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**TITLE: ANALYSIS OF THE ROLE PLAYED BY NON-GOVERNMENTAL
ORGANISATIONS IN THEIR FIGHT FOR PEACE AND SOCIAL JUSTICE: HUMAN
RIGHTS : THE CASE OF ZIMBABWE LAWYERS FOR HUMAN RIGHTS: FROM 2000
- TO 2020.**

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DEVELOPMENT STUDIES**

MAY 2021

DECLARATION

I hereby declare that, “**Analysis of the role played by Non-Governmental Organizations in their fight for human rights: The case of Zimbabwe Lawyers for Human rights from 2000 to 2020**” is my own work. It is submitted for the Bachelor of Arts Honours Degree in Development Studies. I the under signed, declare that this thesis is my original work and I also declare that this dissertation has not been submitted for any degree or examination at any other institution of higher learning, and that all references are to the best of my knowledge, and have been correctly reported.

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DEDICATION

I dedicate this work to the Almighty God our Father and Jesus Christ our Lord for the guidance. I also dedicate this work to my parents (Mr S Nyamaropa and Mrs J Chekwa) who have been very supportive throughout the period of my studies at Midlands State University. Without their care and motivation I would not have been able to successfully complete this Degree Program. The work is also dedicated to my beloved supervisor and mentor Doctor G. Chikowore who has been very supportive throughout the whole project and for his untiring guidance and motivation.

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‘The Lord Is Good. A Strength and Stronghold in the Days of Trouble He knows Those Who Take Refuge and Trust in Him’ (Nahum 1verse 7)

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ABSTRACT

The research topic came after the realisation that, human rights problems have been experienced in Zimbabwe since the period before its political independence in 1980. In order to carry out the intended purpose the research objectives and research questions were outlined to guide the research on the topic, 'Analysis of the role played by NGOs in their fight for human rights: The case of ZLHR from 2000 to 2020. Relevant literature was used to explore views of other scholars in relation to human rights protection systems and mechanisms in Zimbabwe. Both qualitative and quantitative methods of data collection and analysis were used in the research. These include questionnaires, interviews, field observations, desktop research and other methods. From the targeted 42 respondents, 100% of the target population was reached and responded to the questionnaires and interviews. The findings of the study revealed that human rights violations in Zimbabwe are mainly associated with poor national programs and major national issues such as elections or during demonstrations. When political contestations take place those in authority often use violent means to suppress perceived opponents. Impunity has allowed human rights violations to persist. On the socio economic front, lack of adequate budgetary support from the government to support education, health, water and sanitation, shelter and environment has led to serious challenges in the enjoyment of economic, social and cultural rights. Government programs such as Operation Murambatsvina caused serious rights violation to the right for to shelter. This study revealed that a lot of challenges are militating against the full attainment of human rights in Zimbabwe. The same obstacles are also affecting ZLHR in its endeavour to promote human rights in Zimbabwe. Chief among which include lack of adequate budgetary support from the government, poor government programs, lack of political will to deal with human rights issues, existence of claw back clauses in the constitution of Zimbabwe, selective application of the law, attack on human rights defenders among others as revealed in the study below.

Key words:

- a) Human rights.
- b) Law.
- c) Challenges.
- d) Zimbabwe (Geography).

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ACRONYMS

ZLHR Zimbabwe lawyers for human rights.

NGOs	Non-governmental organisations.
ZANU-PF	Zimbabwe African National Patriotic Front.
MDC	Movement for Democratic Change.
GPA	Global Political Agreement.
POLAD	Political Actors Dialogue.
RG	Robert Mugabe.
SADC	Southern African Development Community.
AU	African Union.
ZDF	Zimbabwe Defence Forces.
ZRP	Zimbabwe Republic Police.
MOJLPA	Ministry of Justice Legal and Parliamentary Affairs.
JSC	Judicial Service Commission.
CIO	Central Intelligence Organisation.
ZCTU	Zimbabwe Congress of Trade Union.
CEPA	Criminal Evidence Procedure Act.
HRW	Human Rights Watch.
RT	Redress Trust.
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women.
OAS	Organisation of American States
IPU	Inter-parliamentary Union
CAT	Convention against Torture
UNICEF	United Nations International Children's' Education Fund
ACRCW	African Charter on Children Rights and Welfare

ZPP

Zimbabwe Peace Project

WOZA

Women of Zimbabwe Arise

CHAPTER 1: INTRODUCTION AND BACKGROUND

1.0 Introduction

Human Rights have been an issue of major concern by many advocacy NGOs. Many countries around the world have experienced human rights violations. Zimbabwe as one of these countries has been experiencing human rights violations perpetuated by either state, non-state actors or the 3rd parties. This problem can be traced back to the colonial era. Black indigenous Zimbabweans were denied full enjoyment of the right to own land by the white settlers. They were pushed unto non-productive areas of Gwai and Shangani where thorns could grow better than grass, through acts such as the Native Reserve Act of 1899. Fast forward to the post-colonial era human rights violations have been perpetuated through poor government programs such as the Fast Tract land Reform program which was initiated in 2000 and the Operation Murambatsvina of 2005 which denied the right to full enjoyment of adequate housing. On the socio economic front, lack of adequate budgetary support from the government to support education, health, water sanitation, shelter and environment has led to serious challenges in the enjoyment of economic, social and cultural rights. The Gukurahundi atrocities, the 2008 presidential elections violence and the 2018 August 1 shooting of innocent civilians have also caused serious right violation to the right to life and the right not to be tortured. When contestations for political power take place those in authority often use violent means to suppress perceived opponents. The biggest challenge is that the violators are not brought to account hence the human rights violation cycle continues. Human rights violations manifested in form of torture and ill-treatment, abductions, attacks on the rule of law, denial of right to freedom of association through repressive laws, violations to freedom of expression, violation of the right to water sanitation, shelter and violation of the freedom of association and assembly (Human Rights Watch 2007). According to Zhou (2012) the passing of POSA and IPPA has led to the banning of certain media houses and foreign reporters in the country for the benefit of the ruling party. In May 2005, the government of Zimbabwe embarked on “Operation Murambatsvina” (Shona for “clear the filth”, but translated by the government of Zimbabwe in the state party as “Restore Order”), a program of mass forced evictions (Human Rights Watch 2005). Operation Murambatsvina left some seven hundred thousand masses without a home, livelihood or both. The mass evictions were carried out in total disregard of due procedures

which is an absolute violation of the right to shelter. The manner in which the Fast-track land reform program was implemented in 2000 has led to serious challenges which resulted into the perpetuation of rights violation as enshrined in the African Charter on human and peoples' rights. These rights constituted the right to property (Article 14), right to freedom from discrimination (Article 2), equality before the law (Article 3), right to life (Article 4), right to liberty (Article 5) and the right to have ones' cause heard (Article 7). Both the Fast track land reform program and Operation Murambatsvina had sowed the seeds of disaster which do not guarantee human rights whatsoever. The Operation Murambatsvina started with the police burned, bulldozed and destroyed tens of thousands of properties across the country. There has been a wide spread of mass evictions of urban dwellers from their homes and the closure of informal sector businesses the country wide. It is against this background that drives Zimbabwe Lawyers for Human Rights (ZLHR) which is not for profit making, an organisation whose core objective is to foster a culture of human rights in Zimbabwe as well as to encourage the growth and strengthening of human rights at all levels of Zimbabwean society through observance of the rule of law (ZLHR 2007). This research is aimed at analysing the role played by NGOs in their fight for human rights. A case study of Zimbabwe Lawyers for Human Rights in Harare (Central Office) which is located in Mashonaland province of Zimbabwe and a 10 kilometres radius away from the office was used to investigate this issue. The results from the case study are reflective to a plethora of challenges which are militating against the full attainment of human rights as enshrined in the constitution which is the supreme law of the land. The challenges included but not limited to, lack of adequate budgetary support from the government to support shelter, education, health, water sanitation and environment, lack of political will, selective application of the law, presence of repressive laws and poor alignment of laws with the constitution. In this research all major challenges revealed were analysed and discussed.

1.2 Background to the Study

Human rights protection has since become the main objective of advocacy NGOs in the hotspots such as the Middle East, African continent and the Latin America. In most African countries such as Zimbabwe, Uganda and Libya human rights protection and promotion has appeared the major concern of advocacy NGOs. This is because in most areas of these countries are very high rates of

human rights violations. Zimbabwe was plunged into a dark phase of human rights violation. The darkest moment came during 1982 to 1987, which the late president R.G Mugabe preferred to call “moments of madness” where by Zimbabwe witnessed the Gukurahundi massacres (Catholic Commission for justice and peace 1992). People in Matabeleland were denied access to food; people were being tortured and killed (Martin Meredith 2008). In 2005 the country experienced the effects of the Operation Murambatsvina which has caused serious challenges on the full enjoyment of the right to shelter. On the socio economic front lack of adequate budgetary support from the government has also witnessed human rights violation such as the right to education, water sanitation and health. This has led to the serious challenges on the enjoyment of economic, social and cultural rights. This background justifies that human rights protection systems, mechanisms and protocols have been put in place in order to protect and promote human rights. Upon attainment of political independence most countries signed the international and regional protocols such as the Convention against torture and the African Charter on human rights respectively. This was done in a bid to ensure human safety against inhuman and degrading activities such as human trafficking and torture. The government of Zimbabwe has become party to various protocols, legislations and Acts that seek to guarantee human rights protection and promotion. However, the problem came after the realisation that serve for the existence of all human rights protocols, protection systems and mechanisms rights violations are still rampant in Zimbabwe hence the human rights status remain compromised up to now (ZLHR 2015 Annual Report). Redress Trust submits in chapter 3 of the Shadow Report to the African Commission on Human and Peoples’ rights (May 2007) that; “the government of Zimbabwe has systematically used torture on a huge scale. Perpetrators include the security sector, the army, law enforcement agencies and other state agents including the so called “war veterans”. Local authorities, corporates and individuals have also been responsible for rights violations. The risk of further torture for those who dare to report such violations and the refusal by authorities to investigate has left victims without remedy or reparation (RT; ZLHR 2007). This background justifies the role played by advocacy NGOs to ensure human rights protection with ZLHR taking the lead in Zimbabwe. ZLHR has been assuming a crucial role including but not limited to lobbying the government to ensure the sustainable attainment and protection of human rights, through sustainable litigation, advocacy and education. All these efforts failed to bear fruits as was intended by the ZLHR as evidenced by human rights violations that are still rampant in Zimbabwe’s political landscape

despite the existence of institutions, stakeholders and international conventions that advocate for human rights protection such as the Universal Declaration of Human Rights (1948). The Operation Murambatsvina of 2005, the Fast track land reform program of 2000, the 2008 election violence and the 2018 (August 1) shooting of innocent civilians remains a true reflective to indicate on how human rights violations are being perpetuated in Zimbabwe. Therefore, it is against this background that a research was carried out with special reference to ZLHR (Harare Central Office) and a 10 kilometers radius away from the office in order to analyze the challenges militating against the full attainment of human rights.

1.3 Statement of the Problem

Since before the attainment of its political independence in 1980, Zimbabwe has been facing challenges of human rights violations induced by either poor national programs or political violence. Government programs such as the Operation Murambatsvina have led to serious challenges in the enjoyment of the right to shelter. Also lack of adequate budgetary support from the government to support education, water sanitation, shelter and environment has led to serious challenges in the enjoyment of economic, social and cultural rights. Human rights violations are mainly associated with major national issues such as elections or during demonstrations. During elections rights such as the right to freedom of expression, right to personal security and the right to life are on the spotlight. From 2000 to 2020 Zimbabwe has been a signatory to the various conventions that obligates nations to observe and protect human rights. However, the question that confuses the mind is, besides being a member to these conventions is their full attainment of human rights in Zimbabwe. Therefore this research acknowledges that besides the existence of human rights advocates such as ZLHR. Human rights abuse cases are still rampant across the world including Zimbabwe which is a signatory to these conventions.

1.3.1 Major Research Questions

The objective of this study requires one to answer the question, “what are the major challenges militating against the full attainment of human rights in Zimbabwe.”

1.4 Research Sub- questions

The sub questions below are the key factor used to collect data from the targeted staff members at the research area.

