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A Peaceful Zimbabwe For All Generations

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# NATIONAL PEACE AND RECONCILIATION COMMISSION

## ANNUAL REPORT

### JANUARY-DECEMBER 2020

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## **LIST OF ACRONYMS**

|          |  |
|----------|--|
| ABCB     | Asset Based Community Development                                      |
| AIPA     | Agency Integrated Performance Agreement                                |
| CCMT     | Centre for Conflict Management and Transformation                      |
| CEWER    | Conflict Early Warning and Early Response                              |
| CHI      | Complaints Handling and Investigations                                 |
| CMU      | Complaints Handling and Investigations Management Unit                 |
| CSOs     | Civic Society Organizations  |
| FBOs     | Faith Based Organizations  |
| GBV      | Gender Based Violence  |
| ICT      | Information and Communication Technology                               |
| MDC-A    | Movement for Democratic Change Alliance                                |
| MDC-T    | Movement for Democratic Change-Tsvangirai                              |
| NGOs     | Non-Governmental Organizations   |
| NPRC     | National Peace and Reconciliation Commission                           |
| PBF      | Peace Building Fund  |
| PoZ      | Parliament of Zimbabwe   |
| RKM      | Research and Knowledge Management                                      |
| SADC     | Southern African Development Community                                 |
| SCORE    | Social Cohesion and Reconciliation Index                               |
| SRHR     | Sexual and Reproductive Health Rights                                  |
| UNDP     | United Nations Development Program                                     |
| UN Women | United Nations Entity for Gender Equality and the Empowerment of Women |
| ZANLA    | Zimbabwe African National Liberation Army                              |
| ZANU-PF  | Zimbabwe African National Union-Patriotic Front                        |
| ZAPU     | Zimbabwe African People's Union  |
| ZDF      | Zimbabwe Defence Forces  |
| ZEC      | Zimbabwe Electoral Commission  |
| ZGC      | Zimbabwe Gender Commission   |
| ZHRC     | Zimbabwe Human Rights Commission                                       |
| ZIPRA    | Zimbabwe People's Revolutionary Army                                   |
| ZRP      | Zimbabwe Republic Police   |
| ZUNDAF   | Zimbabwe United Nations Assistance Framework                           |

## **FOREWORD BY THE CHAIRPERSON**

The National Peace and Reconciliation Commission (NPRC) is obliged under Section 323 of the Constitution of Zimbabwe Amendment (No 20), to submit a report to the Parliament of Zimbabwe through the Minister responsible. In response to this statutory requirement, I am pleased to present the 2020 Annual Report which covers the period 01 January to 31 December 2020.

I would like to begin by conveying gratitude to the Government of Zimbabwe through the Office of the President and Cabinet, the Office of the Vice President Hon K.D.G. Mohadi, the various Ministries and departments, Independent Commissions, the Parliament of Zimbabwe and development assistance partners for the amazing and concerted support to the Commission throughout the year.

The year provided both exciting successes and difficult challenges which called for innovation and creativity on how to navigate the environment during the COVID19 induced lockdown period. I would, at this stage wish to acknowledge the support from the United Nations Development Program (UNDP) and UN Women who ensured that the Commission was able to hold most of its meetings and to conduct some of its programs virtually during a time when face to face meetings and programs were suspended.

The work of peace building is expansive and cannot be undertaken by any one entity on its own. The NPRC recognises this fact and has undertaken to deliver on its results in collaboration with its stakeholders and development partners. In so doing the Commission recorded a number of successes which are outlined in the body of this report. The achievements recorded during this difficult year are also testimony to the commitment shown by the Commissioners and Secretariat staff.

It has always been my desire to see the Commission reach out to the people at community level because it is at this level that the work of Healing and Reconciliation should be concentrated. This had been the plan for 2020. This was however not fully achieved due to the restrictions on both travel and gatherings. The end of the year saw a slight relaxation in restrictions on gatherings and this allowed the Commission to make an attempt at recovering lost ground. There was a figurative scramble for time as the year fast came to an end. During this time, there was an opportunity to engage with Traditional leaders, a key group of stakeholders in Community engagement, leaders of Religious organisations, Churches, People with Disabilities and Civil Society Organisations representing various thematic areas.

As the year ended, the Commission contributed towards the crafting of the National Development Strategy (NDS 1) which spans the years 2021 to 2025 and seeks to spur Zimbabwe to exponential growth and development. The NPRC commits to playing its part in ensuring the success of NDS1 by contributing towards a peaceful environment in which economic growth and national development can thrive.



Rtd Justice S.M. Nare  
**CHAIRPERSON**

19 February 2021

## **EXECUTIVE SUMMARY**

The year 2020 began in earnest with enthusiasm for implementation of the activities planned for in the Strategic Plan 2018 to 2022. There was clarity on the programs that needed to be conducted and especially in terms of synergies within departments as well as stakeholders. During the months of February and March, the Commission held a series of capacity building workshops with members of Provincial Peace Committees in the form of an induction training of the 10 peace committees on Conflict Prevention and Management. This was quite an investment into this exercise because the Peace Committees are the National Peace and Reconciliation Commission (NPRC) peace architecture at Provincial level. As such, programs that the Commission undertakes at Provincial level should and will include this structure. Following the interaction with Peace Committees, the Commission benefitted from a Basic Counselling training whose objective was to equip NPRC staff in their work with victims as well as in dealing with their own psychosocial needs.

The announcement of the Lockdown at the end of March 2020 slowed down the energies but only temporarily as the Commission quickly came up with strategies to operate virtually in the wake of increased reports of conflicts of varying categories. Key amongst the cases of conflict that the Commission had to deal with was Gender Based Violence especially during the months of April and May. Sadly, the cases of GBV continued to rise and the Commission soon found itself partnering more with Civil Society Organisations tasked with providing shelter for abused victims.

Furthermore, and due to the lockdown, food shortages became the order of the day with vulnerable families failing to access the most basic foodstuffs such as mealie and cooking oil. The Government of Zimbabwe was quick to develop a system of distributing subsidised mealie meal which unfortunately became a source of conflict as some retailers were found hoarding the commodity much to the stress of families. The Commission received and handled numerous complaints pertaining to such shortages in collaboration and partnership with the Government and other stakeholders.

The Commission was also very active in monitoring the adherence by citizens to the lockdown conditions. There were a number of reports of clashes between the public and the uniformed forces, some of which the Commission was able to resolve amicably and in others, the cases had to be referred for further management. Among the conflicts the Commission handled in

line with its mandate included Economic conflicts, Political conflicts, Resource distribution conflicts, Religious conflicts, Property rights conflicts, Land conflicts (boundary/distribution), Social/ cultural conflicts, Natural resource conflicts and Gender based conflicts.

As the conditions of the lockdown were gradually eased, the Commission was able to slowly get back to normal program implementation. As part of the development of managing conflict before it occurs, the Commission, in close collaboration with local and regional experts developed a framework to inform the Conflict Early Warning Early Response System for Zimbabwe. This was followed by a series of interactions conducted virtually to fine tune the system, especially in terms of crafting national indicators for such a system. A multi stakeholder engagement exercise continued culminating in consultations with the members of the Provincial Peace Committees as well as organisations representing the various sectors in the country.

Discussions on the Social Cohesion and Reconciliation Index (SCORE) initiated in the year 2019 continued with the Commission working with a team of consultants recommended and funded by the United Nations Development Program (UNDP). As the year ended, the Commission initiated a Baseline Study on Conflict in Zimbabwe dating back as far as the 11<sup>th</sup> century. The Data collection tools to be used in the Baseline Study have incorporated questions that will inform the SCORE. The Baseline Study has also included questions on sexual crimes perpetrated during conflict periods. The Commission continued to interact closely with stakeholders drawn from political parties, civic society, religious groups, youths, women and people with disabilities among others, in promoting the culture of dialogue and peaceful resolution of conflicts. The Commission set up a Dispute Resolution Unit to manage and administer the mediation and conciliation of disputes and provide support and guidance to the parties and mediators and this unit is chaired by the Chairperson of the Prevention and Non-Recurrence Thematic Committee.

An interaction with the Parliament of Zimbabwe (PoZ) in the middle of the year gave an opportunity for the Commission to apprise the PoZ of the successes and challenges encountered since the last interaction in July 2019. This engagement with PoZ provided the Commission with useful guidance and support on its work especially in the wake of the lockdown. Strategic engagements continued to be a useful tool for the effective implementation of the Commission's Programs. In recognition of the commendable peace



building efforts already undertaken in the Peace building arena, the Commission considered collaborations with sister commissions such as the Zimbabwe Electoral Commission (ZEC), Zimbabwe Gender Commission (ZGC) and the Zimbabwe Human Rights Commission (ZHRC) and in recognition of such a synergy entered into a Memorandum of Understanding (MoU) outlining the shared responsibilities.

In fulfilment of Section 9 of the NPRC Act, and in collaboration with the Zimbabwe Gender Commission and the United Nations Entity for Gender Equality and the Empowerment of Women (UNWOMEN), a three-day workshop on gender mainstreaming was conducted, resulting in a revision of the Commission's work plans to ensure gender focus and responsiveness. There continues to be an urgent need for the lobbying for legislation to provide for healing and reconciliation, gender and diversity. To ensure that this is achieved, the Commission has held discussions towards collaboration with the Law Society of Zimbabwe and through the Legal Round Tables platform reported on in 2019. The section on "Recommendations for the promotion of Peace" details what the Commission has listed as the commendations to ensure that support is given to persons affected by conflict.

The year ended with a nationwide program to prepare for the conduct of public and private hearings. This was in the form of a series of workshops which brought out the desired two-pronged output of a structured plan and framework for undertaking the public hearings and a roadmap to steer the process. A number of issues for consideration were also derived from this interaction and these include the need for awareness raising so that the nation appreciates the work of the Commission as well as appreciate the parameters within which the Commission works, greater involvement of the Peace Committees in the work of the Commission and capacity building for the Peace Committee members to appreciate the Complaints Handling and Investigations processes that will involve them during the public and private hearings.

The Commission continues to be Media shy in that the programs implemented are not as visible as could be desired. The reasons have mainly been due to financial constraints. Publicity materials and advertisements have proved costly for the Commission. It is however noted that for the nation to appreciate the work that the Commission has and continues to undertake, there will be need for concerted efforts in raising funds for massive publicity and communications.

The Commission adhered to the Ministry of Health and Child Care and Public Service Guidelines on Covid-19 in various ways. Senior management staff was provided with internet data to allow them to work remotely thereby also ensuring decongestion of offices. NPRC pool vehicles were used to ferry junior staff to and from home in order to avoid possible infections resulting from the use of public transport. Generally, staff members continued to report for duty on rotational basis.

Administratively, the Commission completed several Internal Policies that were initiated in 2019 and are now being implemented as part of prudent Corporate Governance. The expansive work of the Commission has called for the need to increase the staff complement. As previously reported in 2019, the Commission's ideal structure comprised 104 staff members out of which 36 posts had been approved through Treasury Concurrence. As the year ended, the balance of the staff complement required received full Treasury Concurrence and already advertisements and appointments towards this number have started to be effected.

The slow release of funds from Treasury coupled with mismatch between budget release and cash support affected the implementation of some of the major programs. Although the Government of Zimbabwe remains the principal funder of the Commission's work, the NPRC continued to receive support under the Peace Building Fund (PBF) and other development partners. The Commission's 2019 Audited Financial Statements received an unqualified audit opinion indicating that the finances were fairly and appropriately presented, without any identified exceptions, and in compliance with generally accepted accounting principles.

## MEMBERS OF THE NATIONAL PEACE AND RECONCILIATION COMMISSION



Rtd Justice S. M. Nare  
Chairperson



Lilian Chigwedere  
Deputy Chairperson



Dr Geoffrey Chada  
Commissioner



Dr G. D Chekenyere  
Commissioner



Patience Chiradza  
Commissioner



Rev Charles  
Masunungure  
Commissioner



Leslie Ncube  
Commissioner



Choice Ndoro  
Commissioner



## MEMBERS, STAFF AND COMMITTEES OF THE COMMISSION



*National Peace and Reconciliation Commission Members (seated) and staff (standing)*



*Members of Mashonaland East Provincial Peace Committee going through a capacitation process*

# 1. INTRODUCTION

## 1.1 Introduction

The National Peace and Reconciliation Commission, hereinafter referred to as NPRC is a constitutional body established in terms of Section 251 of the Constitution of Zimbabwe Amendment No. 20 Act of 2013. The functions of the NPRC as set out in Sections 233 and 252 of the Constitution as well as in Section 3(2) of the National Peace and Reconciliation Commission Act [Chapter 10:32] are aimed at promoting unity, tolerance, peaceful resolution of conflicts, national healing and reconciliation. Sections 253 and 323 of the Constitution of Zimbabwe require that the Commission presents an annual report to the Parliament of Zimbabwe outlining the programs that have been carried out in a year. This report outlines the activities that the Commission covered from January to December 2020 and proposes recommendations which if implemented will better the prospects for achieving a peaceful and united Zimbabwe. In preparation of this report, care has been taken to ensure that it complies with the provisions laid out in Section 16 of the NPRC Act.

## 1.2 Agency Performance Targets for 2020

Informed by the mandate as spelt out in the Constitution of Zimbabwe and the NPRC Act, the Commission set out four strategic goals which formed the basis of the work covered in 2020. The strategic goals set out in the Commission's five-year Strategic Plan are given in the table below:

**Table 1: NPRC Strategic Goals and Outcomes**

| <b>Strategic Goals</b>                 | <b>Strategic Outcomes</b>   |
|--|---|
| Reconciled, healed and cohesive nation | Enabled processes and frameworks for addressing legacies of violent conflicts through inclusive healing efforts |
| Guarantee of non-recurrence            | Positive and legal environment for peace  |
| Capacities for conflict transformation | Improved architecture for conflict prevention at national and subnational levels                                |
| Operationalised NPRC structures        | Enhanced national capacities for sustaining peace, healing and reconciliation                                   |

The Commission's programs were also informed by the Transitional Stabilization Program which recognises that for Zimbabwe to achieve its vision of an upper middle-income economy by 2030, there is need for national cohesion, unity and tolerance and that resolving past conflicts, promoting peaceful coexistence and inclusivity even among political parties. This is the reason who the Commission's targeted outcomes for 2020 where aimed at improved

community healing and reconciliation as well as ensuring inclusivity and cohesion of diverse groups. In its annual plan for 2020 the main outputs were centred on the following:

- a) Conducting community healing programs
- b) Lobbying for legislation to provide for healing and reconciliation, gender and diversity
- c) Conducting public and private hearings
- d) Establishing and capacitating peace committees
- e) Conducting national peace building programs
- f) Handling public complaints
- g) Conducting awareness campaigns
- h) Conducting investigative hearings
- i) Establishing a functional Conflict Early Warning and Early Response system
- j) Establishing a network of peace actors and mediators
- k) Supporting victims of conflict and other diverse groups
- l) Establishing a wellness centre and putting in place systems for support to victims
- m) Facilitating safe spaces for victims, women and other gender sensitive groups

### **1.3 NPRC Vision, Mission Statement and Values**

#### **1.3.1 Vision**

A peaceful Zimbabwe for all generations

#### **1.3.2 Mission**

To unite Zimbabweans for sustainable peace by developing mechanisms to peacefully resolve violent conflicts of the past and institutionalise approaches for preventing their recurrence in the present and future.

#### **1.3.3 Values**

Confidentiality

Transparency

Inclusivity

Victim centredness

Ubuntu

### **1.4 Outline of the Annual Report**

The report is prepared in line with the prescriptions in Section 16(1)-(6) of the NPRC Act and shall cover the following:

- a) Commission's strategic engagements in 2020
- b) Programs of the Commission
- c) Summary of investigations and findings
- d) Strategies for gender mainstreaming
- e) Recommendations for the promotion of peace

## **2. STRATEGIC ENGAGEMENTS OF THE COMMISSION**

Maintenance of peace and harmony in any given country is among the key facets of the social contract between the State and its citizenry since time immemorial and Zimbabwe as a country is not an exception. And as such both parties have specific mandates and responsibilities to one another as enshrined in our national laws as well as supported by various legal instruments under international law both at a sub-regional and regional levels of SADC and the African Union respectively and at the international arena by the United Nations. The State through its various organs has its traditional obligations of maintaining of peace and security as well as protecting the rights of its citizens.

Likewise, the citizens directly reciprocate the same by observing the very same laws and ensuring that all is done according to the laws of the land. Typically, the Zimbabwean citizenry further organise themselves into solid and collective voices through various bodies and formations as non-state actors against the might of the ‘organised’ State. These bodies include the following: traditional leaders, faith-based organisations, war veterans, civil society organisations, people with disability, business, labour, youth and women groups, political parties and professional bodies such as the Zimbabwe Law Society of Zimbabwe. The primary responsibility of these citizenry groupings is also to ensure that the maintenance of peace and security is done according to the laws of the land.

The Commission as a constitutional body charged with the responsibility for promoting peace unity and cohesion in the country is cognisant of these traditional structures and arrangements which came into existence prior to its formation and establishment. It is in this regard that the NPRC has located ‘Strategic Engagements’ as central and pivotal to all its work and operations. This is done before and during implementation of the Commission’s key programmes and activities. The Commission’s strategy for engagement was meant to seek deeper understanding of issues, unlock buy in and solicit support and cooperation from all stakeholders both state and non-state actors. The 2020 Strategic Engagements were done at the three-tier level, that is at the National level, the Provincial level and at the Community level.

### **2.1 Engagements with the Executive Branch**

Starting with the State Actors’ stakeholders at the national level, key engagements were done first and foremost with the Executive branch of the government. The entry point to the Executive is through the responsible Minister, the Hon Vice President Rtd Col Mohadi. The

Office of the Vice President chairs the Cabinet Sub-Committee on National Healing and Reconciliation and hence is responsible for the administration of the NPRC Act. The Office together with other members of the subcommittee were instrumental in the lobbying and pushing of all NPRC recommendations to Parliament. The Office supported the Commission by ensuring that other state entities and agencies at every level assist the Commission whenever and wherever required. The responsible minister through the Ministry of Finance and Economic Development lobbied for the securing of Treasury Concurrence allowing for the Commission to employ the remaining staff compliment of around 60 %.

