



International Covenant on Civil and Political Rights

Distr.: General
20 January 2021

Original: English
English, French and Spanish only

Human Rights Committee

List of issues prior to submission of the second periodic report of Zimbabwe*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which the human rights enshrined in the Covenant are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations (CCPR/C/79/Add.89).

B. Specific information on the implementation of articles 1 to 27 of the Covenant

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Considering the adoption of the Constitution of Zimbabwe Amendment (No. 20) Act, 2013, please describe the status of the Covenant within the national legal order, in particular whether its provisions take precedence over national laws. In addition, please provide information on the progress made in reviewing and aligning domestic laws with the Constitution. Please provide examples of cases in which the Covenant has been invoked or applied by national courts and information on the measures taken to raise awareness of the Covenant among judges, prosecutors, lawyers and the public at large. Please also indicate whether the State party intends to ratify the first Optional Protocol to the Covenant.

3. Please provide information on the measures taken by the State party to enable the Zimbabwe Human Rights Commission to discharge its functions fully in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by: (a) providing the Commission with sufficient human and financial resources; (b) ensuring its independence and the transparent selection of its members; and (c) strengthening its monitoring mandates and guaranteeing its unimpeded access to all places of deprivation of liberty within the State party.

Anti-corruption measures (arts. 2 and 25)

4. Please report on the measures taken to prevent and combat corruption effectively, including in the judiciary, and on the impact of these measures. Please include statistical information on the number of investigations and prosecutions of corruption cases for the reporting period and, in particular, information about cases involving high-level public officials. Please describe the mandates of the State party's anti-corruption bodies, and report

* Adopted by the Committee at its 130th session (12 October–6 November 2020).



on the measures taken to ensure their independence and efficacy in fighting against corruption. Please respond to allegations of: (a) politically motivated prosecution of high-level public officials on corruption charges; (b) a lack of transparency in land redistribution; (c) threats against magistrates and judges hearing corruption cases; and (d) attacks against and arrests and detention of anti-corruption activists and journalists.

Fight against impunity and past human rights violations (arts. 2, 6–7 and 17)

5. Please indicate all measures taken to combat impunity, in particular with respect to serious human rights violations in the past, including in cases of election-related violence in 2008 and the massacres in the Matabeleland region and Midlands province in the 1980s. Please provide updated information on criminal investigations conducted in this regard, their outcomes and any forms of redress provided to victims. Please also report on the steps taken to enable the National Peace and Reconciliation Commission to fully discharge its functions prescribed under section 252 of the Constitution, particularly its mandate to receive and consider complaints.

Non-discrimination (arts. 2, 19–20 and 26)

6. Please provide information on the measures taken to ensure that the State party's anti-discrimination legal framework, including the Prevention of Discrimination Act of 1998, provides: (a) full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, including sexual orientation and gender identity; and (b) effective remedies in judicial and administrative proceedings for victims of discrimination. Please indicate all legislative and other measures taken to combat and prevent hate crimes, hate speech, and other acts of discrimination, stigmatization and violence, particularly against persons with disabilities, HIV/AIDS or albinism, and lesbian, gay, bisexual, transgender and intersex persons. Please indicate whether the State party intends to decriminalize sexual relations between consenting adults of the same sex. Please provide statistical data on complaints of discrimination brought to the courts during the last eight years, along with an indication of the basis of discrimination, the nature of investigations conducted and their outcome, and any forms of redress provided to victims.

Gender equality (arts. 3 and 25–26)

7. Please report on the measures taken to achieve the equitable representation of women in public and political life, especially in decision-making positions. Please respond to concerns relating to violence and harassment, including on social media, against female candidates in elections.

Violence against women and domestic violence (arts. 2–3, 6–7 and 26)

8. Please provide information on measures adopted to prevent and combat violence against women, including domestic and sexual violence and intimate partner violence. In particular, please indicate the steps taken to: (a) encourage reporting by victims of violence against women, especially rape victims; (b) address the reportedly low prosecution rate in cases of violence against women, particularly domestic violence; (c) effectively investigate allegations of sexual violence committed by security forces, and identify and bring all perpetrators to justice; and (d) address reports of an increase in violence against women during the coronavirus disease (COVID-19) pandemic.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 3 and 6–7)

9. Considering the high rates of maternal mortality in the State party, please provide updated statistical data on maternal and infant mortality. Please report on the measures taken to: (a) improve access to sexual and reproductive health care, contraception and information in this regard, particularly for women and girls living in remote areas; and (b) address the high rates of HIV infection among women and girls. Please also indicate the measures taken to ensure access to safe abortion and whether the State party is considering decriminalizing abortion.