- How important is the role played by ZLHR on human rights protection since its inception.
- What are the challenges being faced by the ZLHR in its endeavor to promote human rights protection in Zimbabwe.
- What are the challenges militating against the full attainment of human rights in Zimbabwe.
- Are there any other efforts that have been put in place by the government of Zimbabwe and other stakeholders in an effort to ensure human rights protection?
- What should be done by the government and other stakeholders to ensure sustainable human rights protection?

>>>..

1.5 Objectives of the study

- To analyse the background of the study and to do a deep analysis to the research problem.
- To analyse different literatures around the topic of human rights protection and to analyse the experience of human rights protection systems and conventions at a global level, within the African context and finally within the Zimbabwean context.
- To discuss the research methodology that the researcher used in doing research.
- To discuss how data analysis and presentation was done for the research.
- To discuss the research finding in detail
- To give the summary of the research, conclusions of the research as well as recommendations to the problems of the research.

1.6. Assumptions of the study

Given the scenario associated with ZLHR, indicating challenges and sabotages faced on its endeavor to promote human rights protection, the researcher assumes that there are many

challenges that are politically, legislatively, economically, legally and socially that are militating against the full attainment of human rights in Zimbabwe. These challenges included but not limited to the lack of budgetary support by the government to support shelter, water sanitation, health, education and environment, poor government programs such as ‘Operation Murambatsvina’, lack of political will to deal with human rights issues, selective application of the law and presence of repressive laws such as IPPA and POSA which is hindering ZLHR to operate at its full throttle especially on cases that matters most. The researcher also assumes that torture, existence of claw back clauses in the constitution and abduction of human rights defenders is one of the major challenges hindering the full attainment of human rights in Zimbabwe. Therefore, multifaceted solutions including reverting back to constitutionalism need to be considered in order to find a lasting solution to these problems.

1.7 Significance of the study.

The study is very important in that, it aims at analysing the major challenges that are militating against the full attainment of human rights in Zimbabwe, which is one of a true reflective of democracy. The study is important for both the academics and general researchers who are interested in the field of development, democracy and human rights in general. The study is also crucial to the policy makers as it acts as the benchmarks for the future policy makers and human rights stakeholders in Zimbabwe, to come up with well-informed legislatives and laws since they will be acquainted with a broader knowledge of human rights challenges informed by this research. Hence they from the preamble, acknowledge the “dos and don’ts” which will help to ensure the full attainment of human rights. Therefore, this study is a cutting edge to human rights protection.

1.8 Limitation of the study.

Due to the Covid 19 induced lockdown and financial challenges especially given the country’s economic situation, the researcher failed to contact multiple visits from multiple offices of ZLHR across all provinces which is the organisation under investigation that is the case study for data collection. Therefore the data was collected for a shorter period of time that is only less than a month. Due to Corona Virus regulations such as lockdown and financial constraints the researcher

used the central office located in Harare and a 10 kilometres radius away from the office for this research purpose and all respondents were selected at this office. Therefore some few inconsistencies can be noted within the study.

1.9. Delimitation of the study

In order to comply with the objective of the study that is to analyse the role played by Non-governmental organisations in their fight for human rights in Zimbabwe, the researcher conveniently selected ZLHR central office located in Harare in Mashonaland east province of Zimbabwe and a 10 kilometres radius away from the office. Therefore this study is limited to the geographical area covering this central office and the residential areas around it. This was done in observation of Covid 19 regulations such as lockdown and social distancing and for easy logistical purposes since the researcher is based in Ruwa which is close to the area of study.

1.10 Methodology

The researcher used a case study approach in this current research. ZLHR in Harare (Zimbabwe) was used as a case study to answer the major research question which is, “why besides the existence of Organisations that fight and advocate for human rights protection, human rights violations are still rampant in Zimbabwe?”. The case study approach was used because it allows the researcher to obtain empirical evidence of the problem under investigation (Lloyd Chikwiramakomo: research thesis; Analysing the challenges of growth pole policy on urbanization programmes in Zimbabwe, the case of Ruwange growth point, Nyanga District 2020). The researcher managed to have some face to face interviews with various people at ZLHR offices which are a good recipe of collecting data in research. Information was collected qualitatively. Semi structured questionnaires were administered to a sample population of 20 respondents that was conveniently selected. The sample involves lawyers, political activists and victims of election violence. The researcher also selected a sample of 15 respondents for interviews and this sample was selected from ZLHR staff members stationed at Harare central office. This was done for the purpose of the actual understanding of the challenges militating against the full attainment of human rights in Zimbabwe. Open ended questions were used in interviewing the participants. Although the case study focused on ZLHR in Harare the recommendations that were drawn are relevant since they can apply to other human rights stakeholders across the country. In summary although it was discovered that there is a plethora of challenges that are militating against the full attainment of human rights in Zimbabwe, the research was mainly confined to the major challenges against the organisation (ZLHR) in its endeavour to promote human rights.

1.11. Ethical consideration

Ethics is rooted in the ancient Greek philosophical inquiry of moral life. It is said that ethics is the branch of philosophy which deals with the dynamics of decision making concerning what is right and wrong (Marianna cited in Health science journal . vol 5 :2011). Informed consent is the major ethical issue in conducting research. It means that a person knowingly, voluntarily and intelligently and in a clear and manifest way gives his consent (Armiger 1997). Since research often involves a great deal of cooperation and coordination among many different people in different disciplines and institutions, ethical standards promote the values that are essential to collaborative work, such as trust, accountability, mutual respect, and fairness, therefore it is a very crucial aspect (Resnik 2015). Ethical norms also help to ensure that researchers can be held accountable to the public in which research is done. In consideration of ethics within the communities, participating respondents were willingly selected and they were not coerced to participate during interviews. The researcher also made use of pseudo names in the answering of the questionnaires and during the information collection processes. The researcher also observed confidentiality; he prevented the disclosure of some private and confidential information of participants all the time he interacts with them hence the statement, “I hereby declare that confidentiality shall be observed with the greatest observation it deserves” written on the researchers’ questionnaires.

1.12 Organisation of the study

This research is organised into 6 chapters. Each chapter begins with an introduction and ends with a chapter summary. Below is the discussion of the study breakdown in detail.

Chapter 1: Introduction and Background of the study

This chapter discusses the problem and its setting. This chapter contain the introduction to the study, the background of the study, the statement of the problem, significant of the study, definition of key terms, assumptions of the study, limitations and delimitation of the study.

Chapter 2: Literature Review

Chapter two discusses the theoretical framework which involves the discussion of the theories relevant to the research topic and Literature surrounding the topic under discussion, which is the experience of Advocacy NGOs in human rights protection in different countries around the world.

Chapter 3: Research Methodology

The third chapter highlights the methods used by the researcher to collect and record data from the area of research. The chapter involves the research methodology, research design, Justification, sampling procedures, Research instruments, Data Collection Procedures and Data Analysis Produces.

Chapter 4: Data Collection, Analysis and Interpretation Presentation and Analysis

This chapter focuses on the presentation and analysis of the data obtained during the research. Different forms of data presentation such as tables, graphs and charts shall be used to illustrate the results obtained during the research.

Chapter 5: findings and discussions

This chapter mainly focuses on the findings of the research. In this chapter the results of the investigation are discussed that are the factors militating against the full attainment of human rights.

Chapter 6: Conclusion and Recommendation

This chapter gives the conclusions, recommendations and summaries of the study. It marks the end of the research study.

1.13 Key terms and definitions

For purposes of guiding this engaging research in a constructive manner, which would facilitate the broader pursuit of identity, unity and equality in development for Africa and Africans in a

global setting one might usefully proceed from the following considerations (Chikowore, “The African Union and Destiny of Africa hood.....” 2002).

1.13.1 Human rights

They are conceptualised as inalienable fundamental legal guarantees to which a person is inherently entitled simply because she or he is a human being. Human rights manifested in various forms such as civil, political, economic, social and cultural rights, all are universal, inalienable, interrelated, interdependent and indivisible. Human rights are reflected in many treaties that are binding under international law. They are also reflected in non-binding documents such as resolutions, recommendations, guidelines, declarations and principles (UNFPA: report on human rights framework for the elimination of female genital mutilation, November 2014).

1.13.2 Challenges

Challenges are impediments and hindrances that can make it difficult to achieve a plan or anything and require critical thinking to overcome it. The situation being faced with or something that needs great mental or physical effort to be done successfully and therefore tests a person's ability (Cambridge Dictionary, n.d). In this case the challenges or hindrances are those under the investigation.

1.13.3 Law

It is defined as a set of rules which we are bound to obey, failure to obey laws would result in one having to face certain repercussions. Law ensures that everybody is equal before the law and that nobody is above the law. Therefore powerful persons are all controlled by the laws in place and this would mean that all individual rights are protected equally (Oxford University: international programs n.d).

1.13.3 Zimbabwe (Geography)

Zimbabwe, a land-locked country of nearly 400,000 square kilometres (154,446 square miles) or about the size of California, is located in south central Africa. The Zambezi River demarcates its northern border with Zambia while the Limpopo River demarcates its northern border with South Africa. Zimbabwe's other borders are Botswana in the West and South West and Mozambique in the East (Zvobgo 2009).

Peace

1.14 Chapter summary

This chapter was central at discussing the problem and its setting. The introduction to the study, the background of the study was discussed. Some important elements like the statement of the problem, significant of the study, definition of key terms, assumptions of the study; limitations and delimitation of the study have also been discussed.

CHAPTER 2: LITERATURE REVIEW

2.0 Introduction

This chapter gives a theoretical framework where different theories from which the topic under discussion was adopted. This theoretical framework indicates which theories links directly and tries to explain the study. In this research, the researcher shall use the protective theory; John Bratton human needs model and the black feminist theory. This chapter also gives an overview of the literature surrounding the concept of human rights protection and its applicability as well as its experiences within different contexts that are globally, in the African context and in the Zimbabwean context. According to (Shivji: 1989) in his book titled “The pitfalls of democracy debate”, he defined the protective theory on democracy. Different scholarly views concerning this topic have been analysed through using different sources of information like journals, textbooks, research papers, reports and many others.

2.1. Theoretical framework

2.1.2 The protective theory.

The protective theory on democracy deeply depends on liberalism. Liberal theory dates back to the 18th century. The proponent Mary Wollstonecraft questioned views about women which are discriminatory. It rose as a result of philosophy of liberalism with its emphasis on individual rights for example, right to freedom and autonomy. The second wave of feminism was widespread in the 1950s and reached a peak in the 1960s. The 1960s decade ushered in new rights in many countries

that were gaining independence especially third world countries (Tandin 1996). These included rights to work, protection, dignity and freedom. The theory deems government exist to look after the human rights of the human beings. Governments' contribution in the lives of the general populace ought to be all ears on shielding material prosperity and maintain a free market. This theory based its central theme on the view that the government must be at the forefront of promoting individual rights such as right to freedom and autonomy. According to this theory the government has an obligation to protect human rights. These fundamental rights must be provided to avoid human rights violation. Indeed this theory has direct link to the study in the sense that, most human rights violations that happen in Zimbabwe are as a result of citizens being denied these fundamental rights such as the right to freedom of association and assembly, the right to shelter through programs such as the Operation Murambatsvina and the right to education, health and water sanitation due to lack of adequate budgetary support from the government to support health, education and water sanitation. Therefore informed by this theory, to find a lasting solution on human rights violation problems, Policy makers, human rights stakeholders and government should be first on the lookout for this theory to be able to solve the continuation of human rights violation cycle.

2.1.3 John Bratton human needs model

The theory postulates that when individuals or groups are denied fundamental needs such as equal opportunities within a society, security and freedom, protracted conflict which will escalate to rights violation is indeed inevitable. These fundamental needs must be met to avoid conflict which has direct negative repercussions on human rights promotion and protection. This theory by Bratton has direct link to the study in the sense that, most conflicts which happened in Zimbabwe that resulted into the perpetuation of human rights violations are as a result of being denied fundamental needs. For example the Gukurahundi atrocities and the 2005 Operation Murambatsvina induced human rights violations are as a result of failure to meet fundamental human basic needs such as the right to adequate shelter. Furthermore human rights violations during the colonial era was as a result of the failure to meet human basic needs especially on part of the black indigenous Zimbabweans whose land ownership was denied by the colonial government (the right to land ownership). The Rwandan genocide which was characterised by massive human rights violations was also as a result of denial to fundamental needs such as identity. Hence to ensure human rights protection and promotion the government should not cast a deaf ear to human basic needs. This is so because human rights violations are as a result of denial of human basic needs such as freedom, security and identity.

