

The LEGAL MONITOR

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Sex workers on spotlight

JOHANNESBURG-Theirs is a bumpy world. From dealing with violent clients to braving abuse by police, Zimbabwe's sex workers are having it rough as they hustle on street corners and red light districts.

The gross human rights violations suffered by commercial sex workers came to life in Johannesburg last week.

A documentary by Zimbabwe Lawyers for Human Rights (ZLHR) detailing the tribulations and violations faced by Zimbabwean commercial sex workers featured prominently at a regional dialogue organised by the Global Commission on HIV and the Law.

The 10-minute documentary headlined the start of a session on sex work at the Africa Regional Dialogue organised by the Global Commission on HIV and the Law that took place from 3-4 August in Johannesburg.

Titled "From Behind the shadows-The effects of criminalisation of sex work in Zimbabwe", the ZLHR documentary showcased the trials and tribulations faced by sex workers in Zimbabwe.

The documentary highlights the cruelty sex workers face at the hands of law enforcement agents and their struggle in accessing medical services and drugs.

Sex workers allege abuse at the hands of the police and discrimination at health care centres.

"The DVD was high quality and quite informative. As a secretariat we decided to have it set the agenda for the session on sex work on 4 August at the Africa Dialogue. The documentary was indeed well received," said Emilie Pradichit, of the Global Commission on HIV and the Law secretariat.

The Johannesburg regional dialogue gave voice to regional and country perspectives on issues related to HIV and the law. It contributed to regional efforts to create enabling legal environments that support effective HIV responses.

The forum provided a unique opportunity for regional civil society groups to engage directly with government officials, law experts, United Nations representatives and members of the Global Commission to discuss gaps and opportunities for changes in the law, practices of law enforcement, issues with legal aid and access to redress.

Participants shared experiences and perspectives of individuals, communities, policy and law makers and law enforcement actors in the region.

The regional dialogues are aimed at generating policy dialogue, with a view to giving voice to the critical HIV-related human rights and legal issues within the region.

The Global Commission on HIV and the Law was launched in June 2010 to develop actionable, evidence-informed and human rights-based recommendations for effective HIV responses that protect and promote the rights of people living with and most vulnerable to HIV.

It focuses on some of the most challenging legal and human rights issues in the context of HIV, including criminalisation of HIV transmission, behaviours and practices such as drug use, sex work and homosexuality. The commission also deals with issues of prisoners, migrants, children's rights, violence against women, and access to treatment.

ZLHR said it had noted escalating reports of police who abused their



Tinashe Mundawarara

positions of authority to allegedly rape women that they would have arrested for loitering.

The human rights organisation said a number of cases of alleged sexual abuse of people suspected of loitering by the police went unreported and every effort to report such cases by victims had been thwarted by police.

"The violation of women and sexual assaults perpetrated by members of the Zimbabwe Republic Police is barbaric, brutal and at cross purposes with the Service Charter of the Zimbabwe Republic Police," said Tinashe Mundawarara, the programme manager for ZLHR's HIV, AIDS, Human Rights and Law project.

"It is wrong for male police officers to detain women arrested for alleged loitering in their cars and drive with them around the city for purposes of psychological torture before soliciting for sex as a precondition for their release. It is wrong for our police force to be the drivers of decay of our social and moral fabric. It is unfortunate to note that many women who have been raped and abused have not been able to access justice owing to an uncooperative police force that seek to protect each other.

"The long arm of the law in this instance has failed to reach the criminals within its reach. ZLHR salutes the few women who have weathered harassment and threats to seek justice under very difficult and trying circumstances without help from those who are supposed to speak for their rights," said Mundawarara.



Epworth man freed

HARARE-High Court Judge Justice Samuel Kudya has freed an Epworth man who had been languishing in remand prison for over a month after the intervention of Zimbabwe Lawyers for Human Rights (ZLHR).

ZLHR took up Alabi Billiaty's case after the MDC youth ward chairperson in Epworth was arrested on June 30 on charges he claims are trumped up.

Justice Kudya granted Billiaty \$50 bail and ordered him to report every Friday to the police. He is being charged with kidnapping, theft and assault.

The State alleges that in March last year Billiaty and seven other people grabbed and assaulted Epworth resident, Singlawyer Mushunje, using clenched fists and "firewood" in revenge for attacks that occurred in 2008.