Through these engagements the Commission remains grateful for the support rendered by these two pillars of the government especially in the lobbying and provision of resources. The Vice President in his capacity as the Chairperson of the Cabinet Committee on National Healing facilitated interaction with, among others the Technical Thematic and Cabinet Committees on National Healing and Reconciliation who together facilitated the creation and maintaining of an environment that is conducive to the promotion of peace and resolving of past conflicts. It is through that interaction that the NPRC reports and recommendations for 2018 and 2019 were presented before Parliament.

The NPRC's understanding of the inter-twining of peace and security issues is the basis of the Commission's continual engagement with security organs, particularly the Zimbabwe Republic Police (ZRP) and the Zimbabwe Defence Forces (ZDF). The Commission has learnt from past experiences in other countries that a disjuncture between a Peace Commission and security institutions in the understanding and appreciation of conflictual issues can be a source of conflict. In 2020, the Commission periodically engaged with these organs to create common ground.

## **2.2 Engagements with Parliament**

The Commission had a familiarisation workshop with Parliament in Mutare in the month of July. The meeting was convened through the Offices of the Speaker and Clerk of Parliament with the Portfolio Committee on Justice, Legal and Parliamentary Affairs and the Thematic Committee on Human Rights. Among many milestones agreed, the workshop resolved that the Commission develops a comprehensive organogram down to a district level with a staff compliment of over 300 employees. The parliament made this recommendation after realising that the Commission is operating with a sunset close and is obliged by law to operate throughout the country. The meeting resolved for a joint familiarisation trip to Rwanda of the



Commission and the Parliament to familiarise with the healing programme in Rwanda which is credited of its reliance on indigenous knowledge. Parliament further recommended NPRC to enter into MOUs with local universities to be better equipped in peace studies, indigenous knowledge systems and other knowledge areas of the Commission's work.



*Members of the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs and the Thematic Committee on Human Rights meeting with the Commission*

### **2.3 Engagements at Provincial Level**

At the provincial levels, Ministers of State for Provincial Affairs and Offices of the Provincial Development Coordinators provided critical support to the NPRC's Provincial Peace Committees where they are members. Engagements were done to secure their buy-in as all NPRC programmes are coordinated at the Provincial level. Their understanding and appreciation of issues of conflict and the need to resolve them remains key to creating a conducive environment not just for the NPRC but also for our many other peace building stakeholders such our traditional leaders, churches and civic society organizations resident in their provinces.

### **2.4 Consultation with Traditional Leaders and Churches**

On the side of non-state actors, the Commission had engagements with traditional leaders and church leaders regarding conflicts both at community and national level. The Chiefs as custodians of our rural communities and culture, the Commission strategically engaged with them in 2020 to explore traditional and community-based approaches to national healing as they differ from one community to the other and from time to time. Since resolving of some of the conflicts in the rural areas traditionally and culturally resides within the purview of the

traditional leaders, engagements were done primarily to identify the gaps and areas of collaboration.

## **2.5 Engagements with Technical Partners**

The Commission, through the Government of Zimbabwe, entered into an agreement with UNDP, which is assisting peace building in Zimbabwe through the disbursement of PBF funds under the Zimbabwe United Nations Development Assistance Framework (ZUNDAF). During the year, there were numerous collaboration meetings with staff of the UNDP and UN Women. In addition, the Commission met with the UN Resident Coordinator and the UNDP representative on the 5<sup>th</sup> of November 2020. The objective for the UN family was to assess progress and challenges on the part of the NPRC, and to find other areas which the NPRC might need assistance in the event that a new agreement from 2021 is considered. The meeting assisted the NPRC in resolving challenges of long outstanding payments by the UNDP.



*The Chairman of the Commission, Rtd Justice Nare (second from right) meets the UN Resident Coordinator, Ms. Maria do Valle Ribeiro (second from left) accompanied by Commissioner Chada (left) and Mr Kimbulu (right) of NPRC and UNDP respectively*

The Commission entered into a second strategic partnership with the Embassy of the Republic of Switzerland after the first which was signed in 2019 expired at the end of October of 2020. The second strategic partnership entered in 2020 was an improvement from the first in that it sought to directly support the NPRC unlike the first in which the Embassy could only support

the NPRC indirectly through third parties. The Commission remains grateful to the support being rendered by its technical partners.

## **2.6 Consultations with CSOs and FBOs**

In 2020, the Commission considered civil society organisations and faith-based organizations as strategic partners. The Commission recognises commendable peace building efforts already done on the ground as informed by their individual sectorial and ideological perspectives. CSOs under their umbrella body NANGO were able to mobilise their membership throughout the country and are actively participating in NPRC activities through provincial peace committees and thematic committees.



*An engagement meeting with community and faith-based leaders organised by church groups in Manicaland Province to gather views on how to deal with conflicts affecting the region*

## **2.7 Collaboration with sister Commissions**

The Commission continually has fruitful collaborations with sister Commissions such as the Zimbabwe Electoral Commission (ZEC), Zimbabwe Gender Commission (ZGC) and the Zimbabwe Human Rights Commission (ZHRC). Engagements with them are done on a continual and regular basis as they share similar broad objectives and much of their work overlaps. The Commission entered into a partnership with the ZGC and the ZHRC on the basis of the mutually reinforcing programs especially in the complaints handling and management process.

## **2.8 Interactions with Political Parties**

The Commission recognises political parties as important players whose contribution and participation are required in the establishment of robust peace infrastructure in Zimbabwe.

Considering that there is a proliferation of political parties only during election periods whose institutions are not sustained after elections, the Commission continued engagements with the three main political parties represented in parliament namely ZANU PF, MDC-Alliance and MDC-T. To diversify and enrich political discussions for the purposes of peace building independent Members of Parliament have also been taken on board in the engagements. Out of these engagements' the Commission has received unwavering positive participation of political parties in Provincial Peace Committees throughout the country.

Strategic engagements between the NPRC and a host of peace building structures has greatly contributed to the smoothening and complimenting of peacebuilding work as opposed to the unnecessary duplication of responsibilities from various stakeholders. By so doing, this has greatly afforded the NPRC with a common platform for information exchange among various stakeholders. As it is traditionally said for peace to blossom the left hand must always appreciate what the right hand is planning.

### **3. PROGRAMS OF THE COMMISSION IN 2020**

The Commission's seven Thematic Committees are the main vehicle for delivery of its programs and these are:

- a) Research and Knowledge Management Committee
- b) Complaints Handling and Investigations Committee
- c) Healing, Reconciliation and Rehabilitation Committee
- d) Victim Support, Gender and Diversity Committee
- e) Prevention and Non-Recurrence Committee
- f) Finance Administration and Human Resource Committee
- g) Media and Communications Committee

The end of the first quarter of 2020 presented a new challenge in the form of Covid-19, a novel corona virus which impacted negatively on the Commission's ability to implement scheduled programs. The national lockdown meant the Commission had to scale down or revise the implementation strategies for some of the planned programs. However, the following are the programs carried out under each Thematic Committee:

## **3.1 RESEARCH AND KNOWLEDGE MANAGAMENT PROGRAMS**

### **3.1.1 Conflict Mapping and Analysis**

The department carried out conflict mapping and analysis to map out the causes, actors and consequences of conflicts that have occurred in Zimbabwe through desk review surveys and stakeholder consultation exercises. Conflict mapping plays an important role in peacebuilding in order to gain a better understanding of the context in which they work and their role in a pragmatic context. Conflict analysis can be carried out at various levels thus local, regional, and national and they sought to establish the linkages between these levels. Identifying the appropriate focus for the conflict analysis is crucial: the issues and dynamics at the national level may be different from those at the grassroots. But while linking the level of conflict analysis, it is also important to establish systematic linkages with other interrelated levels of conflict dynamics. These linkages are important, as all these different levels impact on each other.

The process of developing the conflict map is ongoing. Major conflict epochs were identified, and stakeholder engagement was critical in validating the epoch identified. The epochs begin with the pre-colonial; colonial conquest; African nationalism and the war of liberation; and finally, the post-independence era. Meeting with the consultancy on review of the methodology and thematic committee input was done. Commissioners and GMs made significant input on methodological design.

### **3.1.2 Training of Enumerators for the Baseline Survey**

A training of enumerators for the Baseline Survey was conducted in the Northern and Southern Regions. The basis of the training was to enhance and capacitate understanding of conflict epochs, socio-cultural issues for enumerators before they are deployed to collect data from the participants in various districts. The Baseline Survey is the anchor of the programming by the NPRC as well as the base for monitoring and evaluation. The instruments for the baseline include questionnaires and focus group discussions and key informant interviews. Numerators were recruited from the regions they come from as the NPRC wanted enumerators with regional dynamics which incorporate language and socio- cultural dynamics. Instruments for the baseline were tested by the enumerators and errors were identified and corrected accordingly. Language was standardized; in the process of making corrections and ensuring that all questions would be understandable to the participants.





*Enumerators from Masvingo and Midlands Provinces attending a training in Masvingo*

### **3.1.3 Baseline Survey**

A baseline survey is a descriptive cross-sectional survey that mostly provides quantitative information on the status of a situation; on whatever study topic in a given population. It aims at quantifying the distribution of certain variables in a study population at one point in time. The Thematic Committee on Research and Knowledge Management developed data collection instruments for the baseline survey. Finalisation of questionnaires and Focus Group Discussion instruments was done. Engagements were done with Zimstats which assisted on sampling design. Letters to key national and provincial stakeholders were dispatched. Identification of areas of research and sampling of enumeration areas was also done.



*The Research and Knowledge Management team meets with representatives from ZANU-PF for a focus group discussion as part of the Commission's baseline study*

The process of the baseline started in Harare and Bulawayo with focus group discussions being held. A pilot study was successful, and a number of focus group discussions have been

conducted eliciting rich data in the process particularly in Harare and Bulawayo. In conducting the baseline survey, research ethics were followed religiously, and COVID-19 regulations are being adhered to. All the Commission awaits is listing of households by Zimstats to pave way for the administering of the questionnaire.

#### **3.1.4 Developing a Shared Social Cohesion and Reconciliation Index for Zimbabwe**

The shared Social Cohesion and Reconciliation Index (SCORE) is a process of measuring peace by assessing to what extent the society is in peaceful co-existence and harmony with its members. The NPRC embarked on the development of a shared Social Cohesion and Reconciliation Index (Score) which is an instrument to guide in the assessment of social cohesion in the country through multi stakeholder collaboration. The score tool is an advanced statistical instrument that produces diagnostic and predictive evidence for policy and programme development. The national toolkit, once developed, will assist the country to understand key challenges that if addressed will help in enhancing social cohesion at village, ward, district, province and national level.

The Score will also contribute to the successful implementation of national policies such as the National Development Strategy 1, Vision 2030, Education 5.0. among others. Knowing the level of social cohesion in a country assists policy and decision makers, CSOs, Business and various other sectors to put in place measures to manage potential conflicts and work towards a desired future. The underlying assumption is that peacebuilding without social cohesion is not transformative and cannot achieve positive peace. Score increases harmony, inclusion, trust, belonging and co-existence of individuals, groups and institutions where citizens develop a shared national vision. The Commission is engaging state and non-state actors in the development of the Index. Various key stakeholders have been consulted in the process of the development of the SCORE and the process will continue in 2021. Questions were developed which will be in the questionnaire on social cohesion and reconciliation. The questions will be of immense help in assisting the NPRC in programming.

#### **3.1.5 Development of Knowledge Management Systems**

The Research and Knowledge Management department began a process of facilitating the development, setting up and designing of a comprehensive knowledge management system for the NPRC to effectively manage all the information and knowledge generated. The Commission staff was trained on how to manage data in their respective departments. The main objective was to acquaint staff with data management techniques. Up to date through

assistance from its partners the UNDP and Embassy of Switzerland the Commission has acquired basic infrastructure to manage information acquired.

### **3.1.6 Academic Roundtables and Knowledge Sharing Platforms**

These are NPRC platforms to embrace new research findings from various sectors and experts in the field of peace building and conflict resolution universally thereby benchmarking with international best practice as well as providing a medium of communicating NPRC research findings and assessments of its work. The NPRC through the RKM department conducted an awareness campaign with various stakeholders including academics, private sector and government departments.



*Part of the NPRC team supporting a Research and Knowledge Management program*

## **3.2 COMPLAINTS HANDLING AND INVESTIGATIONS PROGRAMS**

### **3.2.1 Designing and Development of Books, Manuals and Forms**

The Commission designed and developed subpoena and protocol forms for referral tools to facilitate the complaints management process:

### **3.2.2 Complaints Handling and Investigations Management Unit (CMU)**

The Complaints Handling and Investigations Management department on the direction of the Commission established a Complaints Handling and Investigations Management Unit (CMU). The Complaints Handling and Investigations Management Unit (CMU) is responsible for receiving, assessing and determining action to be taken by the Commission in relation to every



complaint registered. The Committee is composed of a Commissioner and three General Managers, one Manager and three Officers.

### **3.2.3 Recruitment and Induction of Staff on Complaints Handling and Investigations**

The Commission through the Complaints Handling and Investigations (CHI) department recruited six officers from the Zimbabwe Republic Police on secondment in July 2020. A 5-day induction workshop was held for the new officers at Kadoma Ranch Motel. The workshop trained NPRC internal staff on the operations, systems and procedures of the Complaints Handling and Investigations department. The Commission further recruited one officer for the Complaints Handling and Investigations department in November 2020.

### **3.2.4 Training of Provincial Peace Committees on CHI**

The department conducted a training on complaints handling and investigations for Mashonaland West Provincial Peace Committee at Chinhoyi Training Centre. The purpose of the training was to equip members of the provincial peace committee to be another complaint receipt platform from members of the public in their respective areas.

### **3.2.5 Consensus Building with Key Strategic Actors**

NPRC organized consensus building or capacity enhancement workshops with the Mashonaland Central Provincial Heads of government departments and Parastatals. The aim of the workshops was to strengthen collaboration and share knowledge on issues of conflict prevention, complaints handling and investigations, dispute resolution and peace building. The CHI Department also participated at three workshops convened by the Centre for Conflict Management and Transformation (CCMT). The workshops were conducted in Epworth, Mbare and Chitungwiza and drew membership from church bodies and youths, women and the disabled organisations. The aims of the workshops were to identify and strengthen pathways for collaborations, to create awareness on the mandate of the NPRC and to receive complaints from the public amongst others. Further community-based consultation meetings were conducted around the country as shared in the tables below. These were aimed at raising awareness on the work of the unit as well as assisting community members on the protocols to follow when they wish to raise complaints with the Commission.

**Table 2: Stakeholder Consultation Meetings Conducted by CHI Unit**

| <b>Date</b> | <b>Province</b> | <b>Stakeholders Engaged</b>        |
|-------------|-----------------|------------------------------------|
| 02/12/20    | Manicaland      | ✓ Member in Charge, ZRP Inyati     |
| 03/12/20    | Manicaland      | ✓ PDC's Office (Sithole & Sigauke) |

|          |                     |   |
|----------|---------------------|---|
| 03/12/20 | Manicaland          | ✓ DDC Chimanimani, President's Office representative  |
| 04/12/20 | Manicaland          | ✓ DDC Chipinge, DIO Chipinge, ZRP Chipinge<br>✓ CSO (PYCD) and Messenger of Court Chipinge                          |
| 06/12/20 | Masvingo            | ✓ DDC Masvingo<br>✓ Social Welfare Officer<br>✓ Councillor Ward 4, Chiredzi West                                    |
| 07/12/20 | Masvingo            | ✓ ZRP Bikita and DIO Bikita   |
| 08/12/20 | Masvingo            | ✓ ZRP Gutu  |
| 09/12/20 | Midlands            | ✓ DDC Chirumanzu; DSW Officer Chirumanzu<br>✓ CEO Chirumanzu  |
| 03/12/20 | Mashonaland West    | ✓ Village Head Chirenda and Councillor Zvimba   |
| 04/12/20 | Mashonaland West    | ✓ DDC Makonde<br>✓ Mash West Land Commission<br>✓ Makonde District Lands Officers.                                  |
| 05/12/20 | Mashonaland West    | ✓ Officer Commanding Police Hurungwe District<br>✓ Karoi Town Secretary<br>✓ DDC Magunje and Magunje District Lands |
| 08/12/20 | Mashonaland Central | ✓ School Head, Chawurura High, Muzarabani   |
| 09/12/20 | Mashonaland Central | ✓ Officer Commanding Police<br>✓ Provincial Development Coordinator<br>✓ Bindura DDC                                |
| 09/12/12 | Mashonaland East    | ✓ Village Head, Katiyo Village, Uzumba<br>✓ Officer commanding police Murehwa District.                             |
| 10/12/12 | Mashonaland East    | ✓ PDC and Provincial Intelligence Officer   |



*NPRC's General Manager for Complaints Handling and Investigations, Mr T. Sithole, meets with ZRP's Officer Commanding Hurungwe District the Commission's stakeholder engagement process*

**Table 3: Community Awareness Meetings Conducted in the Northern Region**

| Date     | Place  | Attendance |
|----------|--|------------|
| 02/12/20 | Chiendambuya Business Centre Headlands         | 28         |
| 03/12/20 | Garikai Camp, Ngangu, Chimanimani              | 38         |
| 03/12/20 | Aborrution Camp, Ngangu, Chimanimani           | 40         |
| 04/12/20 | Gumayi Village, Chief Mutema, Chipinge         | 53         |
| 05/12/20 | Munyokovere Village, Chief Mutema, Chipinge    | 40         |
| 06/12/20 | Runde Road, Chiredzi                           | 13         |
| 07/12/20 | Kwaedza Crescent, Majange                      | 11         |
| 07/12/20 | Sunniside Central Farm, Ward 25, Zvimba East   | 130        |
| 07/12/20 | Royden Farm, Ward 25, Zvimba East Constituency | 50         |
| 09/12/20 | Nyachuru Business Centre, Chiweshe             | 15         |
| 10/12/20 | Katiyo Village, Uzumba                         | 15         |



*Staff in the Complaints Handling and Investigations Department interacting with residents of Ward 25 in Zvimba and subsequently receiving complaints*

**Table 4: Community Awareness Meetings Conducted in the Southern Region**

| Date     | Place                              | Province | Stakeholder Consulted  | Reach     |
|----------|------------------------------------|----------|--|-----------|
| 04/12/20 | Dadikwa                            | Midlands | <ul style="list-style-type: none"> <li>✓ DDC Dadikwa</li> <li>✓ Chief Mkoba</li> </ul>   |           |
| 10/12/20 | Lower Gwelo (Bembe Primary School) |          | <ul style="list-style-type: none"> <li>✓ Village Heads</li> <li>✓ Village Health Workers</li> <li>✓ MASO (NGOs)</li> <li>✓ JAHO</li> <li>✓ VIDCO</li> <li>✓ Chief Mkoba</li> <li>✓ Village Heads</li> <li>✓ Village Health Workers</li> <li>✓ VIDCO</li> </ul> | 70 people |

| <b>Date</b> | <b>Place</b>            | <b>Province</b>    | <b>Stakeholder Consulted</b>   | <b>Reach</b> |
|-------------|-------------------------|--------------------|--|--------------|
|             | Makepesi Clinic         |                    | <ul style="list-style-type: none"> <li>✓ MASO</li> <li>✓ JAHO</li> <li>✓ ZRP</li> </ul>  | 51 people    |
| 07/12/20    | Tsholotsho District     | Matabeleland North | <ul style="list-style-type: none"> <li>✓ Chairman Church Leaders Tsholotsho Fraternity</li> </ul>  | 25 people    |
| 08/12/20    | Nemani Egodweni Village | Matabeleland North | <ul style="list-style-type: none"> <li>✓ Nemani Egodweni Villagers.</li> <li>✓ Tsholotsho ZRP</li> </ul>   | 17 people    |
| 14/12/20    | Lupane District         | Matabeleland North | <ul style="list-style-type: none"> <li>✓ DDC Office</li> <li>✓ Makhovula Primary School</li> <li>✓ Farmers</li> <li>✓ Agritex Officer</li> <li>✓ Jotsholo Township Superintendent</li> </ul>                             | 37 people    |
| 15/12/20    | Lupane                  | Matabeleland North | <ul style="list-style-type: none"> <li>✓ Tshongogwe Councillor Gladys Moyo</li> <li>✓ Chief Mabikwa</li> <li>✓ Lupane ZRP</li> </ul>   |              |
| 03/12/20    | Umzingwane District     | Matabeleland South | <ul style="list-style-type: none"> <li>✓ ZRP Esigodini</li> <li>✓ DDC Esigodini</li> </ul>   |              |
| 09/12/20    | Gwanda District         | Matabeleland South | <ul style="list-style-type: none"> <li>✓ ZRP Officer Commanding Gwanda Rural District</li> <li>✓ Minister of State</li> <li>✓ Provincial Engineer Ministry of Mines</li> <li>✓ Chairman Resident Association.</li> </ul> |              |

### **3.3 HEALING, RECONCILIATION AND REHABILITATION PROGRAMS**

Tasked with the responsibility to bring about national reconciliation by encouraging truth telling and facilitating the making of amends and the provision of justice, the Commission undertook a number of programs in 2020, chief amongst which were interaction with minority groups. The scope of the Healing, Reconciliation and Rehabilitation Thematic Committee includes identifying stakeholders qualified in trauma and community healing to collaborate with the Commission and facilitate the implementation of healing programs within the communities.