Coronavirus disease (COVID-19) pandemic (art. 6)

10. Please describe the main restrictions on the exercise of rights protected under the Covenant that have been put in place in connection with the COVID-19 pandemic, the legal basis on which they were founded and their compatibility with the Covenant.

Right to life and prohibition of torture and of cruel, inhuman or degrading treatment (arts. 6–7)

11. Please provide information on the progress made towards abolishing the death penalty and the remaining barriers to abolition and the formal commutation of pending death sentences. Please describe any awareness-raising efforts undertaken in this respect. Please inform the Committee whether the State party plans to accede to the Second Optional Protocol to the Covenant.

12. Please report on the measures taken to prevent and mitigate the negative effects of climate change and environmental degradation, particularly in relation to food and water security. Please report on the steps taken to: (a) develop mechanisms and systems to ensure the sustainable use of natural resources; (b) develop and fully implement environmental standards; (c) conduct environmental impact assessments in connection with activities that may endanger human beings and the natural environment; and (d) provide appropriate access to information on environmental hazards.

13. Please report on the legislative and other measures taken to combat torture and enforced disappearances. Please include statistical information on the number of complaints received during the reporting period concerning torture and enforced disappearances, and on the resulting investigations, prosecutions and redress provided to victims. Please respond to consistent reports of use of torture by the authorities and abductions for the purpose of suppressing dissent. Please provide updated information on: (a) the establishment and operation of independent accountability mechanisms to receive complaints and investigate alleged misconduct by the law enforcement and security forces; and (b) the impact of human rights training provided to judges, prosecutors and law enforcement and security forces on the prohibition of torture and enforced disappearances.

Liberty and security of person (arts. 9–10)

14. Please indicate all measures in place to ensure the full respect of fundamental procedural safeguards for detained persons, including the rights to have prompt access to a lawyer, to have access to a medical assessment and to be brought before a judge within a prompt and prescribed time frame. Please provide information on the steps taken to: (a) reduce the use and duration of pretrial detention, particularly of juveniles; and (b) increase the use of non-custodial alternative measures to pretrial detention, including statistics on their application in practice during the last eight years. In addition, please comment on reports of arbitrary arrests and detention, particularly of opposition leaders and activists, trade union leaders and protestors.

Treatment of persons deprived of their liberty (art. 10)

15. Please report on progress made in: (a) addressing overcrowding and poor material conditions in places of detention, including pretrial detention centres; and (b) ensuring adequate access to water, food, clothing and health care, including psychiatric care. In this respect, please respond to reports of lack of access to food, clothes and medical services for political opponents and activists while in detention. Please also describe all measures taken to prevent the spread of COVID-19 in places of detention. Please clarify whether remand detainees are kept separate from convicted persons, and juvenile offenders from adult offenders. Please elaborate on independent monitoring visits to places of deprivation of liberty, including by the Zimbabwe Human Rights Commission, and report on the measures in place to implement the resulting recommendations.

Elimination of slavery, servitude, and trafficking in persons (arts. 2, 7–8, 24 and 26)

16. Please provide information on the legislative and other measures taken to prevent and combat trafficking in persons, and the impact of those measures. Please include information

on: (a) any efforts made to amend the Trafficking in Persons Act of 2014; (b) the implementation of the Zimbabwe Trafficking in Persons National Plan of Action 2019–2021; (c) training activities organized for law enforcement, judicial and migration officials; and (d) measures taken to provide protection, rehabilitation, reparation and reintegration services to victims, including the number of shelters available in the country. Please respond to reports of child labour, especially in commercial sexual exploitation, mining and tobacco production. Please also provide statistics for the last eight years on the number of complaints of trafficking in persons that were received, the investigations conducted and their outcome, including the sentences handed down to the perpetrators.

Access to justice, independence of the judiciary and fair trial (art. 14)

17. Please report on the measures adopted to: (a) effectively address the backlog in courts; (b) strengthen the free legal aid system across the country, including information on the number and type of cases in which free legal aid has been sought, granted and denied; and (c) ensure adequate access to courts for all, including persons with disabilities.

18. Considering the new process of appointment of judges introduced by the Constitution of Zimbabwe Amendment (No. 20) Act, 2013, please describe all measures taken to guarantee, in law and in practice, the full independence, impartiality, competence and tenure of judges. Please describe the compatibility with the Covenant and the Basic Principles on the Independence of the Judiciary of the State party's current procedures and criteria for the selection, appointment, suspension and removal of judges. Please respond to concerns relating to influence by the executive and legislative branches on the judiciary, and indicate any measures taken to address this issue.

