

Facing Dispossession at Innezdale Farm

Assessing the Impacts of Women's Dispossession from Land and Home



Zimbabwe People's Land Rights Movement



Housing and Land Rights Network
Habitat International Coalition

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Harare and Cairo, 2021



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Introduction

The following is a glimpse of what is at stake for many Zimbabweans post-land reform with a view to the consequences of insecure tenure and ambiguous land titles in a policy vacuum. It constitutes a baseline survey as an example of what is entailed in counting the costs of post-resettlement displacements and tenure insecurity in Zimbabwe's land reform program.

This report presents the findings of a field survey that seeks to quantify the potential losses, costs and damage to women-headed families in cases of forced evictions, as has been the case for some of the families in the Sokis resettlement community at Innezdale Farm – one of the 5-acre A1 models that were re-allocated to farmers under the Fast Track Land Reform Program (FTLRP) – in Mhondoro Ngezi, Kadoma District, Zimbabwe. These pending forced evictions, due to disputed tenure by competing beneficiaries of the FLRTP in the absence of a national land policy, have a direct bearing on productivity and violate these families' human rights related to habitat, including their human rights to adequate housing, land, water, livelihood with the continuous improvement of living conditions and meaningful participation. These human rights are guaranteed under the International Covenant on Economic, Social and Cultural Rights (Article 11), which Zimbabwe ratified on 13 August 1991.

The findings and recommendations that follow will be useful as input into the land-policy consultations and formulation currently underway (June 2021) and a contribution to the indispensable quantification of losses, costs and damage due to gross violations of human rights, including the forced evictions in Zimbabwe's land reform settlement areas. These research findings will also ground recommendations to be mainstreamed in the country's National Development Strategy 1 (NDS1),¹ in pursuit of the 2030 Agenda of Sustainable Development Goals (SDGs)² and the National Voluntary Review³ toward meeting their respective Targets and Indicators.

This effort has been carried out through the partnership of Housing and Land Rights Network - Habitat International Coalition (HIC-HLRN) with the Zimbabwe People's Land Rights Movement (ZPLRM) through the project Valuing Women's Human Rights Habitat. HLRN began with a context assessment, with many thanks to Heather Elaydi and Joseph Schechla at HLRN for the resulting literature review.⁴

In consultation with affected communities and partner organizations, two HLRN-organized normative and technical training workshops resulted in a typology of prominent cases of eviction and dispossession, which are also entered into the HLRN Violation Database. ZPLRM then embarked on an in-depth case study on the effects of dispossession, including the all-important quantification of losses in such incidents as forced evictions.

The study selected for its representativity, relevance to policy and potential for remedy focused on the Sokis community who are beneficiaries of the FTLRP at Innezdale Farm, located about 200 km southwest of Harare, the capital of Zimbabwe. In particular, it looks into the values at stake of the A1 resettlement community of 222 families on the 1,110-hectare Innezdale farm. These families occupied this farm in 2000

¹ Republic of Zimbabwe, National Development Strategy (January 2021–December 2025): Towards A Prosperous and Upper Middle Income Society by 2030, 16 November 2020,

http://www.zimtreasury.gov.zw/Index.php?option=com_phocadownload&view=category&id=64&Itemid=789.

² Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, 15 October 2015, <https://undocs.org/A/RES/70/1>.

³ Zimbabwe's Second Voluntary National Review (VNR), 2021,

https://sustainabledevelopment.un.org/content/documents/279562021_VNR_Report_Zimbabwe.pdf.

⁴ The literature review can be found at: <http://www.hlrn.org/img/documents/Literature%20Review%20Zimbabwe%202020.09.pdf>.

during the FTLRP, and are living under threat of forced eviction as their tenure is disputed. Already in March 2018, about 50 of these families had their property and houses destroyed as a consequence.

The ZPLRM, with the help of partners and friends, managed to obtain a High Court order stopping the further evictions, granting the community temporary relief as the tenure security issue is yet to be resolved. This is the plight of hundreds, if not thousands of resettlement communities across the country who are beneficiaries of the land reform programme, with its complex tenure security system.

The primary focus was on female-headed households (single, widowed, divorced, female child-headed). A total of 57 families participated in the in-depth study, while 11 families expressed reservations about participating in the survey, mostly due to fear of being victimised by political, local and national authorities.

Project implementation

Implementation took place in three principal phases: (1) the normative/learning workshop, (2) the technical workshop and (3) field survey. With the project taking place during the COVID-19 pandemic, progress was a bit slow due to travel and lockdown restrictions. This also coincided with harvesting time (March to June), when most respondents were busy in their fields.



Figure 1: Map of Zimbabwe, with Kadoma District appearing across 30° latitude and between 18° and 19° longitude.

Normative Framework

Groups from communities affected by pre-, post- and ongoing forced evictions, women's land rights organizations, civil society organizations working on land and habitat rights attended the normative workshop in late August 2020. The workshop put into context the legal and historical aspects of women's land rights struggles in Zimbabwe to date, including the international and regional (African Union and SADC) norms and treaty obligations as developed.⁵

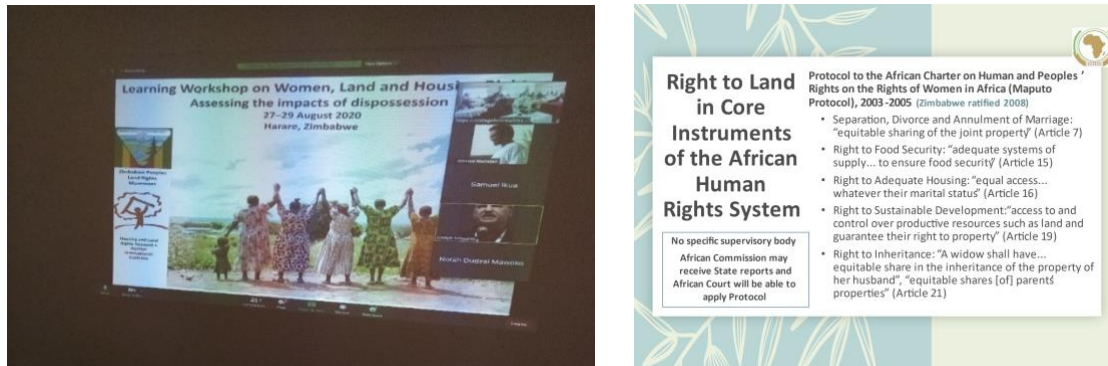


Figure 2: Excerpts of presentations at the normative workshop (Harare, August 2020).

These regional and global standards of statecraft constitute the framework of both binding obligations such as treaties and their protocols to which Zimbabwe is a ratifying party, as well as voluntary commitments, including the UN Guiding Principles on Internal Displacement,⁶ UN Basic Principles and Guidelines on Development-based Evictions and Displacement.⁷ These international norms are evidence of the increasing critical attention drawn toward the global phenomenon of development-induced displacement as its social and material impacts certainly have intensified in recent years,⁸ as are pending at Innezdale Farms.

So, too, has global concern converged to develop instruments to establish standards of behavior that uphold African peoples' rights to land in the context of business activities. Most notable of these are the

⁵ The report of the Learning Workshop on Women, Land and Housing Rights: Assessing the impacts of dispossession, Harare, Zimbabwe, 27–29 August 2020, http://www.hlrn.org/img/documents/Session_2.5_Monitoring_Impacts_Zim.pdf.

⁶ UN Commission on Human Rights, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998, <https://undocs.org/E/CN.4/1998/53/Add.2>.

⁷ UN Human Rights Council. The UN Basic Principles and Guidelines on Development-based Evictions and Displacement, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, Annex I, A/HRC/4/18, 5 February 2007, <https://undocs.org/A/HRC/4/18>.

⁸ Michael M. Cernea, "Re-examining 'Displacement': A Redefinition of Concepts in Development and Conservation Policies," *Social Change*, Vol. 36, No. 1 (2006), pp. 8–35, <https://journals.sagepub.com/doi/10.1177/004908570603600102>; Prabir Kumar Pattnaik, "Development Induced Displacement and Resettlement: Analysis of Judicial Policy," *Journal of the Indian Law Institute*, Vol. 55, No. 3 (July–September 2013), pp. 346–60, <https://www.jstor.org/stable/43953674?seq=1>; Bogumil Terminski, *Development-Induced Displacement and Resettlement: Causes, Consequences, and Socio-Legal Context* (New York: ibidem Press, 2015); Frank Vanclay, "Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development?" *Impact Assessment and Project Appraisal*, Vol. 35, Issue 1 (2017), pp. 3–21, <https://www.tandfonline.com/doi/full/10.1080/14615517.2017.1278671>; Irge Satiroglu and Narae Choi, eds., *Development-Induced Displacement and Resettlement: New perspectives on persisting problems* (New York: Routledge, 2017); World Bank, *Environmental & Social Framework for IPF Operations ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement* (Washington: World Bank Group, 2018), <http://documents1.worldbank.org/curated/en/294331530217033360/ESF-Guidance-Note-5-Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement-English.pdf>.

Nairobi Action Plan on Large-scale Land-based Investments in Africa (2011), adopted by the High-level Forum on Foreign Direct Investments in Land in Africa, representing African governments, Members of Parliament, traditional leaders, private sector, civil society and other stakeholders convened by the African Development Bank. The Action Plan aims to “minimize the potential negative impacts of large-scale land acquisitions, such as land dispossession and environmental degradation, in order to achieve an equitable and sustainable agricultural and economic transformation that will ensure food security and development.”⁹

Other normative sources developed in the international sphere are the Guidelines on Business, Land Acquisition, and Land Use: A Human Rights Approach (2011), which proffer the implementation of human rights to facilitate and adjust land appropriation.¹⁰ The next year, the Food and Agriculture Organization of the UN (FAO) adopted Guidelines on the Responsible Governance of Tenure,¹¹ which establish agreed-upon norms that seek to avoid violations and abuses against the most vulnerable and disadvantaged groups, while sustaining productive natural resources.