According to the State, Billiaty and his

colleagues carried Mushunje to Ruwa River on the outskirts of Harare while assaulting him. "While at the river the accused tied the complainant's testicle with electrical soft wire and poured soil onto his face... The accused persons returned with the complainant and dumped him in the toilet and left," reads the State papers.

The State, however, appears confused on the exact date when the alleged offence was committed. It states the date as 21 March 2010 on the charge sheet. The State outline on the other hand states the date as 21 March 2011.

On the assault charge, the State alleges that Billiaty attacked Tatenda Matambanadzo, another Epworth resident on June 30 this year.

Defence lawyers, David Hofisi and Jeremiah Bamu of ZLHR, say the charges are false because Billiaty can prove that he was not at the scene of the alleged crimes at all material times.



The State is now in a quandary after prosecutors handling the trial of the first ever person to be prosecuted for posting a facebook comment asked for more time to assess the docket despite having set a trial date.

Bulawayo resident, Vikas Mavhudzi, who is represented by Lizwe Jamela and Nosimilo Chanayiwa, of Zimbabwe Lawyers for Human Rights, was charged with subversion in February after allegedly suggesting that Prime Minister Morgan Tsvangirai should emulate pro-democracy protests staged in Egypt that saw long-time dictator Hosni Mubarak fall to a popular street revolt.

Mavhudzi's trial failed to commence twice last week as the State failed to demonstrate to the court how the Magwegwe resident contravened the country's tough security laws. On Friday prosecutor Jeremiah Mutsindikwa sought for a postponement of the trial to 25 August to allow him time to write his opinion on the police docket and seek the advice of senior prosecutors.

Mutsindikwa, claims that the 39 year-old Mavhudzi sent a message to Tsvangirai suggesting "the taking over or attempt to take over the government by unconstitutional means or usurping the functions of the government".

ZIMBABWE LAWYERS FOR HUMAN RIGHTS

Position Paper on the Zimbabwe Human Rights Commission Bill HB 2, 2011

(c) Zimbabwe Lawyers for Human Rights, July 2011

Continued from last week

- Advise Parliament and the government on accession to, ratification, domestication, and implementation of international and regional human rights instruments, and further advise the Government on steps to be taken to harmonise Zimbabwean law with international and regional human rights instruments to which Zimbabwe is a State Party.
- Scrutinise Bills and other draft or existing legislation and advise the lawmakers concerned on the effect of such draft or existing legislation on the enjoyment and protection of human rights and freedoms in Zimbabwe.
- Other powers to be bestowed on the ZHRC must include the capacity to consider and adjudicate cases and hand down appropriate remedies for redress in relation to proven human rights violations.

Provisions must also be inserted to allow for action on all violations and not only those of the Declaration of Rights in the Constitution.

2.6 Clause 5: Deputy Chairperson of Commission

The Deputy Chairperson is appointed by the President after consultation with the Committee on Standing Rules and Orders who shall act as the Chairperson in the case of a vacancy or absence of the Chairperson.

The ZLHR position in relation to the appointment process of the Commissioners as stipulated in the Constitution is known and is attached hereto. The appointment procedure is problematic, with a lot of Executive influence and possible politicisation. This is a matter of public record in relation to the irregularities in relation to the interview procedures and subsequent appointment of the current complement of Commissioners. To now seek to impose further Executive control and interference in the appointment of the Deputy Chairperson is also contestable. Further, there is no clarity on the selection criteria to be used. It is also not clear what weight the President is supposed to attach to the recommendations coming out of the consultation process with the Committee on Standing Rules and Orders, and whether the President is bound to follow the outcome of this consultation.

Recommendation

In order to ensure a measure of institutional and individual independence and the smooth running of the ZHRC the Commissioners must be allowed to choose their own Deputy Chairperson as this will create a high level of ownership amongst the Commissioners, and they will be able to identify the most competent person with appropriate leadership qualities amongst themselves. The current provisions of the ZHRC Bill do not cultivate independence of the ZHRC since all the leadership of the ZHRC is chosen by politicians and the Executive.

