

**THE REPUBLIC OF ZIMBABWE**



**11<sup>TH</sup>, 12<sup>TH</sup>, 13<sup>TH</sup>, 14<sup>TH</sup> AND 15<sup>TH</sup>  
COMBINED REPORT**

**UNDER THE AFRICAN CHARTER ON HUMAN AND PEOPLES'  
RIGHTS**

And

**1<sup>ST</sup>, 2<sup>ND</sup>, 3<sup>RD</sup> AND 4<sup>TH</sup> COMBINED REPORT UNDER**

**THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND  
PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN**

## TABLE OF CONTENTS

List of Participants to the production/drafting of the Report	<b>Error! Bookmark not defined.</b>
List of Abbreviations .....	X
Part A: General introduction.....	1
<b>1. Introduction.....</b>	<b>1</b>
<b>2. Article 2: The Principle of Non-Discrimination .....</b>	<b>2</b>
Constitutional and Legislative Measures .....	2
Discrimination on the Basis of Gender and Sex .....	3
Discrimination on the Basis of Disability .....	4
Administrative Measures.....	4
Challenges.....	5
Responses.....	5
<b>3. Article 3: Equality before the Law and Equal Protection of the Law .....</b>	<b>6</b>
Constitutional and Legislative Measures .....	6
Administrative Measures .....	6
Judicial Measures .....	9
Challenges.....	9
Responses.....	10
<b>4. Article 4: The Right to Life and Integrity of the Person.....</b>	<b>10</b>
Constitutional and Legislative Measures .....	10
Administrative measures.....	11
<b>5. Article 5: The right to dignity, and freedom from Torture, Inhuman or Degrading treatment or punishment and slavery.....</b>	<b>14</b>
Constitutional and Legislative measures .....	14
Administrative measures.....	15
Human Rights Training of Police Officers.....	16
<b>6. Article 6: The Right to Liberty and Security of the Person.....</b>	<b>17</b>
Constitutional and Legislative Measures .....	17
Administrative Measures .....	18
Prison Inspections.....	21
Judicial Measures .....	22
Challenges.....	22

Responses.....	22
<b>7. Article 7: The right to have one’s cause heard; Presumption of innocence until proven guilty; Prohibition of retrospective penal law and punishment</b> .....	23
Constitutional and Legislative Measures .....	23
Administrative Measures .....	24
Judicial Measures .....	24
Challenges.....	25
Responses .....	25
<b>8. Article 8: Freedom of Conscience and Religion</b> .....	25
Constitutional and Legislative Measures .....	25
Administrative Measures .....	25
Judicial Measures .....	26
Challenges.....	26
Responses.....	26
<b>9. Article 9: The Right to Receive Information and Freedom of Expression</b> .....	26
Constitutional and Legislative Measures .....	27
Administrative Measures .....	27
Challenges.....	28
Responses.....	28
<b>10. Articles 10 and 11: Freedoms of Association and Assembly</b> .....	28
Constitutional and Legislative Measures .....	28
Administrative Measures .....	29
<b>11. Article 12: Freedom of Movement and Residence; the Right to Seek and Obtain Asylum and the Prohibition of Mass Expulsion of Non-Nationals</b> ....	29
Constitutional and Legislative Measures .....	29
Administrative Measures .....	30
Judicial Measures .....	30
Challenges.....	31
Responses.....	31
<b>12. Article 13: The Right to participate freely in the Government of one’s Country and the Right of Equal Access to the Public Service of one’s Country</b> .....	31
Constitutional and Legislative Measures .....	31

Administrative Measures .....	32
Challenges.....	33
Responses .....	33
<b>13. Article 14: The right to property .....</b>	<b>33</b>
Constitutional and Legislative Measures .....	34
Administrative Measures .....	35
Challenges.....	36
Responses .....	36
<b>14. Article 15: Right to Work .....</b>	<b>37</b>
Constitutional and Legislative Measures .....	37
Administrative Measures .....	38
Challenges.....	39
Response .....	39
<b>15. Article 16 &amp; 18: Family, Adequate Standard of Life and Highest Attainable Health.....</b>	<b>39</b>
Constitutional and Legislative Measures .....	39
Administrative Measures .....	40
Health Care Delivery System .....	40
Health Care Financing .....	40
Expanded Programme on Immunisation.....	41
Provision Of Medical Assistance And Health Care ForChildren.....	41
Prevention of Disease and Malnutrition .....	41
HIV and AIDS .....	42
Challenges.....	42
Responses.....	42
<b>16. Article 17 Education and Compulsory Primary Education .....</b>	<b>42</b>
Constitutional and Legislative Measures .....	42
Administrative Measures .....	43
Challenges.....	47
Responses .....	47
<b>17. Article 17.2: Right to Take Part in Cultural Life.....</b>	<b>47</b>
Constitutional and Legislative Measures .....	47
Administrative Measures .....	48

Cultural Diversity.....	49
Challenges.....	49
Responses.....	49
<b>18. Article 19: Equality of all Peoples .....</b>	<b>49</b>
Constitutional Measures.....	49
Administrative Measures .....	50
<b>19. Article 20: Right to Self-determination .....</b>	<b>50</b>
Constitutional and Legislative Measures .....	50
Administrative Measures .....	51
Challenges.....	51
Responses.....	51
<b>20. Articles 21 &amp; 22: Right to freely dispose of Wealth or National Resources; Right to Development .....</b>	<b>51</b>
Constitutional and Legislative Measures .....	51
Administrative Measures .....	52
Mining Rights.....	53
Constituencies Development Fund .....	53
Right to Land.....	54
Infrastructural Developments .....	54
Dams	
Upgrading of Water Supply Projects.....	55
Roads	
Power Generation .....	55
Challenges.....	56
Responses.....	56
<b>21. Article 23: Peoples’ Right to National and International Peace and Security .....</b>	<b>56</b>
Constitutional and Legislative Measures .....	56
Administrative Measures .....	58
Challenges.....	58
Responses.....	59
<b>22. Article 24: Peoples’ Right to Satisfactory Environment.....</b>	<b>59</b>
Constitutional and Legislative Measures .....	59

Administrative Measures .....	60
Challenges.....	61
Responses.....	61
<b>23. Article 25: Duty to Promote Awareness of the Charter .....</b>	<b>61</b>
Administrative Measures .....	61
Challenges.....	63
Responses.....	63
<b>24. Article 26: Duty to Guarantee the Independence of the Courts.....</b>	<b>63</b>
Constitutional and Legislative Measures .....	63
Administrative Measures .....	65
Challenges.....	65
Responses.....	65
<b>25. Articles 27, 28 &amp; 29 Individual Duties.....</b>	<b>65</b>
Constitutional and Legislative Measures .....	65
Administrative Measures .....	66
Challenges.....	67
Responses.....	67
<b>26. Racial Discrimination .....</b>	<b>68</b>
Constitutional and Legislative Measures .....	68
Administrative measures.....	68
<b>27. General Promotion of Human Rights.....</b>	<b>68</b>
<b>28. Elimination of All Forms Of Discrimination Against Women.....</b>	<b>69</b>
<b>PART C: THE ZIMBABWE COUNTRY REPORT ON THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA .....</b>	<b>70</b>
<b>1. Introduction .....</b>	<b>70</b>
The Report Writing Process.....	70
International Legal Framework.....	71
Regional Legal Framework.....	71
National Constitutional and Legal Framework .....	72
National Legislative and Policy Framework: .....	72
Equality/Non discrimination.....	73
<b>2 Article 2: Elimination of Discrimination Against Women .....</b>	<b>73</b>

