hearings in all the 10 Provinces, the ZHRC held provincial stakeholder validation meetings where the findings from the public hearings and National Inquiry processes were shared. Stakeholders had the opportunity to input into and validate the findings of the National Inquiry. ZHRC targeted stakeholders working on access to documentation[25] and those with access to communities such as Provincial and District Co-ordinators and traditional leaders. The stakeholder representation was very good. Although one traditional leader attended the national consultative meeting, the number of traditional leaders increased at Provincial consultative meetings (39) and validation meetings (45) as their participation at these levels of meetings was crucial given their role and proximity with communities who face access to documentation challenges. Participation from representatives of Government Ministries was important due to their mandate and role in the process of documentation. They were constituted mainly by Provincial and District Registrars, Provincial and District Development Coordinators, Provincial and District Social Welfare Officers, Immigration, Police and Prison Officers. CSO stakeholders who were familiar with access to documentation and were working with communities participated in the process. They represented diverse thematic constituencies such as women, persons with disabilities, youth, elderly and children among others. A total of two hundred (200) stakeholders participated at the

[24] In the ATD Baseline survey, 7,815 children (0-18 years) in 2,665 households were represented and extrapolating this to a nationwide basis. It is estimated that 36% of children, equating to some 2.3 million children, do not have a birth certificate.

[25] See full list of organisations that participated in the stakeholder meetings in Annexure 18

national consultative meetings that were held in Harare and Bulawayo. Seven Hundred and forty-one (741[26]) participated at provincial consultative meetings and five hundred and forty-five (545[27]) stakeholders participated at provincial validation meetings. Figures I, 2 and 3 below show stakeholders who were engaged at national and provincial levels in stakeholder consultative and validation meetings.

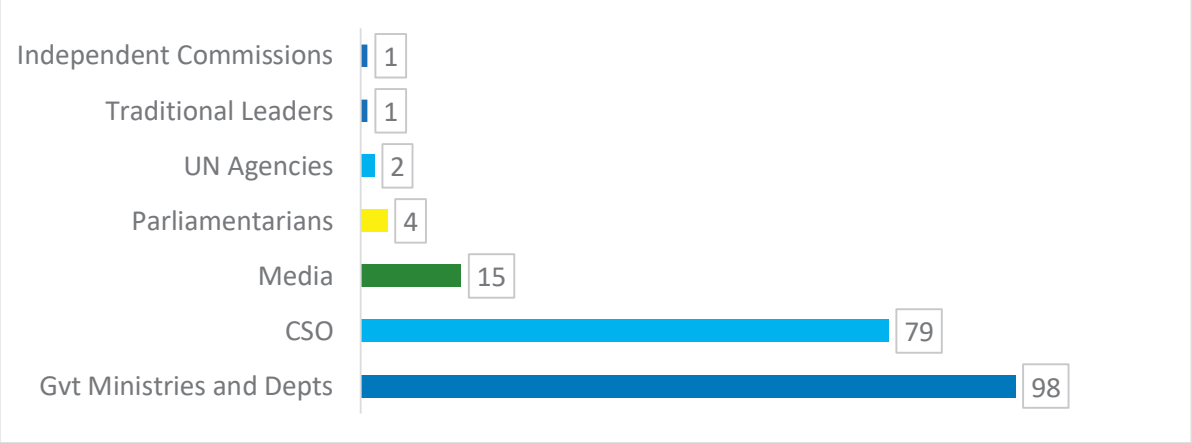

Figure 1 Stakeholders who participated at the National Consultative Meetings

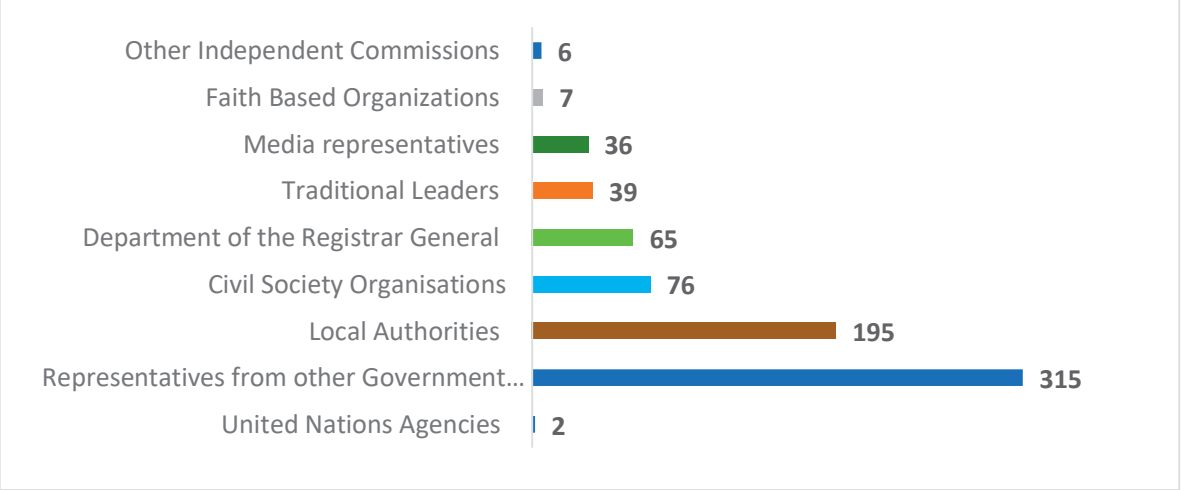

Figure 2 Stakeholders who participated at Provincial Consultative meetings[28]

[26] See annexure 9.

[27] See annexure 10.

[28] See Annexure 9 for number of Stakeholders per Province who participated at provincial consultative meetings.

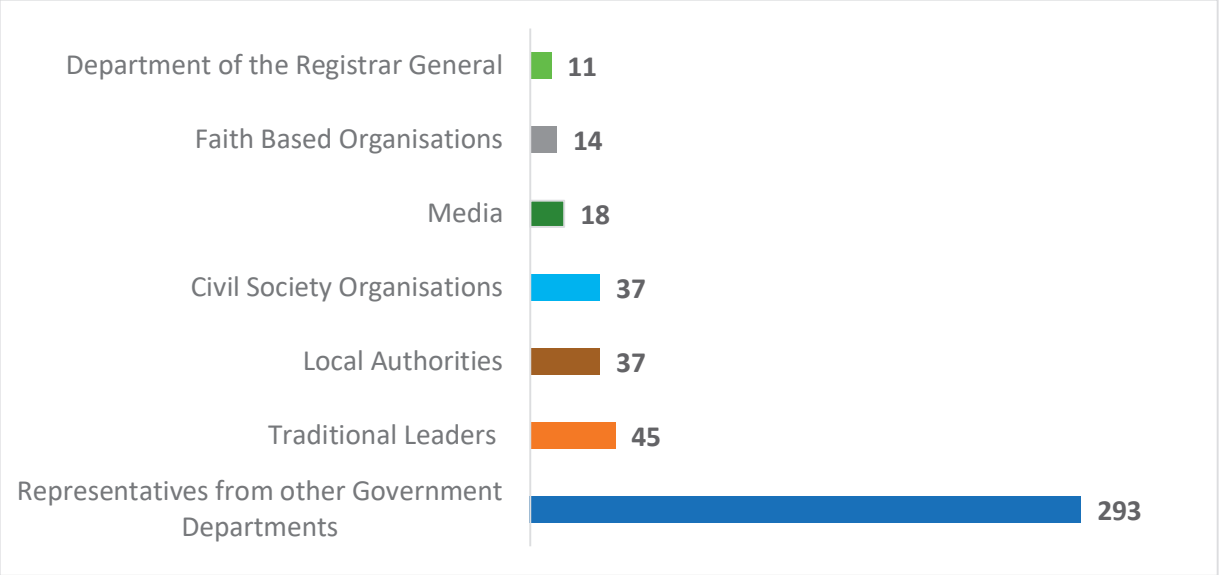

Figure 3 Stakeholders who participated at Provincial validation meetings[29]

2.1.3 Written Witness and Stakeholder Submissions

The bulk of evidence of the National Inquiry was gathered from information received from individual witnesses and stakeholders' forms[30] administered at community outreaches. Mobilisation of citizens facing access to documentation challenges in local communities was conducted by ZHRC in collaboration with Traditional Leaders, Provincial Development Coordinators (PDCs), District Development Coordinators (DDCs) and Civil Society Organisations (CSOs). This was done to leverage on their relationships and trust with communities, language skills and familiarity with issues at hand so as to gain maximum participation and engagement from affected communities. At these outreaches, the ZHRC raised awareness on its mandate, the National Inquiry process, and administered witness and stakeholder forms. Outreaches were conducted in all the Districts of the ten Provinces of the Country. A total of twenty thousand, five hundred and sixty-four (20,564) people attended the outreaches and were engaged in the National Inquiry process throughout the country. Out of the total number of people engaged at outreach meetings, thirteen thousand seven hundred and ninety-four (13794) were women and six thousand seven hundred and seventy were men (6770) as indicated in **Figure 4** below. The majority of people engaged were women across all the Provinces, demonstrating that the documentation was a challenge affecting many women.

[29] See Annexure 10 for number of Stakeholders per Province who participated at Provincial Validation Meetings.
[30] See sample witness and stakeholder forms annexed, which were also translated in Shona and Ndebele.

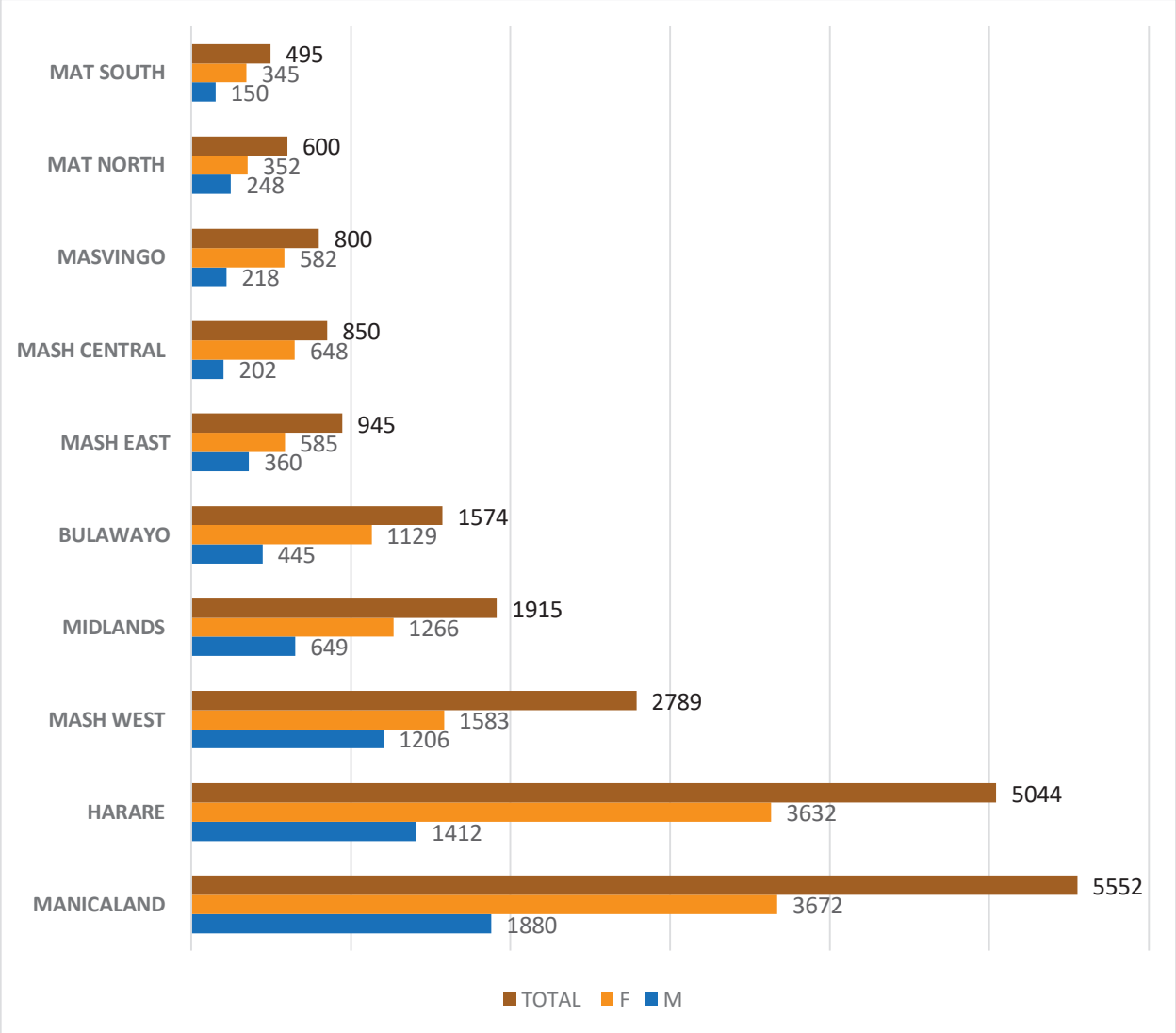

Figure 4 Number of citizens engaged in Provincial outreach meetings

A total of seven thousand, five hundred and forty-four (7,544) forms submitted by witnesses were received from all the Provinces (4877 females, 2647 males, 237 PWDs). The majority of submission forms was received from women across all the Provinces. The highest number of witness submission forms was received from Manicaland and Harare Provinces and the least from Matabeleland South Province. Several factors affected the high and low numbers of submissions received such as mobilisation of people with challenges of access to documentation, logistics of mobilising people and access to communities.

One hundred and ninety-one (191) written submissions were received from stakeholders[31] articulating the challenges of access to documentation and suggesting solutions. The quantitative data collected was captured and analysed using Statistical Package for the Social Sciences (SPSS). Below are the statistics gathered from forms submitted by individual witnesses.

[31] See Annexures 11 and 12 for the numbers and list of Stakeholder submissions received per province.

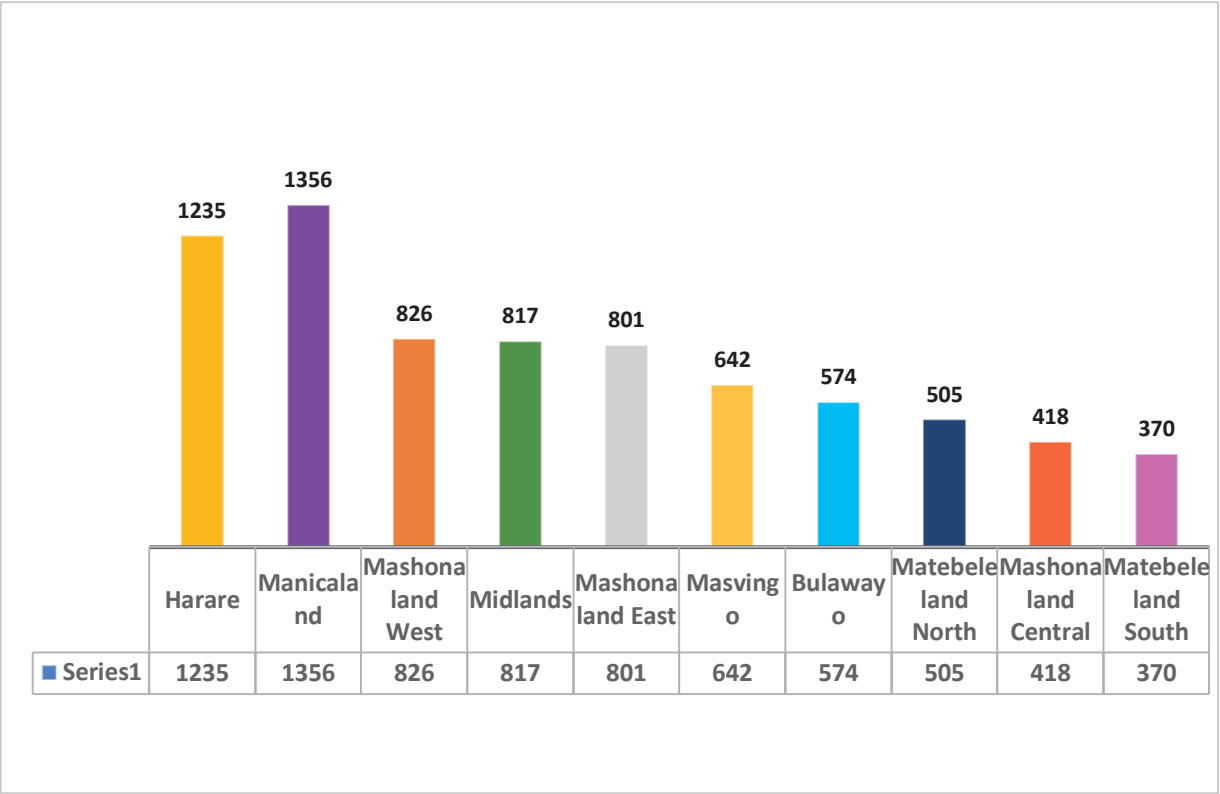

Figure 5 Forms submitted by individual witnesses per Province

2.1.4 Oral Submissions from Witnesses and Stakeholders

Image 4 Witness attending public hearings

A total of one thousand four hundred (1,400) witnesses made up of eight hundred and fifty-four (854) females, five hundred and forty-four (544) males and two (2) intersex were invited to attend the Public Hearings. Out of this number, seven hundred and seventy-eight (778) witnesses gave oral evidence (four hundred and sixty (460) females, three hundred and sixteen (316) males and two (2) intersex) as shown in **Table 7** below. The witnesses who gave oral evidence before the Commission were selected from the forms completed at the outreach meetings. In selecting witnesses to appear, due regard was given to the following criteria;

- ensuring the five documents were covered;
- gender;
- age;
- marginalised communities;
- disability; and
- geographical coverage.

During the public hearings, additional evidence of what was contained in the written forms was adduced from the witnesses who gave elaborate testimony on their experiences as a result of probing by the Commissioners. **Figure 6** below shows the number of witnesses who participated at Public Hearings.

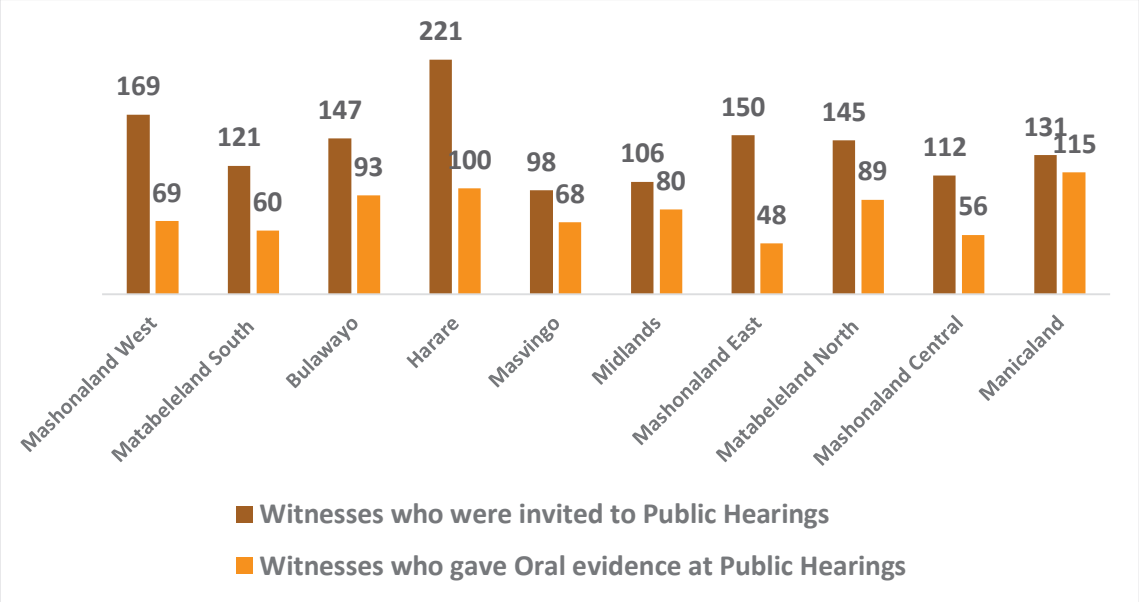

Figure 4 Number of witnesses participating at public hearings

Stakeholders such as the DRG, Provincial and District Registrars, Provincial and District Social Welfare Officers, Provincial Education Officials, Traditional Leaders, school heads, prison officials, religious leaders, CSOs representatives and Councillors also submitted oral evidence before the Commission. The thrust of their testimony was to outline the access to documentation challenges affecting people in their areas of operation as well as expanding on their submissions in response to questions by the Commissioners. One key aspect of their testimony was to explain the legal procedures for the issuing of the different types of identity documentation constituting the subject matter of the National Inquiry.

It should be noted that due to time constraints[32], not all invited witnesses were able to give oral evidence before the Commission. Nevertheless, the evidence which they provided in their written submissions was captured in the database as outlined in this section.

Furthermore, all persons with complaints who were invited to the public hearings had the opportunity to receive assistance and advice at help desks that were set up by the ZHRC, the DRG and the DSW at the venues of the

[32] Initially 3 days per Province were allocated for all Public Hearings and this was the case in Masvingo, Bulawayo, Matabeleland South, Mashonaland Central and Mashonaland East Provinces. These were increased to 4 days for Matabeleland North, Midlands and Mashonaland West (4.5 days) Provinces and 5 days for Harare and Manicaland Provinces when it was noted that the allocated days were insufficient. It was still not possible to receive evidence from all the invited witnesses despite the increase in the number of days.

public hearings[33]. In some cases, persons who qualified were issued with national documents such as birth certificates, national identity cards, death certificates and emergency passports especially for urgent medical treatment. A total of one hundred and sixty-eight (168) birth certificates and national identity documents[34], six (6) death certificates were issued and four (4) passport applications were processed.

Public hearing proceedings were open to members of the public and documented through transcripts, video and photography[35].

2.1.5 Field Visits to Marginalised Communities by Commissioners

Image 5 Commissioners field visit to Bhalagwe Mass Grave in Matebeleland South Province

The Commissioners conducted field visits to identified marginalised communities to get in-depth understanding of and gather evidence on peculiar challenges faced by these communities in accessing documentation. The other objective was to assess the impact of lack of documentation on enjoyment of their human rights. It had been noted during public hearings that some marginalised communities shied away from directly engaging in the National Inquiry process as indicated by the few individual submissions received from those communities. Field visits were, therefore, meant to address this limitation to some extent.

Field visits were conducted in the following communities[36];

- Communities affected by Gukurahundi disturbances (Matobo, Matabeleland South);
- Indigenous Minority Communities (San, Matabeleland South);
- Communities living along Zimbabwe's borders (Mutasa District, Manicaland Province, bordering Mozambique);
- Inmates and mentally impaired persons (Khami Prison and Mlondolozi female Prison and Mental Institution, Bulawayo);
- The refugee community (Tongogara Refugee Camp, Manicaland Province); and
- Cyclone Idai disaster affected communities (Kopa, Chimanimani, Manicaland Province).

[33] Except for Masvingo Province, the first Province where Public Hearings were held, thereby providing a learning curve for the necessity of Help Desks from the DRG and DSW.
[34] Disaggregation by birth certificate or national identity and by sex is not available.

[35] Written consent was obtained from witnesses and stakeholders to take pictures and videos for use by ZHRC.
[36] Between 16 – 20 December 2019.

A total of nine hundred and eighty-nine (989) community members (454 females, 535 males, and 17 PWDs), were engaged during the field visits by Commissioners as illustrated in **Figure 7** below.

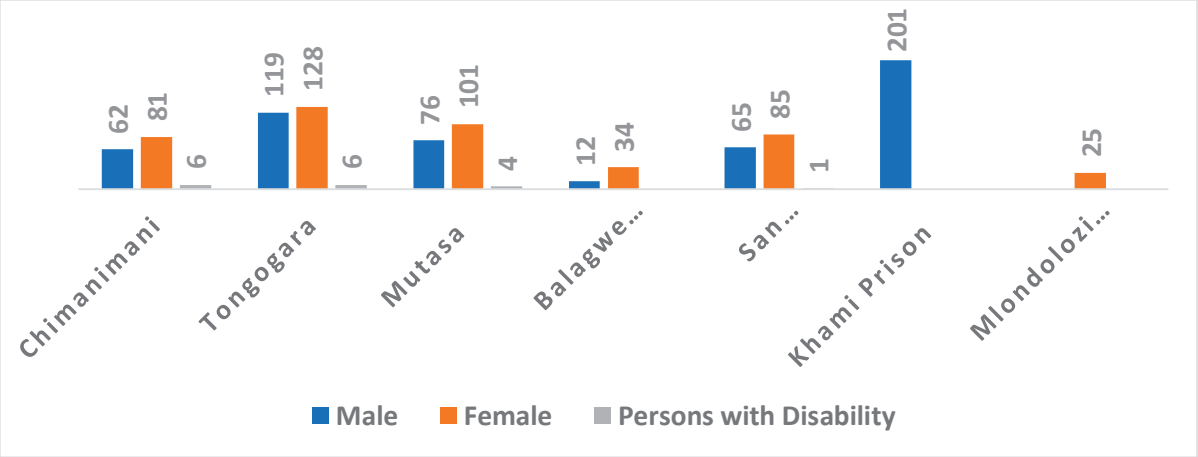

Figure 7 Number of people who attended Commissioners field visits

2.1.6 Viewing of Video Footage

Video footage[37] submitted by stakeholders on various issues covering access to documentation were viewed as part of gathering evidence covering challenges experienced in accessing documentation. Impact of non-documentation on enjoyment of human rights and proposed recommendations were noted from the footage. A total of 23 videos was received from CSOs. In these videos[38], vulnerable groups gave their testimonies on challenges they faced in accessing documents. These also significantly contributed to the findings as they offered insight into some of the lived realities of people disadvantaged by lack of documentation.

2.1.7 Media Reports

Media monitoring through analysis of media reports[39] covering issues relating to access to documentation in Zimbabwe was used to gather evidence on challenges faced by people and impact thereof on the enjoyment of rights. The topical issues which emerged from the media were mainly challenges relating to acquisition of birth certificates, passports and corruption allegations in the DRG offices.

2.2 Limitations and Mitigation Strategies

The process of rolling out the National Inquiry was limited by time and resource constraints. The National Inquiry duration of twelve months was inadequate to carry out all vital processes and activities for a national process of such magnitude. Budgetary constraints made it impossible to reach out to more communities where there were prevalent issues of non-documentation.

Time and resource constraints were also encountered in gathering evidence. Other challenges included limited human rights awareness generally as well as access to documentation issues; low participation in some districts due to logistical and communication challenges, mobilisation challenges due to limited visibility and lack of decentralisation of the ZHRC.

[37] See Annexure 13 for a full list of video footage submitted by stakeholders that was viewed.
[38] Commissioners viewed videos submitted from Heal Zimbabwe Trust, Information Development Trust (IDF), Legal Resources Foundation (LRF), Lupane Women Development Trust (LWDT), Matabeleland Widows and Single Parents Trust (MATWIDOWS) and Peace Building and Capacity Development Foundation (PACDEF).
[39] See Annexure 14 for a list of selected media reports that were reviewed.

2.2.1 Time Constraints

The ZHRC could not cover all the hotspot areas due to time constraints. The time frame for conducting outreaches in all the provinces was five (5) days, which was inadequate especially for vast provinces such as Mashonaland West, Midlands, Mashonaland Central and Matabeleland North.

Time constraints also affected the number of invited witnesses who could give evidence before the Commissioners in public hearings. Oral testimonies from witnesses were protracted due to the complexity of issues, which needed a lot more time for probing by Commissioners to get an in-depth understanding as well as to contextualize the issues. This made it impossible for all witnesses to submit oral evidence. However, this was mitigated by the fact that information could be extracted from written forms.

2.2.2 Resource Constraints

Due to resource constraints, the ZHRC could only deploy three advance teams to conduct outreaches and receive submissions in preparation of public hearings. This meant that limited ground was covered as some districts needed more time to address complicated issues.

2.2.3 Participation of Marginalised Groups

Low numbers of submissions were received from marginalised communities, with affected people shying away from directly engaging and participating in the National Inquiry process. They preferred that their representatives give evidence on their behalf. As already reported, in mitigation, specific outreaches were conducted after the public hearings to reach out to marginalised communities[40]. Gukurahundi-affected communities exhibited fear and reluctance to open up resulting in very few individual witness forms being received from them. To mitigate this drawback, the ZHRC ensured that during public hearings, representatives of Gukurahundi-affected communities such as traditional leaders and CSOs were invited to present oral evidence on behalf of individuals, and individual witnesses who came forward were given the option to give their evidence *in camera*.

Very few PWDs attended the community outreaches organised in the provinces due to mobility challenges among other reasons. This resulted in low submissions by PWDs. The ZHRC mitigated this limitation by visiting institutions where PWDs are kept such as Margaret Hugo Copota School of the Blind and Henry Murray, among others. The Commission also engaged Organisations of Persons with Disabilities (OPWD) such as Federation of Organisations of Disabled Persons in Zimbabwe (FODPZ) and Jairos Jiri to make oral and written submissions.

2.2.4 Modes of Disseminating Information

Modes of disseminating information to the general public were limited due to long power cuts and exorbitant fees for radio and television programmes. This limited the number of members of the public who could be reached with information and notices on the National Inquiry. The ZHRC had to, therefore, rely on secondary means of disseminating information such as traditional, community and local leaders and CSOs. In some cases, the information that reached citizens was not always accurate, for example, in almost all the outreaches, information that reached the communities was that ZHRC was issuing out national documents.

2.2.5 Co-operation by the Department of the Registrar General

The Commission worked closely with the DRG which co-operated by setting up help desks and deployed Provincial Registrars to respond to issues which arose from the cases that were being presented. The Registrar General (RG) as the Head of Department responsible for policy and implementation of national documentation was formally invited to make a detailed written submission and present oral evidence before the Commission. He was requested to outline in detail, the national challenges, policies and operations on access to documentation. Whilst the RG appeared before the Commission[41], he however declined to give oral evidence because he viewed the process as "*flawed*". He later made a short-written submission which did not address or provide information requested from him by the Commissioners[42]. The National Inquiry therefore, failed to benefit from his input on the national challenges, operations, policies and new developments in the DRG on national documentation issues. This type of attitude from a public servant is unfortunate and highly regrettable.

[40] Refer to Section 2.1.5 of this Chapter.
[41] The Registrar General appeared before the Commission on 25 November 2019 in Harare.
[42] See Annexure 8 for Registrar General's submission to the National Inquiry.

2.2.6 Mobilisation and Inaccessibility of Communities

Due to non-decentralisation and its limited visibility, the ZHRC had to rely on stakeholders on the ground to mobilise people affected by lack of documentation. For some outreaches, this was not effectively done, resulting in low turnout as was the case in Matabeleland South Province. In some communities, the outreach meetings collided with other community events such as distribution of food aid and community meetings, which were of higher priority to these communities. Where such challenges were experienced, these were mitigated by inviting a stakeholder to give evidence on documentation issues affecting the community at large. For instance, the outreach in the Kopa community of Chimanimani was cancelled due to inaccessibility because of poor road conditions post the Cyclone Idai natural disaster. This resulted in no submissions being received from that particular community. This setback was mitigated by a Commissioners' visit to this community at the end of the public hearings in December 2019, where they engaged with this community and gathered evidence on the challenges experienced in accessing documentation.

Further, communication barriers during field visits were encountered with PWDs as there was lack of accessible information in appropriate format such as braille, audio visuals and sign language. However, sign language interpreters were available at public hearings. Language barriers in public hearings were addressed through provision of interpreters by the Judicial Service Commission.

PART B: KEY FINDINGS

Image 6 A woman successfully obtains national documents at the Manicaland Province Public Hearing

CHAPTER 3: CHALLENGES IN ACCESSING IDENTITY DOCUMENTS

3.0 Introduction

This Chapter highlights the key findings in terms of the challenges that people face in accessing the five types of identity documents covered by the National Inquiry. From the submissions received, Manicaland Province had the highest number of people experiencing challenges in accessing all the documents. The national document which had the greatest challenge in accessing, was the birth certificate followed by the national identity card, as shown by **Figure 8** below. It was further established that the lack of access to a birth certificate impacted directly on the acquisition of the other documents.

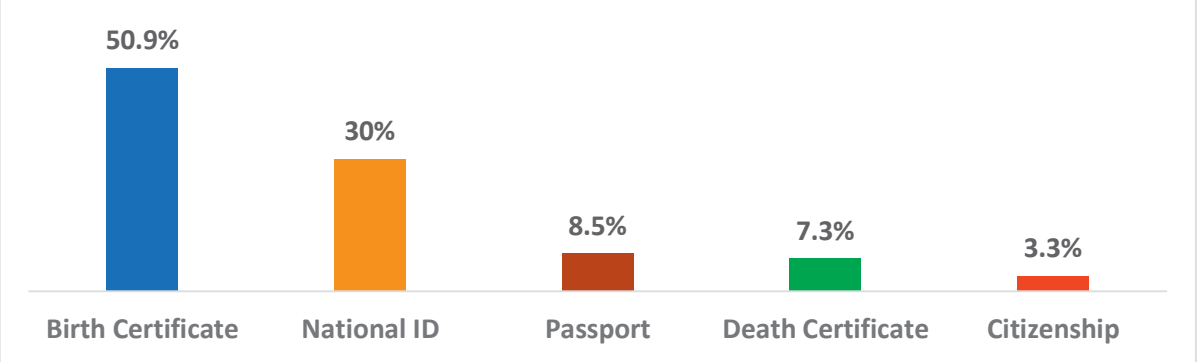

Figure 8 Percentage of documents with challenges of access

3.1 Main Challenges in Accessing Documents

The National Inquiry established that a number of barriers existed which hindered people's access to documentation. These barriers included the following; registration issues, socio-cultural norms, and economic issues. Specific challenges faced by special interest groups are elaborated in Chapter 4. Socio cultural norms and registration requirements are the biggest challenges faced by many people to access documents in all the provinces.

Registration issues refer to challenges emanating directly from the legal registration process such as lack of or inadequate registration requirements, data capturing errors and attitudes of the DRG Officials. Socio and cultural norm challenges refer to issues such as difficulties in registering orphans, presenting witnesses, migration and demand for lobola payment as will be explained in detail in the relevant sections. **Figure 9 below** shows findings on challenges experienced in accessing documents extracted from witness submission forms that were received.

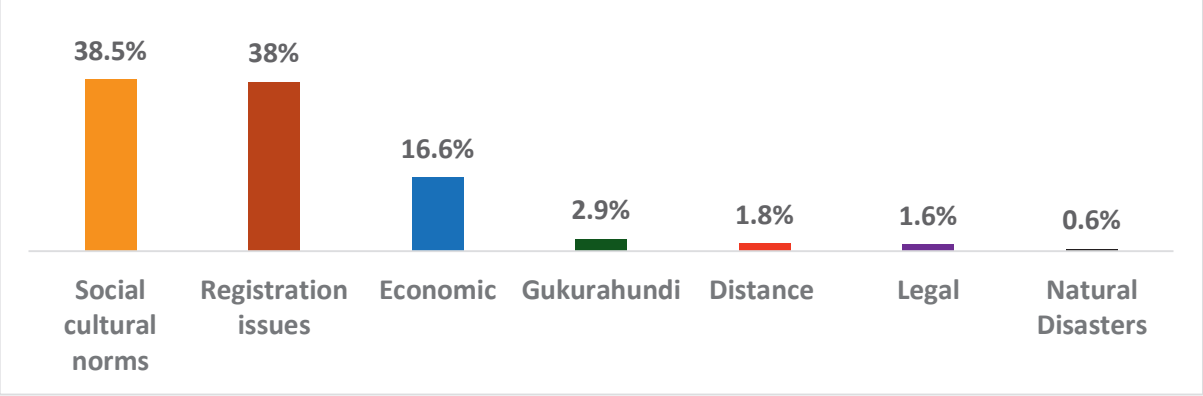

Figure 9 Percentage of challenges of accessing documentation

It should be noted that these challenges had to be classified into various issues and contexts. This classification also had a huge bearing on how to deal with solutions to the said challenges[43]. These challenges were also supported by witness testimonies at public hearings which were numerous, but for purposes of this Chapter, some have been extracted and laid out in text boxes, whilst the rest with further details are found in Annexure 5.

3.2 REGISTRATION ISSUES

Statistics extracted from witness's written submission forms indicate that registration issues constituted 38% of challenges faced in accessing documentation. **Figure 10 below** is a breakdown of registration issues affecting documentation.

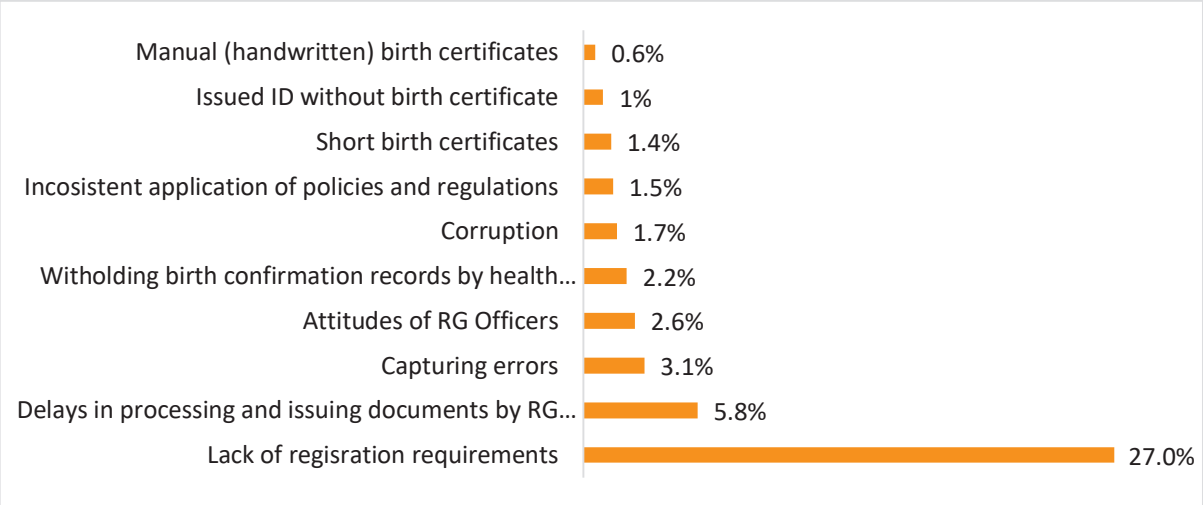

Figure 10 Breakdown of registration issues

3.2.1 Lack of Knowledge on Registration Requirements for National Documents

Twenty-seven percent (27%) of those who encountered difficulties in accessing documents due to registration issues, indicated that they failed to meet the legal requirements for particular registrations. It was further submitted that more than 10% of birth registration applicants were turned away due to lack of awareness of registration requirements[44]. This was established as the primary reason which affects access to documentation, especially for those living in marginalised communities[45]. Evidence also revealed that there was a general lack of awareness by members of the public on the legal requirements for acquiring national documents. Lack of knowledge on registration requirements included;

- Requirements for applying for documents such as birth certificates,
- Citizenship[46],
- Passports[47],
- To register children within forty- two (42) days/6 weeks after birth and fees[48],
- Requirement for presence of both parents when registering children born out of wedlock[49],

[43] Some witnesses faced multiple challenges in accessing documents, for instance one would face a challenge of delays in processing documents and also at the same time face a challenge of inaccessible DRG offices

[44] Submission by Mashonaland West Provincial Registrar.
[45] Submissions by various stakeholders.
[46] Lack of awareness by people born to one or both parents who were from the SADC that they can acquire citizenship by birth in terms of section 43 of the Constitution and fee required was ZWL40.
[47] Lack of awareness by people over 60 years that they can acquire passports with just an identity card, without the need to possess a birth certificate.
[48] Witnesses were not aware that the USD50 fee had been waived for registration of children born out of the country to ZWL2 for children above 6 years and free registration for children below the age of 6. DRG policy change of 12 December 2018.
[49] Mothers often approached mobile registration teams with fathers' IDs intending to register their children in the fathers' surnames and registration was declined in the fathers' absence.

- Home birth registrations, and
- New developments and changes in legal and administrative issues in documentation.

There was limited dissemination of information that women could register their children in their maiden names where the father was unable or unwilling to register a child born out of wedlock. It was further established that sometimes the information given by the DRG's offices was insufficient or limited and the absence of clear or sufficient detail led to people having to make numerous trips to and from the DRG's offices resulting in some members of the public being demotivated and abandoning their efforts to acquire national documents. It was also noted that awareness raising, information dissemination and outreach programmes to publicise the legal requirements for acquisition of national documents[50] were not being prioritised by the DRG's office.

3.2.2 Procrastination and Negligence by Parents to Register Children

> "In simple terms, the earlier the birth registration, the less the requirements and the later the birth registration, the more the requirements. Most cases that are turned away are those involving late registrations." **District Registrar for Gweru, Midlands Province.**

Procrastination by parents to register births was a key factor in failure to access documentation, especially with regard to birth certificates. The evidence received established that some parents despite being aware of the importance to register children and being in possession of all the requisite requirements for registration, procrastinated or neglected to register their children until the need to register was triggered by events such as school enrolment or registration for public examinations. Some of the reasons for procrastination included non-prioritisation, distance to registration centres and costs for registering children. Due to procrastination, unforeseen events affecting parents such as separation, migration, divorce or death of one or both parents kicked in before children were registered. Other factors that worsened the situation caused by procrastination of registration included unavailability of witnesses and loss or destruction of parent's documents. Registration of children, therefore, became more difficult over time. Further, delays in naming of newly born babies resulted in mothers being discharged from health institutions before birth certificates were issued, even in cases where the DRG Officials were stationed at health institutions. Late registration was noted as a rampant problem as less than 5% of all births were registered within forty-two (42) days of birth[51].

This finding was confirmed by the testimony of the District Registrar for Gweru who said that "...the earlier the birth registration, the less the requirements and the later the birth registration, the more the requirements" and that most cases that are turned away are those involving late registrations.

3.2.3 Inconsistent Information from Department of the Registrar General

One-point 5 percent (1.5%) of the 38% people who reported registration challenges indicated that such challenges were a result of inconsistencies emanating from the DRG's office. Inconsistencies were noted regarding the registration requirements and procedures for the acquisition of birth certificates and identity cards for a child whose parents' whereabouts were unknown[52]; number of witnesses required for specific documents; replacement of short birth certificates with long birth certificates,[53] and fees payable for registration[54]. Similarly, inconsistencies were also noted in the requirements for self-registration[55] where in some provinces a person aged forty-five (45) years

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[50] The DRG's office stated that they relied on events such as Agricultural shows, Zimbabwe International Trade Fare and partnering with organisations which invited them when carrying out community programmes to disseminate information, for example, one witness from Mwenezi East highlighted that people from that area only get to know about birth registration when such information is shared by Community Care Workers.
[51] Submissions by Provincial Registrars of Mashonaland Central and West Provinces.
[52] The Provincial Registrar for Matabeleland North Province in particular requested for submission of a police report indicating that they had investigated the whereabouts of the missing person. Whereas Provinces such as Matabeleland South and Manicaland requested an affidavit and a Traditional Leader to stand in as informant indicating that the person(s) whereabouts were unknown. In Mashonaland West, the Provincial RG stated that such cases would be referred to the Department of Social Welfare to come up with a sociological report, stating that whereabouts of the parents were unknown.
[53] Some were told they had to go DRG Offices where the documents had been issued; others were told that the document could be replaced at any office after verification was carried out.
[54] As above.
[55] In terms of the DRG Draft Procedure Manual for Births and Deaths, self-registration is "birth registrations for persons that are 45 years and above. Applicants are required to produce an ID card, a baptism certificate where

and in possession of an identity card but without having obtained a birth certificate, could self-register. Whilst in Harare Province, it was stated that self-registration was from sixty (60) years of age. [56] This resulted in persons aged forty-five (45) years being unable to self-register in some provinces due to this unresolved inconsistency.