2.7 Clause 6: Executive Secretary, and other staff of Commission and consultants

The appointment of the Executive Secretary is to be done by the Commission. The appointment of other key staff members, including consultants where necessary, is to be done by the Commission in consultation with the Minister of Justice and Legal Affairs and the Finance Minister. Functions and responsibilities of the Executive Secretary are also outlined.

It is positive that the legislation seeks to create the post of an Executive Secretary and the appointment will be done by the Commission and without the Minister, as this prevents Executive interference in this critical appointment. However, confining the responsibility for such a key appointment to the ZHRC itself, without clear provisions as to how the appointment will be done, what procedures will be used, and how this can be publicly scrutinised, owned, and thus accepted, by the various stakeholders of the ZHRC, is a matter of concern.

As the provisions exist at the moment, the Executive, in the form of Ministers, has too much influence in relation to the staffing and (by effect) operations and functioning of the Commission. Recruitment of staff members and even other contractual labour such as consultants must be done by the Commissioners and the Executive Secretary. They should be responsible for decision-making in relation to staff and operations of the ZHRC for this institution to maintain its independence and also avoid packing of the ZHRC with sympathisers of members of the Executive whose independence could then be compromised.

In relation to the responsibilities of the Executive Secretary, there appears to be separation of the policy-

making role (which is the function of the Commissioners) and the implementation of policy and management of the day-to-day affairs of the ZHRC (which rests with the Executive Secretary and staff). However as the provisions currently stand they still allow for potential far-reaching interference at the management level from the Commissioners, as the Executive Secretary is subject to the general control of the Commission with no clarity on how far the Executive Secretary can act in implementing policy without interference.

A glaring omission relates to the accountability of the Executive Secretary and how s/he is to be disciplined. The provisions put the Executive Secretary outside the ambit of the Public Service and its mechanisms for accountability and discipline (see clause 6(2)). This (being outside the ambit of the Public Service) is not in itself necessarily a negative; however, in the absence of clear provisions relating to how issues of accountability and disciplinary procedures will be dealt with, this allows a “rogue” Executive Secretary, as well as “rogue” Commissioners, to effect the business of the ZHRC without any mechanisms of accountability and control whatsoever. This will lead to similar challenges currently being experienced in relation to scrutiny of the actions of the Attorney-General of Zimbabwe and matters of his discipline.

Recommendations

- The provision relating to appointment of the Executive Secretary by the Commissioners should be maintained. However, there is need for insertion of additional provisions which set out a clear procedure for appointment, which includes wide public advertisement of the post; qualifications required and job description; process of assessing applications; a public interview process by a panel which includes (at least) input from representatives of other independent stakeholders such as human rights organisations – even better would be representation and participation in the interview panel; and a transparent feedback on the findings of the interview panel before the eventual confirmation of the appointment. This will ensure that unqualified personnel, politically partisan nominees, and perpetrators of human rights violations are not appointed to this office and that there is public scrutiny of the procedure and person prior to appointment to this critical post.
- Staffing of the ZHRC must be undertaken by the ZHRC alone, together with the Executive Secretary following a similar public procedure as above for senior personnel, and which includes vetting to ensure that perpetrators of human rights violations are not recruited.
- The Executive – through Ministers – should not play any role whatsoever in the consideration of candidates to the post of Executive Secretary and other senior staff posts.
- The ZHRC must be enabled to appoint staff members in such a way that will ensure that it becomes pluralistic and representative of society as required under the Paris Principles.
- The provisions relating to the role and functions of the Executive Secretary should be improved to ensure clear segregation of the duties and responsibilities of the Commissioners (policy-making and oversight) and those of the Executive Secretary (implementation of policy, day-to-day management).
- Provisions need to be inserted to ensure accountability of the Executive Secretary to the Commissioners, and to outline clearly instances in which disciplinary action can be taken, and the mechanism for such discipline. If these are not inserted, there will be no method to ensure public scrutiny of the Executive Secretary

and to discipline or remove an incumbent who fails to adhere to her/his mandate (apart from contractual obligations which are not known to stakeholders).

2.8 Clause 7: Independence and impartiality of Commission, Commissioners etc -

Commissioners or members of staff shall serve impartially and independently, in good faith, without fear or favour, bias or prejudice subject to Constitution and the law. State or non state actors must not interfere or obstruct the Commission or staff in the performance of their functions. The ZHRC shall be assisted by state actors in the discharge of its mandate. Commission personnel must not investigate when they have a personal interest otherwise the ZHRC can take steps to ensure a fair, unbiased and proper investigation.

