

IMPACT OF COVID-19 LOCKDOWNS ON HUMAN RIGHTS

The Ordinary Voices from Midlands and Mashonaland West



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W/O 3/93
Campaigners for Human Rights

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TABLE OF CONTENTS

01. EXECUTIVE SUMMARY	1
02. INTRODUCTION	5
03. DEFINING MARGINALISED GROUPS	7
04. ENFORCEMENT OF LOCKDOWN REGULATIONS	9
05. METHODOLOGY	11
06. FINDING	12
6.1. IMPACT OF THE PANDEMIC ON THE RIGHTS OF WOMEN	12
6.2. IMPACT OF COVID-19 ON THE RIGHTS OF THE YOUTHS AND CHILDREN	17
6.3. IMPACT OF COVID-19 ON THE RIGHTS OF PERSONS WITH DISABILITIES	19
6.4. GENERAL RIGHTS INFRINGEMENT	21
07. CONCLUSIONS AND RECOMMENDATIONS	22



01

EXECUTIVE SUMMARY

The effects of COVID-19 are yet to fully manifest and the impact still to be realised. However, as the pandemic evolves there are a myriad of challenges as the state attempts to arrest and curtail devastating possibilities. Lockdowns have been the weapon of choice for most governments, Zimbabwe included. These were to the extent of limiting several secondary rights including fundamental freedoms of movement, association and gathering. More so, primary rights to education, health, well-being (sanitation, water and food) were also curtailed. Implementation of lockdown has varied at different levels. The use of security forces has also varied with each level.

Research in the provinces of Midlands and Mashonaland West aimed at investigating the impact of the lockdowns on human rights revealed several issues. It revealed that citizens were heavily affected by the manner in which security forces implemented lockdown and the approval of their actions was very low. Citizens noted that security details succumbed to corruption in delivering their duties which resulted in lockdown regulations not being implemented uniformly. Subsequently, already marginalised groups of women, children, youth and persons with disabilities where the ones effectively locked down while other favoured groups corruptly went about their business. Participants singled out the first lockdown as the only effective lockdown as it was uniformly implemented.

However, citizens equally noted that the first lockdown, although successfully implemented, was not necessary as the country was yet to experience the pandemic. Fundamentally, participants felt that their rights were taken away for no justified reason.

The research utilised a mixed methods approach anchored on focus group discussions in the two provinces, key informant interviews, a thorough

literature review of reports by CSOs, government gazettes, and other relevant documents. Eight focus group discussions were conducted with four women groups, two with persons with disabilities, and two with young people.

Essentially, with respect to effects (impact) of the lockdown, it was established that the concerned marginalised groups were most affected in several aspects including limited to no access to primary rights to health, food, water and education. Children were singled out in all discussions as most affected as their right to education has been retarded with little to no chance of recovery. Rural based school going children were placed in the worst extreme as they could not access online education which some children accessed in urban areas.

Women's livelihoods, most of whom depended on small vending and day to day cash pickups, were also affected. Their situation was worsened by the fact that corrupt security details denied them access to urban hubs and growth points to conduct their business while their male counterparts corruptly gained access. Transport problems only exacerbated the challenges faced by the marginalised groups.



Lockdowns have been the weapon of choice for most governments, Zimbabwe included.

SUMMARY OF FINDINGS

- There was selective application of implementation of lockdown regulations by security sector at roadblocks as a result of corruption.
- Women rights to livelihoods were heavily affected as most them are not formally employed and rely on vending.
- The right to education was the single most referred to as the biggest effect of COVID-19 lockdown rules.
- The right to movement impacted on several other rights such as right to health, education, employment and association. This limitation was not evenly or fairly implemented by security sector thereby leading to unbearable effects on already marginalised groups.

To this end, when asked what government and civil society can do for better implementation of lockdown, with a view to prolonged application of the pandemic curtailing law, citizens recommended that;

RECOMMENDATIONS TO ZIMRIGHTS

- ZimRights must solicit for social safety nets for its members who are most affected by the pandemic or at least advocate that government provide the same to its members.
- ZimRights must develop and propose that government use/adopt inclusion pillars/strategies to ensure that policy making does not result in disproportionate effects on marginalised groups of society.

RECOMMENDATIONS TO CIVIL SOCIETY ORGANISATIONS

- Civil society organisations must collaboratively and systematically compile dossiers of state sponsored COVID-19 human rights violations and use the same for advocacy for access to justice by the victims.
- Civil society organisations must test the proportionality of government COVID-19 response through litigation



- Civil society organisations must mainstream human rights education in their programming to increase human rights knowledge of community members.
- Civil society organisations working with women, persons with disability and children must conduct further research into the impact of lockdowns on these marginalised groups beyond human rights.

