



International Covenant on Civil and Political Rights

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Human Rights Committee

Second periodic report submitted by Zimbabwe under article 40 of the Covenant, due in 2021*^{*} **

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** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CCPR/C/ZWE/QPR/2).



List of Abbreviations

AIDS:	Acquired Immuno-Deficiency Syndrome
ATIMC:	Anti-Trafficking in Persons Inter-Ministerial Committee
AOMA:	Association of African Mediators
BAZ:	Broadcasting Authority of Zimbabwe
CBD:	Central Business District
CCZ:	Constitutional Court of Zimbabwe
CEDAW:	Convention on the Elimination of Discrimination Against Women
COI:	Commission of Inquiry
COMESA:	Common Market for Eastern and Southern Africa
CRPD:	Convention on the Rights of Persons with Disabilities
CSOs:	Civil Society Organisations
DVA:	Domestic Violence Act
FBOs:	Faith Based Organisations
GANHRI:	Global Alliance for National Human Rights Institutions
GBV:	Gender Based Violence
GoZ:	Government of Zimbabwe
HIV:	Human Immuno Virus
ICT:	Information Communication Technology
IECMS:	Integrated Electronic Case Management Systems
IMC:	Inter-Ministerial Committee
IMT:	Inter-Ministerial Taskforce
JCT:	Justice for Children Trust
JLOs:	Justice, Law and Order Sector
JSC:	Judicial Service Commission
LAD:	Legal Aid Directorate
LRF:	Legal Resources Foundation
MPOA:	Maintenance of Peace and Order Act
MTR:	Mid Term Review
NAP:	National Adaption Plan
NANHRI:	Network for African National Human Rights Institution
NDC:	National Determined Contributions
NDP:	National Disability Policy
NDS:	National Development Strategy
NHRI:	National Human Rights Institutions
NPA:	National Prosecuting Authority
NPRC:	National Peace and Reconciliation Commission
NGO:	Non-Governmental Organizations
PTD:	Pre-Trial Diversion Programme

PTC:	Posts and Telecommunication Corporation
PWDs:	Persons with Disabilities
RWL:	Raoul Wallenberg Institute for Human Rights and Humanitarian Law
SADC:	Southern African Development Community
SOP:	Standard Operating Procedures
TIP:	Trafficking in Persons
UN:	United Nations
UNICEF:	United Nations Children's Fund
UNDP:	United Nations Development Programme
UNFCCC:	United Nations Framework Convention on Climate Change
UNFPA:	United Nations Population Fund
UPR:	Universal Periodic Review
VFS:	Victim Friendly System
VFU:	Victim Friendly Unit
WILSA:	Women in Law Southern Africa
ZACC:	Zimbabwe Anti-Corruption Commission
ZDF:	Zimbabwe Defence Forces
ZEC:	Zimbabwe Electoral Commission
ZHRC:	Zimbabwe Human Rights Commission
ZGC:	Zimbabwe Gender Commission
ZMC:	Zimbabwe Media Commission
ZPCS:	Zimbabwe Prisons and Correctional Service
ZRP:	Zimbabwe Republic Police
ZWLA:	Zimbabwe Women Lawyers Association
ZWL:	Zimbabwean Dollar

I. General information on the National Human Rights Situation, including new measures and developments relating to the implementation of the Covenant

Introduction

1. The Republic of Zimbabwe (State Party) ratified the Covenant on Civil and Political Rights (Covenant) in 1991 and submitted its Initial Report to the Human Rights Committee in 1997 in terms of Article 40 of the Covenant.¹ The Committee considered the Initial Report and issued Concluding Recommendations on the 3rd April 1998.

2. This Report will address the concerns raised by the Committee in its concluding observations and recommendations, provide an update on the implementation of the Covenant since the Initial Report thus it covers a period in excess of two decades and address the List of Issues Prior Reporting sent by the Committee.²

3. Further, this Report combines 2nd to 12th Periodic State Party Reports and cross-references with Reports the State Party has submitted to other treaty bodies. In particular, the Report should be read together with the updated Common Core Document³ already submitted especially because of the fundamental changes to the constitutional framework that have occurred since the last time of reporting.

4. During the period under review, Zimbabwe has ratified the United Nations Convention on the Rights of Persons with Disabilities, (CRPD), and its Protocol, acceded to and domesticated the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Southern African Development Community (SADC) Protocol on Gender and Development among others.⁴

5. More importantly, the constitutional amendments since 1998 have culminated into the adoption of the Constitution of Zimbabwe in 2013. This gave birth to a comprehensive constitutional framework the country has ever known. As will be shown throughout this Report, the Constitution has a comprehensive Declaration of Rights that essentially domesticates all rights and freedoms contained in the Covenant thus making them justiciable before national courts. This aspect alone fully implements the Committee recommendation in Paragraph 9 of the 1998 Recommendations.

6. Furthermore, section 46 of the Constitution requires national courts, when interpreting the Declaration, to take into account international law and treaties ratified by Zimbabwe. This means that the Covenant and all jurisprudence of the Committee (including case law and general comments) is directly applicable before national courts without any need for judicial activism.

7. In giving effect to the Declaration of Rights (Chapter 4 of the Constitution), the Government launched a process to align existing laws to the new constitutional principles and to enact new legislation that gives effect these fundamental rights and freedoms. The Report shall cover the impact of such laws on the implementation of the Covenant.

The Report writing process

8. The Inter-Ministerial Committee on Human Rights and Humanitarian Law (IMC), compiled a zero draft of this Report and conducted stakeholder consultative meetings in 6 out of 10 provinces and convened a stakeholder validation workshop. The stakeholders ranged from other Government departments, agents, independent commissions, civil society organisations, academia, and non-governmental organisations. Thereafter, the Report was

¹ CCPR/C/74/Add.3 29 September 1997.

² CCPR/C/ZWE/QPR/2, Distr.: General 25 November 2020.

³ <https://digitallibrary.un.org/record/3959132?ln=en>.

⁴ More information in the MTR to the UPR <https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>.

adopted by Heads of Government Ministries and subsequently submitted to Cabinet for approval. Cabinet approval cleared the Report for submission to the Committee. The Report writing process was conducted in line with the recommendation to ensure wide participation of all ministries, public bodies and other stakeholders including women's and human rights organisations.

II. Specific information on the implementation of articles 1–27 of the Covenant

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

9. The Constitution of Zimbabwe is the supreme law⁵ of the country and any law applicable in Zimbabwe which is inconsistent with the Constitution is null and void to the extent of the inconsistency, its provisions take precedent over national laws.

10. The Inter-Ministerial Taskforce on Alignment of legislation to the Constitution is an institutional platform that was formed in 2015 on the instruction of Cabinet, with the role to oversee the implementation of the Constitution through facilitating the expeditious alignment of legislation to the Constitution. Of the three hundred and ninety-six (396) statutes in our statute books, one hundred and eighty-five (185) required alignments to the Constitution and nineteen (19) new statutes needed to be enacted. Therefore, the total number of statutes that needed to alignment and enactment was two hundred and four (204). Of these two hundred and four (204), twenty-two (22) are still outstanding, meaning one hundred and eighty-two (182) have been aligned inclusive of the existing and the new statutes.

11. The State Party is in the process of engaging in its internal policy processes in order to consider the ratification of the First Optional Protocol to the Covenant.

12. Further to the submissions made in Part A above, since the last Report, Government established a number of institutions to address matters affecting human rights and these include:

- (a) The Zimbabwe Human Rights Commission;
- (b) The Zimbabwe Gender Commission;
- (c) The National Peace and Reconciliation Commission
- (d) The Zimbabwe Media Commission; and
- (e) The Zimbabwe Electoral Commission.

13. Section 235 (1) (a)&(b) of the Constitution guarantees the independence of the above-mentioned Commissions. The Commissions must exercise their functions without fear, favour or prejudice, although they are accountable to Parliament for the efficient performance of their functions. The State has promulgated legislation to operationalize the functions of the abovementioned Commissions.

14. All the commissioners of the independent Commissions are appointed by the President after receiving recommendations from Parliament. Section 237(1) of the Constitution provides that the Parliamentary Committee on Standing Rules and Orders before making its recommendation to the President must advertise the position; invite the public to make nominations; conduct public interviews of prospective candidates; prepare a list of the appropriate number of nominees for appointment; and submit the list to the President. Furthermore, a Commissioner can only be removed from Office through the recommendations of a Tribunal appointed by the President in terms of Section 187 of the Constitution on grounds specified in terms of Section 237 (2).

⁵ Section 2 and 327(2)(a)&(b) of the Constitution of Zimbabwe.

15. The Independent Commissions enjoy financial independence as they are allocated a budgetary vote from the National Budget. The Commissions are also allowed to receive donations, grants, requests from any organisation, individual or institutions.

16. Independent Commissions have the following objectives in addition to those given to them individually to:

- (a) Support and entrench human rights and democracy;
- (b) Protect the sovereignty and interests of the people;
- (c) Promote constitutionalism;
- (d) Promote transparency and accountability in public institutions;
- (e) Secure the observance of democratic values and principles by the State and all institutions and agencies of government, and government-controlled entities; and
- (f) Ensure that injustices are remedied.

17. As it appears more comprehensively in the Common Core Document, the Zimbabwe Human Rights Commission established in terms of Section 242 of the Constitution has replaced the office of the Ombudsman, unlike its predecessor the ZHRC has unlimited powers in investigating violation of human rights.

18. Section 242 of the Constitution establishes the Zimbabwe Human Rights Commission, (“the ZHRC”). The ZHRC is an independent body whose functions include to receive and investigate complaints of human rights violations from the public. The ZHRC can also give directives to the Commissioner-General of Police to investigate cases of criminal or human rights violations and the Commissioner-General of Police must comply with such directives.

19. The Zimbabwe Human Rights Commission (ZHRC) was established in February 2009. Its first Commissioners were sworn in 2010 but became operational from mid-2014. It is one of the five Chapter 12 Independent Commissions supporting democracy, established in terms of the Constitution⁶ and the Zimbabwe Human Rights Commission Act⁷. Among the 5 commissions, ZHRC is the National Human Rights Institution (NHRI) for Zimbabwe with a constitutional and/or legislative mandate of ensuring that human rights obligations are met at all levels of the society. ZHRC has a dual mandate, that is, the administrative justice mandate (Ombudsman role) and the human rights promotion and protection mandate. The Commission derives the mandate for its work from Section 243 of the Constitution. Further, the Commission can summon any person, official or authority to appear before it as well as well as directing the Commissioner General of Police to investigate suspected cases of criminal violations of human rights or freedoms and to report to the Commission on any such investigations.

20. ZHRC can handle allegations of abuse, violations of rights and freedoms that are protected by the Constitution, the laws of Zimbabwe and any international human rights agreements that the country is party to. Further, ZHRC can attend to any complaints arising from abuse of power, maladministration by the State and Public Institutions and by officers of those institutions.

21. With respect to accessibility, ZHRC currently has 3 offices in Zimbabwe, that is, in Harare, Bulawayo and Mutare. In its 5-year strategy of 2021–2025, ZHRC plans for the next phase of opening offices in other provinces of the country until all provinces are covered to enable accessibility of human rights services across the whole country. Currently, complaints are received through hotlines that persons can call on, social media platforms such as WhatsApp and Facebook. ZHRC also has an email platform that is used to receive complainants. People can inquire and lay complaints through physical visitations at the offices.

⁶ Section 232, Section 242.

⁷ Chapter 10:30.

22. The ZHRC, like any other Independent Commission established in terms of the Constitution⁸ is allocated separate estimates of revenue and expenditure for each financial year, which is approved by Parliament. Thus, the ZHRC has received budgetary support as follows:

<i>Year</i>	<i>ZWL \$</i>
2020	38 735 185
2021	148 000 000
2022	403 898 000

23. Monitoring and inspection brings about the aspect of protecting and enforcing human rights. Activities conducted by ZHRC encompass monitoring and inspection of places of detention, potential displacement areas, care facilities, that is, disability and old people's homes and national residential care institutions. ZHRC further conducts monitoring and inspection missions through media monitoring of electronic, print, and social media platforms keeping track of the different human rights and administrative justice related reports. ZHRC further reviews government legislation and policies to see if there are gaps in terms of human rights compliant and bid recommendations. Press statements with recommendations are also made on the prevailing human rights situation in the country.

24. The Commission conducts investigations in Zimbabwe that are aligned to human rights and take action regarding complaints as it considers appropriate.

25. ZHRC advances its work through complex approaches for the promotion of human rights such as outreaches, awareness, commemorations, engagement meetings with duty bearers and distribution of reading materials.

Impact of the ZHRC

26. ZHRC is part of regional and international human rights networks such as Global Alliance for National Human Rights Institutions (GANHRI). It was accredited as an 'A Status' National Human Rights Institution by the Global Alliance for National Human Rights Institutions in 2016 and it will be reviewed in 2023.

27. ZHRC carried out the 13th Network of African National Human Rights Institutions (NANHRI) Biennial Conference held virtually in Zimbabwe in 2021 which was centred on the role of National Human Rights Institutions in offering a human rights-based approach to better and sustainable recovery towards development beyond COVID-19. It was during this time that Zimbabwe assumed the Chair of NANHRI which will serve for 2 years.

28. ZHRC is also part of regional and international human rights networks such as the Association of African Mediators (AOMA) and the African Commission on Human and People's Rights.

29. The ZHRC has investigated and resolved numerous cases of maladministration and abuse of office. Some of the cases of maladministration involved are partisan distribution of food aid and agricultural inputs, delays in processing of pension benefits and poor service delivery by some public institutions such as local authorities. Some of the cases of abuse of office include complaints against public officials such as police officers, traditional leaders, officials in the Registrar General's Office and Immigration Department among others. General Complaints received by ZHRC are Civil and Criminal cases which can be handled by the police/courts. They are dealt with through referrals or advisory services.