2.1.4. Black feminist theory

This third world political approach focuses on heterogeneity of women. It is a theory of third world women by third world women dissatisfied with other types of feminisms. Black feminism looks at women affected by race especially the black women in the Western world who are excluded by macro theories. These black women are in industrialised nations as a result of slavery, employment, studies and refugee status. The theory argues that versions of other feminists do not apply equally to white and non-white women (Mudeka; notes on Gender and Development module/ DSH 411, April 2020, MSU Zvishavane Campus). Black women have particular problems of segregation in civil rights movements in industrialised nations which cause a serious challenge to the enjoyment of the right not to be discriminated. Race is viewed as the most or only relevant label for identification. Womanhood is less than race. As a result black women have not been central in women's' liberation movement. Where characteristics of women are measured, those of white women are used as a yardstick (Hooks in Giddens, 2001). In deed this theory by black feminist has direct link to the study in the sense that in some instances human rights violations in Zimbabwe are informed by lack of the enjoyment of the right not to be discriminated for example discrimination of women and people who live with disabilities especially Albinos.

All the above theories are a foundation and a yard stick for measuring the magnitude of human rights protection and promotion or both in Zimbabwe from 2000 to 2020.

2.2 Application of the human rights protection systems at a global level

2.2.1 The American and European experience.

Human rights protection systems were also implemented in America and Europe. The inter-American system for the protection of human rights comprises two distinct processes, one that is based on the charter of the Organisation of American states (OAS) and the other based on the American Convention on Human Rights also known as the Pact of San Jose (IPU 2005). The Convention which was adopted in 1969 and was in force since 1978 merely focuses on civil and political rights, and it is supplemented by an additional protocol which was adopted in 1988 and entered into force in 1999. This was meant to address economic, social and cultural rights (the San Salvador Protocol). The OAS has also established special treaties on torture, violence against women, international trafficking of minor children and discrimination against people who live with disabilities (CEDAW protocol). Like the African court, America established the inter-American Court which is competent enough to render advisory services and interpreting the international human rights treaties such as the American Convention on Human rights. In relation to Europe the IPU (2016) contented that the "Council of Europe" was also established in the aftermath of the

Second World War II. Its primary goals were earmarked at promoting democracy, protect human rights and to ensure the rule of law in Europe. To ensure human rights protection the Council of Europe has adopted special treaties in the fields of migrant workers, minorities, torture prevention, biomedicine, human trafficking and violence against women (CAT, 1984). Present day, the ECHR provides the most advanced system of human rights monitoring at regional level. According to (article34) of the European Convention, any person, NGO or group of individuals claiming to be a victim of human rights violation under the convention and its protocols is entitled , once all domestic remedies have been exhausted, to file a petition to the European Court of human rights in Strasbourg (France). More so, in 1997 the Amsterdam Treaty enshrined human rights as founding principles of the European Union. However, besides the existence of several human rights protection systems the European and American human rights status was questioned by the Liberal feminist theory, which contends that “the Industrial Revolution in Europe especially Britain created structural changes in the methods of production and social relations which created discrimination against women. For example women joined wage labour but were not treated the same as their male counter parts”.

2.2.2 Human rights protection systems within the African context.

Human rights protection systems, conventions and legislations have also been implemented at regional level. What Mugabe (2017) called home grown solutions or an African solution for an African problem. In 1981, the member states of the organisation of the African Unity which has since become the African Union (AU) adopted the African Charter on Human and Peoples’ Rights. It has entered into force in October 1986. This regional treaty, in addition to a number of civil, political, economic, social and cultural rights also provides for collective rights of people to self-determination, equality, freedom to dispose of their wealth and natural resources. The African Charter provides for a complaints procedure before the African Commission on Human and Peoples’ Rights which is headquartered in Banjul (Gambia). 1998 saw the adoption of an additional Protocol to the African Charter, which is the African Court on Human and Peoples’ Rights. It entered into force on 25 January 2004. The court is mandated to receive complaints regarding violations of the African Charter and other relevant human rights treaties from a number of complaints (IPU 2005). According to IPU (2016), “in July 2008 the African Union merged the African Court on Human and Peoples’ Rights and the African Court of Justice to form a new regional court, the African Court of Justice and Human Rights”. In 1992, SADC established a judicial body called SADC Tribunal. The Tribunal have jurisdiction over and has heard cases involving human rights issues. The Maputo Protocol which was adopted in July 2003 also pledges comprehensive rights to women. Subsequent to the Maputo Protocol, the Organisation of the African Unity also adopted the ACRCW which is a comprehensive instrument that sets out and defines universal principles and norms for children (UNFPA: report on Human Rights Framework for the Elimination of Female Genital Mutilation 2014). However, the human rights protection systems within the African continent has been criticised on the grounds of double standards.

Taking the African Court of Justice for instance, has been criticised of lacking necessary teeth to bite. There have been allegations of recruiting children as child soldiers which were levelled against Boscontanganda but to date there are no litigation proceedings that have been put in place to prosecute him (Chibanda; notes on Human rights and Democracy module/ DSH22, August 2018, MSU Zvishavane Campus). On another case, there has also been the issue of some controversial articles in the ACRCW. These articles include but not limited to article 4 (the best interest of the child), article 8 (freedom of association), article 15 (child labour) and article 17 (administration of the juvenile justice). It has been argued that the challenge hangs around the conceptualisation of these articles. For example, it has remained difficult to differentiate between child work and child labour, article 15 of the ACRCW (Nkomo, notes on Children and Development in Africa module/DSH412; March 2020, Zvishavane Campus). In addition the African Commission on human rights which has been mandated to carry out over cite visits and to compile human rights reports in member states, has been criticised for lack of vibrancy due to financial constraints since the Commission heavily rely on basic contributions from member states (ibid).

2.2.3 The Zimbabwean experience with human rights protection systems.

Now that the experience of human rights protection systems across the globe has been explored, the researcher now turn to do an in-depth analysis of human rights protection systems, legislations and institutions in Zimbabwe. Zimbabwe like any other African states has since experienced the problem of human rights violations a phenomenon which was allowed to take off by the white minority rule during the colonial era. The country therefore ushered in a variety of legislations, systems and conventions in a bid to mitigate the problems of human rights abuses. Since its political independence in 1980 to 2012 Zimbabwe has been governed by the Lancaster House constitution, a document that was part of a negotiated settlement between the White Rhodesian government and the incoming black government. It was drawn up primarily for the transfer of power from the minority colonial authority to majority indigenous Zimbabweans and its limited Bill of rights failed to exhaust women's rights. According to Zanzi (2013) the provisions of the Lancaster House constitution were retrogressive with regards to the best practices in women's rights such as the rights to education, health and participation in socio-economic and political development. The establishment of Gender Commission domesticates article (2c) of the CEDAW, "which calls for states to establish legal protection of the rights of women through competent national Tribunals and other public institutions to ensure the effective protection of women against discrimination" (Gender links 2013). Zimbabwe has become a signatory to various Human rights

frameworks such as CEDAW, The Maputo Protocol, The African Charter on Human Rights, ACRCW and the establishment of institutions for advancing human rights such as ZGC and ZHRC. Victim friendly units have also been mandated with the responsibility to respond to crimes against humanity, especially women and children who are more vulnerable. The ministry of Justice, legal and parliamentary affairs also existed to preside over judicial issues. However, to date human rights protection system in Zimbabwe has been criticised on grounds of the double standards that existed in particular in the constitution as well as the selective application of the law. This has been acknowledged by different scholars within different literatures. Human rights violations in Zimbabwe are mainly associated with major national programmes and national issues such as elections or during demonstrations. In 2000 the government of Zimbabwe has initiated the land redistribution model (Fast Track Land reform program) and the manner in which it was implemented has failed to protect and promote human rights. During elections the following rights are on the spotlight, the right to freedom of expression and assembly, the right to personal security, the right not to be tortured and the right to life. Impunity has allowed violators to continue with their acts. There is lack of political will to deal with human rights issues in the country. On the social economic front, lack of adequate budgetary support from the government to support water sanitation, health, education and shelter has also led to serious challenges in the enjoyment of economic, social and cultural rights. Insult and defamation laws have also been used as a weapon to silence anyone who does not affiliate to the ruling party. (Abel Chikoma, collective report of Zimbabwe Human Rights Forums' members), contended that just like in 2012, 2013 has witnessed a rise in the abuse of police powers and court procedures clamping down on civil liberties. Since 2010, "there has been a dramatic increase in the arbitrary application of section 33 of the Criminal law Act". Chapter 9.23 where individuals have been charged with allegedly insulting or undermining the authority of the President, with ZLHR attending to 65 cases where clients have fallen foul of this law.

Furthermore, on 11 October four women were badly injured and hospitalised. One of which a women who had been brutalised by an armed officer of the ZRP, was admitted to intensive care under critical condition. It was reportedly that, "she had been protesting against the state-owned coal miner Hwange Colliery Company who had failed to pay their husbands' salaries for several months (ibid). According to ZLHR (2013), on 15 August police resumed their onslaught against journalist by devoting two days to interrogate Jan Raath, a veteran foreign correspondent for the

Times, a British newspaper over the publication of a story alleging that the government had orchestrated a secret deal to export uranium raw materials to Iran for the manufacture of nuclear weapons. Subsequent to that, ZLHR noted that section 121 of the Criminal Evidence and Procedure Act(CEPA) has been selectively and unlawfully applied by the Attorney Generals' office against human rights defenders and legitimate political activists in order to persecute these individuals, even where court have found no evidence that they would pose a threat to the interests of justice (ibid). However, there are some achievements noted with the introduction of human rights protection systems in Zimbabwe that deserve to be acknowledged. Although the Ministry of Justice and legal Affairs has been discredited for not having a specialised juvenile justice system, it has been commended for instituting Victim Friendly Courts which are constituted of professionals. The Ministry of labour and social services though according to UNICEF audit report(2012) has only 90 social workers covering the whole of Zimbabwe, has been credited for responding to cases of child abuse and for instituting referral systems. Apart from that Child Protection Committees have also been applauded for coming up with a grassroots approach to children's rights protection (Nkomo, notes on Children and Development in Africa module/DSH 412; 2020: Zvishavane Campus).

Chapter summary.

This chapter gave an overview of the literature surrounding human rights in Zimbabwe and the importance of both human rights protection systems and human rights stakeholders in Zimbabwe. The literature surrounding the human rights protection systems, conventions, institutions, legislations and the experience of different nations in the world has also been explored at length. Different experiences of countries with human rights protection systems has also been analysed in an endeavour to see whether the systems are effective and efficient ways of ensuring the full attainment of human rights. The chapter concluded by analysing the Zimbabwean experience with human rights systems, legislations, conventions and institutions. In an endeavour to analyse the role played by NGOs in their fight for human rights which is the main objective of the study, the chapter analysed in a robust manner different challenges and achievements by human rights protection systems, legislations, institutions and conventions in Zimbabwe using different scholarly views, academics and literatures.

CHAPTER 3: RESEARCH METHODOLOGY

3.0 Introduction.

This chapter aims at discussing the research roadmap that the researcher followed in doing the research. The chapter focuses on how the research was conducted and the approaches implored in doing the research. Data collection methods and techniques which were used included but not limited to interviews and observations are discussed in this chapter. The chapter also discussed the philosophy and research design guiding the research. Primary and secondary data sources were also analysed. Primary sources which constituted questionnaires, interviews among others and secondary sources which involve online sources, journals, reports, newspapers and research thesis were analysed. A collective of these sources equipped the researcher with adequate information surrounding human rights in Zimbabwe. Basic elements in the research such as the sampling procedure, data analysis procedures, ethical consideration and methods of ensuring trustworthiness in research has also been analysed in the chapter.

