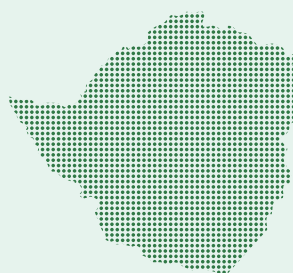


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ZIMBABWE DIGITAL RIGHTS AND INCLUSION

A PARADIGM INITIATIVE PUBLICATION



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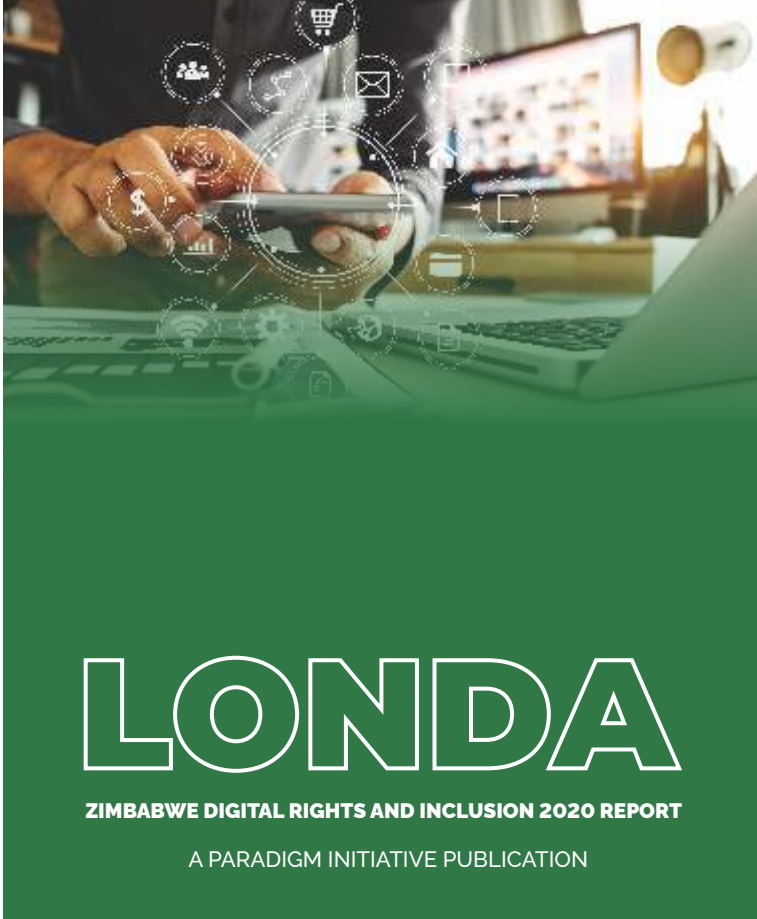
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ZIMBABWE DIGITAL RIGHTS AND INCLUSION 2020 REPORT

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Civil society organizations continue to work to advance digital rights and inclusion in Africa, ensuring best practices are adopted into policy and legislation. This report analyses the state of digital rights and inclusion in Zimbabwe, examining violations and gaps, investigating the use and application of policy and legislation, highlighting milestones and proffering recommendations for the digital landscape in Zimbabwe. This edition captures among other issues, the digital divide worsened by the COVID-19 pandemic and unearths infractions on different thematic areas such as privacy, access to information, and freedom of expression with the legislative and policy background well enunciated.

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Zimbabwe is a country in Southern Africa under the new rule of President Emmerson Mnangagwa following the ousting of the late former president Robert Gabriel Mugabe in 2017.

INTRODUCTION

DIGITAL RIGHTS AND INCLUSION IN ZIMBABWE

In terms of the Constitution of Zimbabwe, 2013 section 3(c), Zimbabwe is founded on values and principles of fundamental human rights and freedoms. Digital rights are fundamental human rights enabling the enjoyment of life with dignity. These human rights are outlined in the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR) and the African Charter on Human and People's Rights.