⁸ https://parlzim.gov.zw/wp-content/uploads/2021/07/Constitution-of-Zimbabwe-Amendment_No_20_-_14-05-2013.pdf.

Table 1
ZHRC Cases handled

<i>Year</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Total complaints	482	515	514	696	412	642	760
Human Rights cases (Chapter 4 of the Constitution)	262	245	178	299	179	188	240
Admin Justice	101	134	120	123	74	195	181
General Complaints	119	136	216	274	159	259	339

30. The ZHRC has been monitoring the observance of human rights and freedoms in places of detention such as prisons, police cells, refugee camps, care homes for children and older persons and mental institutions. There has been progressive awareness of and significant compliance with the minimum international standards for such places of detention. In 2021, ZHRC monitored a total of 37 prisons in Zimbabwe.

Summary of Court cases on were ICCPR has been invoked

31. Chapter 4 of the Constitution provides for the Declaration of Rights which specifically contains the civil and political rights as prescribed by the Covenant. These rights are enforceable in terms of Section 85 of the Constitution. Thus Zimbabwe can confirm that it has fully domesticated the rights and freedoms in the Covenant.

32. Applicability of the Covenant in domestic law in response to Recommendation No. 9 of 1998 Concluding Observations, is highlighted by the case of *Kachingwe and Others v Minister of Home Affairs NO and Another*.⁹ This case made two critical points relevant to this discussion. First, it confirmed that the Covenant is in fact part of domestic law of Zimbabwe since ratification in 2005 on the grounds that at that time Zimbabwe pursued a monist approach to international law. Second, as a consequence of first point, the Covenant is directly applicable in Zimbabwean national courts.

33. Further, section 46 of the Constitution (Interpretation Clause) requires that courts “must take into account international law and all treaties and conventions to which Zimbabwe is a party” when interpreting the Bill/Declaration of Rights. This results in indirect application of the Covenant where courts should take into account its provision even in cases where the Covenant is not expressly pleaded before a national court.

Human Rights Training

34. Section 7 of the Constitution requires promotion of public awareness of the Constitution.

35. Zimbabwe continues to promote the awareness of human rights in general, through training of public officials. In an effort to comply with paragraph 2 of General Comment 3 on the implementation of this Article, section 243 of the Constitution mandates the Zimbabwe Human Rights Commission to “promote awareness of and respect for human rights and freedoms at all levels of society.” Although the establishment of the Commission and other Independent Commissions Supporting Democracy in terms of Chapter 12 is a recent development, their constitutional mandates will open avenues of awareness campaigns targeted at specific treaties.

36. In the MTR to the UPR, information was provided on the commitment of Government towards continuous training of public officials in human rights. The training will enhance their capacity to implement human rights and respect for the rule of law.

37. Training conducted by Government with support from development and local partners includes:

⁹ Judgment No SC 145/04.

(a) Training of the Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC) on State Party Reporting Training in 2014 and 2020;

(b) Trainings conducted for Justice Law and Order Sector (JLOS) members on child marriages;

(c) Human rights training for the Zimbabwe Prisons and Correctional Service (ZPCS) and the Zimbabwe Republic Police (ZRP) conducted in partnership with the Legal Resources Foundation (LRF);

(d) Curriculum review and human rights training for the ZPCS and other Government officials/departments in partnership with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) from 2016 to date;

(e) Between 2021 and 2022, Government, through cooperation with development partners and the ZHRC, conducted training of all (about 40) ZHRC staff involved in investigations and monitoring and inspection on report writing and general skills on undertaking these mandates of the ZHRC.

38. Police recruits are now being trained at the newly established Police Staff College, which is affiliated to the Faculty of Law of the University of Zimbabwe. The training has been upgraded to diploma level and the period of training extended from the traditional six months to twelve months. The modules now include training on promotion and protection of fundamental human rights. In addition to this, there is continuous in-service training at all Provincial Updating Centres for serving members. This training also includes human rights.

39. The ZPCS is reviewing its recruit training course with a view to infusing human rights in training for recruits. To this end, the ZPCS has partnered with RWI to support the review and to develop a training manual. As mentioned above, the RWI has been involved in a number of human rights training programmes for serving officers, especially on the Mandela Rules.

40. The LRF is also running human rights training programmes for prisons in all the provinces, whilst other partners like the Zimbabwe Women Lawyers Association (ZWLA) are also assisting inmates in drafting bail and appeal papers.

Anti-corruption measures (arts. 2 and 25)

41. The GoZ has established a number of anti-corruption bodies to specifically deal with corruption across all sectors. The adoption of 2013 Constitution saw the establishment of the Zimbabwe Anti-Corruption Commission (ZACC), being the premier institution in terms of the fight against corruption in the country. It is made up of nine commissioners with different competences relative to the prevention, detection and investigation of crime. Section 255 of the Constitution provides for the mandate of this Commission.

42. The Police Anti-Corruption Unit is a section with the Zimbabwe Police Services whose mandate is to suppress, investigate and detect corruption and all other economic crimes committed within or against parastatals, statutory bodies and the private sector. It investigates cases of corruption in coordination with the other anti-corruption bodies such as ZACC and submit completed cases to the National Prosecuting Authority for prosecution before courts of law.

43. The Special Anti-Corruption Unit (SACU) is a prosecutorial unit specialising on anti-corruption cases, which was established in 2018 to improve efficiency in the fight against graft and to strengthen the effectiveness of national mechanisms for the prevention of corruption. The overall objectives of the SACU to improve efficiency in the fight against all forms of corruption and to strengthen and improve the effectiveness of the national mechanisms for the prevention and fight against corruption in accordance with the anti-corruption strategy. It is responsible for assisting ZACC and other investigative agencies of the State in the perusal and consideration of corruption dockets, subject to the issuance of authority to prosecute by the Prosecutor General. It also prosecutes corruption cases referred to the National Prosecuting Authority by investigative agencies.

44. The GoZ further launched the Anti-Corruption Strategy whose purpose is to:
- To support citizen empowerment and awareness of their rights and responsibilities relevant to the fight against corruption;
 - To enhance the structures for deterrence, detection, adherence and enforcement through improved compliance with anti-corruption and integrity management obligations;
 - To increase public demand for transparency and accountability in public and private institutions;
 - To ensure the protection of whistle-blowers and victims of corruption, thereby encouraging active participation of anti-corruption efforts by the members of the public;
 - To recover assets and proceeds of from corruption crimes, compensate damages inflicted on the State and corruption victims and
 - To increase the level political parties' transparency, political will and accountability.
45. The GoZ has also established specialized Anti-Corruption Courts done in line with the provisions of the Constitution and the Constitutional mandate of Judicial Service Commission (JSC), particularly Section 174(C) of the Constitution which provides for the establishment of other courts and tribunals subordinate to the High Court of Zimbabwe. These courts were established in all the ten (10) provinces in Zimbabwe and specifically deal with corruption cases to ensure their speedy resolution. Cases brought to these courts specifically on corruption are more than two hundred.¹⁰
46. The GoZ does not condone any form of corruption particularly by public officials in the investigation and prosecution of corrupt activities including by top government officials such as Professor Kudyanga and Priscilla Kagonye. Accordingly, it dismisses as malicious any allegations that there is politically motivated prosecution of high-level public officials on corruption charges. In fact, in June 2022, the President relieved a Deputy Minister of the Ministry of Agriculture of responsibilities on allegations of corruption related to unlawful theft of agricultural inputs meant to ensure food security for the people of Zimbabwe.¹¹
47. In the same vein, the GoZ refutes allegations that there is lack of transparency in land redistribution. In fact, the GoZ has periodically conducted land audit to ensure all land is put to use and recovered farms from those who were allocated but have no productive use for them. The objective is to ensure those who need land for productive purposes are reallocate such land. A land audit was conducted in 2021 to inform the Government on the state of land occupation.
48. Further, if there are threats against magistrates and judges hearing corruption cases then such threats emanate from non-state actors or persons accused of such crimes and not GoZ. The GoZ is the one that established these several anti-corruption institutions as a show of intent to deal with corruption. It is therefore illogical to undermine its own efforts in this regard.
49. GoZ further refutes involvement in attacks, arrests and detention of anti-corruption activists and journalists. The GoZ understands that Whistleblowers and the media are key cogs in the fight against corruption. Hence it welcomes the public who feel dutiful to provide such critical information necessary for the successful investigation and prosecution of corruption cases. As a matter of fact, GoZ is engaged in adopting a Whistleblowers and Witnesses Protection Law to protect providers of corruption-related information.

¹⁰ https://zimlil.org/search/?q=corruption&page=2&doc_type=Judgment.

¹¹ <https://www.herald.co.zw/deputy-minister-karoro-fired-over-inputs-fraud/>.

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

50. In order to deal with the past in particular to the civil unrest that occurred from 1982 to 1987 in Zimbabwe. The Government of Zimbabwe has engaged affected communities in the Matabeleland regions to find closure to the legacy of conflict experienced during that period. After wide spread consultation with stakeholders such as CSOs, FBOs and Communities, it was resolved that Traditional Leaders who are resident in those communities should lead the processes of dealing with the past. The National Council of Chiefs leading process has developed a Community Engagement Manual to engage the affected Communities, and training of Chiefs have now commenced before communities are engaged for victim certification and possibility of compensation.

51. There are no known cases of extra-judicial killings during the period under reporting. In the event of allegations of such there will be investigated in accordance with the law with the view of those responsible to account. That was the case on the 1st of August 2018 when the nation faced post-Election violence, which was instigated by some rogue elements who took to the streets, agitating for the premature release of the election results. The violence that particularly occurred within Harare's Central Business District (CBD), resulted in the death of six people, injury of thirty-five (35) and extensive damage to both State and private owned property upon engagement with law and order agents. Subsequently, the President, appointed an International Commission of Inquiry (COI or the Monthlante Commission) through Statutory Instrument 181 of 2018. In December 2018, the Monthlante Commission produced a final report with findings and recommendations.

52. Amongst its findings, the COI established that the violent disturbances had been incited by the main opposition political party and that the prevailing events of the day justified the deployment of security forces to assist the Police in safeguarding the right to life and property of the majority of peace-loving Zimbabweans.

53. Furthermore, the COI established that the Government of Zimbabwe had deployed the military in accordance with the Constitution and the applicable laws of Zimbabwe. The recommendations of the COI included:

- (a) Compensation for losses and damages caused (support and school fees for the children of the deceased);¹²
- (b) Promotion of political tolerance, as well as responsible and accountable leadership and citizenry;
- (c) Electoral reforms including the development of Information Communication Technology (ICT), to enhance the transparent and expeditious announcement of election results;
- (d) The enforcement of law and order to prevent recurrence of the events of 1st of August 2018;
- (e) Accountability in respect of the alleged perpetrators; and
- (f) Nation building and reconciliation including an initiative for multi-party dialogue and cooperation.

54. Government continues to undertake legislative and administrative measures to ensure that the Monthlante Commission's recommendations are implemented. For example, in March 2019, His Excellency, the President of the Republic of Zimbabwe, established an Inter-Ministerial Taskforce (IMT) to lead political, electoral, and legislative reforms. The taskforce's terms of reference include:

- (a) Accelerating implementation of political, electoral and legislative reforms aimed at deepening the country's democratic processes;

¹² <https://kubatana.net/wp-content/uploads/2018/12/Final-Report-of-the-Commission-of-Inquiry-18-DEC-18.pdf>.

(b) Effecting ease of doing business reforms; and

(c) Addressing issues arising from the reports by the 2018 election observer missions as well as the findings of the Motlanthe Commission.

55. In line with the recommendations of the Motlanthe Commission, the President of the Republic of Zimbabwe has called for a multi-party dialogue and cooperation. This multi-party dialogue is a continuous engagement process.

56. The National Peace and Reconciliation Commission (NPRC) is a creature of the Constitution of Zimbabwe and the National Peace and Reconciliation Commission Act. The functions of the NPRC include to ensure post-conflict justice, healing and reconciliation, develop and implement programmes to promote national healing, unity and cohesion in Zimbabwe and the peaceful resolution of disputes as well to bring about national reconciliation by encouraging people to tell the truth about the past and facilitating the making of amends and the provision of justice among other functions.

57. The table 2 below shows cases handled by NPRC from 2019 to February 2021.

<i>Nature of Dispute</i>	<i>Complainant (Gender)</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	
Political Violence	14	6	20
Residential Stand disputes	20	41	61
Land disputes	56	23	79
Partisan distribution of aid	10	9	19
Labour	8	0	8
Mining	3	0	3
Abduction	0	3	3
Assaults	9	3	12
Hate speech	1	0	1
Recognition	1	0	1
Corruption	1	1	2
Chieftainship	1	0	1
Delivery of public services	1	0	1
Total	134	90	224

58. A total of 224 cases were handled by the NPRC since 2019. Of these cases 15 are for 2019, 205 are for 2020 whilst 4 are for 2021. Some of these complaints were made on behalf of certain affected groups by group representatives or in the public interest by certain organisations in terms of section 18 of the NPRC regulations SI90/2018.

59. Of the 224 complaints received one hundred and fifty-nine (159) were dealt with by the NPRC while sixty-five (65) were referred to other statutory bodies in terms of section 21(d) of the NPRC Regulations S.I 90/2018.