As a constitutional body, provisions should exist in the Constitution which protect the institutional and individual independence of the ZHRC (particularly its Commissioners and staff) in a similar (but improved) manner to protective provisions relating to the Judiciary and to the Attorney General. This is not currently the case with the ZHRC in the Constitution. This clause seeks to address the gap in the Constitution, although it would be preferable to address it in the Constitution. As it stands the provision will enjoin Commissioners and the staff to carry out their functions independently, transparently and impartially, without undue influence from any external interference, and this is commendable, subject to enforceability.

This declaration of institutional independence will also ensure that the ZHRC is not subject to undue influence from other quarters that include but are not limited to government and other state and non-state actors.

The fact that the ZHRC Bill provides that no person can conduct an investigation if there have a pecuniary interest in the matter is commendable. There is no clarity on whether the ZHRC can impose penalties on a person who fails to disclose their interest and the ZHRC Bill only provides that steps

will be taken to ensure a fair unbiased and proper investigation.

Recommendations

- The provisions ensuring independence should be included in the Constitution, as provisions for independence in an Act of Parliament can easily be amended by Parliament. A constitutional provision is more durable as it will not be easily amended to erode the independence of the ZHRC.
- There must be a provision clearly outlining the action that the ZHRC can take in the event that an investigation has become compromised by virtue of non-disclosure of interest by staff members or even Commissioners.

2.9 Clause 8: Reports of Commission -

The ZHRC shall submit annual reports on its operations and activities no later than 60 days after the end of the financial year to the Minister. Additionally the Commission must submit any other information required by the Minister on its operations, or submit any other report that the ZHRC considers desirable. The Minister must table the report presented to him no later than 30 sitting days after receiving the report to whichever House of Parliament sits first after s/he receives the report.

Presentation of the annual report must be primarily to the House of Assembly, or alternatively to both Houses sitting together, giving details of the yearly activities and state of human rights observance in Zimbabwe. There appear to be no guidelines on information that must be included. To ensure greater accountability some minimum requirements must be placed on the format and content of the report and this must also be periodic, on the progress being made in terms of human rights promotion and protection in Zimbabwe by the government, state

actors and non-state actors. The reporting by the ZHRC must not only be on the conduct of its activities but it must be in a transparent manner that will also benefit the whole country.

Recommendations

- This report must cite non-co-operation on the part of government officials and/or state institutions and give recommendations for remedial action.
- This report must not just be presented but must be debated and published by Parliament. There must be provision to allow for submission of reports to Parliament upon request, whilst the ZHRC must also be able to submit unsolicited reports to Parliament on specific human rights issues.
- All reports must be made public and widely disseminated whether they relate to the financing of the ZHRC or the activities.
- Other measures of accountability include the printing of progress reports, which can be done in the form of occasional publications by the Commission and distributed to members of the public, as this is currently not provided for in the Bill.

2.10 Jurisdiction of Commission to conduct investigations -

Clause 2: In the interpretation clause, the jurisdiction of the ZHRC is restricted to violations of international instruments which are domesticated and expressly bestow on the Commission the jurisdiction to entertain complaints arising from alleged violations of the instrument.

This provision has already been previously considered and recommendations made above. This must be urgently addressed by removal of the proviso as it virtually renders the ZHRC powerless as it currently stands. There is no law in Zimbabwe which bestows on the ZHRC any jurisdiction to hear violations that are of a human rights nature. Domesticated human rights are found in a number of Acts of Parliament and even subsidiary regulations: for instance, the right to education is found in the Education Act and workers' rights are found in the Labour Act and Labour Relations regulations. However, none of the existing laws recognise the jurisdiction of the ZHRC as it was non-existent when they were promulgated. Additional problems arise in the case of law reform, where amendments to law have generally taken a long time to be promulgated and enforced over the years.

Clause 9(1-3): The ZHRC has jurisdiction to investigate an actual or perceived violation, on its own initiative, or after a written complaint and request for investigation from an affected person. Where the affected person is unable to act, being dead or otherwise, a legal representative or a member of the family may act on their behalf. The Commission can also allow "such other person [it] considers suitable to represent him or her".