#### **3.3.1 Awareness Raising**

The Commission held awareness programs on the NPRC mandate and its thematic areas in Lupane, Tsholotsho and Nkayi in partnership with the Ecumenical Churches Leaders Forum, Zimbabwe Christian Alliance (ZCA), Centre for Innovation and Technology and Catholic Commission for Justice and Peace in Zimbabwe. The basis for undertaking such a program was derived from the feedback that the Commission was receiving from a wide array of stakeholders stating that the Commission was little known in the communities outside the main cities and towns.



*Awareness Campaign in Makhovula, Lupane District*

The Commission used every opportunity to raise awareness on the work undertaken to date, for example, peace building support partnerships were formed with ZCA/Sizimele at Makhovula irrigation scheme in Lupane incorporating the TMG (Turning Matabeleland Green) initiative for affected families. The Commission also participated in the launch and inception of the CCCOP (Churches Convergence on Conflict and Peace) in partnership with

ZCA and CCJP with emphasis on Reconciliation as the basis for healing leading towards an effective peace building in Matabeleland South in Gwanda, in Makokoba in Bulawayo, Tsholotsho (ECLF) and Beitbridge. Furthermore, the Commission made a short presentation at a function hosted by Better Life Foundation Zimbabwe, a local Non-Governmental Organisation based in Uzumba in Mashonaland East to sensitise the community on peace building initiatives.

### **3.3.2 Community Healing**

The Commission has developed Community Healing programs by sector, which are still to be implemented but embrace; women; youth; children; people with disability; farmers; miners; business sector; diasporans; war veterans and others as identified by stakeholders. The Commission held a meeting with members of the San Community in Gariya, Tsholotsho in Matabeleland North. The outcry by the San Community revolves around the fact that they do not have representation in the form of a Chief in their area. The Chief under whom they fall is from the Ndebele tribe and this has resulted in the San being forced to follow Ndebele traditions dictated to them by the Chief, much to the detriment of their own tradition. They wish to have a Chief who is from the San Tribe. The Commission established that according to the Law, a group of people is not eligible to being allocated a Chief if the number of the grouping falls below a stipulated number. The number of the San in the Gariya Community falls far short of the stipulated number.

The Commission received a request for a meeting with the Matabeleland Collective, a group of Civil Society Organisations that represents the development interests of the people of Matabeleland on issues that include Gukurahundi, Zambezi Water Trust project and varying issues of development in that region. The meeting noted that the Matabeleland Collective was a group of organisations from Matabeleland who have a common purpose but have been affected by the recent division culminating in the formation of a breakaway group calling themselves the Matabeleland Forum. The Commission highlighted that the two groups can remain separate entities but appealed for unity of purpose between the organisations as they remain the voice of the voiceless in Matabeleland.

During the lockdown period, there were a number of cases of displeasure at the way that the distribution of maize was being done and this became a source of division amongst members of affected communities. For example, there was an allegation of Councillors in Gwanda hoarding and diverting maize meal to the parallel market and overpricing the commodity once diverted to this market. The Commission engaged the Councillors in a fruitful meeting which



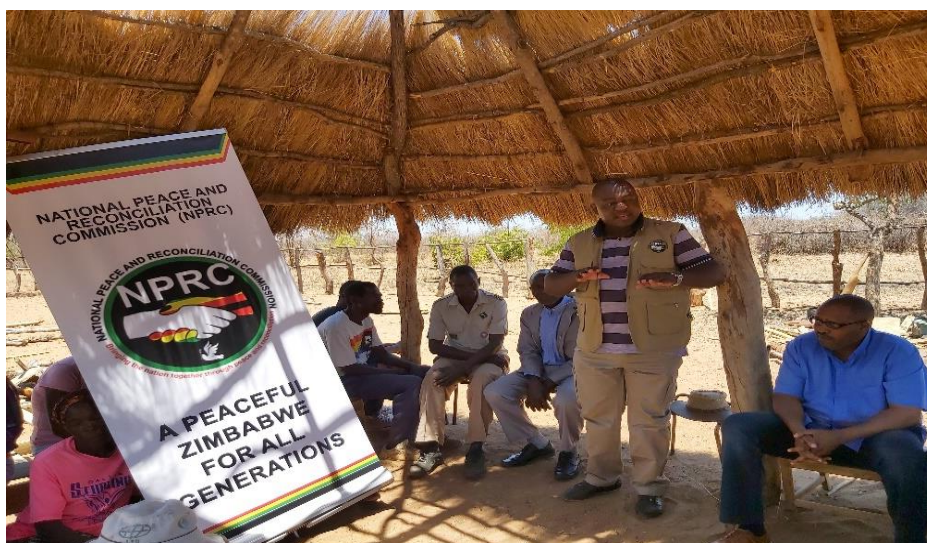
culminated in the immediate stop of the malpractice. The meeting was attended by the Minister of Provincial Affairs and Devolution.



*Awareness meeting with Councillors in Gwanda District against diverting maize meal to the parallel market during the COVID-19 period in March 2021*

### **3.3.3 Partnerships in Healing and Reconciliation**

The Commission partnered with the Ministry of Home Affairs and Cultural Heritage and the Department of Museums and National Monuments of Zimbabwe under this same Ministry, culminating in the development of a Draft Policy on exhumations and reburials. The Commission supported Counsellors training in psycho social supported by Ukuthula Trust and Tree of Life in Bulawayo. Participants were drawn from Gukurahundi affected areas in Tsholotsho, Lupane and Kezi. The intention is to increase the pool of practitioners in psychosocial support to communities.



*Commissioner Ncube addressing victims of past conflicts in Silwane, Lupane district in Matabeleland North*

### **3.3.4 Public and Private Hearings**

The NPRC's Constitutional Mandate to Conduct Hearings is outlined in Section 252(c) of the Constitution and serves;

To bring about national reconciliation by encouraging people to tell the truth about the past and facilitating the making of amends and the provision of justice.

In preparation for the conduct of public and private hearings, a training program was held for all NPRC staff. The training was facilitated by the Commissioners, based on the extensive training that they received in the past on the conduct of Hearings. The training was augmented by an external trainer; former Chairperson of the Truth and Reconciliation Commission in South Africa, who has been involved in training the Commissioners in the past. A training Manual has been developed for future ease of reference.

#### **3.3.4.1 Structured Plan for Undertaking Public and Private Hearings**

At the beginning of the year 2020, the Commission held a fruitful interaction with members of the Provincial Peace Committees through an induction training of the 10 peace committees on Conflict Prevention and Management. This was quite an investment into this exercise because the Peace Committees are the NPRC Peace architecture at provincial level. As such, programs that the Commission undertakes at provincial level should and will always include this structure. For example, the Peace Committees were engaged to share and agree on issues that the Commission should consider in preparation for public hearings, a program that the Commission wishes to undertake in 2021. It was noted that before public hearings take place, there is need for a massive preparation program. A series of one day workshops per province were undertaken during the months of November and December to undertake the interaction. The objectives of the workshops were;

- ✓ To identify key issues to be brought to the Public Hearings, by Provincial Peace Committee Members;
- ✓ To design a structured plan framework for undertaking the Public hearings and crafting a roadmap to steer the process;
- ✓ To appreciate conflict related issues pertaining to the work of peace building.

The public hearings were defined to members in terms of meaning and purpose as follows;

- ✓ Public, private or in-camera hearings are platforms where victims or survivors, perpetrators or adversely mentioned persons and witnesses give evidence before the NPRC to establish or publicise the scale and impact of a past injustice, typically



involving wide-scale human rights abuses, and make it part of the permanent, unassailable public record.

- ✓ A mechanism for truth seeking, truth telling and dealing with the past.

The purpose of the NPRC hearings were outlined as;

- ✓ Establishment of the truth in order to facilitate healing, reconciliation and peaceful co-existence;
- ✓ Foster prevention and non- recurrence of our dark past as a nation;
- ✓ Enable the Commission to make appropriate recommendations to the Executive and Legislature regarding formulation of suitable policies and legislation;
- ✓ To enable the Commission to make appropriate recommendations to the National Prosecution Authority (for prosecution) and to the President (for pardon).

Participants were also directed to Sections 40-44 of the NPRC Regulations which provide for measures for the protection of witnesses and victims during and after Hearings and that these protective measures include but are not limited to;

- ✓ Non-disclosure of identities and personal details of victim or witness;
- ✓ Expunging names and other identifying information from the public records of the Commission;
- ✓ The allowance for the use of pseudo names where the victim or witness fears victimisation arising from identification.

The process of public hearings was explained as follows;

- ✓ The Commission will deal with every case that is brought to it and this will be done through the Complaints Handling and Investigations Department;
- ✓ The number of cases that will be brought before the Commission for the hearings will be drawn from the total number of cases received by the Commission and this selection will be done by the Commission in consultation with the Provincial Peace Committees;
- ✓ The selected cases then become illustrative, they become a show of the level of violation, and each case which comes before the Commission shall be well researched so as to provide the most appropriate remedy based on the victim's needs;
- ✓ The services of interpreters shall be enlisted where required in each Hearing including Sign Language experts. The Commission shall properly induct the interpreters; sign language experts and all Commission staff who will take part in the Hearings.

Furthermore, the workshop provided the Provincial Peace Committees with an opportunity to draw a list of the most prevalent conflicts in their respective provinces for consideration amongst the cases that will be heard by the Commission and these were listed by violation types through a template provided as a guide.

The template included;

- ✓ Violation types
- ✓ Location of the violation type
- ✓ Major victims – disaggregated by
  - a) Demography
  - b) Socio-economic status
  - c) Violation type
  - d) Location of the victim presently
- ✓ Possible interventions
- ✓ Actors – who should be involved
- ✓ Suggested Process in terms of
  - a) Where do we start?
  - b) What do we start with?
  - c) What do we conclude with?
- ✓ Any other information that you believe should be considered in the preparation of the Public Hearings in the Province

The Peace Committee members attended in numbers, a true testimony of the dedication to the work of peace building. A number of issues for consideration were also derived from this interaction than the program anticipated. There was a plea for the NPRC to ensure that information on public hearings reaches the community at the lowest level. This is because most hurts from pain caused by past conflict in Zimbabwe have been felt at the lowest levels in the communities. The Peace Committee members however acknowledged that there are incidences of conflicts that have occurred in towns and cities and as such, there is need to take all these dynamics into consideration when mapping the areas where public hearings will take place. The debate on the identification of the location for where the public hearings should take place in each province was protracted as members grappled with the desire to hold hearings in each District but also realizing the time it would take to undertake such an exercise in each province. A consensus was reached on starting with the areas that the members believed had experienced extreme cases of conflict.

In preparation for the conduct of hearings, there was agreement by all provinces that the NPRC needs to be visible at the lowest level of the community as it is at this level where past hurts are most prevalent. The call for awareness campaigns on the work of the Commission and specifically what the Public hearings entail was common across all provinces. The provincial Committee members called this Community Sensitization on the Public Hearings. Members believed that without undertaking this exercise, the people in the Communities would miss out on the opportunity to participate in the public hearings. In addition, it was believed that the awareness campaigns would assist to assure people that they were safe to participate without fear. This is because there were questions on how safe members of the public would

be when presenting statements at public hearings. It was recommended that awareness campaigns be undertaken in collaboration with multi-stakeholders, especially traditional leaders.

#### **3.3.4.2 Way forward on Public or Private Hearings**

From the exercise undertaken on the identification of issues for consideration in conducting public hearings, the Commission will be able to craft a structured plan for the conduct of public hearings for validation by this important group of stakeholders. The next step will be that of upskilling those members who will be invited to be part of the statement takers. Since statement taking is part of the complaints handling process, this program will be undertaken in collaboration with the Complaints Handling and Investigations Department. Statement takers will require to be trained thoroughly to enable them to accurately record the statements from the victims or witnesses during the public and private hearings. The recommendation to include the members of the Provincial Peace Committees is based on the fact that it is good practice for statement takers to come from the Region where they will take statements, speak the language and appreciate the cultural norms. Included in the upskilling program will be skills in Victim Support Mechanisms during the public hearings and in fulfilment of Section 9 of the NPRC Act, the aspects of gender considerations will form a big part of the program. To facilitate easy conduct of hearings, the Thematic Committee will therefore prioritize:

- ✓ Conducting community sensitization programs to educate the nation on what public hearings entail and clarifying that these hearings seek to bring restorative justice, reconciliation and healing.
- ✓ Conducting capacity building for Provincial Peace Committee members on the tasks that will be required of them in the conduct of public hearings.

### **3.4 VICTIM SUPPORT, GENDER AND DIVERSITY PROGRAMS**

#### **3.4.1 Victim Support Services: Basic Counselling Training**

Addressing the concerns and needs of victims of conflict is one of the key constitutionally provided mandate of the NPRC. The NPRC strategic plan also emphasises the centrality of victims in healing, peace and reconciliation processes. In a bid to strengthen the Commission's victim support services, the Commission conducted a basic Counselling training for Commission members and staff. Eighteen staff members and two Commissioners participated in the training. The participants were equipped with skills on counselling and communication skills for handling victims.



*Commissioner Chigwedere (in red attire), and the Members of the secretariat at Connect posing for a photo during the training on Basic Counselling.*

Equipped with the skills acquired following the training, the Commission competently offered psycho-social support to walk-in victims and victims whom the Commission interacted with during field work, particularly during investigations. Key amongst the cases of conflict that the Commission had to deal with was Gender Based Violence especially during the months of April and May, following COVID 19 lockdown situations. Victims were also assisted through referrals to relevant service providers. Referrals ensured that the victims received services in matters where the Commission lacked mandate and capacity. Such services include among others; legal advice and shelter.

### **3.4.2. Gender Mainstreaming Training for Commissioners and Secretariat**

Building internal capacity of the Commission in gender mainstreaming is a key requirement to facilitate the institutionalization of gender mainstreaming in the Commission. From 16-18 September 2020, the Commission; with the support of UN Women held a capacity building workshop on Gender mainstreaming for Commissioners and Secretariat. The training significantly enhanced knowledge and skills of Commissioners and Secretariat in gender mainstreaming and provided practical skills in gender analysis in the NPRC programme areas. The workshop had an outcome document of an NPRC Gender Mainstreaming Action Plan. The foundational Action plan gave impetus to the development of a comprehensive NPRC Gender and Inclusion Policy and Implementation Strategy which will be pursued in 2021.

### **3.4.3. Commemoration of 16 Days of Activism Against Gender Based Violence**

In pursuit of the Commission's mandate on Gender Based Violence postulated in the NPRC Act Section 9(h-k), the NPRC joined the rest of the world in commemorating the 2020 16

Days of Activism against Gender Based Violence (GBV) and hosted a commemorative event on 27 November 2020. In line with its core value of inclusivity and in the context of diversity, the Commission’s commemorations focused on Persons with Disability under the theme “End Gender Based Violence for Persons with Disabilities: Fund, Respond, Prevent and Collect.”. The focus was also informed by, and in recognition of multiple forms of vulnerability to GBV faced by persons with disabilities. The event was attended by 91 participants (56 women and 35 males), representing Government, the Zimbabwe Council of Churches, Parliament of Zimbabwe, Zimbabwe Republic Police’s Victim Friendly Unit, Development Partners, the media, Civil Society Organisations and Disabled People’s Organisations.



*Panelists lead a discussion on the impact of conflict for people with disabilities at the commemoration of 16 days of activism against gender-based violence*

In addition to raising awareness on the negative impact of Gender Based Violence amongst persons with disability, the Commission and the meeting proffered several recommendations for consideration and implementation by Government, CSOs, Development Partners and other stakeholders.