3.1 Research design

The researcher made use of qualitative case study design in doing the research. According to Kumar (2014) research design is a complete summary of the classification of action that the researcher's project will follow. The researcher utilised the qualitative and case study research design informed by its flexibility. Qualitative research approach takes into account the context where research effort is active, while it is also most suitable for small samples that produce in-depth qualitative data (Innocent June, research thesis: A critical Evaluation of strategies adopted by NGOs to promote community development.....2019). Subsequent to that it also works well with the case study design which focuses on a specific case to obtain an in-depth data on the phenomenon under study. Qualitative research is concerned with quality of information, qualitative methods to gain an understanding of the underlying reasons and motivations for actions and establish how people interpret their experiences and the world around them (Centre for Economic Strategies (n.d). The researcher adopted the qualitative approach to obtain an in-depth understanding of the role played by ZLHR to ensure the full attainment of human rights in Zimbabwe. In line with Creswell's (2009) sentiments, the researcher utilised the qualitative design to collect information in the urban setting through his presence in the area of study that is ZLHR central office in Harare where he mixed with the respondents as he collected data. The researcher

implored the use of qualitative techniques such as in-depth interviews and group discussion. However, there is still a heated debate among scholars with some arguing that case studies are considered to be influenced by the researcher's subjectivity hence, are regarded as bias. Others contend that they take long time to be completed. While on the other hand scholars like Yin (2003) contend that case study research design specifies particular techniques for preparing case study reports that does not consume large amounts of time.

3.2 Sampling procedures and sample

A sample is a finite part of statistical population whose properties are studied to gain information about the whole. When dealing with people, it can be defined as a set of respondents selected from a population for the purpose of research (Webster 1988). The main focus of sampling is to ensure that the study is feasible in terms of time, effort and cost consideration. Given the high percentage of the population in Harare metropolitan city, it is therefore difficult to interview everyone hence for strategic reasons only a sample size of 42 people was used as a representation of Harare metropolitan city in particular and Zimbabwe in general. According to Denzin (2000), purposive sampling is one of the common sampling strategies under the qualitative research design whereby participants are selected based on their direct relevance in line with the study objectives or the research question. Purposive sampling was used in this research in order to select the respondents who were capable of providing relevant information on human rights protection in Zimbabwe. According to Mouman (2000), purposive sampling technique is often used when someone is dealing with small samples such as in this particular research and when the researcher wants to select cases that are particularly informative. The researcher adopted purposive sampling technique in selecting respondents with expert information or key informants such as lawyers, political activists, and victims of election violence, researchers and ZLHR officials. All these human rights stakeholders have been selected by the researcher as he knows that these people are well versed with the study area in terms of human rights issues in Zimbabwe taking into consideration the study area and at some extent, they also participate in human rights protection as service providers such as legal services.

3.3 Population

According to Nachimias (1981), population refers to the aggregate of all cases that conform to some designated set of specifications. A target or study population thus consists of elements that

the researcher wants to research on. The target population will be people at ZLHR central office in Harare and a 10 kilometres radius from the office particularly people who are interested with day to day business of ZLHR. These include lawyers, political activists, ZLHR officials, human rights researchers and victims of the pre, during and post-election violence. This study population comprises of men and women in the area whose perceptions are a matter of concern in the study. This is informed by Kotheri's (2004) contention who noted that selecting subjects who are not even appropriate contemplated research is an error as they will not provide appropriate information. The whole target population at ZLHR central office in Harare and from a 10 kilometres away from the office was 300 people but a sample of 42 people was selected for data collection. This can be converted to 21% of the whole population.

3.4 Data collection Methods and instruments

Data collection methods and instruments are tools used to collect data needed to find the solution to problem under investigation. The researcher used both secondary and primary methods of collecting data. Primary methods which constituted interviews, questionnaires, observations and secondary tools which involve internet, books, desktop research, journals and research thesis were used for the purpose of this research. A collective use of both secondary and primary methods was used to gather data about human rights protection in Zimbabwe which is the main focus of the study. Both sources especially secondary sources were used to gather information which is related to human rights protection at national, regional and international level.

3.4.1 Questionnaires

According to Green et al (2004), questionnaires are a set of questions that are used to get information from respondents in the population under study. Leedy (1998:187), a questionnaire is a common place instrument for observing data beyond the physical reach of the observer deep within the minds or attitudes, feelings or reactions of men and women..." Questionnaires enabled respondents to reply to questions without any pressure and not affecting any form of their everyday routine. This can be supported by Bulmer (2004) who postulated that, a questionnaire is a well-established tool within social science for acquiring information on participant's social characteristics, present and past behaviour, standard of behaviour or attitude and their beliefs and reasons for action with respect to the topic under investigation. The researcher is supposed to decide on questions response format that is whether to include closed questions, open ended questions or both. In this particular study, the researcher designed the questionnaire with more

ended questions, more than closed questions so that more data can be collected although it has some challenges in analysing data. Closed questions are purported to be very difficult to structure but easy to analyse whereas open ended questions are easy to structure but very difficult to analyse (Lloyd Chikwiramakomo, research thesis. Analysing the challenges of growth pole policy on urbanization programmes in Zimbabwe. The case of Ruwangwe growth point, Nyanga District, 2019). For the success of this research the researcher administered the questionnaires to the population that was purposively sampled at ZLHR central office in Harare and a 10 kilometres radius away from the office. However besides being good for data collection, questionnaires fall short on the grounds that if respondents misinterpreted some questions had no room to give supplementary information and this limited the findings of the study to some extent. Subsequent to that Patton (2001), argued that questionnaires has to be carefully constructed hence taking much of the researcher's time. Questionnaires offer limited opportunities for probing the respondent thus limiting data to be acquired. Hence, this is one of the reasons why the researcher used many open ended questions as a strategy that may allow the respondents to respond in all ways necessary.

3.4.2 Interviews

According to Bubbie and Mouton (2001), face to face interviews generally return fewer incomplete answers, they guide the person through the questioning maintain affinity with the respondent and have higher control over the interview process. Therefore, it guided the researcher from not deviating from his pre-selected questions. According to Discroll (2011), interviews are an excellent way to learn in-depth information from a person for your primary research project. The qualitative research interview seeks to describe the meaning of central themes in the world life of the subjects (Kvale 1996). There are four fundamental interview types. These are face to face, telephone, internet and MSN messenger interviews. To ensure efficiency and effectiveness the researcher made use of face to face interviews (the most popular and vague one). Face to face interviews saves time. The interviewer can directly read on what the respondent say or intend to say. Informed by its advantages the researcher implored the use of face to face interviews on interviewing key informants for example lawyers, ZLHR officials, political activists, researchers and victims of the pre, during and post-election violence. All these participants were purposively sampled to obtain information about human rights in Zimbabwe. Interviewing strategies can be

either structured, non-structured or both. In this particular research the unstructured strategy was used, since it is the most ideal approach for qualitative research. However besides their (interviews) feasibility, interviews have been criticised for their subjectivity and bias in the interaction between the interviewers and the respondents as noted by Gall and Bog (2007).

3.4.3 Observations

Marshall (1989) contended that an observation is a systematic description of the events and behaviours of a social setting. An observation strategy involves participant, visualising, documentation and evaluation of important events. Participant observation is the one in which the researcher is closely attached as well, being part of the group to which he or she is trying to solicit information from. Observation strategies allow the researcher to see on his own rather than depending on respondents. According to Fox (1998) observation does not just involve vision but it includes all senses and it involves interpretation of that data. The researcher used observation strategy to extract data in relation to human rights in Harare (ZLHR central office). However despite of their advantages, observations still deserve their own share of criticism. Observations need to work in juxtaposition with other tools of data collection to ensure data efficiency and effectiveness.

3.4.4 Desktop research and internet.

Desktop research provided the researcher with vast information in relation to the role played by NGOs in their fight for human rights. Human rights phenomena in Zimbabwe is well documented in form of recommendation papers, reports, magazines and minutes which provides a comprehensive approach for the research study. According to Quinch (1999) desktop research refers to the collection of secondary data that has already been collected. This technique is crucial in research since it provides broader statistics and the researcher will be able to cover up the gaps left by other researchers and able to meet the objective of the study. Desktop research provided the researcher with vast information in relation to the role played by NGOs in their fight for human rights. Human rights stories are well documented in form of journals, reports, magazines among others which provided a comprehensive approach for the research study. Both desktop and internet techniques are a fast mode of data collection compared to other methods. However besides it being

fast, desktop and internet research can be interrupted by power cuts due to load shedding. They require consistent power supply hence, this renders the method very difficult to use.

3.4.5 Journals and books

Journals and books with the information concerning human rights have also been used to provide the researcher with information. The researcher used both the books and journals since they were conveniently accessed in the library. However this approach takes a lot of time for the researcher to locate books in the library. Subsequent to that, there has also been pressure on some of the books as other students will also be borrowing the same books. There is also a general rule by the institution library which provides that the bookshelf must not remain empty for more than seven days. Hence this has become a challenge to the researcher since some of the information required for this research study cannot be accessed within a short timeframe.

3.5 Research approach

The research used a case study approach to investigate the problem under study. Case studies are used in research to analyse a phenomenon in order to generate hypothesis and to validate a method (Summers 2008). In order to collect data about human rights different sampling methods were used. The sample population was both purposively and conveniently selected for questionnaires and interviews. In this particular research the sample at ZLHRs central office in Harare was stratified into four groups that included lawyers, human rights researchers, and political activists and ZLHRs officials. Among those who were purposively sampled included lawyers and human rights researchers. This was informed by the researcher's assumption that lawyers and human rights researchers have a wealth of knowledge about human rights in Zimbabwe that is important for this study. Zimbabwe lawyers for human rights and political activists were conveniently sampled and the questionnaires were administered to them. Convenient sampling enabled the researcher to access the respondents who were conveniently accessible at ZLHRs offices and it helps the researcher to save time.

3.6 Data analysis procedures

Data that was collected both from questionnaires and interviews will be organised first and then analysed. Some of the findings will be presented in table form, charts and graphs. After all general conclusions and findings have been done the use of a computer was the cutting edge in data management techniques in order to make the task easy and fast.

3.7 Steps to Ensure Trustworthiness

There are four fundamental criteria to ensure trustworthiness in qualitative research. These constituted credibility, transferability, dependability and conformability. Below is an analysis of two of these four criteria and how one can meet them during research.

3.7.1 Credibility

Credibility deals with the question “how congruent are the findings with reality (Merriam, 1998 cited in Shenton, 2004). Ensuring credibility is one of the most important factors in establishing trustworthiness. There are a lot of provisions that need to be made available by researchers to promote confidence that they have accurately recorded the phenomenon under scrutiny (Shenton, 2003). The researcher used these provisions available for credibility of this particular research. They constituted the adoption of research methods well established. Incorporating correct operational measures for the concepts being studied is very important (Yin 2008). From this sense specific procedure used such as the line of questioning pursued in the data gathering sessions and methods of data analysis should be derived where possible from those that have been successfully used in previous comparable projects. To achieve credibility through this system the researcher made use of specific procedures that have been previously used by different researchers in the field of social sciences. Another provision that allows credibility to be achieved is the development of an early familiarity with the culture of participating organisations before the data collection dialogues takes place. In this particular research, the researcher made this provision available through interacting with a lot of lawyers, political activists, human rights researchers and victims of the pre, during and post-election violence at ZLHRs. This was made possible by the fact that the centre is very close to the researcher’s original area of residence. Triangulation is also another method that allows credibility to be achieved. According to (Shenton, 2003) triangulation may

involve the use of different methods especially observations, focus group discussion and individual interviews. The researcher adopted this method through using of different data collection methods to complement each other hence credibility was attained. Informants were also used during data collection method for data triangulation purposes. Hence credibility was achieved thus trustworthiness of the research was made possible.

3.7.2 Dependability.

According to Guba (1981) there are close ties between dependability and credibility but credibility goes an extra mile in ensuring dependability. In ensuring the dependability of the study the positivist employs techniques to show that if the work was repeated in the same context with the same methods and with the same participants' similar results would be obtained. Hence the use of overlapping methods in this research is also possible for example focus groups and interviews. Therefore in this current research dependability was also achieved through use of overlapping methods of collecting data.