Financing of the NPRC

60. The Funds of the NPRC as enshrined in Section 18 of the NPRC Act. The funds of the NPRC shall consist of:

(a) Such moneys guaranteed and appropriated by an Act of Parliament for (the programmes of the Commission; and (ii) salaries and allowances payable to and in respect of Members; and (iii) salaries and allowances payable to and in respect of members of the Commission's staff; and (iv) the recurrent administrative expenses of the Commission;

(b) Any other moneys that may be payable to the Commission from moneys appropriated for the purpose by an Act of Parliament;

(c) Any donations, grants or bequests made by any person or organisation or any government of any country to the Commission: Provided that the Commission shall accept such donations, grants or bequests after it has consulted the Minister;

(d) Any other moneys that vest in or accrue to the Commission, whether in terms of this Act or otherwise. (2) The Commission shall apply its funds to the fulfilment of its functions and shall further observe public finance management principles established in terms of section 298 of the Constitution.

61. Any other funds which are not specified in the NPRC Act are administered through the Minister responsible for the work of the NPRC.

Table 3

Allocations to the NPRC by Treasury in ZWL\$ from 2020 to 2023

<i>Vote Appropriations</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>
NPRC	31 200 000.00	133 000 000.00	831 691 000.00	2 957 230 000.00

62. The GoZ has passed into law the Independent Complaints Mechanism Act in pursuant to section 210 of the Constitution which states that “*an Act of Parliament must provide an effective and independent mechanism for receiving and investigating complaints from members of the public about misconduct on the part of members of the security services, and for remedying any harm caused by such misconduct.*” The Act establishes an independent Commission that will allow complaints of misconduct from members of the public against members of the security services to be investigated and provides remedies for such misconduct. The Act also makes provision for the functions, composition and obligations of the Commission.

Non-discrimination (arts. 2, 19, 20 and 26) and gender equality (arts. 3, 25 and 26)

63. Effectively domesticating Article 2 of the Covenant, section 56 of the Constitution specifically provides that all persons are equal before the law and have a right of equal protection and benefit of the law (right to equality and non-discrimination). It further provides for equal treatment between women and men including the right to equal opportunities in political, economic, cultural, and social spheres. The people of Zimbabwe are therefore entitled to the enjoyment of the rights recognised in the Covenant and enshrined in domestic law, without distinction on the grounds recognised in the Constitution. Section 56 of the Constitution now provides for the following as some of the grounds for unfair discrimination: nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock. It further provides for affirmative action in order to achieve equality and to protect or advance people or class of people who have been disadvantaged by unfair discrimination.

64. Thus, section 56 addresses the Committee’s Recommendation in Paragraph 12 of the 1998 Recommendations in that custom and culture are no longer justifiable grounds for discrimination in matters of inheritance and marriage or its dissolution. For further information on measures taken to achieve equality between women and men, the Committee is referred to the Government’s Report to the CEDAW Committee (2020).¹³

Administrative measures

65. Zimbabwe has put in place administrative measures to promote the enjoyment of civil and political rights without discrimination. The following are among the measures taken:

66. Remedies for the violation of rights and freedoms recognised by the Covenant. Some of the remedies highlighted in the Initial Report remain in place. However, there has been a

¹³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/ZWE/6&Lang=en.

significant development in this area, in particular the introduction of Section 85 of the Constitution (the enforcement clause). Section 85 of the Constitution allows a party to seek a remedy where there is a likelihood of a violation of a right. Further section 85 also has expanded the legal standing to allow for third parties, associations, and institutions to approach the court in light of public interest. This remedy was not available in the repealed section of the previous Constitution. The widening of legal standing will go a long way in protecting the rights of third parties who are not able to approach the courts for various reasons.

67. Section 85 (3) (c) has done away with the need for procedural technicalities which would otherwise hinder the protection of the rights on purely technical grounds. The Rules of the Court are supposed to be flexible and comply with the minimum standards in terms of section 85 (b). These provisions will go a long way in providing effective remedies for Covenant and Constitutional rights. Further, section 85 (1) provides for competence of courts to issue appropriate remedies thereby enabling victims to obtain redress in the event of violation of constitutional (Covenant) rights.

68. In addition, the Constitution was amended in 2007 (Amendment 18) to establish the Zimbabwe Human Rights Commission (ZHRC) which is still in existence to date. One of the functions of the ZHRC is to “investigate the conduct of any authority or person, where it is alleged that any of the rights in the Declaration of Rights has been violated by that authority or person.”

69. The ZHRC comprises of nine members including the Chairperson. Four of the Commissioners are women. Government has established the Zimbabwe Gender Commission (ZGC) in terms of Section 245 of the Constitution with a mandate to, among others, investigate violations of rights relating to gender and to monitor issues concerning gender equality and to provide appropriate remedies. Further, the ratification of the CRPD and its domestication through the Persons with Disabilities Bill will go a long way to ensure PWDs have access to fundamental rights in the Covenant and CRPD on equality with others. However, much financial resources are required to ensure that the aspirations of the PWDs in terms of the CRPD and Covenant come to reality.

70. The National Disability Policy (NDP) was launched on 9 June 2021 by His Excellency, the President as the first for Zimbabwe. It is the roadmap for disability programming in the country as it provides for the domestication of the UNCRPD, comprises of thirty-three (33) key standards premised on the upholding of human rights, including access to services, participation, self-representation and state obligatory roles in terms of education, health, work and employment, social protection. An implementation framework has been provided to cater for the various sectors and assigning government ministries specific duties.

71. Some of the major achievements of the NDP include:

- (a) The establishment of the National Technical Coordination Committee on the implementation of the NDP comprising all Government Ministries, Independent Commissions, disability umbrella organizations, development partners;
- (b) Enabled the finalisation of the first State Party Report to the UNCRPD;
- (c) Supporting the finalization of the Persons with Disabilities Bill;
- (d) Steps have started for the establishment of the Zimbabwe Braille Authority and the Zimbabwe Sign Language Authority;
- (e) Taken on board the recognition of children of parents with disabilities and parents of children with disabilities;
- (f) Costed national action plan awaits finalization.

72. The Government has made huge strides since the Initial Report in terms of promoting equality and preventing discrimination of women in all spheres of Zimbabwean life. For more measures on this the Committee is referred generally to the Common Core Document and submission made in the Government of Zimbabwe Report to the CEDAW Committee (2020).

Constitutional and legislative measures on gender equality

73. Sections 120 and 124 of the Constitution provide for the representation and participation of women in politics through reserved quota for women in the National Assembly and proportional representation in the Senate. The Electoral Act [*Chapter 2:13*] was amended in 2014 to give effect to the provisions of sections 120 and 124 of the Constitution. In 2021, Government amended the Constitution (Amendment No. 2 Act of 2021) to extend the period of the women's quota. Further, GoZ introduced to Parliament the Constitution of Zimbabwe Amendment (No. 2) Act, which has introduced a 30% quota for women candidates in the local government elections. This is over and above the quota for women in the National Assembly already provided for in the Constitution.

74. Furthermore, Section 17 (b) (ii) of the Constitution stipulates that women should constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under it or any Act of Parliament. Section 80 (1) further confers women the right to equal opportunities in political, economic, cultural and social spheres.

75. Section 11 (7) (a) of the Public Entities Corporate Governance Act provides that there are equal numbers of men and women on the board of every public entity.

76. Government is mandated by Section 7 of the Constitution to promote public awareness on constitutional and human rights provisions and this applies to gender equality and women empowerment issues including temporary special measures.

Administrative measures

77. Government has also taken the following measures to ensure gender equality:

(a) Reviewing enabling legislation that creates Boards, Councils, Authorities and Institutions to ensure 50/50 representation of men and women in all elective and non-elective boards and all government institutions;

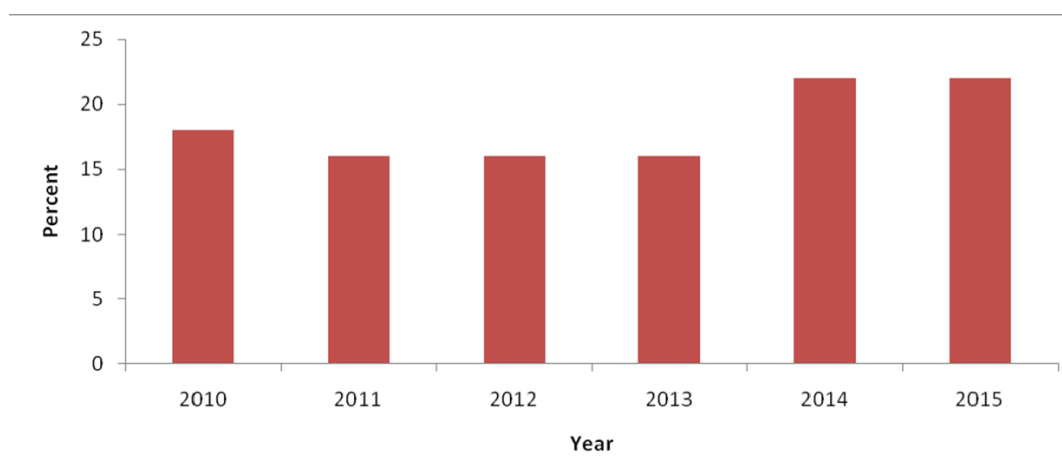
(b) Developed the Women in Politics and Decision-Making Strategy. This is an affirmative action framework designed to achieve gender balance in politics and decision-making positions. The strategy is in line with the Constitution and provides measures to ensure attainment of a 50/50 representation of men and women in politics and other key decision-making positions;

(c) Capacity building programmes for sitting and aspiring women leaders. These programmes are aimed at enhancing assertiveness and leadership confidence in women to ensure equal participation;

(d) Temporary special measures with regards to increasing representation of women in both houses of Parliament (Sections 120 (2) and 124 (1) (b) of the Constitution);

(e) Established ZGC with a mandate to monitor issues concerning gender equality, to ensure gender equality as provided in the constitution, to recommend affirmative action programmes to achieve gender equality and to conduct research into issues relating to gender and social justice, and to recommend changes to laws and practises which lead to discrimination based on gender, among others.

78. As a result of these interventions, Zimbabwe has witnessed an increase in women's participation in decision making as illustrated below in Table 4.



Source: Parliament of Zimbabwe, 2016.

Table 5
Representation of women in Zimbabwe's National Assembly and Senate

Year	National Assembly			Senate		
	Seats	Women	Percentage of Women	Seats	Women	Percentage of Women
2012	214	32	15	99	24	24
2013	270	85	31	80	38	48
2014	270	86	32	80	38	48
2015	270	86	32	80	38	48
2019	270	85	31	80	35	44

Source: Parliament of Zimbabwe.

Table 6
Personnel in Decision-Making Positions in the Zimbabwe Prisons and Correctional Services by Rank and Sex; 2013, 2014 and 2015

Designation	2013			2014			2015			2021		
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total
Commissioner-General of Prisons	0	1	1	0	1	1	0	1	1	0	1	1
Deputy Commissioner General of Prisons	1	2	3	1	3	4	1	3	4	2	2	4
Commissioner of Prisons	0	0	0	2	4	6	2	3	5	4	11	15
Senior Assistant Commissioner	2	5	7	0	0	0	5	8	13	9	14	23
Assistant Commissioner	5	11	16	5	8	13	4	27	31	9	14	23
Chief Superintendent	5	38	43	5	39	44	13	32	45	8	11	19

Designation	2013			2014			2015			2021		
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total
Superintendent	25	104	129	33	121	154	27	114	141	15	78	93
Chief Prison Officer	57	202	259	60	221	281	63	240	303	113	277	390
Principal Prison Officer	157	369	526	173	398	571	161	403	564	35	143	178
Senior Prison Officer	310	1 057	1 367	381	1 229	1 610	461	1 402	1 863			
Total	562	1 789	2 351	660	2 024	2 684	737	2 233	2 970	186	537	723

Source: ZIMSTAT, Zimbabwe Women and Men Report, 2016.

Table 7
Statistics of women in the judiciary

	2018				2020			
	Women	Men	Total	% share of women	Women	Men	Total	% share of women
Judiciary								
Superior Court Judges	28	30	58	48	31	39	70	44
Magistrates	94	156	250	38	133	96	229	58

Source: Judicial Service Commission 2020.

Table 8
Women in Leadership in the Public Service

Women in decision-making politics and public sector

	2018				2021			
	Women	Men	Total	% share of women	Women	Men	Total	% share of women
Political life								
GoZ Ministers	6	14	20	30	5	15	20	25
Ministers of State	5	5	10	50	6	6	12	50
Parliament	120	230	350	34	113	205	318	35.5
Local Government Councillors	190	1 169	1 359	14	274	1 684	1 958	14
Public sector								
Permanent Secretaries	6	14	20	30	8	25	33	24
Commissioners in the Public Service	4	3	7	57	2	4	6	33
Chief Directors/Directors /Deputy Directors	267	660	927	29	220	495	715	31
Ambassadors	10	29	39	26	11	36	47	23
Vice Chancellors – State Universities	0	11	11	0	1	11	12	8

	2018				2021			
	Women	Men	Total	% share of women	Women	Men	Total	% share of women
Principals of State-owned Teachers Colleges/Agricultural colleges/Poly-Technical colleges	12	18	30	40	7	14	21	33

Source: Ministry of Women Affairs, Community, Small and Medium Enterprises Development 2018–2021.

79. The Data Protection Act acknowledge the increased risk of online violence to which women are exposed to and clearly criminalises the use of information and communication technology to commit these acts. The Committee is referred to paragraph 50–54 of the CEDAW Report on protection of female candidates in the political arena.

Violence against women and domestic violence (articles 2,3,6,7 and 26)

80. Sections 52 and 53 of the Constitution prohibit all forms of violence, from public and private sources against all persons and no person should be subjected to physical, psychological torture or to cruel, inhuman, or degrading treatment or punishment. The Domestic Violence Act [Chapter 5:16] and the Criminal Law (Codification and Reform) Act [Chapter 9:23] both criminalise GBV. These Acts have ensured that perpetrators of GBV are prosecuted and punished accordingly.