**Table 5: Summary of Recommendations at the Commemorations**

| <b>Summary of Recommendations from 16 Days Against GBV Commemorations</b>  |
|--|
| GBV legal instruments to specifically target women and girls with disabilities and engage women and girls with disabilities more in the legislative and policy formulation process |
| National and community based GBV interventions to take into consideration the growing concerns of GBV and abuse towards women and girls with disabilities.                         |

### **Summary of Recommendations from 16 Days Against GBV Commemorations**

Develop concrete action plans that are inclusive and explicit of issues that affect persons with disability, ensuring that a minimum essential service for persons with disability are maintained and adopted where they are non-existent

Conduct national and multi- media campaign combating stigma and discrimination towards marginalised women and girls with disabilities including, more culturally appropriate and gender responsive community-based awareness prioritizing changing the social norms that perpetuate GBV amongst persons with disability.

Education, information and awareness raising on Gender-Based Violence to reach to women and girls with disabilities in accessible formats such as braille, audio formats and availing toll-free numbers for PWDs.

Strengthen data collection for persons with disabilities for a more effective analysis, dissemination and use of data for planning, policy formulation, budgeting and evidence-based advocacy for the eradication and prevention of GBV and harmful practices on persons with disabilities.

Include disability issues in the current amendment to the Constitution.

Increase disability representation in Parliament and across the entire administrative machinery of the state.

Strengthen sign language disability education in institutions to help addressing the needs of persons with disabilities.

Strengthen the capacity of health, GBV and SRH service providers to respond to the needs of women and girls with disabilities

Prioritize funding of essential services that are user friendly for persons with disability including availing funds for GBV prevention and response for organizations working with Persons with Disabilities.

### **3.5 PREVENTION AND NON-RECURRENCE PROGRAMS**

The strategic programs and activities set by the Thematic Committee on Prevention and Non-Recurrence for 2020 include:

- a) Conflict Early Warning and Early Response
  - i. Design and usage of the Conflict Early Warning and Early Response
  - ii. Researching on and development of a conflict risk model
- b) Peace Committees
  - i. Training of Provincial Peace Committees

- ii. Establishment and induction of National and District Peace Committees
- c) Dialogue and Mediation
  - i. Setting up and operationalization of the Dispute Resolution Unit
  - ii. Political parties' engagement
  - iii. Launching the program for peace champions
  - iv. Enhancing capacities of traditional leaders in conflict resolution
- d) Conflict Prevention
  - i. Hate speech and media monitoring
  - ii. By elections monitoring
  - iii. Scanning the environment to enhance efforts towards conflict prevention

### **3.5.1 Conflict Early Warning and Early Response (CEWER)**

In line with the functions as set out in Section 252(g) of the Constitution, the Commission is required 'to develop mechanisms for early detection of areas of potential conflicts and disputes, and to take appropriate preventive measures.' After conducting the initial training in 2019, the Commission embarked on capacitation of staff on the practical processes for the setting up of the system. A knowledge sharing visit to Kenya had been scheduled during the year to help the Commission better its understanding of a functional CEWER system. However, this has had to be rescheduled because of the limitations on travel due to the Covid-19 pandemic. The planned seven phase process for the setting up of the national CEWER system involves:

- ✓ Familiarization of the Commission on the CEWER system
- ✓ Engagement of stakeholders on the setting up of the system
- ✓ Development of CEWER indicators
- ✓ Setting up the framework for the CEWER system (information management systems, assessment of technology penetration, linkages with existing systems and response structures)
- ✓ Software development (or procurement) and implementation of the CEWER system
- ✓ Setting up of the CEWER room and procurement of necessary equipment
- ✓ Launch of the CEWER system and structures

With the assistance of the Centre for Humanitarian Dialogue in Kenya, capacitation covered the design of the CEWER system, development of indicators and understanding of conflict risk factors. A technical committee comprising of members and staff of the Commission as well as representatives of political parties, academia and civic society was selected to spearhead the setting up process. Through its guidance, five CEWER sub-clusters in the thematic areas of Elections, Media, Sexual and Gender Based Violence, Natural Resources and Socio Economy were set up to support and guide the development process. With the guidance from the Consultant engaged to develop CEWER indicators, these have now been reconfigured to the following sub-clusters: Political, Security, Environment, Socio-Economic and Socio-Cultural Clusters.



Beyond the staff and members of the Commission, critical stakeholders were engaged to sensitize them and secure their buy-in on the CEWER development process. A workshop was held in Mutare where thirty representatives (15 males and 15 females) drawn from political parties represented in Parliament (ZANU-PF, MDC-T and MDC Alliance), other Independent Commissions, Ministries of Finance and Economic Development, Foreign Affairs and International Trade and Justice Legal and Parliamentary Affairs, the Office of the Minister responsible for National Healing and Reconciliation, traditional leaders, the Zimbabwe Republic Police, Zimbabwe National Army, War Veterans and civic society organizations were represented.

This initial process resulted in the development of a draft set of indicators, with the help of a Consultant who was engaged to facilitate the process. Subsequent consultations with members of Provincial Peace Committees around the country's ten provinces were done to elicit their views on the draft indicators to the CEWER system. Other consultations were done with representatives of women's organizations, members of CEWER sub-clusters in the Southern Region (Bulawayo, Masvingo, Matabeleland North, Matabeleland North and Midlands) as well as in Harare and some civic society organizations under the Zimbabwe Elections Support Network. Plans are on course to further engage the security architecture as well as youths.

The Commission has also considered and reviewed CEWER prototypes in its quest to understand the way the system works and to decide on what customization will be required to the Zimbabwean context. In this light, the Commission was able to extensively receive orientation on the United Nation's Development Program's (UNDP) CEWER prototype which it consequently resolved to procure and adapt for use in the national system. It is now anticipated that an information technology expert will be engaged early 2021 to process the customization and the necessary inputting of indicators. Below is a list of the draft indicators which were developed from consultations done in 2020:

#### **3.5.1.1 Draft Indicators in the Political Cluster**

- a) Increased hate speech, increased political threats and rhetoric by political parties and candidates, inciting the public and rise in hate speech and prejudice
- b) Fragmentation and fractionalization of political parties
- c) Increase in numbers of demonstrations, riots and protests
- d) Increase in politically motivated violence, deaths and assassinations; Number of deaths from political confrontations; Violence against civilians
- e) Increased perceptions of security actors' interference in politics
- f) Contentious elections and perceptions of electoral fraud



- g) Polarization of the media, including social media
- h) Perceptions of judiciary bias and corruption
- i) Recruitment of youth into political violence
- j) Exclusion of women from political and electoral processes

### **3.5.1.2 Draft Indicators in the Security Cluster**

- a) Increasing military expenditure relative to the GDP
- b) Increasing levels of human rights abuse
- c) Recruitment of youth into violent conflict and increased numbers of vigilante groups
- d) Number of arrests and increased rates of incarceration
- e) Illegal accumulation of small arms and weapons, and increased numbers and incidence of armed clashes
- f) Increased levels of violent crimes
- g) Sudden demographic changes and forced displacement
- h) Breakdown of law and order and declining levels of rules of law
- i) Increased perception of military operations; increased perception of security interference in politics (increased presence of civil-military operations)
- j) Increased reports of sexual and gender-based violence

### **3.5.1.3 Draft Indicators in the Economic Cluster**

- a) Shortage of basic commodities; increases in food shortages, food price increases and emergence of a parallel market, and hoarding of basic commodities,
- b) Increased rate of inflation, volatile exchange rate; continued devaluation of the currency and shortage of cash
- c) Increasing income inequality and perceived economic marginalization of groups and minorities
- d) Closure of companies and industries and capital flight, loss of jobs/ increasing rates of unemployment and criminalization of business (e.g. vendors)
- e) Increase in labour disputes, labour protests, salary disputes and strikes
- f) Increased rates of out-migration/emigration
- g) Increased rates of petty and violent crimes
- h) Decreased well-being and deterioration of standard of living-
- i) Increasing impact of the imposition of sanctions
- j) Increasing levels of corruption and bribes

### **3.5.1.4 Draft Indicators in the Natural Resources Cluster**

- a) Competition over natural resources; disputes over land or other natural resources, such as minerals, land, water; livestock etc;
- b) Increasing privatization of communal land and large-scale land acquisition;
- c) Increased number of illegal groups exploiting natural resources, e.g. minerals, fish, water, land
- d) Rapid demographic shifts and population movements that can put pressure on resources

- e) Forced displacement of populations from areas with natural resources
- f) Increased exploitation of natural resources by foreign powers/ investors
- g) Increasing levels of environmental degradation
- h) Discrimination against locals in access to natural resources; lack of transparency in natural resources proceeds and sales
- i) Increasing impact of climate change, e.g. floods, droughts
- j) Increased gender-based violence due to natural resource- based conflict

### **3.5.1.5 Draft Indicators in the Socio-Cultural Cluster**

- a) Increase in domestic violence, interpersonal violence, gender-based violence and rates of suicide;
- b) Imposition of restrictive laws, Increasing restrictive interpretation of existing laws. restrictions in movements, especially for women
- c) Reward for aggressive behaviour, increased harassment of women and propaganda emphasising hyper-masculinity.
- d) Increased cases of violent crimes and homicides
- e) Interference of traditional leaders in politics
- f) Religious polarization, destruction or desecration of religious sites
- g) Increasing levels of intolerance and discrimination against minorities and political exploitation of ethnic, cultural and identity differences
- h) Denigration of indigenous knowledge and systems and radicalization of belief systems
- i) Abuse of social media by political groups and citizens
- j) Increased hate speech and demonization of ethnic groups

### **3.5.2 National and Sub-National Peace Infrastructure**

Section 252(d) of the Constitution of Zimbabwe empowers the Commission to ‘develop procedures and institutions at a national level to facilitate dialogue among political parties, communities, organizations and other groups to prevent conflicts arising in the future.’ This is further buttressed in the NPRC Act in Section 8 of the First Schedule Section (3)(1) in which the Commission is empowered to establish committees to which membership can be drawn from persons other than the members.

Recognising the need to ensure multi-stakeholder involvement in national peace building processes, the Commission established Provincial Peace Committees and remained committed to setting up District Peace Committees but for coordination challenges due to the lockdown. The Provincial Peace Committees have been instrumental in providing insights into the way conflicts are dealt with. In Mashonaland Central for example, the Provincial Peace Committee met several times to discuss the contentious conflicts around unregistered artisanal miners.



*Herald report on the commencement of Provincial Peace Committees capacitation program*

After the induction of the Provincial Peace Committees in 2019, plans were put in place to capacitate these structures early in 2020. Nine provincial peace Committees were trained between the months of February and March while the remaining province was trained in July as the Covid-19 lockdown conditions began to ease. The table below shows the gender disaggregated numbers of participants to the capacitation process.

**Table 6: Provincial Peace Committee Members who were Trained**

| Province                     | Male       | Female     | Total      |
|------------------------------|------------|------------|------------|
| Bulawayo Metropolitan        | 26         | 17         | 43         |
| Harare Metropolitan          | 16         | 14         | 30         |
| Manicaland Province          | 18         | 14         | 32         |
| Mashonaland Central Province | 14         | 13         | 27         |
| Mashonaland East Province    | 18         | 12         | 30         |
| Mashonaland West Province    | 14         | 17         | 31         |
| Masvingo Province            | 19         | 11         | 30         |
| Matabeleland North Province  | 14         | 6          | 20         |
| Matabeleland South Province  | 11         | 10         | 21         |
| Midlands Province            | 17         | 13         | 30         |
| <b>Total</b>                 | <b>167</b> | <b>127</b> | <b>294</b> |

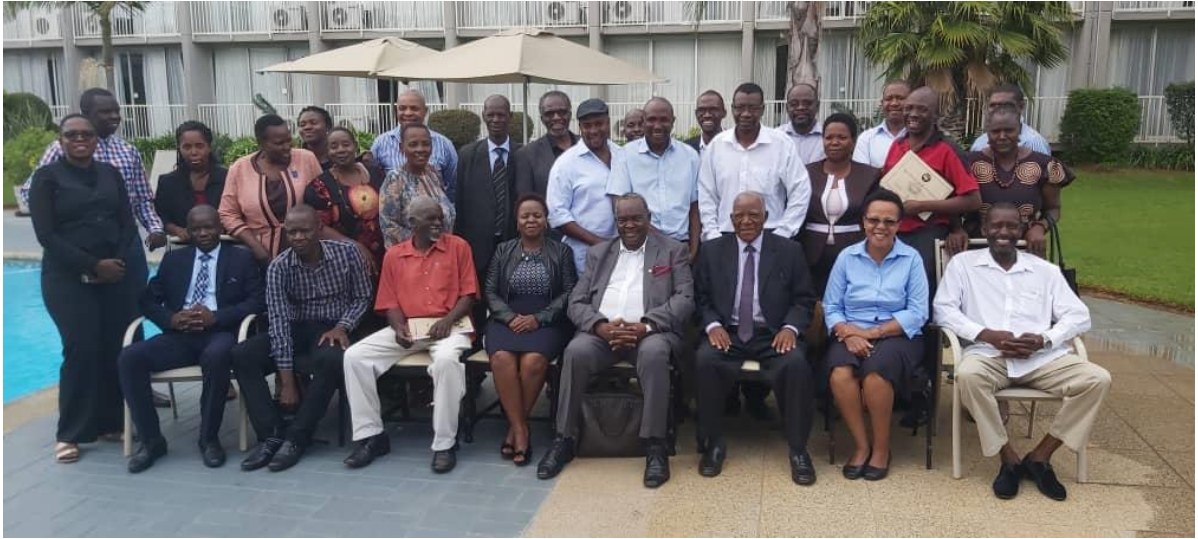


*A Provincial Peace Committee member (in wheelchair) receives a certificate of completion after participating in the induction training in February 2020*

The trainings were useful in orienting the Provincial Peace Committees on the following areas:

- ✓ Understanding the functions of the Commission and the contribution of the Provincial Peace Committees
- ✓ Preparing to be an effective peacebuilder at the personal level & building and working as a team
- ✓ Building an understanding of the complexity of the community and practical issues in peacebuilding
- ✓ Identifying and analysing conflicts in the province
- ✓ Appreciating the important issues in conflict prevention
- ✓ Setting strategic priorities for the Peace Committee

The Provincial Peace Committees also had the opportunity to review the main conflicts that are affecting the country. The table below shows the summary of major conflicts that were captured as impeding community cohesion based on the consultations done during the capacitation process:



*Members of the Bulawayo Peace Committee after their training in March 2020*

**Table 7: Summary of Conflicts Captured by Provinces**

| <b>Nature of Conflict</b>              | <b>Description</b>   |
|--|--|
| Economic conflicts                     | These conflicts were described as those conflicts relating to internal policy differences and other issues impacting the livelihoods of individuals and corporates at the provincial level |
| Political conflicts                    | These conflicts are characterised by electoral violence and disputed poll results, voter intimidation  |
| Resource distribution conflicts        | These conflicts refer to food distribution, farming inputs, command agriculture assistance, drought relief and other government aid inequities and corrupt activities                      |
| Religious conflicts                    | Church leadership and succession disputes characterised by violence, loss of property  |
| Property rights conflicts              | These conflicts relate to ownership and property rights disputes relating to mining claims, land, and other key assets   |
| Land conflicts (boundary/distribution) | Land conflicts are complex and include boundary disputes, allocation, ownership, and distribution issues   |
| Social/ cultural conflicts             | These conflicts include intergenerational conflicts  |
| Natural resource conflicts             | These conflicts involve natural resources issues like black granite, gold, diamonds, teak, and other natural resources that are in the hands of foreigners                                 |
| Environmental conflicts                | These conflicts are characterised by issues involving animals and human habitats   |
| Gender based conflicts                 | These conflicts are usually referred to the correct institutions that deal with gender-based violence especially cases of domestic violence  |
| Gukurahundi conflict                   | This conflict affected mainly the Matabeleland and Midlands provinces and this conflict is widely felt to be unresolved  |
| Tribal conflict                        | These conflicts include chieftainship disputes   |

| <b>Nature of Conflict</b> | <b>Description</b>  |
|---------------------------|---|
| Constitutional conflict   | These are described as conflicts associated with legal issues arising from the interpretation of the law or lack of alignment between the new constitution and the current laws |
| Importation of labour     | In the Matabeleland provinces participants identified a problem where individuals from other provinces were employed ahead of locals from within the province                   |
| Mining conflicts          | Mining conflicts included machete gang violence related to mining claim disputes.   |

From the consultations done with Provincial Peace Committees, several observations were noted and are captured below:

**Table 8: Key Findings and Possible Actions to Address the Findings**

| <b>Provincial Findings</b>   | <b>Proposed Actions in the Future</b>  |
|--|--|
| Most Peace Committees were under the impression that very little work was being done at the Commission level. There is a general lack of awareness about Commission activities and plans | The Commission intends to develop an engagement and communication plan through the various social media platforms or a newsletter to keep the Committee members and the public engaged   |
| The representation on the Peace Committees was balanced in most cases but there were no representatives of the minorities e.g. white Zimbabweans and Asian community                     | For fully inclusive Peace Committees, the white Zimbabwean and Asian communities need to be represented  |
| Some Peace Committee members were themselves traumatised by past conflicts such and needed counselling   | During future engagements it may be useful to provide a facility for Peace Committee members to obtain counselling to ensure that they are healed and can administer healing to their communities  |
| The Peace Committees are anxious to have materials such as the Constitution availed in their communities in the local language. During the workshop there was a limited                  | The NPRC intends to establish networks with government, independent commissions and civic society to providing Peace Committees and members of the public with copies of the Constitution and other relevant acts that are available in local languages. |
| The Peace Committees called for more capacitation on some contentious conflicts  | More training materials need to be developed to ensure that adequate capacity is provided for peace committee members and other community leaders involved in peace building   |



In setting up their priority programs for the year 2021, the input from each of the Provincial Peace Committees is captured in the table below:

**Table 9: Priority Issues for Provinces in 2021**

| Province                     | Strategic Priorities  |
|------------------------------|---|
| Bulawayo Metropolitan        | <ul style="list-style-type: none"> <li>✓ Capacity building of the Provincial Peace Committee members</li> <li>✓ Establish district peace structures</li> <li>✓ Truth telling sessions</li> <li>✓ Awareness raising on NPRC work in the Province</li> <li>✓ Engaging the victims</li> <li>✓ Provision of psycho-social support to victims</li> <li>✓ Reimbursement/ compensation for business loss</li> <li>✓ Apology of perpetrators (Gukurahundi or political violence)</li> <li>✓ Rehabilitation</li> </ul>   |
| Harare Metropolitan          | <ul style="list-style-type: none"> <li>✓ Establishment of district peace committee</li> <li>✓ Awareness campaigns</li> <li>✓ Sensitization/ stakeholder meetings with stakeholders</li> <li>✓ Baseline Survey, Information gathering, research, engagement with authorities</li> <li>✓ Engagement with academia, public lectures and dialogues</li> <li>✓ Hearings</li> <li>✓ Resource Mobilization</li> <li>✓ Healing, reconciliation and rehabilitation</li> <li>✓ Lobbying the Government for a housing legislation</li> </ul>   |
| Manicaland Province          | <ul style="list-style-type: none"> <li>✓ Community sensitization</li> <li>✓ Awareness of NPRC to the generality of Manicaland people through TVs, radios, traditional leaders' meetings with their subjects</li> <li>✓ Constitute District Peace Committees to help in awareness- There are committees already so maybe we should use those and work</li> <li>✓ Mapping Provincial Peace Committee members even District Peace Committees so that we know where we should start working</li> <li>✓ Capacity building on public hearings</li> <li>✓ Know what being done by other organizations to avoid working on the same projects</li> </ul> |
| Mashonaland Central Province | <ul style="list-style-type: none"> <li>✓ Capacity building</li> <li>✓ Dialogues</li> <li>✓ Awareness campaigns</li> <li>✓ Commemorations</li> <li>✓ Baseline survey</li> <li>✓ Trainings for economic empowerment</li> <li>✓ Learning exchange visits (ward to ward, village to village, district to district and inter-province exchanges)</li> <li>✓ Decentralization of NPRC arms</li> <li>✓ Resource mobilisation (to support decentralization)</li> <li>✓ Documentaries</li> <li>✓ Record keeping – Knowledge management and documentation</li> </ul>  |

| <b>Province</b>                | <b>Strategic Priorities</b>  |
|--------------------------------|--|
| Mashonaland<br>East Province   | <ul style="list-style-type: none"> <li>✓ Awareness campaigns and community engagement</li> <li>✓ Creating synergies with NGOs, Civil society organisations</li> <li>✓ Bill boards in districts in Mashonaland East</li> <li>✓ Train in sign language to Provincial Peace Committee members</li> <li>✓ Develop flyers for the NPRC</li> <li>✓ Conduct road shows</li> <li>✓ Resource mobilization at the Provincial Peace Committee members</li> <li>✓ Social cohesion indicators – ie football tournaments</li> <li>✓ Develop peace education teaching manual</li> </ul>   |
| Mashonaland<br>West Province   | <ul style="list-style-type: none"> <li>✓ Creation of District Peace Committees</li> <li>✓ Engagement of traditional chiefs and their staff</li> <li>✓ Team building of village, ward, and district peace committees</li> <li>✓ Awareness campaigns in urban and rural- Road Shows</li> <li>✓ Reframing historical narratives</li> <li>✓ Website development for the Provincial Peace Committee</li> <li>✓ Training of Peace Committee on Complaints Handling</li> <li>✓ Baseline dissemination of research findings</li> <li>✓ Refresher course for counselling</li> <li>✓ Strategic engagement with Joint Operations Command</li> <li>✓ Conduct the strategic plan revision</li> <li>✓ Conduct hearings</li> <li>✓ Cosmological justice- record living or dead</li> </ul> |
| Masvingo<br>Province           | <ul style="list-style-type: none"> <li>✓ Community healing and reconciliation</li> <li>✓ Sensitization of churches, political parties etc</li> <li>✓ Situational analysis</li> <li>✓ Baseline Survey</li> <li>✓ Visibility campaigns</li> <li>✓ Partnership building</li> <li>✓ Know what is being done by other organizations to avoid duplication</li> </ul>   |
| Matabeleland<br>North Province | <ul style="list-style-type: none"> <li>✓ Capacity building of Provincial Peace Committee members</li> <li>✓ Awareness of NPRC to the generality of people through TVs, Radios, traditional leaders' meetings with their subjects</li> <li>✓ Constitute District Peace Committees to help in awareness</li> <li>✓ Capacity building on public hearings</li> <li>✓ Provision of psycho-social support to victims</li> </ul>  |
| Matabeleland<br>South Province | <ul style="list-style-type: none"> <li>✓ Capacity Building of the Provincial Peace Committee members</li> <li>✓ Start complaints handling work</li> <li>✓ Resource mobilization</li> <li>✓ Establish district peace structures</li> <li>✓ Truth telling sessions</li> <li>✓ Awareness raising on NPRC work in the Province</li> <li>✓ Engaging the victims</li> <li>✓ Provision of psycho-social support to victims</li> </ul>   |

| Province          | Strategic Priorities   |
|-------------------|--|
| Midlands Province | <ul style="list-style-type: none"> <li>✓ Political violence</li> <li>✓ Mining disputes</li> <li>✓ Partisan distribution of resources ie. food, land</li> <li>✓ Gender based violence</li> <li>✓ Establish district peace structures</li> </ul> |

### 3.5.3 Dialogue and Mediation

The Constitution, Section 252(i) provides that the Commission shall ‘conciliate and mediate disputes among communities, organizations, groups and individuals.’ The National Peace and Reconciliation Commission Regulations, SI 90 of 2018 prescribe the setting up of a Dispute Resolution Unit ‘... to manage and administer the mediation and conciliation of disputes and provide support and guidance to the parties and mediators.’ In this regard, the Commission set up a three-member Dispute Resolution Unit, chaired by the Chairperson of the Prevention and Non-Recurrence Thematic Committee and with the Deputy Chairperson providing oversight. The Head of the Department of Conflict Prevention, Management, Resolution and Transformation and the Commission’s Legal Manager provide secretarial support and legal advice to the Dispute Resolution Unit.

An in-house training of the Dispute Resolution Unit was conducted during the year and henceforth, it is anticipated that the Unit will actively scout for parties in conflict and propose to assist with resolution of their disputes.



*Members of the Commission’s Dispute Resolution Unit at its inaugural induction training*

Another requirement of the NPRC Regulations, SI 90 of 2018 is the need to identify and keep a panel of qualified and respected mediators who will assist to mediate disputes when they

arise. The Commission put out a call for members of the public to either nominate or apply to support this process and expects that in 2021, work will be on building the capacity of these mediators as well as actively mediating disputes. Even before this is done, the Commission has ensured close collaboration between itself and largely those political parties represented in Parliament where they are active members of Thematic Committees, Peace Committees and Technical Committees that are working actively towards promoting a culture of inclusivity, tolerance dialogue and mutual collaboration. The Commission also hopes to tap into the knowledge of traditional leaders to robustly engage them in dialogue and mediation using the reservoir of knowledge that they have on indigenous approaches to dispute resolution. These engagements, though slated for 2019, were not possible to conduct because of contact limitation induced by Covid-19.

Recognising the important role of Parliament as a mirror of society, as representatives of the people and as an inclusive body which has a long history of sustained dialogue and mediation, the Commission introduced Peace Champions among Members of Parliament and Senate. A team of four legislators and senators (two males and two females) from the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs and the Thematic Committee on Human Rights were therefore identified to walk with the Commission and provide support and lobbying where the Commission requires so. This will strengthen the Commission's voice on programs that require the support of the arms of government as these Peace Champions will dialogue on its behalf. Further, it is envisaged that in the future, the Peace Champions will be actively involved in the peaceful resolution of disputes within and outside Parliament and Senate.

#### **3.5.4 Conflict Prevention**

It is the responsibility of the Commission '... to do anything incidental to the prevention of conflict and the promotion of peace' (Constitution of Zimbabwe: Section 252(h)). As such, the Commission has a duty to ensure the gathering of views from the public on areas that have a potential to create conflicts as well as actively conducting programs to dissipate such real or potential conflicts. As part of this process, the Commission participated in the consultations that took place as Parliament collected views of the Defence and War Veterans Bill. The Prevention and Non-Recurrence Thematic Committee was part of the consultations done in Manicaland as well as Bulawayo Metropolitan Provinces which revealed several contentious issues which have the capacity to trigger conflicts among which were related to the welfare issues of veterans of the liberation struggles, closure of liberation war painful experiences

through a memorialization program, perceptions of differential treatment of former ZIPRA and ZANLA cadres among other issues.

To raise awareness on conflict prevention and peace building for the country, the Thematic Committee on Prevention and Non-Recurrence jointly collaborated with the Media Department by participating in several print, radio and digital media programs. This were meant to clarify the role of the Thematic Committee and the programs that have been covered. One such program was the awareness on the International Day of Peace whose 2020 commemorations were held under the theme, ‘Shaping Peace Together.’ As part of this, radio programs, an online musical show and a newspaper article were shared with the Zimbabwean audience and readership to help enlightened not only on the Commission’s work but the need to promote peaceful co-existence by all. (<http://www.nprc.org.zw/international-day-of-peace-shaping-peace-together/>)

Electoral cycles in Zimbabwe are generally fractious and contentious, and so the Commission has committed to working with the Zimbabwe Electoral Commission to ensure that peace promotional programs and messages are strengthened during these times. When elections take place, the Commission is thus well geared to ensure that conflict prevention messages are shared not only with contesting candidates but also with their supporters.

### **3.5.5 Covid-19 Peace Monitoring**

When the national lockdown was announced as the numbers of Covid-19 continued to rise, it became apparent that this period would be characterised by a number of conflicts. The Commission thus set up a Covid-19 Peace Monitoring team in line with Section 252(j) of the Constitution of Zimbabwe which enjoins it not only to prevent conflicts, but also ‘... to recommend legislation to ensure that assistance, including documentation, is rendered to persons affected by conflicts, pandemics and other circumstances.’ The peace monitoring team therefore had presence in all the country’s provinces and produced daily reports as well as actively supported the resolution of conflicts that arose (see summary of complaints and investigations) suffice to say most of the conflicts that were recorded were centred around:

- a) Limited access to Covid-19 testing due to shortage or unavailability of testing kits;
- b) Conditions that were not conducive at quarantine centres resulting in escapes;
- c) Unavailability of promised funds meant to support vulnerable households and those involved in small businesses;
- d) Increase in cases of gender-based violence which in some cases resulted in the death of victims (both male and female);

- e) Non-compliance with Covid-19 regulations by some sections of society particularly imbibers and informal traders, leading to conflicts with enforcement authorities;
- f) Allegations of heavy handedness by officers of the law during their enforcement duties;
- g) Unavailability of basic municipal services, particularly water, which ended up with people queueing for the scarce resource without complying with physical distancing measures;
- h) Limited availability of basic family products, especially the subsidized mealie meal resulting in arguments about favouritism and partisan distribution;
- i) Tensions among artisanal miners after claims had been closed to avert crowding;
- j) The rise in illegal border crossing into communities without following the basic regulations thereby creating tensions with host communities;
- k) Inability by people requiring medical services to access them, including failure to replenish drugs because of failure to produce required documentation;
- l) Allegations that the lockdown was being used to curtail the liberties and freedoms of citizens;
- m) Tensions among political parties, mainly MDC-T and MDC-Alliance as a result of the Supreme Court judgment to revert to the 2014 structures of the former;
- n) Rampant use of fake exemption letters which created conflicts between travellers and law enforcement authorities;
- o) Unannounced cleaning up of market stalls without giving people the opportunity to clear their wares;
- p) Rise in the use of restricted substances by youths which resulted in conflicts at public places;
- q) Increasing use of the US\$ as the measure of exchange when the general public had no means to access it at a time that mobile money usage was also being regulated;
- r) Preferential treatment given to some public officers to procure basic goods, sometimes at cheap prices and yet dispose them to the market at higher, US\$ denominated prices.

Some of the complaints that were received with respect to this monitoring process were dealt with by the Commission's Complaints Handling and Investigations Department.

### **3.5.6 Thematic Committee on Prevention and Non-Recurrence Meetings**

Two Thematic Committees which provide policy advice on programs to be implemented were established in the Northern and Southern Regions in 2019. Membership of the Thematic Committee draws from political parties represented in Parliament (ZANU-PF, MDC-Alliance and MDC-T), but also in the case of Matabeleland Region; ZAPU and Mthwakazi; faith-based organizations, civic society, women's groups, people with disabilities and representatives of academia.





*Members of the Thematic Committee on Prevention and Non-Recurrence for the Northern Region meeting to discuss policy and programs for 2020*

In 2020, the Thematic Committees met to guide the Commission, some of whose suggestions include:

- a) The need for the Commission to learn and share experiences from the SADC and African Union previous and current peacebuilding processes;
- b) The importance of publicising the Commission’s work and its success rate in resolving conflicts which will build the confidence of citizens in the work being done;
- c) That the Commission prioritizes working from the provincial level to the lowest levels where the most conflicts occur;
- d) Strategic alliances with institutions such as faith-based groups, political parties and take advantage of their public gatherings to share as much information about peace building and conflict resolution as is possible;
- e) The need to consider even symbolic compensation for victims of past conflicts for example documentation, improvement of infrastructure among other things;
- f) Considering that many conflicts are political in nature, there may be need to have constituency-based peace building structures;
- g) Energy should be directed at resource mobilization and creating more partnerships with organizations which have access to funds;
- h) Recognising the importance of political institutions in the peace building discourse, the Commission was urged to focus its attention to internal party peace and capacity building processes;
- i) To balance the interest of those who have been granted immunity from prosecution against the interest of affected victims who are still hurt by events of past conflicts;
- j) Expanding the scope of national dialogue processes to also include civic society and community-based structures.

### **3.6 MEDIA AND COMMUNICATION PROGRAMS**

The Media and Communication department managed to support programming departments through;

- ✓ Mobilising media coverage for all Commission programmes, such as Provincial Peace Committee meetings and International Day of Peace;
- ✓ Video productions which all departments publicised the Commission mandate and their various functions;
- ✓ Producing and broadcasting information about the Commission.

To ensure effective implementation of Media and Communication programs for the Commission, it is recommended that:

- a) Media and Communication needs a stand-alone budget which should enable it to effectively carry out its mandate. The budget should allow the unit to purchase adequate equipment, plan and implement programmes timely and effectively;
- b) It is also important to expand the unit by increasing the number of personnel to man the unit. The current structure allows it to have one Manager and one Officer which is a very lean organogram making it very difficult to function as expected.

### **3.7 FINANCE, ADMINISTRATION AND HUMAN RESOURCES PROGRAMS**

As a support function, the Finance Administration and Human Resources Departments performed the following key activities:

#### **3.7.1 HUMAN RESOURCES AND ADMINISTRATION**

##### **3.7.1.1 Recruitment of NPRC Staff**

Following the granting of Treasury concurrence for 60 posts on 1 November 2020, the Commission has to date, recruited an additional 13 members of Secretariat, promoted two Managers to General Manager posts and regraded one Manager to fill the Regional Coordination Manager post. The NPRC will continue to ensure gender balance on recruitment of all remaining posts.

##### **3.7.1.2 Procurement of Furniture**

The Commission, with support from Treasury, managed to procure office furniture and equipment as well as eleven vehicles for operations. The Commission is grateful for the support received from Parliament when it lobbied for \$5.3 million supplementary budget which was released in 2019 but the vehicles were delivered in January and February 2020.

##### **3.7.1.3 Setting up of Matabeleland Regional Office**

As part of its decentralisation strategy as prescribed in Section 6(3)(a) of the NPRC Act, the Commission managed to set up the Matabeleland Regional Offices in Bulawayo to cater for citizens in Bulawayo, Matabeleland North and Matabeleland South provinces. The offices were opened in October 2019 and are located at Corner Joshua Mqabuko Nkomo and 9th

Avenue Bulawayo. In 2020, the Commission recruited additional staff for the Regional Office which comprise of the Regional Manager, Regional Officer, Office Orderly and Records Officer. These assumed duty in November 2020.

#### **3.7.1.4 Policies and Internal Procedures Manuals**

During the year under review, the Commission crafted internal policies and procedures manuals for improved governance of its operations. The various policies are Finance, Administration and Procurement Manual, Transport Policy, Human Resources and Procedures Manual Volume 2, Code of Conduct, Monitoring and Evaluation Manual, IT and Information Security Policy, Internal Audit Manual as well as Risk Management Policy and Risk Mitigation Plan.

#### **3.7.1.5 Strategic Documents**

The Commission facilitated the production of the Agency Integrated Performance Agreement (AIPA), Departmental Integrated Performance agreements and the Executive Secretary's Contract in line with Government of Zimbabwe's Integrated Results Based Management requirements.

#### **3.7.1.6 Health and Wellness During Covid-19 Period**

The Commission adhered to the Ministry of Health and Child Care and Public Service Guidelines on Covid-19 in various ways. Senior management staff was provided with data as they worked from home to decongest the offices and promote social distancing. Pool vehicles were availed to junior staff so that they could be ferried from home to work and vice versa to avoid public transport and infections. Staff members continued to report for duty on rotational basis.

### **3.7.2 FINANCE**

#### **3.7.2.1 Funding from Government of Zimbabwe**

##### **a. 2020 Budget**

The Commission received budget support of \$31.2 million for compensation of employees, use of goods and services and acquisition of non-financial assets. Of the allocated amount 31% was allocated to compensation of employees, 38% to use of goods and services and another 31% to acquisition of non-financial assets. The 2020 budget was allocated to the two programs of the Commission, that is Governance and Administration and National Peace and Reconciliation. Program 1 (Governance and Administration) with five sub programs received 64.3% of the total budget and the remaining 35.6% going to Program 2 (National Peace and

Reconciliation) with four sub programs. By the end of the 3<sup>rd</sup> quarter of 2020 only 43% of the total budget was released and consumed mainly due to the slow release of budget and cash support by the Ministry of Finance and Economic Development. The non-performance of the budget adversely affected the implementation of Commission's programs.

#### **b. Acquisition of Non- Financial Assets**

The Commission was allocated a total of \$9.6 million for procurement of non-financial assets for the period under review. From the 2020 allocation only \$3.5 million was released towards office partitioning for Bulawayo and Harare offices against a requirement of \$5.4 million creating a shortfall of \$1.9 million.

#### **3.7.2.2 Funding under the Peace Building Fund (PBF)**

The support under Peace building fund is in its final phase after getting a no cost extension to 19 February 2021. In 2020, the Commission was allocated US\$540,000 to support its programs under PBF and this amount was released in two tranches. The Commission received support of \$140,000 during the first quarter of 2020 and the remaining \$400,000 was received in August 2020 due to the prolonged COVID 19 lockdown.

