



COVID-19 regulations in Zimbabwe: Impacts on informal traders and lessons for the future

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Abstract: Whereas the COVID-19 pandemic adversely affected the human rights of all persons globally, society's poor and vulnerable faced elevated risks. The plight of Zimbabwe's informal traders during the COVID-19 induced lockdown is emblematic.

On March 11, 2020, the World Health Organisation (WHO) declared COVID-19 as a [pandemic](#) due to its rapid spread globally. Resultantly, countries worldwide undertook steps towards the containment of the spread of the virus including [nationwide lockdowns](#). While countries adopted stringent measures towards the containment of the COVID-19, this was not without adverse effects on human

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rights, and the population of Zimbabwe was no exception. In March 2020, the government of Zimbabwe [gazetted](#) Statutory Instrument (SI) 83 of 2020 towards the containment of the spread of the pandemic.

In Zimbabwe, since the late 1990s with companies shutting down due to the economic crisis, people have resorted to the informal sector to earn a living. Zimbabwe's informal economy has been an important source of resilience over the years as the economic crisis forced workers out of formal employment. It is estimated that between 80 to 90 percent of Zimbabweans are engaged in informal economic activities. Against this background, this post interrogates the effects of Zimbabwe's COVID-19 regulations on the economic rights of informal traders and canvasses how the government can better address public emergencies while ensuring that the human rights of vulnerable people are safeguarded.

The protection of economic rights within Zimbabwe's Constitution

Chapter 4 of [Zimbabwe's 2013 Constitution](#) provides for fundamental human rights including socio-economic rights for all citizens. Section 24(1) requires the state to adopt reasonable policies and measures to provide everyone with an opportunity to work in a freely chosen activity, in order to secure a decent living. Section 24(2)(b) requires the state to remove restrictions that unnecessarily inhibit people from engaging in gainful economic activities. Section 64 provides that every person has the right to carry on any profession, trade or occupation as regulated by the law. Thus, it is clear that the rights of informal traders are protected within Zimbabwe's Constitution.

Whereas Zimbabwe's Constitution enshrines [socio-economic rights](#) for all citizens, Part 5 of Chapter 4 provides for possible limitations. Under Section 86 fundamental rights may be limited in terms of a [law of general application](#) and to the extent that the limitation is fair, reasonable, necessary and justifiable based on justice, human dignity and equality. Under Section 87(1) fundamental rights may be limited by a written law to deal with situations arising during a period of public emergency. Section 87(3) provides that any limitation must not be greater than is strictly required by the emergency. Therefore, it can be argued that while the COVID-19 regulations qualify as written law for the limitation of rights during emergencies, it is paramount to determine whether any less restrictive means of achieving the purpose of the limitation could have been adopted.

Zimbabwe's COVID-19 regulations and implications on informal traders

Following the WHO declaration of the COVID-19 as a global pandemic the government of Zimbabwe declared the pandemic as a national disaster on March 17, 2020. In the context of the [nationwide lockdown](#) imposed under the [SI 83 of 2020](#), the restrictions under its section 4 required that the population be confined to their homes and could leave if they qualified as essential services workers or

to buy household necessities. Section 2 referred to [essential services](#) as services relating to the production and supply of supermarkets and food retail stores. The national lockdown was intended to slow the spread of COVID-19 and required public activities to cease and most informal markets to close. From September 2020 the country started to ease the lockdown, allowing for the opening of businesses and schools in compliance with the [WHO guidelines](#). However, most informal operations remained on shut down as they were regarded as [COVID-19 hotspots](#). The continuous closure of informal markets caused hardships for informal traders as they live hand to mouth and lack the resources to weather such shocks for prolonged periods of time.

Furthermore, in enforcing the COVID-19 regulations, [informal traders were displaced](#) from the Central Business District (CBD) in a bid to 'decongest' the CBD and contain the spread of the pandemic. This saw traders moving to poorly designated workspaces with less customers, hardly maintained public toilets and very limited access to water. Additionally, [some marketplaces were destroyed](#) as they were said to be COVID-19 hotspots. The result was a massive loss of capital, income and livelihoods for informal traders, exacerbating poverty levels. The imposition of these measures under SI 83 of 2020 violated the constitutional provisions on the rights of informal traders to engage in gainful economic activities. Notably, the hardships faced by informal traders resulting from the implementation of the COVID-19 regulations must be weighed against the need to contain the spread of the pandemic. Globally, lockdowns proved to be the best to contain such a spread. However, the arbitrariness lay in the government's failure to adopt effective measures to cushion informal traders from the adverse effects of the lockdown. Whereas Zimbabwe's Constitution provides for limitations of rights, this should be based on a law of general application and be reasonable and justifiable. Significantly, while the lockdown regulations were relaxed for most sectors this was not the case for informal traders especially in the major towns where the trade was considered a super spreader of COVID-19. This turned arbitrary as other sectors including schools were opened while informal trade remained criminalised.

While some may argue that the limitation of the rights of informal traders was reasonable and justifiable due to the public emergency, it should be noted that the law was not generally applied, hence raising concerns that the SI was being implemented arbitrarily to put an end to informal trading. The closing off of informal trading during the COVID-19 pandemic should have been weighed against the [country's economic crisis](#), high levels of unemployment and livelihoods which the government seemingly failed to do. While having promised [cushion funds](#) for informal traders, these were paltry and the distribution was inconsistent. Such a failure to ensure the protection of the livelihoods of informal traders during the crisis amounted to a violation of the human rights of the masses in Zimbabwe.

Ways forward

In responding to crises in the future, while safeguarding the rights and freedoms of informal traders, the government of Zimbabwe should avail social protection for informal traders to ensure resilience to future shocks and the promotion of sustainable livelihoods. The government should also ensure timely disbursement of cushioning funds for informal traders. Furthermore, dialogue between the government and informal economy workers should be promoted so as to identify areas for intervention and cushioning against future shocks. The government should also declare the informal economy as an essential service albeit ensuring compliance with safety standards. Lastly, it should ensure that policy interventions during public emergencies do not unnecessarily hinder the realisation of fundamental rights and whilst guarding against the arbitrary implementation of emergency response regulations.