81. The Committee is referred to paragraph 16–24 of the CEDAW Report for more detailed information on violence against women.

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

82. The Committee is invited to cross-reference with Paragraphs 75 to 95 of the State Party Report to the CEDAW Committee.

Covid-19 (art. 6)

83. Zimbabwe was not spared the scourge of the Covid 19 pandemic. As from 3 January 2020 to 10 May 2023, there have been 264,776 confirmed cases of COVID-19 with 5,689 deaths, reported to WHO. As of 30 April 2023, a total of 13,935,112 vaccine doses have been administered.¹⁴

84. The GoZ, like many other states, adopted measures for the prevention and containment of Covid 19 in the form of Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, 2020 (SI 83 of 2020 as amended).¹⁵

85. The lockdown measures provided for reasonable and necessary provisions to limit movement and gathering of people both for professional and social reasons. A curfew was enforceable by law and certain conduct was criminalised to enforce compliance. As such only necessary measures contingent to the threat to public health were included in the lockdown law. Based on little to no litigation against these measures, this was a sign of public satisfaction and vote of confidence on GoZ genuine concern to contain the spread of the disease.

¹⁴ <https://covid19.who.int/region/afro/country/zw>.

¹⁵ <https://zimlil.org/legislation/covid19>.

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

86. The right to life is another area that has improved since the last Report. Section 48 of the Constitution provides for the right to life which can only be interfered in terms of a judgment of a competent court only for crime of murder committed under aggravated circumstances. It further provides where it must not be imposed on a person who was less than 21 years when the offence was committed or who is more than seventy years old. It further provides that the right to life must be observed and the death penalty must not be imposed or carried out on a woman.

87. The Constitution still allows capital punishment. There is a moratorium on the death penalty as the last execution was on 22nd of July 2005 and as such there are high prospects that the death penalty may be abolished altogether. The only crime punishable by capital punishment in terms of the Constitution is murder committed in aggravated circumstances, yet a Court imposing such has discretion.

88. As of May 2023, a total of sixty-one (61) persons were sentenced to death and those on life imprisonment are one hundred and fifty-eight (158).

89. The High Court of Zimbabwe is the only court competent to impose capital punishment. The procedure is that an accused goes for trial before a judge and assessors. A plea of not guilty is always entered even if the accused is admitting to the charge. Upon conviction there is an automatic appeal to the Supreme Court. If the sentence is upheld the convicted person can seek a pardon from the President. The President on the advice of Cabinet can confirm the sentence or substitute it with a lesser punishment or grant a full remission.

Measures taken to prevent and mitigate the negative effects of climate change

Institutional Measures

90. In order to enhance institutional arrangements and strengthen Zimbabwe's response to climate change, in 2013, the Government of Zimbabwe established the Climate Change Management Department whose mandate is to coordinate and provide guidance on climate change matters in the country. In 2015, the Department became fully functional. Whilst the department is housed in the Ministry responsible for Environment, the department has strong linkages with the Office of the President and Cabinet signalling the importance attached to its mandate and works closely with other line Ministries, Departments and Agencies.

International Cooperation

91. Zimbabwe has been Party to the UNFCCC since 1994. It ratified the 2015 Paris Agreement in 2017 and is an active participant in the regional frameworks such as the SADC Climate Change Strategy and the COMESA Regional Resilience Framework. In line with the agreement, the country submitted its Nationally Determined Contributions (NDCs) to the UNFCCC initially in 2015 and a revised version in 2021. The NDCs are country commitments towards the reduction of greenhouse gas emissions in sectors and by a margin that the country deems achievable given its national circumstances and its respective capabilities. In its revised NDC, the country commits to reducing greenhouse gas emissions by 40% below business as usual per capita by the year 2030 on condition that international climate finance flows are positive. In addition, the adaptation component of the NDC seeks to promote climate smart agriculture, early warning mechanisms, water resources management and resilient infrastructure.

Policy and Strategic Planning

92. The climate change policy space in Zimbabwe remained without explicit policy and strategic direction until 2014 when the GoZ crafted the National Climate Change Response Strategy. The strategy provides suggested sector by sector response actions to the impacts of climate change and is used by government and non-governmental entities as the outline of

the country's priority actions. In 2017, the National Climate Policy was adopted to provide overall policy guidance for mitigation, adaptation and early warning.

93. Since 2017 various sectoral policies have now integrated climate change as a major theme. These include the National Renewable Energy Policy, National Gender Policy and the Human Settlements Policy. In addition, the national overarching economic blueprint, the National Development Strategy 1 (NDS 1) (2021 to 2025), has a theme on Environment, Climate Resilience and Natural Resources and considers climate change as cross cutting theme that has been integrated into the other thematic areas.

94. The national policies are supported by strategic frameworks such as the National Climate Change Learning Strategy, the National Adaptation Plan (NAP) Communication Strategy and the Two-way NDC Communication Strategy which guide actions in the education, training and awareness space. Recognising the engendered impacts of climate change, the country has nationalised the 2019 UNFCCC Gender Action Plan. The Zimbabwe National Climate Change Gender Action Plan was concluded in 2021 and from 2022 a training manual on Gender and Climate Change will be rolled out to different sectors.

95. Agricultural sector policies and plans are increasingly including climate change as a critical element for successful implementation of programmes. The draft National Agriculture Policy Framework has one of its eight pillars and working groups being climate resilient agriculture. In addition, the Climate Smart Agriculture Framework was adopted by the Ministry responsible for Agriculture in 2018 and is now guiding investments in the sector.

Mainstreaming Planning and Budgeting

96. The mainstreaming of climate change into development plans and budgets at national and sub-national levels is seen by the government as a quick way through which development programming can effectively mitigate the impacts of climate change. Through the National Adaptation Planning Process, all sectors, provinces and districts are being capacitated in the integration of climate change into their development plans including conducting their own localised vulnerability studies. From 2021, the Ministry of Finance and Economic Development instituted a requirement that all government ministries and quasi-government entities, demonstrate that annual budgets submitted for approval indicate that climate change has been mainstreamed in the activities to be funded.

97. Climate related hazards in Zimbabwe such as droughts and tropical cyclones often lead to disasters. Therefore, the disaster management sector was prioritised in the mainstreaming of climate change. All Disaster Risk Management plans at national and sub-national level are required to reflect climate change related hazards and proposed mitigatory actions. The Disaster risk management training programme has integrated climate change into its training manual.

98. Climate change education and awareness is regarded as important aspect of human capacity development. The primary and secondary school curriculum has integrated climate change in most of the disciplines and climate change degree programmes and courses have been established at a number of universities. Work is underway to ensure that the teacher education and technical college curriculum integrates climate change.

99. To support, the agriculture and food security sector, the Climate Smart Agriculture Manual for Agricultural Education in Zimbabwe was developed in 2017. The manual is now an integral part of the training provided by agricultural training colleges throughout Zimbabwe to ensure that extension service graduates are equipped with right set of skills and knowledge.

Resource Mobilization and Major Programmes

100. Funding for major programmes to address climate change remains a challenge. Internal resources have been channelled towards address the availability of water through the construction of dams, the drilling of boreholes and provision of piped water.

101. The Government of Zimbabwe has invested heavily in conservation agriculture in a bid to reduce impacts of droughts, mid-season dry spells and changes in start and end of the rainfall season. The "Pvumvudza/Intwasa" programme has been cascaded to all farmers who

receive farming inputs through the Presidential Climate-Proofed Inputs Distribution Programme.

102. Significant international climate related finance has been received through, amongst other channels, the Smallholder Irrigation Revitalization Programme (25.5 million USD); Building Climate Resilience of Vulnerable Agricultural Livelihoods in Southern Zimbabwe (26.6 million USD); Integrated Climate Risk Management for Food Security and Livelihoods in Zimbabwe focusing on Masvingo and Rushinga Districts (9 million USD); the Zimbabwe Resilience Building Fund (75 million USD) and; Smallholder Agriculture Cluster Project (35 million USD).

Promotion of Environmental and Sustainability Standards

103. Climate change adaptation and mitigation needs to be supported by a set of rules, guidelines and standards. The impacts of climate change on the human population has been greatly exacerbated by the uninformed physical planning that has resulted in flooding and destruction of settlements. At the same time, destruction of wetlands has resulted in rivers drying up in the dry season and reduced water supply during drought years. In 2021, the Government of Zimbabwe initiated the process of crafting the Wetlands Policy; Wetlands Guidelines and; Wetlands Master Plan which are expected to regulate wetlands development in the face of climate change.

104. Greenhouse gas emissions from industrial processes and product use need to be curbed in order to limit the impacts of climate change. The Securities and Exchange (Zimbabwe Stock Exchange Listings Requirements) Rules, 2019 require all companies listed on the Zimbabwe stock exchange to report on environmental sustainability and demonstrate their adherence to sustainability standards on an annual basis.

Cases of alleged enforced disappearance

105. Of interest and worth highlighting to this Commission is the disturbing trend of negative events that always happen in the country whenever there are international events or visits to the country for the allegedly enforced disappearance. The report will highlight a few such examples:

(a) Peter Magombeyi was allegedly abducted on the eve of the visit by the Special Rapporteur Mr. Clemment Vole, which was two days before attendance of the UN General Assembly by the President of the Republic of Zimbabwe;

(b) Johanne Mundoza was alleged abducted a week before 30 August International day of victims of Enforced Disappearances;

(c) Obert Masaraure was allegedly abducted on 6 June, two days after the Commemoration of the International day of Innocent Children Victims of Aggression;

(d) Samantha Kureya was allegedly abducted soon after an unsanctioned demonstration;

(e) Regarding the issue of the alleged enforced disappearances of the three women opposition political party members, firstly, this matter does not fall under the category of enforced disappearances. This is a case that involves three women, who are members of an opposition political party. The case was extensively investigated by the Zimbabwe Republic Police (ZRP). It was established that their allegations were false and that they had staged the abductions, in a bid to tarnish the image of the Government. Consequently, they were charged and arraigned before the courts. The matter is pending before the courts, although one of them has since absconded to Europe and a warrant of arrest has since been issued against her. It is believed that this is not mere coincidence, but a ploy to tarnish the image of the country;

(f) On the reported case of Itai Dzamara, an activist journalist, who was allegedly abducted in 2015 and has since not been found. The GoZ is maintaining the fortnightly updates on the Itai Dzamara's case in compliance with the High Court order. Further to that, a reward of US\$10 000 for any information leading to his location is still standing.

106. As for torture, Section 53 of the Constitution now provides for freedom from torture or cruel, inhuman or degrading treatment or punishment. It therefore follows that Zimbabwe

as a signatory to the CCPR incorporated the provisions of Art 7 of the Convention in the domestic law.

107. There are other sections of the Constitution, which inherently widens the protection space of this fundamental right. Section 50 (1) (c) of the Constitution protects accused persons from inhuman treatment and for the respect of their inherent dignity.

108. Furthermore, section 70 (3) of the Constitution provides that in any criminal trial, evidence that has been obtained in a manner that violates any provision of this Chapter must be excluded if the admission of the evidence would render the trial unfair or would otherwise be detrimental to the administration of justice or the public interest. In addition, Parliament amended Section 258A of the Criminal Procedure and Evidence Act in order to align it with the Constitution and the provisions of article 7 of the CCPR. These provisions followed the finding in *Jestina Mukoko v Attorney General*,¹⁶ where the Supreme Court held that evidence obtained through torture is absolutely inadmissible in any proceedings.

109. Further, sections 47 and 89 of the Code define and criminalize murder and assault respectively. These crimes are torture related as provided for in terms of the provisions of Article 7 of the CCPR. In that regard, it can be safely said that torture standing alone is not defined in the domestic law but it can be inferred from the specific crimes that are well defined and criminalized in the Code for purposes of holding perpetrators accountable.

110. In a show of commitment to the eradication of torture anywhere, in *Mann v Republic of Equatorial Guinea*,¹⁷ the High Court of Zimbabwe, relying on and recognizing that the provisions of the Covenant are binding on Zimbabwe, accepted the practice of universal proscription of torture and ruled that Zimbabwe could not extradite or *refoule* the complainant to Guinea where he was at risk of being tortured.

111. Domestic courts must be seen respecting, protecting, promoting and fulfilling the rights and freedoms set out in the Constitution as provided for in terms of section 44 of the Constitution. The Zimbabwean Constitutional Court (CCZ) has exercised its powers in that regard in an attempt to give effect to the provisions of Article 7 of the CCPR.

112. In any event, if the accused is not taken to court and there are allegations of torture, the complaints can be made at any police station for investigations to be made. There is evidence of complaints being made both at courts and at police stations.

113. Once it is proved that torture was perpetrated by the law enforcement agencies, the concerned members are prosecuted and sentenced in terms of the criminal laws of the land. Another remedy available to victims is to sue the concerned member and or their organization for damages under the law of delict.

114. Further, in the case of *S v Chokuramba*¹⁸ the CCZ ruled that corporal punishment for minors in terms of the Education Act was unconstitutional. The court in that regard protected the provisions of section 53 of the Constitution, which is in line with the provisions of Article 7 of the CCPR. Affirming, rather than undermining the court's rulings, Government amended the Education Act in 2021. In terms of the new Section 64 of that Act, corporal punishment as a method of discipline in schools is now prohibited and perpetrators face prosecution.

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

115. There are several measures to guarantee the right to liberty and security of persons as well as those arrested and detained for the commission of a crime. Some of these measures are as follows:

- (a) A person must be informed *at the time of arrest* of the reason for the arrest;¹⁹

¹⁶ (SC 11/12 Const. Application No. 36/09) [2017] ZWCC 11 (20 March 2012).