Constitutional and Legislative Measures .....	73
The Criminal Law (Codification and Reform) Act [ <i>Chapter 9:23</i> ] .....	74
Administrative Measures, Institutions and Policies.....	74
National Gender Policy.....	75
Girls and Young Women Empowerment Framework .....	76
Challenges.....	76
<b>3 Article 8: Access to Justice .....</b>	<b>76</b>
Constitutional and Legislative Measures .....	76
Administrative Measures .....	77
Legal Literacy Programmes .....	77
Challenges.....	78
Responses.....	78
<b>4 Articles 4 (2) (a) (c) Article 5 (c): Protection of Women From Violence .....</b>	<b>79</b>
Constitutional and Legislative Measures .....	79
<b>5 The Domestic Violence Act.....</b>	<b>79</b>
The Criminal Law (Codification and Reform) Act .....	79
Judicial Remedies.....	80
Administrative Measures, Policies and Institutions.....	80
Challenges.....	83
Responses.....	83
<b>6 Article 9: Political Participation and Decision Making.....</b>	<b>83</b>
Administrative Measures, Policies and Institutions.....	84
Challenges.....	86
Responses.....	87
<b>7 Article 12: Education and Training.....</b>	<b>87</b>
Constitutional and Legislative Measures .....	87
Administrative Measures, Policies and Institutions.....	87
<b>8 Articles 6-7: Rights Relating To Marriage.....</b>	<b>89</b>
Constitutional and Legislative Measures .....	89
Judicial Measures.....	90
Administrative Measures, Policies and Institutions.....	91
<b>9 Article 14: Health and Reproductive Rights .....</b>	<b>91</b>
Economic, Social and Cultural rights .....	92



10	<b>Article 13: Economic and Social Welfare Rights and Article 19 Right to Sustainable Development</b> .....	92
	Constitutional and Legislative Measures .....	92
	Administrative measures, Policies and Institutions.....	93
	Challenges.....	98
	Response .....	98
11	<b>Articles 20 to 24: Rights of Specially Protected Women’s Groups</b> .....	98
	Constitutional and Legislative Measures .....	98
	Administrative Measures, Policies and Institutions.....	99
	Challenges.....	101
12	<b>Conclusion</b> .....	101

## **LIST OF ABBREVIATIONS**

AIDS	Acquired Immuno Deficiency Syndrome
AIPPA	Access to Information and Protection of Privacy Act
AU	African Union
BEAM	Basic Education Assistance Model
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of all forms of Racial Discrimination
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CSO	Civil Society Organisation
	Deficiency Syndrome
ESC	Electoral Supervisory Commission
	Framework
GDP	Gross Domestic Product
GoZ	Government of Zimbabwe
HIV/AIDS	Human Immuno-Deficiency Virus- Acquired Immune
ILO	International Labour Organization
MDC	Movement for Democratic Change
MDGs	Millennium Development Goals
MERP	Millennium Economic Recovery Programme
MIC	Media and Information Commission
MTERP	Mid Term Economic Recovery Programme

NCA	National Constitutional Assembly
NECs	National Employment Councils
NER	National Enrolment Rate
NERP	National Economic Revival Programme
NGO	Non-Governmental Organisation
OVC	Orphans and Vulnerable Children
PASS	Poverty Assessment Study Survey
POSA	Public Order and Security Act
SADC	Southern African Development Community
SAHRIT	Human Rights Trust of Southern Africa
SEDCO	Small Enterprises Development Corporation
STERP	Short Term Economic Recovery Programme
TCPL	Total Consumption Poverty Line
TRIPs	Trade Related aspects of Intellectual Property Agreement
UN	United Nations
UNCITRAL	United Nations Commission for International Trade Law
UNDP	United Nations Development Programme
UNESCO	United Nations Educational and
UNICEF	United Nations Children's Fund
USA	United States of America
VCT	Voluntary Counselling and Testing
ZANU PF	Zimbabwe African National Union-Patriotic Front
ZDHS	Zimbabwe Demographic Health Survey
ZEC	Zimbabwe Electoral Commission
Zim-Asset	Zimbabwe Agenda for Sustainable Socio Economic Transformation

ZIMPREST	Zimbabwe Programme for Economic and Social Transformation
ZMDGs	Zimbabwe Millennium Development Goals
ZUNDAF	Zimbabwe United Nations Development Assistance

## **Part A: General introduction**

### **1. Introduction**

- 1.1.** The Government of Zimbabwe (GoZ) is pleased to present its Combined 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Report (Hereinafter referred to as the "Report") under the African Charter on Human and Peoples' Rights (ACHPR). The Report details the progress made in the promotion and protection of human rights for the people of Zimbabwe from 2007 to date. Information is provided under each article with regards to the constitutional, legislative and administrative measures undertaken by the GoZ to implement its duties and obligations arising from the ACHPR. In addition, information is provided on any challenges being faced by the GoZ in the implementation of such duties and obligations.
- 1.2.** Where necessary, the Report provides responses to the recommendations made by the African Commission on Human and Peoples' Rights (Hereinafter referred to as the "Commission") in its concluding observations on Zimbabwe's 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Reports submitted in 2006. It must be noted that most of the concerns raised by the Commission have been addressed by the coming into force of the Constitution of Zimbabwe Amendment (No. 20 ) Act of 2013 (Hereinafter "the Constitution".)
- 1.3.** The Constitution embraces a clearly defined value system and thus this Constitution mirrors the soul of the nation. It further contains Directive Principles of the State which are indeed the nation's goals and aspirations.<sup>2</sup> Of equal importance is the entrenchment of a very broad and comprehensive, fundamental human rights framework which incorporates not only civil and political rights; socio-economic and cultural rights but also environmental rights<sup>3</sup>. These rights apply both vertically and horizontally<sup>4</sup>. This is a significant departure from the 1979

---

<sup>1</sup>Section 3 of the Constitution

<sup>2</sup>See generally Chapter 2 of the Constitution

<sup>3</sup> Recommendation 29 c of Concluding Observations

<sup>4</sup>See section 45 of the Constitution

Lancaster House Constitution which only provided for civil and political rights. In line with international best practices and relevant sub-regional, regional and international instruments, the Constitution further elaborates certain rights and freedoms in respect of women<sup>5</sup>, children<sup>6</sup>, the elderly<sup>7</sup> and persons with disabilities<sup>8</sup>. These rights and freedoms may only be limited in terms of a law of general application and to the extent that the limitation is fair, reasonable, necessary and justifiable in a democratic society. However, there are some rights which cannot be limited at all and these are the right to life<sup>9</sup>, the right to human dignity, the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment, right not be placed in slavery or servitude, the right to a fair trial and the right to obtain an order of habeas corpus.

- 1.4.** Another significant trajectory of the 2013 Constitution is the devolution of powers and responsibility to lower tiers of government in Zimbabwe in order to enhance the preservation of unity, democratic participation in government by all citizens and communities and equitable allocation of national resources.

## **2. Article 2: The Principle of Non-Discrimination Constitutional and Legislative Measures**

- 2.1.** The laws of Zimbabwe outlaw discrimination. All persons are equal before the law and have the right to equal protection and benefit of the law. Section 56 of the Constitution prohibits all forms of discrimination based on nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief,

---

<sup>5</sup>Section 80 of the Constitution

<sup>6</sup>Section 81 of the Constitution

<sup>7</sup>Section 82

<sup>8</sup>Section 83 of The Constitution

<sup>9</sup> Application of the death penalty as provided for in section 48 of the Constitution.

political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether persons were born in or out of wedlock.