RECOMMENDATIONS TO GOVERNMENT

- Government must develop inclusive disaster/pandemic response strategies.
- Government must put in place social safety nets for the marginalised who are hardest hit by the lockdown and enforcement thereof.
- Government must put measures in place to curb corruption by its officers enforcing the lockdown regulations.
- In enforcing lockdown regulations, government must ensure that the law enforcement officers

use minimum force and ensure that measures being taken are proportional to the desired changes.

RECOMMENDATIONS TO ZIMRIGHTS (FROM FINDINGS)

- ZimRights must subject the lockdown measures and implementation thereof to judicial review through litigation to ensure compliance with both national and international standards of human rights law.
- The level of constitutional literacy and human rights knowledge by ZimRights members who participated in the focus group discussions was below basic. ZimRights must invest in training its membership on constitutional rights and avail copies of the constitution to its members. Once they are articulate on their rights, they are better placed to defend them.
- ZimRights must ensure its membership from the persons with disability fraternity receive constitutional literacy and human rights information in the disability friendly format.



02

INTRODUCTION

Since recording its first Covid-19 case in March 2020, Zimbabweans have been under a perpetual lock down which varied from level 1 to level 5. Lockdowns by their very nature entail limiting of rights.

However, there is a legal justification for such limitation both in domestic and international law. Section 86 and 87 of the Constitution provide for such limitation for as long as it is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom. Such limitation must also have a clear legal basis, must serve a legitimate aim and must have proportionality between means and ends.

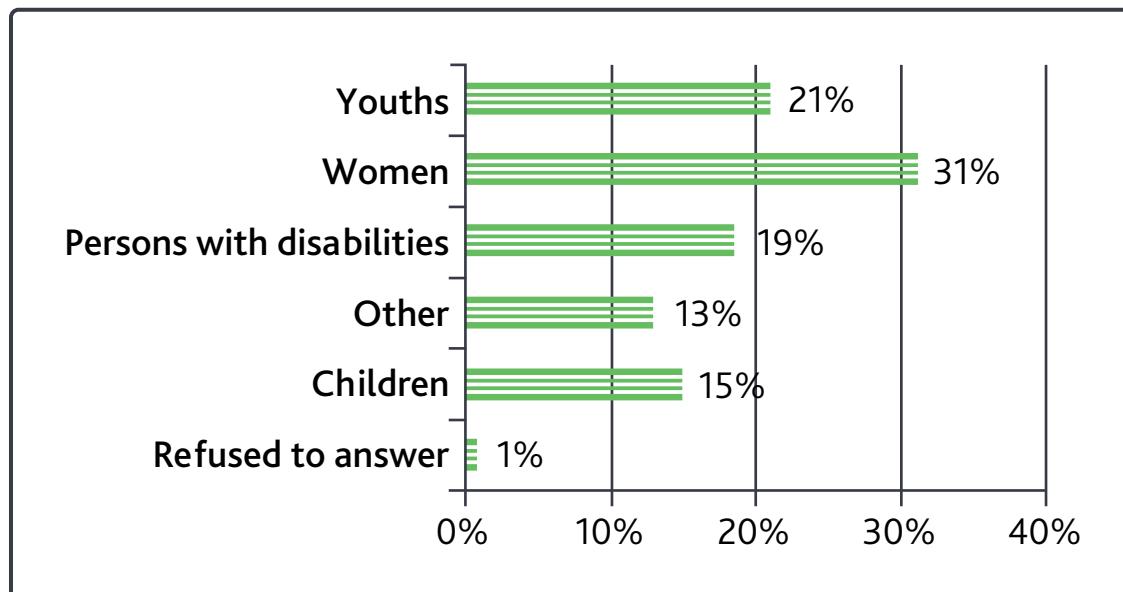
This research seeks to establish how the Covid-19 pandemic limitation of rights enshrined in the Constitution of Zimbabwe impacted on four distinct and marginalised groups of the Zimbabwean population namely women, youths, children and persons with disabilities.

Using data collected from the Midlands province (Gokwe and Kwekwe) and Mashonaland West province (Karoi and Magunje), the research establishes that the Covid-19 induced lockdowns and the resultant limitations of rights had a disproportionate impact on the rights of these distinct groups of the Zimbabwean population which are marginalised. The fact that youths,

children, women and persons with disabilities are the most affected by the pandemic is illustrated by Figure 1 below. The research is an assessment of the extent to which the Zimbabwean Covid-19 Response Strategy was inclusive. It also assesses the proportionality of the enforcement of the lockdown measures by the police and the soldiers.