On 27 June 2014, the African Union Convention on Cyber Security and Personal Data Protection¹ was adopted by the African Union and to date, Zimbabwe is not a signatory. The legal framework on data protection and cyber security remains piecemeal. In 2020, Zimbabwe gazetted the Cyber Security and Data Protection Bill which has not yet come into effect and does not sufficiently protect digital rights. The state of digital rights and inclusion in Zimbabwe increasingly became a concern in 2020 due to the events which showed a departure from human rights standards.



Cyber Security and Data Protection Bill not yet in effect

1. See <https://au.int/sites/default/files/treaties/29560-sl-AFRICAN%20UNION%20CONVENTION%20ON%20CYBER%20SECURITY%20AND%20PERSONAL%20DATA%20PROTECTION.pdf>



IMPACT OF COVID-19 REGULATIONS

In response to the COVID-19 pandemic, the government of Zimbabwe enacted Statutory Instrument (S.I) 83 of 2020² which provides in section 14 that any person who communicates falsehoods shall be liable for prosecution under section 31 of the Criminal Law Code³ (“Publishing or communicating false statements prejudicial to the State”) and liable to a penalty or up to twenty years imprisonment. Section 14 abolishes criminal defamation provisions and expands the scope of the already problematic Section 31 of the Criminal Law (Codification and Reform) Act Chapter 9:23 (the Criminal Law Code) which provides numerous restrictions on freedom of expression and presents penalties of up to 20 years imprisonment. The offence of criminal defamation was abolished in Zimbabwe following a finding of unconstitutionality by the Constitutional Court in the Madanhire case.⁴

During the COVID-19 lockdown period from 30 March to September 2020,

informal traders comprising largely youths and women lost their source of income. Amidst high inflation rates and an ailing economy, the government embarked on allocating COVID-19 relief to low-income families. Vendors Initiative for Socio-Economic Transformation (VISET), an organisation with 68 000 members told PIN that a few VISET members received this allocation. The government approached VISET and asked for a list of those in need. Relief was going to be allocated to those registered on OneWallet, a mobile money transfer platform that operates on a NetOne cell phone line. This was problematic as most members were registered on other mobile money platforms such as Ecocash, a service provided by Econet.

Subsequently, the Finance Minister reportedly made a statement that the government would make use of a sophisticated algorithm to allocate COVID-19 relief grants to affected groups of low income earning households. Marginalized groups were left out from the relief. There were no consultations with the community and no explanation of the privacy policy employed in the use of algorithms in allocating COVID-19 relief.⁵

ENJOYMENT OF FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION IN 2020

During the lockdown which commenced on 30 March 2020, the Zimbabwe Human Rights NGO Forum documented 20 cases of journalists whose media freedoms were violated as at 29 October 2020.⁶ Moses Sigauke, a nurse at Sally Mugabe Central Hospital went on trial in July 2020 following an arrest and charged with incitement as

2. Statutory Instrument (S.I) 83 of 2020 <https://zimlil.org/zw/zw/subleg-consol/S.I.%2083%20of%202020%20Public%20Health%20%28COVID-19%20Prevention%2C%20Containment.pdf>

3. Criminal Law (Codification and Reform) Act Chapter 9:23, <https://zimlil.org/zw/legislation/act/2004/23>

4. See Madanhire & Anor v The Attorney General 2014 (1) ZLR 719 (CC)

5. Mthuli Ncube & His “Sophisticated Algorithms” For Corona Relief Funds – Another Privacy Disaster Looming?, TechZim, <https://www.techzim.co.zw/2020/04/mthuli-ncube-his-sophisticated-algorithms-for-corona-relief-funds-another-privacy-disaster-looming/>

6. The Zimbabwean, Zimbabwe COVID-19 Lockdown Weekly Monitoring Report 23-29 October 2020 – Days 206-213

<https://www.thezimbabwean.co/2020/11/zimbabwe-COVID-19-lockdown-weekly-monitoring-report-23-29-october-2020-days-206-213>

defined in section 187 of the Criminal Law Code. He was acquitted from allegations of abusing Facebook to mobilise and incite medical practitioners to stage protests against the government. Hopewell Chin'ono and Jacob Ngarivhume were arrested on 20 June 2020 for whistle blowing on corruption and allegedly, for planning demonstrations against corruption on the 31st of July 2020, respectively, following expressions made online.