3.7.3 Ethical procedures.

Ethics refers to a system of principles which can critically change previous considerations about choices and actions (Fisher 1993). There are three major considerations which are crucial to be observed when conducting research. They included respect for anonymity and confidentiality, respect for privacy and informed consent. The issue of confidentiality and anonymity is closely connected with the rights of beneficence, respect for the dignity and fidelity (Treece and Treece 1982). Researchers need to take care of various ethical issues at both macro and micro levels. According to the utilitarian theory, which focuses on the best interest of all participants involved, happiness of the society is of greater importance. Observing ethics in research is always a necessity when one needs to carry out a research either quantitatively or qualitatively. According to Parveen and Showkat 2017, ethics are actually norms or conducts that distinguish between right and wrong and acceptable and unacceptable behaviour. Therefore observance of ethical considerations remains important to ensure sustainable research.

3.7.4 Participants Protection

To ensure participants protection, the researcher put in place a lot of measures that included respecting anonymity amongst others. Informed consent, which entails the researcher's ability to seek for permission from the participants before the commencement of any research process was also used to ensure participant protection. Measures to avoid the breaching of cultures, beliefs and values have also been considered to ensure participants protection. In relation to questionnaires the researcher reserves a right to withdraw from answering any questions they consider a threat to confidentiality. Due considerations were given by all means necessary. This is in line with the sentiments of Jensen 2002 who contended that, anonymity and confidentiality of participants such as informants must be given due consideration. Pseudo names were used by the researcher to promote confidentiality. In this particular research, after collection data manipulation was consistently avoided.

3.7.5 Chapter summary

The purpose of this chapter was aimed at discussing the research trajectory that the researcher pursued during the research. The chapter primarily focuses on both the approaches implored and how the research was conducted. Methods and techniques that were used for data collection during the research process chief of which included interviews and observations among others were discussed in this chapter. Case study or descriptive survey design which is a research design that was used to come out with this research thesis was also discussed at length. Both primary and secondary data sources were analysed in this chapter. Primary sources of data which constituted interviews, questionnaires, field observations, focus discussion groups and secondary sources such as books, journals, online publications, lecture notes and recommendation papers were analysed. A collective of both primary and secondary sources provided the researcher with information and data which is in relation to human rights issues in Zimbabwe. The sampling procedures, data analyses procedures, ethical considerations, participants protection and methods of ensuring trustworthiness in research has also been analysed in this chapter.

CHAPTER 4: DATA COLLECTION, ANALYSIS AND INTERPRETATION

4.1 Introduction

The purpose of this chapter is aimed at presenting and analysing data. Data collected by the researcher at ZLHRs central office in Harare and a 10 kilometres radius away through questionnaires, interviews and observations is analysed at length. This research is an analysis of the role played by NGOs in their fight for human rights using the case study of ZLHRs in Harare in Mashonaland province of Zimbabwe. Besides the presence of both the organisations that fight for human rights and human rights protection systems, human rights violations are escalating and are still rampant in Zimbabwe. Therefore the aim of this study is to unravel and analyse the challenges militating against the full attainment of human rights in Zimbabwe. The chapter therefore aims at presenting and analysing this data. The data was presented in form of bar graphs, tables and charts to ensure clear and quality data presentation in order for readers to better understand. Data analysis was done using statistical package version 21.0 and Microsoft Excel. After the completion of interviews and questionnaires has been done data was then analysed.

4.2 Response rate

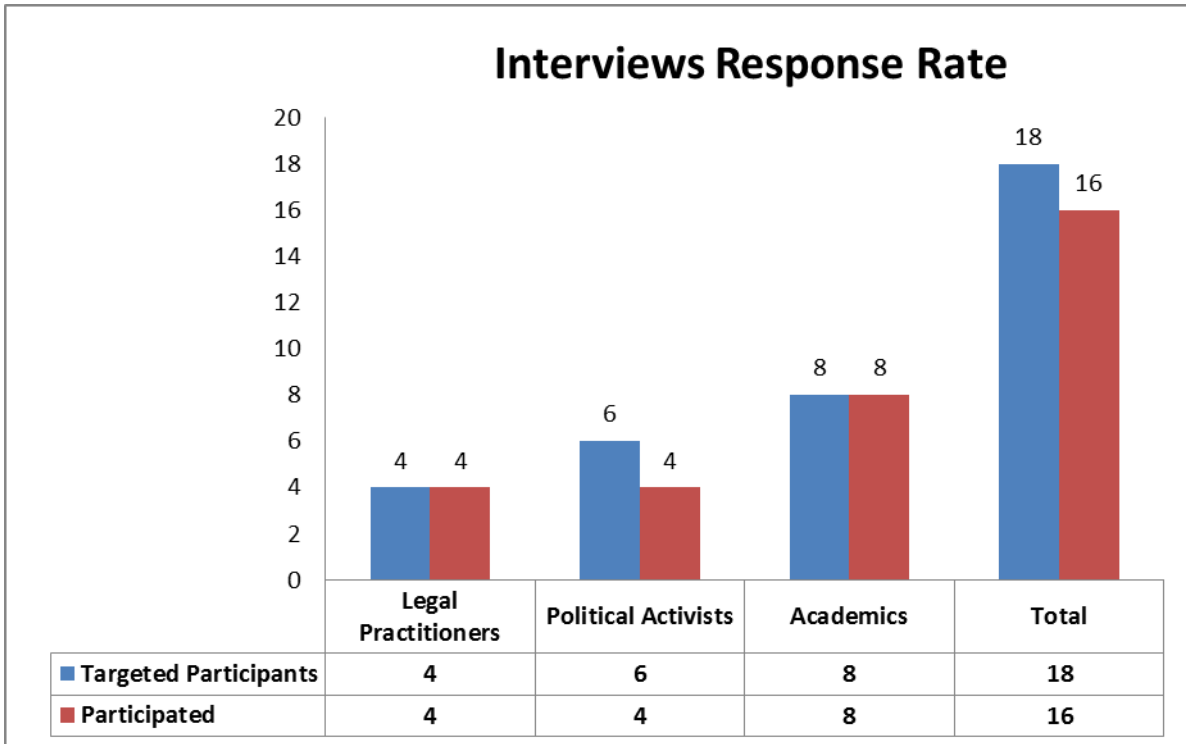
This is the percentage of the people who participated in the survey divided by the number of targeted sample. The response rate is the one that determines the credibility of the research findings. A higher response rate means the findings are more credible and valid and the lower the response rate means the research is less credible. In this particular research, questionnaires and interviews were used to collect data. The response rate for both the interviews and questionnaires are presented and analysed below.

4.2.1 Interview response rate

The researcher intended to conduct interviews with a total sample of 18 participants. The interview consisted of 4 legal practitioners, 6 political activists and 8 academics. The interviewees managed to provide the researcher with the required data. However, out of 18 targeted respondents the researcher successfully had interviews with only 16 participants. This was caused by the 2 political

activists who during the day of the interview denied to be interviewed. Therefore in this case the interview response rate is 16 divided by 18 multiply by 100 which are equal to 88%.

Fig. 1 Interviews response rate



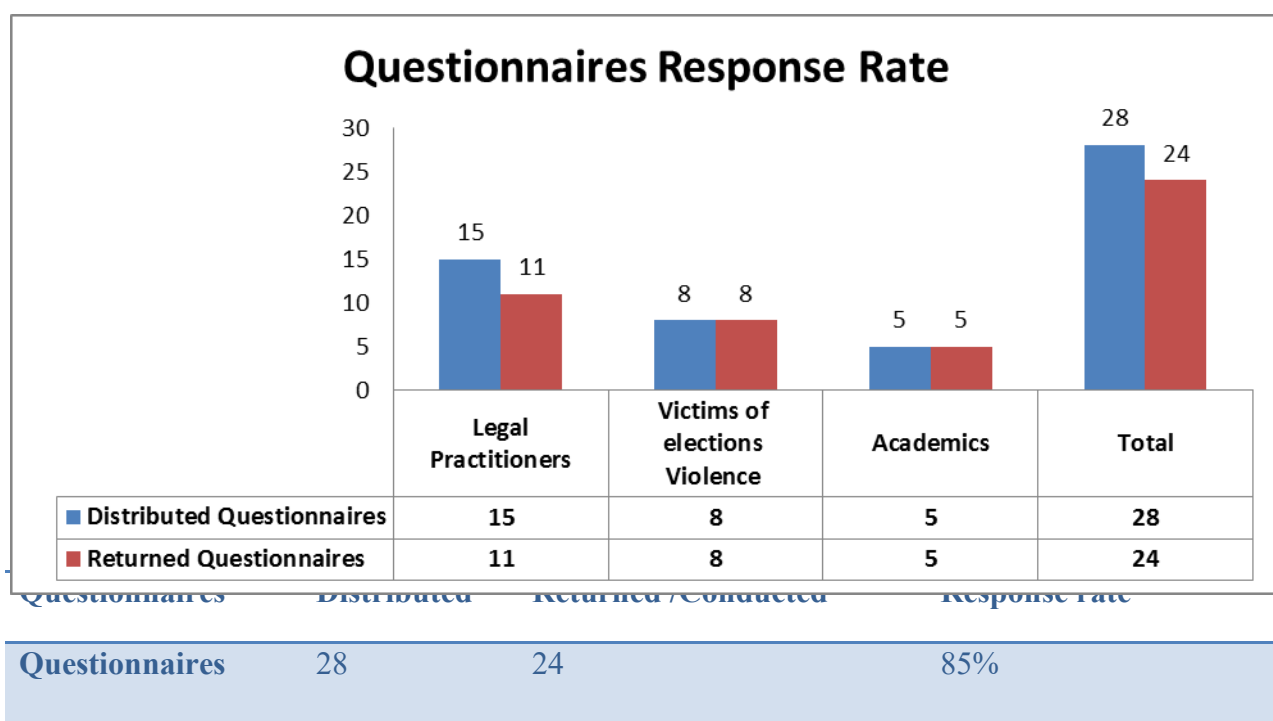
Interviews	Scheduled	Conducted	Response rate
Questionnaires	18	16	88%

Source: interviews

4.2.2 Questionnaire response rate

The questionnaires were conveniently administered to a total sample of 28 respondents at a 10 kilometres radius from ZLHRs' central office in Harare. From all the 28 questionnaires which were distributed only 4 of them were not returned, the remaining 24 were well responded to. The questionnaires were distributed to a population sample that constituted 8 victims of the pre, during and the post-election violence, 5 academics and 15 legal practitioners in Harare at a 10 kilometres radius away from ZLHR. Questionnaires were very useful in obtaining critical information. Unlike interviews the questionnaire's respondents were given ample time to respond at their own pace. However, with questionnaires respondents were not disclosing their names; they were preferring anonymity more than their actual names. In this case the response rate is 24 divided by 28 multiply by 100 which are equal to 85%.

Fig 2. Questionnaire response rate



Source: adopted from questionnaires

4.3 Demographic variables

Demographic characteristics of respondents for both questionnaires and interviews are analysed. Demographic data is critical in research. It provides the researcher with information which may have a bearing on the respondent's answers to the research questions. The researcher also analysed demographic profile of all the respondents basing on gender, levels of education and age.

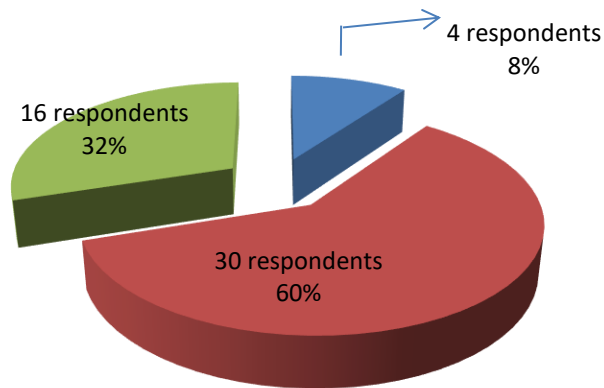
4.3 .1 Age composition

In this particular research, greater percentage of the sample ranges from 25 to 50 years old. This range constituted a total of 30 respondents which is equal to 60% of the total sample. This group of respondents was very crucial to the research. It constituted people who have a wealth of experience in relation to human rights issues in Zimbabwe. The response rate of participants in the range of 50 and above years constituted a total number of 16 respondents, which is 32% of the total respondent. This age group constituted victims of the pre, during and post-election violence and the ordinary citizens. Lastly those respondents of the age below 25 years old only constituted a total of 4 people which is 8% and 2 of these respondents are members of Zimbabwe council of churches. This age composition constituted of a smaller number of the whole research possibly because of confidentiality reasons.

