



FILE REF ZHRC/CHI/445/2018

In the matter between:

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|---|-----------------------------------|
| GOKWE-KANA CONSTITUENCY RESIDENTS | 1ST COMPLAINANT |
| And | |
| GOKWE-MAPFUNGAUTSI CONSTITUENCY RESIDENTS | 2ND COMPLAINANT |
| And | |
| GOKWE-KABUYUNI CONSTITUENCY RESIDENTS | 3RD COMPLAINANT |
| And | |
| GOKWE-CHIREYA CONSTITUENCY RESIDENTS | 4TH COMPLAINANT |
| And | |
| ZANU-PF DISTRICT CHAIRPERSON WARD 1 (GOKWE-KANA) | 1ST RESPONDENT |
| And | |
| MINISTRY OF LANDS AGRICULTURE WATER CLIMATE AND RURAL RESETTLEMENT | 2ND RESPONDENT |
| And | |
| THE MINISTRY OF PUBLIC SERVICE, LABOUR AND SOCIAL WELFARE | 3RD RESPONDENT |

REPORT

1. INTRODUCTION

- 1.1 This report contains findings of the Zimbabwe Human Rights Commission (ZHRC/Commission), pursuant to post-elections investigations undertaken by the ZHRC into complaints alleging maladministration, violation of political rights and the right to equality and non-discrimination.
- 1.2 Complainants are residents of Midlands Province particularly, Gokwe-Kana, Gokwe- Mapfungautsi, Gokwe Kabuyuni, and Gokwe Chireya Constituencies in Gokwe District.
- 1.3 Complainants allege partisan distribution of farming inputs under the Presidential Inputs Programme, partisan distribution of food aid, threats of violence and intimidation.
- 1.4 The complaints were lodged with the ZHRC between 8 August -27 August 2018 and the field investigations were conducted from 3 - 9 September 2018.

2. BACKGROUND TO THE INVESTIGATION

Facts

- 2.1 **Gokwe- Kana Constituency:** Complainants alleged that a ZANU-PF Chairpersons namely Mr. Magola Nyoni and Mr. Mahaso denied them access to the Presidential Agricultural Inputs Programme on the basis that they were members of opposition parties.
- 2.2 **Gokwe –Mapfungautsi Constituency:** Complainants alleged that they were being discriminated and side-lined from accessing Presidential Inputs distributed under the Presidential Inputs programme on the basis of political affiliation.
- 2.3 **Gokwe- Kabuyuni Constituency:** The complaint was that in Ward 30, the Councillor and other ZANU-PF activists were denying Presidential Inputs to

all known and suspected opposition party supporters telling them to receive inputs from the political parties they voted for.

2.4 Gokwe-Chireya Constituency: The complaint was that the elected Member of the National Assembly Mr. Torerai Moyo at a meeting in the Constituency whilst addressing people instructed that food aid or president inputs should not be given to opposition party members and that if opposition party members go to the distribution points they should be seriously assaulted so that they know who to vote for.

3 MANDATE OF THE COMMISSION

3.1 The ZHRC is established as an Independent Commission in terms of Section 242 of the Constitution of Zimbabwe. The functions of the ZHRC are set out in Section 243 (1) (a)–(k) and include among others; to promote awareness of and respect for human rights and freedoms at all levels of society; to promote the protection, development and attainment of human rights and freedoms; to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate; and to investigate the conduct of any authority or person where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person. Furthermore, the ZHRC can recommend the prosecution of offenders where human rights or freedoms have been violated.

3.2 The Zimbabwe Human Rights Commission Act [Chapter 10:30] in Section 9, empowers the ZHRC to conduct investigations into allegations of human rights violations.

4 METHODOLOGY

In conducting its investigation, the ZHRC employed a number of research tools encompassing desk research, interviews with key informants and interviews with the complainants and the respondents.

5.1 Desk Research

The ZHRC conducted wide legal research into the framework governing human rights locally, regionally and internationally. This was done in order to identify and assess the human rights that were allegedly violated by the respondents.