The first jurisdictional issue relates to the unnecessary restriction on who can lodge a complaint with the ZHRC. Other than the victim, only a legal representative or a family member is specifically mentioned. The provision goes on to allow for "such other person as the Commission considers suitable to represent" the victim when s/he is dead or unable to act. This is too vague and indeterminate, and allows too much unchecked discretion on the part of the ZHRC in deciding who can and cannot represent a victim.

Another limitation arises when it comes to legal representation. In its interpretation, Clause 2 defines a legal representative as the representative recognised by law of any person who has died, or is an infant or minor, or of unsound mind, or otherwise under a disability. As such it would appear that only dead people, minors or mentally unstable and people living with disabilities can be represented by a legal representative and that those who do not fall within the description to be represented by a legal representative can only be alternatively represented by family members.

This provision does not take into account the fact that many victims of human rights violations are the most vulnerable and poverty-stricken. In the event that human rights violations affect them and they are alive and cannot have legal representation, in some cases their families will not have capacity to represent them and articulate their concerns. In addition, their family members may not be willing to file a complaint on their behalf, either because they are also victims, or because they may in fact be the perpetrators. *Continued next week*

Women defenders honoured

HARARE-Two top lawyers, Nyaradzayi Gumbonzvanda and Alec Muchadehama have been honoured for their role in advancing and protecting women's rights.

The Emilia Muchawa led Zimbabwe Women Lawyers Association (ZWLA) conferred its third annual Women's Human Rights Defenders Award to Gumbonzvanda recently.

Muchadehama, of Mbidzo, Muchadehama and Makoni Legal Practitioners and a Zimbabwe Lawyers for Human Rights (ZLHR) member, was announced runner up.

Gumbonzvanda works at the global level, under the Young Women's Christian Association (YWCA) where

she organises and formulates policy. She is a trained human rights lawyer who has vast experience in women's human rights and conflict resolution. With over 15 years of work in crisis countries focusing on violence against women and girls, she was a worthy winner, according to a ZWLA citation.

"During her 10 years of work with the United Nations, Nyaradzayi significantly contributed to the integration of gender equality in peace and security negotiation processes and post conflict reconstruction especially for Sudan, Northern Uganda and Somalia. She was behind advocacy initiatives, which subsequently led to the adoption of the Protocol on Sexual and Gender

Based Violence for the Great Lakes Region," said ZWLA.

A holder of a Masters Degree in Private Law from the University of South Africa, Gumbonzvanda was recently appointed the President of the NGO Committee on the Status of Women/ Geneva. She is a founder of Rozaria Memorial Trust-Zimbabwe, showing how she combines her global advocacy work with practical interventions in communities.

Muchadehama was recognised for his work in representing women activists who are routinely arrested and tortured by authorities for speaking out and protesting on basic human rights and service delivery issues in Zimbabwe.

"Alec has been the key defender for the Women of Zimbabwe Arise, a local women activists organisation in the several times that they have been arrested for their peaceful demonstrations against women's human rights violations," said ZWLA on Muchadehama.

The award ceremony also recognised law students who have and continue to show excellence in their studies of women's law. The top student for 2009

was Fadzai Mamvura, and Belinda Chinowawa, a ZLHR employee who once worked for ZWLA was the runner up. For 2010 the top student was Noreen Muchena, and Natsai Machekano was the runner up.