Lastly, the research provides recommendations on what government as well as civil society (which includes ZimRights) must do to ensure an inclusive Covid-19 response strategy and to cushion the marginalised groups of the Zimbabwean population from the adverse effects of the Covid-19 induced limitation of their rights.

Figure 1: Who is most affected by the pandemic?





03

DEFINING MARGINALISED GROUPS

According to the National Collaborating Centre for Determinants of Health, marginalized populations are groups and communities that experience discrimination and exclusion (social, political and economic) because of unequal power relationships across economic, political, social and cultural dimensions¹. Marginalisation describes both a process, and a condition, that prevents individuals or groups from full participation in social, economic and political life.²

1. <https://nccdh.ca/glossary/entry/marginalized-populations>
2. UKAID DIRECT, retrieved on the 24th of August 2021 from <https://www.ukaiddirect.org/wp-content/uploads/2017/03/Defining-marginalised.pdf>

As a condition, marginalisation can prevent individuals from actively participating in social, economic and political aspects of life.³

People can be marginalised due to multiple factors;

- sexual orientation,
- gender,
- geography,
- ethnicity,
- religion,
- displacement,
- conflict or
- disability.

Poverty is both a consequence and a cause of being marginalised.⁴ Political discrimination may marginalise some ethnic groups, migrants or particular regions of the country. Social discrimination and marginalisation can impact on a wide range of groups on the basis of age, gender, sexuality, language, disability etc. Economic marginalisation can prevent equal access to basic services, income opportunities and access to jobs.⁵

According to UKAID Direct, any serious effort at eradicating marginalisation must develop comprehensive inclusion pillars which, among other things, ensure that:

- every person has a fair opportunity in life no matter who or where they are.
- people who are furthest behind, who have least opportunity and who are the most excluded will be prioritised.
- every person counts and will be counted.

This study focused on four distinct marginalised groups of society in Zimbabwe namely:

- women (Section 17 and 80 of the Constitution),
- youths (Section 20 of the Constitution),
- children (Section 81 of the Constitution)
- persons with disabilities (Section 22 and 83 of the Constitution) from rural communities from Mashonaland West and Midlands Provinces.



Marginalisation describes both a process, and a condition, that prevents individuals or groups from full participation in social, economic and political life.

3. Ibid

4. Ibid

5. Ibid



04

ENFORCEMENT OF LOCKDOWN REGULATIONS

ROLE OF SECURITY FORCES

Except for the rights listed under Section 86 (3) of the Constitution, all other rights enshrined in Chapter 4 of the constitution are not absolute rights. This means that these rights can be limited *"to the extent that the limitation is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom"*.⁶

6. Constitution of Zimbabwe, Section 86

Whilst there is a sound legal basis both under domestic and international law to derogate from non-absolute rights in the interest of public health such as in the case of the lockdowns, such limitations must pass the following triple test:

- a) the limitation must have a clear legal basis
- b) that the limitation must serve a legitimate aim
- c) there is proportionality between means and ends

From the evidence collected in this research, the behaviour of the soldiers and police officers in enforcing the lockdown regulations, make it difficult to fulfil test (c) above. In Gokwe South District, it was reported that soldiers ordered anyone they deemed to be in violation of lockdown regulations to sit and roll in muddy waters during the rainy season. There are instances where this barbaric treatment was meted to people who even had exemption letters because soldiers “claimed that they cannot read”. This is in addition to brutal assaults. One incident of assault resulted in the victim losing their teeth. There were also reports of wanton and indiscriminate use of tear gas canisters on anyone who was perceived to be violating lockdown regulations. In Magunje, there was an instance where teargas canisters were thrown into a private home.

The human rights violations were so widespread that the United Nations Office of the High Commissioner for Human Rights in July 2020 issued a statement to the effect that;

COVID-19 should not be used to clamp down on fundamental freedoms, including freedom of expression and right to peaceful assembly. We remind #Zimbabwe that any lockdown measures and restrictions should be necessary, proportionate, time-limited.⁷

It was also reported in all the eight focus group discussions that the police and the soldiers used their enforcement of the lockdown responsibility as an opportunity to line their pockets as opposed to containing the pandemic. All the participants in all the groups pointed to the fact that the police and soldiers manning road blocks are corrupt. In Karoi, they use what is called a “corner office”, a place where all those who would have been rounded off for allegedly breaching lockdown regulations were taken to so that they can pay bribes which range between five and ten US Dollars per person. Participants reported that there is no single road block which one cannot pass as long as they are able to pay the bribes required. As such, participants felt that the road blocks, which are set up to restrict movement and hence curb the spread of the virus, are instead serving to line up the pockets of those officers deployed on these road blocks. It was also observed that police and army officers manning the road blocks do not stop top of the range vehicles, do not request exemptions documents from them and neither do they solicit for any bribes from them, thus widening the gaps between the haves and have not.