¹⁷ (Const. Application No. 09/08) ((Const. Application No. 09/08)) [2008] ZWSC 3 (29 January 2008). Available at <https://zimlil.org/zw/judgment/harare-high-court/2008/1>.

¹⁸ CCZ 10/19.

¹⁹ Section 50 (1) (a) of the Constitution.

(b) A person must be informed promptly that he or she is under arrest in the language that he or she understands;²⁰

(c) He or she must be informed promptly of the charge, in sufficient detail, to enable him or her to answer it;²¹

(d) He or she is entitled to contact a lawyer and or doctor promptly [and at the State's expense without delay];²²

(e) His or her family must be notified promptly and without delay (at the state expense).²³ as read with section 41A (1) (d) (iii) and (iv) of the Criminal Procedure and Evidence Act (CP&E Act).

116. As for the requirements for placing a person in police custody, the police have discretion to detain a person in custody pending pre-trial proceedings. However, regard has to be made to the fact that the right to liberty is a fundamental human right hence the police must exercise this discretion reasonably. In exercising this discretion, the police consider the gravity of the offence committed and whether or not the person is of fixed abode. However, the primary legislative guidance are bail considerations as set out under section 117 (2) (a) and (b) of the Criminal Procedure and Evidence Act. These considerations include:

(a) The likelihood that the accused would endanger the safety of the public or any particular person; or

(b) The likelihood that the accused, if not detained, would abscond, that is, becoming a fugitive from justice; or

(c) The likelihood that the accused, if not detained in custody, would attempt to influence or intimidate witnesses or to conceal or destroy evidence; or

(d) The likelihood that the accused would undermine or jeopardise the objectives or proper functioning of the criminal justice system; or

(e) The likelihood that the release of the accused would disturb the public order or undermine public peace or security.

117. In response to the Committee's Recommendation No. 17, the length of police detention is not more than forty-eight (48) hours in terms of section 50 (2) of the Constitution as read with section 32 (2) of the Criminal Procedure and Evidence Act. This 48-hour period may now only be extended by an order of the court in the form of a Warrant for Further Detention, as provided under section 32 (2) of the Criminal Procedure and Evidence Act. More specifically, if the accused is charged for an offence in the Ninth Schedule of the Criminal Procedure and Evidence Act, the judge or Magistrate may, if satisfied that there is a reasonable suspicion that the person actually committed the offence, order that person's detention for a period of 21 days, in terms of section 32 (3b) (a) and (b) of the Criminal Procedure and Evidence Act.

118. However, when it comes to being brought to trial, an accused can be detained for a period not exceeding fourteen (14) days, per section 165 and 166 of the Criminal Procedure and Evidence Act. The Police can make the request for the detention of the accused. In court, the State will then make submissions trying to convince the court that accused must not be admitted to bail (but be remanded in custody). Accused will also have a chance to make arguments in trying to persuade the court that he or she be admitted to bail.

119. The Government has also adopted legislative measures to protect the rights of persons in police custody. In terms of section 50 (5) of the Constitution as read with section 41A (7) of the Criminal Procedure and Evidence Act, whilst in police custody, accused persons have rights which include, but not limited to, the right:

(a) To be informed promptly of the reason for their being detained;

²⁰ Section 41A (1) (a) of the Criminal Procedure and Evidence Act [Chapter 9:07].

²¹ Section 70 (1) (b) of the Constitution.

²² Section 50 (1) (b) of the Constitution.

²³ Section 41A (1) (d) (i) and (ii) of the Criminal Procedure and Evidence Act.

- (b) At their own expense, to consult in private with a legal practitioner of their choice, and to be informed of this right promptly;
- (c) To communicate with, and be visited by:
 - (i) A spouse or partner;
 - (ii) A relative;
 - (iii) Their chosen religious counsellor;
 - (iv) Their chosen legal practitioner;
 - (v) Their chosen medical practitioner; and
 - (vi) Subject to reasonable restrictions imposed for the proper administration of prisons or places of detention, anyone else of their choice;
- (d) to conditions of detention that are consistent with human dignity, including the opportunity for physical exercise and the provision, at State expense, of adequate accommodation, ablution facilities, personal hygiene, nutrition, appropriate reading material and medical treatment;
- (e) to challenge the lawfulness of their detention in person before a court and, if the detention is unlawful, to be released promptly;
- (f) to remain silent and to be informed of this right, and of the consequences of exercising or not exercising this right, if there is reason to believe that he or she may not be aware of it.

120. A person may also approach the High Court for an order of *habeas corpus*, that is, an order requiring the release of a detained person, or for that person to be brought before the court for the lawfulness of the detention to be justified. The High Court can also declare the detention to be illegal and order his or her prompt release, in terms of section 50 (7) (a) and (b) of the Constitution.

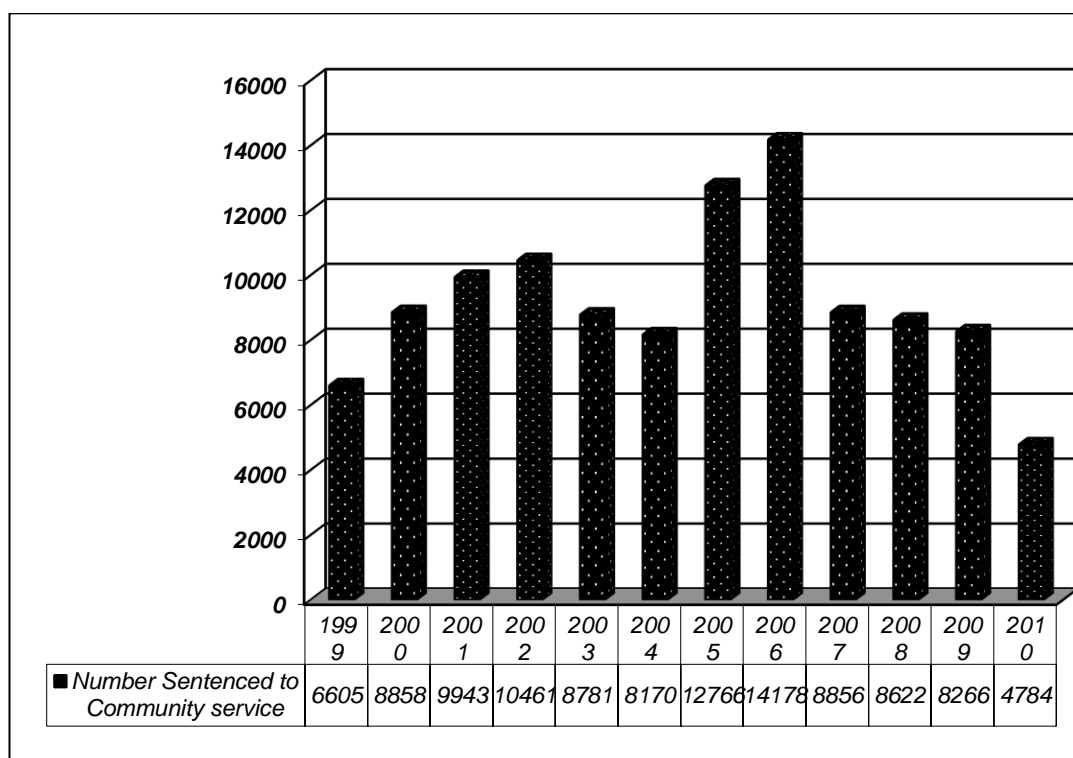
121. In addition, in terms of section 50 (9) of the Constitution, another remedy available to illegally detained and over detained persons is to sue for compensation from the concerned police officers. Thus they can approach the civil court for the awarding of damages arising out of the alleged unlawful detention.

122. Further, the ZPCS is also charged with the detention of person for purposes of immigration invariably when they await deportation or other immigration procedures. They are detained separately from other inmates.

123. One of the policy frameworks that the Government has put in place is the Community Service Programme which was introduced in Zimbabwe in 1992 and first became operational in 1993. Since then Community Service has become one of the most commonly used sentencing options for less serious offences. The number of orders made by the Court has increased steadily over the past thirteen years.

124. Government is, with the support of UNDP, working towards the strengthening of the capacity of the National Community Service Committee in order to further reduce the prison population and also to enhance the rehabilitation of offenders. The rate of recidivism is very low (see table 9 below), which is indicative of the rehabilitative nature of the Community Service Programme.

Table 9
Number of people sentenced to community service since 1999



The Open Prison System

125. As reflected under Article 10 of the Covenant, the Government has established open prisons for both males and females at Connemara (Gweru) and Marondera respectively. The essence of open prisons is to develop more rehabilitative mechanisms for the prison system. An open prison environment promotes the right to liberty within the prison environment. Prisoners move freely and are able to spend at least five days at home every month. The GoZ is in the process of aligning its legislation and one of the acts of parliament is the Zimbabwe Prisons and Correctional Service Bill which is now at an advanced stage of enactment. This Bill establishes the open correctional facilities throughout Zimbabwe for both male and female inmates. As at May 2023, the holding capacities for Connemara Open prison for males is hundred and eight (108) and currently have ninety-two (92) inmates and Marondera Female Open Prison has a holding capacity of fifty (50) and currently have thirty-two (32) inmates.

Pre-Trial Diversion Programme

126. Government launched the Pre-Trial Diversion Programme (PTD) in 2009. The aim of the programme is to divert young offenders from the ordinary criminal processes into more rehabilitative programme. The essence of the Pre-Trial Diversion programme is to prevent young offenders charged with petty offences from having a criminal record. Further, GoZ is in the process of enacting a Child Justice law which aims at creating a separate justice system for juveniles. The Bill gives effect to the principles of the best interest of the child, detention being a measure of last resort and restorative and rehabilitative justice.

Number of PTD beneficiaries 2017–2022

<i>Year</i>	<i>Number</i>
2017	629
2018	805
2019	1 082
2020	610
2021	826
2022	815

Presidential Amnesty

127. In 2018, Government launched a Presidential Amnesty Programme which sees prisoners released on a yearly basis averaging about 3000. However, the amnesty does not include prisoners convicted of crimes that include murder, human trafficking, sexual offenses, and treason. It also excludes those previously granted amnesty or those detained by an order of a Court Martial among others.

128. Over the years Presidential Amnesty has seen the release of prisoners as shown below.

Table 10

Presidential Amnesty statistics

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2018	3 165	268	3 433
2020 (First Amnesty)	1 476	45	1 521
Second Amnesty	2 230	172	2 402
2021	2 160	44	2 204
2023	4 166	104	4 270

129. In 2009 a full remission of the remaining period of imprisonment was granted to all convicted female prisoners, juveniles, prisoners sentenced to 36 months and below, terminally ill prisoners, all prisoners in open prison and all prisoners sentenced to life imprisonment on or before the 31st of May 1989 and have served 20 years or more. However, this amnesty excluded prisoners under sentence of death, habitual criminals serving a sentence of extended imprisonment, any person who escaped from custody and is still at large, and any person on bail pending appeal against conviction or sentence, and any person serving a sentence of imprisonment for specified offences (e.g., murder, treason, rape, armed robbery, and carjacking among others.)

130. With respect to arbitrary arrests and detention of opposition leaders and activist, trade union leaders and protestors, the Committee is referred to Paragraph 209.

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

131. Section 50 (1) c of the Constitution provides for rights of arrested and detained persons who must be treated humanely and with respect for their inherent dignity.

132. Section 50(2) of the Constitution provides that any person who is arrested or detained for the purpose of bringing him or her before a court or for an alleged offence and who is not released must be brought before a court as soon as possible and in any event not later than 48 hours after the arrest took place or the detention began, as the case maybe, whether or not the period ends on a Saturday, Sunday or public holiday.

133. Section 50(5)(d) and (e) of the Constitution provides that any person who is detained, including a sentenced prisoner, has the right to conditions of detention that are consistent with human dignity, including the opportunity for physical exercise and the provision, at State expense, of adequate accommodation, ablution facilities, personal hygiene, nutrition, appropriate reading material and medical treatment, and to challenge the lawfulness of their detention in person before a court and, if the detention is unlawful, to be released promptly.

134. Of interest is the provisions of Section 50(9) of the Constitution which provides that any person who has been illegally arrested or detained is entitled to compensation from the person responsible for the arrest or detention, but a law may protect the following persons from liability under this section namely a judicial officer acting in a judicial capacity reasonably and in good faith and any other public officer acting reasonably and in good faith and without culpable ignorance or negligence.

135. Section 51 of the Constitution provides for the right to human dignity including those arrested and detained and states as follows; every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected.

136. Section 81 of the Constitution defines a child as every boy and girl under the age of 18 years. It further provides that a child should not be detained except as a measure of last resort, if detained, should be for the shortest appropriate period, to be kept separately from detained persons over the age of eighteen years and to be treated in a manner, and kept in conditions that take account of the child's age.

137. Paragraph 19 of the Schedule to the Police Act makes it an offence to all members of the police to unnecessarily detain any person in custody, and paragraph 21 states that using unnecessary violence towards, or neglecting or in any way ill-treating any person in custody or other person with whom he may be brought into contact in the execution of his duty is an offence.

138. Regarding those in police custody, Members in Charge of Police station are tasked with the responsibility of making sure the arrested persons are kept safe and secure. The police have engaged in refurbishing and building new structures resulting from internal inspections by Senior Officers in the Police as well as Inspections done by Judiciary Officers following complaints by arrested persons and Zimbabwe Human Rights Commission. This has resulted in police stations vastly improving detention infrastructure as well as supervisory systems.