Fig 3. Age composition

Number of respondents by age and percentage of respondents

■ 25 and below ■ 25 to 50 years ■ 50 years and above



Source: *adopted from questionnaires*

4.3.2 Gender composition.

In a bid to ensure gender equality in this research which is a key element to produce a balanced research, the researcher tried by all means necessary to balance the participants between males and females. The questionnaires were distributed to a sample of 28 respondents and responded by a population that constituted 14 males and 10 were responded to by females to make a total of 24. In this case male participants were more active than women participants possibly because most of males are political activists and lawyers due to the stereotypical beliefs that politics is only for men. This is because males are regarded as masculine while women are regarded as feminine. Hence women are regarded as not credible candidates to participate in the public domain. Again women suffer from pull her down syndrome which hinders their participation in the public domain such as politics. This helped the researcher since those people participated have a vast knowledge on what is affecting their rights. In relation to interviews since the respondents were purposively selected the researcher tried to balance gender of the respondents. Hence, there was only a reasonable difference between men and women who were successfully interviewed.

4.3.3 Levels of education.

The higher the person is educated the higher the quality of information obtained by the researcher. Levels of education determine the level of understanding especially for respondents. Both questionnaires and interviews need competent respondents who capture things very fast. This minimizes chances of extracting biased and incompetent information from respondents. The researcher engaged in interviews with respondents who had different levels of education. This ranges from secondary level to post graduate level. Those with educational level below ordinary level were 6 which are 12% of the total respondents. Certificate holders were 15 which are 30%, undergraduate degree holders constituted 11 people which are 22% and master's degree holders were 5 which are 10% of the whole respondents.

Fig 4. Educational levels of respondents

Level	Number of respondents	Percentage of respondents (%)
Below O level	6	12
'O' levels	3	6
'A' levels	10	20
Certificate holders	15	30
Undergraduate degree holders	11	22
Master degree holders	5	10
Total	50	100

Source: adopted from questionnaires

4.3.4 Chapter summary

The aim of this chapter was to present and analyse data. Data which was collected at ZLHRs central office (Harare) and from a ten kilometres radius away from the office was analysed. Data was collected through questionnaires, interviews and observations. Data presented has shown that besides the presence of organisations that fight for human rights, human rights violations are still rampant in Zimbabwe. This research is an analysis of the role played by NGOs in their fight for human rights. Therefore the aim of the study was to unravel and analyse the challenges which are militating against the full attainment of human rights in Zimbabwe.

CHAPTER 5: FINDINGS AND DISCUSSION.

5.0 Introduction

The chapter is aimed at discussing the findings of the research. The purpose of the research was to analyse the role played by NGOs in their fight to promote human rights. The research used the case of ZLHRs to represent all human rights NGOs in Zimbabwe. The research acknowledged that there are a lot of challenges which are militating against the full attainment of human rights in Zimbabwe. This has also affecting ZLHRs in its endeavour to promote human rights. These challenges included but not limited to attack on human rights defenders, lack of budgetary support from the government to support shelter, education, water sanitation, health and environment, poor government programs, politicisation of issues, lack of political will to deal with human rights issues in the country. When contestations for political power take place those in authority often use violent means to suppress perceived opponents. The biggest challenge is that the violators are not brought to account hence the cycle of human rights violations persist. The major findings of the research are to be discussed at length in the subsequent paragraphs.

5.1 General description of ZLHRs.

The ZLHRs has its central office in Harare and two regional offices covering the Matabeleland and Midlands provinces, Masvingo and Manicaland provinces respectively. It is a non-profit law based organisation which was established in 1996. Its core objective is to foster a culture of human rights and to encourage the growth and observance of human rights at all levels of the Zimbabwean society. ZLHR holds Observer Status with the African Commission on Human and Peoples' Rights. It participates in the activities of committees of the SADAC Lawyers' Association. It has an affiliate status with the International Commission of Jurists and is currently the Secretariat for the Southern African Human Rights Defenders Network (ZLHRs 2014 annual report). ZLHR participated in various programmes such as access to justice, institutional strengthening and accountability programme, rights literacy programme and protection of human rights defenders programmes. These programmes seek to make sure that communities through awareness programmes are equipped to access social, economic and cultural rights entitled to them.

5.1.2 Aims and Objectives of ZLHR.

- To strive to protect, promote, deepen and broaden the human rights provisions in the constitution of Zimbabwe.
- To strive for the implementation and protection in Zimbabwe of international human rights norms as contained in important sub-regional, continental and international human rights instruments.
- To strive for the adoption of a Southern African Development Community (SADC) Charter on Human Rights and to develop and or strengthen the implementing mechanisms.
- To endeavour to find common ground with, and work alongside other Zimbabwean groups, organisations, activists and persons who share a broadly similar concern for and interest in human rights.
- To liaise and work with other human rights groups wherever situated but particularly in Southern Africa and especially those closely linked to the legal profession.

- To do all other things necessary to promote human rights, the rule of law and separation of powers in Zimbabwe and the region (ZLHR 2014 annual general report).

5.1.3 The membership.

ZLHR is a membership organisation comprising around 170 lawyers with a proven track record of human rights protection and promotion. Its members are drawn from all provinces of Zimbabwe. ZLHR members involve themselves in various activities of the organisation on the basis of their interest in human rights litigation, legal and rights abused education, research and advocacy. They donate part of their time and services pro bono to the organisation's programmes and reinforce the work of the ZLHR Secretariat to expand their reach across the country (ibid).

5.1.4 Governance.

ZLHRs' board comprises of 11 members, 10 senior lawyers in private practice and the Executive in her ex officio capacity. The membership is mandated to elect the Board at the Annual General Meeting. The board constitute national representatives and regional representatives for Manicaland, Midlands and Matebeleland. The board meets at least quarterly and more often if necessary. This is done to consider policy issues and oversee the strategic direction, financial and programmatic integrity of the organisation. After this has been done they then report to the membership at the Annual General Meeting (ZLHRs 2015 annual general report).

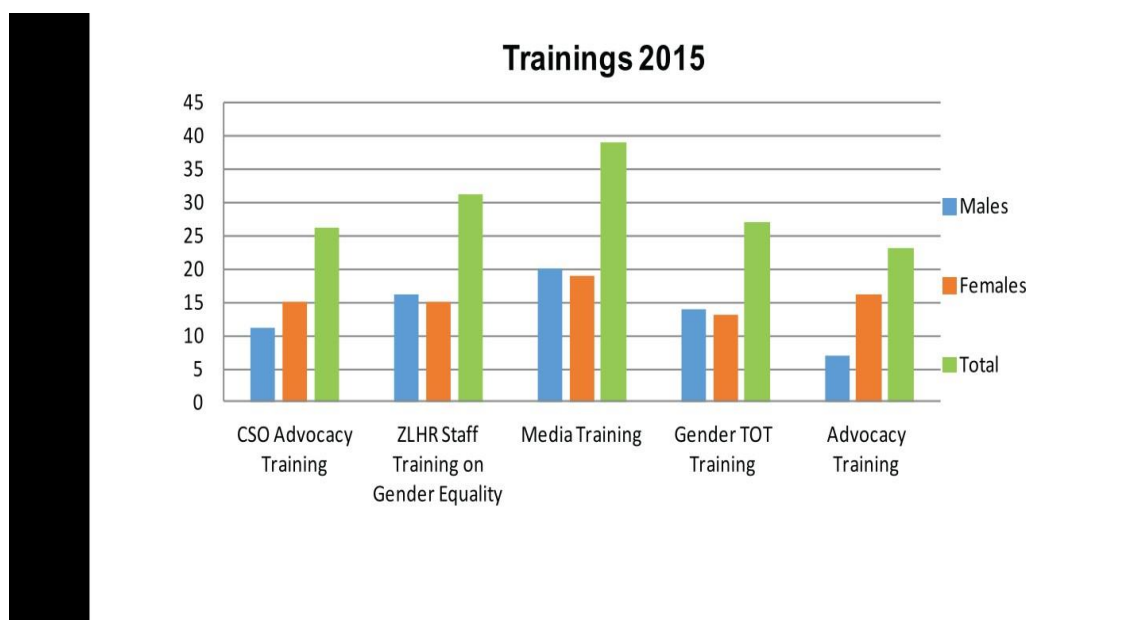
5.1.5 ZLHR's Theory of Change and Strategic Framework (2014-2018)

ZLHR has undertaken a comprehensive strategic review, visioning and planning exercise. It has commenced after 2013 national elections. In light of the global and national funding constraints the organisation has managed to restructure its programming and reduce its budget from seven departments to four units. In its strategy ZLHR seeks to foster a sustainable culture of human rights and respect for the rule of law in Zimbabwe by ensuring the following (ZLHR 2014 annual general report):

- Increasing gender- sensitive equitable access to civil, social and economic justice through provision of quality legal services to women, men, youth and marginalised groups.
- Strengthening the efficiency and effectiveness of state institutions in delivering on their mandate and accounting to the public.
- Increasing knowledge and public participation through the provision of reliable human rights information and platforms for dialogue.
- Protecting the rights defenders through litigation, education and advocacy (ibid).

5.1.6 ZLHR capacity building services.

Fig 5



Source: ZLHR 2015 Annual General Report

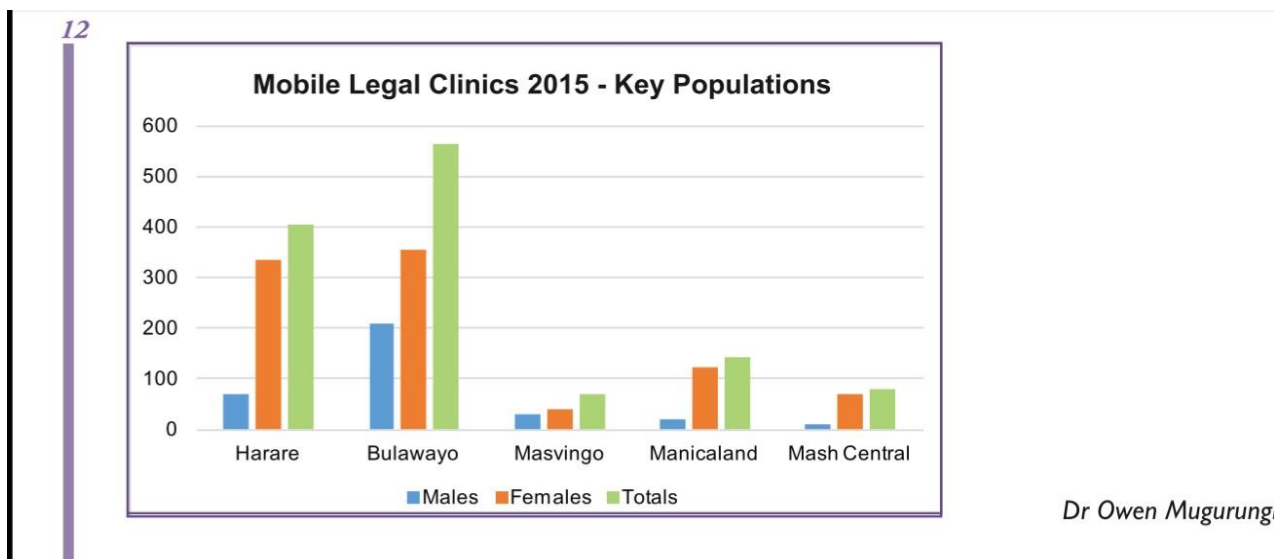
Through ZLHR's interventions:

- 198 stakeholders benefited from health, HIV and human rights related trainings
- 426 participants were capacitated in constitutional and rights based awareness.