A challenge in upholding these standards, however, is their non-binding, voluntary nature, and the lack of adequate monitoring mechanisms to ensure their effective application. Without sufficient monitoring, both prevention and remedy of abuse are made more difficult, not least by the absence of information about the full impacts of abuses for which victims are entitled to remedy.

At the Africa regional level, the human right to adequate housing is elaborated in several binding core instruments, including the African Charter on Human and Peoples' Rights (1981), the African Youth Charter (2006), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 2003) and the Treaty for the Establishment of the East African Community (1999); the latter two of which address the particular rights of women to land and home. Another core instrument of note is the African Charter on Democracy, Elections and Governance (2007), which is perhaps more relevant to the specific issue of development-induced displacement in requiring that “State Parties shall institutionalize good economic and corporate governance, including through equitable allocation of the nation’s wealth and natural resources” (Article 33).

Within international law, the right to adequate housing is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Zimbabwe ratified on 10 July 1984. (See **Annex 2: Zimbabwe’s Relevant Treaty Ratifications**.) More specifically, the Committee on Economic, Social and Cultural Rights (CESCR), which interprets the treaty and monitors its implementation, has clarified states’ obligations in implementing the human right to adequate housing as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Committee’s authoritative guidance is found in two related General Comments Nos. 4 and 7 (The right to adequate housing, and the right to adequate housing: forced evictions, respectively). CESCR’s General Comment (GC) No. 16 on the equal right of men and women to all economic, social and cultural rights further clarifies that the economic,

⁹ Nairobi Action Plan on Large-scale land-based investments in Africa, High-level Forum on Foreign Direct Investments in Land in Africa, October 2011, https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Nairobi%20Action%20Plan%20Final_English.pdf.

¹⁰ Institute for Human Rights and Business, Guidelines on business, land acquisition and land use: A human rights approach, Draft for Consultation, November 2011, http://www.ihrb.org/pdf/Guidelines_on_Business_Land_Acquisition_and_Land_Use-Draft_for_Consultation.pdf.

¹¹ FAO, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, officially endorsed by the Committee on World Food Security on 11 May 2012, <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>.

social and cultural human rights of women are not lesser or secondary to those of men, including human rights related to land, housing and displacement. GC No. 7 explicitly prohibits “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” It also establishes the conditions for an eviction to be legal in states parties to the Covenant, namely the state and its constituent organs concerned must ensure:

- a. An opportunity for genuine consultation with those affected;
- b. Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- c. Information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- d. Especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- e. All persons carrying out the eviction to be properly identified;
- f. Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- g. Provision of legal remedies;
- h. Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Further, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the state party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.¹²

It is important for policy makers, development partners and human rights defenders to keep in mind that the UN Commission on Human Rights has repeatedly affirmed that forced evictions not complying with the aforementioned conditions constitute “gross violations” of human rights, in particular, the human right to adequate housing.¹³ As further resolved by the UN General Assembly, such gross violations invoke victims’ entitlement to reparations, as defined in international law.¹⁴ (See **Annex 1** below.)

With regard to women and land right, reviews of Zimbabwe’s performance of ICESCR, CESCR had observed that “the prevalence of customary law - certain traditions, customs and cultural practices - leads to substantial discrimination against girls and women, in particular widows, thereby preventing them from fully exercising their rights under the Covenant.”¹⁵ However, the Committee on the Elimination of All Forms of Discrimination against Women (CEDaW) also has commended the Republic of Zimbabwe more recently for its efforts to implement the Convention through various policies, programs and initiatives.

Typology of cases

¹² CESCR, General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, paras. 15–16, contained in document E/1998/22, annex IV, at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en.

¹³ Commission on Human Rights, “forced eviction,” resolution 1993/77, 10 March 1993, <http://www.hlrn.org/img/documents/ECN4199377%20en.pdf>; “Prohibition of forced evictions,” resolution 2004/28, 16 April 2004, para. 1, http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf.

¹⁴ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, <http://www2.ohchr.org/english/law/remedy.htm>.

¹⁵ CESCR, Concluding observations on the first periodic report: Zambia, E/C.12/1/Add.106, 23 June 2005, <https://undocs.org/sp/E/C.12/1/Add.106>.

Selection of the in-depth study case was through a national typology of different cases covering cases involving pre, post and ongoing forced evictions, mostly from the jointly managed HIC-HLRN/ZPLRM Zimbabwe violation database. A focus was placed in 5 sectors which habitat violations were reoccurring namely resettlement areas, urban areas, peri urban expansion zones, commercial agriculture expansion zones and infrastructural development induced displacements.

From the violations database 10 cases were selected later reduced to 5 and eventually the final 2 cases for the in-depth study. Six key elements were taken into consideration in this process:

- (1) the context as drawn from the typology of typical and actual social, institutional, legal, developmental or environmental determiners causing or enabling the violation;
- (2) the identification of the specific case, including its title (location or other distinguishing feature) and gender issues and/or values at stake;
- (3) the type of violation as a contravention of any of the codified elements of adequate housing and/or land;
- (4) the stage of potential intervention: before (pre-violation), during (ongoing) and/or after (post-violation);
- (5) identification of the duty holder and
- (6) form of remedy sought.

Technical Approach

The technical workshop followed a consultative process of prioritizing cases identified in the typology developed in the first workshop, resulting in the identification of the main case to be subject to the in-depth study. In a follow-up workshop, civil society partners selected the final case for the in-depth study using the HLRN Violation Impact-assessment Tool (VIAT). Participants in the normative workshop identified 10 priority cases across the country. Subsequently, they consulted to prioritize five of these into a semi-final selection process, each one with a narrative explaining their specificity and respective strategic value. Then they selected two cases for the quantitative research.

The first was the case of Mrs. Sibonisiwe Chipato, a widow forcibly evicted from her late husband's farm in Gweru, which will be pursued through the courts. The second was the Innezdale Farm case. The strategic logic of pursuing both cases was to support the victim in the first post-eviction case with factual evidence and analysis as it worked its way through the courts, while supporting the community in the second during-and-pre-eviction case with the prospect of remedy by using precise evidence to deter or prevent further violations.

Counting the losses and continued loses: The Case of Mrs Chipato

During the technical workshop group discussions breakout, one of the groups worked on applying the tool to Mrs Chipato's case so as to quantify the losses and continued loses due to her forced eviction from her inherited habitat. From the tool findings we managed to quantify the lost economic and asset values and continued loses. During Mrs Chipato's forced eviction she lost her 28 hectares of land and a homestead worth USD\$1000 structures which included her family's habitat, livestock sheds and other farm accessories. She lost on average USD\$1830 in household goods which to date she has not recovered anything or got any compensation for, annually she was getting around USD3650 from the crops she was farming which she continues to loose annually for the past 13 years. To date and cumulatively Mrs Chipato has lost around USD 50 000 and valuable documents which are unaccounted for to date.

Lastly and most importantly during the eviction her eldest son who was at the homestead ran away and she hasn't seen him since then as she was in hospital when the eviction took place. These are just some of the economic, social and psychological losses that continue to burden Mrs Chipato. Full reparations will

be sought in this case as it has a clear gender based habitat violation which solely targeted Mrs Chipato because she is a women.

(The Chipato case was stalled during the project period, but will remain a matter of future engagement)

VIAT Adaptation

Focus was on the adaptation of the HLRN Violation Impact-assessment Tool (VIAT) as a survey instrument (questionnaire) guided by the international criteria of reparations.¹⁶ The VIAT questionnaire was being applied already and at various stages in Zambia, Uganda, Kenya and India. The aim of the technical workshop was to facilitate a critical analysis of the selected cases and finalize the tool (questionnaire) for full application. This led to the commissioning of the field survey in 2021, conducted over three months amid COVID-19 restrictions.

Conceptually, the survey method and tool developed for the field survey derive from human rights criteria and corresponding state obligations, within a framework that identifies violations of the applicable norms and seeks to quantify the various impacts that should be subject to reparation for effected persons. The diagram below illustrates the flow of logic that runs through the project and its iteration at Innezdale Farms.

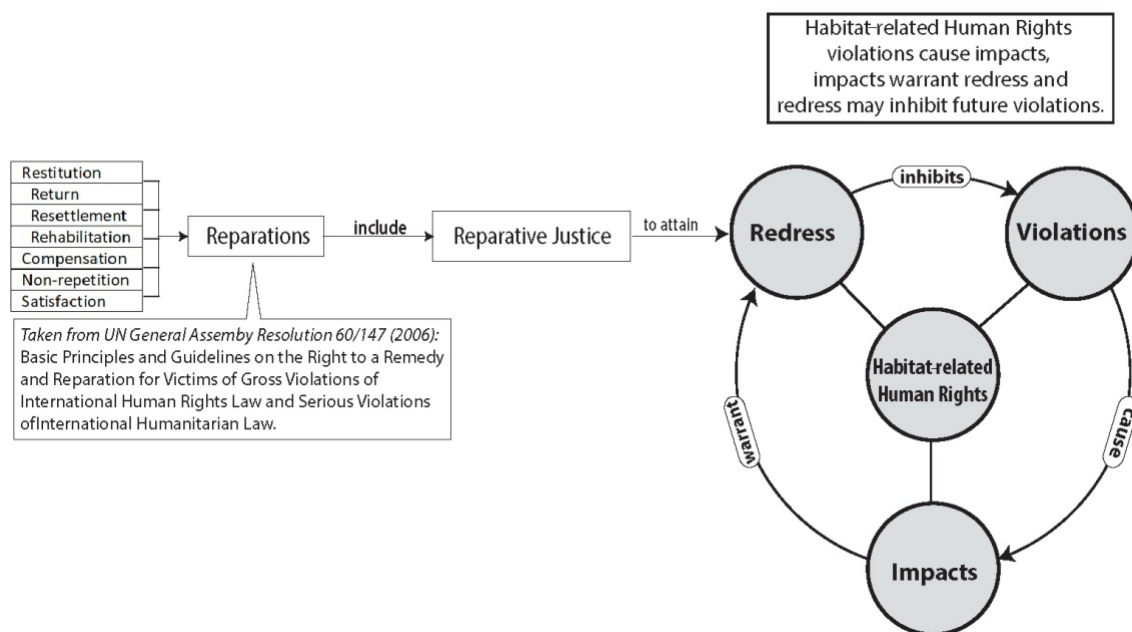


Figure 3: Graphic illustrating the violation-to-reparation approach of the VIAT. Source: Davinder Lamba, Mazingira Institute, Nairobi.