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12–13 and 24)

19. Please provide information on the measures taken to ensure that all persons applying for international protection have access to fair and efficient asylum procedures, protection against refoulement and an appeal mechanism with suspensive effect against negative decisions on asylum. Please inform the Committee of the State party's current policy concerning detention and encampment of refugees and asylum seekers and on the conditions of detention and encampment. Please report on the progress made in protecting stateless persons, especially stateless children, and include statistical information in this regard. In this respect, please indicate the measures taken to ensure the birth registration of all children born in the State party.

Right to privacy (art. 17)

20. Please provide information on the legislative and other measures taken to ensure adequate safeguards against arbitrary interference with the privacy of individuals, including with regard to the protection of personal data. In this respect, please describe the safeguards applied to the State party's surveillance regime and comment on allegations of targeted surveillance of political opponents and government critics.

Right to freedom of religion (art. 18)

21. Please provide information on reports alleging monitoring of religious events, including the presence of security services at certain of them, and on any registration requirements imposed on faith-based non-governmental organizations, schools and medical facilities. Please explain the manner in which the State party addresses concerns about early marriage and resistance to immunization practised by certain religious communities.

Right to freedom of expression (arts. 19–20)

22. Please provide information on the legal and regulatory frameworks governing the right to freedom of expression in the State party and on their compatibility with the Covenant. Please indicate the measures in place to ensure the protection of journalists against attacks, intimidation, arbitrary arrests and detention, and to effectively investigate all allegations of violence against journalists. Please comment on concerns about: (a) the authorities' excessive

control over the broadcast media, including their refusal to grant licences to community radio stations; (b) arrests of and charges of having purveyed fake news brought against journalists covering the State response to the COVID-19 pandemic; (c) Internet shutdowns and the blocking of social media platforms during and following protests; and (d) the chilling effects on freedom of expression of the Cybersecurity and Data Protection Bill and the Access to Information and Protection of Privacy Act, and provide information on any plans to revise or repeal these laws.

Right to freedom of peaceful assembly (art. 21)

23. Please report on the progress made in ensuring that the State party's laws governing the right to freedom of peaceful assembly, including the Maintenance of Peace and Order Act, are fully in line with article 21 of the Covenant. Please comment on allegations of: (a) the disproportionate presence of the military at peaceful assemblies; (b) criminal proceedings initiated against protestors; (c) denial of the right to freedom of assembly to human rights defenders working on sensitive issues; and (d) the lack of prompt and effective investigations of violations of the right to freedom of assembly. Please also respond to consistent reports of excessive use of force to disperse peaceful assemblies, resulting in serious injuries and killings, including during and after the post-election protests in August 2018 and the stay-away in January 2019. In this respect, please report on: (a) the State party's legal framework on the use of force and firearms and its compatibility with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; (b) the number of complaints received during the last eight years concerning excessive use of force in the context of demonstrations, and on their outcomes, including criminal prosecutions and punishment of perpetrators and any forms of redress provided to victims; and (c) initiatives taken to utilize the Zimbabwe Defence Forces for the purposes of handling civil disturbances.

Rights of the child (arts. 7, 9–10, 14, 23–24 and 26)

24. Please provide information on the measures taken to prevent and combat: (a) child abuse, including sexual abuse; (b) traditional harmful practices, such as early and forced marriages; and (c) corporal punishment in all settings. Please report on the steps taken to assess the situation of orphaned and/or homeless children and children with disabilities within the State party, including by collecting relevant data, and to meet their particular protection needs. Please indicate the current minimum age of criminal responsibility in the State party and whether there are plans to raise it.

Participation in public affairs (arts. 25–26)

25. Please report on the legislative and other measures taken to ensure the holding of free, credible and transparent elections, including information on the role of the Zimbabwe Electoral Commission in this respect. In particular, please describe the steps taken towards aligning the Electoral Act with the 2013 Constitution, and to address concerns relating to undue military interference in the elections and, in particular, in the operations of opposition political parties. With regard to the State party's past elections, including the presidential and parliamentary elections in 2018, please respond to reports of: (a) the absence of campaign finance regulations and of oversight in this respect; (b) misuse of State resources; (c) pressure on and threats against voters to make them support the ruling party; (d) media bias toward the ruling party; (e) insufficient provision of biometric voter registration kits in certain regions; and (f) delayed announcement of election results, leading to mass protests. In addition, please indicate the measures taken to ensure the effective exercise of voting rights for all.

26. Please respond to concerns about the use of criminal law for alleged political reasons against opposition politicians, and the resorting to military raids on the homes of Movement for Democratic Change Alliance politicians. Please provide information on allegations that three opposition activists were abducted and abused in May 2020.