- 2.2.** The Constitution further mandates the State to take reasonable legislative and other measures to promote the achievement of equality and to protect or advance people or classes of people who have been disadvantaged by unfair discrimination.<sup>10</sup>
- 2.3.** Accordingly, discrimination on the basis of some of the categories outlined above is addressed in terms of a number of constitutional, legislative and administrative measures as outlined below.

### **Discrimination on the Basis of Gender and Sex**

- 2.4.** The Constitution enjoins the State to ensure that women and men have the right to equal treatment including the right to equal opportunities in political, economic, cultural and social spheres<sup>11</sup>. In addition, Section 17 of the Constitution places an obligation on the State to promote full gender balance in Zimbabwean Society and in particular, the State is required to ensure that both genders are equally represented in all institutions and agencies of Government at every level<sup>12</sup>. Constitution prohibits all laws, customs, traditions and cultural practices that infringe the rights of women conferred by the same and confer women with the same rights as men regarding the customs and guardianship of family<sup>13</sup>. Further, equality of rights and obligations of spouses during marriage and at its dissolution are guaranteed<sup>14</sup>.
- 2.5.** Furthermore, the Zimbabwe Gender Commission (ZGC) is mandated, among other things, to monitor implementation of gender equality and programmes as provided for in the

---

<sup>10</sup>Section 56 (6) of The Constitution

<sup>11</sup>Section 56 of the Constitution

<sup>12</sup>Section 17 of the Constitution

<sup>13</sup>Section 80 of the Constitution

<sup>14</sup> Section 26 of the Constitution

Constitution<sup>15</sup>. The Zimbabwe Gender Commission Act [*Chapter 10:31*] was enacted in 2016 to operationalise the ZGC.

## **Discrimination on the Basis of Disability**

- 2.6.** Sections 22 and 83 of the Constitution provide for the rights of persons with disabilities. Non-discrimination on the basis of disability is constitutionally guaranteed through the obligation placed on the State to develop inclusive programmes which consider specific requirements aimed at improving the quality of life of persons with all forms of disability.
- 2.7.** The Disabled Persons Act <sup>16</sup>prohibits and penalises discrimination against persons with disabilities. In addition, Section 120 of the Constitution and Section 45 (a) of the Electoral Act <sup>17</sup> provide for the Electoral College as a measure to ensure the representation of people with disabilities in Parliament.

## **Administrative Measures**

- 2.8.** Government has adopted several specific policies and measures that address discrimination issues such as the National Gender Policy and the National Disability Policy.
- 2.9.** Other administrative measures that promote non-discrimination include:
- a. The printing and dissemination of the Constitution in all the languages recognised by Section 6 of the Constitution.
  - b. The teaching and learning in different languages officially recognised in the Constitution in primary schools.
  - c. The establishment of independent Commissions such as the Zimbabwe Human Rights Commission (ZHRC), Zimbabwe Gender Commission (ZGC), Zimbabwe Electoral Commission (ZEC), Zimbabwe Media Commission (ZMC) and National Peace and Reconciliation Commission (NPRC).

---

<sup>15</sup>Section 245 of the Constitution

<sup>16</sup> [Chapter 17:01]

<sup>17</sup> [Chapter 2:13]



**2.10.**In its concluding observations, the Commission passed a recommendation for Zimbabwe to undertake a comprehensive review of the application of statutory and customary laws in the country with a view to ensure that adequate safeguards are in place to protect the human rights of women and girls from discriminatory practices and to ensure fair dispensation of justice. The Constitution provides a comprehensive Bill of Rights that adequately addresses the rights of women and children. As opposed to the previous Lancaster House constitution, the current Constitution clearly states in Section 80 (3) that all laws and customs and cultural practices that infringe the rights of women are void to the extent of the infringement. Furthermore, Government embarked on the process of aligning all laws to the Constitution and this alignment process is now in its final lap. This was done in an effort to fully give effect to the rights and freedoms guaranteed by the Constitution.

## **Challenges**

**2.11.**The following challenges have been noted by the GoZ

- a. Some private buildings are still not accessible to persons with disabilities although most public buildings have been adjusted to promote accessibility by persons with disabilities.
- b. There have been some limited delays in the alignment of legislation to address discrimination due to huge staff turnover of technical experts in the area of disability.
- c. The operations of the Independent Commissions which monitor discrimination are limited by resource constraints.

## **Responses**

**2.12.**The following measures are being pursued by Government in order to address the above noted challenges.

- a. The Government of Zimbabwe adopted a policy to ensure that all public buildings are accessible to persons with disabilities.

- b. The alignment of legislation to the Constitution is ongoing and the Prevention of Discrimination Act will be reviewed in order to ensure its conformity to the Constitution.
- c. The Government has increased its budget support to the Independent Commissions. Furthermore, these Commissions now appropriate their funding directly from Treasury and they also receive technical and financial support from cooperating partners.

### **3. Article 3: Equality before the Law and Equal Protection of the Law**

#### **Constitutional and Legislative Measures**

**3.1.** The Constitution provides for equality of all persons before the law and the right to equal protection and benefit of the law including equality of rights and obligations of spouses during marriage and at its dissolution<sup>18</sup>. In order to ensure equality before the law and access to justice by all, Section 31 of the Constitution mandates the Government to provide legal representation in civil and criminal cases for people who need it and are unable to afford legal practitioners of their choice.

**3.2.** Section 319 (a-h) of the Criminal Procedure and Evidence Act provides for the protection of vulnerable witnesses who are protected by the law and may give evidence in an environment where they are free to do so without intimidation or undue influence.

#### **Administrative Measures**

**3.3.** In order to enhance access to legal services for the indigent, the Government has decentralised the operations of the Legal Aid Directorate to all the provinces. Furthermore, the Judicial Service

---

<sup>18</sup>Section 26 and 56 of the Constitution

Commission has established 11 court houses across the country ensure the accessibility of the justice system to all Zimbabweans.<sup>19</sup>

**3.4.** Zimbabwe continues to ensure equality before the law as was previously reported. In response to the Commission’s concerns and their remarks in the concluding observations, Victim Friendly Courts (VFC) were established give protection to the vulnerable witnesses thereby enhancing equal protection of the law for all individuals.

**3.5. Table 1** below depicts the VFC statistics for the year 2018-2018

### **VICTIM FRIENDLY COURT STATISTICS – JANUARY 2018 TO MAY 2019**



The report gives a summary of the VFC cases nationwide from January 2018 to 31 May 2019. The cases are summarized in the following table:-

Month	Cases Brought Forward	Received Cases	Total Cases	Cases Completed	Backlog Status
Jan-18	78	95	173	106	67
Feb-18	67	269	336	233	103
Mar-18	103	314	417	314	103
Apr-18	103	184	287	206	81
May-18	81	211	292	204	88
Jun-18	88	186	274	180	94
Jul-18	94	173	267	180	87

<sup>19</sup>Recommendation 29 m of Concluding Observations

Aug-18	87	237	324	227	97
Sep-18	97	245	342	231	111
Oct-18	111	261	372	255	117
Nov-18	117	208	325	190	135
Dec-18	135	146	281	156	125
Jan-19	125	234	359	189	170
Feb-19	170	247	417	229	188
Mar-19	188	268	456	278	178
Apr-19	178	207	385	264	121
May-19	121	284	405	268	137
Total	-	<b>3769</b>	-	<b>3710</b>	-

*Table 1: VFC cases January 2018 to May 2019*



A total of **2 529** cases were received by the Victim Friendly Courts across the nation in 2018. During the same year, the court completed **2 482** cases. In 2019 **1 240** cases were received by the court as at 30 May and **1 228** cases were completed during the same period.