The Constitution under section 61 (5)(a) and (b) states that incitement of violence and hate speech do not form part of freedom of expression and freedom of the media. However, hate speech was propagated in the course of 2020. A noteworthy event is that of the Archbishop Robert Ndlovu, whose attack, marred with tribal connotations, was condemned globally following a letter by the Zimbabwe Catholic Bishops' Conference calling for urgent resolution to the country's economic and political challenges. The #ZimbabweanLivesMatter hashtag was trending in August 2020 following global condemnation of human rights violations in Zimbabwe and among other things, hate speech on Archbishop Ndlovu⁷ whom the Zimbabwe Information Minister Monica Mtsvanga accused of being evil. Zimbabweans came together under the hashtag which was followed by the deployment of a South African delegation to engage on the human rights situation in Zimbabwe.⁸

In April 2020, Lovemore Zvokusekwa appeared before Harare Magistrates Court after he was arrested and charged with communicating falsehoods as defined in section 31(a)(i) of the

Criminal Law Code. In summing up challenging digital rights issues in 2020, POTRAZ mentioned to Paradigm Initiative (PIN) that misinformation was a major issue faced in 2020. There is need for citizens to be responsible through fact checking before sending communications and making use of platforms like Zimfact to sift fact from fiction.⁹ Nevertheless, while there is a need to curb misinformation, regulations must conform to human rights standards. The use of online propaganda by the group commonly known as Varakashi, Zanu-PF's (the ruling party) "online warriors", continued in 2020 and this onslaught has been seen over the years manifesting in the form of criticisms, hate speech, gender-based attacks, harassment and peddling of false news online using fake accounts in political and dissenting discourse.¹⁰

On 5 July 2020, the Freedom of Information Bill which sought to repeal the Access to Information and Protection of Privacy Act¹¹ was gazetted. Contrary to what the name suggests, the new law focuses on access to information and not freedom of expression. The Cyber Security and Data Protection Bill¹² (the Bill) was gazetted on 15 May 2020. Its purpose is to consolidate cyber related offences and provide for data protection with due regard to the declaration of rights under Chapter 4 of the Constitution and the public and national interest.

Incitement of violence and hate speech do not form part of freedom of expression and freedom of the media.



THE CONSTITUTION UNDER SECTION 61 (5) (A) & (B)

7. See <https://twitter.com/davidcoltart/status/1294981558013763586?lang=en>

8. <https://elmmagazine.eu/adult-education-and-democracy/social-media-creates-new-space-for-activism-in-zimbabwe/>

9. See Zimfact on <https://zimfact.org/about-us/>

10. See <https://theconversation.com/a-vicious-online-propaganda-war-that-includes-fake-news-is-being-waged-in-zimbabwe-99402> and <https://www.africafex.org/digital-rights/cybersecurity-and-data-protection-bill-entrenches-surveillance>

11. Veritas, BILL WATCH 40-2019 The Freedom of Information Bill, <http://www.veritaszim.net/node/3618>

12. Cyber Security and Data Protection Bill, 2019, http://veritaszim.net/sites/veritas_d/files/Cyber%20Security%20and%20Data%20Protection%20Bill.pdf



“

There is need for citizens to be responsible through fact checking before sending communications and making use of platforms like Zimfact to sift fact from fiction.

It seeks to establish a cyber security centre and a data protection authority, to which roles are designated to the POTRAZ. Furthermore, the Bill provides for investigation and collection of evidence of cybercrime and unauthorised data collection and breaches, and to provide for admissibility of electronic evidence for such offences. This enhances the conduct of trials in the digital age.