The Technical Workshop was organized by HLRN, in cooperation with ZPLRM in December 2020. It resulted in the refinement of the VIAT methodology for its intended application in the two cases of Mrs. Chipato and Innezdale Farms, in order to capture the various values at stake in the case of eviction/displacement.¹⁷

¹⁶ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, http://www.hlrn.org/img/documents/A_RES_60_147_remedy_reparation_en.pdf.

¹⁷ Report of the Zimbabwe Technical Workshop, Harare, Zimbabwe, 7–8 December 2020, <http://www.hlrn.org/img/documents/Zim%20Technical%20Workshop%20Report.pdf>.

Threat of Eviction (Pre- eviction)
Phase Losses/Costs

Economic Costs/ Losses (household)

- Structure (dwelling and other)
- Contents (personal and household articles)
- Environment goods and services/ecology
- Equipment/inventory
- Trees/crops
- Inheritance prospects
- Infrastructure/services/utilities
- Land
- Livestock and animals
- Plot
- Subsidies and rations
- Vital documents
- Wells/ water sources
- Cash money
- Work/livelihood losses
- Mortgage, other debt payments
- Inviolable/ priceless assets
- Other



Figure 4: Participants at the technical workshop in focus group discussions to adapt the VIAT (PPT screen inset above left).

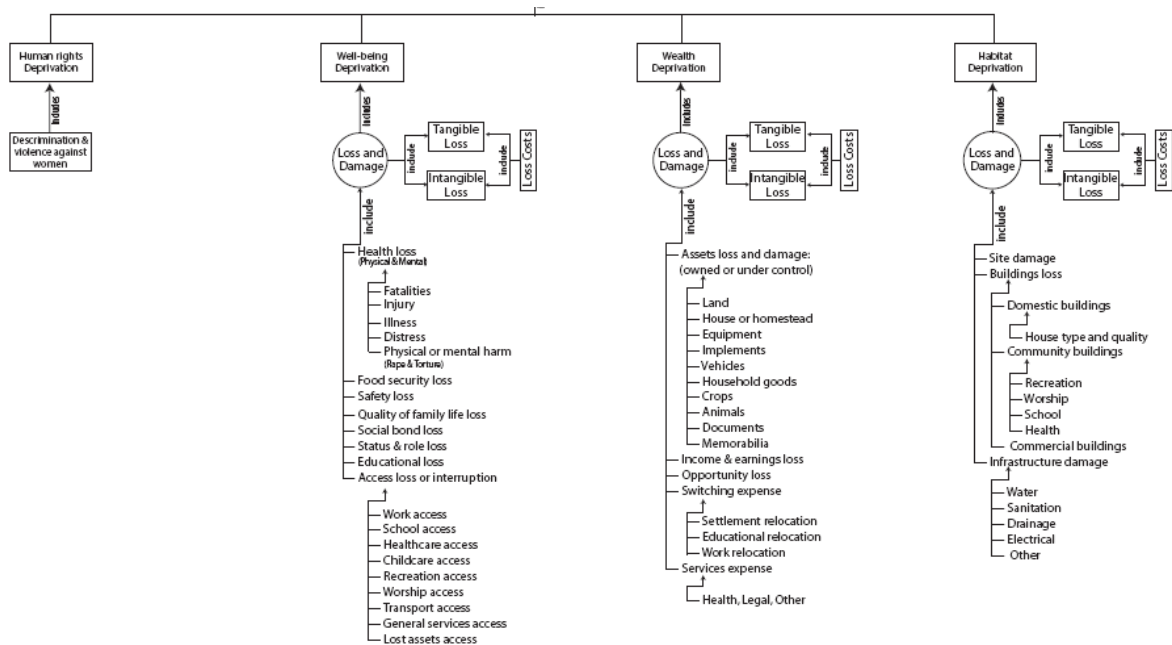


Figure 5: Diagrammatic representation of the concept shown in Figure 4 above, with an illustrative of the corresponding values to be captured in the in-depth quantitative study.

The workshop built upon the applicable norms to envision the contents of reparation of women affected by eviction/displacement and dispossession that typically arise. The exercise involved refining the survey instrument (questionnaire) to use in capturing women's voices and values expressed during the field research. The values to be interrogated were classified as those relating to wealth (material and nonmaterial assets), wellbeing (physical and mental health) and habitat (land, home and environmental assets). An illustrative list of values is provided in Figure 5 above.

In-depth analysis

Methodology

The sample for this survey was purposively selected to represent women who stood to lose their land and homes in the event of a successful legal challenge to their land and housing tenure. The sample was made up of 70 women-headed families in the community identified during the preliminary visits and engagements with the inhabitants. A team of eight field enumerators were involved in applying the tool. They were chosen from among those who were trained during normative and technical workshops.

The reason for this continuity of actors is to ensure that the researchers in the field retain the normative framework of state obligations, as well as keep in mind the reparations framework that guides the remedial purpose of the survey questions. That enables the presentation of findings to reflect their significance to the elements of reparation needed: restitution, return, resettlement, rehabilitation, compensation, guarantees of non-repetition and the satisfaction of victims.

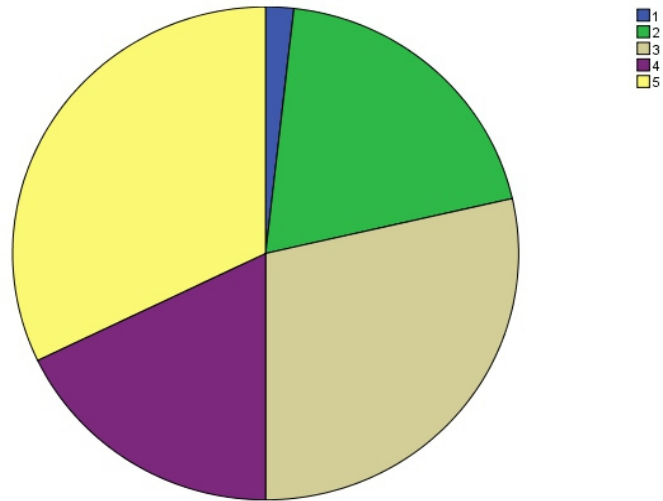
The enumerators interviewed a purposeful sample of female-headed households (single, widowed, divorced, female child-headed) to ensure the focus on women's values affected by the prospect of eviction/displacement and/or dispossession. A total of 57 households participated in the in-depth study, while 11 families expressed reservations about participating, mostly out of fear of retribution by local and national political authorities. The findings from the survey responses and their significance follow.

Survey Responses

Family Size

Three quarters of the women had a family size of between 3 and 5 family members. This finding is significant to determining the human scale of the situation. Deriving the average size of households (HHs) provides a multiplier to know the total number of persons to be affected by resettlement, as well as the type of effort (e.g., rehabilitation for children) and volume of resources (e.g., for coverage of resettlement and shifting costs) required to effect reparation for those subject to eviction/displacement and/or other forms of violation. The definition of family in this case is derived from the Kenya experience which gives us an official method of counting "households"; that is, the number of people who regularly share main meals and/or food preparation facilities. The authoritative reference is found in Republic of Kenya, Kenya Population and Housing Census 24th/25th August, 2009, pp. 7–8, https://international.ipums.org/international/resources/enum_materials_pdf/enum_instruct_ke2009a.pdf, which has been incorporated also in the definition of "Household" in the HICtionary (in both book format and as a web-based resource).

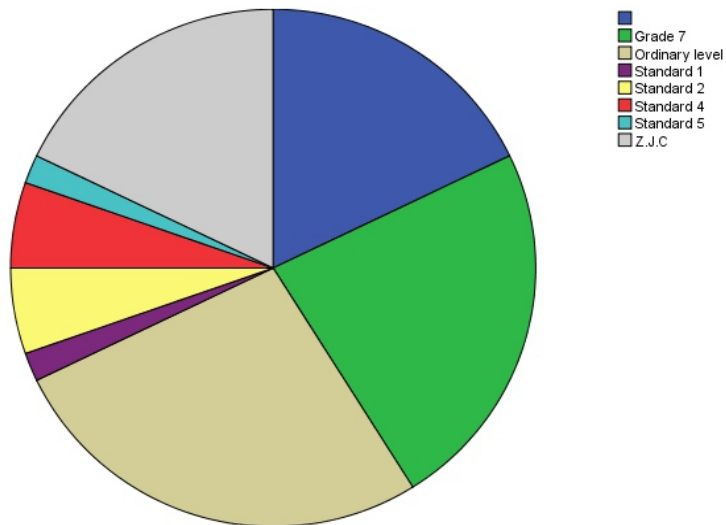
Family size



Educational level

The majority of the women (75%) have at least primary-level education, the high literacy rate gives a

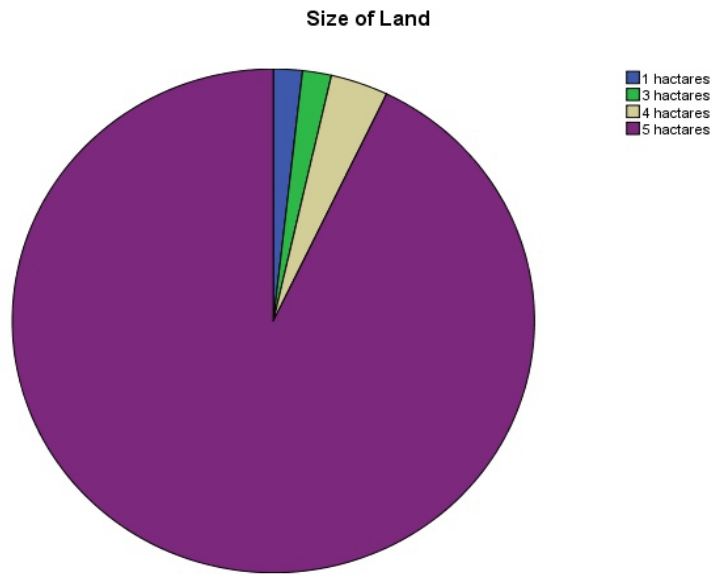
Education level



positive bearing on peer to peer training and community based education programs.