**Table 2: Number of cases involving children handled by VFC**

<b>Year</b>	<b>Boys</b>	<b>Girls</b>	<b>Total</b>
2007	49	1010	1 059
2008	51	935	986
2009	62	1011	1 073
2010	76	1354	1 430
2011	108	1725	1 833
2012	128	1 822	1 950
2013	108	2 094	2 202
2014	118	2 117	2 235
2015	143	2 063	2 206
2016	116	2 180	2 296
<b>Total</b>	<b>959</b>	<b>16 311</b>	<b>17 270</b>

### **Judicial Measures**

**3.6.** Regarding recommendation 29k of the Concluding Observations; the Zimbabwean Courts have made a pronouncement in the celebrated case of ***Margaret Dongo v Registrar-General and Anor SC 06/10*** which held that female parents have an equal right and capacity to assist their children to obtain passports.

### **Challenges**

**3.7.** The following challenges have been noted by Government:

- a. Limited resources to fully decentralise the Legal Aid Directorate to districts.
- b. Most clients cannot meet some of the court expenses that they are expected to pay such as the messenger of court fees, revenue stamp fees and execution fees.

## **Responses**

- 3.8.** In response, Government has engaged development partners to work on a legal assistance programme aimed at capacitating the Legal Aid Directorate and accelerating its ongoing decentralisation to all districts of the ten provinces.
- 3.9.** Government has increased collaboration of other Legal Aid offering organisations through issuance of limited practising certificates so that they can represent those requiring legal aid in courts.

## **4. Article 4: The Right to Life and Integrity of the Person**

### **Constitutional and Legislative Measures**

- 4.1.** The Constitution guarantees the right to life and this right may not be limited and no person may violate it except to the extent specified in section 48 of the Constitution. By virtue of section 48 thereof, death penalty may only be imposed on persons convicted of murder committed in aggravating circumstances. It is also worth noting that Zimbabwe is slowly moving towards the total abolition of the death penalty as evidenced by the fact that the death penalty can no longer be imposed on persons who were under the age of 21 years or over 70 years at the time of the commission of the offence and also women. This new constitutional provision is a clear shift from the 1979 Lancaster House Constitution. Additionally the death penalty has also been outlawed for all offences including Treason, Espionage and other military offences.
- 4.2.** Section 3 (1) of the Termination of Pregnancy Act, sections 337 and 338 of the Criminal Procedure and Evidence Amendment Act [*Chapter.*], and section 47 of the Criminal Law (Codification and

Reform) Act [Chapter..], give effect to section 48 of the Constitution.

## **Administrative measures**

- 4.3.** Despite the fact that Zimbabwe has not fully abolished the death penalty in its statutes, it is significant to note that Zimbabwe is exercising a moratorium on executions. For close to 2 decades, no executions have been carried out and some of the cases are periodically considered by Cabinet with the view to commute death sentences to life imprisonment.
- 4.4.** Government, in liaison with non-State actors, continues to hold seminars for security agencies such as the Police, Prison Officers, the Judiciary and members of the Defence Forces to promote the right to life, integrity of the person and dignity. In particular the curriculum contains:
- a. Principles of the Constitution, including the declaration of rights and general constitutional responsibilities.
  - b. Fundamental Human rights for law enforcement officials, which include fundamental concepts and human rights in police command, management and organisation.
- 4.5.** In its concluding observations, the Commission passed a recommendation for the Government of Zimbabwe to abolish the death penalty and to eradicate police violence and extrajudicial killings and immediately investigate such reports and bring those responsible to justice and put in place mechanisms to adequately compensate victims:<sup>20</sup>

---

<sup>20</sup>Recommendations 29 (i) and (k) (Concluding observations)

- 4.6.** The abolition of the death penalty remains under consideration by the Government of Zimbabwe. In any event, Zimbabwe has not carried out any execution in more than 10 years and as such has become a *de facto* abolitionist country. While there have been many calls for the abolition of the death penalty the Constitution still allows for the death penalty in limited circumstances according to Section 48 as explained in **Paragraph 4.1** above.
- 4.7.** While police violence and extra judicial killings are not a common phenomenon in Zimbabwe, it is imperative to note that the country has adequate laws and institutions to investigate, prosecute and bring to book the perpetrators no matter who they are in terms of Section 56 (1) of the Constitution that treats all people equal before the law.
- 4.8.** On a sad note, on 1 August 2018 soon after the General Election, Zimbabwe went through a dark patch when a public protest became violent. It was established that the violent public protests were organised by the main opposition political party who were agitating for the premature release of the election results.
- 4.9.** The violent protestors began to destroy public property and threatening the peace and security of the majority of the peace loving Zimbabweans which action warranted the deployment of the army to assist the police in quelling the violence that had gone out of hand.
- 4.10.** The use of force by the army and the police resulted in the unfortunate loss of lives by six individuals on this fateful day.
- 4.11.** In response to this unusual and regrettable occurrence the President of the Republic of Zimbabwe appointed an



internationally constituted Commission of Inquiry to look into the events of the 1<sup>st</sup> of August 2018.

**4.12.**In its findings the Commission of Inquiry Established that the violent protests had been instigated by the main opposition political party whose objective was to unlawfully force the premature release of election results.

**4.13.**Further the Commission also established that the deployment of the army was justified since the protests had become violent and were posing a threat to the lives and property of the majority of the peace loving Zimbabweans.

**4.14.**The Government of Zimbabwe regrets the loss of lives of 6 individuals and property belonging to other citizens as a result of the protests of this day; the commission recommended a compensation framework to the families of the deceased. Government has since appointed a Special Committee to implement this compensation framework.

**4.15.**Furthermore, the Commission of Inquiry into the 1<sup>st</sup> of August Violence recommended peace building through dialogue and reconciliation. So far Government has facilitated the convening of 7(seven) sessions of Inter Party Dialogue although the main opposition party has been absconding these meetings.

**4.16.**The Government of Zimbabwe reiterates that the events of the 1<sup>st</sup> of August 2018 which led to serious loss of property and the loss of lives do not qualify to be classified as an act of extra judicial killings as has been alleged by some international media forums.

## **5. Article 5: The right to dignity, and freedom from Torture, Inhuman or Degrading treatment or punishment and slavery.**

### **Constitutional and Legislative measures**

- 5.1.** Pertaining to the right to dignity, the Constitution provides that every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected. In addition, it also states that no person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment. The Constitution further guarantees freedom from slavery or servitude and the right of detained persons who must be treated humanely and with respect to their inherent dignity<sup>21</sup>.
- 5.2.** Section 41A (8) (c) of the Criminal Procedure and Evidence Act provides for the conditions of detention which must be consistent with human dignity<sup>22</sup>.
- 5.3.** Government also enacted the Trafficking in Persons Act which provides for the prohibition, prevention and prosecution of the crime of trafficking in persons and the protection of victims of trafficking<sup>23</sup>.
- 5.4.** In addition, the Criminal Law (Codification and Reform) Act enacted in 2004 consolidates all laws relating to criminal offences. Part V of the Act criminalises activities that infringe a person's liberty and dignity. These include kidnapping or unlawful detention<sup>24</sup>.

---

<sup>21</sup>Sections 51,53,54,50 of the Constitution

<sup>22</sup> [Chapter 9:07]

<sup>23</sup> [Chapter 9:25]

<sup>24</sup> [Chapter 9: 23]

- 5.5.** The Mental Health Act was reviewed to amend and consolidate the law relating to the care, detention and after-care of persons who are mentally disordered or intellectually handicapped, whether for the purposes of treatment or protection<sup>25</sup>.
- 5.6.** Furthermore, Government enacted the Domestic Violence Act in 2007, to protect victims of domestic violence<sup>26</sup>.