7. "The coronavirus pandemic should not be used as an excuse to clamp down on fundamental freedoms, the UN human rights office (OHCHR) reminded authorities in Zimbabwe on Friday" <https://news.un.org/en/story/2020/07/1069011>.

05

METHODOLOGY

The research utilised a mixed methods approach anchored on focus group discussions in the two provinces, key informant interviews, a thorough literature review of reports by CSOs, government gazettes, and other relevant documents. Eight focus group discussions were conducted with four women groups, two with persons with disabilities, and two with young people.

1. Desk review - this entailed reviewing already existing material and data on human rights in Zimbabwe, reports from several CSOs that work on women, children and persons with disabilities, and government documents including statutory instruments.

2. Focus group discussion - these allowed for more inquisitive understanding of citizens' view of COVID-19 and lockdowns, its impact on their day to day lives. Eight homogenous groups of women, youths, and persons with disabilities in the two case provinces.

3. Key informant interviews - were administered on informants who are directly working with different vulnerable and marginalized communities. Targets were women groups CSOs representatives, community leaders, and faith-based organizations. A total of ten key informants were interviewed.



06

FINDINGS

6.1

IMPACT OF THE PANDEMIC ON THE RIGHTS OF WOMEN

6.1.1 ECONOMIC RIGHTS OF WOMEN

Statistics from the Vendors Initiative for Social and Economic Transformation (VISET), 65 percent of people in the informal sector are women. What this effectively means is that the majority of Zimbabwean women survive on informal trading.

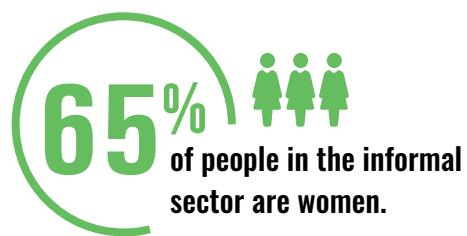


FGD in Midlands Province, Kwekwe district

According to VISET, informal traders have rights under Sections 64 of the Constitution (freedom of profession, trade or occupation) and Section 24 of the Constitution (which obliges the state to provide everyone with an opportunity to work in a freely chosen activity, in order to secure a decent living for themselves and their families and to remove restrictions that unnecessarily inhibit or prevent people from working and otherwise engaging in gainful economic activities. This is closely linked to the right to food as the lockdown made it difficult, if not impossible for the women to pursue their gainful economic activities.

The first phase of the lockdown in March 2020 resulted in the closure of market stalls of vendors, 65 percent of whom are women. Although the lockdown was subsequently eased and market stalls were allowed to reopen, women from Kwekwe and Karoi lamented that their local

authorities set up unreasonable and unrealistic conditions for the reopening of these vending stalls. Some of these requirements included clearing all arrears with Councils and paying up the present vending rates which were pegged so high that no woman who had been locked down for so long, with no income, was capable of paying. Women bemoaned that these measures, when summed up, effectively meant that the local authorities no longer allowed them re-open their vending stalls, hence the proliferation of illegal vending and the resultant cat and mouse relationship between the vendors and the local authorities.



Their precarious situation was further exacerbated by the fact that women rely on getting small loans to finance their vending businesses. Before the lockdown, women had taken loans which, due to the lockdown, they were not able to repay as they were not trading. The interests for these loans kept accumulating throughout the duration of the lockdown. Women told this researcher that it was stressful and traumatizing to watch their children going hungry and their businesses collapsing. They watched all their farm produce which they had toiled to produce decaying as there were no markets. While their male counterparts were able to circumvent the lockdown and go to work, women were not able to do so because of fear of the security agents.