The Bill also creates a technology driven business environment and encourages technological development and the lawful use of technology.

The Bill, however, has its flaws such as the criminalization of falsehoods in section 164C which attracts a penalty of up to 5 years imprisonment.

Apart from this Bill, the Criminal Law code has been largely relied upon by the Zimbabwe Republic Police to follow through on surveillance on human rights defenders with arbitrary arrests. The notorious provisions of section 22 of the code have been used to criminalise free speech. The Interceptions of Communications Act, 2007 has been also used for targeted surveillance on human rights defenders inconsistent with regional and international privacy standards. The government proposed crafting a new law termed the Patriotic Bill which will criminalise campaigning against the country through private correspondence with foreign governments and harming national interests.¹³ Such law if drafted and passed shall have adverse effects on freedom of expression, media freedoms, association and privacy rights among others.

13. <https://www.sundaymail.co.zw/new-law-to-criminalise-unpatriotic-acts>

PRIVACY, DIGITAL ID AND SURVEILLANCE

Privacy is aptly protected by section 57 of the Constitution. In July 2020, the High Court granted an order in favour of MISA Zimbabwe interdicting Econet Wireless Zimbabwe and others from implementing a police warrant seeking information on the mobile phone operator's transactions.¹⁴ This order had the effect of defending the right to privacy of Econet users. The use of biometric technology has in the past attracted distrust from some members of the population following the 2018 elections. Currently, the Department of the Registrar General issues biometric national identity documents through a process that collects fingerprints and the iris. While this has digitised the process of documenting citizens, the concern lies in the possible abuse of data by third parties in the absence of adequate data protection laws that safeguard privacy.¹⁵

In February 2020, the government gave an ultimatum to civil servants who were not complying with the compulsory biometric registration introduced in 2019 for civil servants or they would risk being struck off the payroll at the end of the month.¹⁶ The Interception of Communications Act remains a tool for breaching privacy against human rights defenders through surveillance. The Act extends to intercepting communications through phone calls, emails and fax. In June 2020, a detailed account was given by the government on the movement of opposition activists aligned to the Movement for Democratic Change (MDC), Joana Mamombe, Cecilia Chimberi and Netsai Marova following a reported abduction.¹⁷ This account of the event by the government was aimed at casting aspersions on the abductions. The government reportedly made use of CCTV footage from a supermarket, cell phone tracking and pictures to disprove the allegations of an abduction.¹⁸ This account of the event by the government was aimed at casting aspersions on the abductions. The government reportedly made use of CCTV footage from a supermarket, cell phone tracking and pictures to disprove the allegations of an abduction. The account of their movements on the day of the



14. MISAZim, Court Grants Order in Favour of MISA Against ECONET Search Warrant

15. Engine Room, Digital ID in Zimbabwe: A case study, [https://digitalid.theengineroom.org/assets/pdfs/\[English\]%20Zimbabwe%20Case%20Study%20-%20DigitalID%20-%20The%20Engine%20Room.pdf](https://digitalid.theengineroom.org/assets/pdfs/[English]%20Zimbabwe%20Case%20Study%20-%20DigitalID%20-%20The%20Engine%20Room.pdf)

16. See <https://www.zimeye.net/2020/02/11/government-gives-civil-servants-ultimatum-to-comply-with-biometric-registration/> Digital ID in Zimbabwe: A case study, [https://digitalid.theengineroom.org/assets/pdfs/\[English\]%20Zimbabwe%20Case%20Study%20-%20DigitalID%20-%20The%20Engine%20Room.pdf](https://digitalid.theengineroom.org/assets/pdfs/[English]%20Zimbabwe%20Case%20Study%20-%20DigitalID%20-%20The%20Engine%20Room.pdf), See <https://twitter.com/zifmstereo/status/1268467649123622912?lang=en>. Herald, MDC-A abduction claims under scrutiny <https://www.herald.co.zw/mdc-a-abduction-claims-under-scrutiny/>

17. See <https://twitter.com/zifmstereo/status/1268467649123622912?lang=en>

18. Herald, MDC-A abduction claims under scrutiny <https://www.herald.co.zw/mdc-a-abduction-claims-under-scrutiny/>

alleged abductions was evidence of surveillance which civil society actors, political actors and other human rights defenders are exposed to in breach of their privacy rights.