### **Administrative measures**

- 5.7.** In terms of the Trafficking in Persons Act Government has established an Anti-Trafficking Inter-Ministerial Committee which is mandated to monitor and report on the implementation of anti-trafficking measures and to provide advice on the investigation and prosecution of cases of trafficking in persons. This goes an extra mile to reduce trafficking in persons cases which lead to slavery, servitude, torture, inhuman and degrading punishment.'
- 5.8.** The Justice, Law and Order Sector (JLOS), through the efforts of the National Prosecuting Authority (NPA), Legal Aid Directorate (LAD) and Judicial Service Commission (JSC) conduct periodic monitoring visits to prisons. The Zimbabwe Republic Police (ZRP) and the Zimbabwe Prisons and Correctional Service (ZPCS) training curriculum now incorporates human rights issues and the rule of law, including the prohibition of torture. The ZRP has so far trained 30 000 police officers on human rights since January 2014.

---

<sup>25</sup> [Chapter 15:12]

<sup>26</sup> [Chapter 5:16]

## Human Rights Training of Police Officers

5.9 For the Zimbabwe Republic Police, training in Human Rights is taken as a stand-alone subject during recruit training as well as conventional courses at Police Staff College. Professional Updating Centres [PUCs] conduct different trainings in their respective provinces and "Human Rights" is included as a topic in all refresher and other courses.

**5.10.**In 2018, PUCs conducted trainings for all police officers in preparation for the national elections. Human Rights were part of the course content. The table below shows the total number of Police Officers/ Members who were trained in courses covering Human Rights.

**5.11. Table No 3 below shows the number of ZRP officers who have received training on human rights in 2018 and 2019**

<b>Institution</b>	<b>No. Trained in 2018</b>	<b>No.Trained in 2019</b>
Depot Recruitment	1090	5480
Staff College	428	188
PUC	47066	1552
<b>TOTAL</b>	<b>48584</b>	<b>7220</b>

**5.12.**Our judiciary has been consistent in the condemnation of the practices of torture. This point is made clear in the celebrated case

of *S v J. Mukoko*<sup>27</sup> where the judiciary reiterated that no person should be subjected to physical or psychological torture, or to cruel, inhumane or degrading treatment or punishment.

**5.10** In its concluding observations, the Commission passed a recommendation for Zimbabwe to repeal laws that sanction the application of corporal punishment:<sup>28</sup> the High Court of Zimbabwe declared that corporal punishment is unconstitutional in the case of *S v Chokuramba*, HH 718/14. This decision has since been confirmed by the Constitutional Court which has held that judicial corporal punishment is by its nature an inhuman and degrading punishment as contemplated in section 53 of the Constitution. The court further underscored that corporal punishment inflicted on juveniles in schools and in homes by their parents, legal guardians or persons in *loco parentis* is unconstitutional. This *locus classicus* case thus effectively outlaws any form of corporal punishment on juveniles in Zimbabwe.

## **6. Article 6: The Right to Liberty and Security of the Person**

### **Constitutional and Legislative Measures**

**6.1.** The Constitution guarantees every person the right to personal liberty, including the right not to be detained without trial, deprived of their liberty arbitrarily or without just cause and being imprisoned merely on the ground of inability to fulfil a contractual obligation. Furthermore, the right to bodily and psychological integrity, which includes the right to freedom from all forms of violence from public or private sources; the right to make decisions concerning reproduction and not to be subjected to medical or scientific experiments; or to the extraction or use of

---

<sup>27</sup> 2009 ZLR 93

<sup>28</sup> Recommendation (I) (Concluding Observations)

their bodily tissue, without their informed consent is safeguarded by the Constitution<sup>29</sup>.

- 6.2.** The detention of arrested persons for more than 48 hours before court appearance is outlawed. The Criminal Procedure and Evidence Act was subsequently amended to incorporate this Constitutional provision requiring an accused person to be brought to court within 48 hours after arrest<sup>30</sup>.
- 6.3.** The Criminal Procedure and Evidence Amendment Act repealed the provisions allowing the State to extend the time within which an accused person may be detained without a court order. Now the Prosecutor General may appeal within 48 hours but his or her appeal does not suspend the decision made by the Magistrate.

### **Administrative Measures**

- 6.4.** In order to give effect to the Constitution and section 32 of the Criminal Procedure and Evidence Act as amended, the Judicial Service Commission has directed that all courts remain open on Saturdays and public holidays for the accused persons under police detention to appear in court before the lapse of 48 hours.
- 6.5.** Government introduced the Pre-Trial Diversion Programme in 2013. The aim of the programme is to divert child offenders from the mainstream punitive criminal justice system where they would have come into contact with the law. The juvenile offender is diverted only in instances where a minor offence would have been committed.

---

<sup>30</sup> Section 50 (2) of the Constitution

<sup>30</sup>Section 50 (2 ) of the Constitution, section 32(2) of the Criminal Procedure and Evidence Act [Chapter 9: 07]

**6.6.** Zimbabwe periodically grants Presidential Amnesty for convicted inmates in order to ease congestion in prisons. **Table 3** below depicts the number of inmates that have benefitted from the Presidential amnesty in recent years.

**Table 4 Number of inmates released on presidential amnesty**

YEAR	RELEASED INMATES
2005	420
2006	0
2007	2979
2008	1884
2009	2182
2013	0
2014	3345
2015	0
2016	4091
2017	0
2018	5111

**6.7.** Government established an open prison at Connemara for males to promote the right to liberty within the prison environment.

**6.8. Table 5 below depicts the number of inmates benefiting from the open prison system**

**Number of inmates detained at Connemara open prison**

<b>Year</b>	<b>No. Of Inmates</b>
2012	66
2013	38
2014	84
2015	58
2016	33
2017	73
2018	44
2019	29

6.9 There have been recommendations that the current conventional incarceration system is not ideal as some inmates have to live with their babies in prison. Government has approved the establishment of open prisons particularly for female inmates.

6.10 The budgetary allocation for the Zimbabwe Prisons and Correctional Services (ZPCS) was increased in 2019 to ensure maintenance and rehabilitation of existing infrastructure as well as improve the quality and quantity of the daily requirements for inmates.



6.11 GoZ continued to partner various development and technical partners in an endeavor to improve prison conditions. Areas of partnerships included human rights training of officers, rehabilitation of inmates, enhancement of dietary and necessities for inmates as well as production improvement.

### **Prison Inspections**

6.12 In accordance with the Constitution and international best practice, ad hoc and regular prison inspections continued through the judiciary, Parliamentary Portfolio Committees and the ZHRC.

**6.13.** Mental patients who are alleged to have committed criminal offences are detained at special institutions for purposes of treatment. Accused persons who are proved to have been mentally disordered at the time of the commission of the offence are dealt with in terms of the Mental Health Act<sup>31</sup>, which empowers the courts to retain a special verdict of guilty but insane. Prison officials receive training on the treatment and care of mentally challenged offenders.

**6.14.** All the above measures address the following recommendations made by this Commission:

- a. That Zimbabwe to ensure that the conditions of arrest, preliminary interrogation and detention of suspects comply with the principles of the Robben Island Guidelines<sup>32</sup>; and
- b. That Zimbabwe should adopt a holistic approach to prison decongestion and conditions of detention in the prisons, and ensure that the planned policy on Pre-Trial Diversion aimed at

---

<sup>31</sup>Chapter 15:12

<sup>32</sup>Recommendation 29 (f) (Concluding observations)

young offenders does not compromise one's right to be presumed innocent<sup>33</sup>.