It was also noted that there were issues relating to the expiry and duration of fingerprints. Findings[57] showed that it was mandatory for persons above the age of twenty-one (21) years applying for birth certificates and/or identity cards to obtain fingerprint clearance to ascertain whether they had previously obtained an identity card or not. Witnesses in other provinces testified that they were told that fingerprints expire after three months. They therefore, kept repeating the process of taking fingerprints if three months lapsed before processing of their fingerprints which were said to have expired. This disheartened people in applying for national documents. This finding was confirmed by the Provincial Registrar for Matabeleland South who explained that this was their practice, despite the official position being that fingerprints do not expire.

In other cases, some DRG officials made unnecessary referrals of witnesses to other registration offices where records were said to be kept or to registration centres where they initially obtained documents when in fact the person could have been assisted without a referral. This practice by some DRG personnel discouraged people from acquiring documents, considering the costs incurred when travelling from one office to the other.

3.2.4 Negative Attitudes and Discriminatory Practices by some RG's Officers

> "Vanhu veku RG office vanoita sevakabuda mudumbu rimwe havanyatsokubatsira, vanenge vachingochenama saka unozongoti vana vacho chero tichingopawo sadza". The RG personnel act as if they were born of one mother. They do not assist. They are rude and display hostile attitudes. This hinders your chances of accessing BCs for your children and you tell yourself as long as you can provide meals and get to live." **54-year-old female witness, Wedza District, Mashonaland East Province.**

Out of 38% of witnesses who responded that registration was a challenge, 2.6% indicated that negative attitudes by some of the DRG personnel had deterred them from accessing documents. These attitudes towards people applying for different documents were disheartening and included ill-treatment, humiliation, and disrespect[58]. For example, tearing of documents on the grounds that the papers were not in order[59], name calling, shouting, mocking and rudeness. Persons with disabilities also testified about these negative attitudes by some DRG officials[60]. A female witness in the Harare Metropolitan Province testified that an official from the DRG's office tore the papers she had presented and called other officers shouting, *"**Huyai muone amai vakapusa** (come and see this dull mother)*." The ill treatment and lack of customer care by some of the DRG personnel prevented people from approaching the DRG's office thereby remaining without identity documents.

Commissioners witnessed first-hand the negative attitudes of DRG Officials when dealing with clients, during the Harare Metropolitan Public Hearings. A 40-year-old female witness who appeared before the panel narrated that she was failing to acquire birth certificates for 3 of her 7 children, whom she delivered at home while she was residing in Gokwe. At that time, she was a member of the Johane Marange Apostolic Church, therefore had no birth confirmation records. When she approached the DRG offices in Gokwe to get birth certificates for her 7 children, she highlighted that,

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applicable, one competent witness with an ID, preferably a close relative, a letter from an employer where applicable and citizenship status must be established beyond reasonable doubt."

[56] The Harare Provincial Registrar when asked about the discrepancy, stated that the other provinces were using a draft manual not the final version. The panel requested a copy of the correct procedure manual to compare with the draft but this was not forthcoming. The DRG in his submission stated that the Manual was under review

[57] Evidence from Bulawayo, Mashonaland West and Matabeleland South Provinces.

[58] The Mashonaland East Provincial Registrar in his submission agreed to the testimonies given by witnesses about the negative attitudes of the personnel towards clients. He indicated that he was aware of numerous complaints filed at his office concerning negative attitudes of DRG personnel towards clients. He said the office took the issue seriously in January 2019 by conducting investigations into complaints made about ill-treatment given to clients by DRG personnel which led to the dismissal of three officers who were involved in displaying hostile attitudes towards clients.

[59] The DRG personnel did not bother to explain properly what the witnesses should have brought instead of destroying the documents.

[60] See Annexure 7 on Supplementary Witness Voices (Testimonies) .

"…I only managed to take birth certificates for 4 children because the DRGs office said they could only serve 4 of my children. They indicated that I was wasting time for other clients. I had witnesses and a letter from the Village Head confirming that I had home deliveries."

The panel referred this witness to the DRG's help desk at the public hearings' venue. She was given a form to take to the headmaster of the school the children were attending in Harare. She duly complied. She was also asked to bring two competent witnesses, who were aware of the birth of these children. She sent some money for the two witnesses to come to Harare from Gokwe to assist in the registration of her children. She informed the panel that "*We paid RTGS$150 for each witness to travel one way to Harare from Gokwe*". Armed with her witnesses, a letter from the School Head and the note which was issued at the DRGs help desk, she visited the DRG's offices at Market Square to register her children. The DRG Officer[61] who attended to her case, told her to go back to Chireya, Gokwe to register her children there as they required the midwife and the register from the Johane Marange church where the births of the children were recorded.

She further narrated that the DRG Official refused to process the registration and took the note she had been given at the DRG's help desk crumpled it and threw it in the bin. As the public hearings in Harare were still ongoing, the witness came back and informed the panel of the incident. When telephoned by the Deputy Chairperson of the panel, to appear before the panel and explain the case, the DRG official did not cooperate. However, he later telephoned, requesting the witness to go back and register her children's births because the office had secured someone from the Johane Marange church to assist in the registration of the children.

With the intervention of ZHRC, the witness was able to register the births of her other 3 children. This case clearly demonstrated the glaring inconsistencies of information given to people seeking to access documentation, unhelpful and negative attitudes which militate against access to documents by members of the public.

In some instances, attitudes and beliefs of some DRG personnel (beliefs which are not based on scientific evidence) resulted in some women failing to access birth certificates for their children. Some women were discriminated on grounds of age. For example, an eighty-two (82) year-old witness was told that she could not acquire a birth certificate for her child since it meant that she had given birth at fifty-four (54) years of age. In a similar case heard in Masvingo Province, another female witness stated that registration of her child was refused based on the premise that she could not have given birth to her child at forty-six (46) years, despite testimony from her relatives and traditional leader giving evidence that she was the mother.

The DRG personnel argued in both cases that it was impossible for these women to have given birth at these ages as they presumably had reached menopause. They were denied birth registration of their children on that basis without seeking verification or taking into account witness testimonies or recommending DNA tests. This led to these people being un-documented.

3.2.5 Allegations of Corruption

"A mobile registration team came to our area and I narrated my story, that I do not have a birth certificate because I do not know my parents. They said if I wanted my things to be sorted, I should give them a goat. I gave them the goat, which they slaughtered in my presence and I could not get anything. *Ndakaora mwoyo* (I gave up) especially after I had sacrificed my goat. This happened around preparations for elections, in Saurangwanda community". 42-year-old male witness, Sanyati District, Mashonaland West Province.

Out of 38% of witnesses who testified that registration issues were a challenge, 1.7% alleged that corruption by some DRG personnel was also a barrier. The allegations were that some demanded payment in cash or in kind (goats or chickens) for them to provide registration services where requirements for registration were insufficient especially during mobile registration exercises.[62]

Corruption allegations that were levelled against some of the DRG Officials were also made in connection with passport applications. The failure to pay bribes demanded by these officials prevented people who did not believe

[61] Incidentally, he was also part of the RG staff assisting at the Help Desk which was set up at the Public Hearing venue.
[62] See testimonies on corruption allegations in annexure

in corruption or those who could not afford the bribes from acquiring these documents. This finding of corruption allegations is consistent with media reports[63] and research findings from other organisations. [64]

3.2.6 Language barriers

Language barriers rendered communication between the DRG and witnesses difficult, especially in cases of persons with hearing impairment[65]. It was noted that it was difficult for the DRG's office to cater for diverse cultures and languages within its staff due to centralisation of the recruitment process by the Public Service Commission. Language barriers sometimes led to clerical errors especially in capturing of names by DRG Officers who were not conversant with local languages of the community they were serving. The Gweru District Registrar stated that clients, especially those who speak Ndebele, Tonga, Venda, Chewa and Korekore, have difficulties in conversing with the registration officers who cannot speak their mother languages. This was also noted in Matabeleland North and South Provinces. For instance, the name Tshuma was often spelt as Chuma by Shona speakers. The San Community also stated that they shied away from the DRG Offices due to language barriers as they could not understand or be understood by the DRG officials. Similarly, those with hearing and speech impairments were affected by language barriers as they could not communicate effectively with the DRG Officials because they were not conversant with sign language.

3.2.7 Clerical Errors

> "I have a BC. There was an error regarding my surname on the ID, it reads *Masudu* and not *Masudi*. I noticed that there was an error on my ID and I informed the RG office, so they told me to come back. When I went back, they told me to come back another time. I went back and they requested me to pay ZWL10 in order for them to rectify the error. I cannot access a passport because of the mistake". 26-year-old female witness, **Buhera District, Manicaland Province.**

An analysis of the evidence gathered showed that out of 38% of witnesses who had challenges with registration, 3.1% indicated registration errors which included mis-spelt names, entry of wrong date of birth such as 31 September[66], wrong sex, for example a male person is identified as a female, wrong age of the person and wrong citizenship status of the person (for instance alien instead of citizen). This resulted in several irregularities appearing on the documents being issued. Correcting these mistakes proved difficult, particularly when the wrong name had been carried through generations. In terms of section 8(4) of the Births and Deaths Registration Act, an error made by the Registrar-General shall be corrected free of charge. However, witnesses carried the financial and other burdens of correcting the errors and sometimes did not rectify the errors because they could not afford the costs involved.

[63] See annexure on media reports.
[64] Organisations such as LRF.
[65] See Chapter 4 on Special Interest Groups on the section on Persons with Disabilities
[66] See Annexure 7 on witness testimonies with examples of clerical errors.

3.2.8 Non-acceptance of Confirmation letters from Traditional Leaders

Another challenge facing the public in some provinces was non-acceptance by the DRG's office of traditional leaders' letters in support of applications for registration. For instance, letters confirming residence or death. Traditional Leaders testified that they were cognisant of their obligation to be truthful and the mandate to assist their subjects in dealing with challenges relating to acquisition of national documents. They highlighted that such conduct by some officials at the DRG's offices undermined their authority as custodians of communities as they are acquainted with information on events that occur in their communities. The DRG officials required additional evidence over and above the confirmation letters from traditional leaders and Councillors, because they claimed that some traditional leaders and Councillors gave false information.

> "People come to us for assistance so that we author some documents to show that they were born in our communities. We do that because we know the relatives of that child and who their parents are and where they come from and their origin. It has come to our knowledge that most of the letters that we write are no longer assisting them. We are hoping this information, when taken to the offices, they should get assistance but if these people are not assisted it is as if I do not care about the people. This bothers us and the people no longer have trust in us." **Chief, Mangwe District, Matabeleland South Province.**

3.2.9 Lack of Birth Confirmation Records

Two point two per cent (2.2%) out of the 38% of witnesses experiencing registration challenges indicated that hospitals were withholding birth confirmation records until they had settled outstanding hospital bills[67] for services rendered to them. Replacement of birth confirmation records which were either lost or defaced was hindered by distances and costs of travel to the health centre where the child was born. Some witnesses testified that they failed to get birth confirmation records because the health institutions had run out of stationery. Since birth confirmation records are amongst the requirements for registration of births occurring in health institutions, lack of them prevented registration and had a huge bearing on further access and enjoyment of other rights.

Image 7 Participation of Traditional Leaders in the NI process

[67] This practice has been banned by a policy directive from the MOHCC, but it was noted through evidence gathered that it was still continuing in some cases.

3.2.10 Cumbersome Process for Home Birth Registrations

The process of registering home deliveries was cumbersome requiring a litany of supporting evidence such as presence of midwives, witnesses and letters from school and/ or community leaders. This led to late or non-registration of children born at home. Registration becomes more complex to effect due to factors that include migration, separation of parents and death or unknown whereabouts of midwives and travel costs involved.

> "I am failing to acquire a birth certificate for my son who was born at home. I went to Makoni, and they requested for a midwife. I complied, then they said they will come for a home visit. Still nothing has materialized to date. I last followed up last year around May 2018. One time I went with my neighbours to bear witness for me, but they said they will pay a home visit to verify if the child was indeed born at home. We have visited the DRG Office more than 10 times, but nothing has come out of it", ***44-year-old male witness, Chitungwiza, Harare Metropolitan Province.***

3.2.11 Centralisation of National Documentation Services

One-point eight percent (1.8%) of testimonies submitted indicated that long distances to the DRG offices were a stumbling block in their quest to obtain documents, especially for people in remote rural areas. The DRG has made efforts to decentralise their offices in all provinces and districts, establishment of registration offices in all major hospitals, computerisation of vital registration events and conducting mobile registrations in remote areas. However, a lot more needs to be done to further decentralise and make the offices accessible to all communities. A trend that emerged was that people were failing to access documents due to unaffordable travel costs.

> "In Mashonaland Central province, we have 1 provincial office, 8 district offices and 22 sub-offices. While this is commendable, sadly, it is not sufficient…. There is need to increase resource allocation to ensure that there are at least 50 sub-offices in the province and that mobile registration exercises are done every 2 years, to ensure we reach people in some of the most inaccessible areas in the province." **Provincial Registrar, Mashonaland Central Province.**

Figure 11 below illustrates the effects of centralised offices and services of the DRG.

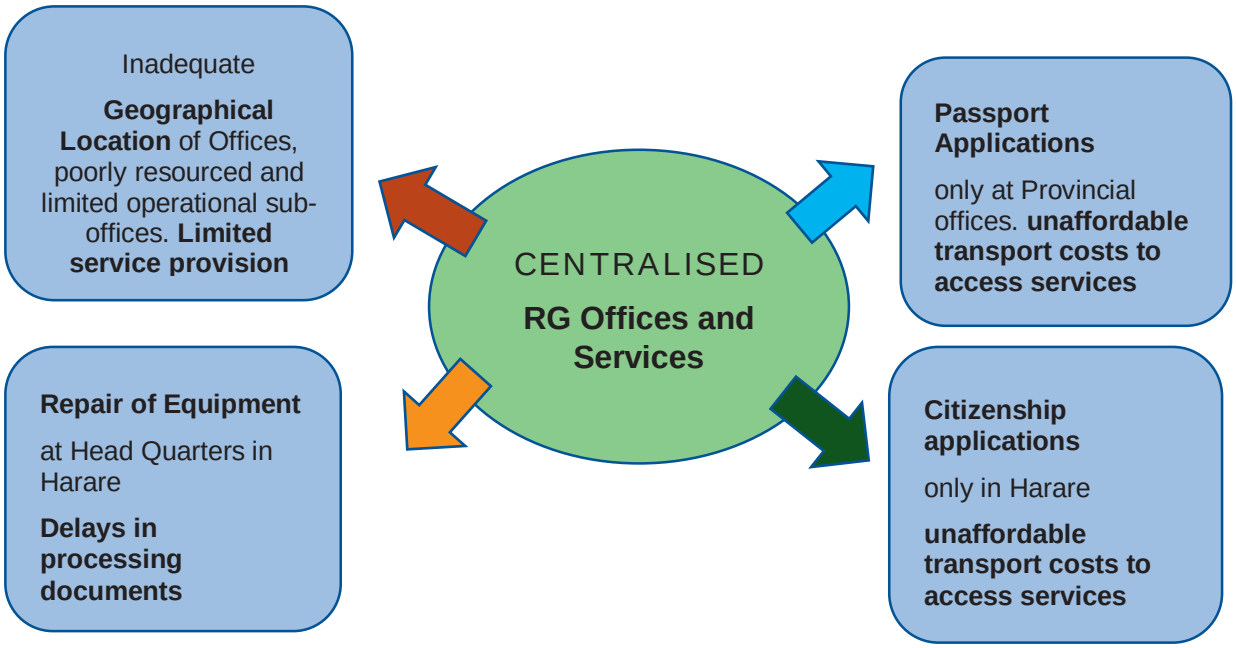

Figure 11 Centralised RG's Department and Services

Lack of adequate decentralisation of the DRG offices[68] affects access to documentation. Evidence received indicated that some remote areas had no sub-offices and people had to travel long distances to reach nearest registration centres[69]. It was also noted that challenges faced were compounded by bad road networks rendering the few centres inaccessible especially, during rainy seasons[70].

Additionally, some sub-offices were inadequately resourced due to financial challenges and non-computerisation. Some offices were not operational due to lack of appropriate office and residential facilities for employees, which often led to high staff turnover[71], especially in rural areas. The Midlands Provincial Registrar General Office revealed that despite the establishment of sub offices in the Province, these were insufficient to serve people, for instance sub offices such as Muchakata in Gweru, Buchwa in Mberengwa and Gwanza in Shurugwi were not opened due to shortage of office space and staff accommodation, among others.

Some of the services provided by the DRG continue to be centralised. These include national documents such as passports and citizenship or services relevant to acquisition of national documents such as verification of fingerprints. The centralisation of passport applications at provincial offices resulted in applicants having to travel long distances. It further results in long queues which make the DRG Offices resort to limiting the numbers of people served per day[72]. This causes hardships and security risks as people have to sleep in queues waiting to be served. Those travelling long distances to the DRG Offices would fail to make it on time to be served, despite waking up early.

> "Passports are a challenge because they are only acquired in Gweru and in Harare and this is costly as people use $200 on transport for a passport that costs $53." **57-year-old male witness, Gokwe South District, Midlands Province.**

It was noted that citizenship applications were processed and approved only at Head Office in Harare. The cost for travelling to Harare entails transport and accommodation, which many applicants cannot afford. In addition, immigration services are also centralized and this is a challenge for people of foreign descent living in border areas, mining and farming communities, who require residence permits and their citizenship[73] regularised.

The centralization does not only affect service provision but also other ancillary issues like the service and repair of the DRG equipment used in the production of national documentation, which is centralised in Harare[74]. This results in delays in the issuance of national identity documents due to the lengthy time it takes to have the equipment serviced and repaired in Harare.

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[68] For example, the Provincial RG for Mashonaland Central Province stated that there were 22 sub offices in the Province, but 28 more were needed to bring the total number to 50 so as to be able to effectively serve the public.
[69] For example, in Mashonaland Central Province, people travel over 100km to access RG Offices the Provincial RG for Mashonaland West stated that there were 22 sub offices in the Province, but 28 more were needed to bring the total number to 50 so as to be able to effectively serve the public.
[70] For example, the Provincial Registrar for Mashonaland Central Province highlighted that people in the low-lying Zambezi Valley, which stretches from Mbire to Mt Darwin, have complained of insufficient sub-offices in their areas because these areas are usually inaccessible during the rainy season and have bad roads, hence offices should be closer to the people.
[71] Non- computerisation of sub-offices resulted in issuance of manual birth certificates and national identity cards which took long to process when sent to the main offices for the information to be captured electronically, and at times extra costs were incurred to get polythene national identity documents issued at district offices.
[72] Per day, the DRG issues a certain number of cards (with numbers) indicating one's position in the queue. People resorted to sleeping in the queue because there was no fixed time for issuance of the cards, by the RG's office.
[73] The Chief Director - Department of Immigration highlighted that the Department only assisted with the profile of persons who have stayed in the country for at least 10 years as permanent residents. The Immigration Department only supplies the information when asked to do so by the RGs office when it deems it necessary in the determination of the suitability of an applicant to be granted citizenship.
[74] Gwanda Provincial RG's office revealed that printing machines for IDs were serviced and repaired in Harare at the national office. A vehicle from Gwanda went to Harare only on Mondays. The machines were at times not fixed timeously, resulting in people having to travel to Bulawayo to access the service, which compounded congestion at the Bulawayo office.

3.2.12 Centralisation of Services Critical in Facilitating Registration

Challenges of accessing services which are critical in facilitating issuing of national documents such as provision of birth confirmation records at health facilities were noted. Where medical facilities were far, it became difficult to access the birth confirmation record which is a legal prerequisite for registration of births. In instances where a person did not have a birth confirmation record or needed replacement of birth certificate, exorbitant transport costs to travel to medical institutions prevent many people from registering births due to lack of birth confirmation records.

> "I had fingerprints uplifted on 5th April 2019. I was told to follow up after one month which I did and was told they were not yet out and was asked to come back after another month. I followed up and was again told they were not yet out. I never went back". **41-year-old male witness from Bulawayo Metropolitan Province.**

It was further established by evidence that clearance of fingerprints[75] is only carried out by the Criminal Investigations Department (CID) of the Zimbabwe Police Service (ZRP), also based in Harare. This centralization means that all the DRG offices at the different levels send fingerprints to Harare for clearance thus lengthening the processing time. The process and red tape involved in transmitting the fingerprints to Harare is cumbersome. The process is initiated in the DRG sub-offices, which forwards them to the district offices. These offices in turn hand over to the provincial offices, which finally deliver to the Harare national DRGs office. The national office in turn dispatches the fingerprints to the CID Headquarters for verification and clearance. The reverse process retraces the same steps until the fingerprints reach the sub-offices. These delays were further exacerbated by shortages of vehicles at the DRG sub-offices and district offices. Witnesses also testified that by the time they get feedback on their finger print verification process, they would be deemed to have expired and the process has to be repeated. In some cases, the process takes as long as six months or more. This has caused a lot of frustration with people giving up on the process of acquiring identity documents.

> "We send fingerprints to the National Bureau for clearance. Our fingerprints do delay a lot, sometimes it takes up to about 6 months. The department is not responsible for the clearance but the CID who are in charge of the National Bureau. They say they do not have the manpower to do clearance, which is why it takes long". **The Provincial Registrar for Bulawayo Metropolitan Province.**

Representatives from the DRGs office attributed the delays in fingerprint verification and clearance to the CID. Contrary to this assertion, the ZRP in their submission indicated that the process of verifying fingerprints takes a maximum of seven days and the National Fingerprint Bureau highlighted that they had no backlog[76]. There is therefore, need for the ZRP and the DRG to strengthen their collaboration in order to address this major barrier to access to documentation.

3.2.13 Mobile Registration Challenges

The DRG's office conducts mobile registration programmes as a strategy to mitigate the impact of centralisation of its offices. However, it was noted that they are usually conducted in a sporadic manner and time allocated is not sufficient as they only spend three days at a particular place. The mobile registration programme is usually conducted prior to elections to enable more people to register to vote and as such only happens at intervals of five years. For instance, only two mobile registration sessions were held in Mashonaland Central in the last ten (10) years. The other reason is lack of resources[77].

It was further established that the mobile registration programme offered limited services in relation to overall mandate of the DRG. It only offers services such as processing of manual birth certificates, death certificates and national identity cards. People with complicated documentation challenges were still referred to the district and provincial offices and got to be confronted with a myriad of challenges already alluded to above.

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[75] This was done for applicants for IDs above 21 years to verify whether they had obtained an ID before.
[76] The National Fingerprint Bureau stated that 38, 417 requests were received from the DRG from January 2019 to December 2019 and these were all cleared within seven working days of receipt as required by their SOPs.
[77] Mashonaland West Provincial Registrar.

Incidences were highlighted where people who are forty-five years and above obtained identity cards without a birth certificate. This was done during the blitz registration process conducted prior to elections. Further challenges arose when people wanted to acquire birth certificates, which required that they restart the process because their registration details would not have been electronically captured rendering the identity cards invalid. As a result, some people who once possessed identity cards then failed to satisfy registration requirements and regressed to become un-documented.

> "I am failing to obtain a birth certificate for my child. I have a waiting pass which I acquired in Macheke at a mobile registration. The ID number on the photograph is not clear. The RGs office indicated that my ID is not computerized hence it is not in the system…" **28-year old female witness, Highfield, Harare Metropolitan Province.**

Furthermore, there is a problem of double allocation of national identity numbers issued during the mobile registration programme. Those issued with an already existing national identity number by the DRG's office bear the brunt of rectifying the error. In some instances, they were told to reapply at their own expense. These cards issued under the mobile registration programme are manual (handwritten) and computerisation was done at the instance of the applicant who has to approach the DRG for a computerised document. Witnesses stated[78] that copies of documents processed under the mobile registration programme were sent to the Central Records at the Central Registry Head Office for storage and not for computerization. Consequently, manual (handwritten) national identity documents are not captured in the Zimbabwe Civil Registration System, often resulting in people having to reapply. It was also highlighted that the facilities and equipment for mobile registration exercises were inadequate for instance poor quality pictures were captured[79] for identity cards.

Evidence further established that the DRG office beefs up staff for mobile registration by including staff from other line Ministries to assist in mobile exercises. This compromises services rendered since the seconded personnel were not qualified to do the work.

3.2.14 Costs of Accessing Services and Payment Modalities.

Out of sixteen point six per cent (16.6%) of people who cited economic challenges as a barrier to accessing documents, four point four per cent (4.4%) indicated that they could not afford administration fees (such as search fees and passport fees, which they indicated were unaffordable) and one point five per cent (1.5%) could not afford the cost of transporting witnesses required for processing the documents. Those applicants seeking to acquire citizenship highlighted that they could not afford the citizenship fee of RTGS$5,000.00[80].

The ZHRC also gathered that the DRG's non-acceptance of mobile payment options[81] for administration fees put the general public at a disadvantage considering that it is the most accessible among official payment methods in the country. Witnesses highlighted that for them to withdraw cash, they would have to part with up to 60% of the amount because of fees charged by mobile money agents, hence the need for accommodative and different options for the majority of Zimbabweans.

[78] By the Provincial RG for Harare during public hearings.
[79] Case for Harare Met province
[80] See Department of the Registrar General Website on prescribed fees http://www.rg.gov.zw/index.php/services/zimbabwean-citizenship
[81] such as Ecocash

3.2.15 Resource Constraints of the Department of the Registrar General

It was noted that resource constraints impact negatively on the operations of the DRG, thus affecting delivery of services. The challenges include lack of suitable offices; lack of foreign currency to procure passport paper; lack of resources for procuring and maintaining equipment and vehicles as well as consumables such as ink, polythene and stationery; and resources to upgrade an inefficient internal network system. Resource constraints result in people being turned away without documents which could not be processed timeously due to unavailability of functional office equipment, fuel, electricity and transport. Breakdown of computers and erratic computer network affects processing of documents, for example, Gokwe North had experienced computer breakdown since February 2019 (8 months had lapsed by the date of the public hearing). Further, all the 29 sub offices in Midlands are not computerized.

> Gatumba Farm sub-office in Mashonaland Central was singled out as an example of a sub-office where staff members are currently working under the most difficult conditions. The sub-office is housed in an old farm house which is used as both offices and staff accommodation. Staff members have no access to water and depend on water that is delivered by the Provincial office from Bindura for all their household purposes. **ZHRC Monitoring Report on Field Visits Conducted at DRG Offices in March 2019.**

Resource constraints also affected the nature and quality of the DRG office infrastructure and staff accommodation[82]. This affected staff morale, motivation and retention on the job as the office and accommodation were sub-standard and of poor quality. For example, the ZHRC observed poor staff accommodation in Lupane[83] and poor office infrastructure and staff accommodation in Birchenough Bridge (Manicaland Province). The poor conditions noted in the Birchenough Bridge DRG office were the dilapidated office equipment and space as well as staff accommodation. Office space and staff accommodation were adjacent to each other. The lack of electricity and functioning computers led to issuance of manual (handwritten) documents, which were fraught with several problems that come with manual issuance of documents. As earlier indicated in this Report, such documents will be a burden on the public to get them corrected. The ZHRC also established that the DRG personnel worked under extreme heat conditions with no fans or air-conditioners in their offices making their working environment highly demotivating.

3.3 SOCIAL AND CULTURAL BARRIERS

Social and cultural norms were identified as another set of barriers in accessing identity documents. These include lack of co-operation by parents or relatives, demand for *lobola* payment before assistance could be given, unknown whereabouts of parents and difficulties in availing witnesses. **Figure 12 below** shows the break down in percentages.

[82] See summary of the Monitoring Report for more details in Annexure 17.

[83] On a monitoring visit by the ZHRC to Lupane in Matabeleland North, including a visit to the the DRGs offices conducted from the 4th to the 6th of March 2019, it was observed that at least 5 officials were sharing a three bedroomed house, with some officials sharing the living room as a bedroom. Due to the living arrangements, officials are unable to live with their families or have them visit. The bad state of the houses was noted to be a health and security threat.

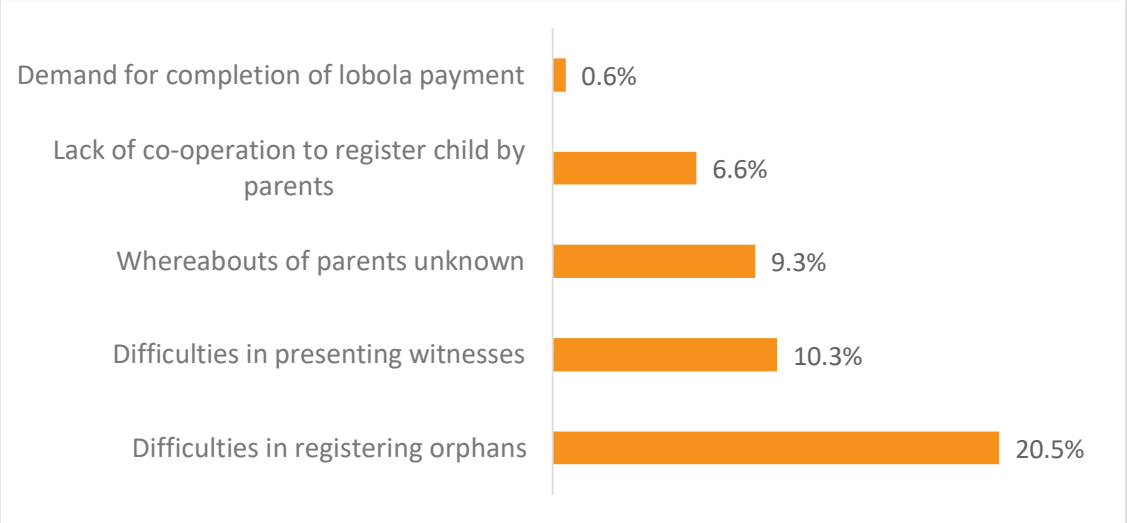

Figure 12 Socio and cultural norms affecting documentation

3.3.1 Demand for Lobola Payment

Evidence established that when one parent is deceased, particularly the mother, male witnesses reported that they faced difficulties in obtaining birth certificates for their children because the maternal relatives refused to co-operate. There were testimonies of children with deceased mothers who had failed to have their births registered because their maternal relatives insisted on *lobola* issues being settled first before they availed themselves as witnesses or offered any other form of assistance during the registration process.

3.3.2 Un-documented Mothers

Where a mother was un-documented, that is to say not having a birth certificate, this resulted in failure to register children, even in cases where the father of the child was documented. In some instances, this resulted in some husbands divorcing their wives and returning them to their families as they were unable to register their children because they were not documented. This was illustrated by a Councillor from Mutasa District who testified that marriages within her ward were breaking down irretrievably with husbands referring to their un-documented wives as *zvidhuura*, meaning they were fake owing to non-possessing of identity documents.

> "I do not have a birth certificate and an ID. My parents separated when I was young and their whereabouts are unknown. I have children and they are un-documented because I don't have documents myself". **56-year-old female, Pumula North District, Bulawayo Metropolitan Province**

3.3.3 Religious Beliefs

Evidence established that some religious beliefs were a barrier in accessing identity documents, particularly for some members of the Apostolic Faith Sect. Members of this congregation do not allow their members to give birth in clinics and hospitals, resulting in non-availability of birth confirmation records for their children. Despite the fact that some DRG's offices[84] had come up with special mechanisms to register children born in such circumstances, some members still refused to comply.

[84] For example, in Bulawayo Metropolitan Province, community leaders were asked to come up with birth registers to be later used in support of applications for birth registration.

3.3.4 Use of Maternal Surnames to Register Children

Through the National Inquiry, the ZHRC established that some children born out of wedlock were not registered because their mothers were either unwilling or unable to use their maiden names to register the children. This usually happened in cases where the male family members did not grant them permission to use their surname, although this is not a legal requirement. In some cases, fathers of the children were the ones without identity documents, as such they also refused to have the children registered in their mothers' names.

3.3.5 Generational Challenges

Some of the challenges encountered by people in acquiring documents resulted from generational challenges. This is whereby individuals failed to have identity documents because their parents, and in some cases grandparents, did not have national identity documents. It was noted that for some witnesses, these challenges dated back to second and third generations. Some witnesses reported instances where the father was in possession of all required identity documents but the child could not be registered because it was prerequisite for the mother to possess identity documents to facilitate registration of the child[85].

> "Both my parents passed away leaving us with no birth certificates. We are 10 in our family and all of us have none. I have 8 children, 6 girls and 2 boys who also have no birth certificates. I do not have any known relatives. My maternal uncle whom we used to visit as children passed away." ***40-year old*** **female prisoner, Gokwe Prison.**

The generational challenges of non-documentation were prevalent in border communities were there were many cases of inter-marriages across borders. In cases where the foreign mother is un-documented, even if the father is Zimbabwean with identity documents it is still not possible to register the children because of the requirement that the mother must have identity documents as well.

Further generational challenges faced are consequences of atrocities which occurred in some parts of the Midlands and Matabeleland Provinces in the early 1980s, generally known as Gukurahundi[86]. Two-point nine percent (2.9 %) of submissions received highlighted that Gukurahundi created challenges in accessing documentation.

> The biggest challenge is a group of children who do not have parents because of Gukurahundi. My community was affected by Gukurahundi. These children do not have birth certificates and we end up using people who are not biological parents to register those children. Some of these children are a product of rape by armed forces during that period. It is very painful because some of the fathers of these children were buried in pits. If the first document which is the birth certificate is successful, the rest of the documents will be easily accessible". **Village Head, Umguza District, Matabeleland North.**

Another generational challenge is that of un-documented former migrant workers in mining and farming communities, whose offspring were also not registered, thereby creating a chain of unregistered generations. The situation was worsened when the workers moved from farm to farm or mine to mine, in the process forgetting where they were born, or if they were still aware, no witnesses were available to attest to their births as required by the RG's office.

[85] For example, a 79-year-old witness from Mt Darwin gave evidence that he had both a birth certificate and a national identity document but his wife had neither and as a result, they had failed to register their six children and three grandchildren.
[86] See details in Chapter 4 on Gukurahundi affected communities.

3.3.6 Migration and Unknown Whereabouts of Parents.

> "I have two grandchildren born in South Africa. Their father (my son) went to South Africa in 2008, and he died in October 2018. He only came back as a dead body accompanied by his two children. The body and the children came with the motor vehicle from the funeral parlor. I was not given any documents of the children; I could not ask for anything as I was grieving. I only have the death certificate. I have never met my daughter in law, but she is from South Africa. The mother did not attend the funeral. I have tried to get birth certificates for these children using the death certificate, but RG asked for maternal witnesses, and I do not know them**" 56-year-old female witness from Kadoma Urban Mashonaland West**

Out of thirty-eight point five per cent (38.5%) of people citing socio-cultural barriers to documentation, nine point three per cent (9.3%) referred to unknown whereabouts of parents as a barrier to accessing documentation. For example, where one or both parents migrated internally or externally, leaving unregistered children[87]. There were also cases of children born outside the country and were sent back illegally into the country using "*Omalayitsha*"[88] without documentation, and as a result, guardians of those children faced challenges in registering them. The majority of parents who migrated eventually lost contact with the guardians of their children after being away for a long time and some failed to return home to register their children.

The same challenges were experienced by fathers who had custody of their children but their mothers migrated to other districts or other countries or abandoned the children. Attempts by the fathers to register such children in most cases are futile because the DRG offices insist on the presence of the mothers or maternal relatives to be witnesses.

3.3.7 Falsification of Documents and Registration Information[89].

It was established through testimony that some parents falsified information in order to get documentation. For instance, Zimbabweans who had acquired false identity documents particularly whilst in South Africa so as to access jobs and social services. The fake names they acquired made it difficult to subsequently register their children in Zimbabwe because the children's birth confirmation records captured the false identity of parent(s). Therefore, because of the disparity between the names on the Zimbabwean national documents and foreign health cards, parents faced challenges in proving themselves as parents of their children when they sought to register the children in Zimbabwe[90].

Falsification of information was also noted in cases of those who failed to meet the registration requirements. Such persons resorted to providing false information to effect registrations, for example, claiming to be the parents or relatives when they were not. It was, however, noted that most witnesses who acquired birth certificates through false registrations did so out of desperation emanating from their failure to meet the rigid requirements of the law. In some cases, father's in-law ended up registering their daughters in law, resulting in challenges when the daughter's in-law wanted to register their children in the husbands' name as they would be viewed as brothers and sisters[91].

[87] See Chapter 4 on section on the elderly and children.
[88] This is a Ndebele word which refers to cross border transporters.
[89] See Annexure 7 on Supplementary Witness Voices (Testimonies).
[90] In cases where health cards were tampered with or have falsified information, the DRG would require the person to write an affidavit to explain the falsification and paying an admission of guilt fine to the police.
[91] This is a case of a man who claimed to be the father of his daughter-in-law Manicaland Province.

> "Throughout the Districts visited by the Committee, there was an outcry that laws were too cumbersomely applied with extreme rigidity to the extent that it discouraged clients from applying for documents". **Report on the Portfolio Committee on Defence, Home and Security Services, on the Gwanda Community Youth Development Trust Petition on Access to Primary Documents (2019).**

3.3.8 Orphaned and Abandoned Children

Out of the thirty-eight point five per cent (38.5%) of persons who indicated socio-cultural challenges in accessing documentation, twenty point five per cent (20.5%) stated that they could not obtain birth certificates because one or both parents were deceased. For registration to take place, death certificates or witnesses are required but these are often not available. Some witnesses had given up trying to acquire birth certificates because it was not possible for them to meet the requirements due to failure to trace the whereabouts of their parents.

3.4 LEGAL CHALLENGES

People who indicated that legal challenges were a barrier to access to documentation were one point six per cent (1.6%) of the submissions received[92]. These challenges included gaps in legislation and non-alignment of legislation to the Constitution. One of the major challenges noted was difficulties experienced by fathers registering their children born out of wedlock. In terms of Section 12 (1) of the Births and Deaths Registration Act, the general rule for registration of children born out of wedlock is that no person shall be required to give information acknowledging himself to be the father of such a child. The Act gives exceptions to this general rule under three scenarios[93]. The first scenario is upon joint request by the mother and the person acknowledging himself to be the father of the child. Secondly, where the mother is dead, or has abandoned or deserted the child and finally, where the alleged father of the child is dead.

A number of challenges arise from the provisions of Section 12 (2) (b). Firstly, Section 12 (2) (b) is problematic in implementation because it does not prescribe how the father's evidence is supposed to be supported upon requesting and acknowledging himself to be entered as the father of the child. In the absence of regulations prescribing the particulars to be furnished by a father and in order to correct the irregularity in Section 12 (2) (b), the DRG, in the Births and Deaths Procedure Manual (2018) provides that in the registration of children born out of wedlock, where one parent is deceased, the surviving spouse must among other requirements, sign the declaration of paternity and the relatives of the deceased must confirm and sign the notice of birth. For the purposes of Section 12 (2) (b), this addresses the scenario where the mother is dead. However, the Manual, like the Act, is silent on the requirements to be provided by a father where the mother has abandoned or deserted the child.

Based on the findings of the National Inquiry, the practice is that the same requirement for maternal relatives in situations where the mother is deceased is extended to cases of desertion and abandonment as maternal relatives are required to confirm the desertion or abandonment and to sign the notice of birth. The assumption of this requirement is that in every situation, it is possible for maternal relatives to be available for the registration of children in this setup. In reality, however, based on the evidence tendered by fathers who have custody of their children born out of wedlock, the requirement for maternal relatives to confirm the death, abandonment or desertion and to sign the notice of birth proved difficult to meet. Most fathers in this situation highlighted that they did not know the whereabouts of the maternal relatives, which sometimes militated against the registration of children, pointing to the need for flexibility in accepting other forms of supporting evidence in cases where maternal relatives are not available. Other forms of evidence could be in the form of police reports after investigations to verify if the man is the father of the child and confirmation letters from community leaders such as Councillors and traditional leaders.

Section 12 (2) (c) places the responsibility on the mother of a child born out of wedlock to register the child in the father's name only when the alleged father is deceased upon her joint request together with a parent or near relative of the alleged father. This similar responsibility is not placed on the alleged father of a child born out of wedlock whose mother is deceased. According to sub section (b) the father does not have the requirements for a joint request with the maternal relatives to register the child. Further, sub section 2 (c) places the responsibility for joint request with a paternal relative only when the alleged father is dead and not where he abandons or deserts the

[92] See detailed analysis of findings in Chapter 6.
[93] See section 12 (2) (a) - (c) of the BDR Act.

child. In cases of desertion and abandonment of children born out of wedlock by fathers, the DRG's Procedure Manual provides that where the whereabouts of the father are unknown, the mother is free to register the child in her maiden name. This fails to take into consideration the reality in the Zimbabwean community where unregistered customary marriages are considered valid as much as registered marriages.

Women with children born out of wedlock should be enabled by the law to register children in the name of their father in cases where the fathers have deserted or abandoned them and the paternal relatives are present to confirm the desertion and abandonment for example, in unregistered customary unions and cohabitations.

Based on the findings of the National Inquiry, some women highlighted challenges they encounter in registering children in their maiden names where the paternal relatives who can confirm and give the notice of birth of such children are available. In addition to death, the grounds upon which the father can register, that is to say abandonment and desertion of the child by the mother, must be made available to the mothers who by nature of their unregistered marriages can have the supporting evidence in the form of confirmations by paternal relatives to facilitate registration in the father's name.

CHAPTER 4: DOCUMENTATION AND SPECIAL INTEREST GROUPS

4.0 Introduction

The National Inquiry identified challenges of access to documentation that affect people generally, however it further identified thirteen (13) groups of people who face specific challenges due to their particular vulnerabilities. The findings showed that these groups face additional problems which increase the negative impact of lack of documentation as outlined in Chapter 5.

It is therefore imperative that their specific challenges and their peculiar situations are taken into consideration when formulating policy, legal reform and durable solutions to the problem of lack of access to documentation[94]. Further, the negative impact of non-documentation on the enjoyment of human rights exacerbates their already vulnerable situations as such there is need for all programming by all relevant stakeholders to bear this issue in mind.

These special interest groups which require special attention include: women, children, PWDs, Refugees, Gukurahundi affected communities, foreign nationals, among others. The Table below summarises the challenges faced by the different special interest groups. Furthermore, a summary of some of their testimonies as special interest groups is in Annexure 7.