INTERNET ACCESS

According to POTRAZ, the internet penetration stood at 59,9% at the end of the third quarter in 2020,¹⁹ a drop from the 60,6% recorded in the 2019 fourth quarter report. This internet penetration rate is at great variance with the 27% internet penetration rate recorded by the International Telecommunication Union at the end of 2019. In light of the growing need for internet access, especially during the COVID-19 pandemic, there is a need for an increase in internet penetration.

According to the *African Declaration on Internet Rights and Freedoms*, the cutting off or slowing down of access to the internet, or parts of the internet, for whole populations or segments of the public, should not be permitted on any grounds, including public order or national security grounds.²⁰ Zimbabwe experienced erratic and slow internet access on 30 and 31 July 2020 ahead of planned protests which were meant to occur on 31 July 2020.²¹ NetBlocks documented the incident as a slowing down or throttling of connectivity speeds on both days on TelOne network.²² The disruption lasted approximately 5 hours on the 30th and 14 hours on the 31st of July.²³ This was in clear violation of internet freedom.

The cost of data in Zimbabwe was high for low-

income households and vulnerable communities following the COVID-19 pandemic which called for lockdowns and retrenchment of many from the job market. Zimbabwean data costs are not the highest in the Southern African region,²⁴ however, considering the high cost of living in Zimbabwe, marginalized communities cannot afford an average of about US\$4 for access to 1GB mobile prepaid broadband. The need for internet access was more pronounced in the advent of the COVID-19 pandemic which first struck Zimbabwe in March 2020.²⁵ According to a statement by MISA-Zimbabwe on 14 April 2020,²⁶ the cost of mobile data in Zimbabwe remains prohibitive, discriminates and infringes on citizens' rights to access to information as provided for by the Constitution and the African Declaration on Internet Rights and Freedoms. The internet penetration rate is even lower in rural areas and the digital divide needs to be bridged by digital infrastructure that enables internet access.²⁷

THE EXTENT OF DIGITAL EXCLUSION AND ITS IMPACT ON HUMAN RIGHTS

While the exact extent of the digital divide is not readily ascertainable, Afrobarometer survey data from 2017 and 2018 shows that a majority of Zimbabwean households didn't have mobile phones with internet access, computers, or reliable electricity supply. Cell-phone service was available in almost all urban zones as of 2017, but 15% of rural areas did not have coverage. 43% of cell-phone

19. POSTAL AND TELECOMMUNICATIONS REGULATORY AUTHORITY OF ZIMBABWE (POTRAZ), ABRIDGED POSTAL & TELECOMMUNICATIONS SECTOR PERFORMANCE REPORT, <https://t3n9sm.c2.acecdn.net/wp-content/uploads/2020/12/Abridged-Sector-Performance-report-3rd-Q-2020.pdf>. See also, <https://t3n9sm.c2.acecdn.net/wp-content/uploads/2020/03/Abridged-Sector-Performance-report-4th-Q-2019.pdf>

20. See African Declaration on Internet Rights and Freedoms, <https://africaninternetrights.org/en/principles/2>

21. Jeffrey Moyo and Patrick Kingsley, Zimbabwe Locks Down Capital, Thwarting Planned Protests, <https://www.nytimes.com/2020/07/31/world/africa/zimbabwe-coronavirus-protest.html>

22. NetBlocks, <https://netblocks.org/reports/zimbabwe-internet-disruption-limits-coverage-of-protests-7yNV70yq>

23. NetBlocks, <https://netblocks.org/reports/zimbabwe-internet-disruption-limits-coverage-of-protests-7yNV70yq>

24. See https://researchictafrica.net/ramp_indices_portal/

25. Idah Mhetu, Zimbabwe Records First Confirmed Case of Coronavirus, Minister Appeals for Public Calm <https://allafrica.com/stories/202003210054.html>