## **Judicial Measures**

**6.15.** As alluded to above the laws of Zimbabwe prohibit the detention of accused persons in police cells for more than 48 hours. This principle was confirmed by the High Court in the case of *S v Panganai Daveson Madondo and Anor*<sup>34</sup> wherein the court *acquo* held that the detention of an accused person in excess of 48 hours is a violation of the Constitution and therefore illegal.

## **Challenges**

**6.16.** Whilst the right to liberty and security of the person is recognised in Zimbabwe, the country is facing the following challenges in its endeavour to fully protect and promote the same:

- a. Shortage of resources hinders the full rehabilitation and smooth re-integration of child offenders
- b. Rejection of ex-prisoners by the society thereby affecting their security and re- integration.
- c. The security of the society is compromised in some cases by the release of ex-prisoners on amnesty since some of them have the propensity of re-offending.
- d. Limited resources to scale up the open prison system.

## **Responses**

**6.17.** In order to address the challenges that have been identified:

- a. Government in conjunction with developmental partners is working on the effective rehabilitation and re-integration of offenders into society.
- b. Inmates receive moral, spiritual and material support from faith based and other organisations.

---

<sup>33</sup>Recommendation 29 (g) (Concluding observations)

<sup>34</sup>HH 512/15

- c. Government is in the process of establishing an open prison for females.
- d. Constitutional awareness programmes are being carried out to sensitise grass root communities on provisions of the Constitution vis a vis the need to respect the enjoyment of fundamental rights by every citizen of the country.

## **7. Article 7: The right to have one's cause heard; Presumption of innocence until proven guilty; Prohibition of retrospective penal law and punishment**

### **Constitutional and Legislative Measures**

**7.1.** The Constitution provides for the right to a fair and speedy criminal and civil trial within a reasonable time before an independent and impartial tribunal and the right to be presumed innocent on the basis of the principle that a person cannot be convicted of an act or omission that was not an offence when it took place<sup>35</sup>. These provisions have since been incorporated into the Criminal Procedure and Evidence Act<sup>36</sup> as amended to give effect to the above constitutional provisions. The Criminal Procedure and Evidence Act<sup>37</sup> was amended by the insertion of Part 14A to provide for the protection of vulnerable witnesses.

**7.2.** The Constitution also mandates the State to take all practical measures, within the limits of the resources available to it, to provide legal representation in civil and criminal cases for people who need it and are unable to afford legal practitioners of their

---

<sup>35</sup>Section 69 and 70 of the Constitution

<sup>36</sup>Section 167 A of the Criminal Procedure and Evidence Act

<sup>37</sup>Chapter 9:07

choice. The Legal Aid Act also provides for the Legal Aid Programme envisaged under in terms of the Constitution<sup>38</sup>.

### **Administrative Measures**

**7.3.** Further to the structure of the judiciary system as presented in the previous report, the Constitution has also established the Constitutional court, which deals with constitutional matters and this enhances the right to be heard. Since 2013, the Government of Zimbabwe has decentralised the Legal Aid facility to all the 10 provinces of the country<sup>39</sup> and the decentralisation to district level is still work in progress.

**7.4.** As noted in previous articles and in addition to the formal court system, the establishment of the ZHRC, NPA, ZACC and other Commissions has widened the domestic complaints mechanisms thereby reinforcing the right to be heard.

**7.5.** A National Legal assistance for children Strategy has been developed by Government with the support of developmental partners. The strategy is aimed at supporting children who come into contact with the law, for whatever reason, to receive legal assistance that enables them to actively participate in the justice process and to seek the most just and rights based outcome.

**7.6.** The Government also adopted the Victim Friendly Court system for the protection of vulnerable witnesses and the system also caters for children in conflict with the law.

### **Judicial Measures**

**7.7.** The Constitutional Court had the occasion to reiterate the principle of impartiality in the case of *S v Konson*<sup>40</sup>. In that case the apex

---

<sup>38</sup>Section 31

<sup>39</sup>Recommendation 29m

<sup>40</sup>CC7/15

court held that the fairness of the trial was clearly undermined as the judge was not impartial and the proceedings were subsequently set aside.

**7.8.** The courts have also consistently registered their displeasure over the delay in bringing finality to cases. In the case of *S v Josephine Sibanda* SC 44/07, proceedings in the Magistrates Court were permanently stayed as a result of inordinate delays in bringing the accused to trial.

### **Challenges**

**7.9.** There are limited resources to decentralize the Legal Aid Directorate further to all districts.

### **Responses**

**7.10.** Government is working with developmental partners to ensure that the Legal Aid Directorate continues its decentralisation drive. In addition, the High Court has been decentralized to two more provinces and the decentralisation drive is still underway.

## **8. Article 8: Freedom of Conscience and Religion**

### **Constitutional and Legislative Measures**

**8.1.** The Constitution<sup>41</sup> confers on every person the right to freedom of conscience, which includes the freedom of thought, opinion, religion or belief; and the freedom to practise their religion whether in private or in public and whether alone or together with others.

### **Administrative Measures**

**8.2.** Government has adopted an open door policy to the operation of religious bodies in Zimbabwe where citizens are allowed to form, join, associate or exit such bodies freely. The Government also allows various religious bodies to use public utilities and

---

<sup>41</sup>Section 60 of the Constitution

infrastructure for their gatherings and fellowshiping subject to public order and security regulations and exempts tax on imports for religious purposes.

## **Judicial Measures**

**8.3.** The courts in Zimbabwe also safeguard this freedom through judicial pronouncements. In the case of *Dzvova vs. Minister of Education, Sport, Arts and Culture*<sup>42</sup> a school pupil was expelled from school for maintaining dreadlocks in conformity with his Rastafarian religion. The Supreme Court held that the school had violated the boy's constitutional right to freedom of conscience as provided under section 19 of the Lancaster House Constitution by denying him a place at the school.

## **Challenges**

**8.4.** There are some religious sects which promote harmful practices such as forced and early marriages which have an impact on the right to education and also prohibit access to health facilities.

## **Responses**

**8.5.** The Criminal Law (Codification and Reform) Act [*Chapter 9:23*] and the Domestic Violence Act outlaw the pledging of female persons. Government has put in place various awareness and community education campaigns to sensitise the community about the need to abandon harmful cultural practices, such as the pledging of female persons and forced marriages. Furthermore, measures have been put in place to ensure that religious sects allow children access to health and education. The Public Health Act<sup>43</sup> was reviewed to include compulsory immunisation for all children.

## **9. Article 9: The Right to Receive Information and Freedom of Expression**

---

<sup>42</sup> 2007 (2) ZLR 195

<sup>43</sup> [Chapter 15:09]

**9.1.** In respect of the Commission’s recommendation for Zimbabwe to undertake a comprehensive review of laws that restrict the enjoyment of freedom of expression, access to information and freedom of assembly;<sup>44</sup> Government has adopted several constitutional, legislative and administrative measures which address this recommendation as follows:

### **Constitutional and Legislative Measures**

**9.2.** The right to freedom of expression and the freedom of the media as well as access to information are guaranteed.<sup>45</sup> Further the Constitution establishes the Zimbabwe Media Commission (ZMC) whose functions include upholding, promoting and developing freedom of the media, ensuring that the people of Zimbabwe have fair and wide access to information as well as conducting research into issues relating to freedom of the press and of expression<sup>46</sup>.

**9.3.** The Access to Information and Protection of Privacy Act (AIPPA)<sup>47</sup> was repealed in order to do away with provisions that had hindered access to information and freedom of expression. The Broadcasting Services Act<sup>48</sup> also provides for the planning, management, allocation, regulation and protection of the broadcasting frequency spectrum and regulation thereof.

### **Administrative Measures**

**9.4.** In 2015, Zimbabwe licensed eight (8) Local Commercial Radio Stations across the country’s eight (8) major cities in addition to the existing six (6) National Commercial Radio Stations.