Challenges and Issues Faced by Special Interest Groups
4.1 Children
▪ Children[95] born out of wedlock are not registered because mothers are usually unaware that they can register children in their maiden names[96]. ▪ Children are not registered because of legal and policy limitations specifying that no father or paternal relative can register a child's birth in the absence of the mother, mother's death certificate or maternal relatives. ▪ Parents migrated to other countries to seek employment leaving children in the custody of elderly people who cannot register them resulting in failure to enrol them in school or obtain food aid on their behalf. ▪ Children in child headed families did not have documentation and faced difficulties to access documentation due to poverty, lack of awareness of registration requirements and its importance. ▪ Prior to December 2018, the procedure for registering external births required parents to pay an administrative fee of USD50 (which later became ZWL50 when the Zimbabwe dollar was introduced) but this was more than most parents could afford.[97] Fee was reviewed to ZWL2 but findings showed that some DRG officials continued to charge the old fees. ▪ Male relatives denied some women permission to register their children using their maiden names arguing that it was unacceptable to bring children with a "foreign totem" into their clan. At times the relatives were also concerned that those children might end up acquiring inheritance rights, including chieftainship.

[94] See Annexure 16 for specific recommendations on Special Interest Groups

[95] The Constitution places a duty on the State to adopt policies and measures to ensure that in matters regarding children, the best interests of the child are paramount. Further, the Constitution provides for the prompt provision of a birth certificate to every child and the right to family and parental care or to appropriate care when removed from the family set up. It is the legal duty of the father or mother of a child to give notice of the birth of a child. It is therefore, a matter of law that children cannot register themselves.

[96] As discussed in Chapter 3.

[97] The Matabeleland South Provincial Registrar stipulated that the DRG had acknowledged the obstacle and reviewed the policy in December 2018, resulting in the reduction of this ZWL50 administrative fee to ZWL2 for children above 6 years and free of charge for children below 6 years. However, oral submission by witnesses indicated that not all DRG officers were implementing this policy adjustment. One female witness from Mangwe District indicated that she had submitted a birth registration application for her child a week before appearing at the Public Hearing and was required to make the ZWL50 payment at Ngwizi DRG office.

Challenges and Issues Faced by Special Interest Groups

- Un-documented children are at risk of being prosecuted as adults thereby incurring stiffer sentences than would be the case if they were documented[98].
- Section 135 of the Criminal Procedure and Evidence Act provides that un-documented children in conflict with the law, cannot be released on bail. They are required to go for age estimations which sometimes take time and might not be accurate.
- Government hospitals lack functional equipment to undertake age estimation and private health facilities which carry out age estimation do not accept Government's Assisted Medical Treatment Order (AMTO) voucher which allows one to access free medical services in Government /mission health facilities. There is no funding from Government to cater for age estimation in private health institutions since this is supposed to be done in Government/mission health facilities[99].
- Children with disabilities (CWDs) are often hidden by their parents, other family members and community members as a result of negative and discriminatory attitudes towards PWDs thereby remaining unregistered.

4.2 Orphans

- Out of thirty-eight point five per cent (38.5%) of people who cited socio-cultural factors as barriers to access documentation, twenty point five per cent (20.5%) of these were orphans.
- Orphans often failed to acquire national documents due to lack of prerequisite documents such as death certificates for deceased parents; unavailability of witnesses; unknown whereabouts of relatives or lack of cooperation from relatives.
- The DSW assisted un-documented orphans in children's homes (whose relatives could not be traced)[100] to be issued with short birth certificates but these were not accepted in schools leading to failure to participate in sporting activities. They were also not accepted for issuance of passports.
- Orphans failed to receive assistance to get registered by the DSW due to lack of knowledge of the different available options for registration.
- Generational challenges of lack of documentation were prevalent among orphans.
- Un-documented orphans failed to receive social welfare benefits such as food aid and subsidised tuition through the Basic Education Assistance Module (BEAM).

4.3 Women

- Some women without documentation were divorced because of failure to meet requirements for registering their children's birth[101].
- Some un-documented women often experienced cases of gender-based violence from their husbands, who were frustrated by failure to register children, or from the children themselves when they are grown up.
- Un-documented women face stigmatization and were referred to as "*zvidhuura*" (meaning fake people) in some communities.[102]

[98] Highlights from Legal Resources Foundation, TRACE ATD and Justice for Children Trust submissions.
[99] This was highlighted by the Bulawayo Provincial Social Welfare Officer.
[100] Representatives from the DSW highlighted that their mandate included registering abandoned orphans whilst the responsibility to register orphans with known relatives lies with the relatives.
[101] Women across all age groups in all the provinces bear the burden of challenges associated with lack of identity documents. Out of a total of 7544 submissions received, 64.6% were submissions from women.
[102]. This was revealed in testimony from Mutasa in Manicaland Province.

Challenges and Issues Faced by Special Interest Groups

4.4 Intersex Persons

- Intersex persons are not recognised at law in Zimbabwe[103].
- National documents are categorised into the conventional female and male sex categories without provision for intersex persons.
- Parents determine the sex of intersex children (sometimes with advice from health personnel) at an early age before the children are old enough to identify themselves as either male or female.

- The law does not accommodate intersex persons who wish to change their sex on their identity documents as their bodies transform at puberty.
- Marginalisation in school activities such as sports.

4.5 Persons with Disabilities

Image 8 Participation of persons with Disabilities at the NI public hearings

- Out of seven thousand five hundred and forty-four (7544) submissions received, two hundred and thirty-seven (237) were from PWD[104] who constituted three point one per cent (3.1%) of the total submissions.[105]
- Infrastructure at the DRG's offices is not user-friendly for persons using wheel chairs as there are no ramps or rails.
- There are no sign language interpreters at the DRG's offices thus hindering access to documentation for those with hearing impairments.
- Inaccessibility of the DRG's offices leads to costly transport expenditure as transporters charge extra fees for wheelchairs.

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[103] Intersex people are born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies. Being intersex relates to biological sex characteristics, and is distinct from a person's sexual orientation or gender identity. Available at https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf accessed on 4/12/19.

[104] Article 1 of the United Nations Convention on the Rights of Persons with Disabilities[104] defines "Persons with disabilities to include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. Although Section 81 (1) (b) of the Constitution provides the right for children to the prompt provision of a birth certificate, children with disabilities have challenges in accessing BCs.

[105] See Chapter 2 on limitations for explanation of the low submissions received from PWDs.

Challenges and Issues Faced by Special Interest Groups

- The DRG's officials lacked awareness on disability rights and adequate capacity to deal with PWDs.
- Persons with hearing and mental impairments were sometimes treated with indignity and impatience due to communication barriers. For instance, some DRG officials were rude to PWDs including calling them by the nature of their disability, which was demeaning.
- Information about the DRG services, requirements and legislation governing registration was not in accessible format for PWDs, such as audio, braille and sign language.
- The DRG office requires a doctor's letter to confirm that someone has mental impairments. However, evidence gathered revealed that family members often did not take the affected persons to any doctor for treatment, therefore they did not have proof of the mental impairment to enable them to carry out registration on their behalf[106].
- Mentally impaired parents fail to register their children because some relatives are not supportive (due to their limited financial circumstances and sometimes their personal attitudes) in registering children born of these parents, giving rise to a generation of unregistered persons.
- Parents' and other family and community member's negative and discriminatory attitudes towards PWDs often resulted in them 'hiding' their children with disabilities and they neither cared nor found value in registering them.
- Un-documented PWDs depended financially on others and this determined whether they could be registered or not due to the costs involved.
- Lack of information identifying the particular disability on identity cards rendered PWDs vulnerable especially in emergencies.

4.6 Minority Groups

Image 9 Members of the Coloured Community at NI public hearings

- Minority groups face various challenges in accessing documentation[107].
- Ninety-five percent (95%) of the **San community** were un-documented[108].
- High illiteracy and poverty levels marginalised them and made it difficult to access documents.
- Language barriers exacerbated lack of documentation[109].

[106] This was to allow the mentally impaired person to be assisted in registration due to lack of contractual capacity.

[107] The minority groups who gave evidence were the San community, Doma people, Tonga people and the Coloured (mixed race) community.

[108] Findings from Commissioners visit to San community in December 2019.

[109] Submissions by representatives of the Doma people (from Kanyemba in Mbire, Mashonaland Central) and of the San people (Thwai San Development Trust in Bulilima, Matabeleland South)

Challenges and Issues Faced by Special Interest Groups

- Access was limited by the distances they had to travel to the DRG's office and the costs involved were deterrent.
- Their understanding of the importance and value of these documents was poor.
- Most San women give birth at home and do not register the births.
- The **Tonga community** stated that long distances to the nearest DRG service center was an issue of concern.
- Some communities[110] were prone to attacks by wildlife since they walk an average of twenty-five (25) kilometers to access the DRG services.
- **The mixed race (Coloured) community** highlighted that they suffer discrimination as they cannot access land from places of origin as their "*double zero*" classification on national identity documents is not related to any district.
- The **Doma community** live in remote areas where social services are not accessible. As a result, they travel long distance to access registration services.
- Nearest DRG office from Chapoto (in Mashonaland Central is about 105km) and transport is very costly, especially when covering transport costs for witnesses.
- Ninety-five percent (95%) of the community does not have passports.
- A substantial number of members of the Doma community do not have access to death certificates.

4.7 Elderly Persons (60 years +)

Image 10 Participation of Elderly persons in the NI process

- Elderly persons above the age of sixty years (60) who have identity cards without birth certificates find it difficult to get birth certificates because the DRG's offices asked for either their parents or witnesses who are ten (10) years older than them- a requirement that is difficult to fulfil. In addition, the DRG officials do not find it necessary to issue birth certificates to elderly persons because they can be issued with passports without the birth certificates. This fact is however, unknown to many of the elderly persons.
- This group experienced difficulties in accessing documentation due to old age for example, loss of memory resulting in failure to remember the location of registry offices and details (such as where they came from, their villages, chiefs), difficulties in remembering their national identity numbers or birth

[110] These concerns were raised by the Communities in Mola, Mashonaland West Province.

certificate entry numbers after losing their documents (for instance lost in a natural disaster or during Gukurahundi).mental confusion resulting in failure to organize information that may assist them in getting registered, sickness and disabilities (constant illness, blindness, dementia, stroke, being bed ridden)[111].

- They lack transport and funds to access the DRG offices.
- Elderly women bear the burden of looking after minor un-documented grandchildren left by their parents who either migrated or were just irresponsible or were deceased.
- They often lacked appreciation of the requirements.
- They were too poor to afford costs of registering their grandchildren.
- Their burden is increased when their un-documented grandchildren cannot access food aid, enrol for BEAM or fail to attend school beyond Grade 7.

4.8 Foreign Nationals from the SADC Region

- Foreigners who were born in Zimbabwe before 2013 to one or both parents who were citizens of a country which became a member of Southern African Development Community (SADC) and were ordinarily resident in Zimbabwe were not aware that they qualified for citizenship by birth[112]. As a result, they remained with their old identity cards with the restrictive alien status.
- They were not aware that the fee for regularisation of their citizenship was ZWL40 as opposed to the ZWL5000[113].
- Inconsistencies from the RG's Office in dealing with the issue of alien national identity documents and citizenship were noted. This occurred in cases where one parent was Zimbabwean and the other a non-Zimbabwean. Children were issued with alien national identity documents instead of citizen national identity documents[114].

4.9 Prison Inmates

- A large proportion of inmates[115] did not have birth certificates or national identity cards. This affected their chances of furthering their education and opportunities for rehabilitation efforts such as vocational skills[116].
- Un-documented inmates were unable to get the supporting documents and witnesses required to acquire national documents. This was because their relatives did not have money to travel and assist them to get registered or they abandoned them once they were incarcerated.
- Those without national identity cards were at the risk of not being granted bail.
- Inmates without identification documents are not eligible for age related Presidential pardons and amnesties as their ages were unknown.
- Children were sometimes tried in the adult justice system as their age was not known. The age estimation service in government hospitals is inefficient.
- The Zimbabwe Prisons and Correctional Services (ZPCS) has a bilateral agreement for interstate transfer of inmates who are convicted and sentenced in other jurisdictions, namely, Zambia and

[111] Submission by Zororai Old People's Home in Mutare, Manicaland Province.
[112] See Section 43 of the Constitution.
[113] Payable by foreigners who wish to acquire Zimbabwean citizenship by registration as per Statutory Instrument 12 of 2009 published on the DRG website http://www.rg.gov.zw/index.php/services/zimbabwean-citizenship as at 25th February 2020.
[114] Contrary to Section 35 of the Constitution which provides for citizenship by descent where one of the parents is a Zimbabwean.
[115] The ZHRC received written and oral submissions from inmates from Whawha Young Offenders Prison, Marondera (St Thomas) Prison, Gokwe Prison, Chinhoyi Prison and Chikurubi Prison. As part of the National Inquiry process, Commissioners undertook a field visit to Khami remand Prison and Mlondolozi Female Prison.
[116]For example, in Midlands Province a total of 337 (332 males, 5 females) inmates did not have birth certificates, 352 did not have IDs (346 males, 6 females) at the time of the Public Hearing.

Challenges and Issues Faced by Special Interest Groups
Mozambique to enable such inmates to serve their sentences in their country of origin. Inmates in these countries who claimed to be Zimbabweans could not benefit from the bilateral arrangements without documentary proof. - The ZPCS has a mandate to ferry inmates to the DRG's office to apply for national documents but fuel shortages hamper these efforts. - The DRG's office carries out mobile registration programmes in some prisons. However, most inmates failed to acquire national documents due to inability to meet the legal requirements.
4.10Gukurahundi-affected Communities
- Adverse effects of Gukurahundi on accessing national documents, particularly birth certificates and national identity documents are still being experienced[117]. - Many people lost documents as a result of Gukurahundi. - Citizens failed to get death certificates from the DRG's office in cases of missing persons from the Gukurahundi period in the 1980s[118] and this has resulted in generations of un-documented persons. - People affected by Gukurahundi cannot get birth certificates and national identity documents in many instances because they are required to produce death certificates of their parents (who died or went missing during Gukurahundi) or, in the absence of a death certificate they are required to bring witnesses, who are often scared to testify about the death of their relatives[119]. - Gukurahundi affected communities are reluctant to participate in national processes, including mobile registration programmes, as these constantly remind them of Gukurahundi. - Lack of truth, healing and reconciliation programmes for the communities affected by Gukurahundi negatively impact on their willingness to try to get national documents, especially when they encounter hurdles in approaching the DRG's offices[120]. - Approximately ninety per cent (90%) of those who experienced Gukurahundi are suffering from mental health challenges[121].
4.11 Tongogara Refugees
- Where applications for refugee status were declined,[122] applicants did not qualify to get any documentation from the DRG's office. This problem of rejected refugee applications affects applicants who continue to stay at Tongogara since 2010. At the time of the field visit, there were seven hundred and sixty-nine (769) rejected applicants residing at the camp. - Children whose parents were denied refugee status are not issued with birth certificates despite being born in Zimbabwe.

[117] Submissions received from Midlands, Matabeleland North and South Provinces.
[118] Submission by Habakkuk Trust.
[119] Evidence gathered during the Commissioners' field visits to Balagwe in Matobo District (Matabeleland South).
[120] This was exhibited by one witness aged 45, from Beula, Matobo District who appeared distracted and incoherent in her testimony. For example, she stated that her mother was 13 years of age. Her challenge was that she and her siblings, as well as their children were un-documented. It was reported that the witness' mother was also mentally impaired as a result of the trauma she experienced during Gukurahundi.
[121] The Councillor for Beula Community in Matobo District.

[122] As part of the National Inquiry processes, the ZHRC Commissioners conducted field visits to selected communities whose documentation challenges are exacerbated by vulnerability and or marginalization during the period 16 – 20 December 2019. One of the communities visited was the refugee community at Tongogara Refugee camp on 19 December 2019.

Image 11 Tongogara Refugees

- This also affected children of discordant parents where one parent had refugee status but the other was rejected – the children were not issued with a birth certificate.
- Even in circumstances where the mother has a national identity card, the registration laws applicable to citizens of Zimbabwe where a mother can register her children in her own surname do not apply to refugees. The children have to be jointly registered by both parents.
- Over one hundred Rwandese who arrived from Rwanda between 1995 and 1998 due to the Rwandan Revolution[123] and were affected by the Cessation Clause.[124] [125]However, they highlighted that they were unwilling to return to Rwanda because the circumstances that caused them to flee from the country had not changed and their lives were still at risk should they return.
- One thousand, five hundred and seventy-six (1,576) Mozambicans came to Tongogara Refugee Camp in December 2016 at the height of tensions between RENAMO and FRELIMO[126] in 2013 and 2018. These Mozambicans were treated as asylum seekers as opposed to refugees. The challenge however was that without refugee status, they were not issued with temporary residents permits. Furthermore, they could not acquire national identity documents and their children could not obtain birth certificates and national identity documents.

[123]Also known as the Social Revolution or Wind of Destruction which unleashed a period of ethnic violence in Rwanda from 1959 to 1961 between the Hutu and the Tutsi, two of the three ethnic groups in Rwanda.

[124] In terms of Article 1C (5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses). The Cessation Clause is invoked when the circumstances in the country of origin that caused a refugee to flee no longer exist. The cessation clause for Rwandan refugees was declared by the UNHCR on June 30, 2013. That clause nullifies the refugee status for them, leaving them with two options of either repatriation or naturalisation as citizens of the host countries. Accessed at https://www.unhcr.org/rw/returnees on 28/01/2020.

[125] The deadline for voluntary repatriation of Rwandese affected by the cessation clause which terminated their refugee status was in 2015 and was extended to December 31, 2017 as agreed between UNHCR, Rwandese government and host countries.

[126] Mozambican Political parties

Challenges and Issues Faced by Special Interest Groups

4.12 Disaster-Affected Communities – Cyclone Idai

- Cyclone Idai victims in Chimanimani lost national documents during the floods. Service delivery was disrupted, including the Kopa DRG sub office, which was destroyed.
- Mobile registration for Cyclone Idai-affected communities assisted at least eighteen thousand, four hundred and seventy-seven (18,477) people in Chimanimani to acquire identity documents (as at 12 December 2019). It was however, hampered by unavailability of electricity due to inadequate power backup. This affected the printing and processing of national identity documents. Shortages of consumables, verification of fingerprints which took longer than expected and overwhelming high demand for documents[127] also affected access to documentation for everyone affected by the disaster.
- The mobile registration programme did not manage to serve all those affected[128] since only one mobile registration team was deployed in Chimanimani.
- The DRG officials still required national identity document numbers and birth entry numbers despite reports by victims that documents were destroyed. Those who had forgotten them could not be assisted on the spot as they needed to first verify in the system or through fingerprints. Those who made initial applications faced less challenges compared to those who sought to have replacements.
- People who applied for birth certificates and national identity cards at Kopa were told by the DRG mobile registration officials to follow up for collection of birth certificates and national identity cards at the next mobile registration centre. Most people failed to raise the bus fares to follow up and collect their national documents. There were no efforts by the DRG office to come back to centres where mobile registration had been conducted to issue people with the national documents they had applied for.

4.13 Border Communities

- Communities who live along the country's borders often find it difficult to establish their actual nationality. In Mashonaland Central, this was prevalent in areas bordering Zambia and Mozambique, such as Mbire, Muzarabani, Mount Darwin and Rushinga[129].
- They travel long distances to health care facilities in Zimbabwe, so they often deliver their children at home, or at nearby health facilities in neighbouring countries, making it difficult to acquire birth confirmation records needed for registration in Zimbabwe.
- Many women give birth across the borders because of better health facilities, or because they work there. In cases where they obtained a birth confirmation record from the other country, the DRG's office requested for immigration clearance in some provinces (e.g. Matabeleland South, whereas in Bulawayo this was said not to be a requirement).
- Some witnesses had health cards, and not birth confirmation records, for a child born in South Africa, and the DRG offices refused to accept these as proof of birth for purposes of birth registration.
- Intermarriages between Zimbabweans and foreign nationals sharing borders with Zimbabwe create challenges in acquiring national documents such as birth certificates for children where a foreign parent especially a mother does not have national documents.
- While there is an option for a Zimbabwean woman married to a foreigner without national documents to register their children using her maiden surname, some male witnesses of foreign descent did not accept this option.
- It was observed that generational challenges of non-documentation are prevalent in border communities.
- It was gathered that some Zimbabweans who gave birth and immunised their children in Mozambique faced challenges in acquiring birth certificates due to the fact that the DRG's office inspected them for the Zimbabwean BCG immunization mark which is different from that of Mozambique. Once an immunization mark for Mozambique was located, this category of people failed to be registered as Zimbabweans and were automatically presumed to be Mozambicans.

[127] As reported by Provincial RG Manicaland Province.
[128] Evidence gathered during the field visits in December 2019 by Commissioners
[129] As reported by Provincial Registrar for Mashonaland Central.

CHAPTER 5: THE IMPACT OF LACK OF DOCUMENTATION ON THE ENJOYMENT OF FUNDAMENTAL HUMAN RIGHTS

Image 12 Witnesses narrating the painful impact of lack of documentation on their human rights

5.0 Introduction

Zimbabwe's Constitution provides for a number of fundamental human rights and the enjoyment of these rights depends on a variety of issues, systems, procedures, personnel and even structures. Documentation as has been previously indicated is a critical tool that has a major bearing on the enjoyment of rights. ZHRC in its work on this issue discovered a number of findings which highlight this particular aspect of documentation.

This Chapter is a summary of key research findings that came out of the National Inquiry that documented the impact of lack of identity documentation on the enjoyment of fundamental rights and freedoms. It was earlier indicated in this Report that one ground justifying the ZHRC decision to conduct the National Inquiry was the impact of non-documentation on realisation of rights. Chapter 4 Part 2 of the Constitution elaborates the human rights and freedoms that every person is entitled to. Access to documentation as encompassed in the right to nationality, name and birth registration is a right on its own and a foundation which facilitates enjoyment of other rights such as education, political rights and access to social welfare. Fundamentally, access to documentation cannot be promoted without understanding that when it is not protected, there is negative impact on the enjoyment of human rights which the Zimbabwe Constitution guarantees.

In every submission of testimony made, individuals and groups could link the lack of documentation to certain human rights that they were failing to enjoy as demonstrated in annexure 7. It was very evident that non-access to documentation impacted negatively on the enjoyment of human rights for a significant number of people who took part in the inquiry as illustrated in detail in **Figure 13 below**.

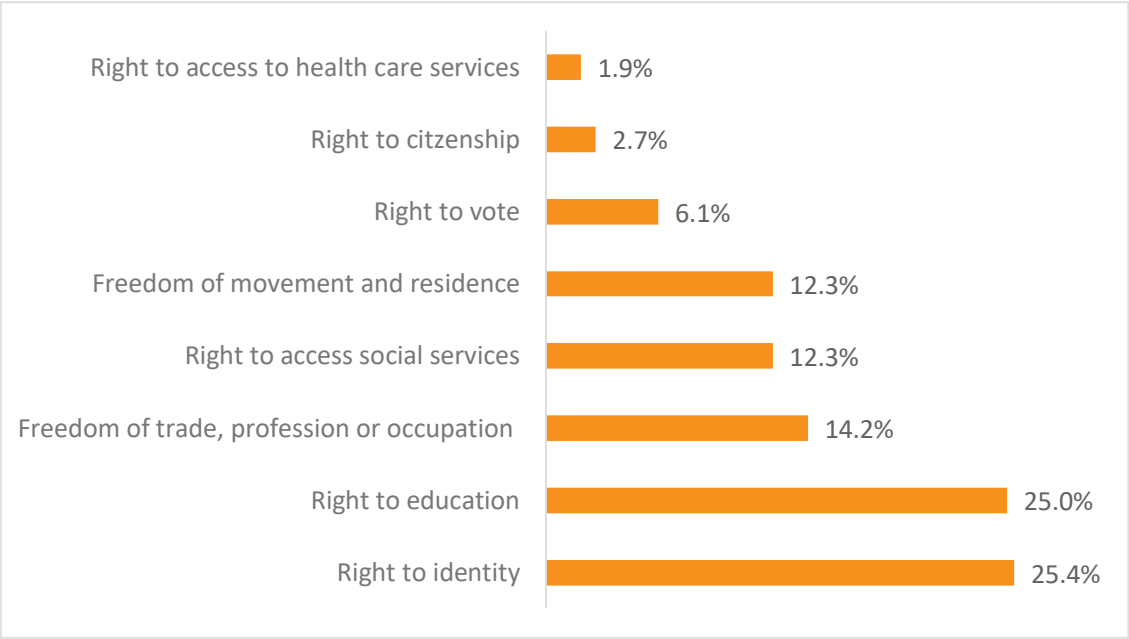

Figure 13 Impact of lack of documentation on the enjoyment of human rights

For certain human rights and freedoms to be enjoyed, a national document is a prerequisite. Failure to acquire the documents results in non-enjoyment of those particular rights. For instance, evidence gathered revealed that people were disenfranchised from exercising their right to vote. People also failed to access education, health, property and social welfare among other rights. The ZHRC is particularly concerned about the violation of human rights due to lack of documentation, hence the interest to ensure universal access to documentation in Zimbabwe.

5.1 Analysis of Human Rights Affected by Non-Documentation

HUMAN RIGHT/FREEDOM INVOLVED[130]	ELEMENTS VIOLATED
5.1.1 Right to Nationality/Citizenship at Birth (section 35)	↓ Deprives children of the right to nationality and birth registration at birth. ↓ Deprives affected persons of their right of legal recognition later in life. ↓ Un-documented children at risk of statelessness at birth and later in life[131]. ↓ Deprives affected people of protection of the State wherever they maybe. ↓ Deprives affected people of the right to passports and other travel documents. ↓ Failure to benefit and enjoy other human rights and entitlements enjoyed by citizens, such as access to social services and political participation.
5.1.2 Freedom of Movement within and outside of the Country (section 66).	↓ Restricted movement in and out of Zimbabwe. ↓ Those affected cannot fully enjoy their socio- economic rights, because they cannot make a livelihood through cross border trading. ↓ Affects enjoyment of the right to life, personal security, and human dignity, as people risked their lives by crossing the borders illegally. ↓ Increased corrupt activities in order to acquire documents and cross borders illegally. ↓ Affects the right to health care, since people fail to seek medical treatment outside the country.
5.1.3 Political Rights (section 67)	↓ Failure to vote in all elections and referenda. ↓ Inability to stand for elections into public office as un-documented people are regarded as foreigners. ↓ Inability to affect the election by participating in the making of political choices. ↓ Cannot fully participate in the activities of a political party as identity documentation is required in order to participate meaningfully. ↓ Right to form a political party undermined by lack of identity document which is required to register oneself as leader of the party. ↓ Participating as election agents not permissible without an identity document.
5.1.4 Right to Health Care (section 76)	↓ Failure to access treatment at many health institutions where national identity documents are required. ↓ Inability to be a member of a medical aid society or medical insurance company. ↓ Exclusion from life assurance as proof of age is important in computation of premiums payable. ↓ PWDs without passports, cannot access duty-free assistive devices and technology available from other countries.[132] ↓ This also affects other people without passports who want to seek medical health care outside Zimbabwe. ↓ Withholding of birth records to induce settlement of debts violate the child's right to registration and nationality/citizenship at birth. ↓ Non-documentation places children outside of the policy of free services of children under the age of five (5) years. ↓ Non-documentation of senior citizens deprives them of benefiting from policy on free services for those above 65 years of age.

[130] In terms of the Constitution of Zimbabwe

[131] Statelessness arises from gaps in law and practice that deny an individual the right to a nationality at birth or later in life. Effectively, witnesses without national documents are alienated from Zimbabwean citizenship as enshrined in section 35, in particular subsection (2), which gives only legally recognised Zimbabwean citizens entitlement to the rights, privileges and benefits of citizenship.

5.1.5 Access to Social Welfare (section 30)	↓ Disqualification from accessing social services, such as food aid programmes, school grants, other relief programmes taking place in communities e.g. school children failing to qualify for the Basic Education Assistance Module (BEAM).
5.1.6 Freedom of Profession, Trade or Occupation (section 64)	↓ Failure to secure employment even manual jobs. ↓ Prison inmates without identity documents fail to sit for public academic examinations and trade tests for vocational skills training offered in prison workshops as part of their rehabilitation. ↓ Inability to apply for mobile money accounts, bank accounts, or register telephone lines. ↓ Prison inmates without documentation cannot sit for trade tests which are part of their rehabilitation. ↓ Face exploitation in workplaces especially abroad as a result of lack of documentation i.e. passports.
5.1.7 Right to Property (section 71)	↓ Failure to access pension due to lack of death certificates of breadwinners and national identity documents for beneficiaries. ↓ Inability to benefit from transfer of ownership of property like deceased estates. ↓ Access to land is restricted or unavailable e.g. mixed race (coloured) community cannot access land from places of origin as their identity coding is not related to any district. ↓ They also failed to register for residential stands with local authorities. ↓ Registration of immovable property not possible as a national identity number is required as a means to reduce fraud in property transfer. ↓ Unable to open bank accounts to keep savings or transact internationally.
5.1.8 Right of Accused, Arrested and Detained Persons (sections, 50, 69, 70)	↓ Denial of speedy trial for children who have no documents to prove their age due to the need for age estimations. ↓ Children without identity documents are at risk of being tried as adults and not benefit for the Pre-trial Diversion Programme. ↓ Inmates without identity documents may not benefit from Presidential Pardon. ↓ Bail may be denied if identity of accused person cannot be established. ↓ A person without an ID may be detained for security reasons only to be released once their identity has been established. ↓ Access to justice may be hindered where an applicant cannot establish their identity and therefore their right to approach courts of law.
5.1.9 Right to Human Dignity (section 51)	↓ Affected people suffer low self-esteem and loss of dignity. ↓ They lack a sense of their belonging to Zimbabwe and to their local communities. ↓ They feel that they are not equal human beings. ↓ They also face stigmatization as some may be subjected to insults and name calling by relatives, communities and public officials. ↓ Treatment at DRG offices sometimes undermines dignity when mistreated as a result of failure to bring appropriate supporting documents and simply due to bad attitude by staff. ↓ Patriotism or nationalism is undermined due to lack of sense of belonging leading to insecurity.
5.1.10 Right to Education (sectio[133]n 75)	↓ Failure to enrol in school or pursue further education including sitting for public examinations. ↓ Examination results and certificates for affected children may be withheld. ↓ Inability to participate in sporting activities, extra-curricular activities and educational tours. ↓ Failure to access educational scholarships and social services support such as BEAM. ↓ Failure to pursue career based on one's talents. ↓ Access to adult education hindered by lack of documentation.

[133] These are fundamental human rights and freedoms as provided for in the Constitution and international human rights treaties of relevance to Zimbabwe.

5.1.11 Right to Liberty and Security of the Person (Section 49, 52)	➢ Un-documented people often detained indefinitely until their identity has been established. ➢ Unable to convene public meetings or gatherings in terms of laws such as the Maintenance of Peace and Order Act as they are unable to satisfy requirements that include names and identity numbers of conveners.
5.1.12 Right to Administrative Justice (section 68)	➢ Right to administrative justice for administrative decisions that deny them access to documentation. ➢ Wrong administrative decisions denying them documentation based on uneven application of administrative requirements for registration which the law does not require. ➢ Delayed visits by DRG staff to investigate or confirm circumstances of birth amounts to impromptu administrative decisions contrary to section 68. ➢
5.1.13 Right to Equality and Non-discrimination (section 56)	➢ Un-documented people deprived of opportunities sometimes for reasons beyond their control. ➢ Inherent discrimination in the law allowing one sex to register a child alone while the other is not, based on perceptions contrary to the Constitution. For instance, registration of children born out of wedlock in terms of the BDR Act. ➢ Non-registration of children born in Zimbabwe to unsuccessful asylum seekers and refugees or un-documented foreign nationals is unjustifiable discrimination. ➢ All other differentiation that follows as a result of non-documentation amounts to unfair discrimination contrary to the Constitution. ➢ Non-documentation based on lack of financial resources is unfair discrimination. The circumstances of each applicant should be assessed individually.
5.1.14 Marriage Rights (section 78).	➢ Non-documentation leads to child marriages as children especially girls end up getting married to adults before they attain legal age of majority of 18 years. ➢ Failure to contract a civil law marriage without identity documents.

From the above analysis, it is clear that the lack of national documents impacts on the enjoyment of fundamental human rights and freedoms. It is therefore imperative that access to documentation is enhanced and protected.

PART C: ANALYSIS OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

Image 13 Success stories of people who managed to obtain documents during public hearing sessions

CHAPTER 6: ANALYSIS OF FINDINGS

6.0 Introduction

The findings of the National Inquiry were analysed and categorized as follows: root causes; policy, legal, administrative; gender dimension; cultural dimension; family structure; and knowledge, attitudes and beliefs as described in detail in this Chapter.

6.1 Policy Framework

National policy frameworks in any country are critical for setting the administrative architecture for development and service delivery to the public. Additionally, policy frameworks inform the development of critical legislation on various issues in a country. Policies also set the agenda for the executive by providing for values and principles that underpin Government interventions. These values and principles could include diversity, inclusion, gender equality and affordability of services to mention but a few. The findings have shown that Zimbabwe has a deficit in terms of national policy framework on national documentation. This lack of relevant national policy framework has also resulted in a lack of internal institutional policies, procedures and guidelines. Where these are available, they were developed without any vision, agenda or priorities. Notably, the DRG has developed internal policies governing births and deaths registration which are being implemented inconsistently by different offices and officers across the country.

It was observed that despite having constitutional provisions such as section 264 on devolution of governmental powers and responsibilities, critical government departments such as the DRG, continue to remain largely centralised. This has been the root cause of the numerous challenges that people are facing in accessing documentation. The impact of such centralisation is that people in remote areas remain un-serviced and un-documented.

6.2 Legal Framework

Zimbabwe has a robust constitution. However, the legal framework regulating access to documentation was found to be lacking and inadequate in some instances resulting in non-documentation.

6.2.1 Births and Deaths Registration Act

Section 10 of the BDR Act makes registration of all births and deaths compulsory in Zimbabwe. It is clear that the intention of the Legislature was to ensure that every child born in Zimbabwe is registered and that measures need to be put in place to facilitate easier registration processes. However, evidence particularly in the Harare Metropolitan Province, revealed that registration proved to be a big challenge for a significant number of people due to measures that were rigidly applied without taking into account the difficult circumstances of people seeking registration. The sentiments of most DRG personnel were that their job was to follow guidelines and not depart from such policy positions even if it resulted in non-registration. Their conduct is contrary to the intention of the Legislature to get everyone in Zimbabwe registered, regardless of status, citizenship, or other grounds. It was highlighted that birth certificates issued to non-citizens do not confer citizenship as they are just a record of the birth that has occurred in Zimbabwe.

6.2.2 Lack of Regulations

It was noted that lack of regulations to implement the BDR Act, was behind some of the legal challenges for documentation yet section 26 of the Act provides for room for the adoption of regulations. Regulations should prescribe all matters required or permitted by the Act as necessary and convenient for carrying out or giving effect to the BDR Act. In order to fill this vacuum, the DRG came up with a Procedure Manual, which guides the implementation of the provisions of the Act. This Manual does not carry the force of law and has been susceptible to too much discretion and inconsistent application by the DRG personnel[134]. It should be underscored that the Procedure Manual referred to remained in draft form since the inception of the National Inquiry and was still being reviewed, hence the DRG was unable to submit it as part of the official documents for review by the National Inquiry.

[134] For example, DRG personnel in some Provinces would claim that finger prints expired in six months whereas in other Provinces the same were deemed not to expire. This resulted in a significant number of people failing to access documents.

6.2.3 Discriminatory Provisions

Section 56 (2) of the Constitution provides for equality between women and men, including the right to equal opportunities in political, economic, cultural and social spheres. Further, section 80(2) of the Constitution elaborates on equality in the guardianship of minors. Additionally, section 56(3) prohibits discrimination on grounds of status including whether one was born in or out of wedlock. Section 19 (1) of the Constitution states that the state must adopt policies and measures to ensure that in matters relating to children, the best interests of the children concerned are paramount. Interestingly, section 12 (2)(b) of the BDR Act provides that a registrar shall not enter in the register the name of any person as the father of a child born out of wedlock, except— **if the mother of the child is dead or has abandoned or deserted the child,** (emphasis added) upon the request of the person acknowledging himself to be the father of the child. The language in this provision is first and foremost discriminatory as it singles out children born out of wedlock, which not only affects their right to access documentation but also their social well-being.

Cognisant of the fact that equality and non-discrimination are enshrined in the Constitution, the said section 12 of the BDR Act allows fathers to register children without the need for joint request with a maternal relative in the event that the mother is deceased, abandoned or deserted the child. Evidence on the ground reveals that there is a mis-interpretation and mis-application of this section by the DRG officials who tend to place more weight on the provisions of section 12(2)(a) of the same Act which provides for joint request for registration by the mother and father when interpreting section 12 (2)(b).They do so instead of seeking a way of arriving at the best possible solution to resolve difficult circumstances faced by fathers who have custody of children whose mothers have died or abandoned and deserted them. The births of a significant number of children are un-registered because fathers cannot meet the requirements to bring maternal relatives who are unknown or whose whereabouts are unknown or refuse to co-operate. Fathers across all provinces testified that they were frustrated by their failure to register their children in the absence of the mother. The stringent internal DRG requirement of maternal relatives as the only witnesses should be removed because it is not prescribed by law. Suggestions were made that there be consideration of other members of the community like traditional leaders, local leadership and neighbours who can attest that a certain man is the father of the child.

6.2.4 Lack of Legislation Regulating Issuance of Passports

Applications for passports and other travel documents can be made at Provincial DRG offices or foreign missions. The DRG's office has indicated that their internal passport rules require that an applicant comes personally with copies of a birth certificate, national identity document and passport sized photos. Similarly, renewal and replacement of passports and travel documents requires the same documentation as an initial application without which none can be issued. This is observed as unnecessary since applicants for renewal or replacement would be dealing with the same issuer of all these documents. This encumbers people with administrative processes which are not prescribed by the law and lack administrative sense/coherence in view of the fact that the DRG's office already possesses this information in their data base. This situation exists due to the lack of legislation which prescribes the application requirements and the fees payable. Internal policies and regulations for Government institutions should be developed in compliance with the law and should not take away rights provided for by statute. There is therefore, need that such policies be urgently reviewed and aligned with the Constitution and other laws of the country.

6.2.5 Registration of Children Born of Separated Parents

A challenge was noted in relation to women with civil marriages but on separation with their husbands without dissolution of the marriage by the High Court, who have children with other men. In such instances, these women face challenges in registering children born outside the civil marriage due to the legal presumption that husbands with whom they are in the undissolved civil marriage are the fathers, unless the husband co-operates and deposes to an affidavit declining paternity of the child born outside of the civil marriage. This issue requires further analysis and review by the DRG.

6.2.6 Citizenship Act

Section 36 of the Constitution allows for dual citizenship to all citizens of Zimbabwe by birth. However, Section 9 of the Citizenship of Zimbabwe Act prohibits dual citizenship. It is therefore, unconstitutional insofar as it applies to citizens by birth and needs to be aligned to the Constitution.

6.2.7 Registration of Children Born to Parents of Indeterminate Nationality

The National Inquiry gathered that children born to parents of indeterminate nationality[135] have been denied the right to be registered at birth in Zimbabwe. Further, there are no legal provisions to guarantee that such children who are born in Zimbabwe are not at risk of statelessness. However, while Zimbabwe is a party to the 1954 United Nations Convention Relating to the Status of Stateless Persons, it has not yet ratified or acceded to the 1961 United Nations Convention on the Reduction of Statelessness. There is, therefore, no protection for these children to acquire the nationality of the territory in which they are born and these children remain un-documented[136].

6.2.8 Enjoyment of Constitutionally Guaranteed Rights

The evidence tendered clearly indicated that human rights and freedoms guaranteed in the Constitution are violated due to lack of documentation. Enjoyment of a number of rights is linked to possession of national identity documents. The impact on the enjoyment of human rights is a great concern to ZHRC, whose core mandate is to ensure the enjoyment and protection of human rights. This calls for urgent attention to stem the negative impact, which has been felt by several generations of un-documented people.

6.3 Root Causes

The National Inquiry gathered evidence on the root causes and factors that hinder ease of access to documentation. These root causes, as will be noted herein, have a major bearing on the various challenges that people have in terms of accessing documentation in Zimbabwe.

6.3.1 Absence of Parents

Absence of parents who have the primary responsibility of registering children due to death, migration or unknown whereabouts means that there is no one to facilitate the registration. Parental absenteeism has resulted in non-documentation. The percentage of unknown whereabouts of parents from submissions received was nine point three per cent (9.3%) out of thirty-eight point five per cent (38.5%) of people who indicated challenges under social and cultural norms. Numerous cases were heard of un-documented children left in the custody of relatives who the DRG turned away without registration because parents were required to be present.

> A 43-year-old inmate from Chikurubi Prison testified that he had failed to get identity documents for his children, because the mother had left for Swaziland before they could register the children. His worry was that his eldest son was “angry” at him, because the lack of an ID had resulted in him missing employment opportunities and he was risking his life crossing the border illegally, for survival opportunities.

6.3.2 Lack of Supporting Documents

Lack of supporting documents such as birth confirmation records, birth certificates and national identity documents required to facilitate acquisition of other documents was also noted as a challenge. Lack of birth confirmation records[137] was mostly caused by health institutions withholding birth confirmation records due to failure to pay hospital debts. This practice does not take into consideration the best interests of the child who has a right to birth registration in view of the fact that payment of hospital bills is a contractual obligation between the parent and health institution. Submissions received indicated that two point two per cent (2.2%) out of thirty-eight per cent (38%) of people citing registration issues stated that their birth records were withheld by health institutions.

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[135] See Chapter 4, Special Interest group on Refugee section. This category includes asylum seekers whose refugee applications have been rejected, Rwandan refugees whose refugee status has ceased and are not willing to return to their country and Mozambican asylum seekers whose refugee status has not been determined.

[136] In line with Zimbabwe’s obligations as a party to the African Charter on the Rights and Welfare of the Child to guarantee that “a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws”.

[137] Lack of birth confirmation records was also prevalent in cases were children were born outside the country especially in South Africa.

6.3.3 Late Registrations

Findings revealed that one of the root causes for non-documentation was late birth registration. While the law[138] provides that all births should be registered within forty-two (42) days after the birth of a child, people still registered births late because of several reasons discussed in Chapter 3. Late registration adversely affects documentation since the requirements increase and become more expensive and difficult to meet over time.

6.3.4 Poverty

Poverty and harsh economic conditions prevailing in Zimbabwe during the National Inquiry hindered access to documentation as people fail to meet the costs for services and travel to the DRG offices and ancillary issues, such as accommodation and food etc. It was noted that in most cases, transport costs of accessing the DRG offices are necessitated by the lack of decentralisation of significant number of services. For instance, transport costs of RTGS$200 from Gokwe to Gweru were more than the passport issuing fees of RTGS$53.

> Inaccessibility of DRGs offices is a hindrance to access to documents for communities for example in Insiza and Umguza, the nearest DRG's office is in Filabusi and there is no road network to get to Filabusi, such that people have to come via Bulawayo. The transport costs are not affordable to many in that community, about RTGS$60 to Bulawayo and then another RTGS$40 to Filabusi one way. And because the DRGs office gives numbers for people to be served per day, some get there late and fail to be served.

Additionally, exorbitant statutory fees of RTGS$5000 for citizenship applications affected most foreigners who failed to apply for citizenship by registration due to cost. Further, this fee does not distinguish applicants who have lived in Zimbabwe from a young age, including former migrant workers from neighbouring countries, from other foreigners seeking citizenship through registration.

