



Prepared by: British Red Cross

IFRC Review of Emergency Decrees: ZIMBABWE v1.0 27 03 20

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Overview

On 23 March 2020, the President of Zimbabwe made a declaration under the Civil Protection Act ('CPA')¹ that a state of disaster existed in all rural and urban areas of Zimbabwe with immediate effect.²

The declaration was accompanied by the Public Health (COVID-19 Prevention, Containment and Treatment) Regulations 2020 ('the COVID-19 Prevention Regulations')³ made under the Public Health Act.⁴

The COVID-19 Prevention Regulations' object is to enable the implementation of measures to prevent, contain and treat the incidence of COVID-19.⁵ They make provision:

- (a) prohibiting gatherings for any purpose (except for schools unless and until a declaration is made that a school or schools is to be regarded as a gathering);⁶
- (b) enabling an enforcement officer to order a person or group suspected of being infected with, or of recently being exposed to the risk of infection by, COVID-19 to be tested, treated, detained, isolated or quarantined and their goods sequestered and disinfected and their homes disinfected or evacuated;⁷
- (c) identifying or approving sites for isolation and quarantine.⁸

The COVID-19 Prevention Regulations also contain enabling powers for the Minister of Health and Child Care, in consultation with the President, by order⁹ to:

- (a) impose restrictions on public traffic and movement of persons by means of curfew;
- (b) close schools or regulate school attendance
- (c) close places of worship and restrict gatherings for public worship;
- (d) regulate, restrict and, if deemed necessary, close places of public entertainment, recreation or amusement and retail liquor stores;

¹ Civil Protection Act (Chap 10.06). <http://www.drmzim.org/wp-content/uploads/2015/06/civil-protection-act.pdf>

² Civil Protection (Declaration of State of Disaster: Rural and Urban Areas of Zimbabwe) (COVID-19) Notice 2020 <https://gazettes.africa/archive/zw/2020/zw-government-gazette-dated-2020-03-23-no-24.pdf>

³ <https://gazettes.africa/archive/zw/2020/zw-government-gazette-dated-2020-03-23-no-24.pdf>

⁴ For an unamended copy, see http://veritaszim.net/sites/veritas_d/files/Public%20Health%20Act%20%5BCHAPTER%2015-17%5Dr.pdf.

⁵ COVID-19 Prevention Regulation', reg 4(1).

⁶ COVID-19 Prevention Regulations, reg 5.

⁷ COVID-19 Prevention Regulations, reg. 6.

⁸ COVID-19 Prevention Regulations, reg. 7.

⁹ Orders should be published in the Zimbabwe Gazette: <https://gazettes.africa/gazettes/zw/>

(e) regulate, restrict and, if deemed necessary, prohibit gatherings of less than 100 persons;
(f) direct inquiries into cause of death; regulate or prohibit burials;
(g) regulate, restrict and, if deemed necessary, prohibit the removal of merchandise or any article to thing into, out of or within any local authority or specified or defined area;
(h) facilitate the provision of disinfecting plant and equipment and acts of disinfection;
(i) authorise the inspection of premises and articles and remedying of sanitary etc defects likely to spread or render difficult eradication of COVID-19; and
(j) authorise the evacuation, closing alteration or, if deemed necessary, destruction of premises the occupation or use of which is considered likely to favour the spread or render more difficult the eradication of COVID-19.¹⁰

No orders appear to have been made yet (as at 27.3.20).

Under the CPA, civil protection officers have standing powers to direct any person to supply him or her with information relating to the existence and availability of any service, facility of thing whatsoever which may be used for or in connection with civil protection and which is under the control or possession of such person (a refusal to comply with the direction is an offence¹¹); and maintain stocks of fuel, food and medicines for use during a state of disaster.¹²

During a state of disaster, civil protection officers additionally have power to (a) perform any work or render any service which, as a result of the disaster, is reasonably necessary for the purpose of dealing with the situation and (b) requisition land and property.¹³

Under the Public Health Act, there are more general provisions dealing with infectious diseases¹⁴ and powers to deal with formidable epidemic diseases¹⁵, most of which have been applied in the COVID-19 Prevention Regulations. If the President declares a state of public health emergency under the Constitution¹⁶ and has certified it to be of a public health nature, the Minister for Health may make regulations specifying the measures to be taken to deal with the emergency.¹⁷ It appears, though, that so far no declaration has been made under the Constitution; instead the declaration of a state of disaster was made under the CPA.

¹⁰ COVID-19 Prevention Regulations, reg 8.

¹¹ CPA, s. 43.

¹² CPA, s. 22.