**9.5.** Zimbabwe has implemented the digital migration project to address the challenges of Universal Access to Information in the

---

<sup>44</sup>Recommendation 29 (d) (Concluding observations)

<sup>45</sup>Sections 61 and 62 of the Constitution

<sup>46</sup>Sections 248 and 249

<sup>47</sup> [Chapter 10:27]

<sup>48</sup> [Chapter 12:06]

country. Zimbabwe now has greater geographical coverage of the populace for both radio and television broadcasting. Government in conjunction with the implementing agencies has also embarked on massive awareness campaigns for the digital migration project.

## **Challenges**

**9.6.** There are limited financial resources to finalise the digitalisation project.

## **Responses**

**9.7.** The Government has entered into a Public-Private Partnership (PPP) with Huawei Technologies and it is envisaged that the country's Digital Broadcast Television Migration Project will be completed by 2019.

## **10. Articles 10 and 11: Freedoms of Association and Assembly Constitutional and Legislative Measures**

**10.1.** The Constitution guarantees the right to freedom of assembly and association, and the right not to assemble or associate with others<sup>49</sup>. No person may be compelled to belong to an association or to attend a meeting or gathering. The Constitution further safeguards employees, employer, trade unions, and employee or employers organisations the right to form and join federations of such unions and organisations<sup>50</sup>.

**10.2.** It is however important to note that in order to give full effect to these rights as enshrined in the Constitution and implement several human rights recommendations that have been passed by the UPR Working Group of the Human Rights Council , the

---

<sup>49</sup>Section 58 of the Constitution

<sup>50</sup>Section 65 of the Constitution



Government of Zimbabwe has repealed POSA and AIPPA. These two pieces of legislation were replaced by new legislation.

**10.3.**The Labour Act confers the right to form trade unions and employers' organisations<sup>51</sup> and gives effect to Section 65 of the Constitution.

### **Administrative Measures**

**10.4.**Government has domesticated the ILO Convention No. 87 and is currently reviewing its Labour laws to bring them in line with the Constitution and ILO conventions which Zimbabwe has ratified.

**10.5.**In order to promote the right to assemble and association in the labour market, Government with the assistance of developmental partners, has trained seventeen (17) judges, thirty- two (32) Magistrates, ninety seven (97) assessors, one hundred and seventy (170) labour officers and forty (40) legal officers on the International Labour Standards and the rights to freedom of association and assembly.

## **11.Article 12: Freedom of Movement and Residence; the Right to Seek and Obtain Asylum and the Prohibition of Mass Expulsion of Non-Nationals**

### **Constitutional and Legislative Measures**

**11.1.**The Constitution guarantees freedom of movement and residence to every Zimbabwean citizen including foreigners who have the right to move freely within Zimbabwe, reside in any part of Zimbabwe and leave Zimbabwe. The right of every Zimbabwean to a passport or other travel document and to immunity from expulsion from Zimbabwe is also guaranteed<sup>52</sup>.

---

<sup>51</sup> [Chapter 28:01]

<sup>52</sup>Section 66 of the Constitution

**11.2.** Further the Refugees Act confers rights to asylum seekers and refugees and it also lays out the procedure to be followed in determining the status of asylum seekers and refugees<sup>53</sup>. The Immigration Act also provides for the regulation of free entry and departure for legal immigrants in Zimbabwe.

### **Administrative Measures**

**11.3.** In an effort to improve access to passports so as to further promote the freedom of movement, Government reduced passport fees. Additionally Government and United Nations High Commissioner for Refugees facilitated the procurement of refugee passports and other non-nationals.

**11.4.** Pursuant to the provisions of the Refugees Act, Zimbabwe established and operationalised an Inter-Ministerial Refugee Committee whose mandate is to receive and consider applications for asylum seekers and refugees thereby promoting the right to movement and residence<sup>54</sup>.

**11.5.** Government, in partnership with developmental partners, set up reception centres to receive irregular immigrants at different border posts around the country. Zimbabwe maintains the Tongogara Refugee Camp in Manicaland as the official home for refugees.

### **Judicial Measures**

**11.6.** The courts have ruled against conduct which is tantamount to restricting freedom of movement. In the case of *Chipo Nyamanhindi and 8 Ors v the State* a group of women was arrested by police on allegations of soliciting for the purposes of prostitution<sup>55</sup>. It was noted that in the circumstances of the case, the conduct of the police effectively amounted to a curfew for women after sunset. The Constitutional Court pronounced that the

---

<sup>53</sup> [Chapter 4:03]

<sup>54</sup>Section 5 of the refugees Act Chapter 4:03

<sup>55</sup>

practice of arresting women after hours was discriminatory as it targeted women because of their gender.

## **Challenges**

**11.7.**It remains difficult to regularise the stay of some foreigners who are unwilling to have their stay known officially by responsible authorities. The country also continues to have problems of citizens who cross borders illegally.

## **Responses**

**11.8.**Government is working on an integrated Border Management project as well as the Capacity Building Assistance on the documentation of Zimbabwean Labour Migrants.

**11.9.**Government is working in collaboration with International Organisation for Migration (IOM) and UNHCR in various projects to facilitate the freedom of and residence of refugees, illegal and irregular migrants.

## **12. Article 13: The Right to participate freely in the Government of one's Country and the Right of Equal Access to the Public Service of one's Country**

### **Constitutional and Legislative Measures**

**12.1.** The Constitution provides for political rights, in particular the rights to form, to join and to participate in the activities of a political party or organisation of choice. Further, it confers every Zimbabwean citizen who is of or over eighteen years of age the right to vote in all elections and referendums and to do so in secret; to stand for election for public office and, if elected, to hold such office<sup>56</sup>. The Constitution also enjoins the Government to

---

<sup>56</sup>Section 67 of the Constitution

ensure that all eligible citizens have an opportunity to cast a vote and must facilitate voting by persons with disabilities or special needs<sup>57</sup>.

**12.2.** The Constitution provides for access to the public service by citizens by placing an obligation on the State, public administration in all tiers of government including, institutions and agencies of the State and Government controlled entities and other public enterprises to provide impartial, fair and equitable service within a reasonable period of time in a transparent manner<sup>58</sup>.

**12.3.** The Electoral Act <sup>59</sup>gives effect to Sections 67 and 155 of the Constitution.

## **Administrative Measures**

**12.4.** All Zimbabweans participated in the Constitutional making process spearheaded by the Parliamentary Select Committee (COPAC) which started in 2009 and the subsequent referendum of 2013. These processes resulted in the adoption of the Constitution in May 2013. The people of Zimbabwe also participated freely in the harmonised elections.

**12.5.** The Government has created an enabling environment for citizen participation through organisations such as Resident's Associations to operate. Out of ninety-one (91) Local Authorities, there are twenty (20) Resident's Associations throughout the country. Through these associations residents of the different cities are able to participate and contribute to the affairs of their cities.

**12.6.** The Government consults citizens before the adoption of important laws and policies which have got widespread impact on public affairs or livelihoods. For example, the Government has established the Inter-Ministerial Taskforce (IMT) on alignment of laws to consult stakeholders before adoption of views; Parliament

---

<sup>57</sup>Section 155 of the Constitution

<sup>58</sup>Section 194 of the Constitution

<sup>59</sup> [Chapter 2:13]

through its Parliamentary Portfolio Committees also conducts public hearings before Bills are passed into law.