6.3.5 Lack of Knowledge

In terms of the findings, lack of knowledge has led to non-documentation for a significant population in Zimbabwe. There is generally a huge knowledge gap[139] on the importance of and requirements for obtaining national documents, location of the DRG and on new developments relating to documentation. Further, there is also lack of knowledge that registration of birth is a legal requirement for every person, which must be done within forty-two (42) days of its occurrence. This was noted in Chapter 3 as a factor which escalated the problem for people in terms of accessing other national documents.

Lack of knowledge on registration requirements results in people being turned away for failure to meet requirements at the DRG offices. Currently there is little being done to bridge the knowledge gap by the DRG office as evidenced by general lack of information on requirements, lack of a department responsible for public education and awareness within the DRG. There is generally lack of IEC materials in vernacular languages, public billboards and information campaigns in the print and electronic media.

6.3.6 Generational Non-documentation

One of the major root causes of non-documentation are generational trends, which emanate from a plethora of reasons including Gukurahundi, un-documented grandparents and parents particularly mothers and death of parents before child is registered. For instance, a 57-year-old widow from Gwanda Rural District testified that her three children and five grandchildren were un-documented because she herself was not in possession of any national documents. Unless special measures are taken to break the generational cycle, the trend of non-documentation will continue.

6.3.7 Special Interest Groups

Vulnerabilities of special interest groups[140] require services that are responsive and tailor made to their peculiar needs so that barriers they encounter are addressed and access to documentation is enhanced. For instance, special consideration is required for Gukurahundi-affected communities and the special interest groups mentioned in Chapter 4.

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[138] Section 11 (2) (a) of the BDR Act [Chapter 5:02]
[139] See analysis of knowledge gap in section 6.8
[140] As discussed in Chapter 4 above.

6.4 Administration of Documentation

The multiplicity of players in the administration of documentation is a finding that needs to be highlighted. Various Government Institutions like the DRG and MOHCC to mention a few, are mandated to administer various aspects dealing with documentation but as noted from the findings, most of them have challenges in discharging that mandate. These administrative challenges pertain to human resources, material and financial constraints, internal inefficiencies etc. There is also lack of coordination and collaboration by the various institutions to streamline service delivery and ensure ease of access by citizens and residents.

The National Inquiry findings showed that there were loopholes in the cross sectoral approach to documentation. For instance, where applicants were turned away from the DRGs office for failure to meet requirements without being referred to the DSW in cases that required the Department to intervene through investigations and sociological reports. There were numerous cases where applicants were turned away for failure to produce birth confirmation records in instances where the DRG's office could communicate with health institutions to get the information required. The DSW highlighted instances where acceptance of their sociological reports was at the discretion of the DRG's office. Additionally, the ZRP and the DRG's office played a blame game when it came to delays in the processing of fingerprints. The above examples demonstrate the need for institutional co-operation and collaboration to optimise and improve access to documentation. This coordinating function is especially important for holding the service providers accountable where there are delays and challenges. Coordination among institutions in the registration process will speed up and remove red tape in issues where their involvement is required. A one-stop-shop will ease challenges when everything is now available under one roof.

The analysis of the impact of administrative challenges on documentation is highlighted in the **Table 14 below**.

Table 14: Impact of Administrative Challenges on Documentation

INSTITUTION	MANDATE	CHALLENGES	POLICY National, Internal or Procedure	IMPACT (How people are affected by the challenge)	GEOGRAPHIC REACH
Ministry of Home Affairs and Cultural Heritage	Policy formulation, Implementation and Oversight.	Lack of national policy. Policy overlap with other Government Agencies.	Not available.	No national values and principles set on documentation; hence some fail to be registered.	National

Department of the Registrar General	Processing and issuance of birth and death certificates, citizenship, national Identity, documents issuance of travel documents and other documents outside the scope of this National Inquiry.	Lack of adequate decentralisation. District and sub-offices not adequately resourced and providing limited and manual registration services. Shortage of consumables e.g. ink, passport paper. Shortage of equipment such as computers, printers, vehicles. Inadequate human resources. Delays in verification process of fingerprints required for registration. Red tape in the system of transmitting documents. Use of Standard Operating Procedures that are not adopted by the Department leading to inconsistencies in application (Draft DRG Procedure	Not available, Draft internal manual.	Lack of access to documentation in remote and rural areas. Costs (time and money), due to long distances being travelled to access documentation. Unavailability and unaffordability of documentation in the country Fatigue and high turnover of RG staff especially at sub offices. Long waiting periods for documents to be processed Inconsistencies leading to non-registration of people who should be registered Difficulties in replacing lost documents.	National

		Manual on Births and Deaths). Creation of redundancies for accessing information (e.g., need for birth certificate and national identity document to renew expired passport which information is already contained in their system. Lack of language diversity in human resources in communities they service. Citizenship applications only available in Harare.		Language barriers which result in spelling errors in documentation and delays in service.	
Immigration Department	Control and facilitation of movement of people into and out of the country and issuance of residence permits, spousal permits, temporary employment permits and ordinary residents permits.	Lack of decentralisation, offices only available at Borders, Harare and Bulawayo. Citizenship clearance applications only available in Harare.	None	Costs (time and money), due to long distances being travelled to access citizenship clearance.	National
Ministry of Health and Child Care	Issuance of Birth Confirmation Records and Health Cards.	Lack of enforcement of the policy deterring health institutions from withholding birth confirmation records for lack	Internal Minute prohibiting withholding of birth confirmation records.	Unable to register births.	National

		of payment of hospital bills			
Department of Social Welfare	Provide sociological reports verifying lack of parentage.	Lack of resources to implement their mandate of carrying out investigations needed for registration.	Not available.	Inability to register births and identity cards.	National
Ministry of Local Government and Public Works (Traditional Leaders Provincial Development Coordinators **District Development Coordinators)**	Verification letters to RG office to support applications for registration. Coordination of provincial and district development committee meetings involving stakeholders with a role on documentation.	Some RG offices refuse to honour the said letters. Lack of coordination on documentation issues.	Internal Policy.	Inability to register births and national identity documents.	National
Zimbabwe National Statistics Agency (ZIMSTATS)	To produce official statistics (aggregated numerical information relating to demographic, social matters at national, provincial or local levels etc)	No national statistics on documentation		Policy and legislative formulation are affected due to lack of evidence. Magnitude of the problem of documentation is unknown, therefore affects planning interventions	National
Ministry of Foreign Affairs and International Trade	Facilitates the issuance of all official documents such as ordinary service and diplomatic passports, temporary travel documents, police clearance, birth certificates and IDs for people outside Zimbabwe	No presence in all countries (diplomatic missions)		Failure to access documents for those in need	International, regional and national

Zimbabwe Republic Police	Provision of police reports for registration of abandoned children Processing of fingerprints	Delays in preparing and submitting reports		Non-registration of children	National

6.5 Gender Dynamics of Documentation

Gender dynamics have a major bearing on who and how one can access documentation. Zimbabwe continues to be predominantly patriarchal and as such, the administration of national documentation is also affected. The National Inquiry established that four thousand and sixty-five (4,065) females submitted written evidence on challenges related to accessing birth certificates compared to two thousand nine hundred and ninety-nine (2,999) males. An analysis of statistics from the National Inquiry database revealed that sixty-four point four per cent (64.4%) of women experienced economic challenges compared to thirty-five point six per cent (35.6%) of men experiencing the same, indicating that women are more likely not to afford costs related to access to documentation.

To illustrate gender disparity in accessing registration, it was established that women in particular bear a large part of the burden of registering their children. Physical access to registration offices and sites (including the time required) is more of a barrier for women than for men, especially women in rural settings. This is because women have many more demands on their time and in some communities, women cannot travel freely outside their village for security reasons. Failure to get consent from their husbands[141] can also prevent women from registering children.

Lack of access to formal health care facilities and other points of registration, as well as complex administrative requirements are often to blame for low and non-registration. For instance, women who travel out of Zimbabwe to give birth because of lack of health services in their communities indicated that they face challenges in registering their children because birth confirmation records were not readily available from the foreign health institutions. The DRG's practice of accepting an affidavit instead of a birth confirmation record should be universally adopted for all border communities where women give birth in neighbouring countries in search of health care services.

The economic factors impact on birth and other registration. Women, especially rural women, are in most cases economically vulnerable, therefore, poor women are not able to afford registration costs. Reducing cost barriers and ensuring that parents, especially mothers, have adequate information and knowledge about the benefits of birth registration is an effective method for tackling challenges in accessing documentation. Birth registration should not be cumbersome but take cognisance of their context and varying situations.

The patriarchal nature of society in relation to access to documentation also highlighted situations where women face a dilemma in the use of maiden surnames for birth registration of children. For example, where women had children born out of wedlock, the father had to be present in order for the child to be registered in his surname. Where the father is absent, use of the maiden surname often requires consent of the maternal relatives, which consent could be withheld for several traditional or social reasons including non-payment of lobola.

Another difficult situation arises where parents with a civil marriage are on separation before a decree of divorce is issued. In such cases women require an affidavit from the estranged husband to register a child born to another man during the subsistence of the marriage, even though they are no longer living together.

Further, it is a requirement for statutorily married women to bring a marriage certificate when applying for a passport, but this requirement does not apply to men. This amounts to a discriminatory practice.

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[141] During the Public Hearings the Commission experienced a significant number of female witnesses who failed to travel and give oral evidence because their husbands had not consented to them travelling alone to the hearings. These women missed out on the opportunity to get assistance from the DRG's help desk, Social Welfare help desk and the ZHRC help desk which were set up to assist those with documentation challenges throughout the hearings.

In relation to the girl child, failure to proceed with education due to lack of birth certificates often leads to early marriages. Without a birth certificate and an identity card, it is difficult to find gainful employment later in life.

6.6 The Cultural Dimensions of Documentation

Some sections of Zimbabwean society have strong cultural beliefs and practices that have a bearing on documentation and these result in barriers to the registration process. Thirty-eight-point five percent (38.5%) of the submissions received were on challenges related to socio-cultural norms. For instance, the law allows women to register children born out of wedlock in their maiden names where the father of the child is unwilling or unable to register the child. However, evidence received showed that women still found it difficult to register their children in their own names because of the cultural belief that children must carry their father's surname. They testified that their parents and relatives withheld permission to give their surnames to a child who did not belong to their clan/ totem, for cultural reasons. As such most of these children ended up being un-documented.

Further, evidence tendered showed that some DRG officials had cultural prejudices and perpetuated this discriminatory cultural practice by insisting that women should bring the fathers of the children, to be able to register the birth of the child, even in cases where women were willing to register children in their maiden names.

For all birth registration processes, the presence of the mother or mother's relatives is a pre-requisite. Evidence was received of instances where relatives of the mother of the child refused to cooperate with the father in facilitating documentation of children where ***lobola*** had not been paid. The demand for fulfilling this cultural practice results in some children not being documented. Point six percent (0.6%) of the thirty-eight point five per cent (38.5%) of the forms submitted where cultural barriers were cited related to non-payment of *lobola*. The DRG's department, traditional leaders and civil society's role are crucial in highlighting such practices and advocating for people to change attitudes. Parliament also has a critical role of legislating against harmful cultural practices.

The stringent requirement by the DRG of maternal relatives being present should be discarded and allow other members of the community (traditional leaders, local leadership and neighbours) to attest that he is the father. When one parent is deceased, particularly the mother, male witnesses reported that they faced difficulties in obtaining birth certificates for their children because the maternal relatives refused to cooperate.

6.7 Family Structure and Documentation

Legislation in Zimbabwe and societal norms generally presuppose a traditional standard family unit of father, mother and children. Evidence gathered revealed that the structure of the family is changing due to various factors such as death of one or both parents, divorce, family feuds resulting in refusal to assist in accessing documentation, migration of one or both parents leaving un-documented children in the custody of relatives and friends. Further, family units have changed to child-headed, children in custody of grandparents (in some cases ailing), neighbours, single parents and this has major implications on how people can be documented.

Current laws place the primary responsibility for registration of a child on the father and mother and not guardians or custodians such as relatives and friends or by a sibling, although section 12 of the BDR Act imposes the obligation of birth notification on a number of people other than the parents. However, consideration must be given to the reality of the new and emerging family structures to enable access to documentation by affected people.

6.8 Knowledge, Attitudes and Practices of Duty Bearers and Citizens towards Documentation

Duty bearers, especially at lower levels such as the DRG's District and sub-offices did not have sufficient knowledge of registration procedures resulting in citizens not being documented. This was evident during the Provincial Hearings where Provincial Registrars highlighted that some cases could have been easily resolved at sub-office and district level without turning people away or referring them to the Provincial Office. This was also buttressed by the fact that the DRG Help Desks at Provincial Public Hearings were able to resolve some of the long outstanding issues on documentation.

It was noted that there was poor customer service by some of the DRG offices. Submissions received highlighted complaints ranging from name calling, non-attendance to clients, disrespect and ill treatment of clients, which had an effect of turning away people or discouraging them from following up on the registration process. It is imperative that public service offices such as the DRG's office reaffirm the human dignity of the public through provision of good, effective and efficient customer care services. Inability to serve these customers effectively and efficiently could be stemming from lack of knowledge, or other factors which can only be verified if the DRG takes a survey of its staff and conditions of service.

Evidence gathered also showed practices by the DRG officials which militate against access to documentation. For example, practises such as using the type of immunisation mark as the only determinant of nationality without any other supporting evidence or investigation to establish nationality is too narrow a criterion and unacceptable. This was prevalent for people living in border towns with Mozambique. Such practices failed to take into account the dynamics of border communities e.g. Zimbabwean mothers giving birth and accessing health care services in neighbouring countries due to proximity of health facilities across the border compared to those in Zimbabwe. This resulted in people facing risks of statelessness and in turn affecting access to documentation and enjoyment of other rights.

Lack of knowledge on registration requirements can be attributed to non-availability of information on the law and other information necessary for registration including information on which offices to register, location of such offices, fees that must be paid, type of documents and number of witnesses to bring. The National Inquiry process established that legal awareness and empowerment is a critical aspect that must be available to all citizens and residents, if national documentation is to be effective. Furthermore, it was noted that women who give birth in hospitals or clinics were sensitised of the importance of registration as opposed to women who give birth at home.

In the past, there have been positive changes in the law, including the Constitution in terms of citizenship as illustrated by Section 43(2) (a), which provides for citizenship of a person by birth, if one or both of his or her parents was a citizen of a country which became a member of the SADC. This positive step was hardly known to the public and as such people who could have benefited from such a provision remained unregistered, without citizenship and at the risk of statelessness.

Illiteracy and lack of access to information on registration, contributes significantly to non-documentation. This shows the need for an effective information dissemination strategy that ensures that information reaches out to all communities and the DRG does not wait for citizens to first make a trip to find out on registration requirements and then go back to apply for the document.

It was also observed that there was a general perception among members of the public that it was difficult to register or access documentation. This was coupled with mis-information on the requirements for one to access documentation. For example, when people shared negative experiences on their visits to the DRG offices or the requirements for their own cases, which they had failed to meet, this deterred others who had not acquired documents from making any attempts to register.

A number of undesirable practices were identified, which members of the public have resorted to in order to ease the process of accessing documentation. For example, some resorted to giving bribes in order to facilitate or expedite the process for acquiring documents. Some also resorted to falsifying information to counter their inability to meet the requirements for accessing documentation.

CHAPTER 7: RECOMMENDATIONS

7.0 Introduction

The ZHRC came up with the recommendations drawn from the findings and outcomes of the Inquiry. The recommendations are targeted in that they are addressed to the relevant stakeholders or actors with the obligation to implement them. They are categorised into policy framework, legal framework, administration of documentation, gender dimension of documentation, cultural dimension of documentation, family structure and documentation and knowledge, attitudes and practices. Indicators for monitoring the implementation of each recommendation have been established and a time frame for implementation has been set as detailed in the recommendation's matrix in Annexure 16. The recommendations to specific Ministries, Departments and Institutions are outlined below.

7.1 Ministry of Home Affairs and Cultural Heritage (RG Department, Immigration Department and Zimbabwe Republic Police)

Policy Framework

1. Develop a national policy on access to documentation to provide guidance, strategies and framework on documentation.
2. Develop internal policies/procedures/manuals consistent with the law to provide guidance and instructions for the DRG staff on issuing of national documents.
3. Implement the Devolution Strategy in line with Section 264 of the Constitution to address lack of decentralisation of DRG services.
4. Conduct regular and well-resourced mobile registration programmes.
5. Investigate all allegations of corruption at the DRG offices and take measures to address this vice, such as installation of CCTVs at offices.
6. Formulate and implement policies on accelerated registration of internally displaced persons and all special interest groups[142].

Legal Framework

1. Amend Section 12 of the BDR Act to remove discriminatory provisions that affect registration of children born out of wedlock.
2. Develop Regulations to the BDR Act for better implementation of its provisions.
3. Take measures to ensure that all children born in Zimbabwe are registered at birth without discrimination in order to address the gap in the law that denies children born of indeterminate nationality the right to have their births registered.
4. Ratify the 1961 United Nations Convention on the Reduction of Statelessness and domesticate its provisions through nationality/citizenship laws so as to ensure that every child enjoys the right to acquire a nationality.
5. Amend the BDR Act to give responsibility of registering children to other categories of persons where parents are not available.
6. Align the Citizenship Act to the Constitution to allow for dual citizenship.
7. Develop a law or regulations to regulate and guide the issuance of travel documents.
8. Develop standard forms for schools and traditional leaders to be used in support of applications for birth registrations.

[142] See Chapter 4 on documentation issues and suggested recommendations in Annexure 16.

9. Review with the view to reducing the prescribed fees charged when one is applying for citizenship by registration in order to accommodate people who have lived in Zimbabwe all their lives as opposed to those seeking citizenship by registration under normal circumstances.
10. Lobby for an increase in budgetary support to the DRG to address shortages of equipment and consumables e.g. ink, passport paper, computers, printers and vehicles.

Administration of Documentation

1. Develop efficient systems of transmitting fingerprints between DRG and Criminal Investigations Department of the ZRP in order to address delays in the finger print verification process which is required for registering persons over twenty-one (21) years.
2. Adopt biometric system of registration and electronic storage and maintenance of past records.
3. Develop and adopt Manuals for processing national documents to curb the use of draft manuals that have not been formally adopted by the DRG, resulting in inconsistencies in registration.
4. Use existing information in the DRG's data base when renewing or replacing documents and desist from requesting for these from applicants.
5. Computerise all manual (handwritten) birth certificates and IDs as a matter of policy rather than on application for computerisation at the instance of clients.
6. Implement the Devolution Strategy in line with Section 264 of the Constitution, to address the inadequate decentralisation of the Departments.
7. Advocate for a one-stop-shop for service provision by institutions with a mandate to conduct national documentation (e.g. DSW) to be housed at the DRG Offices in order to promote coordinated services.

Gender Dimensions of Documentation

1. Use alternative supporting documents e.g. health cards and affidavits to address difficulties faced by women who give birth outside Zimbabwe in registering children where birth confirmation records are not readily available.
2. Formulate gender sensitive policies which take into consideration the gender dimensions of access to documentation, to address gender disparities in registration as women bear the burden of registering children in the majority of cases.

Cultural Dimension of Documentation

1. Conduct awareness raising campaigns to address cultural impediments which hamper access to documentation such as difficulties experienced by women to register children in their maiden names due to cultural beliefs that children must carry their father's surnames.
2. Enforce provisions of the BDR Act, which mandate relatives to facilitate the registration process so as to eliminate the cultural demand for outstanding lobola payment, which impedes registration in cases where the parents of the child are divorced, separated or one is deceased.

Family Structure and Documentation

1. Amend the BDR Act to include new and emerging or contemporary trends in the family structure to address changes in traditional family structure so as to enable registration.
2. Develop forms that take into account the evolved family structure to cater for family members who can facilitate acquisition of national documents on behalf of children.

Knowledge, Attitudes and Practices of Duty Bearers and Citizens towards Documentation

1. Undertake a comprehensive institutional and staff capacity assessment of the DRG and implement the findings to address the limited knowledge of staff on registration procedures that has led to citizens not being documented.
2. Retrain the DRG staff and re-orient them on the client service charters in order to address deficient customer service and the limited capacities on the Human Rights Based Approach (HRBA) to service delivery.

3. Induct staff on awareness of the intricacies of the local communities they are operating in order to effectively provide the requisite services.

4. Raise awareness on the importance of registration and requirements for accessing national documentation through publicity campaigns, development and dissemination of Information, Education and Communication (IEC) materials, in partnership with stakeholders such as United Nations Agencies and CSOs.

5. Adopt Standard Operating Procedures (SOPs) for processing documents to address inconsistencies in the information provided at the different DRG offices, to avoid people having to go back and forth to these offices.

6. Raise awareness on importance of documentation to address lack of prioritisation and procrastination of registration by the general public.

7.2 Ministry of Health and Child Care

Policy Framework

1. Ensure implementation of the policy directive prohibiting withholding of birth confirmation records by health institutions and personnel for non-payment of hospital fees resulting in failure to register births[143].

Administration of Documentation

1. Liaise with the DRG to ensure availability of birth confirmation record forms at all health institutions at all times.

2. Supervise adherence by health institutions to the policy prohibiting withholding of birth confirmation records for non-payment of fees for health care services rendered.

7.3 Ministry of Primary and Secondary Education

Policy Framework

1. Ensure implementation by all Schools of the policy allowing schools to enrol children without birth certificates pending birth registration.

7.4 Ministry of Justice Legal and Parliamentary Affairs

Legal Framework

1. Ensure ratification of the 1961 United Nations Convention on the Reduction of Statelessness and amend domestic legislation on nationality accordingly so as to ensure that every child enjoys the right to acquire a nationality.
2. Address the issue of children born to parents of indeterminate nationality denied right to acquire Zimbabwean nationality and placed at risk of statelessness.
3. Ensure enactment of a law and regulations on travel documents.

Gender Dimensions of Documentation

1. Formulate policies which take into consideration the gender dimensions of society.

7.5 Ministry of Finance and Economic Development

Administration of Documentation

[143] Minute from Ministry of Health and Child Care to Provincial Medical Directors and Chief Executive officers at central hospitals to prohibit withholding of birth confirmation records due to failure to pay hospital debts.

1. Increase allocation of funding to the DRG to enhance efficient service delivery and address shortages of equipment and consumables e.g. ink, passport paper, computers, printers and vehicles.

2. Grant Treasury concurrence for unfreezing of staff positions within the DRG to address inadequate human resources.

3. Grant Treasury concurrence to hire staff who are conversant in local languages in the relevant communities and who are disability-sensitive to address the lack of diversity in human resources.

4. Avail budgetary support for implementation of the Devolution Strategy in line with Section 264 of the Constitution to address the lack of decentralisation of the DRG.

5. Increase in budgetary support to the DSW to address lack of resources by the Department to implement its mandate of carrying out investigations needed to support applications for registration and acquisition of other national identity documents by vulnerable groups.

7.6 Parliament of Zimbabwe

Legal Framework

1. Pass the proposed pieces of legislation when suggested by various line ministries on access to documentation to address the lack of alignment and gaps in laws related to access to documentation.

7.7 Public Service Commission

Administration of Documentation

1. Unfreeze all staff positions within the DRG and seek Treasury concurrence to address inadequate human resources for this Department.

2. Grant the DRG permission to hire staff who are conversant in local languages spoken in the communities that they are deployed to address lack of diversity.

7.8 Department of Social Welfare

Administration of Documentation

1. Request an increase in budgetary support to address lack of resources for implementing the mandate of carrying out investigations needed to support applications for registration and documentation.

2. Facilitate registration of institutionalised children, PWDs and the elderly so that they can acquire national documentation.

7.9 Zimbabwe National Statistics Agency (ZIMSTAT)

Administration of Documentation

1. Produce vital statistics on documentation to address lack of national statistics on documentation.

7.10 Ministry of Local Government and Public Works

Administration of Documentation

1. Enhance Inter-ministerial co-operation and co-ordination among institutions with the mandate to facilitate processing of documentation such as MoHACH, MoHCC, DRG and DSW

7.11 Civil Society Organisations

Knowledge, Attitudes and Practices of Duty Bearers and Citizens towards Documentation

1. Raise awareness on the importance and requirements of accessing documentation to address limited knowledge and awareness of the general public on the registration requirements to access national documentation.

CHAPTER 8: CONCLUSION

8.0 Introduction

The National Inquiry established that a significant number of the population was un-documented due to a number of challenges that hindered them from accessing documentation. The Inquiry also made the finding that non-documentation has adverse effects on the enjoyment of fundamental human rights and freedoms. The proposed recommendations as outlined in Chapter 8 are aimed at addressing barriers to documentation so that people can enjoy these rights.

Despite the challenges of accessing documentation, the ZHRC noted some good practices and developments in the DRG that have been adopted to address some of the documentation challenges as noted below.

8.1 Good Practices in the Department of the Registrar General and Developments related to Access to Documentation

Since the launch of the National Inquiry in 2019, various developments and good practices in the DRG relating to national documentation were noted. These partly addressed some challenges faced by people in accessing documentation.

The DRG response to assisting Cyclone Idai victims to replace their lost documents was commendable. Mobile registration programmes were carried out in Chipinge and Chimanimani between September and December 2019. Nearly fifty thousand (50000) documents including birth certificates, national identity cards and death certificates that were swept away in the Cyclone were replaced. Those people who had never been registered before were able to apply and were issued with identity documentation.

It was also learnt that the DRG had started conducting mobile registration programmes on a regular basis to provide services to communities, as opposed to the past whereby these were only held during the run-up time to elections[144]. If mobile registration is carried out consistently, numbers of un-documented people will be reduced.

Further, the ZHRC was informed of the DRG strategy to increase birth registration in Bulawayo Province where the Office collaborates with FBOs, local community leaders and structures to compile their own population registers and submit to the DRG[145]. These registers are then used by the DRG to issue birth certificates and national identity documents. This strategy, if up scaled and replicated in other provinces, will have a positive impact on access to documentation.

The ZHRC also observed that Provincial Registrars possessed sound knowledge and understanding on challenges affecting access to documentation in their Provinces and their ability to proffer possible durable solutions matching the challenges was commendable. If harnessed, this knowledge can contribute to the building of an effective strategy for reform in civic registration and address barriers faced by people in accessing documentation.

Also noted were instances where the DRG Staff used internal referral system on registration, that is, where different officers informally solved issues pertaining to registration instead of referring the client to go to the issuing offices. There is, therefore, need to scale up and strengthen this internal referral system which eases the burden of registration on clients who have to access these offices at their own cost.

A new development that the ZHRC was informed about was the commencement of Customer Care Courses for DRG staff[146], to address the issue of quality service delivery to the public. This training will potentially address the problem of negative attitudes of some DRG Staff that was highlighted by people as a barrier to accessing identity documentation.

Furthermore, an amendment bill to the Citizenship Act, namely, the Zimbabwean Citizenship Bill,[147] was reportedly approved by Cabinet[148]. Among other things the Bill establishes the Citizenship and Immigration Board thereby taking the granting and revocation of citizenship by registration out of the sole control of the DRG[149] and aligning the Act to the Constitution on the issue of dual citizenship.

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[144] Through submissions by Provincial RGs (Harare, Mashonaland West and Manicaland Provinces.)
[145] For example, groups such as Killarney Squatter camp, Gospel of God Church in Entumbane and Johane Marange.
[146]This information was supplied by the DRG at a Meeting held with the Minister for Home Affairs and Cultural Heritage on 20 January 2020.
[147] Available at Ministry of Justice, Legal and Parliamentary Affairs website on http://www.justice.gov.zw/imt/wp-content/uploads/2018/06/Zimbabwean-Citizenship-Bill.pdf as at 17 February 2020.
[148] Zimbabwe: Cabinet Okays Citizenship Law Amendments to Bring Dual Citizenship, 27 February 2019 NewZimbabwe.com available at https://allafrica.com/stories/201902270121.html as at 17 February 2020.
[149] This would address the issue of broad RG Mandate as outlined in Chapter 6 on Analysis of Findings, Legal Analysis section.

Finally, various news articles reported on the DRG plans to accelerate the printing of passports. This was lauded as a welcome development since people have been waiting up to eighteen (18) months to take delivery of their passports.

8.2 Follow up Actions

The ZHRC will carry out follow up actions to monitor progress on the implementation of recommendations, which will be articulated in an action and monitoring plan. In addition to monitoring the implementation of recommendations, the ZHRC will also raise awareness on the human rights impact of lack of access to documentation. The Complaints Handling and Investigations Department of the ZHRC will conduct follow up action on complaints that were raised and cases that were taken up by the DRG throughout the National Inquiry process. On its part, the Monitoring and Inspections Unit will continue monitoring relevant institutions to assess the level of implementation of the recommendations.

8.3 Lessons Learnt in Conducting the National Inquiry

Lessons learnt in conducting the National Inquiry included but were not limited to the following:

1. Working with traditional leaders, local authority, CSOs and Councillors who are in direct contact with people, ensured the mobilisation of large numbers of persons affected by challenges of accessing documents. This enabled ZHRC to reach out to large numbers of people who had access to documentation challenges.
2. There was general appreciation by communities of the engagement by ZHRC as they were able to air their grievances and challenges, they faced. They felt heard. There is need for ZHRC to hold regular outreach meeting where they can meet people directly in their communities and hear their concerns. This would strengthen visibility and relevance of the ZHRC at grassroots level
3. More ZHRC teams and time for outreach meetings was needed during the field outreaches to cope with large volumes of people who attended.
4. Deliberate targeting of vulnerable and marginalised people ensured that they were included and participated in the National Inquiry process and public hearings. This was achieved by visiting institutions of Persons with Disabilities, Children's homes, Prisons and Elderly care homes. Minority communities were also visited in their particular communities, these included Doma, Tonga and San.
5. Marginalised and Minority groups needed more time to open up and participate in processes.
6. There was need for other communication and information dissemination means to raise public awareness on the National Inquiry. Radio and TV became severely affected by load shedding and power cuts. Social media platforms such as Twitter, Facebook, YouTube and other online platforms were used raise awareness.
7. There is need to minimise distances during fieldwork, particularly in view of current fuel shortages
8. Translation of witness submission in Shona and Ndebele, made it easier for most individuals in rural areas to complete.
9. Generally, there is need for increased human rights awareness in communities.
10. Validation meetings whereby all stakeholders were invited to make in put on the findings of the national inquiry enhanced stakeholder buy in, ownership and validation of findings of the National Inquiry.

ANNEXURES

Annexure 1: ZHRC Deployment Schedule for Public Hearings

PROVINCE	ACTIVITY	DATES
MASVINGO	Advance Team 1	24 – 29 June 2019
	Public Hearings Joint Commissioners Team	1 – 5 July 2019
MATABELELAND NORTH	Advance Team 2	8 – 13 July 2019
	Public Hearings Commissioners Team A	15 – 19 July 2019
MASHONALAND CENTRAL	Advance Team 1	22 – 27 July 2019
	Public Hearings Commissioners Team B	29 Jul – 02 August 2019
MATABELELAND SOUTH	Advance Team 2	19 – 24 August 2019
	Public Hearings Commissioners Team A	26 – 30 August 2019
MASHONALAND EAST	Advance Team 1	2 – 7 September 2019
	Public Hearings Commissioners Team B	9 – 13 September 2019
MIDLANDS	Advance Team 2	16 – 21 September 2019
	Public Hearings Commissioners Team A	23 – 27 September 2019
MANICALAND	Advance Team 1	30 Sep – 5 October 2019
	Public Hearings Commissioners Team B	7 – 11 October 2019
BULAWAYO METROPOLITAN	Advance Team 2	14 – 19 October 2019
	Public Hearings Commissioners Team A	21 – 25 October 2019
MASHONALAND WEST	Advance Team 1	28 October – 2 November 2019
	Public Hearings Commissioners Team B	4 – 8 November 2019
HARARE METROPOLITAN	Advance Team 2	11 – 16 November 2019
HARARE METROPOLITAN	Public Hearings Joint Commissioners Team	18 – 22 November 2019
NATIONAL STAKEHOLDERS	Public Hearings Joint Commissioners Team	25 – 27 November & 12 December

Team	Composition	Assigned Provinces
A & B	All Commissioners	Masvingo Harare

A	Chairperson, Comm. Dr. EH Mugwadi (Team Leader) Commissioner Chiriseri Commissioner Ndabeni-Ncube Commissioner Ncube	Matabeleland North Matabeleland South Midlands Bulawayo
B	Deputy Chairperson, Comm. Dr. E. Sithole (Team Leader) Commissioner Jirira Commissioner Kurebwa Commissioner Matindike	Mashonaland Central Mashonaland East Manicaland Mashonaland West

Annexure 2: Literature Review on Stakeholder Researches and Public Reports

TRACE Access to Documentation (ATD) Baseline Study

The TRACE Project is a multi-donor funded governance project that started in Zimbabwe in 2016. One of TRACE's core themes is access to human rights. The 'Access to Documentation' (ATD) focus emerged from an analysis of the initial 230 concept notes submitted early on in the programme, and subsequent discussions with twelve community-based organisations and NGOs in Bulawayo and Matabeleland North and South provinces, where a common issue was identified, that of access to birth certificates for children. It was agreed by representatives from these groups, and supported by a mini Political Economic Analysis (PEA) subsequently commissioned by TRACE and discussions with other key informants, that this issue was a key one that contributed to the problem of lack of access to education and other social services by children.

In 2017 TRACE then supported a large-scale survey in Bulawayo, Matabeleland South and North to determine the extent of the problem. This process was replicated in Manicaland and Mashonaland West in 2018, thus five of Zimbabwe's ten provinces were represented in this survey, the main objectives being to: establish the proportion of children (0-18 years) in these Provinces, who did not have birth certificates; the reasons for children being un-documented; practices relating to acquisition of birth certificates for children by their parents or guardians; the impact of lack of documentation on children's access to education and other social services and the numbers of adults in the households who did not have birth certificates.

In 2018, the process was repeated, with nine organisations responsible for implementing the survey, six of them operating in Manicaland and three in Mashonaland West. The questionnaires were also translated into Ndau for use in Manicaland, where this was the respondents' preferred language.

Altogether, 2,665 household interviews were conducted, representing 7,815 children. Details of birth certificates and demographic profile were collected. In addition, 120 key informant interviews and 75 case studies were conducted. The participating organisations were trained in filming techniques and of informed consent procedures associated with using their stories. These short films were made available to the Zimbabwe Human Rights Commission (ZHRC) as reference material for the National Inquiry on Access to Documentation.

Legal Resources Foundation Research Paper

The Legal Resources Foundation (LRF) commissioned a research paper in 2018 titled "BIRTH REGISTRATION IN ZIMBABWE: A Review of the Legislation" This paper outlines an analysis of the existing legal framework on birth registration in Zimbabwe, establishing areas of strengths and gaps. The paper further highlights legislation whose implementation is premised on the citizenry having identity documents and the challenges which people who do not have identity documents face in institutions where such legislation is applied.

In coming up with this paper, literature review of the legal framework and policies on legislation was conducted. The desk review findings were triangulated with findings provided by 6 key informants drawn from Government, Social Welfare and the legal sector. Further follow up interviews and direct observations were employed in gathering data. One of the main findings was that though the Constitutional provisions on birth registration are very progressive, the provisions in some of the statutes and the administrative requirements hinder birth registration. A multi-faceted approach in dealing with the current problems of birth registration is recommended, recognizing that though the legal framework might be contributing to some of the challenges, there are other factors, such as lack of resources, lack of training, lack of awareness by citizens and economic challenges which also affect birth registration. The research also offered recommendations drawn from undertaking comparative analysis with other jurisdictions, specifically looking at provisions which Zimbabwe could include in its legislation and policies to address the challenge of low levels of birth registrations. In the paper the LRF noted that while the Zimbabwean Constitution and the legal framework are fairly clear on the rights of children to have a birth certificate, the problem of high numbers of unregistered births persist. The Constitution makes registering a child not only the duty of the child's guardian, but also the public responsibility of the Government.

The research paper also highlighted that Legal barriers, while present, do not represent the majority of these barriers. Systems issue, poor infrastructure, limited capacity, and funding also contribute to serious deficiencies in access to birth certificate in Zimbabwe. An interplay of various factors, not just legal but also administrative and cultural, affect birth registration in Zimbabwe. This paper focused on barriers presented by the legal framework.

The main challenge is that most laws are not aligned to the Constitution, which gives a clear right to birth registration. In view of the barriers to birth registration the following recommendations were made: It is recommended that CSOs prepare Model Bills such as the Births and Deaths Registration Bill and Children's Bill and present these to the responsible ministries for discussion in Parliament, petition Parliament according to section 141 of the Constitution to consider the matter of low uptake of birth registration in Zimbabwe, amendment of Section 10 of the Births and Deaths Registration Act to ensure that birth registration is accessible to all without discrimination of any kind, including on the basis of the child's, or the child's parents' immigration status. The Birth and Death Registration Act needs review to provide for corrective mechanisms and administrative measures to ensure the registration of older children and unregistered adults, in an integrated, inclusive and protective approach.

Furthermore, the LRF recommended that, the birth registration process should be linked to hospitals where children are born so that when they get the immunization card they are also registered online, the Registrar should be empowered by law to summon any persons with outstanding birth registrations. The law needs to be amended to cater for children born in prisons by placing the obligation on the Superintendent of prisons to register children born therein or, alternatively, for the responsible Minister to be empowered to designate any such prisons with justified numbers of births to be designated as registration areas, CSOs should lobby government to eliminate any remaining areas of potential discrimination in national legislation on birth registration, advocate for the inclusion of single fathers in registration of their children and there is need for a rights-based approach to birth registration which is a right under the Constitution.

Report of the Portfolio Committee on Defence, Home Affairs and Security on the Gwanda Community Youth Development Trust Petition on Access to Primary Documents

On the 10th of December, 2018 a Petition from the Gwanda Community Youth Development Trust (CYDT) on challenges relating to issuance of primary documents was referred to the Portfolio Committee on Defence, Home Affairs and Security Services. The Petitioners` request was that Parliament should take measures to ensure the protection of the right to birth certificates and identity documents. In the exercise of its oversight role, Parliament was obliged to assess the adequacy and effectiveness of policies and practises of the Registrar General's Office in the provision of birth certificates and national registration cards in frontier provinces, particularly, in Matabeleland South. This is in so far as to determine the right to a name and access to relevant documentation as well as downstream rights such as the right to education and other social services. The petition called on Parliament to recommend that the Registrar General's Office adopts policies and practices that take into account peculiarities of border areas in ensuring that the rights and interests of children are protected and to call upon the Office to adopt measures that address the prevailing challenges in the affected areas.

The Committee interviewed the Registrar General, Mr Clement Masango and visited some districts in Matabeleland South Province, namely Gwanda, Beitbridge, Plumtree, Maphisa and Kezi. Further to that the Committee also interviewed the petitioners to get first-hand information on what was obtaining on the ground. Apart from interaction with officials, the Committee observed the processes at the offices visited and also interacted with the clients.

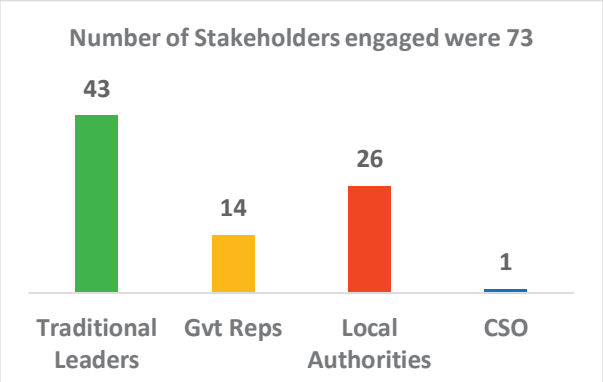
The challenges submitted to the committee included, withholding of Birth Records due to non-payment of maternity fees by health institutions, absence of reliable information on children`s identities, long distances travelled to access services, high cost of acquiring documents which included ferrying witnesses to RGs Office, long distances travelled to access services, double registration of deaths, generational challenges of non-documentation which is prevalent amongst communities affected by Gukurahundi, children with single parents and children born out of wedlock, lack of the necessary registration requirements due to inter alia lack of birth confirmation records for children born in Botswana or South Africa due to their proximity to border towns such as Plumtree, Language barriers and inadequate resourcing of the RGs Offices

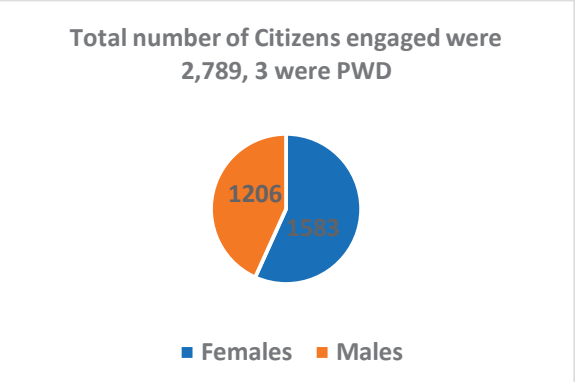
In view of the challenges experienced, the Committee recommended that, the RG department should streamline requirements for obtaining primary documents taking into account the peculiarities of border areas by 31st December 2019, create facilities for birth certificates at E.C.D centres by 31st December 2020, and immediately reduce search penalties for lost documents. They further recommended that the Ministry of Home Affairs and Cultural heritage should undertake public awareness programmes on the importance of acquiring primary documents, conduct massive mobile registration exercises always as an all year round programme instead of carrying the exercise at specific times, give a special consideration to those who fall victim to natural disasters, decentralise the Registrar Generals Offices, continuously monitor and evaluate framework that enhances parliamentary oversight on the Registrar General's Department and undertake ongoing refresher courses and training in customer care for officers so that quality of service improves.