Although the lockdown was justified in the interest of public health, the state still had an obligation to ensure that the women whose gainful economic

activities were affected by the pandemic had access to decent living standards during the lockdowns, which entailed access to food. This would entail putting in place social safety nets that cushions the women from the adverse effects of the lockdown. In May 2020, government unveiled an 18 billion Zimbabwe Dollar Economic Recovery and Stimulus package aimed at revitalizing the economy and providing relief to individuals, families, small businesses and industries impacted by the economic slowdown caused by the Covid-19 pandemic. The main aim of the package was to provide liquidity support to all the productive sectors of the economy and protect employment through prevention and minimisation of Covid-19 effects. None of the women from Midlands and Mashonaland West Provinces whom this researcher spoke to ever received support from this package which should have been a good safety net for these women.



6.1.2 RIGHT TO HEALTH

Lockdown induced restrictions made travelling generally difficult for women. For the women in the remote rural areas such as Gokwe, this was an additional layer of difficulty as travelling had already been difficult in the district even before the lockdown, owing to poor road infrastructure which made some places inaccessible. Chronically ill women such as HIV patients, diabetes patients and cancer patients failed to get to the health centres, which, even before the pandemic had been difficult to access. In Magunje, some women reported that women needed to produce evidence that they were HIV positive, and that they were travelling to get ARVs, in order to pass the road blocks. They felt that their right to privacy (Section 57 (e) of the Constitution) was flagrantly violated.

Women told this researcher that due to the pandemic, admission procedures to hospitals have become lengthy and bureaucratic and in the process, making it difficult, and in some instances impossible for some deserving patients to be admitted. Some lives which could have been saved were lost in the process. Denying women access to health, which is a fundamental right (Section 76 of the Constitution), amounts to not only structural violence against women, but marginalization as well.

6.1.3 SEXUAL REPRODUCTIVE HEALTH RIGHTS

Women reported that some of the security agents, particularly the police and the soldiers, in addition to physically harassing the women found in conflict with lockdown regulations, demanded sexual favours from the women in exchange of freedom or passing security check points. Pregnant women could not access health care at all or in time due to travel restrictions, long distances to health centres and lengthy admission requirements which include Covid-19 testing before admission. This resulted in home deliveries by pregnant women.

Although this researcher could not obtain statistics of Covid-19 induced infant mortality from district and provincial authorities from Mashonaland West and Midlands, the researcher managed to verify one case of still births as a result of Covid-19 induced difficulties in accessing health care by women in Gokwe South District. The district office of the Ministry of Women Affairs in

Gokwe confirmed that they have recorded one case of still births as a result of Covid-19 induced inaccessibility of maternal care by women.

A participant in one of the focus group discussions who was pregnant failed to pass through the police check points to access the maternity clinic to deliver her baby. She told this researcher that she only managed to pass through the roadblock after her husband, who is a police officer, accompanied her. Due to the Covid-19 pandemic, it has become difficult for the women to access contraceptives. Another participant, who was breastfeeding a baby, told the focus group members that it was not in her plans “*to have this baby*” but because she could not access contraceptives during the lockdown, she ended up falling pregnant. This is just one of the several unwanted pregnancies which resulted from the Covid-19 pandemic induced lockdowns.



As a result of the pandemic, sanitary wear has become so expensive that it is now beyond the reach of many women. This is coupled by the fact that most retailers are now charging their goods and services in USD, which most women cannot get owing to their economic vulnerabilities. Inaccessibility of sanitary wear reduces the esteem of the women and limits their participation in public spheres.

6.1.4 GENDER BASED VIOLENCE

Findings from this research demonstrates an increase in gender inequality as a result of the Covid-19 pandemic. Covid-19 induced lockdowns have increased the vulnerability of girls and women to sexual violence and exploitation. The lockdown has confined couples together to their homes for too long, enduring each other's weaknesses and shortcomings. It also had the effect of trapping perpetrators and victims together. This was also coupled by Covid-19 induced hunger and poverty which made peace in homesteads difficult. All the women who participated in the focus group discussions reported that Covid-19 has resulted in a sharp increase in Gender Based Violence Cases.

As can be seen on Table 1 and Fig 1, there was a sharp increase in Gender Based Violence Cases since the start of the pandemic. Emphasis should be made that these statistics are very conservative as the lockdown has made it difficult, and in some cases impossible for victims of Gender Based Violence to report. Lockdown induced movement restrictions also made it difficult, and in some cases impossible for victims not only to report cases of