5.2 Interviews

The ZHRC interviewed complainants, community members and respondents in order to make a balanced assessment of the situation. This instrument was used to extract qualitative data. The informants were not gathered in a corporate meeting. Individual meetings were organised in recognition of the quality of data expected from this interaction as well as to maximise on the meeting with interviewees' knowledge on the investigation at hand. The individual interviews created an accepting environment that put participants at ease allowing them to thoughtfully answer questions in their own words without fear of reprisals. The ZHRC interviewed the following:

- i. The complainants.
- ii. Community members
- iii. Councillors
- iv. ZANU PF District Chairpersons
- v. National Assembly members
- vi. The Minister of State for Midlands Province
- vii. Agricultural Technical and Extension Services Officials (AGRITEX)
- viii. Grain Marketing Board (GMB) officials
- ix. District Administrator (DA)
- x. District Social Welfare Officer
- xi. Provincial Administrator for Midlands Province (PA)

These were targeted because of their knowledge concerning the investigations at hand.

6. FINDINGS FROM INVESTIGATIONS

From the interviews carried out during investigations, the ZHRC made the following findings:

6.1 The District Chairpersons of the ZANU–PF party were in charge of Presidential Inputs distribution

In **Gokwe-Kana Constituency**, ward 1, community members stated that Mr. Magola Nyoni the ZANU-PF District Chairperson was coordinating the distribution of Presidential Inputs. They said on 2 September at St Hughes, he denied many beneficiaries on the basis of political affiliation. Six villagers from Dobiwa village explained in separate individual interviews that Mr. Magola Nyoni just looked at their identity document and said, “you cannot receive”. An elderly man said Chairperson Magola Nyoni told him that he did not qualify to receive because he had voted wrongly. They said when all this was happening the GMB and AGRITEX officials were present but as usual they could not do anything because the Chairperson did not allow especially the AGRITEX officers to talk to people and people were not allowed to talk to them during distribution. AGRITEX officials who were interviewed in Gokwe Kana Constituency said the ZANU-PF District Committee would just ask them to sit down and they would take over. Any resistance would be met with harassment. An interviewee said her family was told by Chairperson Magola Nyoni that they would not receive inputs because their father in law’s brother was an Independent candidate and their father in law was obviously supporting his brother.

In **Gokwe Kabuyuni** and **Gokwe Chireya** villagers pointed out that the District Chairpersons of ZANU-PF determined who received the inputs and they always made sure that they benefited first together with their committees.

6.2 Discrimination in Presidential Inputs distribution on the basis of political affiliation

In **Gokwe Kana-Manoti Constituency**, Ward 1, community members stated that the Presidential Inputs were being distributed on partisan lines. In Dobiwa village, villagers stated that on election day, there were people standing at the cross roads from the village to a polling station at St Hughes School who were telling everyone passing by the way that if they do not vote correctly they would not receive seed or anything from government. These people were known active ZANU-PF members who called for ZANU-PF meetings known as Kango and Siyamupungu.

On 24 August 2018, Village Heads called for a meeting to write names of beneficiaries of Presidential Input Scheme. In Dobiwa village, a villager stated that the Village Head had enlisted her to benefit from the agricultural inputs. She was the wife of an election candidate for ZIPP political party. A villager called Francisca Mutumba who was a member of the ZANU-PF District Committee told the village to remove her from the list saying the Village Head would be reprimanded by the ZANU-PF District Committee for adding a person who was in opposition party. The Village Head called her and advised that she was being removed for that reason. The person that she was replaced with was still denied receipt of the inputs by the District Chairperson Magola Masaka Nyoni on the basis that he was related to and neighbours with the MDC Alliance candidate. Francisca Mutumba also asked her for the names of other ZIPP members saying they should be known so that she would not be the only one deprived of Presidential Inputs for supporting ZIPP party. Most villagers acknowledged that the Government itself was not officially discriminating against them, but that it was the ZANU-PF local leadership who were the corrupt ones and wanted to benefit from other people's entitlements.