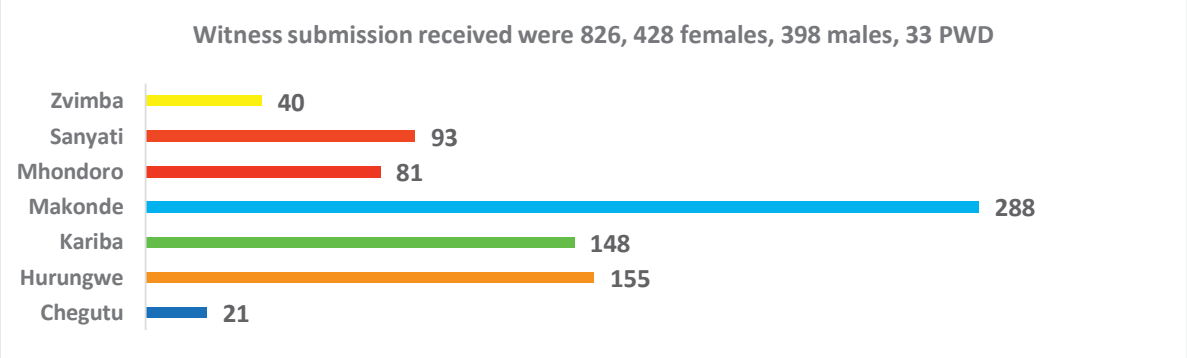
Annexure 3: National Inquiry Provincial Profiles

MASHONALAND WEST PROVINCE

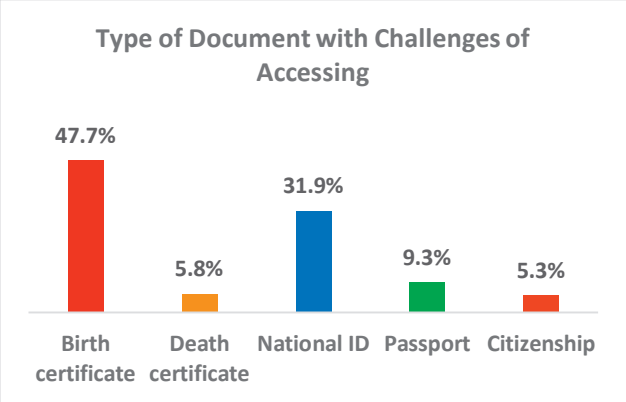
Stakeholder Consultative Meeting: Held on 22 September 2019**, Advance Visits/Outreach Meetings** held on 28 October – 1 November 2019

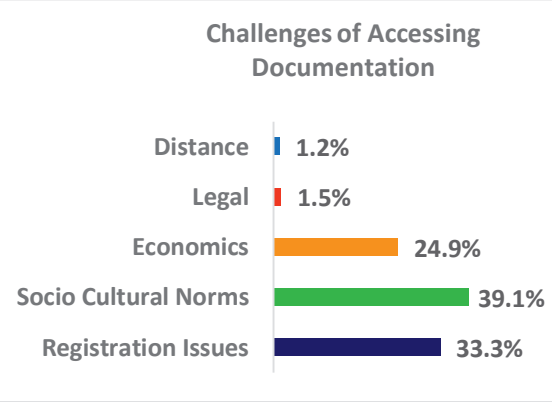


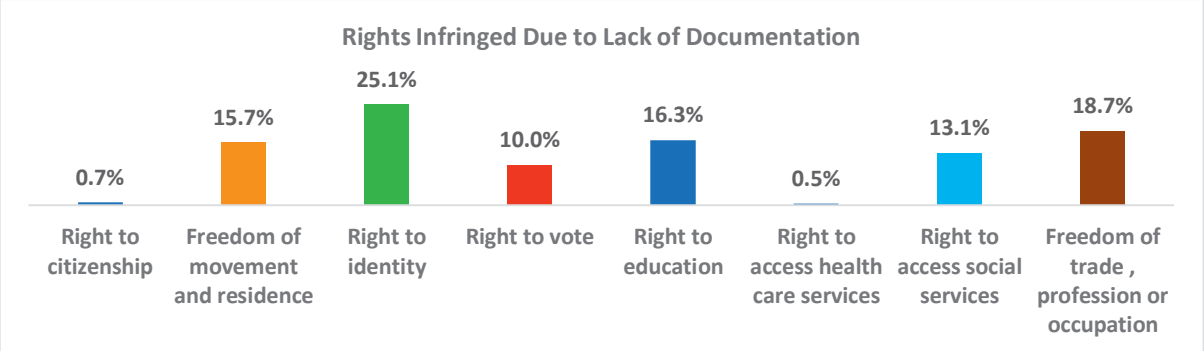




Public Hearings: 4-6 November 2019 Chinhoyi, 7-8 November 2019 Kadoma **169** (59 males, 110 females) witnesses were invited to the Public Hearings and out of these **69** gave oral evidence. **Validation Meeting: 17 January 2020**: 58 stakeholders attended (11 females, 47 males, 2 PWD)

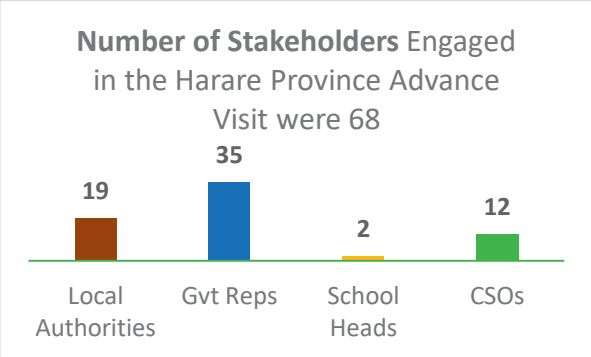


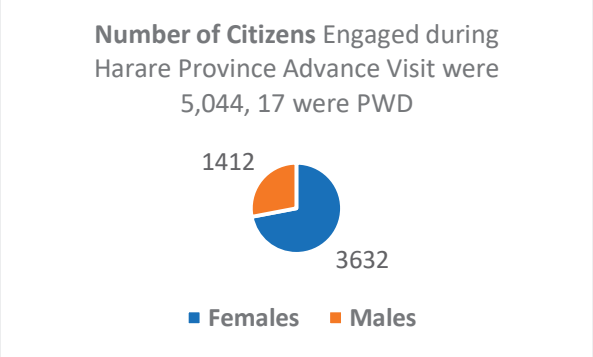


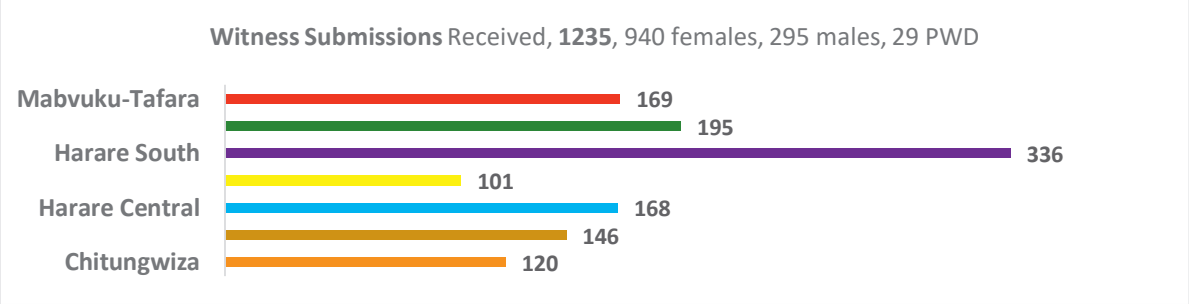


HARARE PROVINCE

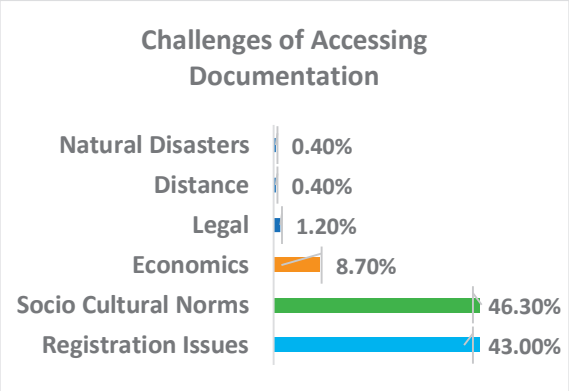
Stakeholder Consultative Meeting: Held on 5th November 2019**, Advance Visits/Outreach Meetings** held on 11 – 15 November 2020

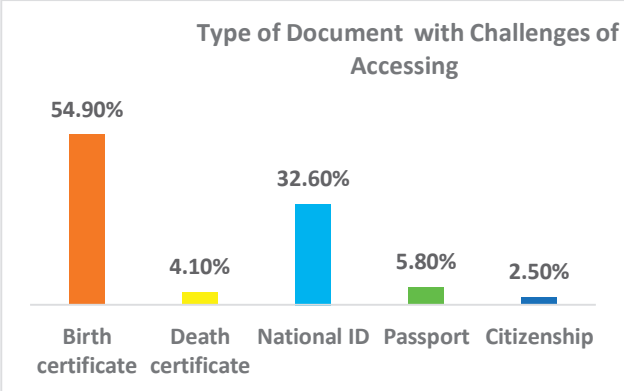


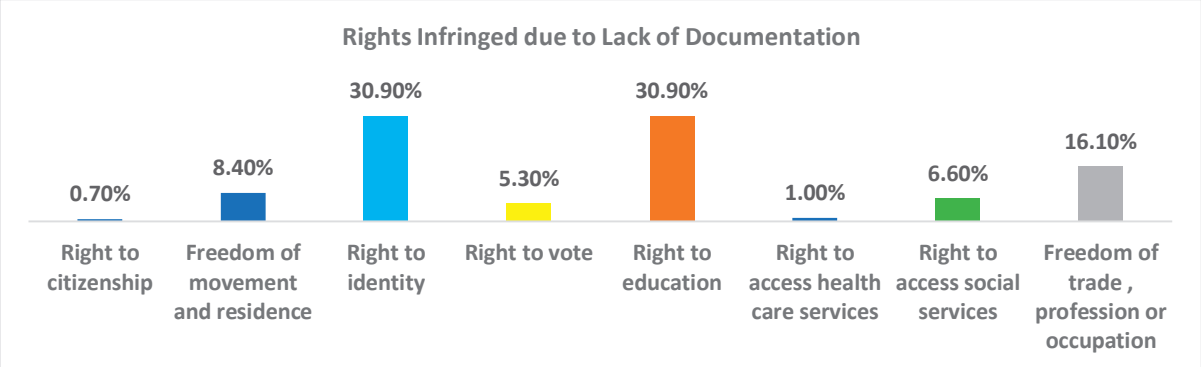




Public Hearings: 18 – 22 November 2019: 221(58 males, 161 females, 2 intersex) witnesses were invited to the Public Hearings and out of these 100 gave oral evidence. **Validation Meeting: 21 January 2020**: 78 stakeholders attended (39 females, 39 males, 2 intersex, 2 PWD)

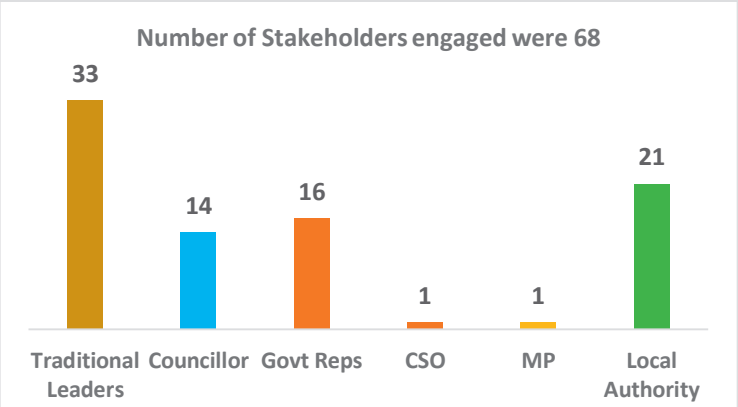


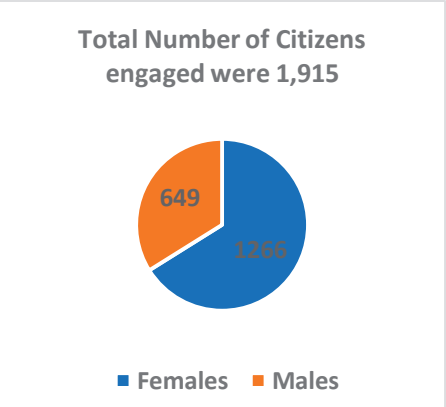


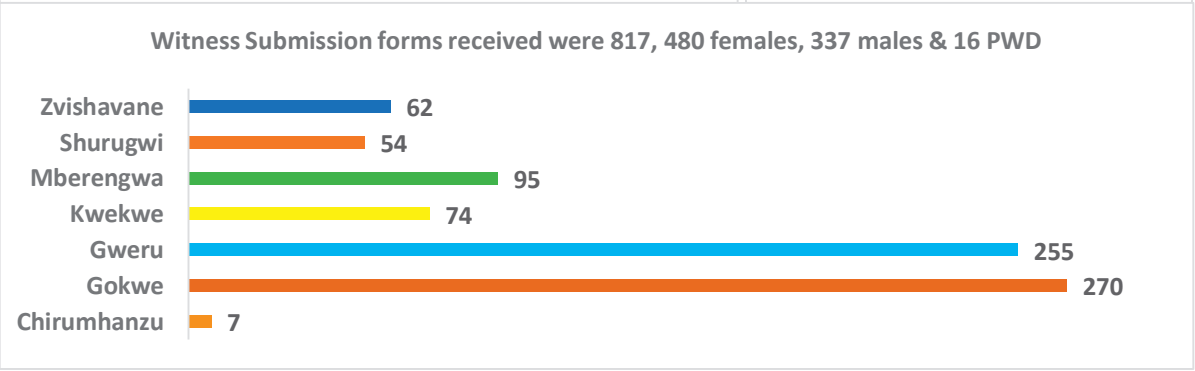


MIDLANDS PROVINCE

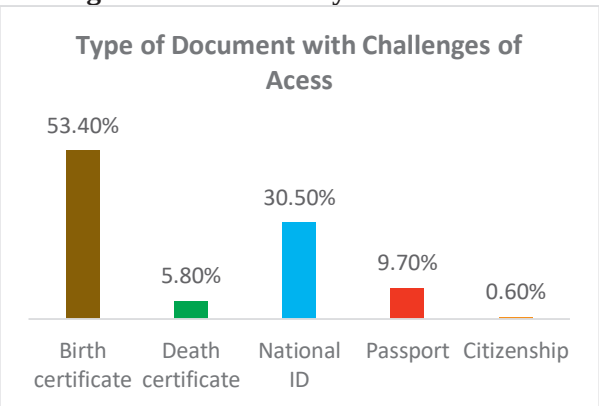
Stakeholder Consultative Meeting: Held on 10 September 2019**, Advance Visits/Outreach Meetings** held on 16 – 20 September 2019

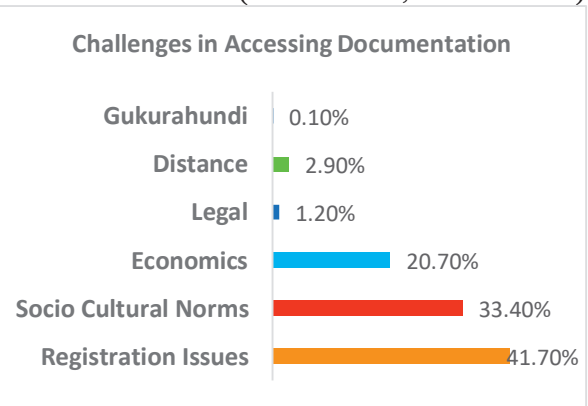


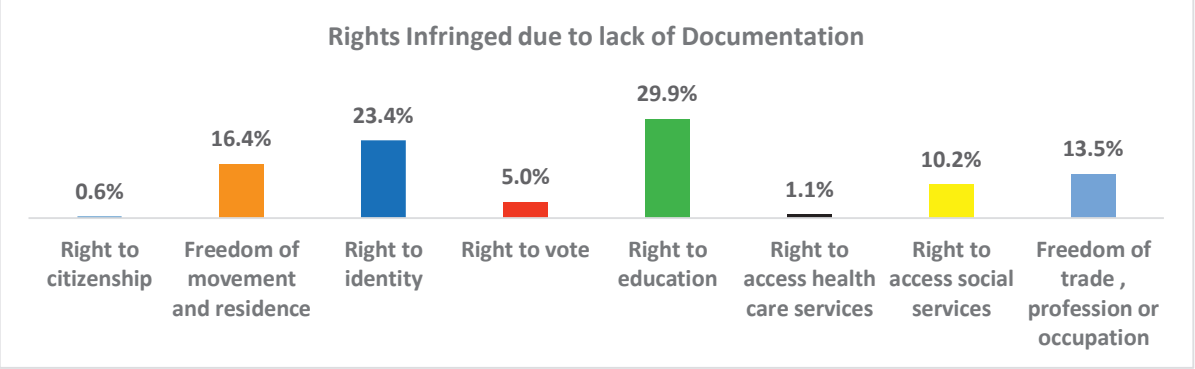




Public Hearings: 23 – 25 September Gweru, 27 September Gokwe **106** (47 males, 59 females) witnesses were invited to the Public Hearings and out of these **80** gave oral evidence. **Validation Meeting: 15 January 2020**: 45 stakeholders attended (22 females, 23 males)

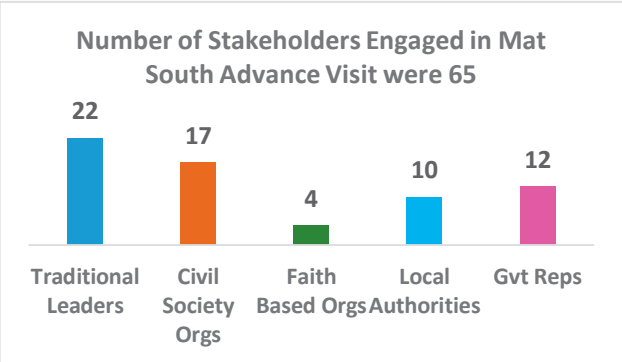


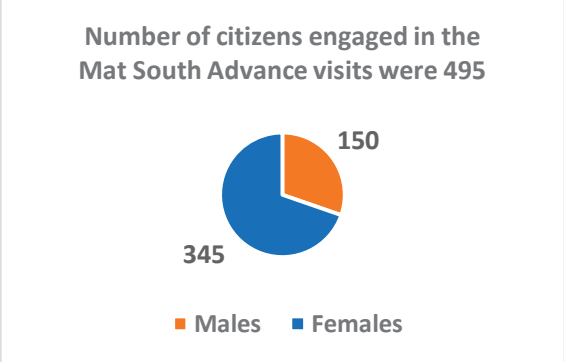


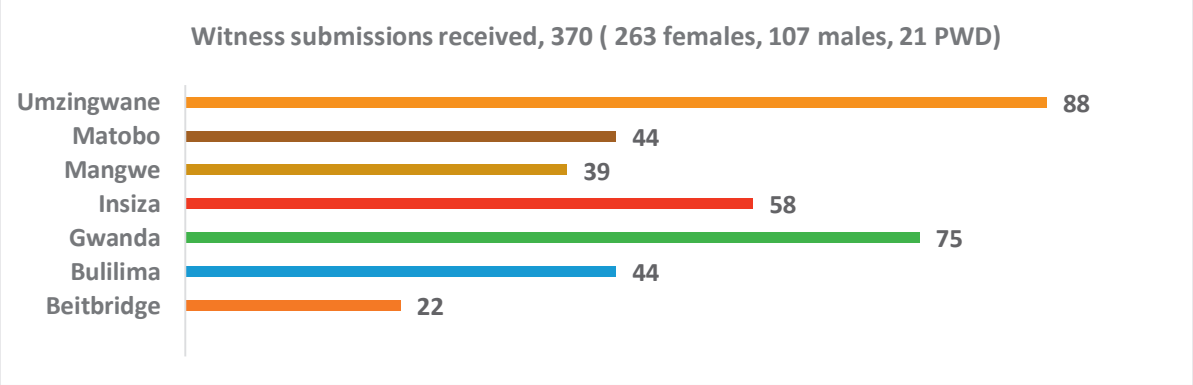


MATABELELAND SOUTH PROVINCE

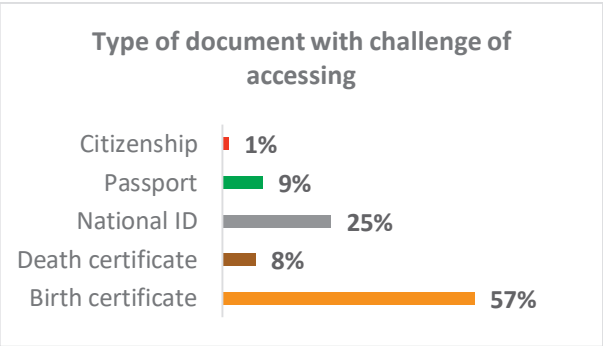
Stakeholder Consultative Meeting: Held on 13 August 2019**, Advance Visits/Outreach Meetings** held on 19 – 23 August 2019

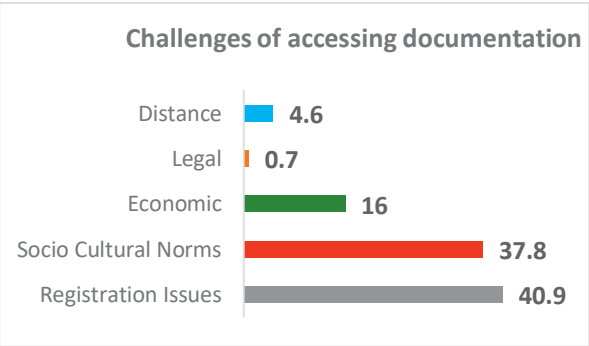


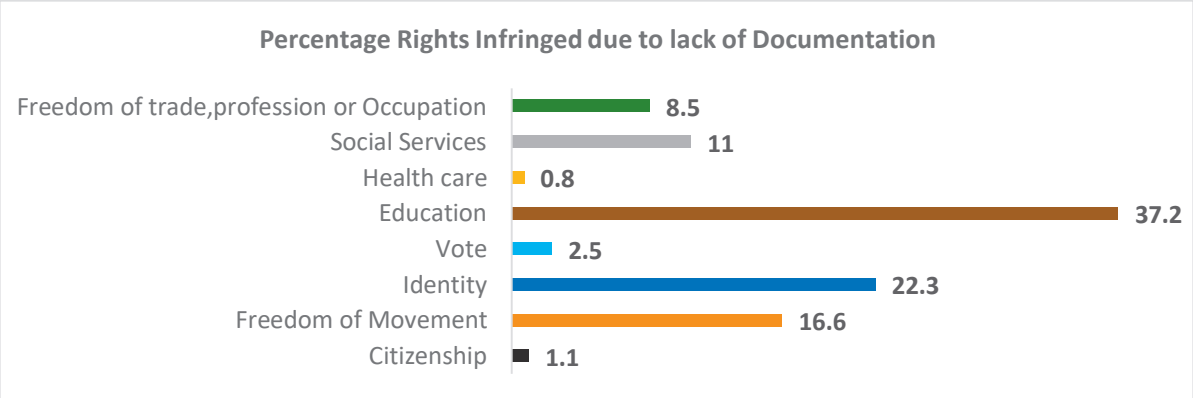




Public Hearings: 26 – 30 August 2019: 121 (45 males, 76 females) witnesses were invited to the Public Hearings and out of these 60 gave oral evidence. **Validation Meeting: 15 January 2020**: 40 stakeholders attended (18 females, 22 males)

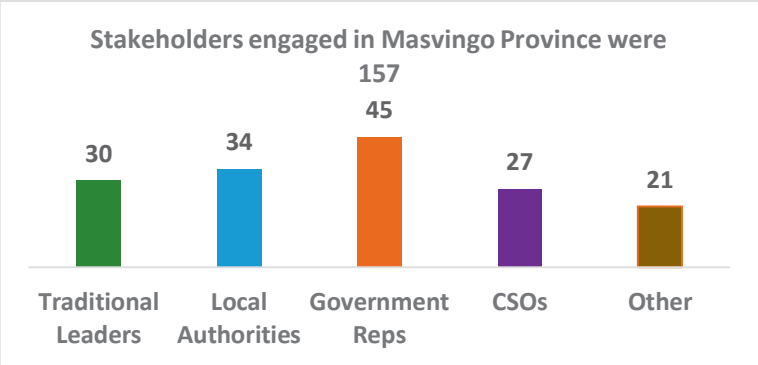


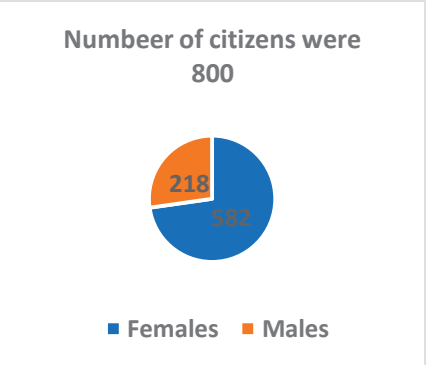


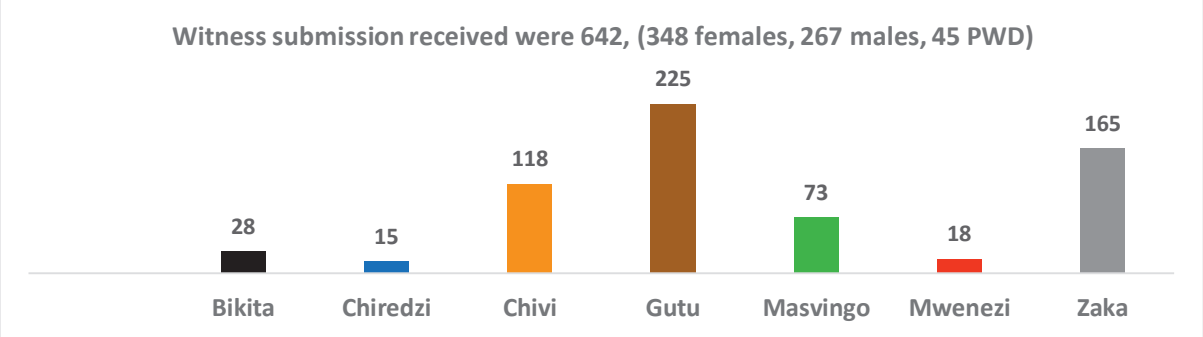


MASVINGO PROVINCE

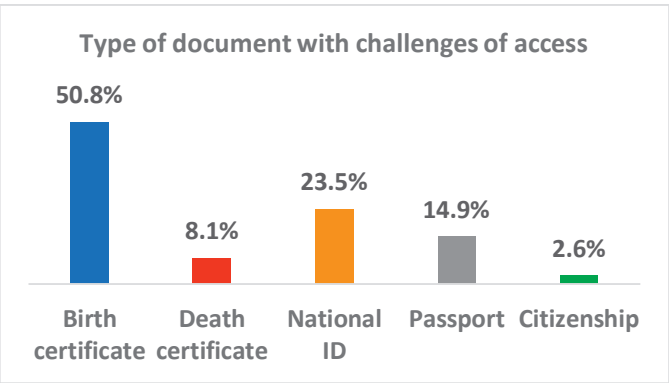
Stakeholder Consultative Meeting: Held on 18 June 2019, **Advance Visits/Outreach Meetings** 24 – 30 June 2019

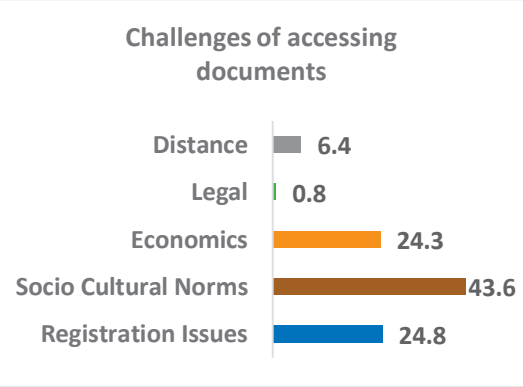


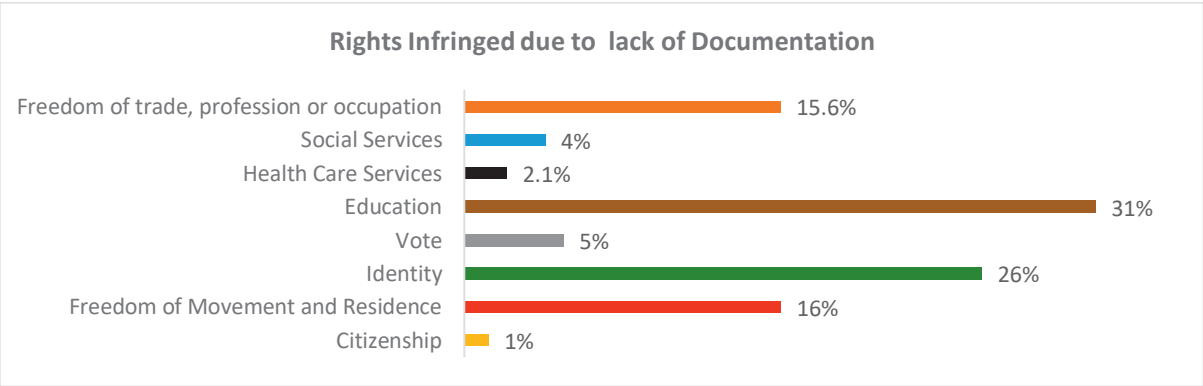




Public Hearings: 2 – 4 July 2019. **98** (58 males, 40 females) witnesses were invited to the Public Hearings and out of these **68** gave oral evidence. **Validation Meeting:** 13 January 2020: **62** stakeholders attended (18 females, 44 males, 3 PWD)

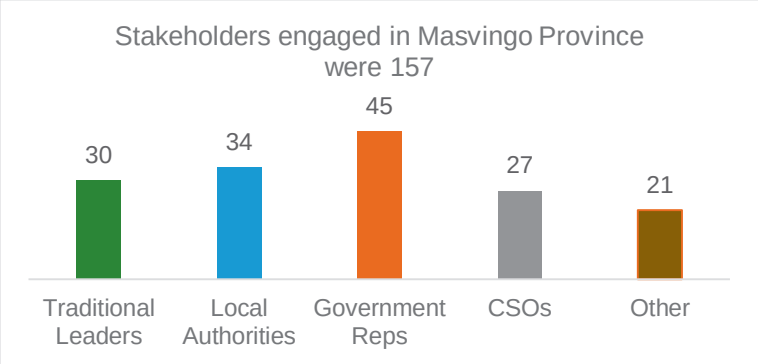


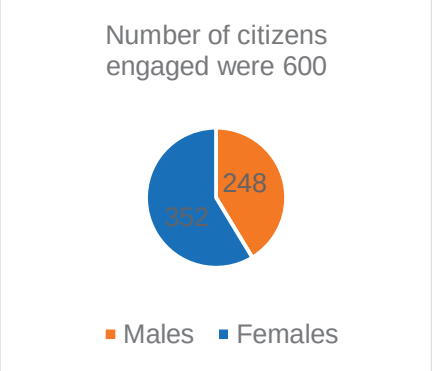


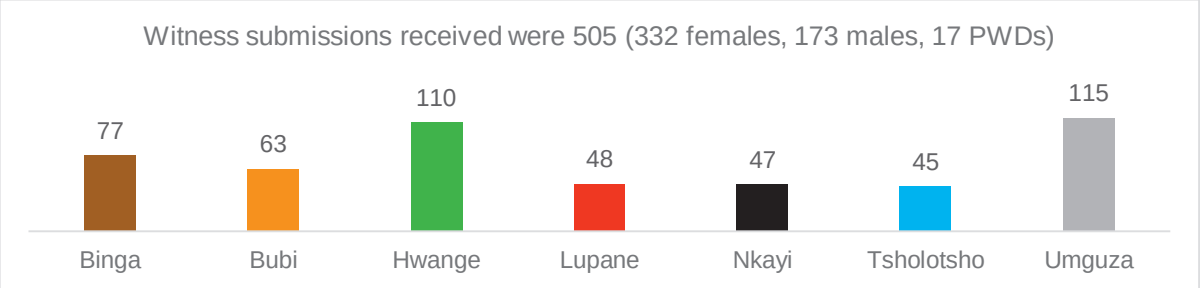


MATABELELAND NORTH PROVINCE

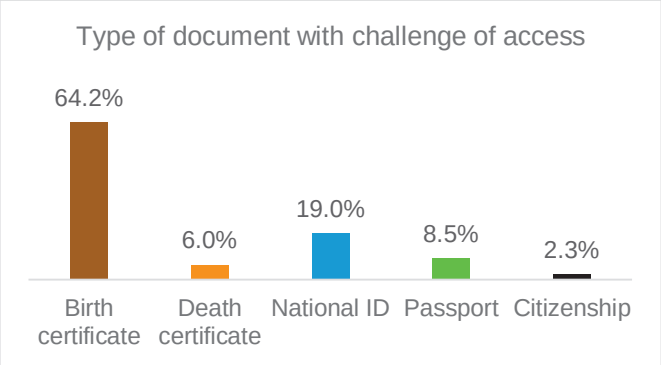
Stakeholder Consultative Meeting: Held on 2 July 2019 in Lupane and 4 July in Victoria Falls,
Advance Visits/Outreach Meetings: 8 – 12 July 2019

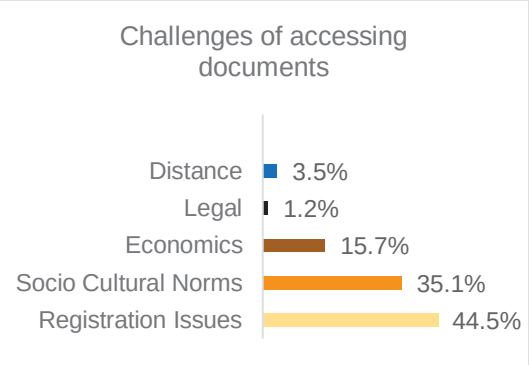


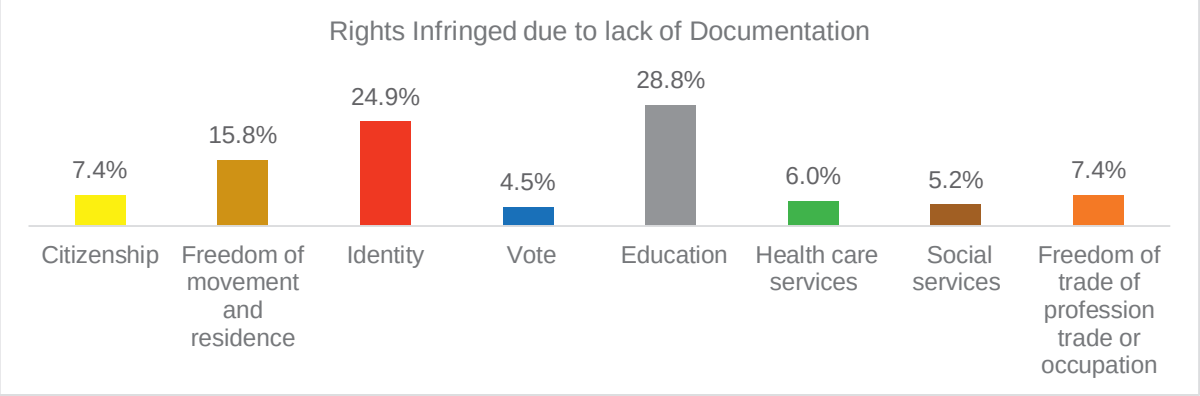




Public Hearings: 15 – 16 July 2019 in Lupane, 18 -19 July in Hwange. **145** (60 males, 85 females) witnesses were invited to the Public Hearings and out of these **89** gave oral evidence. **Validation Meeting:** 17 January 2020: **40** stakeholders attended (18 females, 22 males)

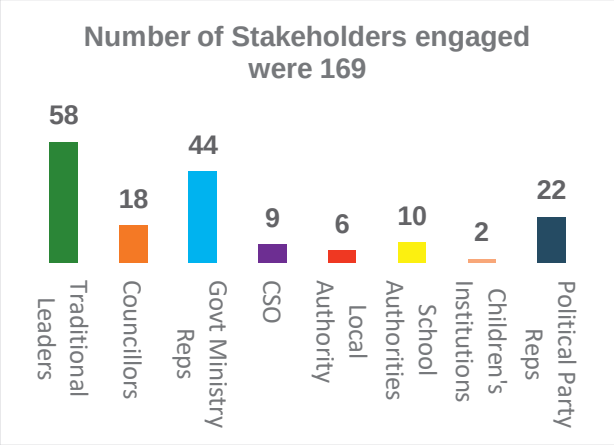


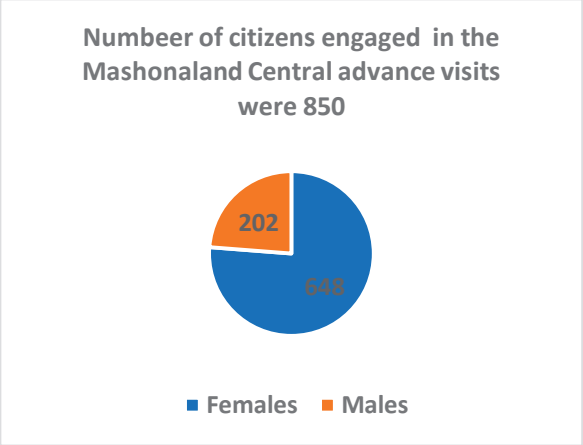


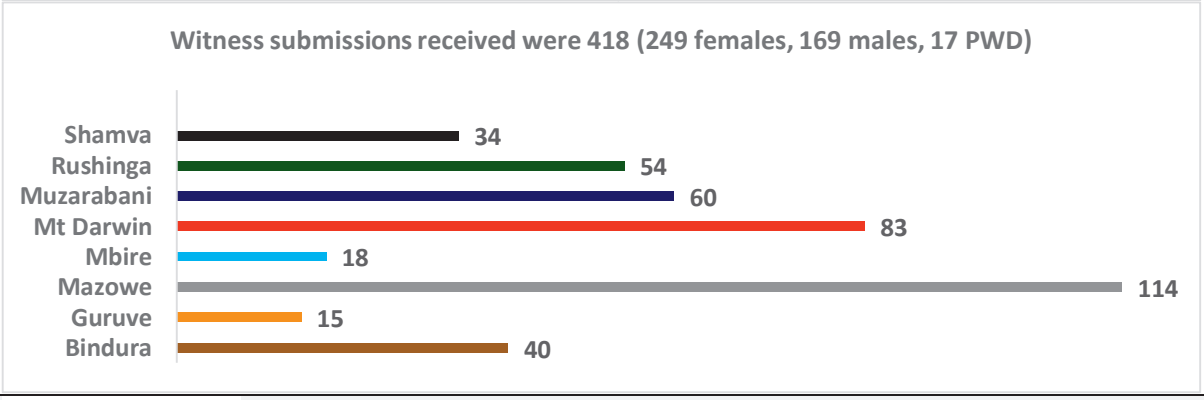


MASHONALAND CENTRAL PROVINCE

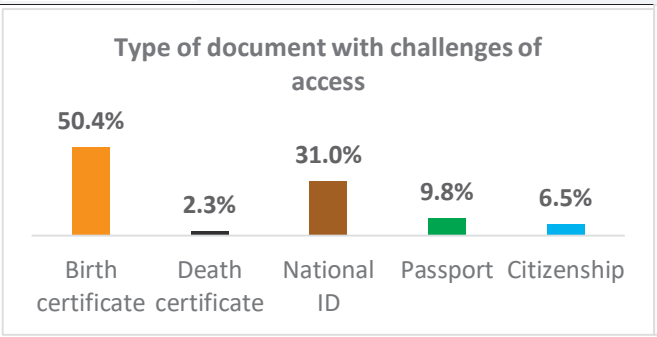
Stakeholder Consultative Meeting: Held on 16 July 2019**, Advance Visits/Outreach Meetings** held on 22 -27 July 2019

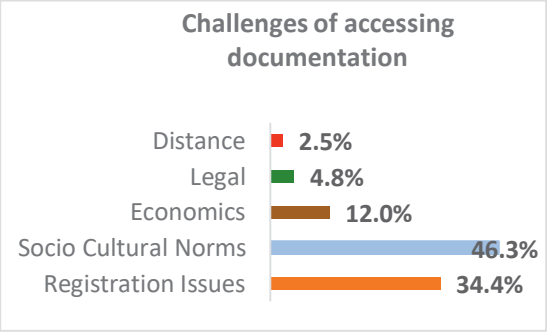


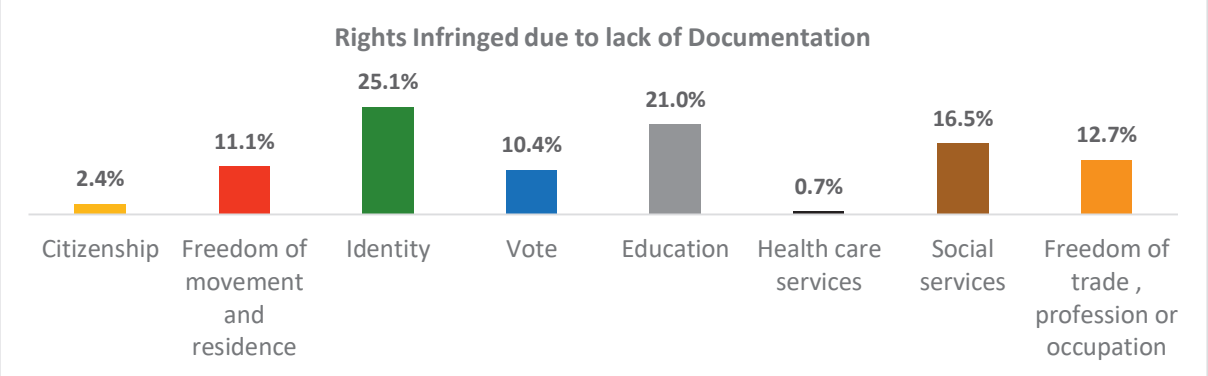




Public Hearings: 29 Jul – 02 August 2019: **112** (46 males, 66 females) witnesses were invited to the Public Hearings and out of these **56** gave oral evidence. **Validation Meeting: 17 January 2020**: 41 stakeholders attended (5 females, 41 males)

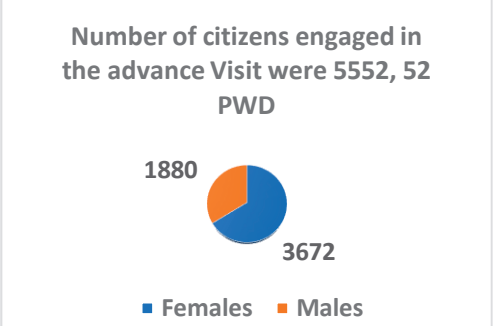


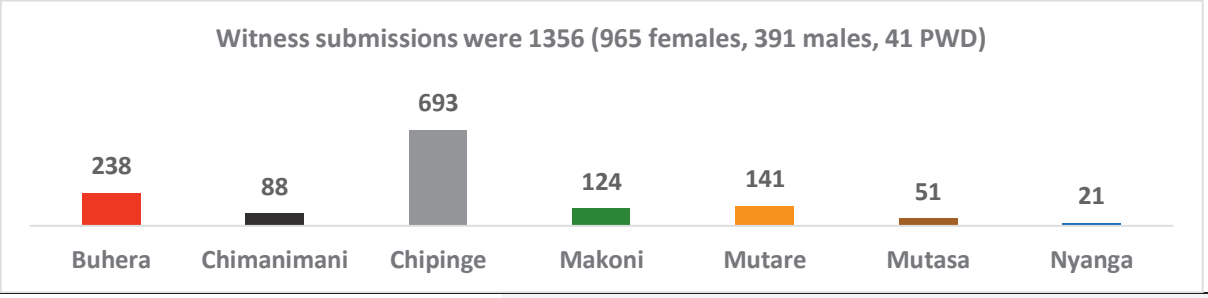




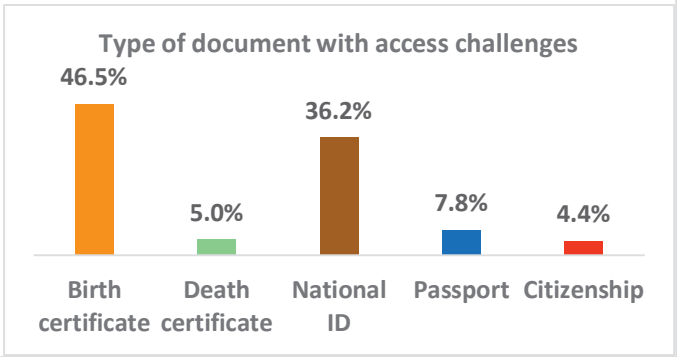
MANICALAND PROVINCE

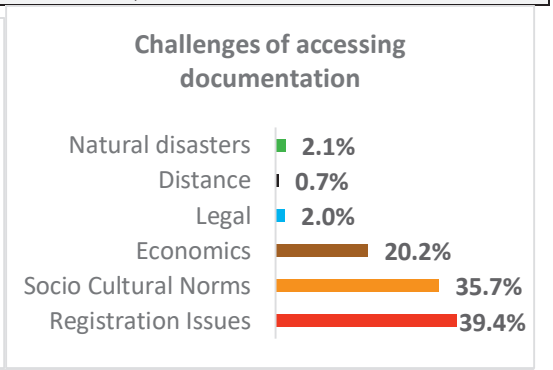
Stakeholder Consultative Meeting: Held on 24 September 2019**, Advance Visits/Outreach Meetings** held on 30 September – 4 October 2019