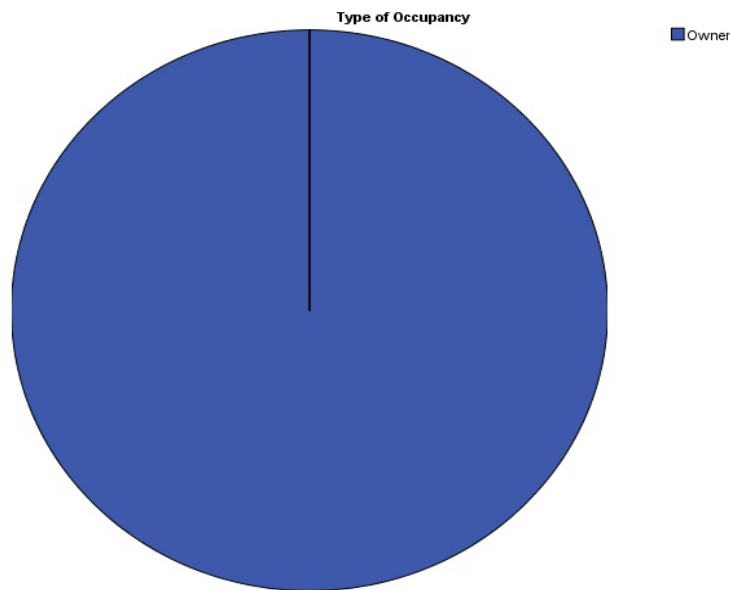
Size of land

The resettlement community is an A1 model villagised scheme, where beneficiaries received five-hectare plots. Some of the respondents lease the land, have inherited a portion, are subletting to a relative or, in some cases, have been “sold” a portion of the land.



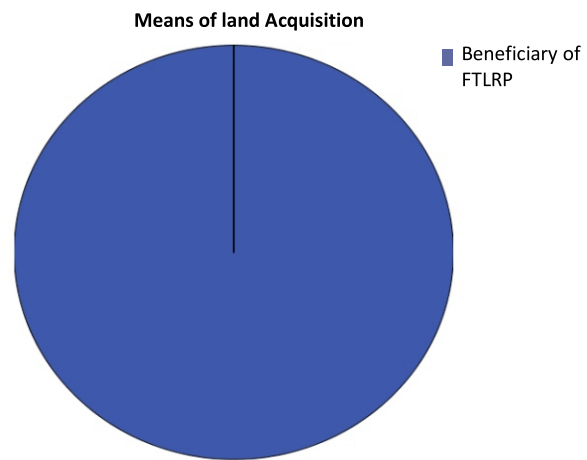
Type of occupancy

99% of the women view themselves as owners of the land, despite the lack of secure tenure or any land holding documentation.



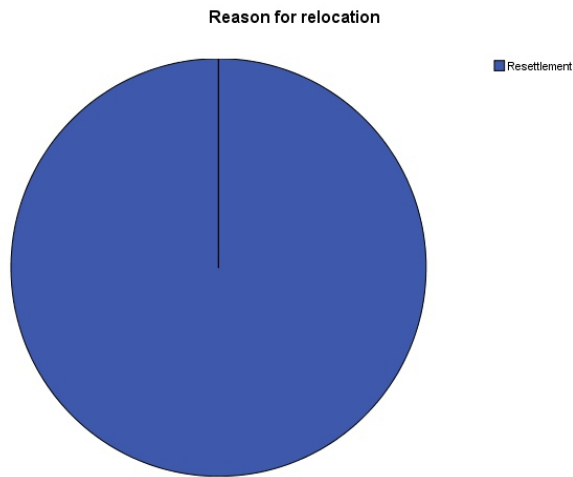
Acquisition

99% of the women acquired the land through the land reform program in 2000.



Reason for relocation

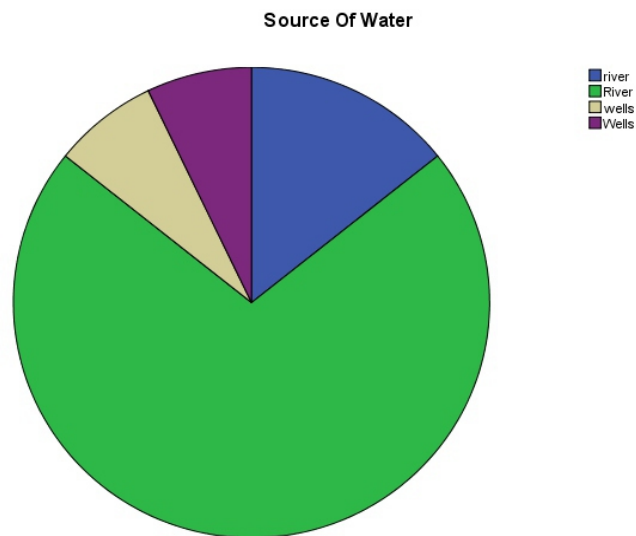
99% of respondents relocated because of the need for agricultural land and resettlement. This shows the



general land hunger or shortage in the country's communal lands, a situation which might be similar in many African countries.

Source of water

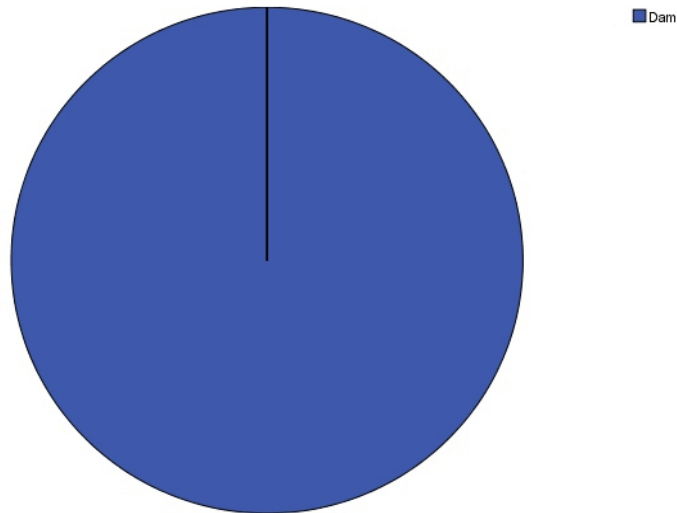
Majority of respondents used river water as their primary source of water, while some had seasonal wells in their compounds. A situation which exposes the community to water born diseases as there do not have a safe drinking and household use water.



Alternative source of water

A nearby dam is the alternative source of water particularly during the dry seasons when most rivers and wells have dried out. The community could do with boreholes to supplement their household water during

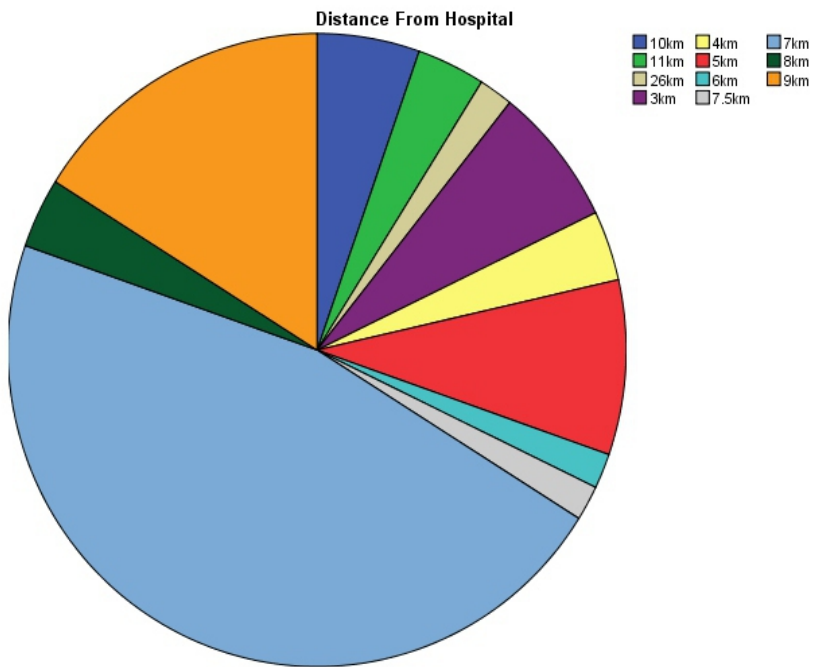
Alternative Source Of Water



the dry season, the distances to the dam also makes it a challenge or abuse to women and children who usually are tasked with household water collection. This presence a clear violation of the human rights.