139. Section 44-52 of the Prisons Act provides for impartial supervision and independent inspections of detention centres. It allows for visitation of detention cells by The Vice Presidents, Ministers, Judges, Magistrates, Ministers of Religion, and official visitors. These periodically visit prisons throughout Zimbabwe. Section 46 provides specifically for the powers of visiting justices. These include calling for all books, papers and records relating to the management and discipline of the prison, visiting every part of the prison and seeing every prisoner in confinement, inspecting and testing the quality and quantity of prisoners' food, ascertaining so far as possible, that the standing orders and regulations are observed and inquiring into any complaint or request made by a prisoner. Further, the ZHRC by virtue of their constitutional mandate in section 243(k)(i), have powers to visit and inspect prisons, places of detention, refugee camps and related facilities.

140. A human rights based approach now forms an integral part of instruction and training of the personnel who have authority over persons deprived of their liberty. The ZRP and ZPCS have since aligned the training curriculum to incorporate human rights.

141. The arrested or detained persons have access to such information and have effective legal means enabling them to ensure that those rules are respected, to complain if the rules are not respected and to obtain adequate compensation in the event of a violation. Any arrested or detained persons have access to make a complaint through the system explained in paragraph two above. In the event of such violation, any person has right to seek redress and compensation through the courts.

142. The Government of Zimbabwe in 2013, officially launched a dedicated program called "The Pre Trial-Diversion" that was designed to give special consideration of juvenile offenders. This program entails establishing what are called pre-trial diversion committees that sits and deliberate on case by case basis. The purpose of the pre-trial diversion program is to minimise the detention of juveniles at all costs.

143. Further Section 135 of the Criminal Procedure and Evidence Act provides for the unconditional release of juvenile offenders on offences other than treason, murder, or rape.

144. The Commissioner General of Prisons is permitted in terms of Section 63 of the Prisons Act to provide for Segregation and Classification of prisoners. Separation of prisoners follows the under listed grounds; namely young prisoners; adults; sex; first offenders; prisoners with previous convictions; prisoners suspected or certified as being of unsound mind; and such other classes as the Commissioner may determine; and, so far as the prison accommodation renders it practicable, each such class shall be kept apart from the other classes.

145. The Prisons Act has regulations which provide that juvenile offenders should be separated from adult offenders, are not allowed to work, and must be kept at a special institution designed for young offenders such as Whawha Young Offenders Prison. They are allowed to be visited by relatives and must attend school while in detention. The said

regulations provide for a cut off age of eighteen (18) years and below, however in practice offenders of up to the age of twenty-one (21) years are treated as juveniles.

Observance of United Nations standards applicable to the treatment of prisoners

146. The ZPCS is largely applying the Standard Minimum Rules for the Treatment of Offenders. The hindrances to full implementation are because of having mainly old prison structures and limited resources. The desire and intentions for full compliance are however there.

147. Section 50 of the Constitution of Zimbabwe guarantee the rights of sentenced persons as indicated above. The enjoyment of these rights is however subject to reasonable restrictions imposed for the proper administration of prisons or places of detention. The Constitution further provides that detained persons are entitled to conditions of detention that are consistent with human dignity, including the opportunity for physical exercise and the provision, at State expense of adequate accommodation, ablution facilities, personal hygiene, nutrition, appropriate reading material and medical treatment.

148. The Prisons Act provides for segregation of prisoners into a number of categories. As such females are kept separate from males, prisoners awaiting trial are kept separate from the convicted, the young are kept separate from adults, and prisoners with mental disability are kept on their own. In terms of section 57 of the Prisons Act, no person may be admitted into prison without the relevant warrant authorising his or her detention as a measure to guard against unlawful detention.

149. Upon such admission all the details in respect of each prisoner shall be recorded in the prison registers which are kept for such purpose and are subject to inspection by Official Visitors, Visiting Justices in terms of section 44 of the Prisons Act referred to earlier.

150. The Government through ZPCS, and in partnership with development partners has infused these international standards on the treatment of persons in detention into the training curricula of its officers, be it at recruitment level or refresher courses. This is also the case with other public officials in charge of persons in detention such as the Police, immigration officers and so on.

Operation of the prison system

151. PART XV of the Prisons Act deals with discipline of prisoners. As a country, Zimbabwe has abolished solitary confinement as a disciplinary measure in prison administration.

152. Sections 90–92 provide for the disciplinary process and procedure. A charge against a prisoner shall be heard within the prison before a court may preside over it (Visiting Justice or a Magistrate or Commissioned Officer depending on the gravity of the offence committed).

153. In areas with high population concentration such as Harare and Bulawayo there are separate prisons exclusively for convicted prisoners and those awaiting trial. In Harare, the Harare Remand Prison caters for those awaiting trial and in Bulawayo, Khami Prison exclusively shelters prisoners awaiting trial. However, in most provinces, a single prison caters for both the convicted and those awaiting trial although the two categories are housed in separate parts of each prison. The convicted and those awaiting trial will be housed in separate sections of the prison.

154. Sections 76 and 77 of the Prisons Act provides for employment/labour of prisoners. Convicted prisoners may be subjected to prison labour within or outside the prison provided female prisoners are not to be employed outside the prison except on the recommendation of a medical officer.

155. Unconvicted prisoners (accused persons) are not subjected to prison labour but may elect to be given light employment. However, they are required to clean their cells, precincts of cells, clothing, furniture, and utensils. Further, a prisoner awaiting trial may be permitted to maintain himself or herself and arrange for the purchase of or receive from private sources such food, clothing, bedding, or other necessities as the Commissioner General of Prisons may from time to time determine. If such prisoner does not provide himself or herself with

food, clothing, and bedding, he or she shall receive the normal prison food, clothing and bedding.

Legislative and administrative measures on prisoner rehabilitation

156. The ZPCS is established in terms of section 227 of the Constitution of Zimbabwe. The Service is guided by the Prisons Act including a number of regulations such as the Prisons (General) Regulations (1996), as well the Commissioner General's Standing Order. The ZPCS is also guided by the Mandela Rules. The GoZ is through the proposed Prisons and Correctional Service Bill seeks to promote inmates' rehabilitation and re-integration. Every Officer-in-Charge is mandated with ensuring every inmate is provided with work aimed at his or her rehabilitation. To that end every station and Provincial Headquarters has a rehabilitation officer.

157. At national level there is a rehabilitation section and a Deputy Commissioner General responsible for rehabilitation activities. The ZPCS has workshops through which inmates learn carpentry, welding, motor mechanics, tailoring and so on. A Vocational Skills Training College has also been opened in Harare. The Connemara Open Prison for males and a female Open Prison in Marondera are measures to prepare prisoners for life after incarceration.

Educational/rehabilitative Programmes

158. The series of table below contain statistics in relation to prisoner rehabilitation initiatives being implemented in the prison system. There are several sporting activities which are offered to inmates. These include: Soccer, volleyball, chess, netball, draft, darts, pool. The rehabilitation programmes offered at prison facilities include:

- Vocational & skills training:
 - Psychosocial support,
 - Moral and
 - Spiritual counselling;
- Further, prison inmates are enrolled to educational programmes such as:
 - Primary education,
 - Secondary education,
 - Tertiary education; and
 - Vocational Training;
- The tables below show statistics on inmates who successfully completed their education at various levels in prison.

Table 11
Ordinary Level Exams

<i>Year</i>	<i>No of Inmates who sat for Ordinary Level Exams</i>	<i>No. of Inmates who passed</i>	<i>% Pass rate</i>
2007	120	50	42
2008	100	48	48
2009	88	50	57
2010	230	212	92
2011	220	189	86
2012	136	126	93
2013	140	124	89
2014	180	165	92
2015	250	208	83
2016	340	322	95

<i>Year</i>	<i>No of Inmates who sat for Ordinary Level Exams</i>	<i>No. of Inmates who passed</i>	<i>% Pass rate</i>
2017	420	380	90
2018	330	300	91
2020	105	76	73
2021	160	103	64.5
2022	354	247	70

Table 12
No. of inmates who enrolled for Primary Education

<i>Year</i>	<i>No of Inmates who sat for Grade 7 Exams</i>	<i>No. of Inmates who passed</i>	<i>% Pass rate</i>
2007	34	28	82
2008	27	25	93
2009	24	20	83
2010	16	11	68
2011	14	09	64
2012	18	16	89
2013	10	08	80
2014	22	19	86
2015	16	10	63
2016	14	12	86
2017	12	08	67
2018	23	20	87
2020	28	13	49
2021	39	24	62
2022	317	221	70

Table 13
**Number of inmates who received vocational skills training: Higher Education
Examination Council (HEXCO) Examinations**

<i>Year</i>	<i>Trade</i>	<i>Total students</i>	<i>No. of students passed</i>	<i>No. of students who failed</i>	<i>Students with distinctions</i>	<i>% pass rate</i>
2017 March Exams	Wood Technology					
	National Foundation Certificate (NFC)					
	joinery	7	7	NIL	2	100
	NFC carpentry	7	7	NIL	1	100
	NFC cabinet making	7	7	NIL	NIL	100
	clothing and textiles					
	NFC garment construction	8	8	NIL	2	100
	NFC pattern making	8	8	NIL	4	100
	NFC textile studies	8	7	1	2	87.5
2018 March Exams	Wood Technology					
	NFC joinery	7	7	NIL	3	100

<i>Year</i>	<i>Trade</i>	<i>Total students</i>	<i>No. of students passed</i>	<i>No. of students who failed</i>	<i>Students with distinctions</i>	<i>% pass rate</i>
2019 March Exams	NFC carpentry	7	7	NIL	1	100
	NFC cabinet making	7	7	NIL	4	100
	clothing and textiles					
	NFC garment construction	17	16	1	14	94
	NFC pattern making	17	17	NIL	9	100
	NFC textile studies	17	16	1	4	94
	Wood Technology					
	NFC joinery	9	9	NIL	4	100
	NFC carpentry	9	9	NIL	5	100
	NFC cabinet making	9	9	NIL	3	100
	clothing and textiles					
	NFC garment construction	15	15	NIL	10	100
	NFC pattern making	15	15	NIL	13	100
	NFC textile studies	15	15	NIL	10	100

Table 14
Number of inmates who enrolled for various practical skills training: Trade Tests Statistics 2008–2019

<i>Trade</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Motor Mechanics	12	10	15	16	12	5	7	8	7	11	4	2
Fitters	1	3	2	3	5	2	2	4	2	3		
Welding	3	5	5	4	2	5	4	5	2	11		1
Panel Beating	4	2	4	3	2	1	3	3	3	4	2	
Plumbing	3	1	2	2	3	3	4	4	4			
Carpentry	6	5	8	6	5	8	7	5	5	7	2	
B/Block	1	2	4	2	3	4	3	4	2			
Sheet Metal	3	2	1	1	2	1	2	3	1			
Upholstery	2	1	3	1	2	2	1	2	3	4	2	
Sewing Machine Mech	3	1	2	2	2	3	4	3	1			
Refrigeration										2	1	1
Motor Cycle Mechanics										1		
Radio Communications											2	
Totals	38	32	46	40	38	34	37	41	30	43	13	4

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

Constitutional and Legislative Measures

159. Section 54 of the Constitution provide for the freedom from slavery or servitude and section 55 asserts everyone's freedom from forced or compulsory labour, thus effectively domesticating article 8 of the Covenant.

160. Government enacted the Trafficking in Persons Act [*Chapter 9:25*] in 2014. This Act provides for the prohibition, prevention, and prosecution for the crime for trafficking in person as well as protection of victims of trafficking in persons. In addition, Section 83 of the Code also prohibits trafficking in persons.

Administrative Measures

161. Zimbabwe ratified the United Nations Convention against Transnational Organised Crimes on the 12th of December 2007 and on the 13th of December 2013, acceded to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women, and Children. An Inter-Ministerial Committee on Trafficking in Persons was also established at national and provincial level to implement the Trafficking in Persons Act.

162. In July 2016, Government launched the National Plan of Action against Trafficking in Persons anchored on four pillars of Prevention, Protection, prosecution, and partnerships. This plan of action is designed to coordinate Government efforts towards the fight against trafficking in persons.

163. The Protection pillar provides Standard Operating Procedures (SOPs) for the provision of assistance to survivors of trafficking in persons. In line with the SOPs, Government provides a starter pack for the survivors to enable them to integrate into their communities. Household and risk assessments are also conducted to determine the individual needs of the survivors. Government collaborates with development partners in the provision of reintegration support through various sector programmes.

164. Zimbabwe also commemorates the World Day against Trafficking in Persons on the 30th of July of every year. Government takes advantage of such commemorations to consolidate public awareness on trafficking in persons.

165. In respect of provision of training of all public officials involved in addressing trafficking on how to identify and deal with victims of trafficking and on the provisions of the anti-trafficking legislation, Government has taken a number of measures to give effect to its obligations.

166. The ZRP continues to train its officers throughout the entire police service with a thrust to capacitate officers in identifying and dealing with victims of Trafficking in Persons (TIP). The Department of Immigration has institutionalized TIP in their training curriculum which is rolled out to all new staff members in the department. Government has also trained law enforcement agents and border guards in the border areas with the highest migrant figures. The Anti-Trafficking in persons Inter-Ministerial Committee (ATIMC) was also trained.

167. The ATIMC continuously collects data on trafficking and exploitation of women. Government with assistance from SADC established a data base of TIP which is updated on a regular basis.

168. In 2016, Government facilitated the repatriation of one hundred and thirty-three (133) female survivors of trafficking from Kuwait. Zimbabwe and Kuwait later bilaterally agreed to stop issuance of VISA for semi-skilled workers as a measure to deal with demand for trafficking. Government investigated and prosecuted traffickers who were involved in these acts of trafficking.