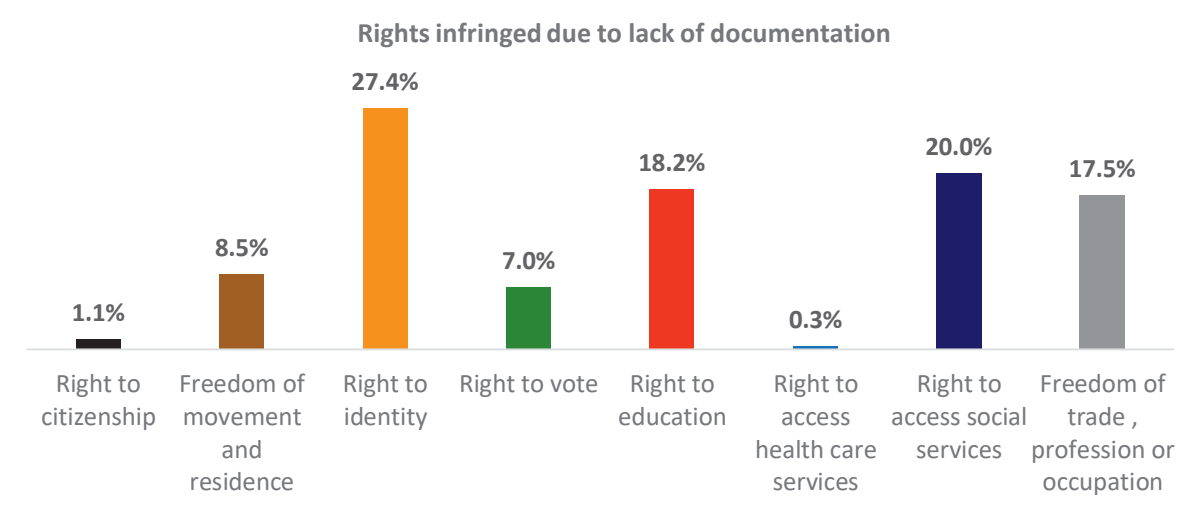




Public Hearings: 7 – 11 October 2019: **131** (53 males, 78 females) witnesses were invited to the Public Hearings and out of these 115 gave oral evidence. **Validation Meeting: 13 January 2020**: 73 stakeholders attended (23 females, 50 males)



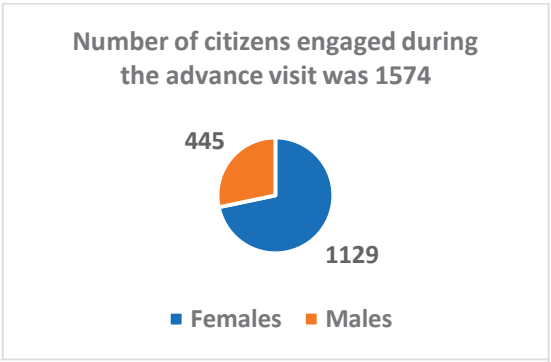


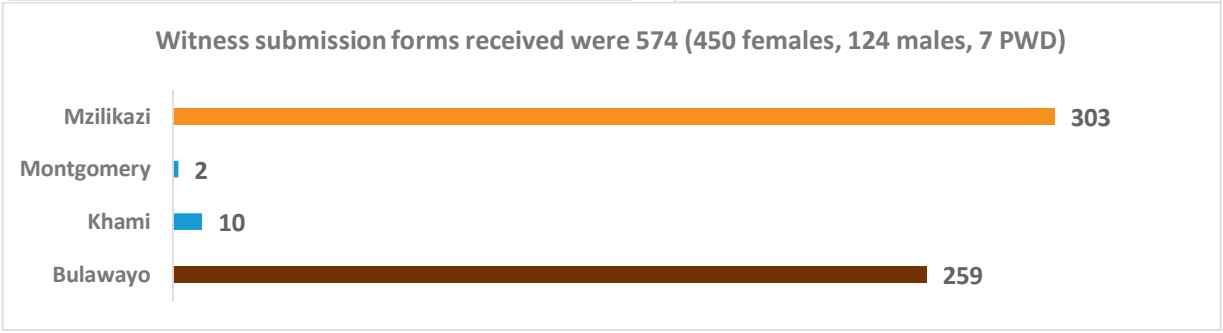


BULAWAYO PROVINCE

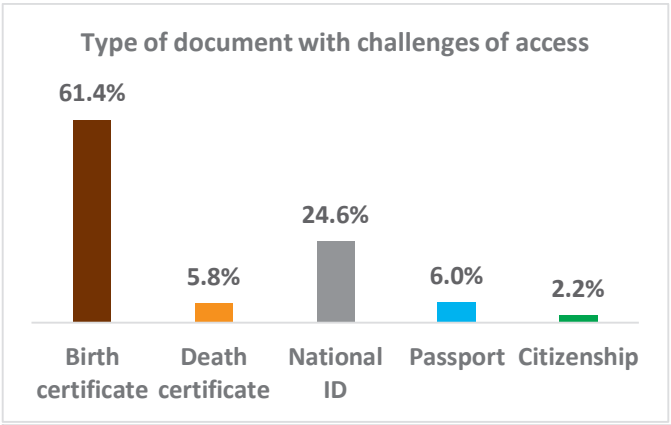
Stakeholder Consultative Meeting: Held on 8 October 2019**, Advance Visits/Outreach Meetings** held on 14 – 18 October 2019

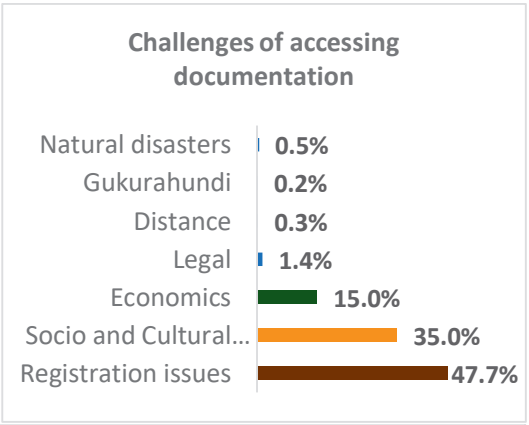
Number of stakeholders engaged were 26, these included Religious leaders, Councillors, CSOs, Headmasters and representatives from Government Ministries.

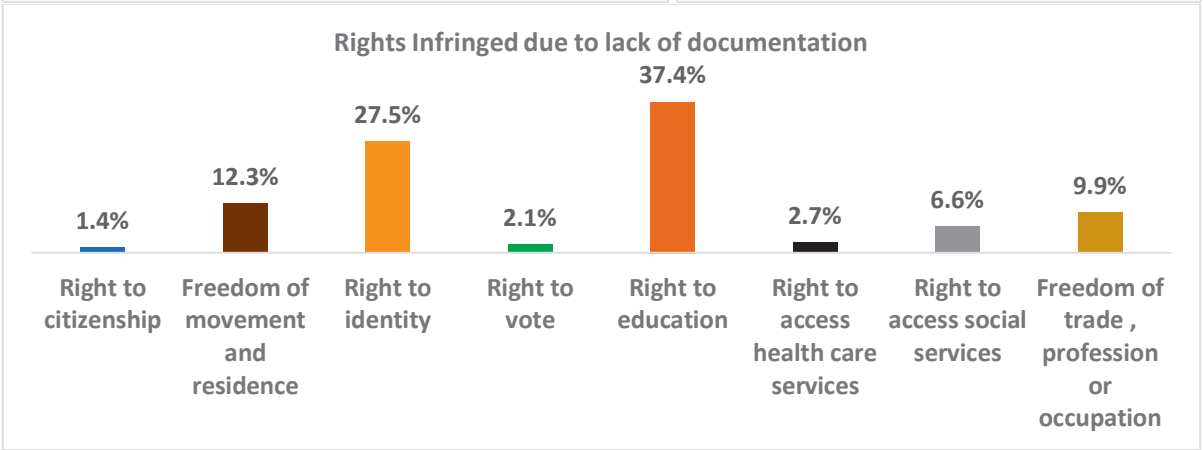




Public Hearings: 21 – 25 October 2019, **147** (46 males, 101 females) witnesses were invited to the Public Hearings and out of these **93** gave oral evidence. **Validation Meeting: 13 January 2020**: 39 stakeholders attended (17 females, 22 males)

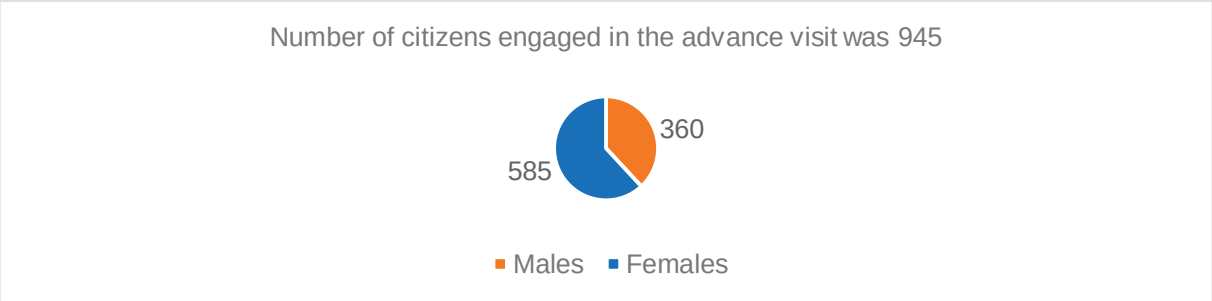


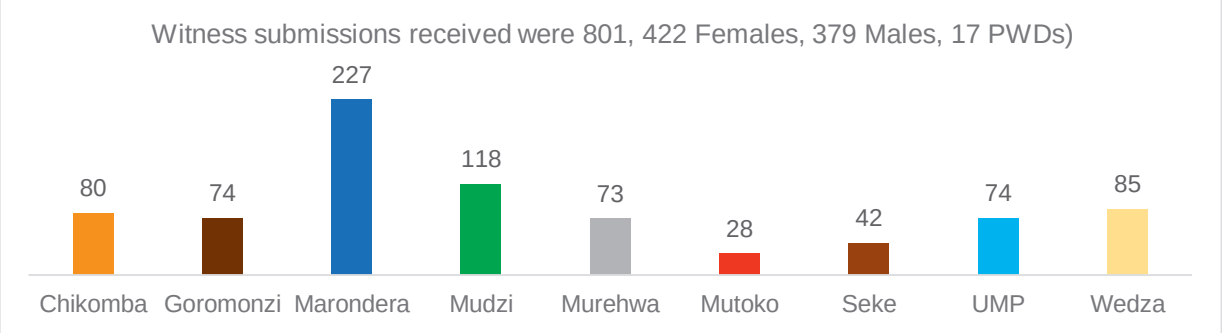




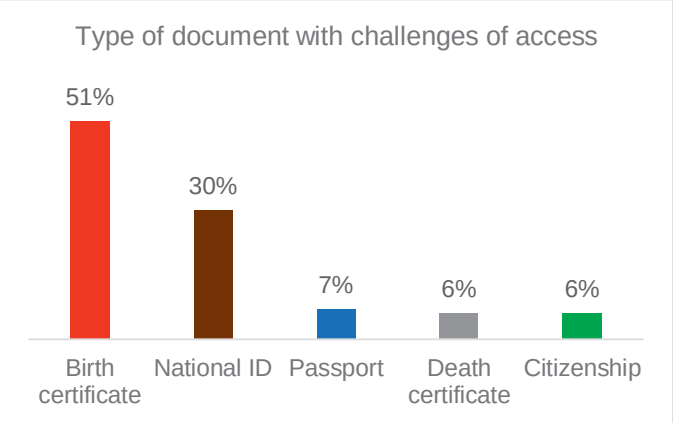
MASHONALAND EAST PROVINCE

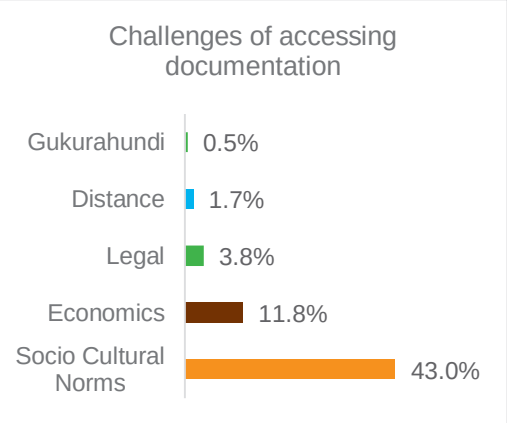
Stakeholder Consultative Meeting: Held on 27th September 2019**, Advance Visits/Outreach Meetings** held on 2 – 7 September 2019

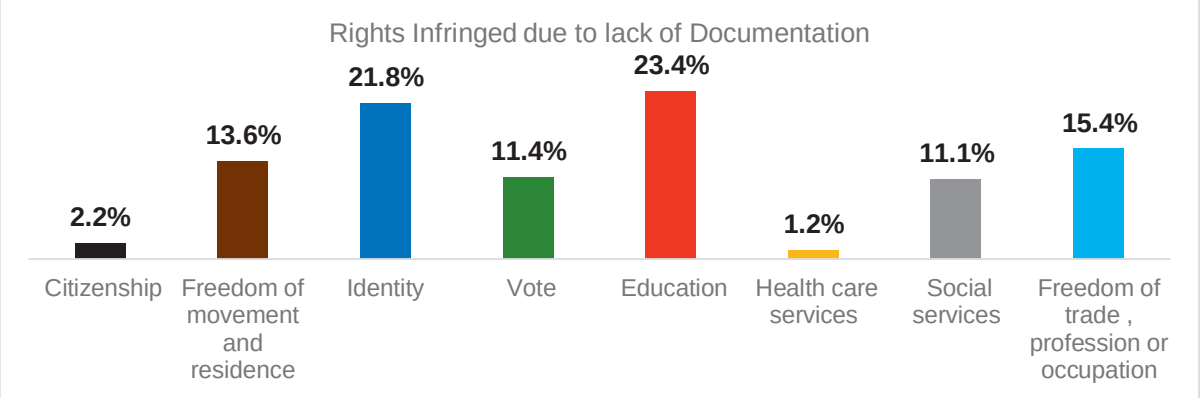




Public Hearings: 9 – 13 September 2019: **150** (72 males, 78 females, intersex) witnesses were invited to the Public Hearings and out of these **48** gave oral evidence. **Validation Meeting: 15 January 2020**: 54 stakeholders attended (17 females, 37 males)







Annexure 4: Sample Witness Submission Form

Biodata

Date / / /

First Name……Middle Name……..Surname……...

Other Names……..

Sex…….. Date of birth / / / Identity Number……

Nationality…….. Marital Status……..

Physical Address…….....

Postal Address……

Alternative Address……

Ward……District……..City……..... Province……..

Phone Number……

Next of Kin and contact details……..

Disability Yes ☐ No ☐ If Yes, specify……...

Do you know about the ZHRC? Yes ☐ No ☐

How did you know about ZHRC?

Radio ☐ TV ☐ Press ☐ From a friend ☐ Social Media ☐

Other ☐ Please Specify: _____

Have you ever reported a case to the ZHRC?

YES ☐ NO ☐

Are you submitting the form on behalf of someone (if yes state, who and why?)

Which document(s) are you facing challenges in accessing? *(Tick in relevant boxes)*

Birth certificate ☐ Death Certificate ☐ National Identity Document ☐

Passport ☐ Citizenship Certificate ☐

What are the challenges you are facing in accessing the document(s) you stated above?

What steps have you taken in addressing the challenges mentioned above?

How has lack of the above-mentioned document (s) affected you?

Are there other people who have been affected by your lack of the above-mentioned document (s)? If yes specify

How do you think the challenges can best be resolved (Recommendations)?

I…….....do hereby accept the responsibility of maintaining confidentiality of all information received and shared during the course of the National Inquiry on Access to Documentation in Zimbabwe.

Signed…….....Place……..

Annexure 5: Sample Stakeholder Submission Form

National Inquiry on Access to National Documentation in Zimbabwe

STAKEHOLDER'S SUBMISSION FORM

Dear Esteemed Stakeholder, thank you for participating in the National Inquiry on Access to Documentation. Please use this template to guide you in making your submission. You may be called upon to make an Oral submission at a Public Hearing, in this regard, you will be notified of the date and venue. For more information, please contact the National Inquiry Project Coordinator on the details below.

Section 1: Organisational Profile

Name of Organisation…….....

Contact Person…….....

Physical Address……

Phone……

Email……...

Website……

Geographical Area of Operation

Section 2: Outline of Submission

2.1.1. Identify the National Document(s) your organisation is working with by ticking the relevant document(s).

Birth Certificate ☐ National Identity Card ☐ Passport ☐ Citizenship ☐ Death Certificate ☐

For each document that you want to make a submission on, please submit information on the following;

2.1.2. The challenges of accessing the document(s) in question and the extent to which they affect people in Zimbabwe (state the number of persons affected and disaggregate this data by age, sex, disability and geographical area);
2.1.3. The root causes and factors (if known), which prevent ease of access to the document(s) in question;
2.1.4. The impact of lack of documentation by individuals and groups on the enjoyment of human rights, guaranteed under the Constitution and National laws (state the number of persons affected and disaggregate this data by age, sex, disability and geographical area);
2.1.5. Provide recommendations and follow-up steps to be taken in addressing the challenges identified in accessing document(s).

Section 3: Any relevant additional information

3.1. Please submit any other information that is relevant to the National Inquiry.
3.1.1. Please provide reports, statistics, pictures and videos that your organisation has regarding your submission.

4. Section 3: Declaration of Confidentiality

I…….....do hereby accept the responsibility of maintaining confidentiality of all information received and shared during the course of the National Inquiry on Access to Documentation in Zimbabwe.

Signed…….....Place……..

Annexure 6: Extracts of Concluding Observations and Recommendations from Treaty Bodies on Access to Documentation

Committee on the Rights of the Child: Concluding observations on the Second Periodic State Party Report of Zimbabwe, 7 March 2016

Birth registration

34. Noting with appreciation the measures taken by the State party to increase the rate of birth registration, including the removal of fees for the issuance of birth certificates to children, the Committee nonetheless remains

concerned (para. 13) at the low number of births registered and the low number of birth certificates issued, especially in rural areas and to low-income households. It is further concerned that the failure to present a birth certificate may result in, inter alia, denial to enrol in school and sit for and receive national school examination certificates. It may also lead to the denial of inheritance from a child's legitimate father owing to failure to prove paternity, as required by the inheritance laws in the State party.

35. The Committee recalls its previous recommendation (para. 27) and recommends that the State party:

(a) Ensure the Births and Deaths Registration Act (2005) is implemented in a manner that promotes the best interests of the child and simplifies the administrative requirements for the registration and issuance of birth certificates;

(b) Equip decentralized government authorities and health facilities at the local level to register births and issue birth certificates;

(c) Strengthen and expand mobile birth registration to reach universal coverage, in particular for registering children born outside of health facilities and children who have never been registered;

(d) Increase public awareness of the importance of birth registration and the process by which births are registered.

Nationality

36. The Committee is concerned about reports that children born on the territory of the State party to parents of indeterminate nationality have been denied the right to have their birth registered and to acquire Zimbabwean nationality, which has impeded their access to health care, education and other social services. It further notes the absence of legislative provisions to guarantee that children born stateless in the State party acquire a nationality.

37. In the light of its general comments No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin and No. 7 on implementing child rights in early childhood, the Committee recommends that the State party:

(a) Take measures to ensure that all children born in the State party have the legal right to be registered at birth with a name, regardless of their parents' citizenship status and/or country of origin, and that they have equal access to health care, protection, education and other social services;

(b) Consider ratifying the 1961 Convention on the Reduction of Statelessness and amend its domestic legislation on nationality accordingly so as to ensure that every child enjoys the right to acquire a nationality; (c) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees and UNICEF for the implementation of these recommendations.

Concluding Observations and Recommendations by The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the Republic of Zimbabwe Report on the Statutes of Implementation of The African Charter on the Rights and Welfare of the Child, 25th Ordinary Session, held from 20-24 April 2015

Name, Nationality, Identity and registration at birth

21. The Committee commends the State Party for recognizing the right to name and birth registration under its Constitution. Moreover, the Committee appreciates the measures of the State Party to ensure birth registration by decentralizing registration offices in all provinces and seventy-two districts; establishment of registration offices in all major hospitals; computerizing vital registration events: and for setting mobile registrations in remote areas. However, the Committee has concerns on the very low and declining rate of birth registration and the existence of legal and administrative barriers on birth registration such as the requirement of birth confirmation records and death certificate if the mother is dead.

22. The Committee, therefore, recommends the Government of Zimbabwe to circumvent all legal and administrative barriers on access to birth registration through harmonization of the Births and Deaths Registration Act and other laws in line with the Constitution. In addition, the Committee recommends the State Party to conduct data collection in order to know the ratio of birth registration in urban and rural areas disaggregated by age and sex. Moreover, the Committee recommends the State Party to fulfil its obligation of ensuring that every child is registered immediately after birth, is named, and acquired nationality by playing a pro-active role such as launching education and sensitization campaigns on birth registration to parents and community leaders: and ensuring proper coordination between the central civil registration authority and other civil registration offices across the country. To this effect, the Committee highly encourages the State Party to use, as a guideline, the Committee's General Comment on Article 6 of the African Children's Charter.

Annexure 7: Supplementary Witness Voices (Testimonies)

CHAPTER THREE: CHALLENGES IN ACCESSING IDENTITY DOCUMENTS

3.1.1. Lack of knowledge on registration requirements for national documents

" My children do not have birth certificates, I failed to obtain them because a birth confirmation record and letter from the Councilor were required. I didn't know that these were required on registration." **39-year-old male witness, Hurungwe, Mashonaland West Province.**

"There is a knowledge gap on the requirement for registration of births to be done within 42 weeks. People lack knowledge on registration requirements for the different scenarios like hospital births and home births, letters from school and village heads as supporting evidence and requirement of fingerprints for those above 22 years". **32-year-old Female Provincial Social Welfare Officer, Mashonaland East Province.**

3.1.2. Procrastination and negligence by parents to register Children

"My young sister's children do not have birth certificates. They reside with my grandmother who is of ill health. My sister's whereabouts are unknown. The children were just put on a bus from Gokwe. My grandmother tried to obtain birth certificates and failed. The children have different fathers. At Maboleni they require birth records but I do not know where the children were born**." 34-year-old female witness, Maboleni, Gweru District, Midlands Province.**

3.1.3. Inconsistent information and multiple referrals from RG's Office

"In 2008, I wanted to obtain a passport and I was told that a plastic ID was needed. I went to Murombedzi were I acquired the ID and I was told that in the system it indicated that I was recorded as deceased. I was referred to Karoi office and Karoi referred me to Chidamoyo and I went back to Karoi. I went back to Karoi and they referred me back to Murombedzi. At Murombedzi they referred me to Chegutu and I was referred back to Karoi. Where I stay in Batanai to Karoi it costs $60 and it is expensive". 38-year-old **Male witness, Mashonaland West Province**

"I have a short birth certificate and I am failing to access a passport. I tried to acquire it in Gokwe but was referred to Gweru and I was informed in Gweru that the information can only be accessed in Harare." 45-year-old **female witness, Gokwe South, Midlands Province**.

3.1.4 Negative Attitudes of some RG's Officers

"kuti ndiende kuya kwandakambodzingwa zvakafanana nekugara pasi saka ndakabva ndasiyana nazvo" – to go back to that place (RG office) where they sent me away, I might as well stay at home and leave it be. **53-year-old Female witness, Mutare Rural District Manicaland Province**

"When RG officers have several people, they need to attend to, they normally do not give full attention to other clients' issues. They are dismissive without assisting you. At times they continuously refer a person from one office to the other". **male witness, Mutare Rural District, Manicaland Province.**

3.1.5. Allegations of Corruption

"At Seke District offices, the RG officers were accepting bribes in the form of goats and turkeys. I cannot afford to make those payments and my family will suffer**. witness from Seke District, Mashonaland East Province**

"There was an error on my ID number. When I tried to correct it, I was asked for a fee of USD$25 in 2018 as consultation fee. These issues affect a lot of people in the community. The people that register us demand payments and some leave with trucks full of chickens during mobile registration". **male witness from Mutoko, Mashonaland East Province**

"We tried to acquire birth certificates at a mobile registration exercise and if you had no goat or ZWL20 to bribe the officers, you were not assisted. For ZWL20 they would issue birth certificates for 2 or 3 children." **44-year-old woman, Gokwe South, Midlands Province**.

3.1.6. Language Barriers

"The other issue is language barrier where most of the people in our area are Ndebele speaking and officials do not understand Ndebele. It makes it difficult on registration, for example, one Sibanda in our area who went intending to acquire a birth certificate and was asked in Shona what his name was, he did not understand and thought that he was being asked where he comes from to which he responded 'Donsa' and the RG's officer recorded his surname as Donsa instead of Sibanda. Surnames are a challenge. One lady had her name recorded as Sicha instead of Sitsha and when she tried to explain she was told to collect the birth certificate as it was. There are a number of local surnames which are misspelt." **32-year old male Councillor, representing Donsa community, Midlands Province.**

3.1.7 Clerical Errors

"My challenge is that there is a mistake of dates on my birth certificate and ID. Birth certificate indicates 31 September which does not exist. I took the birth certificate at a mobile registration at Chibuwe Primary. I was born on the 30th September. I was told that to correct they required my mother to be present. I can't afford to take her to the RG offices because she is far. Since it's their error, I think they should just fix it. I could not vote because of the error on my ID". **27-year-old male witness Bindura, Mashonaland Central Province**

My birth certificate has different spellings with that on the ID. The birth certificate has the correct names. I produced my birth certificate to register my ID. It is difficult to acquire a passport because it appears as if the birth certificate and ID belong to 2 different people". **55-year-old witness, Bulawayo Province.**

"My problems started in 2008 when I wanted to obtain a passport and was informed that the plastic ID was wanted. I then proceeded to Murombedzi that is the district where I obtained my ID so they took my ID and my birth certificate after going through I was told that I was a deceased person. I was told that my ID numbers were put under the name of my father who is deceased. I asked what I was then going to do because I have 13 children who need those birth certificates and because of that issue I cannot obtain them. Today when I came here, I was advised at the Registrar's desk to go to Karoi so that they can resurrect me". **Male witness, Mashonaland West Province**

"My surname is supposed for be Nyilika and not Khumalo. I raised this issue with the RG at the time that I took my identity card, my birth certificate has the correct Nyilika surname. My children are registered as Nyilika. I am not related to the Khumalos, as I am from the Xhosa tribe, I am not Ndebele. I had to accept it because at that time I was in serious need of an ID. If I die none of my children will be able to get my body because we will appear not to be related." **82-year-old male witness, Insiza District, Matabeleland South Province**

3.1.8. Non-acceptance of Confirmation Letters from Traditional Leaders

"There are few things that are a challenge to us as a community. The first thing is that people do not have birth certificates and when we want our people to get these documents from the registry offices, we face several challenges and some setbacks some of which include the fact that whatever the village heads will be testifying about is not accepted in their offices. When all this is happening, we take a close analysis of this we end up assuming that the higher officers at the registry offices are failing to accept the traditional leaders as leaders who are leading the people. We believe that the registry authorities are supposed to respect us especially when we author some documents and letters. Again, we ask the Registry Offices that the village head or the kraal head is the one who has the power and authority and he is the one who knows the general welfare and suffering that people undergo. So, they have to respect everything that the village head will have said based on the evidence they will have given". **Traditional Leader, Matabeleland South Province.**

"… we do not look forward to people being returned back home without being assisted whilst they are in possession of letters from the chief… it is as if I do not care for my people" **Traditional Leader, Matabeleland South Province.**

3.1.9. Lack of Birth Confirmation Records

"We have St Alberts Hospital which is close to Centenary and 132km from Kairezi. If a mother fails to leave with a birth record, they have to travel back to St Alberts to collect it in order to facilitate registration. The distance makes it expensive for people to travel which results in people not being registered and children not sitting for grade 7 because of lack of birth certificates" **78-year-old male Councillor, Muzarabani, Mashonaland Central Province.**

"I gave birth at Mpilo hospital in 2010 and owed hundred and something dollars and could not pay it so I failed to obtain a birth record. I went back and I was asked to pay the money I owed and a search fee, last year in November which I did not have" 29**-year-old witness, Khami, Bulawayo Metropolitan Province**.

3.1.10. Cumbersome Process for Home Birth Registrations

"My challenge is my sister's son who is 19 years and was born at home. I went to a mobile registration to acquire the birth certificate for him but they said they wanted birth records or health card and witnesses. The witnesses were there but the challenge is the lack of clinic cards." **42year old Male witness, Mashonaland Central Province**.

3.1.11. Centralisation of National Documentation Services

"Some members of my community are requested to get letters from the Councilors but it takes long to receive assistance and they end up giving up because the distances are long and people get there late when queues are already long and the number to be served for the day already reached. Most people coming from outside of Kwekwe do not have relatives in Kwekwe where they can put up so they return home and end up giving up. In Mupani, they travel about 80km to go to the RGs office and most people cannot afford the bus fares which at the moment costs $40 to and from." **Male Councillor Representing Zibagwe Rural District Council, Kwekwe District, Midlands Province**.

"The passport office is situated in Lupane. The distance from Siabuwa to Lupane is too long and the queues at Lupane are long. We need a passport office in all our sub offices. The whole community is affected. We need a passport office near the people because people are travelling many kilometers to one passport office. The issue is not the passport forms but the passport office." **Male Councillor from Hwange District, Matabeleland North.**

3.1.12. Mobile Registration Challenges

"Mobile registrations are just conducted during elections and it is a challenge because the time is not sufficient." **Chief, Kwekwe District, Midlands Province.**

"There is need to establish more sub-offices and increase mobile registrations. In Chirumanzi they are just conducted every 5 years**." Assistant District Development Coordinator, Chirumanzi District, Midlands Province**.

3.1.13. Costs of Accessing Services and Payment Modalities.

"…people were saying the cost of travelling to Gwanda is more than the cost of the passport. They gave us an example of someone staying in Chikwalakwala there they said it was R100 going to Beitbridge another R100 from Beitbridge to Gwanda which is R200 plus food so it becomes too expensive and that same person will have to come back again to collect the passport. **Provincial Registrar, Matabelenad South Province**

"I stay in an area which shares a boundary with Buhera. When I travel to the RG office in Marondera in order to apply for a passport I travel from Wedza and arrive at the RG office at 11am and the RG officers would have already reached the number of applicants for the day (15 – 20 people). I would have travelled far; I pay about ZWL35 one-way to Marondera. By the time they close their offices it's late I would either have to find accommodation in Marondera or travel back home late in the evening". **65-year-old female witness, Wedza District. Mashonaland East Province**

3.2.1. Demand for Lobola Payment

"My wife died 7 years ago and my in laws are to refusing to help me acquire a death certificate citing pending lobola for their late daughter. My first child now wants to register for a scholarship but is failing because the death certificate is required". **Male witness, Harare Province**

3.2.2. Un-documented Mothers

"My mother is an orphan who never had a birth certificate taken, because of this, me and my 5 children have failed to get birth certificates. Even though my father had documents, I was still unable to be registered". **39-year-old female witness, Gokwe North, Midlands Province.**

3.2.3. Religious Beliefs

"…the major root causes resulting in people not accessing identity documents, was due to religious beliefs…. In as much the RG has come up with some mechanisms to register children born in the apostolic sect, the people do not want to abide with such regulations to register children". **Provincial RG Harare, Harare Metropolitan**

3.2.4. Use of Maternal Surnames to Register Children

"When it comes to registration, women face challenges, especially when a child is born out of wedlock, because culture will say that the surname belongs to the man. They find it difficult to just register children in their names. They will say if he/she is to be registered in my father's surname let me go and seek my father's permission because they will say you are bringing a person who does not belong to the family". **Provincial Registrar, Mashonaland West Province**.

3.2.5. Generational Challenges

"I am an orphan and only child to my parents who passed away in 1998, before they had obtained identity documents for me, because my mother did not have a Birth certificate and ID. I am not aware if there are death certificates. I am married with five children. My wife has no identity documents as well as our children. The RG officials insisted that I bring relatives, or village head or councilor. The only surviving closest relative to me is my wife**." 41-year-old male witness, Masvingo Province**

I have two grandchildren whose parents died in a mine shaft. My children were un-documented. My grandchildren are also un-documented." **58-year-old female witness, Makoni District, Manicaland Province.**

3.2.6. Migration and unknown whereabouts of parents.

"My 2 daughters went to South Africa and gave birth to two children, whom they sent back home into my custody. The children do not have birth certificates. I need to assist them to obtain birth certificates because I am their guardian. It's been years since my children came home. My daughters do not assist in any way and they do not even phone**." 60-year-old grandmother, Khami, Bulawayo Province.**

"I do not know the father of my grandchild; my daughter left the child when she was still very young for South Africa. She has never returned home and is not in touch. The child was born in 2000 and the mother left that year. She was born at home. There are witnesses to the birth." **Female witness Matabeleland North Province.**

3.2.7. Falsification of documents and registration information.

"I was assisted to take a birth certificate in the name of my father in law. I now want to register my children and I am failing to assist my children because my documents appear as if I am sister to my husband. I want my children to be able to go to school and to work for themselves. I also want them to receive inputs and food aid. My father was a Zimbabwean and my mother was from Angola. When I got married me in laws stood in for me to get a birth certificate. RG advised that I should get my surname changed. My father is deceased and I do not know his relatives". **Female witness from Chipinge, Manicaland province**

"I went to South Africa in 2000 and had children in 2003 and 2004. I brought them home. My father was constantly calling me to come and obtain the birth certificates for the children. He told me that there were people from Harare who could assist him to obtain them in Harare. When I came back and wanted to apply for passports for the children, I was told the birth certificates were fake and needed cancellation, and the father must be present but I separated with the father. I cannot locate the father; he last came to Zimbabwe 8 years ago. I was customarily married to the children's father. The children were registered in my name and the father's but the birth certificates were fake. The children have birth cards from South Africa". **38 female witness from Bulawayo Province**

3.2.8. One or both parent(s) deceased or unknown whereabouts

"The family challenge is poor family relationships. We have cases where maternal relatives are reluctant to assist the biological father of the child to register his children when the mother is deceased. The birth and death procedure manuals states that it is a requirement for maternal relatives to facilitate in the registration of a child if the biological mother is deceased or if her whereabouts are not known. It is the duty of family members to register children of their deceased relative. We also have cases where both maternal and paternal relatives do not cooperate to facilitate birth registration of children under their custody. This challenge is mainly caused by poor family relations which emanate from lobola issues." **Provincial Registrar, Mashonaland West Province.**

"I have a son who needs a birth certificate. I separated with his mother about 5 years ago. The mother was not given a birth confirmation record because we had not paid the 600 dollars bill for a caesarian section. I went to Parirenyatwa maternity hospital intending to get a birth confirmation record but they said they could not give me in the absence of the mother**." 44-year-old male witness Hartcliffe Harare Metropolitan Province.**

CHAPTER FOUR: DOCUMENTATION AND SPECIAL INTEREST GROUPS

CHILDREN

"…… in terms of the impact of the lack of documentation. we found that lack of birth certificates, lack of passports, lack of national identification documents affects children emotionally and psychologically. It actually has a dent on their self-esteem. The lack of those documents impacts their knowledge of who they are". **Female Provincial Social Welfare Officer, Mashonaland East Province**

"We work with people who are living with HIV. We have people who die and leave children behind. The children are at times taken care of by the elderly or the single fathers who face challenges in accessing the documents for the child. We have realized that the orphans are struggling to obtain the Birth Certificate due to the restrictive requirements. Sometimes the distances to reach the RG office are approximately 100km. Therefore, this becomes a barrier hindering the grandparents or guardian of the child to travel or ferry witnesses to the RG office. There are also instances where a person dies and the relatives are in a feud over the estate thus adversely affecting the children when attempts are made to obtain birth certificates. Not having a Birth Certificate also affects the children's schooling leading to an increase of drop outs which also leads to child marriages. The children born out of these child marriages are also un-documented. We have partners who approach us with scholarships but those without birth certificates do not succeed in benefiting from these scholarships." **National Aids Council Male Representative, Centenary, Mashonaland Central.**

ORPHANS

"I have tried acquiring a birth certificate for the past 20 years, the RG tells me to go to my rural home to get witnesses but I have explained that I am an orphan and I do not have relatives to assist me as I am an only child. My uncles and aunts are deceased and their children are younger than me and have no background information to assist me. I have 6 children who all do not have birth certificates." **45-year-old female witness, Bulawayo Province**

"I am assisting a child headed family with children aged 8 and 5 years who do not have birth certificates. The parents passed away due to HIV AIDS in the same week. These children do not have relatives to assist them. They have been to the RGs office and were turned back because they failed to meet the requirements. I have contacted the social welfare department to raise this case with them and even left my contact details but to date, social welfare has not done anything concerning the matter." **Facilitator and community-based worker for the National Aids Council (NAC), Bulawayo Metropolitan Province**.

WOMEN

" My parents passed on long back. I was raised by my maternal uncles. I was born in Honde Valley. That is where I am still living. They did not facilitate my birth registration. I am at home and my children threaten to assault me because I did not register their births. I approached the RG office and they requested for my parent's death certificates which I do not have. I have a daughter who has been divorced by her husband owing to not having documents. He has considered her a chidhuura" – fake **55-year-old female witness Manicaland Province.**

"My failure to benefit from receiving food aid and inputs because of lack of documentation has created tension in my home with my husband threatening to leave me. He utters statements such as "zvikaramba zvakadai ndinokudzosera kuvabereki vako" – if it remains like this, he will return me to my parent's home". **Female witness Manicaland province**

"our daughters with children out of wedlock are facing challenges of husbands refusing responsibility and in turn posing a burden to the mothers and children." **Headman Buhera, Manicaland Province**

INTERSEX

"I was assigned as a boy at birth and acquired a birth certificate as a boy. At puberty, I started to develop breasts. I do not know what happened to the birth certificate which identified me as a boy. There is no provision within the law to include intersex as a sex category or to give intersex persons room to identify with the sex they are comfortable with, as their bodies transform at puberty. When I applied for my passport, I just went with the sex on my birth certificate and did not indicate I am intersex to avoid any complications…" **42-year-old intersex witness, Harare Metropolitan Province**.

PERSONS WITH DISABILITIES

"*My parents did not consider it important to get documents for her since she is physically challenged*." **Male witness representing 59-year-old sister, Matabeleland South Province**

"There are 2 sub offices in Mudzi District and persons with disabilities living in the area would need to travel about 80kms from Kotwa to Rushinga. The distances are too long. Mudzi has a lot of rivers and streams, there is only one main road therefore if you are not living along the main road you have to use the side roads which are not levelled and travelling in the donkey ridden carts is not comfortable and causes pain which inhibits majority of persons with disabilities from approaching the RG offices". **FODPZ male representative, Manicaland Province, also representing Mashonaland East Province.**

MINORITY GROUPS

San

"San community is facing challenges acquiring national documents. We are situated far from the RG offices. The community is illiterate and ignorant not knowing the importance of these documents. There are 92 homesteads and over 185 people are un-documented. The nearest RG office is over 80km away. There are no San representatives in offices to speak on behalf of the community". **Thwai San Development Trust, Tsholotsho, Matabeleland South.**

"What troubles us is that even if we encourage them to obtain birth certificates, for them it is as if they are going for war as if they will be fighting. It is because when they get to the offices, they are asked several questions which they may not be able to answer. For instance, the date of birth, some of those people do not know such things and it is a requirement when applying for a birth certificate to have that information. It will be in a public office where one acquires a birth certificate and the same people are embarrassed that they do not know the date of birth for their own children and they will be asked publicly." **Male representative for Thwai San Development Trust, Lupane District, Matabeleland North Province.**

"There were serious knowledge gaps on the importance of just registering a birth, and worse still getting an identity card, across the communities". **Habakkuk Trust Matobo District, Matabeleland South Province.**

Tonga

"We as Tonga speaking people, we are so marginalized. Considering we have vast resources, but we are treated differently compared with other tribes. So, we end up being marginalized in everything, including documentation." **Stakeholder from Mola Community, Mashonaland West Province.**

Doma

"We the Doma community live in a border area, remote to services and offices. We rely on Zambia for access to services. Accessing documents is difficult as we have to travel long distances. People do not have money so it becomes difficult to acquire documents." **Chief, Mbire Mashonaland Central Province**.