### **4. SUMMARY OF INVESTIGATIONS AND FINDINGS**

The Commission through its Complaints Handling and Investigations unit received and processed 228 complaints from various provinces as depicted in Table 7 below. The unit investigated the nature, extent, cause and circumstances surrounding the conflict or disputes lodged with the Commission that fell within its mandate. The Commission referred to other statutory bodies complaints that fell outside its mandate. The investigations conducted into the conflicts or disputes were principally informed and guided by:

- i. Section 252(a) of the Constitution that is the investigations sought to secure restorative justice, healing and reconciliation;
- ii. Section 252(f) of the Constitution; to receive complaints and take appropriate action;
- iii. Section 3(2)(a) of the NPRC Act [Chapter 10:32] to investigate conflicts or disputes that fall within the mandate of the Commission as envisaged in section 252(f) of the Constitution and;
- iv. Section 71 of the NPRC Regulations which empower the Commission to refer matters to the National Prosecution Authority for prosecution and recommending for mercy to the President subject to adversely mentioned persons satisfying the threshold mentioned therein.

#### 4.1 Modus Operandi

The investigation methods used involved among other things; conducting interviews, recording of statements from witnesses and adversely mentioned persons, convening meetings with concerned parties, evidence collection and conducting stakeholder consultation in line with the stipulations of the enabling statute and attendant regulations.

#### 4.2 Nature of Conflicts or Disputes

**Table 10: Schedule of Complaints Received and Progress of Investigations**

| Nature of complaint or dispute                 | Number received | Gender of complainant/ adversely mentioned |                            | Province   | Status   |
|--|-----------------|--|----------------------------|--|--|
|  |                 | Complainant                                | Adversely mentioned        |  |  |
| Land dispute                                   | 84              | M  | M                          | a. Mashonaland West -67<br>b. Manicaland-1<br>c. Masvingo-1<br>d. Mashonaland Central-2<br>e. Mashonaland East -1<br>f. Midlands -4<br>g. Mat South -4 | Referred to Lands Commission                         |
| Mining disputes                                | 09              | M  | Statutory body             | a. Mashonaland East-1<br>b. Mashonaland West-1<br>c. Mat south -2<br>d. Mat North-3<br>e. Midlands-2   | Referred to Ministry of Mines and Mining Development |
| Partisan distribution of food aid              | 10              | M -3<br>F- 04                              | Local political leadership | Masvingo   | Complete   |
| Victimisation                                  | 19              | M  | M                          | a. Mashonaland East-02<br>b. Mash Central-06<br>c. Mash West -02<br>d. Masvingo -02  | 15-referred to ZRP<br>04-Complete                    |
| Assault by state agents                        | 06              | M-04<br>F-02                               | State organisations        | a. Mash Central-02<br>b. Harare- 01<br>c. Bulawayo-02  | Referred to ZRP                                      |
| Residential stand disputes                     | 60              | F and M                                    | M                          | Harare   | Referred to Civil Court                              |
| Headmanship wrangle                            | 01              | M  | Statutory body             | Masvingo   | Pending  |
| Harassment                                     | 02              | F  | M                          |  |  |
| Non-provision of service against ZESA, ZRP and | 1               |  |                            | Masvingo - 1   | Pending  |

| Nature of complaint or dispute       | Number received | Gender of complainant/ adversely mentioned |                     | Province                     | Status                |
|--------------------------------------|-----------------|--|---------------------|------------------------------|-----------------------|
|                                      |                 | Complainant                                | Adversely mentioned |                              |                       |
| Masvingo Council                     |                 |  |                     |                              |                       |
| Enforced disappearance               | 03              | 03- Females                                | M                   | Harare                       | Pending court outcome |
| Environmental degradation/ pollution | 02              | F  | Private Companies   | Mash West                    | Pending               |
| Mineral resources exploitation       | 01              | Community                                  | Private Companies   | Mash West                    | Pending               |
| Hate speech                          | 1               | CSO  | State               | Harare                       | Pending               |
| Exhumations and reburials            | 27              | 17 males<br>10 females                     |                     | a. Mat North<br>b. Mat South | Pending               |
| Corruption                           | 02              | Member of public                           | Private Enterprises | a. Harare<br>b. Mash West    | Complete              |

### 4.3 Summary of Findings

The investigations carried out established that the principal causes of the conflicts include as follows:

#### 4.3.1 Land Shortages

Land continues to be a scarce commodity which is most sought after and now a source of great conflict. The contestation for land is a source of both potential and actual conflict. The contestation for land has resulted in crimes such as malicious damage to property, assaults, threats of violence, fraud, corruption and environmental degradation thereby creating discord and disharmony in communities. The period from the year 2000 witnessed the fast track land reform programme spearheaded by the government. During this period many landless Zimbabwean were allocated land, but in some cases, beneficiaries were not given legal documents. The government through the Ministry of responsible for land and resettlement has tried to regularise land allocation but many outstanding cases remain. Initially the ministry was issuing offer letters for land but did not create a database leading to some double allocations. In some cases, the Government through the Ministry of Lands and Resettlement also withdraws A2 offer letters and partitions farms without informing the holder leading to conflicts amongst the resettled farmers.



The chaos in the land resettlement program created an opportunity for land barons to illegally settle people leading to double allocations and corruption. This has also resulted in illegal settlements in some areas designated as grazing lands resulting in more conflicts. In addition, there is a large number of people who have been illegally settled in some plots without offer letters. This is also causing many conflicts as these people do not have security of tenure and always end up in conflicts whenever their plots are allocated to other land seekers. It was also a principal finding of the Commission that because of corruption or other reasons, some public officials abused their authority through double issuing of offer letters over one piece of land to different households thus laying fertile ground for conflicts or disputes.

#### **4.3.2 Partisan Distribution of Food**

Partisan distribution of food aid continued to be raised in some communities owing to polarisation. For example, in the case of partisan distribution of food aid and Presidential inputs, the investigations established that the distributing agents are always Ward Councillors and therefore intended beneficiaries claimed they had to align with the Councillor and the political party to which they belong. Complainants who made reports alleging partisan distribution always indicated that they were overlooked because of their political affiliation. However, there have been some noticeable improvements on the government's Pfumvudza input scheme from observations made during investigations and campaigns conducted by the department between late November and early December 2020.

#### **4.3.3 Mining disputes**

Mining disputes continue to arise from artisanal miners most of whom are unregulated and unregistered. This has seen the mushrooming of criminal gangs known as euphemistically referred to as Mashurugwi who are into violent robbing of fellow artisanal miners, thereby causing serious crimes including murder. Non-regulation of some mining activities has also caused serious land degradation and mining incidents where these artisanal miners end up being trapped. It was also gathered during stakeholder consultations that some claim holders deliberately use their claim papers to encroach to other claims and take advantage of the delay in the litigation process to continue mining other people's claims.

Communities are also cried foul over not benefitting from resources within their areas where foreigners are mining for example quarry. With respect to mining disputes, it was noted that the legal principle that general law takes precedence over custom has a bearing in the eruption of conflicts or disputes. The Mines and Minerals Act [Chapter 21:05] is the authority used in the issuance of mining licences and or permits. It was a finding of the Commission that the

said Act provides little or no regard for property rights and customary traditions. As reported in 2019, there continues to be forced exhumations, degradation of road infrastructure, environmental degradation and pollution, reburials and relocations of individuals and communities that are being occasioned by the issuance of mining licences for claims that are sitting on homesteads, graveyards, sacred sites and agricultural lands.

#### **4.3.4 Political Polarisation**

It was also noted that there is political polarisation in the country. It is also common cause that conflicts do turn violent sometimes leaving many victims and destruction of property. As a country it was observed that there is no adequate protection of victims of violent conflicts. Some victims of post conflict injustices such as political violence have up to now been unable to secure justice and closure. As a result, some victims are still affected socially, economically and even psychologically to this date. There are some victims who lost property like homes and household property through violent political upheavals. Some of those victims sustained permanent injuries and even lost their livelihoods. The absence of a law which protects victims of post conflict violence by creating a compensation fund and board for vetting victims of political violence makes it impossible for aggrieved individuals as part of humanitarian assistance to cushion them from effects of post conflict violence.

Everyone is not immune from being a victim of post conflict violence, individuals and juristic persons included. Some victims of post conflict injustices such as political violence have not secured justice owing to certain laws that are rigid. For example, the Prescription Act Chapter 8:11 requires that litigants bring their claims within three years from the date of cause of action yet because of their indigence and ignorance of the law, they are unable to meet this timeline with the consequence that their right to justice is forfeited. There is need therefore to extend the prescription period from three years to five years or more. Of notable concern is the fact that in most conflicts dealt with, women and children were the most affected, particularly in partisan distribution of food aid as it is women that fend for the family. It is also common cause that adversely mentioned parties in violent cases might not have capacity to pay back restitution. Hence it is prudent for the state to be prepared for such eventualities by having legislation and a fund to cater for victims of post conflict violence.

## **5 STRATEGIES FOR GENDER MAINSTREAMING**

Gender Mainstreaming is a critical aspect of the Commission as provided for in Section 9 of the NPRC Act [Chapter 10:32]. In the year under review, measures were put in place to

facilitate the effective mainstreaming of gender by the NPRC in accordance with the provisions of the Act.

### 5.1 Development of Gender Mainstreaming Action Plan

The NPRC in September 2020 developed a Gender Mainstreaming Action Plan in recognition of the need for a guiding framework as a key foundational strategy for mainstreaming gender in the NPRC. The framework enables the Commission to define strategies to be employed in the mainstreaming of gender. Although the Commission has plans to develop a comprehensive overall NPRC policy framework on gender (the NPRC Gender and Inclusion Policy), in the interim the Gender Mainstreaming Action Plan informs and guides the Commission’s work on gender. The table below highlights details of the NPRC Gender Mainstreaming Action Plan.

**Table 11: 2020 Gender Mainstreaming Action Plan for the Commission**

| <b>CONFLICT PREVENTION AND NON -RECURRENCE</b>   |   |
|--|---|
| <p><b>CEWER</b></p> <ul style="list-style-type: none"> <li>-Strategic engagement targeting specific groups e.g. women, youth, men, people with disabilities</li> <li>-Capacity building targeting specific groups e.g. women, youth, men, people with disabilities</li> <li>-Selection of male and female community monitors</li> </ul>  | <p><b>Peace Committees</b></p> <ul style="list-style-type: none"> <li>-Capacity building of peace committees targeting specific groups e.g. Women, youth, men, people with disabilities</li> <li>-Gender sensitive inclusion of participants from sectors which are not represented in the Peace Committees</li> <li>-Gender responsive conflict resolution programs developed by the peace committees</li> </ul> |
| <p><b>Dialogue and Mediation</b></p> <ul style="list-style-type: none"> <li>-Identification and development of database of male and female mediators and facilitators</li> <li>-Conducting trainings and capacity building on dialogue and mediation with women, men, youth and people with disabilities groupings</li> <li>-Engagement of male and female groups on community and national dialogue agenda</li> </ul> | <p><b>Conflict Prevention</b></p> <ul style="list-style-type: none"> <li>-Conducting gender sensitive conflict prevention programs for communities facing potential conflicts</li> <li>-Mobilising women and youth to promote peaceful electoral conduct</li> <li>-Mobilizing for gender sensitive participation in electoral processes and community-based conflict prevention programs</li> </ul>               |
| <b>HEALING RECONCILIATION AND REHABILITATION</b>   |   |
| <p><b>Dealing with the Past</b></p> <ul style="list-style-type: none"> <li>-Ensuring inclusive healing and reconciliation processes for addressing legacies of violent conflicts and rendering</li> </ul>  | <p><b>Community Healing</b></p> <ul style="list-style-type: none"> <li>-Programs aimed at Healing the Community from experiences of past conflict disaggregated into; women, men, youth,</li> </ul>   |

|  |  |
|--|--|
| assistance to persons affected by violent conflicts in Zimbabwe  | children, people with disability using Community based approaches to programming such as Asset Based Community Development (ABCD) to incorporate Equity Focused and Gender Responsive issues within the Community  |
| <b>Policy and Legal Environment for Peace</b><br>-Contribute to the amendment/establishing of laws and policies that entrench peace, Healing and Reconciliation ensuring that these are Gender Sensitive and Gender Responsive considering that violence affects women and girls disproportionately  |  |
| <b>COMPLAINTS HANDLING AND INVESTIGATIONS</b>  |  |
| <b>Complaints Handling</b><br>Processing complaints from mainly the following categories of complainants: women, youths, people with disabilities  | <b>Investigations</b><br>-Investigation of sexual offences   |
| <b>Investigative Hearings</b><br>-Conducting investigative hearings, the victims of which are women, people with disabilities and youth  | <b>Outreach and awareness raising</b><br>-Conducting awareness on Gender Based Violence and sexual offences and physical abuse targeting women and the youths  |
| <b>VICTIM SUPPORT, GENDER AND DIVERSITY</b>  |  |
| <b>Victim Support</b><br>-Victim Support Mechanism in place and operational targeting specific groups e.g. women, youth, men, persons with disabilities<br>-Assistance rendered to persons affected by violent conflict targeting specific groups e.g. women, youth, men, people with disabilities<br>-Selection of male and female community monitors | <b>Gender</b><br>-Developing specific guidelines on how NPRC will incorporate gender in its work<br>- Conducting trainings and capacity building that encourages the participation of women, young girls, men, youth and persons with disabilities groupings<br>- Ensuring all organs of the Commission shall consider and address the gender implications of their activities<br>- Seconding/appointing a dedicated gender focal person to every unit, Committee or body of the Commission<br>- Investigating the use of sexual crimes as a weapon during and after conflicts (Conducting Baseline surveys)<br>- Conducting public and private hearings for victims to relate own accounts of the violations they have suffered and to set out their needs<br>- Holding specific public and private hearings on the gendered nature of conflict |
| <b>Positive and Legal Environment for Peace</b><br>-Reviews and analysis of policies and legislations undermining peaceful coexistence amongst the specific groups e.g. women, youth, men, people with disabilities<br>-Policy and legislative recommendations for peaceful co-existence in place  |  |

## 5.2 Mainstreaming Gender Imperatives in the Commission Programmes and Activities

In the year under review, all Commission Departments made inroads in mainstreaming gender in respective departmental activities and programmes and in implementing the gender

mainstreaming Action Plan. Information below highlights gender mainstreaming activities undertaken by various Commission Departments in line with the NPRC Act Section 9 (a-f) which calls upon all organs of the Commission to consider and address gender imperatives in every aspect of the Commission's work and in reporting.

### **5.2.1. Research and Knowledge Management**

The Research and Knowledge Management Department integrated gender issues in the ongoing baseline research on pre-colonial, colonial and post-colonial conflict periods. In addition to other various key elements of the research, the baseline study enquired on the use of sexual crimes as a weapon of conflicts in Zimbabwe. This will facilitate documentation of the experiences of survivors of sexual violence, their families and communities as well as witnesses and perpetrators of such violence. Post-research; clear recommendations and measures based on the needs of the survivors will be packaged and documented for further action.

While this process is a significant gender mainstreaming entry point in the ongoing research and in the Research and Knowledge Management Department, it also fulfils Section 9(h) of the NPRC Act which mandates the Commission to investigate the use of sexual crimes as a weapon during and after conflicts. It also addresses the need to reach out to and identify victims of gender-based violations and provide such victims an opportunity, in private or public, to relate their own accounts of the violations or harm they have suffered and to set out their needs.

### **5.2.2 Conflict Prevention and Non-Recurrence**

#### **5.2.2.1 Gender issues from the Provincial Peace Committees Trainings**

It was noted that female members of the Provincial Peace Committees were not effectively participating in community peace building processes. Female members of Provincial Peace Committees raised concerns that they experience challenges of being side-lined in community engagements and peace building programs. This perpetuates the male dominated nature of conflict prevention and peace building work attributed to negative social and patriarchal values and norms that view women as passive participants and victims. The Commission noted the need to change this narrative through capacitating members of the Peace Committees on gender mainstreaming. Emanating from the aforesaid observations and recommendations,

a Gender Mainstreaming Training for Peace Committees will be pursued in 2021. The capacity building will in turn facilitate the following among other issues:

- ✓ Sensitise Peace Committees about the importance of women's empowerment and entry points for gender mainstreaming in the peacebuilding and conflict prevention processes;
- ✓ Provide NPRC Peace Committees with tools to support the NPRC work from a gender perspective;
- ✓ Create shared values around gender mainstreaming and its contribution to peace building in Zimbabwe;
- ✓ Sensitise the Peace Committee members on gender internal team dynamics to ensure that there are no gender related dysfunctions within the teams;
- ✓ Equip the Committees with the skills and competencies to be able to deal with relevant gender issues that may be exhibited within specific conflicts.

#### **5.2.2.2 Engendering the Conflict Early Warning and Early Response (CEWER) System**

In a bid to mainstream gender in the development of the Conflict Early Warning and Early Response (CEWER) system, on 15 December 2020, the Commission convened a one-day consultative meeting with Civil Society Organisations working on Women's rights to review the CEWER indicators from a gender perspective. The meeting facilitated the identification of gender specific CEWER indicators and mainstreamed gender in the indicators that had already been developed. The process facilitated women's active participation in the national conflict prevention efforts. Further to discussing gender mainstreaming in the institutionalisation of the CEWER system, the meeting also proffered recommendations to advance the women, peace and security agenda which will be taken on board in Commission plans and programmes.



*Representatives from women's organizations participating in a review of the CEWER indicators*



### 5.2.3 Finance Department

In compliance with the Treasury call circular on budgeting, during the budgeting process, the Commission submitted a report on gender mainstreaming activities carried out in 2020 and its plans to address gender issues in 2021 in compliance with Gender Responsive Budgeting. In 2020, Gender Budgeting also influenced gender sensitive allocations within the Commission for both treasury-based allocations and resources from development partners. More still needs to be done in building the capacity of the Commission and its Secretariat in Gender Responsive Budgeting. Lobbying and advocacy on Gender Responsive Budgeting in peacebuilding work is also a key area of focus in 2021.

### 5.2.4 Human Resources and Commission Structures

The Commission is mandated to ensure Gender equity in the structure of the Commission, its secretariat and any other committees that the Commission may set up. The NPRC, as a Constitutional body is not expected to compromise in this regard. The ideal is 50/50 as per the dictates of Section 17 of the Constitution which provides that “the state must promote gender balance to ensure that women fully participate in all the various spheres of Zimbabwean society.” Section 56 guarantees gender equality and non-discrimination. Section 80 also provides that every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities.