Community members advised that when the presidential input scheme was launched in July 2018 by the National Assembly member of the Constituency Mr. Owen Ncube, he clearly explained that the programme was meant for all community members regardless of political affiliation or any basis of discrimination. He also explained that people were benefiting as household not individuals. The AGRITEX official also explained that all

who had received fertilizer were going to receive seed as well and the compound D fertilizer. The then MDC Alliance aspiring Councillor for the ward said she also received inputs that day. On that day, the AGRITEX official was the one calling names of beneficiaries. When she called names of suspected or known opposition party supporters, the District Chairperson told her not to call such people and to ask them to go back into the crowd and not receive but she refused. Then Maxwell Dhanga, a member of the ZANU PF District Committee snatched the list from her in the full view of the crowd. He only gave her back after she threatened to call the police.

In **Gokwe-Kabuyuni Constituency**, community members reiterated that ZANU-PF leadership had benefited first followed by their members. Eight women and seven men were interviewed. Three women were not even aware if they had been written on the beneficiaries list. They said they only saw people carrying the inputs from the distribution centres. The other twelve said their names had been written by the village head but distribution had been done once and only the Village Heads and top ZANU PF officials had benefited. They said usually all the people who were not opposition party members but at the same time not active ZANU-PF supporters would only benefit after all ZANU-PF structures and supporters had benefited.

In **Gokwe- Chireya Constituency**, the same was reiterated. Six community members were interviewed. Five of them said they had heard that Mr. Moyo had said when opposition party members go to the distribution points, they should be beaten so that they would not go there again. One of them said he was there when people were addressed. It was at Gedhe Township in Ward 34 about three days after people had demonstrated in Harare and some had been shot. He said Mr. Moyo said '*..... handiti makaona zvavaida kuita kuHarare, Hazvina kumbotitorera nguva, in five minutes tanga tavadisciplina. Handiti makazviona kuti vanhu vakafa. Manje mbeu nema inputs zvinenge zvava kuuya, Vese ve opposition hapana anofanira kupiwa. Vakauya vachida kutora vadhandaradzei zvokuti ndokuti vazive pekuvhotera. Vanoda kupiwa zvinhu zvehurumende yavairamba?* (... You saw what they wanted to do in Harare, it did not take us time. In five minutes, we had disciplined them. You saw that people died. Very

soon seed and inputs will be distributed. All who belong to opposition should not be given. If they come to get inputs beat them thoroughly so that they know where to vote. They want to get inputs from a government they did not support?)

6.3 Beneficiaries of Department of Social Welfare were being denied their benefits on the basis of political affiliation

In **Kana-Manoti Constituency**, ward 1, the Department of Social Welfare distributed food aid at St Hughs Mission on 24 August 2018. Community members who were usually benefiting were denied their benefits by Mr. Magola Nyoni. The ZHRC managed to interview eight beneficiaries from Dobiwa village who had been benefiting from Department Social Welfare who had been denied their benefits by the District Chairperson, Mr. Magola Nyoni. On that day, the Department of Social Welfare Officer came together with the Councillor in the later's car. The Department of Social Welfare Officer told the community members that the register on which they were written had been lost. He then asked beneficiaries to stand in a queue as they knew each other, and they did so. He then said he was going to the next distribution point and said they would then write down their names and get their shares. He then left with the Councillor. When they were presenting their identity cards to receive the inputs, the Chairperson would look at the identity card and say, "this ID cannot receive". For some he told them to receive from where they were working implying that they should receive from the parties they were supporting. One elderly woman said the Chairperson told her directly that he was not giving her grain because her son was an agent of MDC Alliance and his wife was the one who cooked for her so if she received, it meant that she would share with them. An elderly man who was at a church camp sent his son to receive on his behalf, but he was told by the Chairperson that he could not receive. The Chairperson was the one who told all the eight beneficiaries that they could not receive. It was not the Department of Social Welfare official or anyone given that responsibility by Department of Social Welfare. Of the eight, five were disabled and they were from the same village. The then MDC Alliance council candidate was from the village and related to some of the beneficiaries. This meant that they could not receive food aid.