"Doma people cannot speak up for themselves because they are reserved in nature, illiterate and financially constrained, which hinders them from accessing national documentation". **Secretary to Village Head Mbire Mashonaland Central Province.**

Mixed race (Coloured) Community

"I recognise that there is marginalisation based on the national identification or the double zero classification of our citizens. We went to the historical outlines where we found that particularly, this issue dates back to 1931 and 1930 where there was Land Tenure Act and Land Apportionment Act. Particularly, what does it have in relation to my community? I looked at my community, they are mostly people with double zero classification, people with no district of origin and looking contrary to the historical outline and said how are my people going to benefit from the said land allocations." **Male Representative of Sunningdale Residents Association, Harare Metropolitan Province.**

ELDERLY PERSONS

"The witness is being kept at Zororo Old People's home. When he came to Zororo Old People's home he came without a birth certificate and an ID card as a result we failed to register him properly in our system. We have challenges in registering him with those who offer funeral services. We failed to register him for the Social Welfare services where we get some other assistance. We do not know his relatives, where he comes from since he does not have national identity card or birth certificate". **Male representative from Zororo Old People's Home, on behalf of an elderly resident, Mutare, Manicaland Province**

FOREIGN NATIONALS FROM SADC COUNTRIES

"In areas bordering Zambia and Mozambique, especially Mbire, Muzarabani, Mt Darwin and Rushinga, there are communities who live along the border line and are often difficult to establish their actual nationality. Parents may be from different sides of the border and they do not hold travel documents and neither do they cross the border procedurally. These people are difficult to register. **Provincial Registrar Mashonaland Central Province**

In our community, we are at the border with Mozambique. Love knows no boundaries and our children from Zimbabwe and Mozambique interact resulting in intermarriages between them. The challenge is that when a Mozambican wife is un-documented, even when the husband has documents, the children cannot be registered". **54-year-old Village Head, Rushinga, Mashonaland Central Province**

"My parents are of Mozambican descent. I was born here in Zimbabwe but when I acquired an ID, they recorded alien on it. It pains me that I was born here but I am considered an alien…." **71-year-old lady from Mt Darwin, Mashonaland Central.**

PRISON INMATES

"I once obtained a birth certificate but lost it when I was in primary school, maybe in grade 4 and I cannot proceed with trial because they need proof of my age. My parents are both deceased. My uncle disowned me and told me that I needed to fend for myself so I have no one to assist me because at court they want a birth certificate as proof of my age. I do not have the birth entry number but I know the names of my parents. The impact is that the trial is not proceeding because of lack of a birth certificate." **17-year male Prison inmate, Marondera Prison, Mashonaland East Province**

"I once obtained an ID and lost it in 2017. On replacement I was given a waiting pass with a different ID number from the first one and when I went to get a plastic one, I was told that I have two ID numbers and therefore this had

to be rectified. I also cannot benefit from presidential pardons because I do not have an ID", **33-year-old male inmate from Marondera Prison, Mashonaland East Province.**

GUKURAHUNDI AFFECTED COMMUNITIES

"In 1983 my husband passed on. He died because of Gukurahundi. I cannot obtain a death certificate. When my children were of school going age, I fled to my maternal home. I came to Lupane and tried to acquire a death certificate. They told me that I cannot acquire a death certificate for a person who died during Gukurahundi. I approached RG office. When I told them my story, I was told not to say the word Gukurahundi. They told me that I could get arrested if I say that. I then went back home. My children are complaining because they carry my surname and not that of their father". **Female witness from Tsholotsho. Matabeleland North Province**

"Citizens were failing to get presumption of death certificates from the RG's office in cases of missing persons from the Gukurahundi period in the 1980s and this has resulted in generations of un-documented persons". **Male representative, Habakkuk Trust, Matabeleland South Province.**

TONGOGARA REFUGEES

"The challenge for those without any refugee status is that they will not be issued with temporary residence permits, cannot acquire national IDs and their children cannot obtain Birth Certificates and national IDs and on release from Tongogara Camp will pause them challenges in life due to lack of any national documents… most of these unregistered people face the risk of statelessness." Male witness Tongogara Refugee Camp, Manicaland Province

DISASTER-AFFECTED COMMUNITIES

"My parents died when I was very young, and I was told that their identity documents were destroyed during the cyclone Idai. I stay with my paternal grandmother, who is very old and when I ask her to assist with getting me and my young brother registered, she says she has no money and strength to go to Chipinge.'' **18-year-old Witness, Mapungwana Community Chipinge, Manicaland Province.**

BORDER COMMUNITIES

"In our community, we are at the border with Mozambique. Love knows no boundaries and our children from Zimbabwe and Mozambique interact resulting in intermarriages between them. The challenge is that when a Mozambican wife is undocumented, even when the husband has documents, the children cannot be registered". **54-year-old Village Head, Rushinga, Mashonaland Central Province**

"We are at the border of 3 countries. Love has no border and our children are intermarrying with Zambians and Mozambicans who come without Birth Certificates and IDs. On registration, the mother's ID is required and most of foreign origin do not have and children are not registered. I witness as Councilor for people within my jurisdiction, but sometimes the papers are not accepted. The embassies where people are referred to for assistance are far away. We are requesting that the government considers communities that are near the borders to get assistance in registration." **Male Councilor, Mbire, Mashonaland Central Province**.

"Manicaland borders with Mozambique (Chipinge, Chimanimani, Mutasa, Nyanga and Mutare) – There are intermarriages. There are no distinct borders. It could be a hill or a river. When they bear children, one parent will have documents from this side of the border and the other is un-documented. Mozambique has its laws and Zimbabwe has its laws. They stay long in Zimbabwe. Thus, they need to be cleared first by immigration. There are immigration fees. Owing to the financial constraints, citizens cannot afford the immigration fees." **54-year-old Female Provincial Registrar, Manicaland Province.**

CHAPTER FIVE: THE IMPACT OF LACK OF DOCUMENTATION ON THE ENJOYMENT OF HUMAN RIGHTS

Right to Citizenship

"I have an Alien ID. I cannot vote or get a passport. I have some relatives in Mozambique, I cannot visit them because I do not have a passport…. I was advised of the 5000 dollars' fee. Ndinoda kungoitawo zvinokwanisa kuitwawo nevamwe ndionewo kurarama zviri nani (I also want to be able to do what other people are doing for me to be able to leave a decent life), but the fees required by RG to get citizenship status is beyond my reach. I think 100 dollars would be fair." **36-year-old male witness, Makonde, Mashonaland West Province.**

"I migrated from Mozambique in 1981 and I have not managed to acquire citizenship. I have 7 children born here in Zimbabwe and 2 others who were brought by wife from Mozambique. My wife is documented. She then had the children documented under her maiden surname. I am pained because I paid bride price and my children are not registered under my surname."**41-year-old male witness, Mt Darwin, Mashonaland Central Province.**

"I do not have any identity documents as both parents are deceased. I am not so sure where I was born, I don't know of any relatives from Mozambique. I have nothing to show that I am from Mozambique. My husband has his documents, but he is an alien. As for me I am not known, it's as if I do not exist, and this is affecting my four children**" 35-year old female from Southlea Park, Harare Province.**

"I want to be regarded as a citizen. During the war my parents left Zimbabwe and went to Mozambique. I was born in Mozambique. My father was a Zimbabwean and my mother was from Mozambique. My parents passed on. I remained in Mozambique and I later came to Zimbabwe in 1987. My brothers have Zimbabwean IDs I am the only one with an alien ID. I have 5 children. All my children have birth certificates. Only the second born has an alien ID" **49-year-old woman from Manicaland Province.**

Freedom of movement and residence

"If you have a passport you can cross the border and find something to do such as being a cross border trader. I cannot visit my relatives or attend the funeral of a relative because I do not have a passport". **Female witness from Wedza, Mashonaland East Province.**

Two (2) best students with disabilities failed to participate in sporting festivals scheduled in the United Kingdom in 2019, because they failed to obtain passports on time despite having applied and making frequent follow ups, given the urgency. – **Jairos Jiri Association Kadoma, Mashonaland West Province.**

"I cannot travel to visit my children. My son who is a chemical engineer graduated twice and I was not there, only my husband attended the graduation ceremonies. I also need a passport to travel abroad for an operation". **Female witness, Hwange, Matabeleland North Province.**

Political Rights

The traditional leader representing the Brunapeg community (Matabeleland South) testified that there was a large number of people in his community who were failing to exercise their right to vote due to lack of national identity documents.

Councillor in Makonde (Mashonaland West Province) raised concern that there were over 2,700 people in his ward, but only 1,200 managed to vote during the elections because others either had alien national identity documents or no national identity document at all.

"I do not have a birth certificate and an ID. My parents died when I was 4 years old. I have never voted". **45-year-old male Witness Mashonaland East**

"There is a large number of people in the community who are failing to exercise their right to vote due to lack of ID". **Traditional leader, Brunaperg Matabeleland South Province**

Right to Health Care

"I want a BC, so that I can get a passport and be able to go to South Africa where my children and nieces are. I am of ill health suffering from heart problem. My relatives in South Africa advised that if I get a passport, they could assist with medical attention." **Female witness, Mhondoro- Ngezi, Mashonaland West Province.**

"I lost my passport in South Africa when I had gone to seek medical assistance. I tried to replace it in December 2018 but I was told they do not have paper for passports. I have to go back to South Africa for treatment for an operation. I was supposed to have gone back on the 1st of August but I failed because I do not have a passport. My cheek can bleed anytime and it is painful. On 4 occasions I approached the local hospitals and they did not have the equipment for the operation I need to undergo. I have not gone back to the RGs office since December 2018." **36-year-old woman from Murewa, Mashonaland East Province.**

Access to Social Welfare

"It is difficult for orphans living in Institutions of care without birth certificates to access per capita grants which at the moment are RTGS$15 per quarter. The grant assists in the running of children's homes. Money for vulnerable members of society is deposited in bank accounts and without a national ID they cannot be considered for the programme. With Government Programmes like Food Deficiency Mitigation (FDM) Programme, it is difficult for those without national IDs to be enlisted and they are left out." **Social Welfare Officer for Child Protection, Manicaland Province.**

An elderly woman from Mashonaland West who has custody of 7 grandchildren without birth certificates only one of her grandchildren had a birth certificate and receives aid from the Department of Social welfare, but others were left out. She has to share one person's monthly allocation, with her six other grandchildren.

"In our village we get fertilizers and seeds, because we have no IDs, we do not benefit, for every programme that comes you are not counted, you are not even recognized as available so you do not get anything. Government should assist us". **45-year-old female witness Manicaland Province**

Freedom of profession, trade or occupation

"A local company had been identifying brilliant children from poor backgrounds in Caledonia, offering them employment, including the witness's child[150]. However, he could not be offered the job because he did not have national identity card. This situation has *actually destroyed me and my child too*." **51-year-old witness from Caledonia, Harare Province.**

"I lost my documents 4 years ago. I made a police report the day I lost the documents, and went to the RG in Gutu, who referred me to Masvingo, but I did not have finances to travel. It has been difficult to get employment. I also lost my job because I did not have an ID." **41 Male witness, Masvingo Province.**

"The waiting pass makes it difficult to secure a job especially in my area where I was told that the waiting pass is not acceptable for employment. If you succeed in getting a job, the moment they realize you have a waiting pass, they will dismiss you. I tried to get a metal or plastic ID. I have receipts to prove that I tried to get it but failed." **Male witness, Hwange District, Matabeleland North Province.**

"I do not have a birth certificate and ID. I went to the RGs office and they asked me to bring my father but I told them he is disabled and cannot walk…It's about $25 to come to Marondera from where I stay. I cannot secure employment because they require an ID." **24-year-old male witness, Goromonzi District, Mashonaland East Province.**

Right to Property

"My mother passed away in South Africa and was buried in Zimbabwe. My step father took my mother's death certificate and went with it to South Africa and I never saw him again up to now. I'm failing to register my mother's estate. She had a house which was under construction". **Female witness, Matabeleland South Province.**

[150] Name of child withheld to protect privacy

"My name and surname are different on the birth certificate and ID, and on the ID, it was registered as female and not male…. I am retired and NSSA required a birth certificate and because of the inconsistencies, I cannot access my benefits." **56-year-old Male witness, Mashonaland Central Province**.

"…For the elderly persons, most fail to get their NSSA benefits because they do not have IDs**…" 39-year-old Councillor, Mashonaland East Province**

Right of accused, arrested and detained persons

'My case was not heard speedily since I didn't have a document to prove my age therefore, I had to stay on remand in order for me to be tried as a young offender" **A young offender from Marondera Prison, Manicaland Province.**

"Challenges caused by lack of birth certificates include juveniles being prosecuted as adults because they cannot prove their age…" **28-year-old Female Legal Officer representing Justice for Children Trust, Bulawayo Metropolitan Province**.

"With child offenders, we must prove they are a child and they have to go through age estimation which usually takes long. Magistrates also take the upper age limit on estimation and children end up being charged as adults with steeper offences carrying steeper sentences**." Female Provincial Social Welfare Officer, Mashonaland East Province.**

Right to Human Dignity

One woman without documents said that each time she had a misunderstanding with her husband, he would refer to her as "gora" (wild cat, whose origins are unknown).

"My family members are not recognized in Zimbabwe since they are not registered. Even cattle are registered and have stock cards so why are my children failing to have documents" witness from Manicaland Province. "If you have no ID, unoloser hunhu hwako, (Without an ID one loses their dignity)." **57-year old male, Gokwe South, Midlands Province**.

"A lot of married women have been returned home by their husbands because they had no identity documents and were referred to as zvidhuura (fake people)". **Councillor from Ward 2 in Mutasa District, Manicaland Province.**

"Some threaten to commit suicide because they consider themselves as not being human beings without an identity. In my ward, there are about 300 people who are un-documented. Vanasikana vanodzoswa kuvabereki vavo nokuti havana mapepa vachinzi zvidhuura. (Women without any documentation are returned to their parents and are referred to as fake people.) **59-year-old female Councillor, Mutasa District, Manicaland Province**

"Shuwa munhu kukundwa ne mombe ine card… (A human being without national documents is worse off than a cow which has a stock card)" **Male Chief, Nyanga District, Manicaland Province.**

Right to Education

"The impact is double tragedy for children because the BC is used the most at school, leading to disadvantages in sporting activities where they cannot participate completely. Future life is affected because spaces in life close without a BC and an ID." **Headmistress, Mberengwa, Midlands Province.**

"I am a widow, staying with 3 grandchildren (born 2007, 2010, and 2012) without birth certificates. …I want the kids to get birth certificates, they are not getting school reports, and are left out on schools sporting activities. The kids are very intelligent and ask me questions that I fail to answer". **72 year, Gutu Masvingo Province**

"Among children enrolled at school without birth certificates, are intelligent children and those talented in sport who fail to realize their potential. The impact is a double tragedy because the birth certificate is a requirement for school and lack of it leads to disadvantages in education and sporting activities where they cannot participate completely. Future life is affected because spaces in life close up without a birth certificate and an identity". **Headmistress representing Vubwe High School in Mberengwa, Midlands Province.**

"At Kushinga Primary School in Mazowe 396 pupils out of an enrolment of 720 do not have birth certificates, of these, 220 are boys and 176 are girls". **Female School Head, Mashonaland Central Province.**

Annexure 8: Registrar General's Submission

"All Official communication should be addressed to the Registrar General
Telephone: 706311-2, 708383-5
702290, 702295-9

ZIMBABWE

CENTRAL REGISTRY FOR BIRTHS, NATIONAL REGISTRATION,CITIZENSHIP, TRAVEL DOCUMENTS, MARRIAGES, DEATHS and LIVESTOCK BRANDS
Private Bag 7734
Causeway, Harare, Zimbabwe

Our Reference:
Your Reference:

27 January, 2020

The Chairperson
Zimbabwe Human Rights Commission

RE: COMMISSION OF INQUIRY INTO THE CHALLENGES OF ACCESSING IDENTITY DOCUMENTS

1. Mandate

The Civil Registry Department is responsible for the registration and documentation of:

- Births;
- Deaths;
- National identity;
- Citizenship;
- Marriages; and
- Livestock brands

REGISTRY ZIMBABWE HUMAN RIGHTS COMMISSION 31 JAN 2020 Musseca A. 144, SAMORA MACHEL AVENUE HARARE TEL: 04-700705/10/498

as well as manufacture, processing and issuance of travel documents.

2. Legislation

The Department administers and is guided by the following laws:

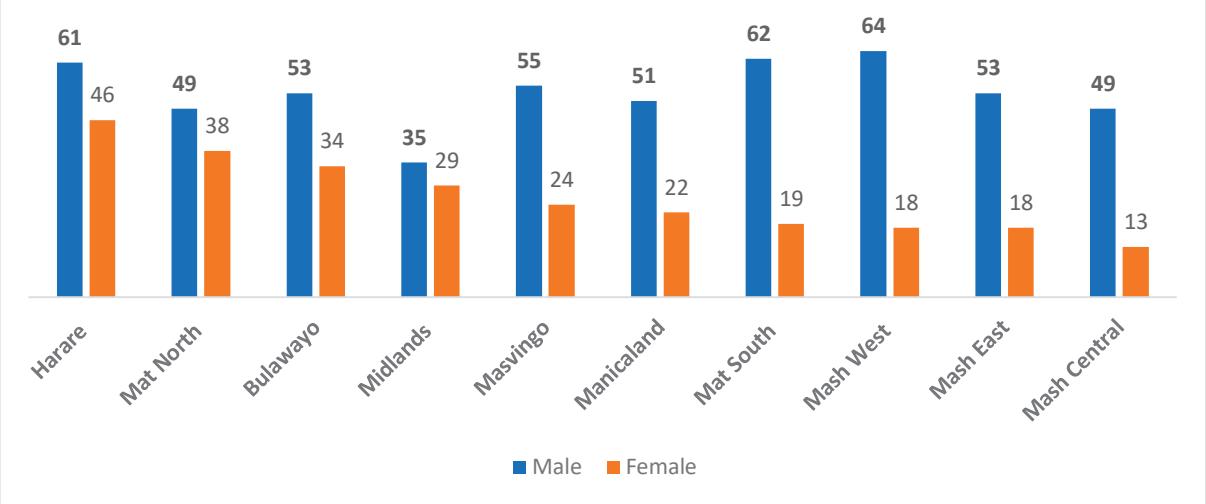
- Constitution of Zimbabwe [Amendment 20] Act of 2013
- Births and Deaths Registration Act [Chapter 5:02]
- Burial and Cremation Act [Chapter 5:03]
- Children Protection and Adoption Act [Chapter 5:06]
- Guardianship of Minors Act [Chapter 5:08]
- National Registration Act [Chapter 10:17]
- Citizenship of Zimbabwe Act
- [Chapter 4:01]
- Customary Marriages Act [Chapter 5:07]
- Marriage Act [Chapter 5:11]
- Brands Act [Chapter 19:03]

3. Procedure Manuals

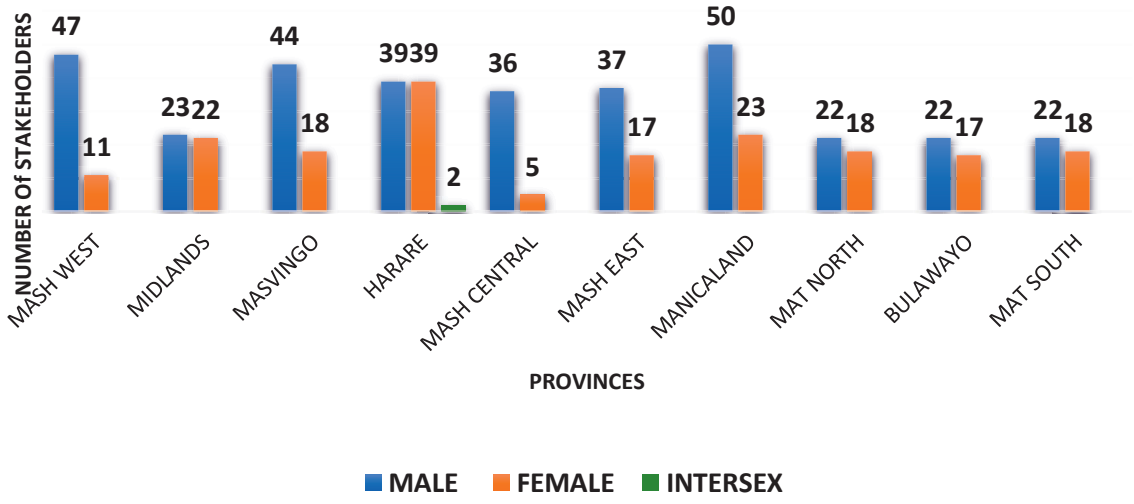
The Department is in the process of crafting Procedure Manuals to serve as standard operating procedures for the guidance of officials on civil registration.

C Masango
REGISTRAR GENERAL

Annexure 9: Number of Stakeholders per province participating at consultative meetings



Annexure 10: Number of Stakeholders per province participating at validation meetings



Annexure 11: Number of Stakeholder Submissions Received per Province

Province	Number of Stakeholder Submission Forms Received
Bulawayo	8
Harare	32
Manicaland	22
Mashonaland Central	11
Mashonaland East	30
Mashonaland West	11
Masvingo	21
Matebeleland North	17
Matebeleland South	18
Midlands	21
Total	**191**

Annexure 12: Stakeholders who made submissions

Stakeholder	Province
Department of the Registrar General	Bulawayo
Musasa Project	Bulawayo
Ministry of Social Services	Bulawayo
Legal Resources Foundation	Bulawayo
Trinity Project	Bulawayo
Justice for Children Trust	Bulawayo
Bulawayo Residents Association	Bulawayo
Habakkuk Trust	Bulawayo
Councillor Ward 5	Mat North
Lyeja Nyayi Development Trust	Mat North
Ministry of Local Government and Public Works	Mat North
Chief Ndondo	Mat North
Njibanjiba Ward 20	Mat North
Silawane Village Head	Mat North
Bekezela HBC	Mat North
Village Head Ngobane	Mat North
Councillor Ward 11	Mat North
Village Head Sivalo	Mat North
Chief Sivalo	Mat North
Village head Njibanjiba Ward 20	Mat North
ZRP Tsholotsho	Mat North
Tsoro-o-tso San Development Trust	Mat North
Village Head Cewale Village	Mat North
Ntengwe Community Development	Mat North
Uluthula Trust	Mat North
Zimbabwe Prison Services	Midlands
Manoti Development Committee	Midlands

Gokwe North RDC	Midlands
Plus, Human Rights Club	Midlands
Chief Malisa	Midlands
Ministry of Local Government and Public Works	Midlands
Kwayedza Kusile	Midlands
Midlands Pastors Empowerment	Midlands
Chief Mtevaidze	Midlands
Gresham Primary School	Midlands
Ministry of Local Government and Public Works	Midlands
Local Government	Midlands
Vubwe High School	Midlands
Village Head -Chief Muposi	Midlands
District Administrator	Midlands
Registrar General	Midlands
Department of Social Welfare	Midlands
We the People of Zimbabwe	Midlands
Village Head Chief Banga	Midlands
Gokwe Town Council	Midlands
Mighty Powers of God Youth Forum	Midlands
Zibangwe Rural District Council	Midlands
CHRSDC	Mash Central
Department of Social Welfare	Mash Central
National Aids Council	Mash Central
Gatu Residents Association	Mash Central
Kairezi Secondary School	Mash Central
Women Affairs	Mash Central
Rushinga District Council	Mash Central
Child Protection (VCPC)	Mash Central
Kushinga Primary School	Mash Central
Ministry of Youth, Sports and Recreation	Mash Central

Childline	Mash Central
Department of the Registrar General	Mash Central
Copota School for the Blind	Masvingo
Chambuta Children's Home	Masvingo
Masvingo Association of Residential Care Facilities Trust	Masvingo
MURRA	Masvingo
Department of the Registrar General Zaka	Masvingo
Access to Justice Masvingo	Masvingo
D A Chivi	Masvingo
Headman Makumbe	Masvingo
Mupandawana Town Council	Masvingo
Rudoisimba Organisation	Masvingo
Village Head Madamombe	Masvingo
Space for marginalised Groups in Diversity	Masvingo
Alpha Cottages	Masvingo
Machingambi Secondary School	Masvingo
Headman Chimedza Ward 3	Masvingo
Disabled Women Support Organisation	Masvingo
Child Care Worker Ward 14 Mwenezi	Masvingo
Provincial Social Welfare Office	Masvingo
Case Care Worker Ward 7	Masvingo
Ministry of Local Government and Public Works	Masvingo
CIIR	Masvingo
Councillor Ward 7	Mash East
Councillor Ward 2 Seke	Mash East
Councillor Ward 8 Wedza	Mash East
Goromonzi Rural District Council	Mash East
Ministry of Health and Child Care Wedza	Mash East
Goromonzi Ward 22	Mash East
Councillor Ward 20	Mash East

Department of the Registrar General Mudzi	Mash East
Village Head Marongo	Mash East
Hudya Primary School	Mash East
Beatrice High School	Mash East
Headman Chief Neshangure	Mash East
Matove Ward 20	Mash East
Life Empowerment Support Organisation	Mash East
Beatrice Primary School	Mash East
Councillor Ward 10 Seke	Mash East
Manyame Rural District Council	Mash East
Chief Seke	Mash East
Chief Ruzane	Mash East
Wedza Rural District Council	Mash East
Councillor Ward 13 Beatrice	Mash East
Ward 8 Wedza	Mash East
Ministry of Education	Mash East
Case Care Worker Suswe	Mash East
Ministry of Youth Sports and Recreation	Mash East
Ngande Ward 8	Mash West
Kainos Mackenzie	Mash West
Lovemore Tennis	Mash West
Innocent Mangwanya	Mash West
Municipality of Kariba	Mash West
Mayor	Mash West
Edward Makarani	Mash West
Department of Social Welfare Provincial Office	Mash West
Zimbabwe Prison & Correctional Services	Mash West
Zvimba Rural District Council	Mash West
Nazareth Shelter Old Peoples Home	Mash West
Lead Child Case Worker Hopely	Harare

Community Leader Hopley	Harare
Young Girl Child Emancipation Zimbabwe	Harare
Restless Development	Harare
Southlea Park Housing Trust	Harare
Family Support Trust	Harare
ZNNPH	Harare
Survival Vendors Union of Zimbabwe	Harare
Zimbabwe Gender Commission	Harare
District Social Service Welfare	Harare
Hatfield Community	Harare
Hatfield Residents Association	Harare
Hatfield Residents Association	Harare
Shamwari Yemwanasikana	Harare
District Social Service Welfare Budiriro	Harare
Zengeza Welfare Centre	Harare
Community Health Promotion	Harare
Girls, Women Empowerment Network	Harare
South Eastern District Harare	Harare
Zimbabwe Prions and Correctional Services	Harare
Ministry of Youth Sports and Recreation	Harare
Harare City Council Health Department	Harare
Social Welfare Mabvuku	Harare
Rujeko Primary School	Harare
City of Harare	Harare
Crest Breeders Primary School	Harare
City of Harare Glenview	Harare
Shining Star Association	Harare
St Dominic's Children Foundation	Harare
Zimbabwe Republic Police	Harare
JH Butler Farms	Harare

Mufakose City Organisation	Harare
Ward 2 Braeside	Harare
Intersex Community	Harare
Councillor Ward 6 Headlands	Manicaland
Makoni Rural District Council	Manicaland
Channels of Hope for Child Protection	Manicaland
Peace Building and Capacity Foundations	Manicaland
Ward 22 Mupudzi	Manicaland
Councillor Ward 8 Chipinge	Manicaland
Department of Social Welfare	Manicaland
Zimbabwe Prisons and Correctional Services	Manicaland
Chief Hata	Manicaland
Village Head Manhere	Manicaland
Headman Mabvuregudo Ward 18	Manicaland
Headman Chirozva	Manicaland
Chimanimani Rural District Council	Manicaland
Tinevimbo Project Sakubva	Manicaland
Chipinge Rural District Council	Manicaland
Village Head Chingele	Manicaland
Garikai /Hlalani Khule	Manicaland
Manzunzu Primary School	Manicaland
Zororai Old Peoples Home	Manicaland
Mutare Rural District Council	Manicaland
WCOZ	Manicaland
Village Head Manhare	Manicaland
Chiedza Community Welfare Trust	Manicaland
Registrar General	Manicaland
Provincial Registrar	Mat South
CYDT	Mat South
Ministry of Primary and Secondary Education	Mat South

Ministry of Home Affairs	Mat South
Councillor Ward 13	Mat South
Ministry of Social Services	Mat South
Youths for Today and Tomorrow	Mat South
Councillor Ward 7	Mat South
Chief Sangulube	Mat South
Lubahle	Mat South
Traditional Leader Tshuma	Mat South
Child Protection (VCPC)	Mat South
Gwanda Community for Justice	Mat South
Local Peace Committee	Mat South
World Vision	Mat South
Ndolwane Village Head	Mat South

Annexure 13: Stakeholder Video Submissions

	Organisation	Number of Videos
1.	Catholic Commission for Justice and Peace (CCJP)	1
2.	Community Youth Development Trust (CYDT)	3
3.	Emthonjeni Women's Forum (EWF)	2
4.	Heal Zimbabwe Trust	1
5.	Inkanyezi Development Trust (IDT)	1
6.	Intersex Community of Zimbabwe	1
7.	Jekesa Pfungwa/Vuligqondo (JPV)	1
8.	Legal Resources Foundation (LRF)	1
9.	Lupane Women Development Trust (LWDT)	2
10.	Matabeleland Widows and Single Parents Trust (MATWIDOWS)	1
11.	Musasa Project	1
12.	Peace-building and Capacity Development Foundation (PACDEF)	1
13.	South Western Region Gender Network (SWRGN)	1
14.	United Mutare Residents and Rate Payers Trust (UMRRT)	1
15.	Women's Media for Development Foundation (WMDF)	2
16.	Women's Institute for Leadership Development (WILD)	2
17.	Youths for Today and Tomorrow (YTT)	1
18.	Zimbabwe Human Rights Association (ZimRights)	1
Total		24

Annexure 14: Selected Media Reports Reviewed

i. Injiva Struggle to Obtain National Documents: https://www.cite.org.zw/injiva-struggle-to-obtain-national-documents/
ii. ZHRC Recommends Special Registration Programmes: https://www.sundaynews.co.zw/zhrc-recommends-special-registration-programmes/
iii. Communities Narrate Challenges in Getting IDs: https://www.chronicle.co.zw/communities-narrate-challenges-in-getting-ids/
iv. ZHRC Engages Ministry Over Birth Records: https://www.chronicle.co.zw/zhrc-engages-health-ministry-over-birth-records/
v. National Document Requirements Unclear and Unreasonable: https://www.chronicle.co.zw/national-document-requirements-unclear-and-unreasonable/
vi. Shocking Corruption at Passport Office Minister Kazambe Vows to Deal With the Rot: https://www.sundaymail.co.zw/shocking-corruption-at-passport-office-minister-kazembe-vows-to-deal-with-the-rot
vii. Minister Breathes Fire over Corruption at Passport Office: https://www.newsday.co.zw/2020/01/minister-breathes-fire-over-corruption-at-passport-offices/
viii. Bribes for Passports as Crisis Worsens: https://www.thestandard.co.zw/2019/07/08/bribes-passports-crisis-worsens/
ix. High Court hears curious birth registration case :https://www.herald.co.zw/high-court-hears-curious-birth-registration-case/
x. RG's Officials Corrupt: ZHRC: https://www.newsday.co.zw/2019/11/rgs-officials-corrupt-zhrc/
xi. Registrar promises to Protect Corruption Whistleblowers: https://twitter.com/WeArePindula/status/1196729879464759298?s=08
xii. RG, Human Rights Commission Clash https://twitter.com/HeraldZimbabwe/status/1198941106051993600?s=08
xiii. Hon Min Kazembe tours the passport offices to understand the operations of the RG buildings https://m.facebook.com/story.php?story_fbid=2536633476594416&id=1926833307574439&sfnsn=mo
xiv. Passport Charges to go up: https://twitter.com/HeraldZimbabwe/status/1198996550078341120?s=08
xv. Human Rights Commission, Registrar General Cross Swords: https://twitter.com/263Chat/status/1199506967439532032?s=08
xvi. RG's Office Employees forced to Resign at Gunpoint https://twitter.com/WeArePindula/status/1217458903979634691?s=09
xvii. Registrar General Accuses Human Rights Commission of Making "Unsubstantiated" Corruption Allegations: https://twitter.com/WeArePindula/status/1199317317005512706?s=08
xviii. RG Masango Snubs ZHRC, Refuses to explain Passport Crises: https://zimmorningpost.com/rg-masango-snubs-zhrc-refuses-to-explain-passport-crisis/
xix. Government Suspends Printing of Ordinary Passports https://twitter.com/WeArePindula/status/1228222246725881856?s=09
xx. IDs birth certificates to be issued in Churchhttps://www.sundaynews.co.zw/ids-birth-certificates-to-be-issued-in-church/
xxi. Home Affairs Investigating Lupane Passport Office Over Alleged Corruption https://twitter.com/WeArePindula/status/1233720127033614338?s=08
xxii. Gukurahundi Fear Persists: Communities Still Afraid to Open Up on Atrocities: https://www.chronicle.co.zw/gukurahundi-fear-persists-communities-still-afraid-to-open-up-on-atrocities/
xxiii. ZHRC Commits to Facilitate Procurement of IDs: https://www.newsday.co.zw/2019/04/zhrc-commits-to-facilitate-procurement-of-ids/
xxiv. Human Rights Commission Tackles Gukurahundi: https://www.chronicle.co.zw/human-rights-commission-tackles-gukurahundi/
xxv. National Documentation Inquiry on Cards: https://www.herald.co.zw/national-documentation-inquiry-on-cards/
xxvi. Gweru Ward Records 200 Children Without Birth Certificates: http://newziana.co.zw/2019/09/25/gweru-ward-records-200-children-without-birth-certificates/

Annexure 15: National Inquiry Recommendation Matrix

Ministry of Home Affairs and Cultural Heritage (RG Department, Immigration Department and Zimbabwe Republic Police)

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[151]
POLICY					
1.	No national policies on national documentation	Develop a national policy on access to documentation to provide guidance, strategies and framework on documentation	National policy adopted by Cabinet	Ministry of Home Affairs and Cultural Heritage	Medium
2.	Lack of internal procedures /policies	Develop internal policies/procedure/manuals consistent with the law to provide guidance and instructions for the DRG staff on issuing of national documents.	Number of adopted internal procedure/policies/manuals	DRG	Short term
3.	Lack of decentralisation	Implement the Devolution Strategy in line with Section 264 of the Constitution to address lack of decentralisation of DRG services. Conduct regular well-resourced mobile registration programmes.	Number of offices decentralised[152] Number of staff recruited and deployed to decentralised offices Number of mobile registration exercises held	Ministry of Home Affairs and Cultural Heritage /DRG	Medium Term Short Term

[151] (Short term = 6months – 1 year, Medium – 1 - 2years, Long term = 3 – 5 yrs.)
[152] Including sub offices at health institutions

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[151]
4.	Allegations of corruption by the DRG Officials hindering documentation	Investigate all allegations of corruption and take measures to address this vice, such as installation of CCTV	Anti-corruption measures in place	Ministry of Home Affairs, DRG	Short Term
5.	Lack of documentation for Internally displaced persons and other special interest groups[153]	Formulate and implement policies on accelerated registration of internally displaced persons and all Special Interest Groups.[154]	Number of adopted internal procedure and policies Number of new registrations	DRG	Short term

[153] Indicated in Chapter 4
[154] See suggested recommendations in Annexure 16.

LEGAL					
1.	Discriminatory provisions in the Births and Deaths Registration Act (BDR Act) such as Section 12	Amend Section 12 of the BDR Act to remove discriminatory provisions that affect registration of children born out of wedlock	Bill on amendment of BDR Act	Ministry of Home Affairs and Cultural Heritage Parliament of Zimbabwe	Medium
2.	Lack of Regulations to the BDR Act	Develop Regulations of the BDR Act for better implementation if its provisions.	Regulations to the BDR Act	Ministry of Home Affairs and Cultural Heritage	Medium
3.	Children born to parents of indeterminate nationality denied the right to have their birth registered[155]	Take measures to ensure that all children born in Zimbabwe are registered at birth without discrimination in order to address the gap in law that denies children born of indeterminate nationality the right to have their births registered.	Number of birth registrations	DRG	Short Term
4.	Children born to parents of indeterminate nationality denied right to acquire Zimbabwean nationality and placed at risk of statelessness[156]	Ratify the 1961 United Nations Convention on the Reduction of Statelessness and domesticate its provisions through nationality/citizenship laws so as to ensure that every child enjoys the right to acquire a nationality[157]	Ratification of the 1961 Convention on Reduction of Statelessness and its incorporation in domestic legislation	Ministry of Home Affairs and Cultural Heritage Parliament of Zimbabwe	Long Term
5.	Non recognition of responsibility of grandparents, siblings and	Amend the BDR Act to give responsibility of registering children to	Amended BDR Act.[158]	Ministry of Home Affairs and Cultural Heritage	Medium

[155] See Chapter 4 on Special Interest Group, Refugee Section
[156] See Chapter 4 on Special Interest Group, Refugee Section
[157] See recommendations from Treaty Bodies in annexure 6.
[158] All recommended amendments to the BDRA must be coordinated and done at the same time.

	relatives in the birth registration of children where parents are unavailable.	other categories where parents are not available.		Parliament of Zimbabwe	
6.	Non-alignment of Citizenship Act to the Constitution on dual citizenship	Align the Citizenship Act to the Constitution to allow for dual citizenship.	Zimbabwean Citizenship Bill	Ministry of Home Affairs and Cultural Heritage	Medium
7.	Lack of enabling legislation on travel documents	Develop a law or regulations to regulate and guide the issuance of travel documents.	Bill or regulations on travel documents	Ministry of Home Affairs and Cultural Heritage	Medium
8.	Lack of standardised prescribed forms for traditional leaders and schools to support birth registrations.	Develop standard forms for schools and traditional leaders to be used in support for birth registrations.	Standard forms developed	DRG	Medium
9.	Non distinction of citizenship fees of RTGS 5000.00 for people who have lived in Zimbabwe all their lives versus those who have not lived in Zimbabwe but are seeking citizenship.	Review with a view to reducing the prescribed fees downwards when applying for citizenship by registration in order to accommodate people who have lived in Zimbabwe all their lives as opposed to those seeking citizenship by registration.	Revised statutory fees	Ministry of Home Affairs and Cultural Heritage	Short Term
10.	Lack of adequate funding to support provision of services by the DRG	Lobby for an increase in budgetary support to the DRG to address shortages of equipment and consumables e.g. ink, passport paper, computers, printers and vehicles.	Increase in passed and approved Budget vote Annual DRG reports	Registrar Generals Department.	Short Term
ADMINISTRATION OF DOCUMENTATION					

1.	Delays in vetting fingerprints required for registering persons over 21 years due to red tape in the system of transmitting the fingerprints between offices.	Develop efficient systems of transmitting fingerprints between DRG and Criminal Investigations Department (CID) of the ZRP in order to address delays in the fingerprint verification process which is required for registering persons over 21 years. Adopt biometric system of registration and keep electronic records.	Efficient fingerprint verification system in place	DRG ZRP (CID) DRG	Short Term Long Term
2.	Use of unadopted Standard Operating Procedures that have not been formally adopted by the DRG[159].	Develop and adopt Manuals for processing national documents to curb the use of draft Manuals that have not been formally adopted by the DRG, resulting in inconsistencies in registration.	Number of SOPs in place	DRG	Short Term
3.	Unnecessary requests for information already in the civil registry system[160]	Use existing information in the DRG's data base when renewing or replacing documents and desist from requesting for these from applicants.	Reduction in numbers of documents required for renewing or replacing national documents	DRG	Short Term
4.	Identity cards issued at mobile registration exercises were manual (handwritten) and computerisation is done at the instance of the applicant. These are not captured in the system.	Computerise all manual (handwritten) birth certificates and IDs as a matter of policy rather than on application for computerisation at the instance of clients	Number of computerised birth certificates and IDs	DRG	Short Term
5.	Lack of decentralisation of Immigration Department, (their offices are only	Implement the Devolution Strategy in line with Section 264 of the Constitution, address the inadequate decentralisation of the Departments.	Increase in number of offices decentralised	Immigration Department	Medium Term

[159] Draft RG Department Procedure Manual, Births and Deaths, which in some instances lead to inconsistencies in application
[160] e.g., need for birth certificate and national identity document to renew expired passport which is information already contained in their system)

	available at Borders, Harare and Bulawayo.) Citizenship applications only available in Harare				
6.	Service providers for vital registration requirements e.g. Immigration Department of Social Welfare and the DRG operates at different premises and locations.	Advocate for a one stop shop for service provision by institutions with a mandate to conduct national documentation (e.g. DSW) to be housed at DRG Offices to promote coordinated services.	Increase in number of registrations	DRG	Long Term
GENDER DIMENSIONS OF DOCUMENTATION					
1.	Difficulties faced by women who give birth out of Zimbabwe to register children where birth confirmation records may not be readily available.	Use alternative supporting documents e.g. health card and affidavits to address difficulties faced by women who give birth outside Zimbabwe in registering children where birth confirmation records are not readily available.	Decrease in number of unregistered children born out of Zimbabwe	DRG	Medium Term
2.	Gender disparity in registration as women in particular bear a large part of the burden for getting their children registered.	Formulate gender sensitive policies which take into consideration the gender dimensions of access to documentation.	Gender sensitive polices formulated	Ministry of Home Affairs and Cultural Heritage	Medium Term
CULTURAL DIMENSION OF DOCUMENTATION					
1.	Difficulties faced by women in registering in their own names because of the cultural belief that children must carry their father's surname.	Conduct awareness raising campaigns to address cultural impediments which hamper access documentation.	Number of awareness raising activities	DRG	Long Term

2.	Non-payment of lobola which makes relatives of women not co-operate with the men they divorced or separated with when requested to facilitate the birth registration process of a children.	Enforce provisions of the BDR Act which mandates relatives to facilitate the registration process.	Decrease in the number of children unregistered because of cultural practices	DRG.	Medium Term

FAMILY STUCTURE AND DOCUMENTATION					
1.	Changes in traditional family structure, new and emerging family structures	Amend the BDR Act to include new and emerging or contemporary trends in the family structure.	Bill on amended BDR Act	DRG	Medium Term
2.	Biological parents only are allowed to register children.	Change policies and develop forms to take into account the evolved family structure to cater for family members can facilitate acquisition of national documents.	Forms allowing other family members besides biological parents to register children	DRG	Medium Term
KNOWLEDGE, ATTITUDES AND PRACTICES OF DUTY BEARERS AND CITIZENS TOWARDS DOCUMENTATION					
1.	DRG's District and Sub offices do not have sufficient knowledge of registration procedures resulting in citizens not being documented	Undertake comprehensive institutional and staff capacity assessment of the DRG and implement the findings to address the limited knowledge of staff on registration procedures that has led to people being un-documented.	Capacity assessment report Number of DRG staff (male/females) with enhanced capacities.	DRG	Medium Term
2.	Sub-standard customer service by Registrar General's officials and limited capacities of Human Rights Based Approach to service delivery	Retrain the DRG staff and reorient them on their client service charter in order to address deficient customer service and limited capacities on HRBA to service delivery.	Number of staff retrained on good customer service and Human Rights Based Approach to service delivery	DRG	Medium Term
3.	Limited understanding by some DRG's officials of local intricacies of communities they are	Induct staff on awareness of the intricacies of the local communities	Number of staff inducted	DRG	Medium Term

	serving in order to effectively provide services	they are operating from in order to provide requisite services.			
4.	Limited knowledge by the general public on the registration requirements to access national documentation	Raise awareness on importance of registration and requirements for accessing national documentation through publicity campaigns, development and dissemination of IEC materials in partnership stakeholders such as UN Agencies and CSOs to conduct publicity awareness campaigns.	Number of outreach meetings, seminars, meetings and other awareness raising initiatives conducted through various media Increase in the number of documented people	DRG	Medium Term
5.	Inconsistencies in the information provided at the different DRG offices, which results in people having to go back and forth to the DRG	Adopt standardised operating procedures for processing documents to address inconsistencies in the information provided at the different DRG offices, to avoid people having to go back and forth to these offices.	Number of SOPs in place	DRG	Medium Term
6.	Lack of prioritisation of registration by the general public	Raise awareness on the importance of documentation to address lack of prioritisation and procrastination of registration by the general public.	Number of outreach meetings, seminars, meetings and other awareness raising initiatives conducted through various media	DRG	Medium Term

Ministry of Health and Childcare

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[161]

[161] **(Short term = 6months – 1 year, Medium – 1 - 2years, Long term = 3 – 5 yrs.)**

POLICY					
1.	Withholding of Birth Confirmation Records for non-payment of hospital debts	Ensure implementation of the policy directive prohibiting withholding of birth confirmation records by health institutions and personnel for non-payment of hospital fees resulting in failure to register births.	Increased number of Birth Confirmation Records issued Increased number of births registered.	Ministry of Health and Child Care	Short term
ITEM	**ISSUE/CHALLENGE**	**RECOMMENDATION**	**INDICATOR**	**RESPONSIBLE INSTITUTION**	**TIME FRAME**[162]
ADMINISTRATION OF DOCUMENTATION					
1.	Non availability of birth confirmation records at some health facilities.	Liaise with DRG to ensure constant availability of birth confirmation record forms at all health institutions.	Increased number of Birth Confirmation Records issued	Ministry of Health and Child Care	Short term
2.	Withholding of birth confirmation records by health institutions for non-payment of debt resulting in failure to register births.	Supervise adherence by health institutions to the policy prohibiting withholding of birth confirmation records for non-payment of fees for health care services rendered.	Increased number of birth confirmation records issued out	Ministry of Health and Child Care	Short Term

Ministry of Primary and Secondary Education

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[163]
		POLICY			
1.	Limited implementation of policy allowing schools to enrol children without birth certificates	Ensure implementation by all schools of the policy allowing schools to enrol children without birth certificates pending birth registration.	Increased number of students enrolled without birth certificates Decrease in number of students drop out due to lack of birth certificates	Ministry of Primary and Secondary Education	Short Term

[163] **(Short term = 6months – 1 year, Medium – 1 - 2years, Long term = 3 – 5 yrs.)**

Ministry of Justice Legal and Parliamentary Affairs

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[164]
		LEGAL			
1.	Children born to parents of indeterminate nationality denied right to acquire Zimbabwean nationality and placed at risk of statelessness[165]	Ensure ratification of the 1961 United Nations Convention on the Reduction of Statelessness and amend domestic legislation on nationality accordingly so as to ensure that every child enjoys the right to acquire a nationality[166]	Ratification of the Convention on Reduction of Statelessness and incorporation in domestic legislation	Ministry of Justice Legal and Parliamentary Affairs Parliament of Zimbabwe	Long Term
2.	Lack of enabling legislation on travel documents	Ensure enactment of a law and regulations on travel documents.	Bill on travel documents Regulations on travel documents.	Ministry of Justice Legal and Parliamentary Affairs	Medium

[165] See Chapter 4 on Special Interest Group, Refugee Section
[166] See recommendations from Treaty Bodies in annexure 6

GENDER DIMENSIONS OF DOCUMENTATION					
1.	Gender disparity in registration processes since women bear a huge burden for getting their children registered.	Formulate policies which take into consideration the gender dimensions of society.	Gender sensitive polices formulated	Ministry of Justice Legal and Parliamentary Affairs	Medium Term

Ministry of Finance and Economic Development

ITEM		ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[167]
	ADMINISTRATION OF DOCUMENTATION					
1.		Shortages of equipment and consumables e.g. ink, passport paper computers, printers and vehicles.	Increase allocation of funding to the DRG to enhance efficient service delivery and address shortages of equipment and consumables e.g. ink, passport paper computers, printers and vehicles.	Increase in budget disbursement figures. Increased number of documents processed Asset registers with numbers of equipment procured	Ministry of Finance and Economic Development	Short Term
2.		Inadequate human resources	Grant Treasury concurrence for un-freezing of staff positions withing DRG to address inadequate human resources.	Number of officers recruited	Ministry of Finance and Economic Development	Medium Term

[167] Short term = 6months – 1 year, Medium – 1 – 2 years, Long term = 3 – 5 years.