There are however baby steps to translate the 50/50 constitutional provision in the organs of the Commission and the secretariat. Below is sex disaggregated data and analysis of the appointments in the Commission secretariat and its organs.

#### 5.2.4.1 Gender Composition of the Commission Secretariat

In 2018 the Commission received Treasury concurrence to recruit 34 members of staff. Most of the staff were subsequently recruited in 2019 and another Treasury Concurrence was granted on 1 November 2020. As of December 2020, the Gender composition of the Commission and Secretariat was as given in the table below:

**Table 12: 2020 Gender Composition of NPRC Members and Staff**

| Position            | Females | Males | Total | % Female Representation |
|---------------------|---------|-------|-------|-------------------------|
| Commissioners       | 3       | 5     | 8     | 38                      |
| Executive Secretary | 1       | 0     | 1     | 100                     |

| Position            | Females   | Males     | Total     | % Female Representation |
|---------------------|-----------|-----------|-----------|-------------------------|
| General Managers    | 2         | 5         | 7         | 29                      |
| Managers            | 3         | 3         | 6         | 50                      |
| Officers            | 12        | 9         | 21        | 57                      |
| Personal Assistants | 3         | 0         | 3         | 100                     |
| Drivers             | 0         | 3         | 3         | 0                       |
| Office Assistants   | 2         | 1         | 3         | 67                      |
| <b>Total</b>        | <b>26</b> | <b>26</b> | <b>52</b> | <b>50</b>               |

The above statistics show that women are not well represented in top managerial positions as the scale is skewed in favour of males. On the level of Commissioners, the percentage of female representation declined from 44% in 2019 to 38% in 2020 due to a resignation by one female Commissioner. It is therefore important to replace the Commissioner who resigned with another female candidate to ensure that women are well represented at the policy level. At the level of General Managers, female representation is at 29%. In general, female officers in the Commission increased from 46% to 57% which is a positive development, although it is important to have more females in higher positions.

#### 5.2.4.2 Gender Composition of Provincial Peace Committee Members

The figure below illustrates the representation of female against male members of Provincial Peace Committees which have been established country-wide.

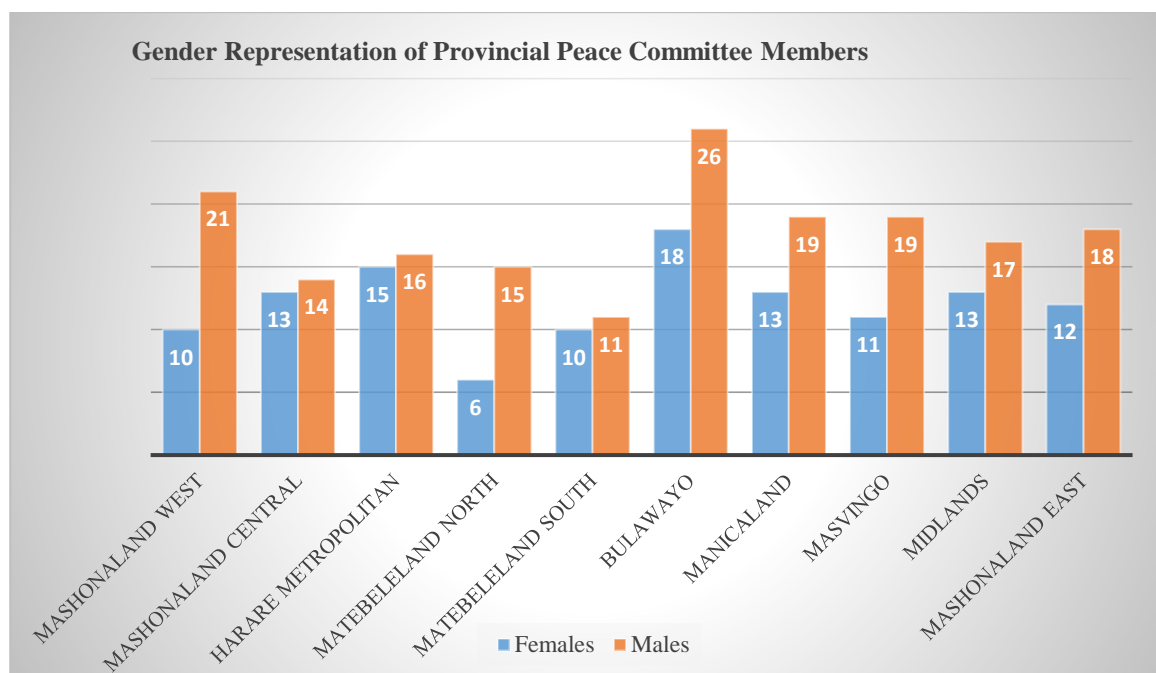


Figure 1: Gender Composition of Provincial Peace Committee Members

The year 2020 brought about some positive changes on the composition of the Provincial Peace Committees as two Deputy Chairpersons were chosen along gender binaries. It was mandatory that the two be of different genders (male and female). This will enhance women’s meaningful participation in peace building processes as well as governance issues.

### 5.2.4.3. Gender Composition of External Thematic Committee Members

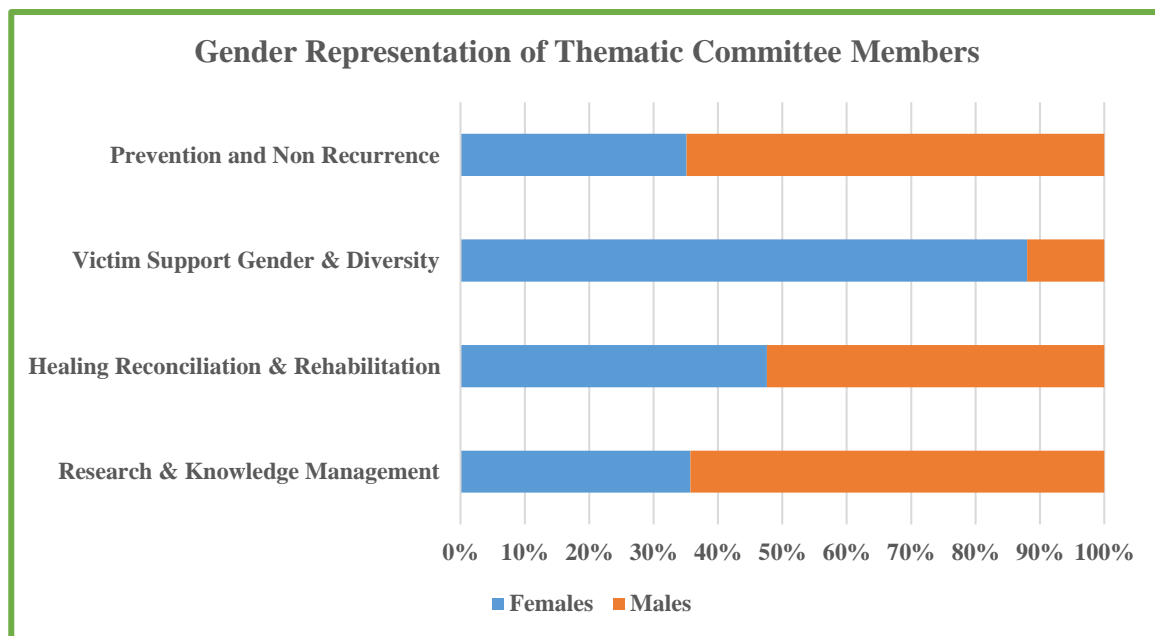


Figure 2: Gender Analysis of Composition of External Thematic Committees

The gender composition of Provincial Peace Committees and External Thematic Committee did not change in 2020. The Commission continued with committees established in 2019. While Peace Committees now have two deputy chairpersons selected along gender binaries, most of them continue to have more male representation than females. Regarding external Thematic Committees, the Thematic Committee on Victim Support, Gender and Diversity remains with 80% women representation while the Prevention and Non-Recurrence as well as the Research and Knowledge Management Committees have the least representation of women at less than 40%. 50/50 parity principles will continue to be pursued in future appointments.

It is however worth noting that the Commission’s External Committees have also incorporated women led organisations, men’s organisations, female researchers, youth led organisations as well as organisations representing persons with disabilities. That kind of representation will ensure that gender and women’s issues are taken on board in the work of the Commission.

## **6 CHALLENGES**

### **6.1 Funding**

#### **6.1.1 Inadequate Budget Support**

The Commission submitted an ideal budget of \$78 million for 2020 to ensure that all its planned activities would be implemented but the Ministry of Finance and Economic Development availed \$31.2 million. This had the effect of reducing some of the targeted programs and particularly affected the Commission from reaching out to the grassroots levels where most of the conflicts occur.

#### **6.1.2 Insufficient Budget and Cash Support**

The slow release of funds from Treasury coupled with mismatch between budget release and cash support caused the inability to conduct major programs to completion. The Commission had wished to procure furniture, ICT equipment including desktops, laptops, printers and cartridges but failed to do so thereby negatively affecting operations. The Commission will ensure continuous engagement with Ministry of Finance and Economic Development, Parliament and the Minister responsible so that adequate resources are not only allocated but released timeously to support programs. To augment Government efforts, the Commission will from time to time engage willing partners for additional resources.

### **6.2 Polarization**

As highlighted in the Commission's 2019 report, polarization along political, religious and tribal lines remains a stumbling block in the peace building process in the country. Divergent views on national issues adversely affect participation in conflict prevention, resolution, healing and reconciliation. Programs implemented by the Commission are then viewed from different dimensions depending on political, religious and tribal inclinations. The Commission, in collaboration with other peace actors, will engage key stakeholders in the peace building process to try and diffuse the heavily polarized political, religious and tribal landscape.

### **6.3 Inadequate Staff**

Inadequate staff continued to hinder full scale implementation of NPRC programmes. As of December 2020, the Commission was still operating below optimal level with below 50% of staff in place with other departments operating with one or two officers. Although Treasury Concurrence was issued in November 2020 to facilitate full establishment by July 2021, the

Commission was advised only to do the recruitment in batches. Whilst the work of the NPRC is community based, the Commission is also not yet fully decentralised with offices in Harare and one Regional Office in Matebeleland. Other staff members will subsequently be recruited in March and July 2021 with plans to open another regional office as per the treasury directive.

## **7. RECOMMENDATIONS FOR THE PROMOTION OF PEACE**

Section 252(j) of the Constitution of Zimbabwe provides that the Commission must make recommendations to ensure that support is given to persons affected by conflicts. This is reinforced in Section 16(6)(g) of the NPRC Act which requires of the Commission to share in its report, ‘... what legislative administrative or other practical reforms, if any, should be taken to prevent, manage or resolve the conflict in question.’ Below is a summary of proposed recommendations:

### **7.1 Proposed Legislative Alignments**

#### **7.1.1 Alignment of the Births and Deaths Registration Act [Chapter 5:02]**

The aftermath of conflict, violence and internal displacement has resulted in children failing to access birth certificates. This is so where the parents have deceased and there is no one to assist the minors to obtain the said documents from the Registrar of Births and Deaths. It is necessary that the Birth and Deaths Registries Act must be aligned with the Constitution to affirm the right of children to access birth certificates as entrenched in Section 81(1) (c) of the Constitution. Children who are found in the country who are termed *foundlings*, must be issued with birth certificates. The issuing of foundlings with birth certificates will prevent statelessness in terms of Section 36 of the Constitution. The Act must also be amended to provide that either parent or any grandparent with adequate documentation can apply for the birth certificate of a child, where a parent is unavailable.

#### **7.1.2 Alignment of the Customary Marriages Act [Chapter 5:07]**

Child marriages is an issue that was highlighted in various engagement forums held by the Commission, as prevalent and exposes young children to violence and sexual exploitation by adult persons especially in the rural set up. This is worsened by the prevalence of teenage pregnancies especially during the Covid-19 lock down period. A child is defined as any person under the age of 18 years. The Constitutional Court in the case of *Mudzuru and Anor v Minister of Justice and Others CC 12-2015* has declared that child marriages are unlawful because it is a form of abuse. Thus, it is recommended that the Customary Marriages Act must be aligned to Section 18 of the Constitution which prohibits child marriages.

### **7.1.3 Alignment of the Marriage Act [Chapter 5:11]**

As has been mentioned in paragraph 7.2 above, Section 18 of the Constitution entrenches the right of the child against any form of abuse including child marriage. In terms of international human rights law child marriage is a form of abuse against children. Further, the Constitutional Court has declared in the case of *Mudzuru and Anor v Minister of Justice and Others CC 12-2015* that child marriages are unlawful. It is recommended that the Act be amended to prohibit the marriage of persons under the age of 18. This will bring it into alignment with sections 78 and 81 of the Constitution, as interpreted by the Constitutional Court in *Mudzuru & Anor v Minister of Justice & Ors*.

### **7.1.4 Alignment of the Defence Act [Chapter 11:02]**

The Commission has received numerous complaints raising allegations of human rights violations by members of the security sector during the Covid-19 lock down. Allegations of assault, degrading forms of punishment including murder have been reported by civilians against the security sector including members of the defence forces. As such it is recommended that the Defence Act be aligned to the Constitution and incorporate the following aspects:

- a) The Act must provide for the appointment, promotion and dismissal of members of the Defence Forces which must be exercised impartially and ensure proper representation of all the diverse peoples of Zimbabwe;
- b) The Act must provide for the prohibition of members of the Defence Forces from participating in politics. In contrast, the Police Act prohibits members of the Zimbabwe Republic Police from participating in political affairs and or running for political positions;
- c) The Act provides for the establishment of the Defence Forces Service Commission. However, there is no term limit for the members of the board. It is recommended that members of the Board serve five-year terms as provided in Section 320 of the Constitution.
- d) The Act must extend the powers of the Defence Forces Service Commission to investigate the conduct of members of the Defence Forces in cases where complaints are lodged with the Commission to ensure compliance with Section 208 of the Constitution;
- e) In terms of Section 218(2) of the Constitution, the Defence Forces Service Commission should make service regulations. Currently, the Act under Section 113 provides that it is the Minister who provides for service regulations. It is recommended that the Act be amended to comply with the provisions of the Constitution;
- f) Section 210 mandates the establishment of an independent complaints mechanism for dealing with complaints from the public about misconduct on the part of members of the Defence Forces. The Act must provide for the operationalisation of this provision;

- g) The Act must prohibit the deployment/secondment of army personnel in civilian institutions except in times of national emergency in terms of Section 208 of the Constitution.

### **7.1.5 Alignment of the Education Act [Chapter 25:04]**

The history of violence and conflict created challenges for many persons who failed to access basic education a situation that is now affecting children today. This is despite the fact that, the Constitution provides in Section 18 that when dealing with matters concerning the child, the overriding principle or what is paramount is the best interests of the child. Furthermore, the right to basic education is entrenched in the Constitution and the Act must embody that principle. It is recommended that the Education Act be aligned to the Constitution to provide for the progressive realisation of “further education” for children and adults, as provided for in Section 75(1) (b) of the Constitution. The Act must prohibit the exclusion of a child from a government school for failure to pay fees, as this denies the child the right to a basic State-funded education guaranteed by Section 75(1) (a) of the Constitution. The Act must comply with Section 6 of the Constitution, thus a provision making it mandatory for the use and education of all the official languages in the provision of education must be included.

### **7.1.6 Alignment of the Electoral Act [Chapter 2:13]**

The election period has often been characterised by conflict, disputes and violence and this occurs before, during and post elections. This is largely attributed to the Electoral legal framework which has been subjected to numerous amendments creating confusion, fuelling suspicion and mistrust of the electoral processes and results. It is recommended that the Act be repealed entirely because it has been amended so often that it is difficult to find out what its provisions are. The new Act should be prepared by or under the supervision of the Zimbabwe Electoral Commission (ZEC) in consultation with all stakeholders.

The new Act, or amendments to the existing Act, should deal with the following issues:

- a) Every citizen has the right to vote in terms of Section 67(3) of the Constitution. However, the Electoral Act excludes members of the diaspora, prisoners, hospital patients, electoral officers and members of the security services deployed outside their constituencies, to vote, contrary to the Constitution. It is recommended that the new Act provide for every citizen to vote and provide for reasonable accommodations in certain circumstances in order to ensure that no citizen is disenfranchised from exercising their right to vote;
- b) The Act must be amended to address the election of the President and Vice-Presidents under Section 92 of the Constitution. Although the need for these provisions will not



arise until 2023 in terms Paragraph 14 of the Sixth Schedule to the Constitution, this will ensure the prevention and non-recurrence of conflict;

- c) The Act provides for the Electoral Court which is currently staffed by judges of the High Court. However, Section 183 of the Constitution states that, judges cannot be appointed to sit in more than one court. This means the appointment of High Court judges to both the High Court and the Electoral Court is unconstitutional. It is recommended that the Electoral Court be created as a specialised division of the High Court. The Judicial Laws Amendment (Ease of Settling Commercial and Other Disputes) Bill, 2016 (H.B. 4, 2016) states that “for the avoidance of doubt” the Electoral Court is a specialised division of the High Court, but the Electoral Act provides the contrary;
- d) Lastly, it is recommended that Rules must be prepared for hearing election petitions, applications and any other issues connected or ancillary to electoral disputes.

### **7.1.7 Alignment of the Police Act [Chapter 11:10]**

As has already been alluded numerous allegations of police brutality were lodged by members of the public and the Commission has dealt with some of them. The absence of an Independent Complaints Mechanism provided for in Section 210 of the Constitution compounds the matter. Further, allegations of reticence and unwillingness to investigate by the police in instances where complaints were filed with the police authorities were highlighted. This is also because the Police Act outlives the current Constitution, hence it does not embody the desired constitutional principles.

It is recommended that the Act be repealed and be replaced by a new Act aligned to the Constitution; which will incorporate the following;

- a) The preamble of the Act must reiterate Sections 219 to 233 of the Constitution;
- b) The Act must reiterate Section 207(3) of the Constitution, that the powers to appoint, promote and dismiss police officers under the Act must be exercised impartially to ensure that all the diverse peoples of Zimbabwe are properly represented within the Police Service;
- c) The Act must provide for the enactment of a code of conduct to regulate the conduct police officers in the course of their duties;
- d) The Act must provide that it is a serious disciplinary offence for a police officer to contravene Section 208, by acting in a partisan manner or by violating the fundamental rights of members of the public, including but not limited to, the rights of arrested or detained persons;
- e) The Act must create a term limit for members of the Police Service Commission to five-years as provided by Section 320(1) of the Constitution;
- f) The Act must increase the powers of the Police Service Commission to investigate the conduct of police officers in compliance with Section 208;
- g) The Act must accord the Police Service Commission, rather than the Minister, with the power to make regulations setting out conditions of service for police officers. Furthermore, the Act must confer on the Police Service Commission, rather than the

Minister, power to make regulations for the conditions of service of police officers, as required by Section 223(2) of the Constitution;

- h) The Act must provide for the establishment of an Independent Complaints Mechanism for dealing with complaints from the public and acts of misconduct committed by members of the Police Service. This is mandated by Section 210 of the Constitution.