A disabled, 68-year-old man with seven minor children was also denied both his benefits under Department of Social Welfare and the Presidential Inputs for having voted for MDC Alliance. He had joined MDC in 2008 but reverted back to ZANU PF when he was told not to participate in opposition politics for five years. Mr. Magola Nyoni told them that they should receive from the parties they supported. Another family was denied inputs on the basis that they used the MDC council candidate's cattle for ploughing during the 2017-18 farming season. They were also related to her.

The ZHRC interviewed the District Social Welfare Officer of Gokwe District concerning the Kana-Manoti issue and he advised that the Department of Social Welfare was not present at the distribution on that particular day because they did not have a vehicle, so they asked a Village Health Care Worker of the area to do the distribution. As such, the politicians might have overpowered him. He said that the list of beneficiaries was not taken to the wards and they requested grain from GMB on the basis of Ward allocation not on the basis of the list.

He was given the list of interviewed villagers who said they had been denied. He was also advised to look into the matter because more people had been deprived than the list given to him by the ZHRC.

6.4 Traditional leaders were members of political parties

In **Gokwe–Kana Constituency**, Chairperson Magola Nyoni said he was involved in distribution of Department of Social Welfare benefits in his capacity as a Village Head. When asked why he was participating in politics, yet he was a traditional leader, he said he was not a substantive village head.

In **Gokwe Kabuyuni**, community leaders said the Village Heads were sometimes the ones who called for ZANU-PF party meetings and mobilised people for rallies. It was also said that they took instructions from Councillors to discriminate against members of opposition. The same was said to transpire in Gokwe –Mapfungautsi Constituency.

6.5 Corruption in the distribution of Agricultural Inputs and Other Government benefits

In Mapfungautsi Constituency interviews were conducted in Machaya, Nyamazana and Chalisegela villages. Interviewees stated that the ZANU-PF District Committee deprived them of inputs, yet they received more than their allocated share and received even for their children who did not stay there.

In Gokwe –Kana Constituency, community members stated that on the Presidential Inputs, the ZANU-PF District Committee members had written names of their late parents and siblings and they were thus benefiting through dishonesty means.

6.6 Prioritisation of ZANU-PF supporters in benefiting from Government Programmes

In Mapfungautsi, Nyamazana Village, interviewees stated that it was well known that ZANU-PF leadership and active supporters received the inputs first. These sentiments were echoed in Gokwe-Chireya, Kabuyuni and in Gokwe- Kana Constituency.

7. APPLICABLE LAW

7.1 The Constitution of Zimbabwe Amendment (No.20) Act 2013

The Constitution of Zimbabwe is the supreme law of the land and the following provisions are key:

7.1.1 Section 67 (1)-(3) which provides as follows:

“(1) Every Zimbabwean citizen has the right –

(a) to free, fair and regular elections for any elective public office established in terms of this Constitution or any other law; and

(b) to make political choices freely.

(2) Subject to this Constitution, every Zimbabwean citizen has the right—

(a) to form, to join and to participate in the activities of a political party or

organisation of their choice;

(b) to campaign freely and peacefully for a political party or cause;

(c) to participate in peaceful political activity; and

(d) to participate, individually or collectively, in gatherings or groups or in any other manner, in peaceful activities to influence, challenge or support the policies of the Government or any political or whatever cause.

(3) Subject to this Constitution, every Zimbabwean citizen who is of or over eighteen years of age has the right—

(a) to vote in all elections and referendums to which this Constitution or any other law applies, and to do so in secret; and

(b) to stand for election for public office and, if elected, to hold such office.”

7.1.2 **Section 60 (1) (a) and (b)** provides that every person has a right to freedom of conscience, which includes freedom of thought, opinion, or belief and to practice and propagate their thought, opinion, or belief in public or in private and whether alone or together with others.

7.1.3 **Section 58 (1)** provides that every person has a right to freedom of assembly and association.

7.1.4 **Section 56** provides for equality and non-discrimination on the basis of political affiliation.

7.1.5 **Section 53** guarantees freedom from physical or psychological torture or cruel, inhuman, or degrading treatment or punishment.

7.1.6 **Section 13** which provides for National Development

7.1.7 **Section 15** which provides for food security

7.1.8 **Section 67** which provides for political rights

7.1.9 **Section 77** which provides for the right to food and water

7.1.10 **Section 68** which provides for the right to administrative justice

7.1.11 **Section 281** which provides for principles to be observed by traditional leaders.