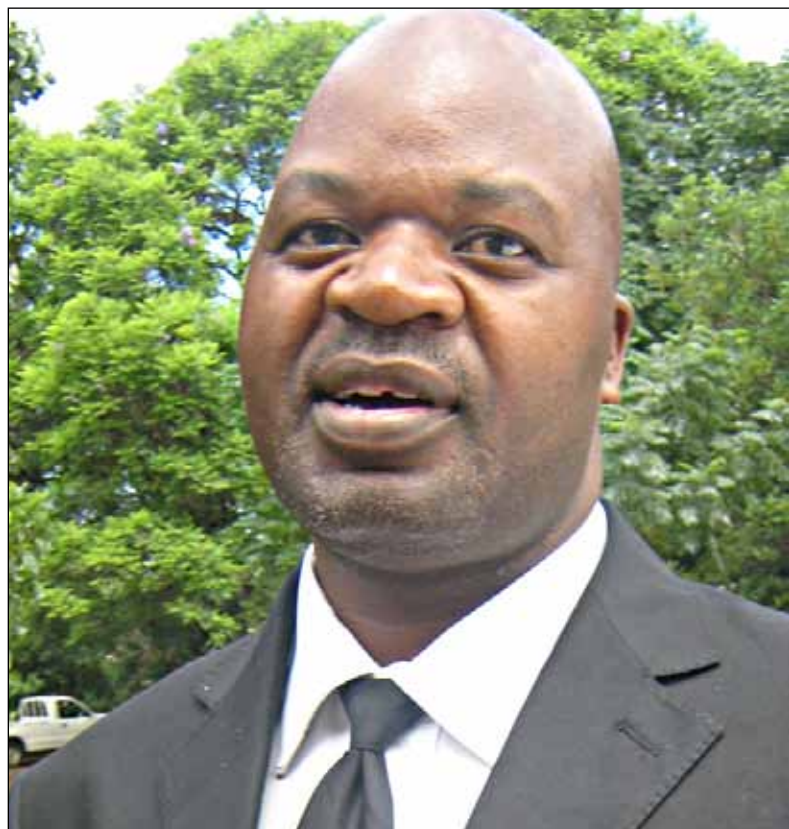
"Women have suffered under various economic and socio-political challenges alongside men. They've also had to cope with discriminatory laws and deeply entrenched gender inequality," said ZWLA. For this reason, ZWLA acknowledges and honours the women and men who are working at local, regional and global level to advocate for women's rights as well as working tirelessly to defend women," the organisation said.



Belinda Chinowawa



Emilia Muchawa



Alec Muchadehama

False start as MP challenges prosecution

MASVINGO-The trial of Zimbabwe Human Rights Association (ZimRights) and its senior official Joel Hita on charges of organising a photo exhibition in Masvingo showing the 2008 election brutality failed to take off last week.

Defence lawyer, Blessing Nyamaropa, of Zimbabwe Lawyers for Human Rights said the case was postponed indefinitely because the State was not ready to proceed with the trial as their witnesses did not turn up in court.

ZimRights is cited as the first accused and represented by its chairperson Kucaca Phulu, while Hita is cited as the second accused. They are being charged under the harsh Public Order and Security Act for organising the photo exhibition last year, according to the State outline.

Hita is the ZimRights Masvingo provincial chairperson.

"On the 26th of April 2010 at around 1700 hours, the second accused (Hita) in carrying on the business of the first accused (ZimRights) or furthering or endeavouring to further, displayed 64 different photos in Zimbabwe Congress of Trade Unions Hall and gathered about 50 people at the hall for the photo exhibition without applying to

the regulatory authority for permission to exhibit the photos," reads the State outline.

The photo exhibition, titled "Reflections", showcased pictures depicting how Zimbabweans, particularly those viewed as Prime Minister Morgan Tsvangirai's supporters, were brutalised in 2008.

Police have consistently shown a dislike for artists whose work reminds the nation of past atrocities committed by the State.

Visual artist Owen Maseko is before the courts for staging an exhibition depicting military massacres, also known as Gukurahundi, in the Matabeleland and Midlands provinces in the 1980s.

The matter has since been referred to the Supreme Court to determine whether the artist's arrest does not infringe on his constitutional rights.

Maseko's trial at the magistrates' court on charges of contravening the Criminal Law (Codification and Reform) Act (Chapter 9:23) is currently on hold until the Supreme Court rules on the constitutionality of the matter. In another matter, Hon. Moses Mare, the Chiredzi West

MP will learn of his fate on 19 August when the court will rule on whether to convict or acquit the legislator in the case in which he is being accused of assaulting a minor for singing a pro-President Robert Mugabe song.

Nyamaropa, who is representing the MP on Friday led the last defence witness and also gave his closing submissions.

Hon. Mare was arrested in January last year on allegations of contravening Section 89 (1) (a) of the Criminal Law (Codification and Reform) Act Chapter 9:23.