Distance from hospital/health care

Most of the respondents live within a 10km distance from the nearest health centre, a 10 km distance for

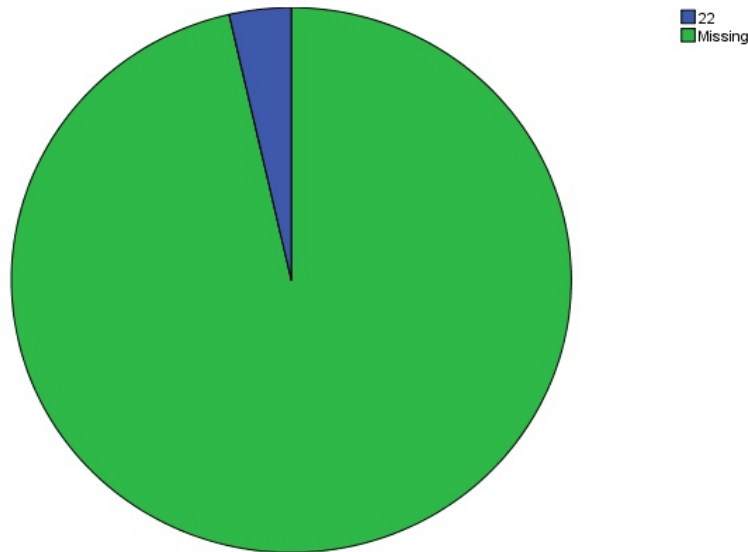


a pregnant woman or sick person can be a life and death situation which places these residents at a high risk of losing their lives due to lack of accessible health care facilities.

Distance from police station

Over 95% of the community respondents live more than 20km from the nearest police station, leading to a sense of insecurity among the residents. Considering the distance this becomes a hotspot for criminal

Distance From Police Station (km)

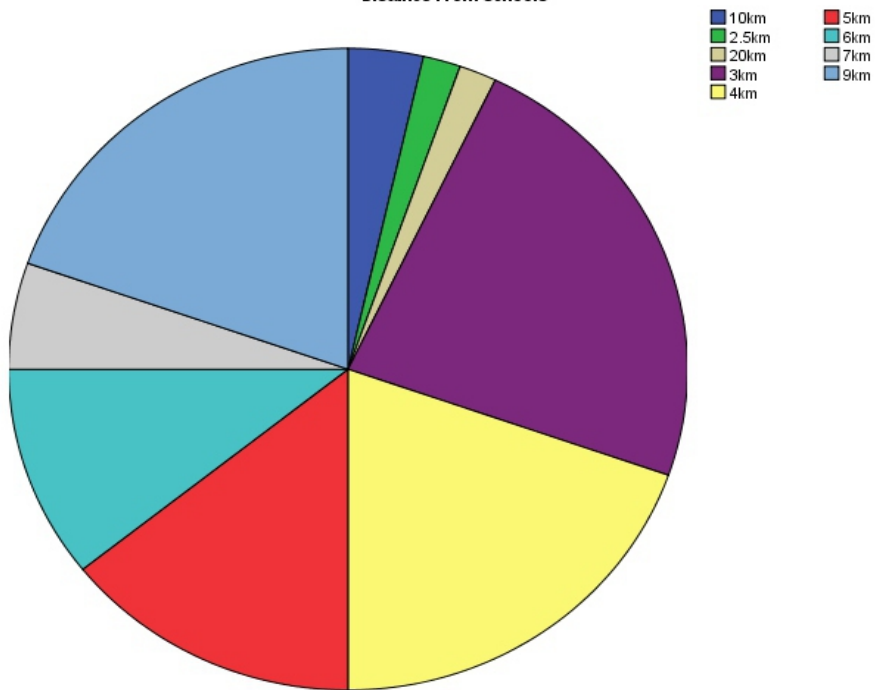


and gender based violation as violators have a sense on protection by the absence of law enforcement agents.

Distance from school

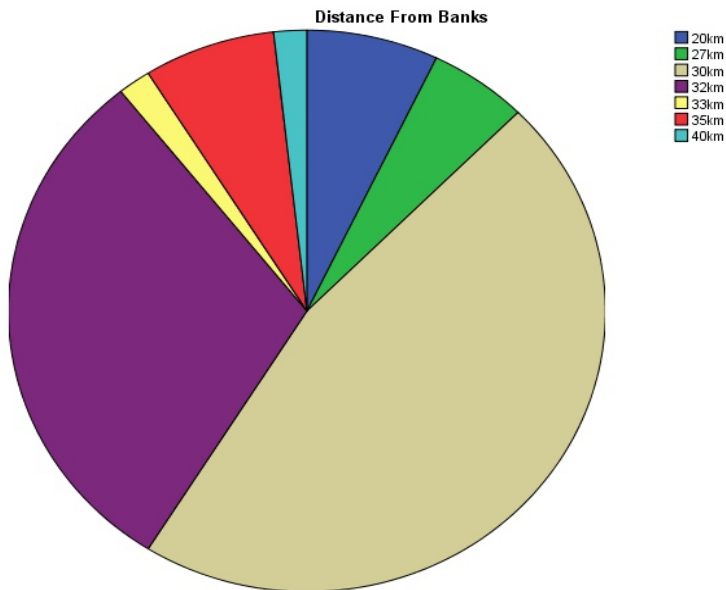
Most of the respondents are settled within a 3-to-5-km range of a school, while some are as far as 10 kms from a school.

Distance From Schools



Distance from banks

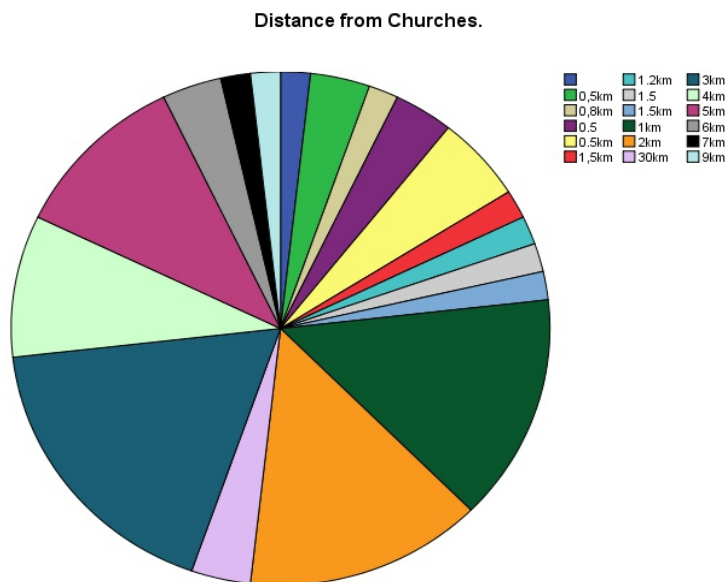
The respondents and community are located on average about 30 km from the nearest bank and commerce centres. Centralization of commercial centres has a negative effect on resettlement



communities as markets, banks and other commercial services are without the community hampering community development and investment.

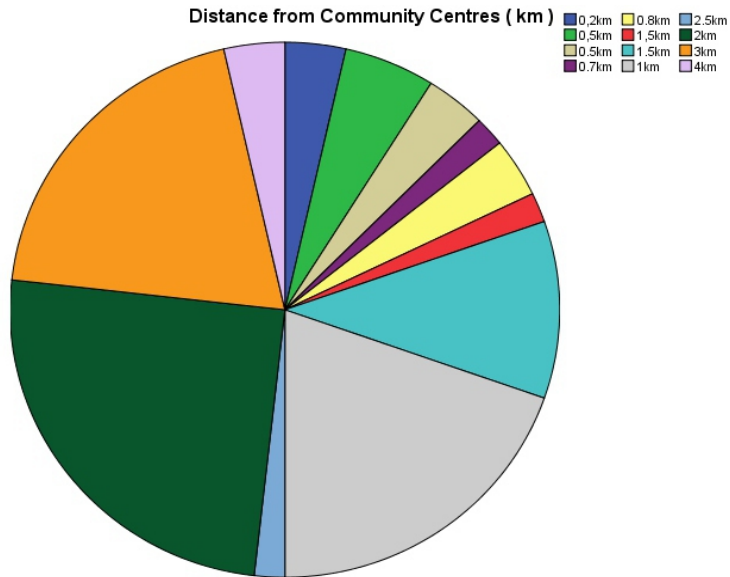
Distance from churches

Most have access to their respective churches within their communities.



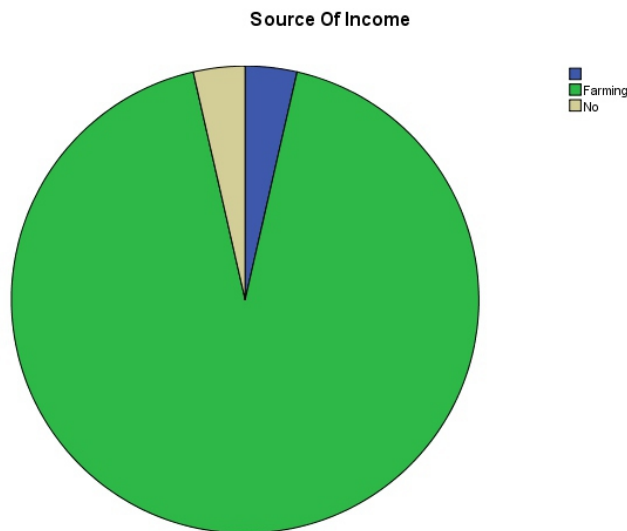
Distance from community centre

Community centres are near and accessible to the majority of people in the community.