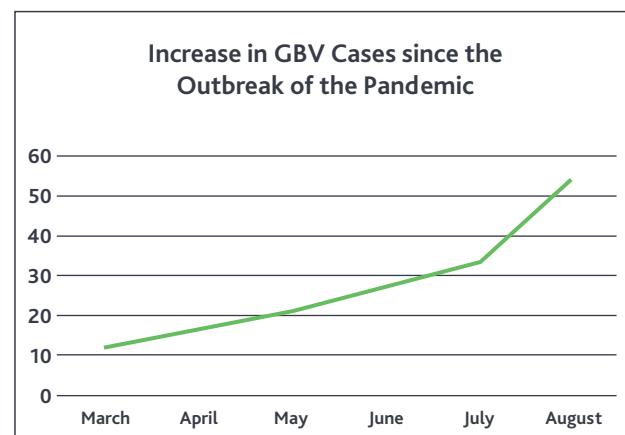
Gender Based Violence, but to access victim friendly facilities after reporting, thus exposing them to further violence. While some women, especially those living in Gokwe Town told this researcher that they have the contact details of the Victim Friendly Facilities, they found it difficult to report "*a perpetrator who is by your side*". Those in the rural areas told the researcher that apart from neighbours and traditional leaders, they did not know where and how to report Gender Based Violence, let alone what Gender Based Violence is.

Table 1: Table showing that statistics of GBV Increasing during the Lockdown

Source: Ministry of Women Affairs

March	April	May	June	July	August
12	17	21	27	33	54

Fig.1: Increase in GBV Cases in Gokwe South as a result of the pandemic



6.1.5 WOMEN VULNERABILITIES TO COVID-19

Perceptions of vulnerability to Covid-19 amongst women are very high. All the women who participated in the focus group discussions felt that they are not safe from the pandemic, particularly in Karoi and Magunje which were declared Covid-19 hotspots. Residing in a Covid-19 hotspot where the District Covid-19 Taskforce is under-resourced and virtually dysfunctional, they fear that the disease can wipe them off. Women feel that they are more vulnerable than their male counterparts because they are the ones that stampede for basic commodities such food aid and water at boreholes. Women in Gokwe said that there are no sanitizers at community boreholes. Water is a scarce commodity in the district, with some women having to walk for 10 kilometres to get water. This particularly poses a challenge since Covid-19 requires one to regularly wash their hands. For the women, washing hands is a luxury since water to drink is hard to come by.



6.2

IMPACT OF COVID-19 ON THE RIGHTS OF THE YOUTHS AND CHILDREN

6.2.1 RIGHT TO FREEDOM FROM SEXUAL EXPLOITATION, CHILD LABOUR, MALTREATMENT AND ABUSE

Section 81 (e) of the Constitution of Zimbabwe states that children must be protected from sexual exploitation, child labour, maltreatment and any form of abuse. The youths from the Midlands and Mashonaland West Provinces stated that that the extended closure of the schools took away the protective sanctuary offered by the schools, left young girls redundant and idle, in addition to enduring the Covid-19 induced hunger, poverty and starvation. This made them vulnerable to juvenile delinquencies, prostitution, unwanted pregnancies and early marriages. Covid-19 induced economic vulnerabilities increased the risk of child marriages as families marry off their daughters at a very early age. This automatically drops them from schools.

The District office of the Ministry of Women Affairs in Gokwe reported that they recorded five cases of early marriages with age ranges of 14 to 16 since the pandemic. In Chirumhanzu District, there were two cases of child marriages as a result of lockdown induced challenges, one of a 13 year old child and another one of a 14 year old child. In Mhondoro-

Ngezi, a 14 year old girl was married off to a 65 year old businessman owing to the Covid-19 induced economic vulnerabilities of her mother who, before the lockdown, used to sell firewood in Chegutu. In Marange District, six girls between the ages of 14 and 17 were married since the beginning of the schools shut down in March 2020. The figures could be much higher as most of those cases go unreported.

The closure of schools and the confinement of children to their homes increased their vulnerabilities to child labour. In Gokwe South, there were reports of children being sent far afield to search firewood, fetch water, herd cattle and goats, queue for food aid, among other exploitative labour practices from which the children must be protected as envisioned under Section 19 of the Zimbabwean Constitution. Child labour is also prohibited under Section 81 of the Constitution of Zimbabwe.

6.2.2 RIGHT TO EDUCATION

Covid-19 has seen the shift from traditional forms of education to e-learning, which most girls, particularly those in the remote areas of the Midlands Province such as Gokwe cannot afford. They do not have the digital tools to use for e-learning. Even those that can afford the gadget, such as children of local business men and women in the areas, still cannot access e-learning in some areas owing to poor network connectivity in the

areas. The ZIMSTAT Rapid Poverty, Income, Consumption and Expenditure Surveys (PICES), Telephone Monitoring Survey report (2020) notes that in rural areas, only one quarter of children engaged in distance learning, while in urban areas this proportion was 70 percent. Women's Academy for Leadership and Political Excellence (WALPE, 2020) claimed that only 15 percent of surveyed school going people could access e-learning platforms.⁸ Contrary to the latter and spirit of Section 56 of the Constitution, this amounts to indirect discrimination as their counterparts in urban areas, with whom they eventually sit for similar examinations, have access to e-learning.