7.1.12 **Section 51** Right to human dignity

7.1.13 **Section 82** Rights of the older persons

7.1.14 **Section 83** Rights of Persons with disabilities

7.2 International Law

7.2.1 Universal Declaration of Human Rights (1948)

The general principle of liberty is a fundamental element of international human rights law. **Article 3** states that 'Everyone has the right to life, liberty and security of person'. **Article 5** provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.' **Article 20 (1)** provides that everyone has the right to freedom of peaceful assembly and association. **Article 21 (1)** further provides that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. **Article 22** provides for right to social security. It states that *everyone, as a member of society, has the right to social security and is entitled to realisation through national effort and international cooperation and in accordance with the organisation and resources of each state, of the economic, social, and cultural right indispensable for his dignity and free development of his personality*

7.2.2 International Covenant on Civil and Political Rights

Article 7 of the Convention provides that, '*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...*' **Article 9 (1)** further provides that everyone has the right to liberty or security of person. **Article 19 (1) and (2)** provides for the right to hold opinions without interference and the right to freedom of expression. **Articles 21 and 22 (1)** provides for the right of peaceful assembly and the right to freedom of association with others respectively. **Article 25 (1) (2)** provides that every citizen shall have the right to take part in the conduct of public affairs directly or through chosen representatives and the right to vote and to be elected at elections.

7.3.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 11 (2) (a) states that;

The States Parties to the present Covenant recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

a.) To improve methods of production, conservation, and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilisation of natural resources.

7.2.3 African Charter on Human and People's Rights

Article 6 further provides that, 'every individual shall have the right to liberty and to security of his person ...' **Article 10** provides for the right to free association and **Article 11** provides for the right to assemble freely with others.

8. RESPONSES FROM RESPONDENTS CITED BY THE COMPLAINANT

In accordance with the *audi alteram partem* rule ("let the other side be heard as well"), the ZHRC held separate meetings with the respondents so as to hear their side of the story. From the separate meetings and in response to the allegations raised by the complainants, the following information was gathered:

8.1 Interview with ZANU-PF District Chairpersons

The District Chairperson for Kana-Manoti Constituency Ward 1 Mr. Magola Nyoni refuted all allegations and explained the processes for Presidential Input distribution and Department of Social Welfare benefits. He said community members were peddling falsehoods against him because he had successfully campaigned for the member of National Assembly for his Constituency and the President who won overwhelmingly in Kana- Manoti.

8.2 Interview with Councillors

Councillor Chigaba of Ward 1 Kana- Manoti Constituency stated that he was not aware of the allegations of partisan distribution of food aid and Department of Social Welfare benefits. He promised to talk to Chairperson Magola Nyoni about the allegations. He also appealed to the ZHRC to carry out community workshops to educate community members about human rights so that they were aware of their rights.

8.3 Interviews with the National Assembly Member for Gokwe Chireya Constituency

A telephone interview was conducted with the Member of the National Assembly for Gokwe-Chireya Constituency Mr. Torerai Moyo who denied that he addressed people instructing violence against opposition party members who wanted to benefit from Presidential Inputs. He also denied to having instructed that opposition party members should not benefit from the Presidential Inputs.

8.4 Interview with the then Minister of State for Midlands Province

A meeting was conducted with the then Midlands Minister of State Mr. Owen Ncube. He was not aware of such occurrences in his Province as his office had not received any complaints to that effect, but however said the only known complaint he received was the transport issue where beneficiaries were subjected to paying transport fees in order for them to receive Presidential Inputs. He said his office dealt with that issue and it had stopped especially in his Constituency of Gokwe Kana. He further emphasized that his office had always preached against partisan distribution of Presidential Inputs as they were government programmes meant to ensure sustainable development, rural development and create food security in relevant communities and not ZANU PF Party programmes.