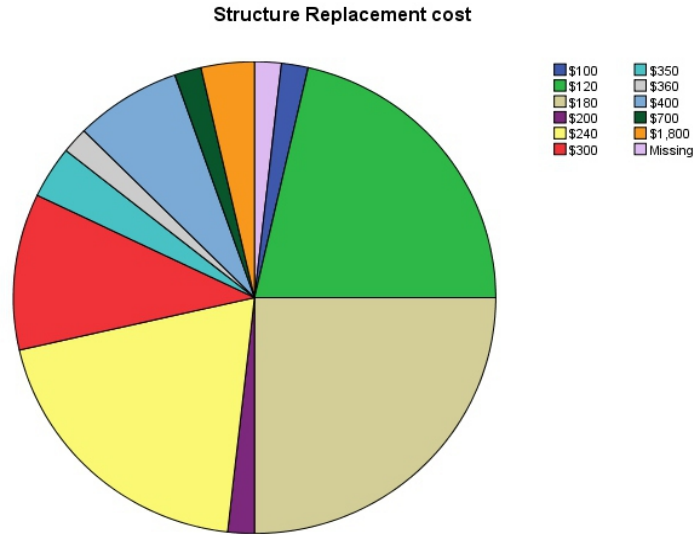
Sources of Income

96% of women earn their livelihoods through farming their 5-hectare plots, and it is their only source of income, proof that agriculture can be a sole source of livelihoods if properly supported and implemented.



Structure Replacement Cost

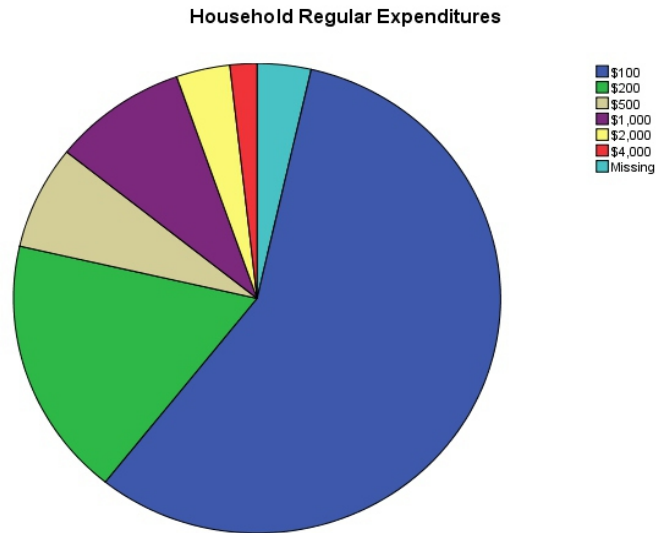
74% of women in the survey valued their structure replacement costs at under US\$300 due to tenure insecurity. Most women consider their houses and structures as temporary, and most are not keen on investing much in the structures. Lack of secure tenure is hampering investments back into the



community.

Household Regular Expenditure

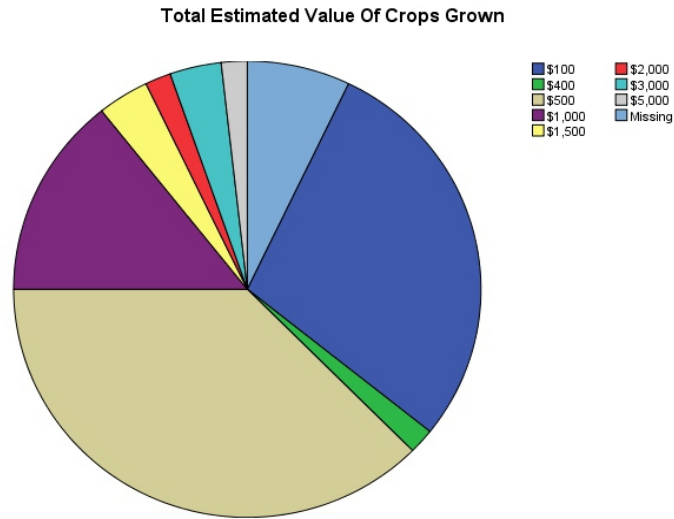
Over half of the women-headed families spend an average of US\$100 a month on household expenses,



which indicates a positive impact on the beneficiaries as most left their former settlements with very little or nothing.

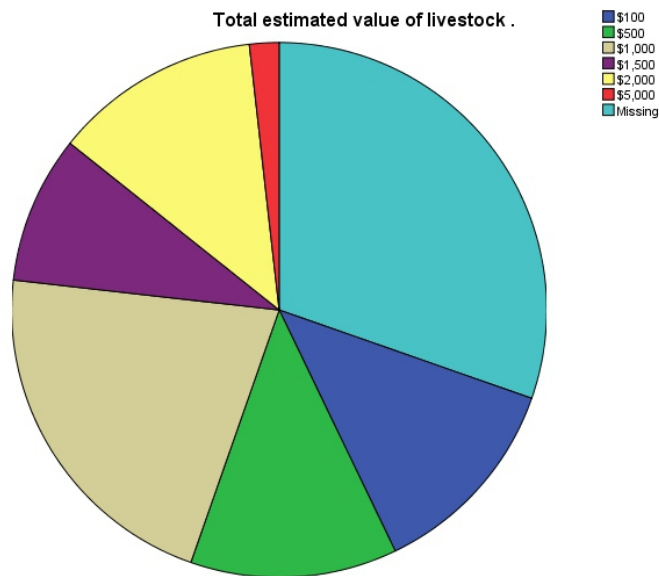
Total estimated value of crops grown

Due to lack of capital, resources and manpower, about 30% of women were receiving less than US\$100 from crops grown. The remaining 70% of women were receiving between US\$400 and US\$5,000 per year from their harvests despite the fact that they are living under constant threat of forced evictions and demolitions.



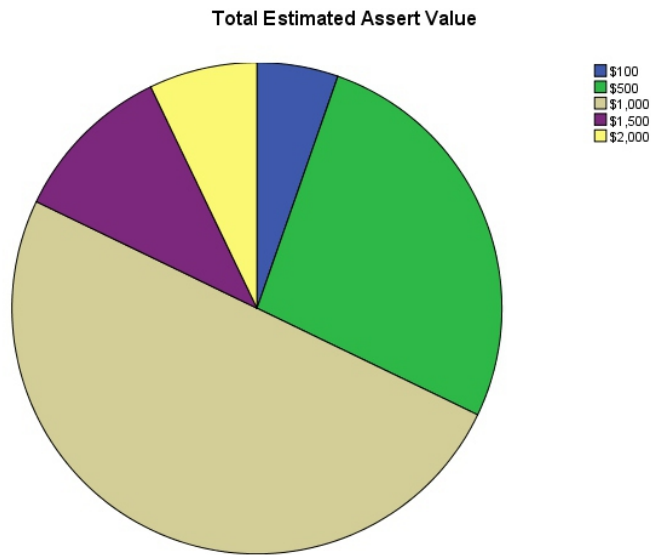
Total estimated value of livestock

The majority of participants in the study estimated the value of their livestock at US\$500 and below.



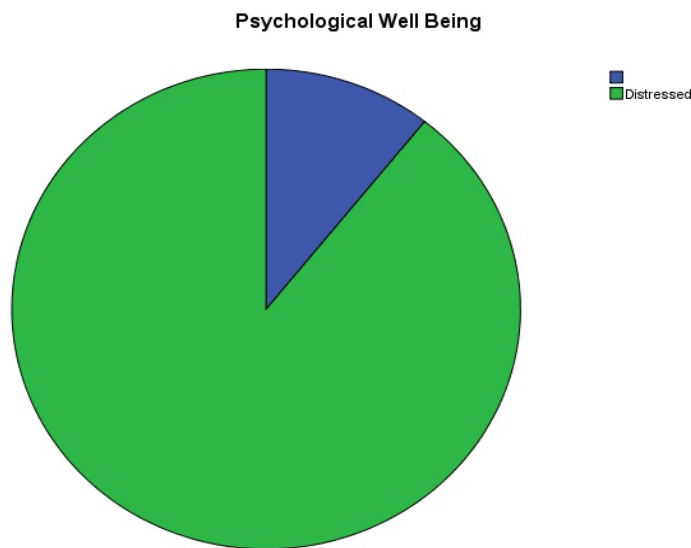
Total Estimated Asset Value

The majority of respondents have assets valued between US\$500–\$1,000. This is an indication of the great impact of insecure tenure, as most of the respondents have chosen to invest in moveable assets rather than investing in their structures, as evidenced by the low estimates of structure replacement costs given in this survey.



Psychological Wellbeing

95% of the women are living under distress due to the ever-existing threat of forced evictions and lack of tenure security, the majority of residents are clearly living under constant psychological abuse due to lack



of certainty of their investments, future and security.

Analysis of the Data

Household responses show that under the A1 model resettlement scheme, none of the Sokis community members were able to obtain any tenure documents due to the lack of a post land reform land policy. The lack of bankable tenure security documents has multiple negative impacts on the entire community, making them particularly vulnerable to human, economic, social and cultural rights-related violations. For women-headed families the burden of lack of secure tenure is twice or thrice that of their married counterparts.

Sources of livelihoods and title

Farming being the only and major source of livelihoods for this community, and due to lack of subsidies, loans and inputs, most families are barely managing to fully utilise their land or maximize productivity. Due to the competing beneficiaries' "power and influence" this community has been side-lined from government subsidy and input schemes and the lack of bankable tenure security documentation closes out alternative resources.

Despite the above setbacks, most of the respondents – about 75% – have on average about USD 1000 total asset value, showing potential for investment to improve farming outcomes and earnings should there be support from government and other stakeholders.

Roads and infrastructure development

Currently the community does not have any infrastructure in terms of roads and bridges, making access to essential services like markets, banks, hospitals, schools and other essential services a serious challenge. The community has managed to socially produce roads and bridges to service their needs although these are not up to standards.

The majority of the respondents viewed their structures (houses/shelters) as temporary and were not keen on investing in their structures due to the pending evictions and lack of secure tenure. Respondents are instead investing in movable property, though most had a strong sense of ownership of the land they are settled on. None of the respondents are paying any taxes or levies, which might be contributing to the lack of any infrastructure development in the settlement.