- 36 Lawyers were trained in litigation skills, particularly around socio economic rights litigation.
- 264 human rights defenders gained knowledge and skills on safety, risk management and how to access legal services and remedies.
- 43% of participants in capacity building activities were women.

5.1.7 ZLHR's mobile legal clinics.

Fig 6



Source: ZLHR 2014 Annual General Report.

ZLHR has initiated some mobile legal clinics whereby lawyers provide human rights information to the community especially focusing on their fundamental economic, social and cultural rights guaranteed in the constitution of Zimbabwe. Through consultations the organisation has managed to help children who had their results withheld by school authorities on the account that the Basic Education Assistance Module (BEAM) had failed to pay their school fees (ZLHR 2014 annual general report). The organisation has also managed to participate in outreach programmes to remote areas such as the Siakobva area in Mashonaland West province of Zimbabwe. The Siakobva community is located in Nyami Nyami district. It has been reportedly that this area is severely underdeveloped owing to poor road networks and it experienced perennial drought (ibid). Therefore through its mobile clinics ZLHR has managed to promote and protect the right to education and the right to information respectively.

5.2 Other human rights organisations in Harare.

5.2.1 Organisations

There are various human rights organisations in Harare and their core objectives is to promote and protect human rights. These organisations included but not limited to Zimbabwe Peace Project (ZPP), Human Rights Watch, Zimbabwe Gender Commission, Girl Child Network and Zimbabwe Human rights Commission. These organisations are very instrumental in the city when it comes to human rights promotion and protection.

Fig. 7 Other human rights Organisations in the City

Name of organisation	Duties
Zimbabwe Peace Project	Human rights advocacy
Human Rights Watch	Human rights research

Zimbabwe Human rights Commission	Human rights awareness campaigns
Girl Child Network	Promote right to education

Source: ???////

5.2.2 Other human rights institutions in the city

Since Harare is the capital city of the country it constitute of legal facilities such as the High Court of Zimbabwe, the Constitutional Court, the Supreme court of Zimbabwe and Master of the High court which presides over issues to do with deceased estates and the administration of minors (Insolvency and Minors Act chapter 6.4). There is also the Juvenile court, Civil Court and the Labour court which presides over labour issues. The court settles disputes between the employer and the employee.

Fig. 6 Major Legal institutions in the city

Name of legal institution	Total number
Constitutional Court	1
Supreme Court	1
High Court	1
Labour Court	1

Civil Court	1
Total number of major legal institutions	5

5.3 Challenges militating against the full attainment of human rights in Zimbabwe.

Responses for both questionnaires and interviews revealed that the government has an obligation both under international law and domestic laws to protect human rights. In Zimbabwe, local authorities, corporates and individuals have been responsible for rights violations. There are a lot of challenges that are militating against the full attainment of human rights in Zimbabwe. These challenges are politically, socially, culturally, economically and legally. Continual human rights violations in the country are mainly associated with major national programs and national processes such as elections or during demonstrations. There is lack of political will to deal with human rights issues in the country. The biggest challenge which is affecting both human rights in Zimbabwe and ZLHR in its endeavour to promote human rights is that, violators are not brought to account hence the human rights violations persist.

5.3.1 Lack of adequate budgetary support from the government.

Both respondents from amongst academics, political activists, victims of election violence have mentioned that on the social economic front, lack of adequate budgetary support from the government to support education, health, water sanitation, shelter and environment has led to serious challenges in the enjoyment of economic, social and cultural rights.

5.3.2 Poor government programs.

Government program such as Operation Murambatsvina has caused serious right violation to the right to shelter. In May 2005, the government of Zimbabwe embarked on “Operation Murambatsvina” (Shona for “clear the filth”, but translated by the government of Zimbabwe in the

state party as “Restore Order”), a program of mass forced evictions (Human Rights Watch 2005). Operation Murambatsvina left some seven hundred thousand (700,000) masses without a home, livelihood or both. The mass evictions were carried out in total disregard of due procedures which is an absolute violation of the right to shelter.

The Fast track land reform programme model has also some negative repercussions on human rights. The manner in which the fast-track land reform program was implemented in 2000 culminated in violation of human rights as enshrined in the African Charter on human and peoples’ rights. These rights constituted the right to property (Article 14), right to freedom from discrimination (Article 2), equality before the law (Article 3), right to life (Article 4), right to liberty (Article 5), right to have ones’ cause heard (Article 7) and the right to work under equitable and satisfactory conditions.

5.3.3 Lack of political will to deal with human rights issues.

There is lack of political will to deal with human rights issues in Zimbabwe. The violators of human rights have not been brought to account and in most cases the violators are linked to the ruling elites. As contestations for political power take place those in authority often use violent means to suppress perceived opponents. Human rights are also affected by lack of political will by the ruling elite to ensure protection and promotion of human rights.

5.3.4 Repressive laws.

Human rights in Zimbabwe are mainly affected by national processes such as elections or during demonstrations. During elections or demonstrations there is an absolute violation of certain rights which are guaranteed in the constitution. During elections the following rights are on the spotlight, the right to freedom of expression and assembly, the right to freedom of association, the right to personal security, the right not to be tortured and the right to life. This has been caused by the existence of repressive laws.

5.3.5 Unequal protection of the law.

Several lawyers have been threatened, attacked or obstructed by police when defending clients in custody. Members of the legal profession have been subjected to abuses. Beatrice Mtetwa of ZLHR who called the police for assistance after being carjacked was violently attacked by police in a police car and in Borrowdale police station (Shadow report to the African Commission on Human and Peoples’ rights 2007). Gugulethu Moyo was beaten in a police station where she had gone to represent a colleague who was being detained (ibid).

5.3.6 Selective application of the Law.

Both respondents from amongst lawyers and political activists have mentioned that Public Order and Security Act (POSA) have undermined the rights to freedom of association and assembly. Sections 23 to 31 of the POSA regulate the organisation and conduct of public gatherings and provide the police with extensive powers to control them. For example section 24 requires that police are given four days advance notice of public gatherings or meetings. Sections 25 and 26 grant the police powers to breakup public gatherings if they deemed to endanger public order. Section 27 of the POSA allows police to ban demonstrations for a period of one month. However, police have applied this law selectively to refuse the civil society organisations permission to hold public gatherings and meetings which is an absolute violation of the right to freedom of assembly and association.

5.3.7 Religious and cultural practices

Religious practices hinder medical procedures like immunisation and drive epidemics like measles. Cultural practices such as female genital mutilation is popular in some African traditions. Hence this has affected the right to health and the right to freedom of choice respectively.

5.3.8 Inadequate education services

Failure to provide quality education has led to serious challenges in relation to the right to quality education. The quality education is based on the aspect of article 11 of the African Charter which eludes that states and governments should exhaust their obligations by ensuring that education promotes the physical, mental and spiritual development of the child. Quality education is measured by teacher to pupil ratios (1:30 at primary and 1:20 at secondary). These are the national targets for teacher to people ratio. However the national averages for teacher to pupil ratio for primary and secondary were 1:36 and 1:22 respectively (MICS 2014). Therefore this has led to serious challenges in relation to the enjoyment of the right to quality education.

5.3.9 Inadequate health facilities in schools

The right to education is also premised on the provision of quality infrastructure from a disaster risk management perspective. In terms of toilet provision most schools are close to the country's target of 1 squat hole: 20 for girls and 1 squat hole: 25 for boys. Only 33% have functional hand washing stations. Only 67% of schools have functional incinerators. 1.7% of primary schools do not have water sources (MICS 2014).

The right to education is also hinged upon the availability of qualified teachers. According to MICS 2014 of the 73 000 teachers in primary education 86% are considered qualified by 2013. In secondary education 73% of the 42 000 teachers are qualified. Hence this has affected the right to quality education.

5.4 Chapter summary

The chapter was aimed at discussing the findings of the research. The purpose of the research was an analysis of the role played by NGOs in their fight for human rights. The study used the case of ZLHR to investigate the challenges which are militating against the full attainment of human rights in Zimbabwe. The study revealed that the biggest challenge which is standing as a constant obstacle against the full attainment of human rights is that the violators are not brought to account hence the violation cycle persist. It was revealed that across all fronts, lack of budgetary support from the government to support shelter, education, water sanitation and environment has led to serious challenges in the enjoyment of economic, social and cultural rights. Some of the challenges identified by the research include poor government programs such as Operation Murambatsviana which has caused serious right violation to the right to adequate housing, repressive laws which have caused serious right violation to freedom of association and assembly and selective application of the law which has caused serious right violation to the right not to be tortured just to mention but a few.

CHAPTER 6: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

6.0 Introduction

This chapter focuses on summarising the whole research, its findings and proffering possible recommendations to both the challenges faced by ZLHR in its endeavour to promote human rights and the challenges militating against the full attainment of human rights in Zimbabwe. Lastly the chapter relays conclusion of the whole study, noting all important issues around research findings triggered by the objectives of the study.

6.1 Research purpose

The study aimed at analysing the role played by NGOs in their fight for human rights using the case of ZLHRs from 2000 to 2020. The researcher structured questions that enabled him to obtain the information in line with the research purpose. Questions from both the questionnaires and interviews were designed in a way that enabled the researcher to acquire information with regards to the major challenges faced by ZLHRs which are also militating against the full attainment of human rights in Zimbabwe.

6.2 Research objectives

The research study was guided by six objectives and each objective is addressed in each chapter of the study. The six main objectives of the study are discussed below in detail.

6.2.1 Objective 1: To analyse the background of the study and to do a deep analysis to the problem.

The first objective of this research was to discuss the problem and its setting. The aim of this objective was to give an introduction to the study, the background of the study, the statement of the problem, significant of the study, definition of key terms, assumptions of the study, limitations and delimitation of the study.

6.2.2 Objective 2: To analyse different literatures around the topic of human rights and to analyse the experience of human rights protection systems at a global level, within the African context and finally within the Zimbabwean context.

In line with this objective the research explored different literatures that discusses and analyses human rights. Informed by different literatures the researcher analysed the experiences of the human rights protection systems and human rights within different contexts that is at global level, African context and the Zimbabwean context. The researcher implored a top down approach in discussing the experiences. That is, the experiences were discussed from a wider view till it narrow down to the specific country of Zimbabwe in which the case under study is drawn to. In order to address this objective the rationale behind the establishment of human rights protection systems, conventions used in human rights protection systems, the performance of human rights protection systems and conventions in these nations of different regions and continents were discussed. In this case successes and failures of the human rights protection systems as well as conventions and legislations put in effect in a bid to make the human rights protection systems effective in promoting human rights at global, regional and local levels. In this case American, European as well as Zimbabwean experience with human rights was discussed and analysed using different literatures and scholarly views. Therefore the researcher was trying to compare the alien

experiences with that of Zimbabwe in order to borrow ideas from others that can ensure the sustainability of human rights protection systems and mechanisms in the county.

6.2.3 To discuss the research methodology that the researcher used in doing the research.

Another objective of the research is to discuss the research methodology that the researcher used on data collection. In line with this objective the research focused on discussing how research was conducted and the approaches the researcher employed in doing the research. All Methods and techniques used for data collection during the research such as observations, interviews and questionnaires were discussed in conjunction with this objective.

6.2.4 To discuss how data analysis and presentation was done for the research.

The other objective of the study was to present and analyse data collected through different instruments used during the research. Therefore in line with this objective data collected by the researcher at ZLHR central office in Harare and from a 10 kilometres radius away from the office through, questionnaires, interviews and observations was analysed.

6.2.5: To discuss the research finding in detail

The other main objective of the study was to discuss the major findings of the research. The purpose of the research was an analysis of the role played by NGOs in their fight for human rights. ZLHR was used as a case study to investigate the role played by NGOs in their fight to promote human rights on behalf of all advocacy NGOs in Zimbabwe. The research revealed that ZLHRs is facing a plethora of challenges that are politically, economically and legally, that are militating against the full attainment of human rights in Zimbabwe. Some of the challenges identified by the researcher included lack of adequate budgetary support from the government to support education, health, shelter and water sanitation, torture and abduction of human rights defenders, lack of political will to deal with human rights issues, poor national programs such as Operation Murambatsvina, existence of claw back clauses in the constitution and many others.