8.5 Interview with AGRITEX Officials

A meeting was held with the Provincial Crop and Livestock Production Officer, Mrs. Magwenzi. She informed the Commission that the extension workers were the ones who compiled the list of beneficiaries in conjunction with Local Authorities such as Village Heads thus making it easy to account for every household. She also stated that during distribution, an AGRITEX Extension Officer should be present so as to monitor the distribution. She further explained that from Local Authority, the Councillor was the one who was in charge of distribution and that no political party members were to be involved in the distribution as this was not a party programme. When asked about accountability, she explained to the Commission that there were no accounting measures in place to ensure that each household received the input or that no other person other than the intended beneficiaries benefited. There was no audit held by the government on ensuring that the inputs were rightfully distributed and avoid double dipping.

In Kana – Manoti and Chireya Constituencies the AGRITEX officials said their duties were usurped by ZANU-PF District Committees and their hands were tied to do anything.

8.7 RESPONSE FROM MIDLANDS PROVINCIAL ADMINISTRATOR (PA)

The Provincial Administrator, Mr. Maronge revealed that every household was entitled to benefit from the Presidential Scheme without being subjected to discrimination and regardless of their political affiliation. According to a circular from the then Ministry of Agriculture and Rural Development, each household got 10kg of maize seed, 50kg compound D and 50kg of Ammonium Nitrate fertilisers respectively. The scheme was for free and was not subject to being sold or diverted for any other use. The PA further stressed that his office through the District Administrator's (DA) always urged the traditional leaders to desist from nepotism or any other kinds of discrimination. He further underscored that his office had not received such complaints regarding favouritism and discrimination. He noted with thanks the Commission's efforts and said he would task the DAs to look into the matter forthwith so that such acts were done away with. He highlighted that he would write an email to all DAs to that effect so that

the intended beneficiaries received their lot without being subjected to any form of discrimination by local and political authorities who acted as government proxies in ensuring the welfare and needs of people were well catered for. He reiterated that politicians were not supposed to be a part of the distribution process as it was a government program not a party program. He noted that stance with concern and said he would discuss the matter with the Minister of State for Provincial Affairs. He highlighted that his office had an open-door policy to any complaints regarding deviation from national processes.

9. ANALYSIS OF VIOLATIONS OF HUMAN RIGHTS

The rights that the ZHRC found to have been violated are discussed and analysed in detail below.

9.1 Political Rights (Section 67 of the Constitution of Zimbabwe).

According to the Constitution, every Zimbabwean citizen has a right to make political choices. In the present case, complainants were being discriminated and more rights were violated because they had exercised their political rights of belonging to a political party of their choice.

10. FINDINGS FROM INVESTIGATIONS

Based on the investigations conducted by the ZHRC and analysis of the Constitution and the applicable law, the ZHRC made the following findings;

10.1 There was partisan distribution of Presidential Inputs in Gokwe District.

10.2 ZANU-PF District Chairpersons were in charge of Presidential Inputs distribution and other government programmes in the District.

10.3 There was corruption in the distribution of Presidential Inputs and food aid in Gokwe District.

10.4 In Gokwe District, AGRITEX officials were being sidelined and stopped from executing their role in Presidential Inputs distribution by ZANU-PF District leadership.

- 10.5 In the district, the Village Development Committee (VIDCO) and Ward Development Committee (WADCO) were composed of ZANU-PF Party leadership
- 10.6 Councillors were overpowered by ZANU PF District Chairpersons
- 10.7 Department of Social Welfare benefits were being distributed on a partisan basis in Gokwe district Ward 1.
- 10.8 Traditional leaders were active members of political parties and also acting in a partisan manner in Gokwe District. This was in violation of section 281 (2) of the Constitution of Zimbabwe.
- 10.9 Honourable Torerai Moyo instructed people in his Constituency to assault opposition party members who attended to Presidential Inputs distribution.
- 10.10 ZANU-PF Chairperson for Ward 1 Gokwe Kana-Manoti was conversant with Presidential Inputs and Department of Social Welfare guidelines for distribution, yet he still violated government policy and procedures.
- 10.11 There was systematic violation of human rights in Gokwe District.