Access to Health, Education, Water and Sanitation

From the responses 99% of the households used pit latrines for human waste disposal. Water is a major problem as the sources of water are mainly open and unsafe dam and river water. Access to health and education for the community is a challenge due to the long distances some respondents are located from these essential services.

Security

Majority of respondents are located over 20km from the nearest police station giving this community a very high sense of insecurity and vulnerability to forced evictions and violations. Responses revealed that most of the household heads had very limited knowledge on human and land rights and alternative justice systems and preferred that their male counterparts deal with the issues on their behalf.

Psychological Wellbeing

Over 90% of the women interviewed indicated that they were living in fear of being displaced and they were under constant stress and depression due to the pending evictions they are living with. This has heavily affected their productivity, livelihoods and the right to continuous improvements of their lives. The majority were in need of psychological, economic and social support to alleviate their situation.

Story of an Innezdale Farm survey respondent: The case of Rudo, a child family head, and her brother.

So complex and hindering are the setbacks of the lack of secure tenure as in the case of Rudo (name has been changed) and her younger brother Saul (name also changed) who are in a protracted dispute of their inherited 5 hectare farm. The siblings inherited the farm from their late parents who passed away some 10 years ago. By then Rudo was only 16 years old and her young brother was 11. Their parents had hardly been able to provide for them due to the lack of access to loans, subsidies and inputs. Upon their parents' death Rudo, being the older of the two, was immediately left with the burden of raising her young brother as well as being the head of the family.

Left with almost nothing except for the farm it was very difficult for her to be able to continue with her education as well as take care of her young brother, so Rudo had to take up odd jobs from neighbours to supplement their income. Eventually she had to drop out of school after falling pregnant. "I had to work on our well up neighbour's farms and houses for us to eat and pay for Saul's fees. I dropped out of school about 10 months after the death of our mom, our father had died 2 years earlier. I was still a minor and the father of my 2 kids at first played a fatherly role helping us at times and providing protection from regular eviction threats as we no longer had parents and other land seekers would always want to evict us since we were minors and orphans," said Rudo, as she describes her almost 10-year ordeal.

On being asked why none of their relatives had taken them in after the death of their parents, Rudo stated: "We were very young when we left my father's former communal area in Shurugwi a town a further 200km south west of Innezdale. So we never really had much interaction with our relatives: People in this community came from all over the country so your neighbours became your relatives unlike in the communal setup. Due to the ever existing threat of forced evictions most people adapted to the temporary low cost structures, consisting of basically two thatched huts and smaller structures for grain storage, poultry and small livestock fowl runs. So we rarely had visits from relatives, while other relatives were not keen in visiting resettlement areas as for the greater part of the last 20 years these areas have been highly contentious and violence-related communities. It is only now that people are seeing success in land resettlement communities and the positive side of "hondo yemunda" (FTLRP)."

The father of her two kids is a married and "respected" member of the Innezdale community though they have since separated due to what she termed abuse, as she was a child herself of just 17 years old when she had her first child, though she states many unfulfilled promises as a major reason for their break up. "He promised me a lot of things he never fulfilled. I later realized that he wanted to cover up

for impregnating me while I was under age, but it was only after I had my second child that I realised he was using me.

As if that is not enough, ten years down the line Rudo is now fighting a pending eviction not only from the authorities but her own brother whom she says she put her life on the line for and sacrificed her dignity for. Saul, now 21 and married while working at a nearby mine, is seeking to evict his sister and her three kids from the farm while claiming ownership of the farm using traditional patriarchal laws of inheritance. Though Saul is not staying at the farm or doing any production on the land he is seeking to evict his sister so as to make way for his family when he eventually retires from his job at the mine. "I used my body and everything that I didn't have to get my young brother through high school and now he has a decent job, he wants me off our parents farm and my only source of livelihood, simply because I am a woman? He calls me names because I have three children by two different men all of which was a result of my sacrifice to put him through school," laments Rudo. "Since I was around 10 years old these land issues have been very contentious. It was better when my parents were still alive, particularly my father, as he would usually take care of the issues. After my father died things started to fall apart. That is when the father of my 2 kids came into our lives, initially protecting us from evictions from other land seekers and standing as a father figure. After my mother's death he was the only one we could go to and everything else is history. I just wish the government could solve this tenure problem so everyone can benefit fairly, and also if organisations could help us with education on tenure security issues," she said in her closing remarks.

These are some of the major challenges that female-headed families are facing in resettlement communities. Sexual exploitation and abuse is very rampant as respondents indicated that at one time or another they have been forced into exploitive and abusive relationships when they seek protection, support or help from male leaders, authorities and neighbours. Most of the respondents indicated that being a single parent made them more vulnerable and exposed to violations than their married counterparts. Also critical is the lack of knowledge of the avenues to seek redress or alternative justice frameworks on Human, Land, Economic and social rights violations.



Figure 6: A typical socially produced bridge in the Innezdale community.

Recommendations

- Government should urgently address the land policy vacuum and tenure insecurity by formulating new and effective policy at the national level in collaboration with affected communities
- Government should ensure access to safe and clean water by drilling boreholes in resettlement areas.
- Government should invest in the development of service roads and infrastructure to ensure accessibility to markets, hospitals and other essential services.
- Government should build, staff, and sustainably fund schools and clinics to ensure the right to health and education in resettlement areas.
- Tenancy should be regularised so that communities can contribute to roads and infrastructure development through the payment of levies and other taxes.
- The Zimbabwe Land Commission should immediately be capacitated to deal with land disputes backlog.
- Non-state actors should be approached to assist in the provision of potable water drilling of boreholes, provision of counselling services to female-headed families and relief aid.
- Government should provide both technical and financial agricultural support to women for effective production and marketing on their farms, given that about 25% of the women surveyed were only utilising between 0–2 hectares of the 5 hectares held
- Organizations should be approached to assist in the provision of community and grassroots education on land rights and alternative justice systems
- Government should set up a compensation fund to cater for all victims of forced evictions unlike the current situation where only former commercial farmers are being compensated.

Next Steps and way forward

- Develop a program to train community land rights defenders and peer educators
- Organize a consultation and critical analysis of the land policy draft and development process
- Engage in community education on land rights and alternative justice systems
- Advocate and lobby for mainstreaming of gender equality into the land policy
- Advocate and lobby for mainstreaming gender equality and women's land rights into the national development strategies and policies
- Develop Information, Education and Communication campaigns on land rights and alternative justice systems
- Develop a social and psychological support for program for female family heads.

Annex I: Reparation framework

National Development Strategy 1(NDS1) National Development Strategy(2021–2025): Towards A Prosperous and Upper Middle Income Society by 2030, http://www.zimtreasury.gov.zw/Index.php?option=com_phocadownload&view=category&id=64&Itemid=789

Sustainable Development Goals (SDG)

2030 Agenda for Sustainable Development

Zimbabwe

Land

Commission

https://www.google.com/url?sa=t&source=web&rct=j&url=http://zimlil.org/zw/legislation/act/2017/12&ved=2ahUKEwiftj_pvHxAhUGBsAKHWKCAVwQFjAAegQIAxAC&usg=AOvVaw1qSocRel6uszThHlG-HBm

A1 Model Farms <https://www.tandfonline.com/doi/full/10.1080/03056244.2019.1622210>

Annex I: Reparation framework

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/60/509/Add.1)]

60/147. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,²⁰ the International Covenants on Human Rights,²¹ other relevant human rights instruments and the Vienna Declaration and Programme of Action,²²

Affirming the importance of addressing the question of remedies and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law in a systematic and thorough way at the national and international levels,

Recognizing that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms international law in the field,

Recalling the adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law by the Commission on Human Rights in its resolution 2005/35 of 19 April 2005²³ and by the Economic and Social Council in its resolution 2005/30 of 25 July 2005, in which the Council recommended to the General Assembly that it adopt the Basic Principles and Guidelines,

1. *Adopts* the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to the present resolution;

2. *Recommends* that States take the Basic Principles and Guidelines into account, promote respect thereof and bring them to the attention of members of the executive bodies of government, in particular law enforcement officials and military and security forces, legislative bodies, the judiciary, victims and their representatives, human rights defenders and lawyers, the media and the public in general;

3. *Requests* the Secretary-General to take steps to ensure the widest possible dissemination of the Basic Principles and Guidelines in all the official

²⁰ Resolution 217 A (III).

²¹ Resolution 2200 A (XXI), annex.

²² A/CONF.157/24 (Part I), chap. III.

²³ See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

languages of the United Nations, including by transmitting them to Governments and intergovernmental and non-governmental organizations and by including the Basic Principles and Guidelines in the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.

64th plenary meeting
16 December 2005

Annex

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

Preamble

The General Assembly,

Recalling the provisions providing a right to a remedy for victims of violations of international human rights law found in numerous international instruments, in particular article 8 of the Universal Declaration of Human Rights,¹ article 2 of the International Covenant on Civil and Political Rights,² article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination,²⁴ article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,²⁵ and article 39 of the Convention on the Rights of the Child,²⁶ and of international humanitarian law as found in article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV),²⁷ article 91 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977,²⁸ and articles 68 and 75 of the Rome Statute of the International Criminal Court,²⁹

Recalling the provisions providing a right to a remedy for victims of violations of international human rights found in regional conventions, in particular article 7 of the African Charter on Human and Peoples' Rights,³⁰ article 25 of the American Convention on Human Rights,³¹ and article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms,³²

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power emanating from the deliberations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of

²⁴ Resolution 2106 A (XX), annex.

²⁵ United Nations, *Treaty Series*, vol. 1465, No. 24841.

²⁶ *Ibid.*, vol. 1577, No. 27531.