3.		Lack of diversity in human resources in communities they service (language, disability)	Grant Treasury concurrence to hire staff who are conversant in local languages in the relevant communities, and who are disability sensitive to address the lack of diversity in human resources.	Number of multi lingual staff and disability sensitive staff deployed	Ministry of Finance and Economic Development	Short Term
4.		Lack of decentralisation of Immigration Department, (their offices are only available at Borders, Harare and Bulawayo.) Citizenship applications available and processed in Harare only.	Avail budgetary support for Implementation of the Devolution Strategy in line with Section 264 of the Constitution to address lack of decentralisation of the DRG.	Increase in number of new offices established.	Ministry of Finance and Economic Development.	Medium Term
5.		Lack of resources for the Department of Social Welfare to implement their mandate of carrying out investigations needed for registration	Increase in budgetary support for the Department of Social Welfare to address lack of resources to implement its mandate of carrying out investigations needed to support applications for registration and acquisition of other national identity documents by vulnerable people.	Increase in passed and approved budget vote Increase in the number of investigations conducted Annual Social Welfare Reports	Ministry of Finance and Economic Development	Short Term

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[168]
LEGAL					
1.	Lack of alignment and gaps in laws related to documentation	Pass the proposed pieces of legislation when suggested by various line Ministries on access to documentation lack of alignment and gaps in laws related to documentation.	Number of Bills passed	Parliament of Zimbabwe	Medium

Public Service Commission

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[169]
ADMINISTRATION OF DOCUMENTATION					
1.	Inadequate human resources	Un-freeze all staff positions with the DRG and seek Treasury concurrence to address inadequate human resources for the Department.	Number of officers recruited	Public Service Commission	Medium Term

[168] Short term = 6months – 1 year, Medium – 1 – 2 years, Long term = 3 – 5 years.

[169] **(Short term = 6months – 1 year, Medium – 1 - 2years, Long term = 3 – 5 years)**

2.	Lack of diversity in human resources in communities they service (language, disability)	Grant the DRG permission to hire staff who are conversant in local languages spoken in the communities that they are deployed to address lack of diversity.	Number of multi lingual staff and disability sensitive staff deployed	Public Service Commission	Short Term

Department of Social Welfare

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[170]
ADMINISTRATION OF DOCUMENTATION					
1.	Lack of resources to by the Department of Social Welfare to implement their mandate of carrying out investigations needed for registration	Request an increase in budgetary support to address the lack of resources for implementing the mandate of carrying out investigations needed to support applications for registration and documentation.	Increase in passed and approved Budget vote Increase in the number of investigations conducted Annual Social Welfare Reports	Department of Social Welfare	Short Term

[170] **(Short term = 6months – 1 year, Medium – 1 - 2years, Long term = 3 – 5 years)**

2.	Special interest groups face multiple challenges in accessing documents	Facilitate registration of institutionalised children, PWDs and the elderly so that they can acquire national documentation.	Increase in number of special interest groups assisted to acquire documents.	Department of Social Welfare	Short Term

Zimbabwe National Statistics Agency (ZIMSTATS)

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[171]
ADMINISTRATION OF DOCUMENTATION					
1.	No national statistics on documentation	Produce vital statistics on documentation to address lack of national statistics on documentation.	Availability of vital statistics on documentation	Zimbabwe National Statistics Agency (ZIMSTAT)	Medium Term

Ministry of Local Government, Public Works and National Housing

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[172]
ADMINISTRATION OF DOCUMENTATION					
1.	Limited cooperation and coordination [173]among RG and Institutions with mandate on Registration	Enhance Inter-ministerial cooperation and coordination among institutions with the mandate to facilitate processing of documentation such as MoHACH, MoHCC, DRG and DSW.	Number of coordination meetings held on documentation.	Ministry of Local Government, Public Works and National Housing (Provincial Development Coordinators)	Short Term

Civil Society Organisations

ITEM	ISSUE/CHALLENGE	RECOMMENDATION	INDICATOR	RESPONSIBLE INSTITUTION	TIME FRAME[174]
KNOWLEDGE, ATTITUDES AND PRACTICES OF DUTY BEARERS AND CITIZENS TOWARDS DOCUMENTATION					
1.	Limited knowledge by the general public on the registration requirements to access national documentation	Raise Awareness on the importance and requirements of accessing documentation to address limited knowledge and awareness of the general public on the registration requirements to access national documentation.	Number of outreach meetings, seminars, meetings and other awareness raising initiatives conducted through various media	Civil Society Organisations	Medium Term

[172] **(Short term = 6months – 1 year, Medium – 1 - 2years, Long term = 3 – 5 years)**
[173] The DRG to partner with MOHCC to generate computerised system of capturing birth confirmation records.
[174] **(Short term = 6months – 1 year, Medium – 1 - 2years, Long term = 3 – 5 years)**

		Increase in the number of documented people			

Annexure 16: Specific Recommendations for Special Interest Groups

RECOMMENDATIONS FOR SPECIAL INTEREST GROUPS	
Children	➢ Put in place measures to issue birth certificates to children born in prisons. ➢ Ministry of health to expedite age estimation for children in conflict with the law.
Orphans	➢ Relax some of the legal requirements in acquiring birth certificates particularly where the parents of the child are deceased or where only the father is documented and the mother is not. ➢ Waive payment of statutory fees for orphaned children.
Women	➢ Relax registration requirements
Intersex Persons	➢ Include intersex as a sex category on applications for national documentation.
Persons with Disabilities	➢ Introduce an identification mark on IDs for persons with disabilities, particularly, those with invisible disabilities. ➢ Create a user-friendly disability desk at the Registrar's office to address concerns raised by PWDs. ➢ The DRG should work with organisations of Persons with Disabilities in disseminating information and to address PWDs concerns. ➢ The DRG staff to be trained on disability management including disability education and sign language so that they are able to handle PWDs. ➢ Improve disability statistics in Zimbabwe. ➢ Carry out home visits for registering PWDs who are incapacitated to approach the DRG offices ➢ To put in place accessibility measures for persons with disabilities e.g. ramps. ➢ Waive payment of statutory fees for persons with disabilities. ➢
Minority Groups	➢ Intensify mobile registration programmes for easy access to national documents by minority groups in their communities. ➢ Relax formalities on registration requirements. ➢ Deploy staff members who are conversant with languages spoken in communities they work.
Elderly (60 years +)	➢ Intensify mobile registration exercise for easy access by the elderly. ➢ Carry out home visits for registering the elderly who are incapacitated to approach RG offices. ➢ Waive payment of statutory fees for the elderly.
Un-documented Foreign Nationals	➢ Facilitate the issuance of alien IDs. ➢ Persons from SADC countries who have resided in Zimbabwe for several years should not be required to pay the RTGS$5,000 when renouncing citizenship.

RECOMMENDATIONS FOR SPECIAL INTEREST GROUPS	
Prison Inmates	➢ Intensify mobile registration exercises in prisons. ➢ Waiver payment of fees for acquiring national documents. ➢ Facilitate the registration of every birth that occurs within prisons to ensure that children who are incarcerated together with their mothers are not prejudiced by lack of BCs.
Gukurahundi affected Communities	➢ Intensify mobile registration exercise for easy access to national documents. ➢ Relax formalities on registration requirements.
Refugees	➢ Facilitate issuance of special identification documents for persons whose applications for refugee status were rejected, asylum seekers and those affected by the cessation clause.
Disaster-affected Communities	➢ Continue with efforts to replace lost documents ➢ Conduct mop up exercise to comprehensively assist those who lost national documents during cyclone Idai ➢ Re-establish a sub office at Kopa in Chimanimani to ease cost of traveling to district offices.
Border Communities	➢ Intensify mobile registration exercises for easy access to national documents

Annexure 17: Summary Report of Monitoring Visits Conducted by ZHRC to Selected Registrar General's Offices between 4 – 12 March 2019

ZHRC undertook monitoring field visits to selected RG's offices, ahead of the Public Hearings as part of the evidence gathering processes and to enhance understanding of:

- Challenges faced by RG offices as they discharge their mandate
- Geographical, infrastructural and operational environment of the RG offices,
- Challenges on access to documentation faced by members of the public
- Citizens' satisfaction with services offered by the RG offices,
- Behaviour and attitudes of officials at the RG office,

The Provincial, District and sub-offices visited included Bulawayo Provincial Office, Bulawayo Mpilo Hospital Sub Office, Matabeleland South Provincial Office and Gwanda District Office, Matabeleland North Provincial Office and Lupane District Office, Manicaland Provincial Office, Mutare District Office, Mutare General Hospital Sub-office and Birchenough Bridge Sub Office, Masvingo Provincial Office, District Office and Chatsworth Sub Office, Midlands Provincial Office and Kwekwe District office, Mashonaland Central Provincial Office, Bindura District Office and Bindura Hospital Sub-office, Mashonaland East Provincial Office, Marondera District Office and Marondera General Hospital Sub-Office and Mashonaland Provincial Office and Chinhoyi District Office.

Some of the key findings and common/recurring challenges raised by RG personnel, members of the public and observed by ZHRC include but are not limited to the following:

- Limited and inadequate authorized staff establishment, which has not been reviewed in a very long time and cannot meet the demands of clients who require services[175],
- Unavailability of foreign currency for consumables for polythene national identity cards and passports leading to delays in processing applications,
- Lack of adequate equipment such as computers especially in sub-offices, leading to issuance of manual documents,
- Challenges with the issuance of national identity cards due to break down of printing machines which were reportedly serviced and fixed only in Harare leading to delays in issuing of national IDs,
- Vehicles for most stations were a challenge, some being over more than 10 years old, having mechanical problems and some were reported to be off the road due to breakdowns. This led to mobility problems which affected administrative processes such as transportation of documents from one office to the other and dispatching of fingerprints for verification[176],
- Some RGs offices were operating from rented premises which were inadequate for in meeting the RGs functional needs such as filling and working space. This led to RG officials working in squashed spaces. This problem cascades down to Ddistrict and Sub-offices,
- Some offices did not meet disability friendly standards[177], such as availability of wheel chair ramps and rails,

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[175] for example, at the time of the monitoring visit, the Bulawayo District office had a complement of 12 officers to deal with the public, while the Provincial office had 20 officers. The processes which included interviews, filling in forms, data capturing, recording and printing for birth certificates, payments, biometric data collection, for passports were long processes all being done by the few staff who had to do double duties in order to try and clear the queues. This meant that queues would always be a characteristic of the Provincial and District Office in Bulawayo. There were 4 officers serving the public in the Births and Deaths office. The office orderly was being used to do filling. It was noted that the Birth and Deaths office required staff members who would solely do the pulling and filling of records as this was time consuming, when done by the already thin staff establishment in that office.

[176] for example, at the time of the monitoring visit, out of the 7 districts in Lupane, only 3 districts were reported to have vehicles. Kwekwe District office had only one station vehicle which was reported to be very old and not ideal in running a district office.

[177] the filing space was very limited such that some of the documents were stacked on the floor in the corridors. Retrieval of records was therefore difficult because they are kept piled up due to limited space. it took time for one to go through the stacks of records to find documents. The Bindura offices were said not to be sufficient to house a provincial office therefore it has not been possible to accommodate the records for the province. All copies for the province have had to be returned to the districts because there is no space to keep the records. In the district

- Poor office infrastructure was noted in some offices[178], most are not electrified e.g. the Birchenough Bridge and Chatsworth sub-offices, erratic supply of electricity and frequent breakdown of RGs internet network. This greatly hindered service delivery leading to members of the public queueing with uncertainty as to whether they would be served,
- Lack of adequate and suitable accommodation for RG personnel [179],
- Cchallenges of accessing RG Offices due to long distances, transport costs and bad road networks[180] and
- All Pprovinces highlighted a challenge with touts who operated outside the premises and misinform and sometimes misrepresent themselves as staff members, often leading to the public being misled on the requirements they need to present and loss of money to touts.

office, it was highlighted that 10 officers were working in office space meant for 2 officers. There was not enough ventilation in the births and deaths section.

[178] for example, at the time of the monitoring visit, offices in Mutare at both provincial and district offices were made out of wooden cabins and the district offices were dilapidated, with wooden floors which were infested and damaged by termites, coupled with leaking roofs which threaten the security of documents

[179]The ZHRC had the opportunity to inspect the housing conditions of the RGs officials at Lupane during the monitoring visits. The ZHRC noted with concern the current living arrangements where at least 5 officials are sharing a three bedroomed house, with at least two officials sharing the living room as a bedroom. Due to these conditions, officials cannot live with their families or have them visit. The ZHRC also noted with concern the bad state of the houses, which pose a threat to security and health.

Gatumba Farm sub-office in Mashonaland Central was also singled out as an example of a sub-office where staff members are currently working under the most difficult conditions. The sub-office is housed in an old farm house which is used as both offices and staff accommodation. Staff members have no access to water and depend on water that is delivered by the Provincial office from Bindura for all their household purposes. The only toilet available is the flash system toilet yet there is no water, the water from Bindura has to cater for ablution facilities too. The ceiling is falling. The electricity is faulty and sometimes sparks. Transport is difficult. Staff members share the farm house for accommodation and there are no schools nearby meaning that the staff at that sub office cannot live with their families. Recommendations were made for considerations for its closure.

[180] It was highlighted, for example, that Matabeleland is primarily rural and areas such as the Tsholotsho- Lupane route were reported to be discontinued by most transport providers as a result of the bad road network.

Annexure 18: Participating Organisations and Institutions in the National Inquiry Process.

	BULAWAYO NATIONAL CONSULTATIVE MEETING		BULAWAYO PROVINCIAL STAKEHOLDER CONSULTATIVE MEETING
	Name of organisation		**Name of organisation**
1.	Centre for Innovation and Technology (CITE)	1.	Bulawayo City Council
2.	Christian Legal Society (CLS)	2.	Christian Legal Society (CLS)
3.	Community Youth Development Trust (CYDT)	3.	Department of Social Welfare
4.	Chiefs Council	4.	Habakkuk Trust
5.	Childline Zimbabwe	5.	Inkanyezi Development Trust (IDT)
6.	The Chronicle	6.	Jekesa Pfungwa/Vulingqondo (JPV)
7.	Department of Immigration	7.	Ministry of Health and Childcare (MOHCC)
8.	Emthonjeni Women's Forum (EWF)	8.	Ministry of Local Government and Public Works
9.	FTT	9.	Ministry of Primary and Secondary Education
10.	Habakkuk Trust	10.	Public Service Commission (PSC)
11.	Inkanyezi Development Trust (IDT)	11.	Registrar Generals Office

12.	Jekesa Pfungwa/Vulingqondo (JPV)	12.	South Western Region Gender Network (SWRGN)
13.	Justice for Children Trust (JCT)	13.	Trinity Project
14.	Legal Resources Foundation (LRF)	14.	Women in Mining
15.	Lupane Women's Development Trust (LWDT)	15.	Women of Zimbabwe Arise (WOZA)
16.	Matabeleland Widows and Single Parents Trust (Matwidows)	16.	Women's Institute for Leadership Development (WILD)
17.	Ministry of Health and Childcare (MOHCC)	17.	YIELD Trust
18.	Ministry of Local Government and Public Works	18.	Youths for Today and Tomorrow (YTT)
19.	Ministry of Youth, Sport, Arts and Recreation		
20.	Ministry of Women Affairs and Community Small and Medium Enterprises Development		
21.	Musasa Project		
22.	National Association of Non-Governmental Organisations (NANGO)		
23.	Newsday Zimbabwe		
24.	National Peace and Reconciliation Commission (NPRC)		
25.	Department of the Registrar Generals Office		
26.	SOS children's home Bulawayo		

27.	South Western Region Gender Network (SWRGN)		
28.	Sunday News		
29.	Street Wise Informal Traders Association (SWITA)		
30.	The Citizen Bulletin		
31.	Trinity Project		
32.	Takunda Youth Development Trust (TYDT)		
33.	Ukuthula Trust		
34.	Women's coalition in Zimbabwe (WCOZ)		
35.	Women of Zimbabwe Arise (WOZA)		
36.	Women's Institute for Leadership Development (WILD)		
37.	Youths for Today and Tomorrow (YTT)		
38.	Young Women Christian Association (YWCA)		
39.	Zimbabwe Broadcasting Corporation (ZBC)		
40.	Zimbabwe Election Support Network (ZESN)		
41.	Zimbabwe Human Rights Association (ZimRights)		
42.	Zimbabwe Lawyers for Human Rights (ZLHR)		

43.	Zimbabwe Women Lawyers Association (ZWLA)		
44.	Zimbabwe National Statistics Agency (ZIMSTAT)		
45.	ZNSYA		
46.	Zimbabwe Humanitarian and Livelihoods Development Trust (ZHLDT)		
	HARARE NATIONAL CONSULTATIVE MEETING		**PROVINCIAL STAKEHOLDER CONSULTATIVE MEETING**
	Name of organisation		**Name of organisation**
1.	Care at The Core of Humanity (Catch)	1.	Aids Counselling Trust
2.	Daily news	2.	Counselling Services Unit (CSU)
3.	Deaf Zimbabwe Trust (DZT)	3.	Deaf Zimbabwe Trust (DZT)
4.	Federation of Disabled Persons in Zimbabwe (FODPZ)	4.	Department of Social Welfare.
5.	Heal Zimbabwe Trust	5.	Destiny Mission Trust
6.	International Organization for Migration (IOM)	6.	Evangelical Fellowship of Zimbabwe (EFZ)
7.	Ministry of Public Service, Labour and Social Welfare	7.	Federation of Disabled People Zimbabwe (FODPZ)
8.	Ministry of Local Government and Public Works	8.	Katswe Sisterhood.
9.	Ministry of Youth, Sport, Arts and Recreation	9.	Kwayedza Newspaper

10.	Musasa Project	10.	Life Empowerment Support Organisation
11.	National Association for Youth Organisations (NAYO)	11.	Mavambo Orphan Care
12.	New Ziana	12.	Ministry of Local Government and Public Works
13.	Office of the President and Cabinet (OPC)	13.	Ministry of Primary and Secondary Education
14.	Peace-building and Capacity Development Foundation (PACDEF)	14.	Ministry of Public Service, Labour and Social Welfare
15.	Pamushana	15.	Ministry of Women Affairs, Community, Small and Medium Enterprise
16.	Parliament of Zimbabwe	16.	Ministry of Youth, Sport, Art and Recreation
17.	Registrar Generals Office	17.	National Association of Youth Organizations (NAYO)
18.	Star FM Zimbabwe	18.	Office of President and Cabinet
19.	Women and Law in Southern Africa (WILSA)	19.	Office of the Minister of State for Provincial Affairs
20.	Zimbabwe Election Support Network (ZESN)	20.	Open Parly Zimbabwe
21.	Zimbabwe Republic Police (ZRP)	21.	Pan African Visions
22.	Zimbabwe Women Lawyers Association (ZWLA)	22.	Procurement Regulatory Authority of Zimbabwe (PRAZ)
		23.	Professional Media Abilities Network
		24.	Public Eye
		25.	Public Service Commission (PSC)

		26.	Registrar General's Office
		27.	Shamwari Yemwanasikana
		28.	Shingirayi youth
		29.	Star FM
		30.	Sunday Mail
		31.	Tawanirwanyasha disabled trust
		32.	The Envoy
		33.	The Voice
		34.	Transparency Responsiveness Accountability and Citizen Engagement (TRACE)
		35.	Zimbabwe Broadcasting Corporation (ZBC)
		36.	Zimbabwe Election Support Network (ZESN)
		37.	Zimbabwe Electoral Commission (ZEC)
		38.	Zimbabwe Institute of Systemic Therapy
		39.	Zimbabwe Newspapers (Zimpapers)
		40.	Zimbabwe Refugee Committee
		41.	Zimbabwe Republic Police (ZRP)

		42.	Zimbabwe Women Lawyers Association (ZWLA)
		43.	ZiMwana Worldwide Trust
	HARARE PROVINCIAL STAKEHOLDER VALIDATION MEETING		**BULAWAYO PROVINCIAL STAKEHOLDER VALIDATION MEETING**
	Name of organisation		**Name of organisation**
1.	Aids Counselling Trust	1.	Bulawayo City Council
2.	Catholic Agency for Oversees Development	2.	Bulawayo United Progressive Residents Association (Bupra)
3.	Christian Colleges of Southern Africa (CCOSA)	3.	Christian Legal Society (CLS)
4.	Chitungwiza Pastors Fraternity	4.	Department of Social Welfare
5.	Citizenship Rights Centre	5.	Habakkuk Trust
6.	Counselling Services Unit (CSU)	6.	Inkanyezi Development Trust (IDT)
7.	Deaf Zimbabwe Trust (DZT)	7.	Jekesa Pfungwa/Vulingqondo (JPV)
8.	Department of Social Welfare.	8.	Legal Resources Foundation (LRF)
9.	Destiny Mission Trust	9.	Ministry of Local Government and Public Works
10.	Dzivarasekwa Community	10.	Public Service Commission (PSC)
11.	Eat Out Movement	11.	Registrar Generals Office

12.	Evangelical Fellowship of Zimbabwe (EFZ)	12.	Trinity Project
13.	Federation of Disabled People Zimbabwe	13.	Women of Zimbabwe Arise (WOZA)
14.	Katswe Sisterhood.	14.	Youths for Today and Tomorrow (YTT)
15.	Kwayedza Newspaper	15.	Zimbabwe Lawyers for Human Rights (ZLHR)
16.	Legal Resources Foundation (LRF)		
17.	Mavambo Orphan Care.		
18.	Ministry of Local Government and Public Works.		
19.	Ministry of Primary and Secondary Education		
20.	Ministry of Public Service, Labour and Social Welfare.		
21.	Ministry of Women Affairs, Community, Small and Medium Enterprise		
22.	Ministry of Youth, Sport, Art and Recreation		
23.	National Association of Non-Governmental Organizations (NANGO)		
24.	National Association of Youth Organizations (NAYO)		
25.	National Peace and Reconciliation Commission (NPRC)		
26.	Nehanda Radio		
27.	News of the South		

28.	Newsday Newspaper		
29.	Office of the Minister of State for Provincial Affairs		
30.	Open Parly Zimbabwe		
31.	Padare Men's Forum		
32.	Procurement Regulatory Authority of Zimbabwe (PRAZ)		
33.	Professional Media Abilities Network		
34.	Public Eye		
35.	Public Service Commission (PSC)		
36.	Ray of Love		
37.	Registrar General's Office		
38.	Shamwari Yemwanasikana.		
39.	Spiked online media		
40.	Spotlight		
41.	Sunday Mail		
42.	The Voice		
43.	United Nations Children's Fund (UNICEF)		

44.	VIA		
45.	Women's Coalition of Zimbabwe (WCOZ)		
46.	Zimbabwe Association of Photographers (ZIAP)		
47.	Zimbabwe Mining (Zim Mining)		
48.	Zimbabwe Council of Churches (ZCC)		
49.	Zimbabwe Election Support Network (ZESN)		
50.	Zimbabwe Electoral Commission (ZEC)		
51.	Zimbabwe Women Lawyers Association (ZWLA)		
52.	Zimbabwe Papers (Zimpapers)		
53.	ZiMWANA Worldwide Trust		
54.			
	MANICALAND PROVINCIAL CONSULTATIVE MEETING		**PROVINCIAL STAKEHOLDER VALIDATION MEETING**
	Name of organisation		**Name of organisation**
1.	Catholic Commission for Justice and Peace (CCJP)	1.	Buhera Rural District Council

2.	Chiefs Council	2.	Chimanimani Rural District Council
3.	Chimanimani Rural District Council	3.	Chipinge Rural District Council
4.	Chipinge Rural District Council	4.	Chipinge Town Council
5.	Department of Social Welfare	5.	Department of Social Welfare
6.	District Development Fund (DDF)	6.	Diamond FM
7.	Justice for Children Trust (JCT)	7.	Environmental Management Agency (EMA)
8.	Lereto Children's Home	8.	Forestry Commission
9.	Minister of State for Provincial Affairs Manicaland Province	9.	Legal Resources Foundation (LRF)
10.	Ministry of Local Government and Public Works	10.	Makoni Rural District Council
11.	Ministry of Primary and Secondary Education	11.	Manica Post
12.	Ministry of Youth, Sport, Arts and Recreation	12.	Ministry of Health and Childcare
13.	Mutare Rural District Council	13.	Ministry of Home Affairs and Cultural Heritage
14.	Office of President and Cabinet (OPC)	14.	Ministry of Industry and Commerce
15.	Registrar Generals Office	15.	Ministry of Local Government and Public Works
16.	Rusape Town Council	16.	Ministry of Public Service, Labour and Social Welfare
17.	Sea.net	17.	Ministry of Youth, Sport, Arts and Recreation

18.	Zimbabwe Council of Churches (ZCC)	18.	Mutare City Council
19.	Zimbabwe Republic Police (ZRP)	19.	Mutare Polytechnic College
		20.	Mutare Rural District council
		21.	National Archives of Zimbabwe
		22.	New Ziana
		23.	Nyanga Rural District Council
		24.	Office of President and Cabinet (OPC)
		25.	Plan International
		26.	Public Service Commission (PSC)
		27.	Registrar General's Office
		28.	The Ministry of National Housing and Social Amenities
		29.	The Standard News
		30.	Zimbabwe Energy Regulating Authority (ZERA)
		31.	Zimbabwe Republic Police (ZRP)
	MASHONALAND CENTRAL PROVINCIAL CONSULTATIVE MEETING		**PROVINCIAL STAKEHOLDER VALIDATION MEETING**

	Name of organisation		Name of organisation
1.	Bindura Town Council	1.	Guruve Rural District Council
2.	Chaminuka Rural District Council	2.	Mazoe Rural District Council
3.	Chief's Council	3.	Mbire Rural District Council
4.	District Development Fund	4.	Ministry of Local Government and Public Works
5.	Forestry Commission	5.	Ministry of Transport and Infrastructural Development
6.	Mazowe Rural District Council	6.	Ministry of Women Affairs and Community Small and Medium Enterprises Development
7.	Mbire Rural District Council	7.	Muzarabani Rural District Council
8.	Ministry of Defence, Security and War Veteran's	8.	Mvurwi Town Council
9.	Ministry of Information, Publicity and Broadcasting Services	9.	Office of the President and Cabinet (OPC)
10.	Ministry of Local Government and Public Works	10.	Pfura Rural District Council
11.	Ministry of Transport and Infrastructural Development	11.	Rushinga Rural District Council
12.	Ministry of Women Affairs, Community, Small and Medium Enterprises	12.	Vehicle Inspection Department (VID)
13.	Muzarabani Rural District Council	13.	Zimbabwe Defence Forces (ZDF)
14.	Mvurwi Town Council	14.	Zimbabwe Republic Police (ZRP)

15.	New ZIANA		
16.	Pfura Rural District Council		
17.	Registrar General's Office		
18.	Rushinga Rural District Council		
19.	The Herald		
20.	Zimbabwe Broadcasting Corporation (ZBC)		
21.	Zimbabwe Prison and Correctional Services (ZPCS)		
22.	Zimbabwe Republic Police (ZRP)		
23.			
	MASHONALAND EAST PROVINCIAL CONSULTATIVE MEETING		**PROVINCIAL STAKEHOLDER VALIDATION MEETING**
	Name of organisation		**Name of organisation**
1.	Chiefs Council	1.	Chiefs Council
2.	Department of Social Welfare	2.	Chikomba Rural District Council
3.	Eossa	3.	Department of Social Welfare
4.	Goromonzi Rural District Council	4.	Hwedza Rural District Council

5.	Hwedza Rural District Council	5.	Ministry of Information, Publicity and Broadcasting services
6.	Mamtso	6.	Ministry of Local Government and Public Works
7.	Marondera Rural District Council	7.	Ministry of Youth, Sport, Arts and Recreation
8.	Ministry of Local Government and Public Works	8.	Murewa Rural District Council
9.	Ministry of Youth, Sport, Arts and Recreation	9.	Mutoko Rural District Council
10.	Mudzi Rural District Council	10.	New Ziana
11.	Murehwa Rural District Council	11.	Office of the President and Cabinet (OPC)
12.	Mutoko Rural District Council	12.	Public Service Commission (PSC)
13.	Office of the President and Cabinet (OPC)	13.	Rural District Council
14.	Registrar Generals Office	14.	Uzumba Maramba Pfungwe Rural District Council
15.	Uzumba Maramba Pfungwe Rural District Council	15.	Zimbabwe Prisons and Correctional Services (ZPCS)
16.	Zimbabwe Prisons and Correctional Services (ZPCS)		
17.	Zimbabwe Republic Police (ZRP)		
18.			
	MASHONALAND WEST PROVINCIAL CONSULTATIVE MEETING		**PROVINCIAL STAKEHOLDER VALIDATION MEETING**

	Name of organisation		Name of organisation
1.	Chegutu Municipality	1.	Catholic Commission for Justice and Peace (CCJP)
2.	Chegutu Rural District Council	2.	Chegutu Municipality
3.	Chiefs Council	3.	Chiefs Council
4.	Chinhoyi Municipality	4.	Chinhoyi University of Technology (CUT)
5.	Chirundu Local Board	5.	Department of Social Welfare
6.	Hurungwe Rural District Council	6.	Higher Life Foundation
7.	Kadoma City Council	7.	Hurungwe Rural District Council
8.	Kariba Municipality	8.	Kariba Municipality
9.	Karoi Town Council	9.	Makonde Rural District Council
10.	Makonde Rural District Council	10.	Ministry of Health and Childcare (MOHCC)
11.	Mhondoro Ngezi District Administrator	11.	Ministry of Local Government and Public Works
12.	Mhondoro Ngezi Rural District Council	12.	Ministry of Primary and Secondary Education (MOPSE)
13.	Minister of State for Provincial Affairs for Mashonaland West	13.	National Archives
14.	Ministry of local Government and Public Works	14.	Norton Town Council
15.	Ministry of Primary and Secondary Education (MOPSE)	15.	Office of The President and Cabinet (OPC)

16.	Ministry of Women Affairs and Community Small and Medium Enterprises Development	16.	Public Service Commission (PSC)
17.	Ministry of Youth, Sport, Arts and Recreation	17.	Sanyati Rural District Council
18.	Municipality of Chirundu	18.	Ministry of Women Affairs and Community Small and Medium Enterprises Development
19.	National Archives	19.	Zimbabwe Human Rights Association (ZimRights)
20.	Nemakonde Rural District Council	20.	Zimbabwe Republic Police (ZRP)
21.	Norton Town Council	21.	Zvimba Rural District Council
22.	Nyaminyami Rural District Council		
23.	Office of the President and Cabinet (OPC)		
24.	Registrar Generals Office		
25.	Sanyati Rural District Council		
26.	Zimbabwe Prison and Correctional Services (ZPCS)		
27.	Zimbabwe Republic Police (ZRP)		
28.	Zvimba District Administrator		
29.	Zvimba Rural District Council		
30.			

	MASVINGO PROVINCIAL CONSULTATIVE MEETING		PROVINCIAL STAKEHOLDER VALIDATION MEETING
	Name of organisation		**Name of organisation**
1.	Chiefs Council	1.	Agricultural Technical and Extension Services (AGRITEX)
2.	Community Tolerance Reconciliation and Development (COTRAD)	2.	BUBCON TRUST
3.	Department of Social Welfare	3.	Caritas Masvingo
4.	Masvingo Association of Residential Care Facilities Trust (MARCFT)	4.	Chiefs Council
5.	Masvingo United Residents and Ratepayers Association (MURRA)	5.	Community Tolerance Reconciliation and Development (COTRAD)
6.	Ministry of Environment, Climate Change, Tourism and Hospitality Industry	6.	Department of Social Welfare
7.	Ministry of Information, Publicity and Broadcasting Services	7.	District Development Fund (DDF)
8.	Ministry of lands, Agriculture, Water, Climate and Rural Resettlement	8.	Evangelical Fellowship of Zimbabwe (EFZ).
9.	Ministry of Local Government and Public Works	9.	Girl Child Empowerment Network
10.	Ministry of Public Service, Labour and Social Welfare	10.	Green Institute
11.	Ministry of Women Affairs, Community Small and Medium Enterprises Development	11.	Masvingo Association of Residential Care Facilities Trust (MARCFT)
12.	National Association of Non-Governmental Organisations (NANGO)	12.	Masvingo United Residents and Ratepayers Association (MURRA)

13.	Office of the Minister of State for provincial affairs Masvingo Province	13.	Ministry of Environment, Climate Change, Tourism and Hospitality Industry
14.	Office of The President and Cabinet (OPC)	14.	Ministry of lands, Agriculture, Water, Climate and Rural Resettlement
15.	Registrar Generals Office	15.	Ministry of Information, Publicity and Broadcasting Services
16.	Tellzim Newspaper	16.	Ministry of Local Government and Public Works
17.	Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO)	17.	Ministry of Public Service, Labour and Social Welfare
18.	Zimbabwe Association of the Visually Handicapped (ZAVH)	18.	Ministry of Women Affairs, Community Small and Medium Enterprises Development
		19.	Masvingo Ministers Fraternity (MMF)
		20.	Ministry of Energy and Power Development
		21.	National Aids Council (NAC)
		22.	National Association of Non-Governmental Organisations (NANGO)
		23.	Office of The President and Cabinet (OPC)
		24.	Real Agenda for Youth Transformation Trust (RAFYT)
		25.	Ministry of Defence, Security and War Veteran's
		26.	Zimbabwe Association of the Visually Handicapped (ZAVH)

		27.	Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO)
		28.	Zimbabwe National Water Authority (Zinwa)
		29.	Zimbabwe Prayer Network (ZPN)

	MATABELELAND NORTH PROVINCIAL CONSULTATIVE MEETING		**PROVINCIAL STAKEHOLDER VALIDATION MEETING**
	Name of organisation		**Name of organisation**
1.	Agricultural Technical and Extension Services (AGRITEX)	1.	Binga Rural District Council
2.	Lupane residents and rate payer's association	2.	Bubi Rural District Council
3.	Zimbabwe Newspapers (Zimpapers)	3.	Chiefs Council
4.	Department of Social Welfare	4.	Department of Social Welfare
5.	District Development Fund (DDF)	5.	Hwange Rural District Council
6.	Bubi Rural District Council	6.	Informal Traders Matshiya
7.	RURAL Communities Empowerment Trust (Rucet)	7.	Lupane local board
8.	Chiefs Council	8.	Lupane State University (LSU)
9.	Campaign for Female Education (Camfed)	9.	Lupane Women's Development Trust (LWDT)
10.	Kusile Rural District Council	10.	Minister of State for Provincial Affairs Matabeleland South Province

11.	Ministry of Health and Childcare (MOHCC)	11.	Ministry of Health and Childcare (MOHCC)
12.	Lupane Youth for Development	12.	Ministry of Information, Publicity and Broadcasting Services
13.	Ministry of Local Government and Public Works	13.	Ministry of Local Government and Public Works
14.	Registrar General Office	14.	Office of the President and Cabinet
15.	Office of the President and Cabinet (OPC)	15.	Umguza Rural District Council
16.	Star FM Zimbabwe	16.	Zimbabwe Christian Alliance (ZCA)
17.	Zimbabwe Republic Police (ZRP)	17.	Zimbabwe Republic Police (ZRP)
18.	Umguza Rural District Council		
19.	Relief Web		
20.	Ministry of Information, Publicity and Broadcasting Services		
21.	Adit		
22.	Zimbabwe African National Union Patriotic Front (ZANU PF)		
23.	Nkayi Rural District Council		
24.	Zimbabwe National Network of People living with HIV (ZNNP+)		
25.	Union for Development of the Apostolic Churches in Zimbabwe (UDACIZA)		

26.	Binga Rural District Council		
27.	Save the Children		
28.	Basilwizi Trust		
29.	Lyeja Nyayi Development Trust		
30.	Untu/uluntu Ciisi Trust		
31.	Zimbabwe women Lawyers Association (ZWLA)		
32.	Zimbabwe Civil Education Trust (ZIMCET)		
33.	Catholic Commission for Justice and Peace		
34.	Progressive Teachers Union of Zimbabwe (PTUZ)		
35.	Voster Creatives		
36.	Zimbabwe Human Rights Association (ZimRights)		
37.	Hopeville Zimbabwe		
38.	Zimbabwe Christian Alliance (ZCA)		
39.	Ztyem		
40.	Environment Africa		
41.	Green line Africa		

42.	Zimbabwe Youth Environment Network		
43.	Pathway women empowerment		
44.	Victoria Falls Combined Residents Association (VIFACORA)		
45.	Zimbabwe Aids Project		
46.	Lupane Women's Centre		
47.	Young Enlighted Motivators		
48.	Evangelical Lutheran Church in Zimbabwe Malaria Project		
49.	Shangane Arts Trust		
50.	United Children of Africa		
	MIDLANDS PROVINCIAL CONSULTATIVE MEETING		**PROVINCIAL STAKEHOLDER VALIDATION MEETING**
	Name of organisation		**Name of organisation**
1.	Catholic Commission for Justice and Peace (CCJP)	1.	98.4FM Radio Station
2.	Chiefs Council	2.	Catholic Commission for justice and peace (CCJP)
3.	Department Social Welfare	3.	Chiefs Council
4.	ECLFPF	4.	Department of Social Welfare
5.	Gweru City Council	5.	Care International

6.	H Tafa and Associates	6.	Hand in Hand Zimbabwe
7.	Hand in Hand Zimbabwe	7.	Legal Resources Foundation (LRF)
8.	Mberengwa Rural District Council	8.	Ministry of Health and Childcare (MOHCC)
9.	Ministry of Health and Child Care	9.	Ministry of Local Government and Public Works
10.	Ministry of Local Government and Public Works	10.	Ministry of Primary and Secondary Education (MOPSE)
11.	Ministry of Public Service, Labour and Social Welfare	11.	Public Service Commission (PSC)
12.	MOXEL	12.	The Herald
13.	Musasa Project	13.	The Mirror
14.	New Ziana	14.	The Times
15.	Newsday Newspaper	15.	Vungu Rural District Council
16.	Office of the President and Cabinet	16.	ZAOGA FIF
17.	Public Service Commission	17.	Zimbabwe Papers (Zimpapers)
18.	Registrar Generals Office		
19.	Shurugwi Civil Society		
20.	Spiked Media		
21.	Vungu Rural District Council		

22.	ZAOGA Forward in Faith Ministries International		
23.	ZIFM Stereo		
24.	Zimbabwe Christian Alliance		
25.	Zimbabwe Human Rights Association (ZimRights)		
26.	Zvishavane Pastors Fraternity		
	MATABELELAND SOUTH PROVINCIAL CONSULTATIVE MEETING		**PROVINCIAL STAKEHOLDER VALIDATION MEETING**
	Name of organisation		**Name of organisation**
1.	Chiefs Council	1.	Chiefs Council
2.	Christian Legal Society (CLS)	2.	The Chronicle
3.	Department of Social Welfare (DSW)	3.	Department of Social Welfare
4.	Evangelical Fellowship of Zimbabwe (EFZ)	4.	Evangelical Fellowship of Zimbabwe
5.	Gwanda Community Economic Justice Development Trust (GCEJDT)	5.	Gwanda Community Economic Justice Development Trust (GCEJDT)
6.	Gwanda Community Share Ownership Trust (GCSOT)	6.	Inkanyezi Development Trust (IDT)
7.	Gwanda Rural District Council	7.	Ministry of Health and Child Care (MOHCC)
8.	Habakkuk Trust	8.	Department of Social Welfare

9.	Heifer Zimbabwe	9.	Ministry of Local Government and Public Works
10.	Impala	10.	Office of the President and Cabinet
11.	Ingalomusa Trust	11.	Ulwazi Development Trust
12.	Inkanyezi Development Trust	12.	Women's Coalition of Zimbabwe (WCOZ)
13.	Ministry of Health and Childcare (MOHCC)	13.	Youths for Today and Tomorrow (YTT)
14.	Ministry of Local Government and Public Works	14.	Zimbabwe Broadcasting Corporation (ZBC)
15.	Office of the President and Cabinet (OPC)	15.	Zimbabwe National Family Planning Council (ZNFPC)
16.	Practical Action	16.	Zimbabwe Republic Police (ZRP)
17.	Public Service Commission (PSC)		

18.	Registrar Generals Office		
19.	The Chronicle		
20.	Women's Institute for Leadership Development (WILD)		
21.	Women's Coalition of Zimbabwe (WCOZ)		
22.	Youths for Today and Tomorrow (YTT)		
23.	Zimbabwe Republic Police (ZRP)		
24.	Zimbabwe National Family Planning Council (ZNFPC)		