26. <https://www.africafex.org/country-highlights/misa-zimbabwe-calls-for-reduction-in-cost-of-data>

27. See <https://freedomhouse.org/country/zimbabwe/freedom-net/2020>

owners and only 28% in rural areas said their phones had access to the internet.²⁸ Digital exclusion is widening the inequality gap in Zimbabwe through the absence of adequate access to digital technology and connectivity to the internet that enhances access to education and jobs among other rights. While private schools migrated to online platforms, rural communities were left behind. Community Youth Development Trust (CYDT) mentioned to PIN that digital infrastructure remained a challenge for many considering the limited resources that are necessary to enable the use of data, systems and processes.

Principle 37 of the African Declaration of Principles on Freedom of Expression and Access to Information mandates States to facilitate the rights to freedom of expression and access to information online and the means necessary to exercise these rights. The internet should be accessible and affordable without discrimination. The Amalgamated Rural Teachers Union of Zimbabwe mentioned three critical barriers to digital inclusion - the cost of data which was too high for ordinary citizens, minimal availability of devices for accessing the internet and limited digital literacy in rural communities. The Ministry of Primary and Secondary Education launched a program to offer online classes via radio which was a welcome step in bridging the digital divide. However, the gap remains due to unavailability of devices and limited coverage.²⁹

The lack of access to smart phones and other forms of technology was a barrier to accessing critical information on the COVID-19 pandemic in 2020, basic health care and also affected access to

information relevant for the enjoyment of human rights such as information on service delivery, development and proposed amendments to the Constitution. With adequate access to digital tools, communities would be more empowered to engage with national processes.

DIGITAL EXCLUSION

According to the Decades of Struggle and Hope: A Zimbabwean Youth Compendium 2019 report published by Youth Empowerment and Transformation Trust, 42% of youth owned a smartphone and 14% had access to them. In the findings of the report, the prominence of internet use for social networking was corroborated by participants in all urban and some rural focus group discussions who reported using the internet to access Facebook, Twitter, WhatsApp, Instagram, Skype, YouTube, Tinder and Telegram.³⁰ This did not improve in 2020. Access to digital technologies for women and girls is critical for women empowerment and remains a gap which needs to be breached in Zimbabwe.

Women, who form the majority in the informal sector, were grossly affected by the lockdown in 2020 which saw the informal sector grounded from trading meaningfully for the greater part of the year. While a considerable number of urban women have access to smartphones, access to the internet is out of reach for many, especially in the rural areas. Bridging the digital divide for women improves their access to information which is critical in accessing basic human rights such as maternal health care and education.

28. AfroBarometer, Limited Internet access in Zimbabwe a major hurdle for remote learning during pandemic, http://afrobarometer.org/sites/default/files/publications/D%C3%A9p%C3%Aches/ab_r7_dispatchno371_hurdles_for_remote_learning_during_pandemic_in_zimbabwe.pdf


29. The Herald, Zimbabwe: Bridging the Digital Divide in Education <https://allafrica.com/stories/202006090417.html>

30. YETT, Decades of Struggle and Hope: A Zimbabwean Youth Compendium 2019 Report <https://bit.ly/2MII8jw>

DIGITAL INFRASTRUCTURE

In 2018, the Ministry of ICT partnered with POTRAZ and established more than 200 Community Information Centers (CICs). These CICs provide access to computers, the internet and other digital technologies that enable people to gather information, create, learn and communicate with others while they develop essential digital skills. This was initiated to reduce the digital divide. While these CICs are useful and a step in the right direction, they lack adequate funding and their reach is limited. There is a need for more sustainable solutions which ensure better resourcing of CICs, capacitating rural schools, clinics and other community-based centers to have the necessary broadband access and digital technologies for bridging the digital divide.