²⁷ See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

²⁸ United Nations, *Treaty Series*, vol. 1125, No. 17512.

²⁹ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

³⁰ United Nations, *Treaty Series*, vol. 1520, No. 26363.

³¹ *Ibid.*, vol. 1144, No. 17955.

³² *Ibid.*, vol. 213, No. 2889.

Offenders and General Assembly resolution 40/34 of 29 November 1985 by which the Assembly adopted the text recommended by the Congress,

Reaffirming the principles enunciated in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including that victims should be treated with compassion and respect for their dignity, have their right to access to justice and redress mechanisms fully respected, and that the establishment, strengthening and expansion of national funds for compensation to victims should be encouraged, together with the expeditious development of appropriate rights and remedies for victims,

Noting that the Rome Statute of the International Criminal Court requires the establishment of “principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation”, requires the Assembly of States Parties to establish a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, and mandates the Court “to protect the safety, physical and psychological well-being, dignity and privacy of victims” and to permit the participation of victims at all “stages of the proceedings determined to be appropriate by the Court”,

Affirming that the Basic Principles and Guidelines contained herein are directed at gross violations of international human rights law and serious violations of international humanitarian law which, by their very grave nature, constitute an affront to human dignity,

Emphasizing that the Basic Principles and Guidelines contained herein do not entail new international or domestic legal obligations but identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law which are complementary though different as to their norms,

Recalling that international law contains the obligation to prosecute perpetrators of certain international crimes in accordance with international obligations of States and the requirements of national law or as provided for in the applicable statutes of international judicial organs, and that the duty to prosecute reinforces the international legal obligations to be carried out in accordance with national legal requirements and procedures and supports the concept of complementarity,

Noting that contemporary forms of victimization, while essentially directed against persons, may nevertheless also be directed against groups of persons who are targeted collectively,

Recognizing that, in honouring the victims’ right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law,

Convinced that, in adopting a victim-oriented perspective, the international community affirms its human solidarity with victims of violations of international law, including violations of international human rights law and international humanitarian law, as well as with humanity at large, in accordance with the following Basic Principles and Guidelines,

Adopts the following Basic Principles and Guidelines:

I. Obligation to respect, ensure respect for and implement international human rights law and international humanitarian law

1. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law emanates from:

- (a) Treaties to which a State is a party;
- (b) Customary international law;
- (c) The domestic law of each State.

2. If they have not already done so, States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations by:

(a) Incorporating norms of international human rights law and international humanitarian law into their domestic law, or otherwise implementing them in their domestic legal system;

(b) Adopting appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice;

(c) Making available adequate, effective, prompt and appropriate remedies, including reparation, as defined below;

(d) Ensuring that their domestic law provides at least the same level of protection for victims as that required by their international obligations.

II. Scope of the obligation

3. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

(a) Take appropriate legislative and administrative and other appropriate measures to prevent violations;

(b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;

(c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and

(d) Provide effective remedies to victims, including reparation, as described below.

III. Gross violations of international human rights law and serious violations of international humanitarian law that constitute crimes under international law

4. In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.

5. To that end, where so provided in an applicable treaty or under other international law obligations, States shall incorporate or otherwise implement within their domestic law appropriate provisions for universal jurisdiction. Moreover, where it is so provided for in an applicable treaty or other international legal obligations, States should facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice, including assistance to, and protection of, victims and witnesses, consistent with international human rights legal standards and subject to international legal requirements such as those relating to the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment.

IV. Statutes of limitations

6. Where so provided for in an applicable treaty or contained in other international legal obligations, statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law.

7. Domestic statutes of limitations for other types of violations that do not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.

V. Victims of gross violations of international human rights law and serious violations of international humanitarian law

8. For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

9. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.

VI. Treatment of victims

10. Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.

VII. Victims' right to remedies

11. Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law:

- (a) Equal and effective access to justice;
- (b) Adequate, effective and prompt reparation for harm suffered;
- (c) Access to relevant information concerning violations and reparation mechanisms.

VIII. Access to justice

12. A victim of a gross violation of international human rights law or of a serious violation of international humanitarian law shall have equal access to an effective judicial remedy as provided for under international law. Other remedies available to the victim include access to administrative and other bodies, as well as mechanisms, modalities and proceedings conducted in accordance with domestic law. Obligations arising under international law to secure the right to access justice and fair and impartial proceedings shall be reflected in domestic laws. To that end, States should:

- (a) Disseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law;
- (b) Take measures to minimize the inconvenience to victims and their representatives, protect against unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims;
- (c) Provide proper assistance to victims seeking access to justice;
- (d) Make available all appropriate legal, diplomatic and consular means to ensure that victims can exercise their rights to remedy for gross violations of international human rights law or serious violations of international humanitarian law.

13. In addition to individual access to justice, States should endeavour to develop procedures to allow groups of victims to present claims for reparation and to receive reparation, as appropriate.

14. An adequate, effective and prompt remedy for gross violations of international human rights law or serious violations of international humanitarian law should include all available and appropriate international

processes in which a person may have legal standing and should be without prejudice to any other domestic remedies.

IX. Reparation for harm suffered

15. Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.

16. States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.

17. States shall, with respect to claims by victims, enforce domestic judgements for reparation against individuals or entities liable for the harm suffered and endeavour to enforce valid foreign legal judgements for reparation in accordance with domestic law and international legal obligations. To that end, States should provide under their domestic laws effective mechanisms for the enforcement of reparation judgements.

18. In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

19. *Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.

20. *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

- (a) Physical or mental harm;
- (b) Lost opportunities, including employment, education and social benefits;
- (c) Material damages and loss of earnings, including loss of earning potential;
- (d) Moral damage;

(e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

21. *Rehabilitation* should include medical and psychological care as well as legal and social services.

22. *Satisfaction* should include, where applicable, any or all of the following:

(a) Effective measures aimed at the cessation of continuing violations;

(b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;

(c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;

(d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;

(e) Public apology, including acknowledgement of the facts and acceptance of responsibility;

(f) Judicial and administrative sanctions against persons liable for the violations;

(g) Commemorations and tributes to the victims;

(h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.

23. *Guarantees of non-repetition* should include, where applicable, any or all of the following measures, which will also contribute to prevention:

(a) Ensuring effective civilian control of military and security forces;

(b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;

(c) Strengthening the independence of the judiciary;

(d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;

(e) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;

(f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;

(g) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;

(h) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.

X. Access to relevant information concerning violations and reparation mechanisms

24. States should develop means of informing the general public and, in particular, victims of gross violations of international human rights law and serious violations of international humanitarian law of the rights and remedies addressed by these Basic Principles and Guidelines and of all available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access. Moreover, victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.

XI. Non-discrimination

25. The application and interpretation of these Basic Principles and Guidelines must be consistent with international human rights law and international humanitarian law and be without any discrimination of any kind or on any ground, without exception.

XII. Non-derogation

26. Nothing in these Basic Principles and Guidelines shall be construed as restricting or derogating from any rights or obligations arising under domestic and international law. In particular, it is understood that the present Basic Principles and Guidelines are without prejudice to the right to a remedy and reparation for victims of all violations of international human rights law and international humanitarian law. It is further understood that these Basic Principles and Guidelines are without prejudice to special rules of international law.

XIII. Rights of others

27. Nothing in this document is to be construed as derogating from internationally or nationally protected rights of others, in particular the right of an accused person to benefit from applicable standards of due process.

Annex II: Zimbabwe's Relevant Treaty Obligations

International Instruments	ICESCR	ICCPR	ICERD	CEDaW	CaT	CRC-OP-AC	CRC-OP-SC	CRPD	CRPD-OP
		13 May 1991 ^a	13 May 1991 ^a	13 May 1991 ^a	13 May 1991 ^a	6 Nov 1998 ^a	22 May 2013	14 Feb 2012 ^a	23 Sep 2013 ^a
Regional Instruments	ACHPR	Maputo	AYC	ACDEG					
		30 May 1986	15 Apr 2008	16 Mar 2009	21 Mar 2018				

Legend:

Abbreviations:

ACDEG = African Charter on Democracy, Elections and Governance

ACHPR = The African Charter on Human and Peoples' Rights

AYC = African Youth Charter

CEDaW = Convention on the Elimination of All Forms of Discrimination against Women;

CRC = Convention on the Rights of the Child;

CRC-OP-AC = Optional Protocol to the Convention on the Rights of the Child (on the involvement of children in armed conflict): signed 20 Sep 2008;

CRC-OP-SC = Optional Protocol to the Convention on the Rights of the Child (on the sale of children, child prostitution and child pornography) : signed 20 Sep 2008.

CRPD = Convention on the Rights of Persons with Disabilities;

CRPD-OP - Optional protocol to the Convention on the Rights of Persons with Disabilities

ICCPR = International Covenant on Civil and Political Rights;

ICERD = International Convention on the Elimination of All Forms of Racial Discrimination;

ICESCR = International Covenant on Economic, Social and Cultural Rights;

Maputo = The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

^a = accession to the treaty already in force;

^s = signed only, without ratification.

Protocols and treaties to which Zimbabwe is not a party:

CaT = Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

CAT, Art.22 - Individual complaints procedure under the Convention against Torture

CCPR-OP1 - Optional Protocol to the International Covenant on Civil and Political Rights

CED = Convention for the Protection of All Persons from Enforced Disappearance;

CED, Art.31 - Individual complaints procedure under the International Convention for the Protection of All Persons from Enforced Disappearance

CEDAW-OP - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

CERD, Art.14 - Individual complaints procedure under the International Convention on the Elimination of All Forms of Racial Discrimination

CESCR-OP - Optional protocol to the International Covenant on Economic, Social and Cultural Rights

CMW, Art.77 - Individual complaints procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

CRC-OP-IC - Optional Protocol to the Convention on the Rights of the Child.