#### **7.1.8 Alignment of the Prisons Act [Chapter 7:11]**

Allegations of improper conduct against the security sector requires that this Act be aligned to the Constitution. It is recommended that the proposed Act, paraphrases Section 207(3) of the Constitution. This proviso states that the powers to appoint, promote and dismiss prison officers must be exercised impartially and to ensure that all the diverse peoples of Zimbabwe are properly represented in the Prisons and Correctional Service.

- a) The Act must enact a code of conduct to be observed by prison officers in the performance and in the course of their duties;
- b) The Act should include provisions to implement the rehabilitative aspects of incarceration and the need to reintegrate prisoners into society, as outlined in Section 227 of the Constitution;
- c) The Act must provide that, it is a serious disciplinary offence for a prison officer to contravene Section 208, by acting in a partisan manner or by violating fundamental rights, particularly of detained persons;
- d) The Act must provide for members of the Prisons and Correctional Service Commission to serve five-year terms as provided in Section 320(1) of the Constitution. Currently, Section 12 of the Act states that the President may fix a shorter term.
- e) The Act must empower the Prisons and Correctional Service Commission to investigate the conduct of prison officers in order to ensure compliance with Section 208 of the Constitution.
- f) The Act must confer the Prisons and Correctional Service Commission, rather than the Minister, with the power to make regulations for the conditions of service of prison officers, as required by Section 231(2) of the Constitution.
- g) The Act must provide for the establishment of an Independent Complaints Mechanism for dealing with complaints from prisoners and the public about misconduct on the part of prison officers. This is in terms of Section 210 of the Constitution.
- h) The Act must provide that no member of the Prison Service can use weapons to kill prisoners and no law can permit this. This is in terms of Section 86(3)(a) of the Constitution.

#### **7.1.9 Alignment of the Provincial Councils and Administration Act [Chapter 29:11]**

Devolution has been raised to address conflicts and disputes within the country's local governance structures. Chapter 14 of the Constitution provides for the establishment of

provincial government and the devolution of powers to provincial and metropolitan councils. To date, the said proviso has not been operationalised. The current Act does not embody the constitutional principles for devolution as espoused in Chapter 14. In addition, the Act gives functions to Provincial Governors, who no longer exist, contrary to the Constitution which creates Provincial Councils. Clearly the Act is now outdated. It is recommended that a new Act be enacted which complies with the Constitution. The Act must provide for the creation of provinces and the alteration of boundaries be done after consultation with the people in the affected provinces and with the Zimbabwe Electoral Commission.

#### **7.1.10 Alignment of the Rural District Councils Act [Chapter 29:13]**

The Act does not provide for the autonomy of Rural District Councils as entrenched in the Constitution. The provisions allowing the Minister to appoint councillors must be removed. The provision empowering the Minister to appoint members of town boards must similarly be removed. Section 52 of the Act, which allows the Minister to require councils to rescind or alter their resolutions, nullifies the independence of councils guaranteed by Section 276 of the Constitution. So too does Section 53, which requires councils to submit resolutions to the Minister for approval. The provisions (Sections 55, 58 and 59) empowering the Minister to appoint members of councils' finance committees, roads committees and ward development committees, also negate the constitutional independence of councils.

The provisions (Sections 66 and 67) requiring councils to get the Minister's approval before appointing employees and fixing their conditions of service infringe councils' constitutional independence. Section 69, which requires councils to get the Minister's approval before delegating functions to their employees, also infringes councils' independence. Sections 88, 89 and 90 of the Act, which state that councils' by-laws have no legal effect unless the Minister has approved them, are a negation of councils' constitutional independence. Even more so is Section 94, which gives the Minister power to make by-laws on behalf of councils. This is also contrary to the principle of devolution expressly provided in the Constitution. Thus, it is recommended that the Act be repealed, and a new Act aligned to constitutional principles be enacted.

- a) The new Act must include Section 267(2) of the Constitution which states that the establishment of districts and altering of their boundaries, is done by the President in consultation with the Zimbabwe Electoral Commission. Further, it must comply with Section 260 of the Constitution which states that, the Zimbabwe Electoral Commission, not the President, must fix ward boundaries;

- b) Under Section 265(2) of the Constitution all councillors must be elected. The circumstances in which councillors lose their seats must be aligned to section 278 of the Constitution;
- c) The Act must require councils to get a court order before demolishing homes, as provided by Section 74 of the Constitution;
- d) The new Act must comply with Section 276 of the Constitution that, councils have all powers necessary to govern local affairs within their areas – in other words, they do not need the Minister’s authority to do so;
- e) The requirements that the Minister must approve levies and rates to be charged by councils negates their independence;
- f) A provision must be inserted in the Act stating that central government has a duty to ensure that councils are adequately funded, as provided by Sections 264 and 325 of the Constitution;
- g) The provisions of the Act dealing with the suspension of councillors remain unconstitutional;
- h) Provision needs to be made for the allocation of revenues between provincial and local tiers of government, as required by section 301 of the Constitution.

#### **7.1.11 Alignment of the Traditional Leaders Act [Chapter 29:17]**

The representation and participation of women in leadership roles arose in peace committee engagement. It is imperative that laws dealing with leadership roles embody the Constitution. Thus, the Act must be amended and aligned with Sections 283 and 284 of the Constitution. It is also recommended that the Act provide for provincial assemblies (rather than councils) of chiefs. Lastly, the Act must provide for the Integrity and Ethics Committee referred to in Section 287 of the Constitution.

#### **7.1.12 Alignment of the Urban Councils Act [Chapter 29:15]**

Like the Rural District Councils Act, this Act must be amended to align it with the Constitution and give councils the autonomy to which they are entitled.

- a) Section 4 of the Act must be amended to require the Zimbabwe Electoral Commission to be consulted whenever the President establishes or abolishes a council or alters its boundaries, and to confer on the Commission rather than the President the function of fixing and altering ward boundaries. Under Section 160 of the Constitution it is ZEC’s responsibility to fix electoral boundaries. Furthermore, there is inadequate provision in the Act for consultation of the inhabitants of the areas concerned;
- b) Section 4A of the Act gives the Minister power to appoint councillors. Sections 265(2) and 274(2) of the Constitution requires all councillors to be elected by voters;
- c) Section 5 of the Act should be amended to require the President to get the consent of the councils involved before he combines councils in extended systems of local government. As it stands the section infringes councils’ constitutional autonomy;

- d) Section 7 of the Act gives the Minister power to vest the administration of a local government area in a person (e.g. a company like Hwange Colliery). This deprives the inhabitants of the local government area of their right to vote for their councillors as envisaged by sections 265 and 274 of the Constitution;
- e) Section 78(2) of the Act sets out various grounds on which a councillor's seat becomes vacant, they are contrary to Section 278 of the Constitution, which lays down very limited grounds on which councillors can be removed from office;
- f) Section 80 of the Act allows the Minister to appoint caretakers to act in place of a council where, inter alia, all the councillors have been suspended. The Minister's power of suspension under the Act is unconstitutional. The appointment of caretakers by the Minister also contradicts the constitutional provision that councils should be responsible for the management of their own affairs;
- g) Sections 114 and 114A of the Act deal with suspension and removal of councillors and mayors. Despite recent amendments they remain unconstitutional;
- h) Councils should have power to appoint and dismiss their own staff, subject to the ordinary labour laws. Provisions in the Act requiring councils to get approval of the Local Government Board, or to appoint staff through the Board, are unconstitutional in that they derogate from the autonomy conferred on councils by the Constitution;
- i) Under Section 198 of the Act the Minister can authorise councils to do things additional to those that are specifically authorised by the Act. Under Section 276 of the Constitution, councils have all powers necessary to govern local affairs within their areas – in other words, they do not need the Minister's authority to do so;
- j) Section 206 of the Act gives the Minister power to direct councils to establish townships, and to establish such townships if councils refuse or fail to do so. This clearly derogates from councils' independence under Section 276 of the Constitution;
- k) Under Sections 221 and 222 of the Act councils may engage in income-generating projects and establish co-operatives, but only if the Minister allows them to do so and only if they comply with any conditions imposed by the Minister. These sections, too, are inconsistent with councils' independence guaranteed by Section 276 of the Constitution;
- l) Under Section 223 of the Act, councils must co-operate with the State or other persons if the Minister orders them to do so, while under Section 225 the Minister can compel councils to combine into joint committees and joint boards. The Minister's powers are inconsistent with councils' constitutional independence;
- m) The Minister has a veto power over councils' by-laws – ie they must be approved by him before they can be promulgated – and under Sections 232 and 233 of the Act he can adopt and make by-laws on behalf of councils. Clearly these powers infringe councils' independence;
- n) Under Sections 272 and 273 of the Act councils must get the Minister's permission to levy minimum or special rates. Again, this is inconsistent with councils' constitutional independence;
- o) There is no provision in the Act requiring the State to ensure that councils are properly funded, as required by Section 325 of the Constitution;

- p) Section 313 of the Act empowers the Minister to give councils policy directives “in the national interest”. This clearly infringes councils’ independence;
- q) Under section 314 of the Act the Minister has power to direct councils to reverse, suspend or rescind resolutions and other action taken by them. It would be difficult to think of a provision that more clearly infringes councils’ constitutional independence.

### **7.1.13 Alignment of the Disabled Persons Act [Chapter 17:01]**

The Commission received numerous concerns affecting persons with disabilities especially women, young girls and children with disabilities during the commemoration of 16 days of activism. This is because women and girls with disability are likely to suffer from intersectional discrimination based on their gender and disability and therefore bear the brunt of the challenges faced by people with disabilities. The exposure and increased incidence of gender-based violence and abuse against persons with disabilities was the most dominant concern, which is worsened by the existence of a legal instrument that inadequately protects the rights of person with disabilities. The Disabled Persons Act in its current state does not conform to the Constitution and the Convention on the Rights of Persons with Disabilities (CRPD) to which Zimbabwe is a party to. Although, the Persons with Disabilities is before Parliament, the Bill fails to recognise core principles of the rights of persons with disabilities as entrenched in the Constitution. It is recommended that the alignment of Disabled Persons Act be expedited, the CRPD be fully domesticated and include the following;

- a) The Act must incorporate a non-discriminatory clause on the basis of disability as provided for by the CRPD. Discrimination on the basis of disability must be prohibited.
- b) The concept of reasonable accommodations must be incorporated to ensure that persons with disabilities participate in society and enjoy their rights on an equal basis with others. This is in terms of the human rights approach encompassed in the CRPD.
- c) The Act must conform to Section 22 of the Constitution which recognises the rights of persons with disabilities to be treated with respect and dignity.
- d) The Act must comply with Section 83 of the Constitution, particularly Subsection (c), which provides that the State must take appropriate measures to ensure that persons with disabilities are protected from all forms of exploitation and abuse. This is subject to the availability of resources.
- e) The National Disability Board should be entrusted with issuing infrastructural adjustments without ministerial consent, and in relation to both new and old buildings and infrastructural developments.

## **7.14 Review of laws dealing with corruption to provide for stiffer sentences**

The Complaints Handling and Investigations department received numerous complaints about corruption by citizens especially public officials during their work. The law prohibits corrupt offenses by persons including juristic persons such as companies. However, corruption is still a scourge in the country. The Prevention of Corruption Act [Chapter 9:16] criminalises active and passive bribery, gifts and facilitation of payments and provides for a maximum sentence of 20 years imprisonment, a fine not exceeding 3 times the value of the gift or to both such fine or imprisonment. It is recommended that the law be amended to provide for a minimum mandatory sentence of 20 years and or increased imprisonment. The law must provide for the applicability of aggravating circumstances especially were the offender is a public official, the amount prejudiced and the potential prejudice to the state.

The Criminal Law Codification and Reform Act [Chapter 9: 23] prohibits corrupt acts in Chapter IX. This Act prohibits bribery, corruptly using a false document, corruptly concealing a transaction from the principal and corruptly concealing from the principal a personal interest from the transaction. The maximum sentence if convicted is 20 years imprisonment or a fine not exceeding level fourteen. It is recommended that the Act be amended to provide stiffer penalties and or provide of a minimum mandatory sentence of 20 years. It is also recommended that a stand-alone Act addressing all corruption offences be enacted to unify and align existing legislation to the new Constitution.

## **7.2 Proposed Enactment of New Laws**

### **7.2.1 Enactment of a Law against Abductions, Enforced Disappearance and Torture**

The Commission received a petition complaining against the alleged abduction and torture of three opposition party members. The alleged abduction or enforced disappearance is a violation of Section 53 which provides that “No person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment. “It is recommended that a law against abductions and, enforced disappearance and torture be enacted in line with Section 53 of the Constitution.

### **7.2.2 Enactment of Codes of conduct for Public Officers**

The Commission conducted engagements with stakeholders who highlighted allegations of improper conduct by persons occupying public office perpetuating conflict within communities. Allegations of interference in the distribution of relief provisions, use of profanities and derogatory language against other citizens, as well corruption were



highlighted. It is recommended that one or more Acts of Parliament must prescribe codes of conduct for Vice-Presidents, Ministers, Deputy Ministers and all public officers in terms of Sections 106 & 198 of the Constitution.

### **7.3 Proposed Policy Recommendations**

- 7.3.1** That a comprehensive disability policy that recognises the human rights approach to disability be adopted;
- 7.3.2** That there be Government policy that the duty for disbursement of agricultural inputs be arrogated to a neutral entity such as the department of Agricultural Extension Officers;
- 7.3.3** That there be Government policy that the duty for the distribution of food aid under the government food aid scheme be conferred to the department of social welfare;
- 7.3.4** That a data base for offer letters issued between 2000 and 2004 by the Ministry of Lands be created;
- 7.3.5** That the Ministry responsible for land allocation and redistribution and the Zimbabwe Lands Commission harmonise their operations to avoid recurrence of conflicts related to land;
- 7.3.6** That there be a review in the implementation of the Community Share Ownership Scheme;
- 7.3.7** Creation of a Welfare Fund for victims of political violence and other disasters or conflicts;
- 7.3.8** That state and non-state actors mainstream conflict resolution in their work by strengthening community dialogue platforms as a strategy for dispute resolution at local level considering structures already in place such as local government, ministry of women affairs etc;
- 7.3.9** That the capacity of traditional structures in conflict management and dispute resolution be enhanced;
- 7.3.10** That there be a National Dialogue on the National Development Strategy to raise awareness as well as rally the nation to support the work and efforts towards building a better Zimbabwe given the nexus between peace and development;
- 7.3.11** The need to create and raise awareness of conflict mediation platforms so that people can turn to various points before taking their lives or those of their family members

especially in the midst of the pandemic. A dispute resolution unit must be set up to support the COVID-19 taskforce

## **8. CONCLUSION**

Despite the interruption to programming due to the COVID 19 induced lockdown in the first half of the year, the Commission was able to achieve quite significantly on the programs that had been planned for 2020. This was possible because of the partnerships formed with multiple stakeholders who included development assistance partners who made it possible for the Commission to continue implementing a lot of the programs virtually. Strategic engagements remain an effective tool to be used in ensuring the acceptance and success of the programs planned by the Commission. However, the gaps in the legal framework remain the key issues impeding the work of the Commission and there is need to ensure a continued review and alignment of some of the laws that entrench peace.

The Commission noted with sadness the escalation of GBV during the lockdown period, especially in the first months of the lockdown in April and May. The Commission found itself partnering more with Civil Society Organisations tasked with providing shelter for abused victims and this proved a great relief for those affected. The Commission also noted the unfortunate incidences of food shortages at times caused by unfair business practices such as hoarding and overpricing of basic food stuffs. The Commission was also very active in monitoring the adherence by citizens to the lockdown conditions and worked closely with security personnel in this exercise. Although there were occasional incidences of clashes between the public and the uniformed forces, the Commission was able to resolve these conflicts through engagement for the betterment of citizens.

The Commission is mandated to receive complaints of varying categories from the public. During the year some of the major conflicts handled by the Commission revolved around economic conflicts, political conflicts, resource distribution conflicts, religious conflicts, property rights conflicts, land conflicts such as boundary and distribution conflicts, social and cultural conflicts, natural resource conflicts as well as gender-based conflicts.

As the year came to an end the lockdown restrictions were slightly relaxed allowing for the Commission to expedite the implementation of some of the programs that required the gathering of higher numbers of citizens. This was still done with strict adherence to the prevailing Ministry of Health and Child Care regulations on gatherings for meetings.

The Commission continues to grow in proportion to the work that needs to be undertaken. As the year ended, the Commission was grateful to receive Treasury concurrence on the balance of the initially requested for structure of 104 staff members, although the recruitment of the incumbents will be carried out in phases in 2021. The slow release of funds from Treasury coupled with the mismatch between budget release and cash support affected the implementation of some of the major programs. The availability of funds from development partners temporarily assisted in closing this gap.

It remains the Commission's hope that as the nation consolidates its development trajectory towards achieving an upper middle-income economy by 2030, this will continue to be anchored on a peaceful society where all actors will harness their energy towards unity and national cohesion. The Commission appreciates the goodwill among Zimbabweans across the divide to work closely with each other to deliver a peaceful and united country.

**Peace begins with me, peace begins with you, peace begins with all of us;**

**Ukuthula kuqala ngami, ukuthula kuqala ngawe, ukuthula kuqala ngathi sonke;**

**Runyararo runotanga neni, runyararo runotanga newe, runyararo runotanga nesu  
tose;**

**Mulalo uthoma nga nne, mulalo uthoma nga vhone, mulalo uthoma ngarine rothe;**

**Kagiso e simolola ka nna; kagiso e simolola ka wena; kagiso e simolola ka rona rotlhe;**

**Khotso ea qala le 'na; khotso ea qala le uena; Khotso ea qala le rona kaofela;**

**Uxolo luqala nam; uxolo luqala nawe; uxolo luqala nathi sonke;**

**Kunyalala kotanga nami; kunyalala kotanga nawe; kunyalala kotanga naswi tose**