169. For further measures Government has taken to deal with trafficking, slavery and other forms of forced labour, see the 6th Periodic Report of the Government of Zimbabwe to the CEDAW Committee in particular, the reporting under Article 6.

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

170. The JSC has been effectively tackling the backlog of cases for both the Superior and Magistrates Court, despite the fact that the country has been battling to contain the Covid-19 pandemic, which saw court operations being scaled down. The backlog for the Superior Courts reduced from 2,351 recorded in 2020 to 1,787 recorded in 2021. In the Magistrates Court, of the 161,657 cases received in 2021, 146,062 cases were completed. This effective reduction of backlog was as a result of the measures outlined below.

171. The phenomenon of free legal aid system is a constitutional right entrenched in section 31 of the Constitution of Zimbabwe. GoZ provides free legal services to indigent persons through the Legal Aid Directorate (LAD). LAD is a Department under the Ministry of Justice, Legal and Parliamentary Affairs this it receives yearly budgetary support approved by Parliament through the Appropriation Act. LAD is currently in all ten (10) provinces in Zimbabwe and the decentralisation to the districts has commenced with three (3) district offices opened namely Chiredzi, Chivhu and Gokwe. Accordingly, the GoZ is committed to opening at least three district offices on a yearly basis with a target of reaching at least thirty (30) new district centres by the year 2030.

172. For the JSC, legal aid programmes are a central component of strategies to enhance access to justice. Hence, the JSC has been effectively strengthening the free legal aid system through a number of interventions. These most prominent being:

(a) Providing accommodation at every station for help desks managed by other stakeholders in the justice delivery system. The Zimbabwe Women Lawyers Association (ZWLA), Women in Law Southern Africa (WLSA), Justice for Children Trust (JCT) provide paralegal staff at these desks to assist litigants with the basic legal processes;

(b) Further, the Registrar of the High Court in criminal matters, is responsible for allocating legal practitioners pro deo matters, wherein legal assistance is given to accused persons for cases of murder. In the period 2019 – date a total of 1 468 criminal cases were pro deo;

(c) Equally, in civil proceedings, the Registrar of the High Court is also responsible for allocating legal practitioners to those litigants who proceed *in forma pauperis* (the indigent).

173. There were only 67 applications in 2019 in which free legal aid has been sought *in forma pauperis* all these were granted.

174. Construction and renovations of court houses to state-of-the-art buildings and uplifting their ambience in all provinces is being done. For instance, the following projects are being done to bring courts to the people:

(a) Mashonaland Central, at Mt Darwin, a Magistrates' Court was commissioned;

(b) The construction of Lupane Magistrates' Court in Matabeleland North is almost complete;

(c) In Matabeleland South, the construction of a new multi – purpose courthouse similar to the Chinhoyi court complex at Gwanda is work in progress;

(d) Construction of Epworth and Chiredzi Magistrates' Courts is work in progress, while the construction of a Magistrates' Court in Entumbane in Bulawayo commenced in 2022;

(e) Reviewing of legislation so as to ensure access to justice. as of 1 May 2022, the GoZ introduced an Integrated Electronic Case Management System(IECMS), providing for virtual court hearings and the e-filing of court processes. Key advantages of this reform include introducing a justice-serving mechanism that ensures the effective and efficient delivery of justice. To date, the Constitutional Court, Supreme Court and Labour Courts in all provinces have fully adopted the e-filing system. The Government has also now established a commercial court whose core function is the expeditious resolution of commercial disputes, in line with criteria set by the World Bank, and, by further improving

the ease of doing business, to contribute towards the attraction of both local and foreign investment.

175. The independence, impartiality, competence and tenure of Judges is guaranteed by the Constitution particularly in terms of section 164 and section 180 respectively.

176. Suffice to note, judges appointed in terms of Constitutional Amendment number 2, are appointed through interviews when they are joining the bench for the first time.

177. Hence the aforementioned provisions only apply in cases of promotions.

178. Therefore, the same principles of independence, security of tenure and competence applying to judges appointed in terms of section 180(4) applies in equal force to Judges appointed in terms of section 180(4)(a).

179. In a nutshell, the principles of independence, impartiality, competence and tenure of judges are constitutionally guaranteed and it is the duty of the Commission to act in terms of the Constitution.

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

180. As to the requirements for the admission of non-citizens, in particular asylum-seekers, to the territory of the State, all asylum seekers are allowed admission into the country when they intend to seek asylum without the risk of '*refoulement*' mainly on the basis of customary international law as their lives are deemed to be at risk if they are forced to return. This is in compliance with the provisions of the 1951 UN Convention on the Status of Refugees and its 1967 Protocols.

181. Therefore, through the provisions of the Refugees Act [Chapter 4:03], all asylum seekers are admitted and referred to Tongogara Refugee Camp for further protection interventions, but are not kept together with refugees. Currently, Zimbabwe is home to about 15 405 refugees and asylum seekers who were given access to Zimbabwe as an asylum territory.

182. In terms of international refugee protection, it is permissible that all failed asylum seekers and those that have ceased to be refugees due to changed circumstances be allowed to leave the country within a period of 3 months. In terms of Section 8(6) of the Immigration Act, an alien who have been expelled from Zimbabwe may not leave the territory until his or her appeal has been finalised. However, should the appeal fail, the appellant is required to leave the country to the destination of their choice within a period of 3 months from the date of determination of their appeal.

183. GoZ permits birth registration of all children born in Zimbabwe regardless of their parents' citizenship status and these children are also granted access to health care, protection, education and other social services. Further, circular number 1 of 2007 provides that all health facilities do not charge any user fees for access to health care services for children.

Right to privacy (art. 17)

184. In giving effect to Article 17 of the Covenant, section 57 of the Constitution enshrines an express, justiciable right to privacy. It states that, every person has a right to privacy, which includes the right not to have their home, premises or property entered without their permission; their person, home, premises or property searched; their possessions seized; the privacy of their communications infringed; or their health condition disclosed.

185. The Constitution further enshrines the right to human dignity in section 51, "*Everyone has inherent dignity in their private and public life, and the right to have their dignity respected and protected*".

186. The right to privacy is not absolute and is limited in terms of section 86 of the Constitution which states that the limitation must be fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom. The

purpose of the limitation should be necessary in the interests of defence, public safety, public order, public morality, public health, regional or town planning or the general public interests.

187. Zimbabwe has domestic laws related to privacy which includes the Criminal Procedure and Evidence Act, the Code, the Interceptions of Communication Act [*Chapter 11:20*], and Freedom of Information Act [*Chapter 10:33*].

188. Recently the GoZ passed into law the Data Protection Act. The enacted Data Protection Act consolidates cyber related offences and provides for data protection with due regard to the Declaration of Rights under the Constitution and the public and national interest. The Act also establishes a Cyber Security Centre and a Data Protection Authority, as well as provides for investigation and collection of evidence of cyber-crime and unauthorised data collection and breaches, whilst providing for the admissibility of electronic evidence for such offences. It will create a technology driven business environment and encourage technological development and the lawful use of technology.

189. The GoZ is unaware of any allegations of targeted surveillance of political opponents and government critics that goes beyond the normal maintenance of public order and security as well as measures to prevent crime in the country. In any case, the laws that provide for interception of communication have a grievance procedure where someone can challenge such interception before courts of law. To date no such cases have been filed.

Right to freedom of religion (art. 18)

190. Section 60(1) of the Constitution enshrines freedom of conscience, which includes freedom of thought, opinion, religion or belief; and freedom to practise and propagate and give expression to their thought, opinion, religion or belief, whether in public or in private and whether alone or together with others.

191. As for the status and legal position of conscientious objectors, the law is that no person may be compelled to take an oath that is contrary to their religion or belief or to take an oath in a manner that is contrary to their religion or belief, which includes objection to vaccination, which, including Covid 19 vaccination, has not been imposed as compulsory.

192. Parents and guardians of minor children have the right to determine, in accordance with their beliefs, the moral and religious upbringing of their children, provided they do not prejudice the rights to which their children are entitled under the Constitution, including their rights to education, health, safety and welfare.

193. Religious communities are allowed to establish institutions where religious instruction may be given, even if the institution receives a subsidy or other financial assistance from the State.

194. In order to enhance the enjoyment of Article 18 of the Covenant, the Zimbabwean legal system does not require religious organisations to register in order to operate. Where a religious community wishes to be recognised at law, including faith-based NGOs, they can register as trusts or associations or private voluntary organisations.

195. Religious groups register only in connection with marriage law requirements when they designate some of their officials as marriage officers in terms of section 4 of the Marriages Act [*Chapter 5:17*]. The Act recognises Christian, Jewish, Islamic, and Hindu marriage rites and the rites of any other religion.

196. The position of the GoZ as far as child or early marriages is concerned is one of zero tolerance. Section 78 of the Constitution makes 18 years the minimum age requirement to enter into marriage under all circumstances. Further, the CCZ confirmed this position in the famed case of *Mudzuru & Anor v Ministry of Justice, Legal & Parliamentary Affairs N.O. & Ors.*²⁴ The Marriages Act (as amended in 2022) now also bans child marriages and sets criteria to be satisfied including age verification before a marriage can be solemnised.

²⁴ (Constitutional Application 79 of 2014, CC 12 of 2015) [2016] ZWCC 12 (20 January 2016).

197. Section 3(2) of the Marriages Act provides that “*For the avoidance of any doubt, it is declared that child marriages are prohibited and under no circumstances shall any person contract, solemnise, promote, permit, allow or coerce or aid or abet the contracting, solemnising, promotion, permitting, allowing or coercion of the marriage, unregistered customary law marriage or civil partnership, or the pledging, promise in marriage or betrothal of a child*”. The same provision goes to criminalise any person, other than the child, who marries or facilitates marriage of a child and imposes a maximum imprisonment term of five years.

198. Nevertheless, GoZ continues to fight against religious and traditional drivers of child marriage in the country. The new law will go a long way enforcing the ban against child marriage.

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

199. Section 61 of the Constitution, which guarantees the freedom of expression, has since been amended since the Initial Report. It now better domesticates Article 19 of the Covenant. It provides that every person has the right to freedom of expression, which includes freedom to seek, receive and communicate ideas and other information; freedom of artistic expression and scientific research and creativity; and academic freedom.

200. Every person is also entitled to freedom of the media, which freedom includes protection of the confidentiality of journalists’ sources of information. However, hate speech is prohibited.

201. A number of Acts of Parliament have been enacted in terms of the Constitution, including the Broadcasting Services Act, which establishes the Broadcasting Authority of Zimbabwe (BAZ) which is empowered to issue broadcasting licences, as well as to monitor and track the use of the broadcasting services bands.

202. The Postal and Telecommunications Act was amended to remove the monopoly of Posts and Telecommunications Corporation (PTC) and allow other players to come into the telecommunications industry such as private mobile network operators since 1996.

203. A number of court judgments have asserted this freedom over the years including *Chavhunduka and Anor v Minister of Home Affairs and Another 2000 (1) ZLR 552(s)*; *Association of Independent Journalists & Others v The Minister of State for Information & Others SC 136/02*; *Capital Radio (Private) Ltd v The Broadcasting Authority of Zimbabwe & Others SC 128/02*. In all these cases the Courts underscored the importance of freedom of expression to the achievement of self-actualisation by members of the society and protection of institutions that seek to promote the freedom.

204. The GoZ denies as misplaced allegations that authorities have excessive control over the broadcast media, including through refusing to grant licenses to community radio stations. In June 2022, GoZ gave licence to the Zimbabwe Television Network to commence broadcasting. In any case, due to liberal access to the internet, various registered and unregistered entities broadcast news on platforms such as YouTube and Facebook without government interference. There was lack of diversity and plurality in the broadcasting sector, which saw the need to amend the Broadcasting Services Act [Chapter 12:06]. The Amendment Bill seeks to further open up the airwaves by licensing community and campus radio stations and privately owned TV stations. Though the Bill is yet to be enacted into law, a Statutory Instrument was gazetted which led to the licensing of campus radio stations, privately owned television broadcasters and language based community radio stations. To date, fourteen (14) community radio stations, eight (8) campus radio stations and six (6) national free to air television stations have been licensed thereby providing universal access to information for all citizens.

205. Reference to the chilling effects on freedom of expression of the Cybersecurity and Data Protection Bill and the Access to Information and Protection of Privacy Act (AIPPA) is misplaced. The AIPPA was repealed and replaced by the Freedom of Information Act and the Zimbabwe Media Commission Act. The Cyber Security and Data Protection Act is now an Act and is cited as the Data Protection Act. Like many other governments the monitoring

internet activity remains critical as criminals are becoming more and more digitalised in their approach. However, monitoring of internet activities is done within the parameters allowed by the Covenant.

206. The allegations seem to be premised on the Access to Information and Protection of Privacy Act (AIPPA), a piece of law that has since been repealed by the enactment of the Freedom of Information Act on the 1st of July 2020.

207. Currently, there is no law in Zimbabwe that deals with transgressions of journalists. The criminalization of journalism was declared invalid by the Supreme Court in 2013. Since then, no journalist has been arrested or detained for practicing as being alleged or alluded to. Even before the repeal of AIPPA, no journalist was arrested using that piece of law.

208. To say that there has been arbitrary arrests and detention of journalists in Zimbabwe is completely unfounded. As pointed out above, there is no law that can be used to arrest, let alone detain journalists.

209. What is important to note is that journalists are citizens first before they become journalists. Everyone, including journalists have to obey and comply with national laws governing certain conduct. If journalists are arrested based on some criminal charges then that cannot be said to be in line of their duty. Journalists have been abusing their status to raise the professional card whenever they commit certain offences by raising the professional card.