6.2.6: To give a summary of the research, conclusions of the research as well as recommendations to the problems of the research.

After all the findings of the research have been laid out the researcher gave the summary of the whole research. The researcher also gave conclusions from the findings of the research as well as the recommendations to the problems and challenges revealed by the research. The recommendations proffered aims at addressing the challenges being experienced by human rights NGOs in Zimbabwe and specifically ZLHR which is the case study under investigation. Recommendations to address political, economic and legal challenges associated with ZLHR are provided. The recommendations given can be used by the government of Zimbabwe, ZLHR, all advocacy NGOs in Zimbabwe, in Africa as well as the international community. The recommendations given are also important to the academics who are interested in the issues of human rights researches, law students and law makers.

6.3 Key findings.

- The research finds that there are many challenges affecting ZLHR in its endeavour to promote human rights in Zimbabwe. It also finds that there are political, economic and legal challenges which are militating against the full attainment of human rights in Zimbabwe. Questionnaires, interviews and observations played a critical role in identifying the challenges which are affecting ZLHR in its endeavour to promote human rights. Key informative interviews were done with human rights researchers, legal practitioners who were purposively selected by the researcher considering their wealth of knowledge with regards to human rights issues in Zimbabwe. The victims of election violence, academics and ZLHR staff members were also key respondents who managed to provide key information to the research through questionnaires.
- The research finds that human rights violations in Zimbabwe are mainly associated with major national processes such as elections or during demonstrations. During elections the following rights are on the spotlight, the right to freedom of expression and assembly, the right to freedom of association, the right to personal security, the right not to be tortured and the right to life.

- The research also finds that when contestations for political power take place those in authority often use violent means to suppress perceived opponents. On social economic front, lack of adequate budgetary support from government to support education, health, water sanitation, shelter and environment has led to serious challenges in the enjoyment of economic social and cultural rights.
- The research finds that government programs such as Operation Murambatsvina and the Fast Track Land redistribution model has caused serious right violation to the right to shelter.
- The research finds that there are a lot of challenges that are militating against the full attainment of human rights in Zimbabwe. These challenges are also affecting ZLHR in its endeavour to promote human rights. Chief among which included torture and abduction of human rights lawyers, unequal protection of the rule of law on ZLHR members and existence of claw back clauses in the constitution. The biggest challenge being that human rights violators have not been brought to account hence, affecting ZLHR in its endeavour to promote human rights. This scenario was assumed to be caused by impunity which has allowed the human rights violation cycle to persist in Zimbabwe.
- The research also finds that lack of political will to deal with human rights issues by the authorities is also a major challenge militating against the full attainment of human rights in Zimbabwe. This is because political willingness is critical for human rights protection and promotion. Apart from this, lack of necessary teeth to bite on all perpetrators of human rights abuse also has some detrimental effects on human rights protection in Zimbabwe. This is because besides the presence of human rights protection systems human rights abuses are still rampant in Zimbabwe due to poor law enforcement. January 2003 saw the torture of a Lawyer, Gabriel Shumba. This received wide international condemnation as it was seen as a direct attack on the civil society. Gabriel Shumba being a human rights defender working with Zimbabwe Human Rights NGO Forum was arrested while advising his client who had faced police harassment since June 2000 parliamentary elections (Shadow report to the African Commission on Human and Peoples' rights 2007). None of the allegations of torture have been investigated. Gabriel Shumbas' case is pending before the African Commission (ibid). Therefore this revealed on how poor law enforcement has allowed the perpetuation of human rights abuses in Zimbabwe.

- The research finds that there is also an unequal protection of the law on part of ZLHRs members. Several lawyers have been threatened, attacked or obstructed by police when defending clients in custody. Members of the legal profession have been subjected to abuses. Beatrice Mtetwa of ZLHR who called the police for assistance after being carjacked was violently attacked by police in a police car and in Borrowdale police station (Shadow report to the African Commission on Human and Peoples' rights 2007). Gugulethu Moyo was beaten in a police station where she had gone to represent a colleague who was being detained (ibid).
- The research finds that the replacement of the Law and Order Maintenance Act (LOMA) by Public Order and Security Act (POSA) has undermined the rights to freedom of association and assembly. Sections 23 to 31 of the POSA regulate the organisation and conduct of public gatherings and provide the police with extensive powers to control them. For example section 24 requires that police are given four days advance notice of public gatherings or meetings. Sections 25 and 26 grant the police powers to breakup public gatherings if they deemed to endanger public order. Section 27 of the POSA allows police to ban demonstrations for a period of one month. However, police have applied this law selectively to refuse the political opposition and civil society organisations permission to hold public gatherings and meetings.
- The research also finds that women have become victims of human rights abuse three times more than men. This is a true testimony during and after elections where women have been arrested in several times. On the evening of 31 March 2005, the day of the parliamentary elections police arrested approximately 260 women when Women of Zimbabwe Arise (WOZA) attempted to hold a peaceful post-election prayer at Africa Unity Square in Harare. During and after the arrest several WOZA activists were badly beaten. Some were forced to lie on the ground and were beaten on the buttocks by police officers. Amongst those who were beaten by police was a 74 year old woman who reports that she was told to pray because she was going to die. All these abuses are an absolute violation of human rights and are in blatant contravention of the African charter (ibid).

6.4 Recommendations

6.4.1 General recommendations.

This section gives recommendations that can be adopted as solutions to the problems militating against the full attainment of human rights in Zimbabwe and the obstacles affecting ZLHR in its endeavour to promote human rights. Although the recommendations given are mainly focused on human rights issues in Zimbabwe, they can also apply at regional and the international level.

6.4.2 To the government of Zimbabwe.

- It is recommended that the government prioritise to fulfil the country's human rights obligations. The government should take serious steps to fulfil its international legal obligations relating to social, cultural, civil and political rights as prescribed in various international charters and treaties to which Zimbabwe is a signatory to.
- It is recommended that a national program be rolled out to end forced evictions and ensure the full enjoyment of the right to adequate housing. For example there must be a program initiated to pursue effective remedies for people affected by the 2005 forced evictions popularly known as 'Operation Murambatsvina'.
- It is recommended that the government ensure adequate budgetary support to support education, water sanitation, shelter, health and environment. This will ensure the enjoyment of economic, social and cultural rights.
- It is recommended that all violators of human rights be brought to account despite of their political status. This will help to stop human rights violation cycle which has become so rampant in Zimbabwe.
- It is also recommended that there should be an absolute fulfilment of all commitments made by the government during the Universal Periodic Review of Zimbabwe in March 2012 (Shadow report to the African Commission on Peoples' and Human rights, May 2007).

- There should be an unconditional domestication of the International Convention against Torture and other Cruel, Inhuman or Degrading Punishment (UNCAT).

6.4.3 To the ZLHR.

- It is recommended that the organisation work in collaboration with other human rights organisations such as Zimbabwe Human Rights Commission and Human rights Watch to lobby the government in law reforms.
- It is also recommended that the organisation consider a multi-sectorial approach to human rights crisis in Zimbabwe. For example ZLHR should work hand in groove with the government to align the laws with the new constitution (2013).
- It is recommended that ZLHR come up with clearly defined security mechanisms to ensure security and protection of its staff members on and off duty.
- It is recommended that ZLHR partner with International Human rights donors. This helps to expand its legal resources in terms of financing.
- It is also recommended that the ZLHR expand and increase its legal and advocacy education to rural areas to allow a grass root approach to human rights awareness. Human rights activism should also target uneducated people in the rural areas.
- It is also recommended that the organisation invest in projects to fund its legal activities without financial challenges. This will also allow the organisations' wider coverage to marginalised areas when it comes to service delivery especially rural areas.

6.4.4 To the regional and international community

- The researcher also recommend that all countries pursue a rights based approach to the economy in order to advance the national objectives in the constitution to ensure progressive realisation of all economic rights as prescribed in the International Covenant on Economic and Cultural Rights and the Geneva Program of action of (1993).

- It is also recommended that there should be a multi-level dialogue on several issues. For example the European Union should consider going beyond article 96 to article 8 dialogue (Shadow report to the African Commission on people's and human rights, May 2007).

6.4.5 Recommendations for future research

- Now that this research has been dwelling much on the challenges which are militating against the full attainment of human rights in Zimbabwe and the obstacles which are facing ZLHR in its endeavor to promote human rights. It is recommended that the future researchers be focused on what really need to be done as a lasting solution to end human rights abuse particularly in Zimbabwe and the international community as a whole.

6.5: Chapter summary.

The research study was focussed on analysing the role played by NGOs in their fight for human rights. ZLHR was used as a case study to investigate the role played by NGOs in their endeavour to promote human rights. Human rights violations are traced back to the colonial era before Zimbabwe's political independence in 1980, whereby repressive Acts such as the Native reserve Act has been enacted by the Rhodesian government to deny the indigenous black Zimbabweans the full enjoyment of the right to land ownership. The situation was allowed to take off and has been perpetuated after independence through poor government programs such as the Fast Track Land Reform program initiated in 2000 and the Operation Murambatsvina of 2005 which has caused serious right violation to shelter. On social economic front, lack of adequate budgetary support from the government to support health, water sanitation, shelter, education and environment has led to serious challenges in the enjoyment of economic, social and cultural rights. There is lack of political will to deal with human rights issues in the country. The biggest challenge is violators are not brought to account hence the cycle of violations persist. Human rights violations are mainly associated with major national processes such as elections or during demonstrations. The research however revealed that although human rights protection systems, legislations and conventions have been implemented the world over including in Zimbabwe; human rights violations are still rampant including torture which is a serious human rights transgression under international law and the CAT. Using the case study of ZLHR different methods of data collection was used by the researcher to do an in depth investigation. This was done through questionnaires,

observations and key informative face to face interviews. The research has discovered that there are a lot of challenges which are militating against the full attainment of human rights in Zimbabwe which are political, economic and legal in nature. This chapter was aimed at giving the summaries, conclusions and recommendations of the whole research.

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APPENDIX

Questionnaire



My name is Tendai Nyamaropa, a student studying Bachelor of Arts Honors Degree in Development Studies at Midlands State University. As part of my academic research I am carrying out a research on the topic: **Analysis of the role played by Non-Governmental Organisations in their fight for human rights: The case of Zimbabwe Lawyers for Human rights from 2000 to 2020.** May you please assist by answering the following questions? NB: *I hereby declare that confidentiality shall be observed with the highest form of observation it deserves.* Your contribution is greatly appreciated thank you.

DEMOGRAPHIC PROFILE OF RESEARCH PARTICIPANTS

BACKGROUND

1. Age range below 25.....25-50.....50+years.....

2. Gender: male.....female.....

2. Highest level of education.....

3. Marital status: single.....married.....

4. What are the major causes of Human Rights violations in Zimbabwe?

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5. Who are the chief perpetrators of Human rights abuse in Zimbabwe?

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6. Are there any benefits brought to the legal fraternity by ZLHR since its establishment?

Yes.....No.....

7. If yes what are these benefits? (Explain them in detail)

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8. Are there any challenges that you have witnessed and that are militating against the objectives of ZLHR? Yes.....No.....

9. If yes what are these challenges? (Explain in detail)

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10. Are there any efforts you are putting in place as an organization in order to solve the problems you are facing? Yes.....No.....

11. If yes what are the efforts? (Explain in detail)

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12. What do you think should be done to solve the problems affecting ZLHR on its endeavor to ensure human rights protection in Zimbabwe?

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13. Whom do you think is responsible for implementing those solutions to the problems being experienced by ZLHR?

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14. Are there any efforts being put in place by different stakeholders to counter human rights violations in Zimbabwe? Yes.....No.....

15. If yes what are them? (Explain in detail)

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Interview guide.

1. Sex
2. Age
3. Level of Education
4. What are your duties and responsibilities in your organization?
5. What are the challenges being faced by the ZLHRs that you have witnessed since you have been working there?
6. What have you done as an organization to promote human rights in Zimbabwe?
7. What challenges are you facing in your efforts to address the challenges of human rights violations as an organization?
8. What do you think should be done to ensure full attainment of human rights in Zimbabwe?
9. Whom do you think is responsible for ensuring human rights protection in Zimbabwe?