6.2.3 RIGHT TO PARTICIPATE IN LOCAL COMMUNITY DEVELOPMENT AND GOVERNANCE

Covid-19 induced restrictions have made it difficult for youths to engage with their solution holders on their challenges and their concerns. This is so because before the pandemic, youths would still gather in their safe spaces to discuss their specific demands, concerns and challenges, co-identify the solution holders, co-package them for presentation to the identified solution holders and to select their representatives who will present their issues. With Covid 19, they are now confined to their homes. They cannot engage as youths and they cannot engage their solution holders.

8. Zimbabwe Peace Project: The Impact of Covid-19 on Socio-Economic Rights in Zimbabwe
<https://reliefweb.int/sites/reliefweb.int/files/resources/ZPP%20Special%20Report-%20COVID%2019%20%26%20Socio-Economic%20Rights.pdf>

They cannot participate in local community development program and platforms such as Village Assemblies, Village Development Committees, Ward Assemblies, Ward Development Committees, Full Council Meetings and Committee Meetings. There are very few spaces left for them to discuss or narrate their experiences with human rights violations. Their voices are not heard and justice is not served. Non-Governmental Organisations that support safe spaces for youths have also been forced to suspend their activities by Covid-19. Those that are still doing the activities are now doing so virtually, thus perpetuating marginalization of those youths who do not have digital tools for online engagements.

6.3

IMPACT OF COVID-19 ON THE RIGHTS OF PERSONS WITH DISABILITIES

Of the four distinct of vulnerable groups that this research focused on, persons with disabilities' rights were worst affected by the pandemic and the state's response to it. Persons with disabilities, particularly those in rural areas such as Magunje and Gokwe, experience multiple layers of vulnerability and marginalised. Firstly, they are vulnerable as persons with disabilities. Secondly, they are vulnerable as habitants of rural communities where access to education, health care and other social services, even before the pandemic, had been difficult to get.



6.3.1 RIGHT TO EDUCATION

Women with disabilities, by virtue of them being women, experience an additional layer of vulnerability and marginalisation. Before the pandemic, persons with disabilities in Zimbabwe's remote rural areas were already struggling to get access to education. This was because rural schools, especially in Gokwe South District, can be as far as 10km and thus inaccessible to wheelchair bound persons with disabilities.

When the lockdown was introduced, learning shifted from the physical to the virtual space. Learners with hearing impairments could not access radio lessons while those with visual impairments could not access television lessons. Similar challenges were also experienced with regards to e-learning/online platforms of education as most persons with disabilities cannot afford disability friendly gadgets for use in e-learning. For example, the visually impaired require speaking gadgets.

If participation in online forms of education was difficult for able bodied urban and rural students, one can imagine how much more difficult it is for a person with disability in the remote rural area Gokwe such as Sahi or Mazalahedwa. This demonstrates that Zimbabwe's Covid-19 response strategy is exclusionary, not disability inclusive and devoid of disability friendly interventions.

6.3.2 RIGHT TO INFORMATION

Section 62 of the Zimbabwean constitution guarantees the right to information. What this effectively means is that every Zimbabwean has a right to access all Covid-19 related information, including all Covid-19 related Statutory Instruments and any related literature. Persons with disabilities who participated in this research said that all this information does not exist in disability friendly formats such as brail, sign language, etc.

6.3.3 RIGHT TO HEALTH

The disruptions to the health care system as a result of the pandemic had disproportionate effects on persons with disabilities.⁹ Zimbabwe's Covid-19 response strategy does not meet the needs of people with disabilities across the entire Covid-19 prevention, treatment, mitigation, care and support spectrum. Free medical care for persons with disabilities became harder to access due to travel restrictions, which resulted in drugs running out of stock at designated places.¹⁰ It was also difficult for women with disabilities to access sexual and reproductive health services and support.¹¹ The majority of persons with disabilities have no medical aid, yet they ought to be treated regularly for special conditions including skin cancer, fibroids, asthma, diabetics, schizophrenia, brain tumor, heart problems, discharging ear and breast cancer. This became even more difficult due

9. Zimbabwe Peace Project: The Impact of Covid-19 on Socio-Economic Rights in Zimbabwe
<https://reliefweb.int/sites/reliefweb.int/files/resources/ZPP%20Special%20Report-%20COVID%2019%20%26%20Socio-Economic%20Rights.pdf>

10. Ibid

11. Ibid

to the lockdown.¹² Access to vaccines by persons with disability is also extremely difficult owing to the absence of facilities that ensure that persons with certain degrees of disability can access vaccines at home.