Prosecutors claim that Hon. Mare was so incensed by a 13-year-old boy's decision to join in the singing of the Mugabe praise hymn "Nyatsoteerera unzwe kutonga" at a funeral that he hit the juvenile on the neck using open hands in January last year.

The MDC MP denies the charge, which he says is fabricated.

Hon. Mare's case is not isolated. Mugabe's praise songs, repeatedly played on radio and television, have landed several residents in trouble over the past year.

Three Chiweshe villagers, Tinashe Chinyemba, Luckson Khumalo and Tafadzwa Chironga have been hauled before the Bindura Magistrates' Court for allegedly distorting one of the pro-Mugabe songs by inserting Prime Minister Morgan Tsvangirai's name into the lyrics.

The villagers are being charged under Section 41 of the Criminal Law (Codification and Reform) Act Chapter 9:23 for conduct likely to provoke the breach of peace.

Another three residents from Penhalonga in Manicaland province, Patrick Chikoti, Faith Mudiwa and Phillip Dowera were in February charged under the same law for allegedly singing a modified version of Mbare Chimurenga Choir's Nyatsoteerera song at a funeral.

The residents were accused of having sung: "Nyatsoteerera unzwe kupenga muhofisi mune mboko nyatsoteerera unzwe kupenga and Ngatishandei nesimba takabatana tibvise kamudhara aka muoffice mupinde president wenyika Morgan Tsvangirai (Listen carefully to the madman and idiot in the office. Let's work hard to remove this old man from office and install Tsvangirai)."

UN rescues Nyamandlovu

NYAMANDLOVU-Having a school built in your area is certain to induce a wave of celebrations.

But in Nyamandlovu celebrations were half-hearted when a secondary school was built there a decade ago.

The school had no constant supply of water. It was relying on water from the unreliable Zimbabwe National Water Authority (Zinwa).

“At times we could go for up to three weeks without water due to a combination of power cuts and broken down boreholes,” recalled one teacher at the school, which was visited by *The Legal Monitor* recently. Such a deplorable situation has become a thing of the past though. The United Nations’ Office for the Coordination

of Humanitarian Affairs (OCHA) commissioned a borehole at the school last week, greatly easing the situation.

Qinisani Ndlovu was the acting head of the school for most of the past decade and he remembers the problems the school had before. He stays some kilometres from the school.

“It was difficult. We do not have accommodation for teachers at the school. I come here for work Monday to Friday and I have to drink water. Children (students) have to drink water,” said Ndlovu.

The school has since benefited from the UN’s Emergency Response Fund and a borehole has since been drilled.

The borehole at Nyamandlovu

Secondary School is one of the 15 drilled in the drought-prone area. Thousands more have been drilled countrywide under a \$3.9 million Emergency Response Fund project.

OCHA is working with an NGO called DP Foundation to ensure that access to water becomes a reality in Nyamandlovu and Umguza.

Mildred Sandi, who heads the Bulawayo-based DP Foundation, said she was happy that the situation in this neglected region was improving.

“When we came here I was shocked, amazed to see how people lived for a decade without water to a point where some said we can’t go to bed and have conjugal rights because we have to bath after that,” she said.

“I wondered how people lived without water. They had to walk some 20km and some had to work for water. Those who had water would say you have to work. ‘Here is my piece of land, you can till it and have a bucket of water,’” said Sandi.

What had worsened the situation in the area is that some of the boreholes in resettlement areas had failed due to negligence.

Immediately after white farmers who drilled the boreholes in farming areas were thrown out under the land reform programme, the “new farmers” could not manage to maintain the boreholes.

The UN’s Emergency Response Fund has since renovated the neglected boreholes. As a result, more than 800 households in Nyamandlovu

who had for the past decade lived without their own source of water had their lives improved after the United Nations provided them with the precious resource.

The households have since turned the area into an irrigation project called Phaphamani following the intervention of the UN.

Stanford Moyo, the Phaphamani irrigation project manager, says there was no hope before the UN came to their rescue.

“I get at least \$40 a week from selling vegetables. The amount will improve as the project goes on,” he said. “I could not earn that before.” OCHA says it injected \$192 000 in the project.



Gardening has become a source of income



A Nyamandlovu farmer at work



Qinisani Ndlovu (right)



Mildred Sandi



Water at last...



Phaphamani irrigation project in full swing