¹³ CPA, ss. 22(1)(c) and 23.

¹⁴ Public Health Act, ss 51 – 63.

¹⁵ Public Health Act, s. 68.

¹⁶ Constitution of Zimbabwe, s. 113: <http://extwprlegs1.fao.org/docs/pdf/zim127325.pdf>

¹⁷ Public Health Act, s. 116.

The Public Health Act also contains provision¹⁸ for the publication of a statutory instrument containing the International Health Regulations. The Act also enables the President by statutory instrument to (a) designate any airport or ground crossing in Zimbabwe in terms of the International Health Regulations (and cancel a designation) or (b) do anything necessary or expedient for giving effect to the terms of the International Health Regulations.¹⁹ However it is not clear if any statutory instrument has been made under these provisions.

For completeness, the Presidential Powers (Temporary Measures) Act²⁰ enables the President to make urgent regulations where a situation has arisen which needs to be dealt with urgently in the interests of, inter alia, public health the situation cannot adequately be dealt with in terms of any other law, and because of the urgency it is inexpedient to await the passage of an Act through Parliament.²¹ The regulations may provide for any matter or thing for which Parliament can make provision in an Act.²²

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

There is no specific reference to coordination with non-state actors in the COVID-19 Prevention Regulations.

The CPA establishes a National Civil Protection Committee to advise and assist the Director of Civil Protection on measures for the establishment, maintenance and effective operation of civil protection.²³ The Committee must include the Secretary-General of the Zimbabwe Red Cross Society.²⁴

There are some references online to a National Policy for Civil Protection, which might contain further detail on the nature of coordination etc, but a document of this description could not be found.

Civil protection planning committees may be established under the CPA.²⁵ (It has not been possible to discover if any such committees have been established.) Where established, planning committees should include NGOs (at the discretion of the Director of Civil

¹⁸ Public Health Act, ss. 78 – 83.

¹⁹ Public Health Act s. 79.

²⁰ <http://zimlil.org/zw/legislation/act/1986/1>

²¹ Presidential Powers (Temporary Measures) Act, s.2(1).

²² Presidential Powers (Temporary Measures) Act, s 2(2). And see s. 117 of the Constitution.

²³ CPA, s. 4.

²⁴ CPA, s. 4(2)(e).

²⁵ CPA, s. 9(1).

Protection) whose functions are associated with or relate to civil protection.²⁶ Plans prepared by civil protection committees should specify the civil protection measures to be undertaken and the functions to be exercised by a number of bodies, including NGOs, in contemplation of or in the event of disaster.²⁷ Where a plan has been approved by the Minister, an NGO which is required in the plan to undertake civil protection measures, shall take necessary steps to undertake or effect those measures.²⁸

It is also noted that under the Zimbabwe Red Cross Society Act 1981,²⁹ the objects of the Society include “on its own initiative to organize emergency relief to victims of disasters, however caused, where possible in accordance with a national plan; and in co-operation with public authorities where this is possible, to encourage, support and carry on any activity which relieves suffering and promotes the health and welfare of the community”.³⁰

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

There is no mention of the RC (or other humanitarian organisations) in the COVID-19 legislation published to date, nor do any responsibilities appear to have been ascribed to it.

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

At the date of writing, there appear to be no travel restrictions nor compulsory quarantining, although they may potentially be ordered by the Minister under the COVID-19 Preparation Regulations.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

Again, at the date of writing, it appears that there are no curfew or general quarantine or lockdown provisions in place.

²⁶ CPA, s. 9(2).

²⁷ CPA, s. 11(1).

²⁸ CPA, s. 11(5).

²⁹ [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/c420c7b18c1d98aec12563960053972b/\\$FILE/Zimbabwe%20Red%20Cross%20Society%20act.pdf](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/c420c7b18c1d98aec12563960053972b/$FILE/Zimbabwe%20Red%20Cross%20Society%20act.pdf)

³⁰ Zimbabwe Red Cross Society Act 1981, s. 4.



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The powers granted to enforcement officers to require a person who is suspected of being infected or who may have recently been exposed to COBID-19 apply to any individuals or groups. There is no exception for RC or humanitarian organisation personnel.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

No provision of this nature appears yet to have been made. Again, reliance appears to still be placed on whatever pre-existing measures and arrangements are in place.

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

At the time of writing, there appear to be no restrictions on business operations, although these may be ordered in the future under the COVID-19 Prevention Regulations. No provision is included in the enabling powers expressly referring to exceptions or exemptions for the RC or humanitarian organisations.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

The measures in force and that may be made in the future are described in the overview (above).

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