6.4

GENERAL RIGHTS INFRINGEMENT

As part of literature review, a fresh data set gleaned for Mashonaland West and Midlands provinces from a quantitative survey by the ICJ (2021) revealed that lockdown infringed on a myriad of rights for ordinary citizens in the province. Among the infringements singled out in the two provinces were abuses by police officers, denial to access essential primary rights such as health, visiting sick relatives, right to seek food and essential household requirements.

Fig 2: Where your rights infringed during lockdown? [Select YES/NO]

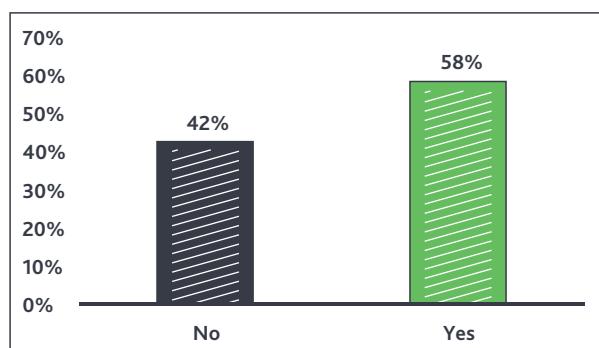
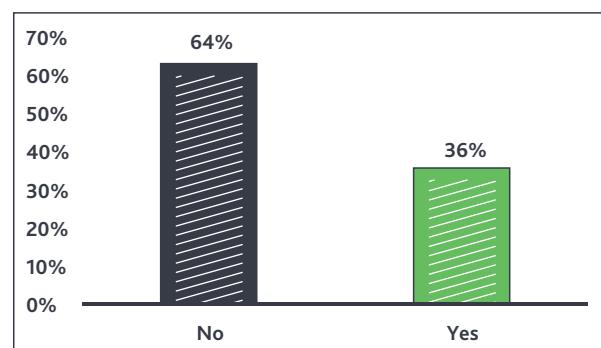


Fig 3: Were the limitations of rights well explained by government and any other institution?



12. Ibid



07

CONCLUSIONS AND RECOMMENDATIONS

The Covid-19 induced lockdowns had disproportionate effects on the rights of women, children, youths and persons with disabilities. In enforcing lockdown regulations, the law enforcement officers used excesses, which, if subjected to the proportionality test, may fail. Zimbabwe's Covid-19 response strategy is exclusionary, not disability inclusive and devoid of disability friendly interventions.

7.1 RECOMMENDATIONS

TO ZIMRIGHTS

- ZimRights must subject the lockdown measures and implementation thereof to judicial review through litigation to ensure compliance with both national and international standards of human rights law.
- The level of constitutional literacy and human rights knowledge by ZimRights members who participated in the focus group discussions was below basic. ZimRights must invest in training its membership on constitutional rights and avail copies of the constitution to its members. Once they are articulate on their rights, they are better placed to defend them.
- ZimRights must ensure its membership from the persons with disability fraternity receive constitutional literacy and human rights information in the disability friendly format.
- ZimRights must solicit for social safety nets for its members who are most affected by the pandemic or at least advocate that government provide the same to its members.
- ZimRights must develop and propose that government use/adopt inclusion pillars/strategies to ensure that policy making does not result in disproportionate effects on marginalised groups of society.

7.2 RECOMMENDATIONS

TO GOVERNMENT

- Government must develop inclusive disaster/pandemic response strategies which take into account the fact that these strategies would have differential effects on marginalised groups.
- Government must put in place social safety nets for the marginalised who are hardest hit by the lockdown and enforcement thereof. All of the marginalised groups who interacted with this researcher did not have access to any social safety nets to cushion them from the Covid-19 induced economic and social hardships.
- Government must put measures in place to curb corruption by its officers enforcing the lockdown regulations. In all the eight focus group discussions, participants reported that enforcement of the lockdown was used by the police and the soldiers to line up their pockets.
- In enforcing lockdown regulations, government must ensure that the law enforcement officers use minimum force and ensure that measures being taken are proportional to the desired changes. All participants in this research believed that the force used by government to enforce the lockdown regulations were disproportionate to the aims sought.