CONCLUSION AND RECOMMENDATIONS



The government must promote an enabling environment for digital rights and inclusion by amending or repealing repressive and archaic policies and laws. There is a need for an effective data protection law. The Cyber Security and Data Protection Bill must adequately safeguard privacy and provide penalties that fall within the bounds of proportionality. COVID-19 must not be used as an excuse to stifle dissent. Freedom of expression must be liberated through cessation of arbitrary arrests and unlawful detention meted out to media practitioners and activists. Unwarranted charges against media practitioners and activists must be dropped in the promotion of digital rights. It is incumbent on the government and telecommunications companies to ensure data protection and access to the internet which is unhampered by disruptions.

The government must work with a broad spectrum of stakeholders to ensure a sustainable digital infrastructure. There is a need for consultative and awareness raising multi-sectoral processes before introducing any technology that collects data from data subjects. The engagements must be all inclusive reaching among others, civil society actors, technologists, media practitioners, persons with disabilities, women, children and the youth. The government must be transparent ensuring that policies are implemented with due consideration for human rights. Telecommunications companies must provide transparency reports that clearly outline their conduct of business which should adhere to human rights standards. Civil society organisations must continue to engage with the government and telecommunications companies for an enabling environment for digital rights and inclusion.



Case Study: COVID-19 Case No.15: A Zimbabwean victim of misinformation

Compiled by Thobekile Matimbe and Everson Mushava

A Bulawayo lady who tested positive for COVID-19 at the inception of the recording of cases in Zimbabwe was subjected to brutal attacks online. This followed a release by the government, in the Chronicle newspaper, that the patient – Case No. 15 – was violating COVID-19 regulation by escaping from quarantine, and posing a health risk to the community. Unfortunately, as a result of this, Case No.15 got to hear the news of her status through social media, leaving her victimised. The system of disclosure of information was flawed and had no regard for the protection of personal information of patients. For purposes of preserving the identity of Case No. 15, this case study refers to her as X.

On April 16 2020, the Chronicle newspaper ran an article on X expressing concern that she was Case No. 15 yet gallivanting across the city of Bulawayo, spreading COVID-19 in blatant disregard for isolation as required of positive patients. The headline was titled, “Beware of this patient! COVID-19 positive woman gallivants around town.” The article gave an exposition of X disclosing that Case No. 15 was a health worker breaching COVID-19 guidelines after a positive test result. It portrayed her as a reckless individual.

Information gathered revealed that X was screened for COVID-19 on April 12, 2020, using a thermometer and turned out to have a high temperature. She was then tested for COVID-19 by a Rapid Response Team which advised her to wait for 48 hours to access her results. On the night of April 14 2020, X then received messages on her cell-phone from colleagues who were checking if she was alright. She discovered a COVID-19 update report released by the government which was describing her as Case No. 15 amongst the new messages on her phone.

“I checked my inbox and came across the daily update from the Ministry of Health and Child Care and immediately realised that Case No. 15 was referring to me as had a number of my colleagues. I resolved to await official communication from the Rapid Response Team who only came through to my residence on Tuesday, the 15th, at 1430hrs.”



That was her first encounter with her results. The government, through the Rapid Response Task Force, failed to reveal X's results to her before disclosing them publicly. Her colleagues were able to also gather from the description in the report that X was positive of COVID-19. X was appalled by having to find out of her COVID-19 status through social media.

As if this were not enough, X was even more shocked when the Chronicle released the article on April 16, 2020.

"[Imagine] my shock when in the wee hours of the morning on Thursday the 16th of April, 2020, I received a link to the publication by the Chronicle accusing Case Number 15 of recklessly endangering the lives of residents by defying self-isolation. Social media has since been awash with the news which begs me to ask whether there is another Case Number 15 or is this just a case of unethical journalism," expressed X.