210. It was noted that some journalists arrested during the Covid-19 period were found to be on the wrong side of the law. After their arrests, these journalists would raise the professional card that they would be on duty. Most of them were arrested while in pubs drinking beer. As alluded to above, journalists are citizens first and they need to obey the national laws.

211. No journalist was arrested during Covid-19 for doing their constitutional duty. The state actually assisted journalists by declaring the media as an essential service to enable them to move freely without any hindrance. The Zimbabwe Media Commission (ZMC), a constitutional body with the responsibility over media together with the Ministry of Information, Publicity and Broadcasting Services, ensured that no obstacles would impede the work of the media as it was critical in fighting the pandemic.

Right to freedom of peaceful assembly (art. 21)

212. Section 58 of the Constitution provides that “every person has the right to freedom of assembly and association, and the right not to assemble or associate with others” and that “no person may be compelled to belong to an association or to attend a meeting or gathering”. As part of aligning laws to the Constitution, the POSA was repealed. The POSA was repealed and a new Act named Maintenance of Peace and Order Act (MPOA) was promulgated on 15 November 2019. The new Act makes provision for the maintenance of peace, order and security in Zimbabwe thereby recognising the Constitutional right to freedom of assembly and association.

213. Furthermore, the limitations imposed by the Act are now consistent with the Constitution and international best practises. The Act also provides for the process of filing of appeals against the decisions passed by regulating authorities regarding issues of authority in the exercise of freedom of assembly. The powers of the regulating authority have been greatly curtailed for the benefit of citizens.

214. The GoZ is unaware of allegations of disproportionate presence of the military at peaceful assemblies. Only security personnel envisaged by the MPOA would attend such proceedings. The MPOA makes criminal certain conduct that seeks to defeat the purpose of the law – facilitate enjoyment of the freedom of peaceful assembly. Cases of non-compliance with the peremptory provisions of the MPOA may result in criminal proceedings initiated against offending protestors.

215. Once a convener of a public meeting or protest notifies the authorities designated in the law, there would not be any denial of the right to freedom of assembly to any person.

216. The Police are authorised by the MPOA to use minimum force to disperse crowds conducting gatherings outside of the framework of this law in terms of Section 42 of the Criminal Procedure and Evidence Act. This law is compatible with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

217. Government and law enforcement agencies adopted rules and regulations on the use of firearms against persons violating the law. The deployment of non-lethal means has been made a priority in order to minimize the risk of endangering the citizens. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result. There is a system of reporting incidents wherever there is a use firearm of firearms in the performance of their duty.

218. Law enforcement agencies and officials recognize that force and firearms may be used in terms of the law. In the dispersal of unlawful gatherings but non-violent, law enforcement officials shall avoid the use of force or where that is not practicable, shall restrict such force to the minimum extent necessary.

219. However, in the dispersal of violent assemblies, law enforcement officials may use firearms strictly to the extent necessary to achieve their objective. The law enforcement agents may also use force against anyone resisting a lawful arrest.

220. As part of the implementation of recommendations of the Motlanthe Commission, the GoZ is committed to disincentivising the use of the Zimbabwe Defence Forces (ZDF) for the purposes of handling civil disturbances, unless the contingency of the situation requires it, in which case the GoZ will proceed in terms of Article 4 of the Covenant and national law.

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

221. While the position largely remains as was reported in the Initial Report, the new constitutional provisions have elevated rights of children to constitutional level. Sections 78 have a collective bearing on the rights of the child. The Children's Act referred to under Article 7, has since established a children's court, at the magisterial level, to enhance the protection of children.

222. The legislative framework has been widened to further protect children from acts of violence, as well as cruel and inhuman treatment. As indicated under Article 23, the Domestic Violence Act recognises children as potential victims of domestic violence and extends protection to them. The Act goes further to prohibit the perpetration of violence on an adult in the presence of a minor.

223. Zimbabwe continues to respond to the problem of GBV through a well-co-ordinated multi-sectoral approach. This approach is designed to assist survivors to access a wide range of services from health; psychosocial support; legal aid, protection; safe shelter and economic empowerment. Service providers have been trained on assisting survivors of GBV in line with the Standard Operating Procedures (SOPs). A Victim Friendly System (VFS) comprising of the Victim Friendly Unit (VFU) under the police and the Victim Friendly Courts (VFC) under the JSC. These are specialized units that deal with sexual and domestic violence against women and children.

224. The Code has widened the scope of offences of a sexual nature against children. Section 64 recognises offences against young persons as being of an aggravated nature. However, it still maintains the age of criminal responsibility at 7 years, however the Child Justice Bills seeks to raise the age to 12. The CCZ recently raised the age of sexual consent from 16 to 18 years, thus in implementing the Court's decision, GoZ may take advantage of the momentum to introduce other issues for amendment of laws including minimum age of criminal responsibility, provided parliament agrees and makes the necessary amendments.

225. As for rights of children with disabilities, Section 81 (1) of the Constitution provides that every child has the right to equal treatment before the law, including the right to be heard. Section 81 (2) further provides that a child's best interests are paramount in every matter concerning the child. Therefore, the best interest of the child principle has been

constitutionalised and subsidiary legislation regulates its application in given decision-making situations.

226. Section 83 (e) of the Constitution mandates the State to take appropriate measures, within the limits of the resources available to it, to ensure that persons with disabilities realise their full mental and physical potential, including measures to provide special facilities for their education.

227. Part 1A of the Children's Act establishes the Child Welfare Council. The Council is responsible for, among other functions, advising the Minister and any other person that the Council thinks appropriate on any matter relating to the welfare of children; to monitor the overall situation of children in need of care and to try to ensure that their welfare and rights are advanced; to promote and encourage the co-ordination of the activities of organizations which have as their object the promotion and protection of the rights of children.

228. Section 7 (2) of the same Act makes it a criminal offence to ill-treat or neglect a child. Nonetheless, as is the case with several other pieces of legislation on the protection of children, they do not make specific reference to children with disabilities who may need reasonable accommodation measures that go beyond what the law so far provides. It is important to still state that the general provisions on children also apply to children with disabilities.

229. In the Children's Amendment Bill, the definition of children in need of care has been broadened to include children with disabilities requiring support which cannot be provided by his/her parent/guardian.

230. To cater for the inadequacies of existing legislative measures, Clause 24 of the Persons with Disabilities Bill provides for the rights of children with disabilities in terms of meeting their specific needs and protection arrangements as children with disabilities rather than pooled together with other children. This legislative reform will go a long way in enhancing the rights of children with disabilities.

231. Section 75 of the Constitution also guarantees every citizen and permanent resident of Zimbabwe the right to a basic State-funded education, including adult basic education; and further education, which the State, through reasonable legislative and other measures, must make progressively available and accessible. Moreover, every person has the right to establish and maintain, at their own expense, independent educational institutions of reasonable standards, provided they do not discriminate on any ground prohibited by the Constitution including on the basis of disability.

232. Section 22 (2) of the Constitution states that the State and all institutions and agencies of Government must, within the limit of the resources available to it assist persons with disabilities to achieve their full potential and minimize the disadvantages suffered by them.

233. Section 4 of the Education Act provides for the right to education for every child in Zimbabwe. The section further stipulates that no child in Zimbabwe shall be refused admission to any school or be discriminated against by the imposition of onerous terms and conditions in regard to his/her admission to any school on the grounds of his/her race, tribe, place of origin or ethnic origin, political opinions, colour, creed or gender. In compliance with this right, education policies are inclusive of children with disabilities.

234. Clause 39 of the PWDs Bill seeks to incorporate provisions of Article 24 of the CRPD on the right to education inclusive of the different aspects of the right to education as articulated in the CRPD and national law. The Clause goes further to introduce some innovative approaches to inclusive education including, but not limited to the establishment of a fund for the promotion of the right to education for PWDs.

235. Section 63 of the Education Act provides for the prescribing of the curricula for all schools in Zimbabwe. To this end, the Government has developed a curricula framework 2015–2022 which caters for learners with disabilities and syllabus has been developed for Persons with visual and hearing impairments.

236. The new Education Amendment Act provides that:

- i “...every registered school shall provide infrastructure, subject to availability of resources, suitable for use by pupils with disabilities.
- ii The Secretary shall monitor and enter premises of every registered school for the purposes of ascertaining whether the rights of pupils with disabilities are taken into account during teaching and learning.
- iii For purposes of fees approval, the Secretary shall require every registered school to submit a plan highlighting how the school shall advance the rights of pupils with disabilities.”.

Administrative and other Measures

237. Zimbabwe does have the Junior Parliament which offers an opportunity for children to freely discuss matters affecting them. Children with disabilities also participate in the Junior Parliament.

Orphan Care Policy

238. The GoZ, as early as 1999 and in response to the impending crisis as a result of HIV/AIDS induced orphanage, developed and adopted a National Orphan Care Policy, which sought to support traditional methods of care and discouraged forms of care which removed children from their communities and culture. This policy recommended foster care and adoption as the desired alternatives for children who did not have extended families and explicitly discouraged the use of institutional care. It clearly stated that placing a child in an orphanage should be regarded as a last resort, utilized only after all efforts to secure a better form of care have been exhausted.

239. The Policy developed an order of preference for places of provision of childcare, namely:

- (a) Immediate family;
- (b) Extended family;
- (c) Community support to elderly/adolescent heads of households;
- (d) Foster care/adoption;
- (e) Village-type institution; and
- (f) Dormitory-type institution.

240. This policy equally applies to children with disabilities as it applies to others.

Free health services for persons under five years of age

241. The GoZ has an operational policy to provide free medical care and rehabilitation services to children under the age of five (5) years in all Government medical institutions. This will go a long way in combating infant mortality. It also helps to deal directly with cases of children with disabilities among these children. As reported under Article 26 in this Report, rehabilitation is very crucial.

Child Protection Committees

242. Community child case care workers are trained in child safeguarding and community sensitisation on the need to protect all children including identifying needs of children with disabilities. These are structures based at ward level to ensure that the services are brought to the doorstep of the beneficiaries. The ward is the lowest administrative and political governance structure in the country. It is therefore, grass root in nature and located in all districts of the country.

Child Welfare Council

243. It is a Committee established within the provisions of the Children’s Act. Its main mandate is to advise the Minister on child welfare issues. Also, it seeks to promote and encourage coordination of the activities of organisations which have as their objectives, the

promotion and protection of the rights of the child. It also administers the Child Welfare Fund. The Committee also conducts quarterly meetings with relevant key Ministries and institutions such as Health, Home Affairs, Justice, Ministry of Labour and six (6) representatives from CSOs and representative from Chiefs Council.

National Case Management System

244. The Government has put in place a case management system. It is a way of organising and carrying out work so that children's cases are handled in an appropriate, systematic and timely manner. It aims to ensure that through coordinated, collaborative care, children can receive the services they need. Under this system, the Government has managed to protect and promote the rights of children including the rights of children with disabilities.

Participation in public affairs (arts. 25 and 26)

245. Section 67 of the Constitution provides for political rights and every Zimbabwean citizen has the right to free, fair and regular elections for an elective public office established in terms of the constitution. The right extends to participation in referendums.

246. Chapter 7 of the Constitution is dedicated to the electoral system in force in Zimbabwe as well as principles of democratic elections that underpins all electoral processes in Zimbabwe. These provisions were birthed by the contestations that took place in previous election cycles and also informed by the local context and recommendations of local and international elections observer missions.

247. The Electoral Act [*Chapter 2:09*] referred to in the Initial Report, was repealed and replaced by the Electoral Act [*Chapter 2:13*], which was enacted in line with the Southern African Development Community (SADC) Guidelines and Principles Governing Democratic Elections. It is the key law implementing Article 25 of the Covenant.

248. In this regard, section 3 accords to every citizen the right to:

- (a) Participate in government directly or through freely chosen representatives by casting a vote, as well as to stand for office;
- (b) Join or participate in the activities of and to recruit members of a political party of his or her choice;
- (c) Participate in peaceful political activity intended to influence the composition and policies of Government; and to
- (d) Participate, through civic organisations, in peaceful activities to influence and challenge the policies of Government.

249. The right to freedom of association and assembly, as provided for in the Constitution applies to elections and referendums.

250. The Act makes it mandatory that the right is exercised without distinction on the ground of race, ethnicity, gender, language, political or religious belief, education, physical appearance or disability or economic or social condition. The prohibited grounds of discrimination do not include 'place of origin', making the right to vote and stand for elections exclusive to citizens.

251. However, a great deal needs to be done to ensure that there is no disenfranchisement of any person who meets the minimum requirement to vote and that there is more regulation of candidates and political parties to ensure fair play, such as addressing the absence of campaign finance regulations and of oversight in this respect.

252. The GoZ denies any allegations of misuse of state resources. The office of the Auditor General is independent and should be able to identify this financial imprudence if they occur.

253. The GoZ does not involve itself in political activities of political parties and other organisations. Accordingly, allegations of pressure on and threats against voters to support the ruling party would be better answered by political parties concerned. However, GoZ

would step in where these threats and pressure constitute unlawful conduct unduly interfering with public's right to exercise political rights freely.

254. Similarly, the issue of media bias toward the ruling party is misplaced. Political parties generate resources to access media coverage during campaigns. There are several private media houses operating in and outside of the country where an alternative view can always be shared. The media should operate independently without censorship thus giving full effect to freedom of expression and independence of the media.

255. As for allegations that three opposition activists were abducted and abused in May 2020, this Report has dealt with the issue under Liberty and Security of the Person.

Conclusion

256. The GoZ would like to thank the Committee for taking time to examine this Report and for the constructive engagement which will follow its presentation. It underscores its commitment, not only to keep up to date with its periodic reporting, but largely implementing the provisions of the Covenant for the benefit of its people.