11. CONCLUSION

From the above observations, the ZHRC concluded that complainants' political rights were being violated as they were punished for supporting the opposition parties. Further, rights such as the right to equality and non-discrimination, and right to food were violated by ZANU-PF party members, particularly the ZANU-PF District Committee members. Government policies, guidelines, and official procedures were compromised. Agricultural Extension Workers under the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement and Social Workers employed by the Ministry of Public Service, Labour, and Social Service were being side-lined by politicians and traditional leaders. They were neither responsible nor accountable for the programmes that their respective ministries were mandated to implement. Some traditional leaders were openly affiliated to political parties, in particular ZANU PF, to the extent of organising political meetings and rallies, wearing party regalia, chanting party slogans and even working as election agents. This did not only bring their honourable offices into disrepute but caused

community conflicts and tension. This compromised their role in performing their functions as set out in section 282 of the Constitution of Zimbabwe, in particular Section 282 (1) (e) which empowers traditional leaders *“to resolve disputes amongst people in their communities in accordance with customary law.”*

12. RECOMMENDATIONS

From the aforementioned report and findings, the ZHRC makes the following recommendations:

TO THE MINISTRY OF LANDS, AGRICULTURE, WATER, CLIMATE AND RURAL RESETTLEMENT

- 12.1 The Ministry must take steps that empower and protect their officials in the provinces and districts to perform their duties without interference from politicians and other stakeholders;
- 12.2 The Ministry must come up with monitoring and evaluation measures for accountability for Presidential Inputs scheme and any other state funded programme;
- 12.3 That the Ministry must ensure that their extension officers develop official inputs distribution registers for all villages in consultation with nonpartisan local leaders and stakeholders;
- 12.4 The Ministry must establish a queries or help desk mechanism in each district to address exclusion/inclusion errors in the inputs distribution programme;
- 12.5 The Ministry must establish clear terms of reference for stakeholders involved in inputs distribution and restrict traditional leaders and policy level local leaders (including Ward Councillors) to an oversight as opposed to an implementation role.
- 12.6 The Ministry should come up with guidelines where distribution of inputs are suspended for a specified period in the run up to an election to avoid politicization of the programme.

TO THE MINISTRY OF PUBLIC SERVICE LABOUR AND SOCIAL WELFARE

- 12.7 The Ministry must take steps that empower and protect their officials in the provinces and districts to perform their duties without interference from politicians and other stakeholders;
- 12.8 The Ministry must come up with monitoring and evaluation measures for accountability for food assistance and any other state funded programme;
- 12.9 That the Ministry must ensure that their Social Workers develop official inputs distribution registers for all villages in consultation with nonpartisan local leaders and stakeholders;
- 12.10 The Ministry must establish a queries or help desk mechanism in each district to address exclusion/inclusion errors in government social protection programmes;
- 12.11 That the Ministry must investigate cases of beneficiaries of Department of Social Welfare who were illegally denied their benefits and ensure that the perpetrators are held accountable.
- 12.12 The Ministry must establish clear terms of reference for stakeholders involved in social protection programmes and restrict traditional leaders and policy level local leaders (including Ward Councillors) to an oversight as opposed to an implementation role.
- 12.13 The Ministry should come up with guidelines where, except for emergency situations, food distribution is suspended for a specified period in the run up to an election to avoid politicization of the programme.

MINISTRY OF LOCAL GOVERNMENT, PUBLIC WORKS, AND NATIONAL HOUSING

- 12.14 The Ministry should ensure that traditional leaders are well aware of their Constitutional obligations and principles including the principle not to

belong to political parties or act in a partisan manner. This is a non-negotiable issue which should be guided by a clear code of conduct.

12.15 The Ministry should ensure that there are capacity building programmes put in place to induct and equip local authorities (Councillors and traditional leadership) on their respective roles in ensuring non-partisan implementation of development programmes.

TO ZANU-PF

12.16 That the ZANU-PF party should ensure that its officials and members do not interfere or politicize implementation of state funded development programmes;

12.17 That the party should respect the role of traditional leaders and refrain from using traditional leaders for political party issues.

12.18 That as the ruling party they should demonstrate political maturity and tolerance by advocating for inclusive development programmes.