The newspaper article in the Chronicle is no longer accessible at the time of writing this story. Through the article, the government peddled false news about X. The false news found its way on various online platforms such as WhatsApp and Facebook. The government later clarified that X was not guilty of the allegations made against her through an article in the Chronicle on April 18, 2020, titled "COVID-19 defaulting patient taken to Thorngrove." This new version in the Chronicle disclosed that there was a mix up as Case No. 15 was not the individual who had breached COVID-19 isolation procedures as revealed by health officials.

There is a need for the government to ensure that safeguards are in place for adequate privacy and personal data protections.



Case Study: Protecting the privacy of Zimbabwean COVID-19 patients

Compiled by Thobekile Matimbe and Everson Mushava

Zimbabwe recorded its first COVID-19 case on March 21 2020 amidst an unprepared healthcare system. Slowly, the numbers of COVID-19 recorded cases started growing. Amidst these cases was the misfortune that befell Saul Sakudya, a Harare businessman.

Sakudya was the third recorded case of COVID-19 since the outbreak started in March 2020 in Zimbabwe.

According to Sakudya, he presented the tell-tale symptoms of coughing and feeling dizzy after his return from a trip to Dubai on March 19 2020. He consulted with medical practitioners but his situation did not improve. Sakudya resolved to visit Wilkins Infectious Hospital (Wilkins) which was the only designated hospital handling cases of COVID-19 at the time. His 21-year-old son drove him to Wilkins and Sakudya was tested for COVID-19 but did not immediately access his test results.

“I was told that my results would come out in five hours and if they didn't, it would mean that I had tested negative,” said Sakudya.

He went home to wait for his results, anxiously. It was only on the third day that Sakudya received a call that he had tested positive. According to Everson Mashava, a journalist who conducted the interview with Sakudya, the Ministry of Health permanent secretary, Ms. Agnes Mahomva, confirmed to The Standard newspaper at the time that COVID-19 test results were indeed meant to be delivered within five or seven hours.

The delay in receiving an update on his results caused much anxiety. The Ministry of Health officials then took samples for testing of Sakudya's wife and son as they were his caregivers, as well as his 10-year-old daughter. This was part of the contact tracing response to COVID-19 by the taskforce handling the disease.

In the meantime, Sakudya was placed in quarantine at Beatrice Infectious Diseases Hospital in Harare. He suffered from stigmatisation at the hospital as



COVID-19 was a new and terrifying phenomenon to the medical personnel at the hospital. The medical personnel at the time had no adequate personal protective equipment and as such were fearing for their lives. In this chaos, Sakudya opted to go back home to quarantine in a more conducive environment for his recovery.

What was even more disconcerting was that before his family received their test results, social media users had received information that two of his family members had tested positive of COVID-19. Apparently, the government published the new cases before revealing the results to the patients in violation of their right to accessing information.

“It was saddening that results came after announcements were made and were already circulating on social media. That is not good,” expressed Sakudya in a state of dismay. “We received several calls from relatives, friends and neighbours who told us that social media was awash with news that three family members have tested positive to the virus. This was before the Ministry of Health officials came with the results. It was very traumatizing for my wife and son to learn of their health status on social media.” True to the results circulating online, Sakudya’s wife and son tested positive, while their 10-year-old daughter tested negative.

Sakudya’s wife mentioned that she was a victim of social media bullying. “It was a painful experience. Firstly, I was described as a small house, a home wrecker, and then, my COVID-19 results going viral without me knowing them,” she said.

Sakudya’s 21 year old son also expressed concern at the “apparent disregard for confidentiality of the family’s health status.” He mentioned that his family suffered stigmatisation as a result of the positive results.

The Sakudya family experienced trauma both through the delayed disclosure of COVID-19 results and the failure to exercise due caution in the release of the results in March 2020. There were clearly no effective data protection measures in place to ensure a level of care taken in informing the patients of their results. Such measures would, for example, provide for the publication of updates of new COVID-19 cases after the individuals concerned were notified of their results. Furthermore, there was a need to put measures in place to protect the privacy of the patients who tested positive for COVID-19.

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