**12.7.**As indicated in the last report, general elections have continued to be held after every five (5) years. Zimbabwe held its harmonised elections in 2008, 2013 and 2018 involving Presidential, Parliamentary and Local Authorities. In these harmonised elections, ballot papers were being counted and results displayed outside each polling station. These elections were declared peaceful, fair and credible, and a reflection of the will of the people of Zimbabwe by the Southern African Development Community (SADC), African Union (AU), European Union (EU), Commonwealth and Zimbabwe Electoral Commission (ZEC) and local observers.

## **Challenges**

12.8 Losing opposition political party leaders have the tendency of unilaterally declaring victory without the involvement of the Zimbabwe Electoral Commission thereby causing civil unrest.

## **Responses**

**12.9** In order to promote political accountability and responsible citizenry Zimbabwe has embarked on a multiparty political dialogue in order to redress these challenges.

## **13. Article 14: The right to property**

**13.1.**In respect of the Commission's concern pertaining to the adverse effect on the enjoyment of the rights guaranteed under the African Charter following the implementation of Operation Restore Order (Murambatsvina), which was aimed at decongesting the highly populated areas of the cities, as well as to remove illegal structures and unlicensed trading premises that had proved to be a strain on sanitation facilities:<sup>60</sup> Government undertook Operation

---

<sup>60</sup>Area of Concern Number 20 (concluding observations)

Garikai/HlalaniKuhle to provide decent and affordable housing to families that had been displaced. In addition, it catered for low income members of communities who were on local authorities' housing waiting lists. Furthermore, Government constructed housing units country wide under phase one (1) of the program. Phase two (2) of Operation Garikai provided land to individuals, employers, co-operatives and private constructors for development.

**13.2.**With regards to the Commission's concern on the continued impasse to resolve the land issue in the country,<sup>61</sup>Government has since the year 2000, allocated more than 40 000 hectares of state land in and around urban areas for urban development purposes. Following the land reform programme over twenty thousand seven hundred and seventy-eight (20 778) residential stands were created on six (6) farms acquired by Government for housing development. In July 2012, Government approved the Revised National Housing Delivery Policy and currently, efforts are underway to operationalize the policy through crafting of appropriate strategies and a new programmes to provide one million two hundred and fifty thousand (1 250 000) housing units by year 2020. This policy is also grounded in the Transitional Stabilisation Programme (TSP), the country's economic blue print which provides for projects towards the provision of housing to hundreds of thousands of citizens by the year 2020.

## **Constitutional and Legislative Measures**

**13.3.**The Constitution guarantees every person's right in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others<sup>62</sup>. The Constitution further confers the right to agricultural land and also enjoins Government to acquire such

---

<sup>61</sup>Area of Concern Number 23 (Concluding Observations)

<sup>62</sup>Section 71 of the Constitution

land with no obligation to pay compensation for agricultural land compulsorily acquired for resettlement<sup>63</sup>. The continuation of rights of land occupiers acquired by the state for agricultural purposes is also guaranteed in terms of Section 290 which provides that subject to the Constitution, any person who, immediately before the effective date, was using or occupying, or was entitled to use or occupy, any agricultural land by virtue of a lease or other agreement with the State continues to be entitled to use or occupy that land on or after the effective date, in accordance with that lease or other agreement.

**13.4.**In order to ensure that Zimbabweans enjoy their right to agricultural land, Government has enacted the Land Acquisition Act<sup>64</sup> which gives effect to Section 72 of the Constitution. The right to property like all other rights is not absolute. This right is therefore subject to the limitation clause and can be derogated in the interest of defence, public safety, morality, health and public order among others.

## **Administrative Measures**

**13.5.**In order to realise maximum benefits from land, Government promulgated subsidiary legislation such as the 99 year lease, the Statutory Instrument 53 of 2014 on Agricultural Land Settlement (Permit Terms and Conditions) to enhance bankability of agricultural land and subsequently boost production on the same. The Zimbabwe Land Commission (ZLC) was also established in terms of the Constitution to ensure accountability, fairness and transparency in the administration of land vested in the state<sup>65</sup> and the Zimbabwe Land Commission Act<sup>66</sup> was enacted in 2018 to

---

<sup>63</sup>Section 72 of the Constitution

<sup>64</sup>Chapter 20:10

<sup>65</sup>Section 296 of the Constitution

<sup>66</sup>Chapter 20:29

operationalise the ZLC. The Commissioners for the Land Commission were appointed and the Secretariat is in place. The ZLC has also been decentralised to all the eight agricultural provinces.

## **Challenges**

**13.6.**Limited capacity by housing cooperatives and private land developers to manage and develop allocated stands in and around urban areas has caused illegal urban land planning, development, allocation and use. In addition there are weak land tenure systems which are yet to be enhanced and strengthened to improve bankability of land in the agricultural sector.

## **Responses**

**13.7.**Government is working on improving the land tenure system and establishing an institutional framework to improve land management and accountability systems.

**13.8.**Government continues to mobilise resources to support the agricultural sector through provision of subsidies and schemes such as the Special Maize Production and Import Substitution Programme (Command Agriculture) to those in A1 and A2 Farms and the Presidential Agricultural Input Scheme to those in communal farming. This has ensured that Four Hundred and Fifty Six Thousand, Seven Hundred and Thirty (456 730) hectares were put under maize crop during the 2016 farming season, with the objective of producing Two Million Two Hundred and Eighty Three Thousand Six Hundred and Fifty (2 283 650) million metric tonnes against a national requirement of 1.5 million metric tonnes for human consumption.

**13.9.**Government has instituted a land audit which is being spearheaded by the ZLC. The audit will address issues of accountability and transparency in the administration of



agricultural land. Further, the audit outcome will be of utility in enhancing the one-person one-farm policy; thus, improving access to agricultural land and equitable distribution of property.

## **14. Article 15: Right to Work**

### **Constitutional and Legislative Measures**

**14.1.** The Constitution provides for the right to work. Furthermore the Constitution obligates the State and institutions of Government at every level to adopt reasonable policies and measures to ensure that its citizens enjoy the right to work, safe legal practices and standards, and to be paid a fair and reasonable wage<sup>67</sup>.

**14.2.** The Labour Act governs the right to work for all persons other than those whose conditions of employment are governed by the Constitution. The Act seeks to advance social justice and democracy at the work place. There are no legal restrictions on one's choice of work. The laws in place protect and respect the right to work<sup>68</sup>.

**14.3.** The Labour Act also prohibits forced labour, thereby guaranteeing everyone the right to freely engage in the employment of their choice. Contravention of this provision attracts a fine and or imprisonment for a maximum term of two years. The Act thus incorporates the provisions of the two fundamental ILO conventions on the elimination of forced labour<sup>69</sup> which Zimbabwe ratified in 1998.

**14.4.** The Act further establishes the Labour Court which has jurisdiction to hear appeals and applications, and can exercise the same powers as the High Court in relation to labour matters. Appeals from the Court's decisions on questions of law lie with the Supreme Court.

---

<sup>67</sup>Sections 24 and 65 of the Constitution

<sup>68</sup> Chapter 28:01

<sup>69</sup> Forced Labour Convention No. 29 of 1930 and Abolition of Forced Labour Convention No. 105 of 1957.

- 14.5.** The Act outlaws arbitrary termination of employment and outlines the circumstances under which a contract can be terminated on notice. Furthermore it protects workers from unfair dismissal by providing for the right *inter alia*, to be notified, heard and represented in disciplinary proceedings.<sup>70</sup>
- 14.6.** In the Public Service, labour relations are governed by the Public Service Act and the Health Service Act. The Judiciary is governed by the Judicial Services Act. The recruitment into the Public Service is voluntary and based on merit. Workers in the public sector are also protected from arbitrary termination and unfair dismissal.

### **Administrative Measures**

- 14.7.** Government established the Joint Negotiating Council (JNC) through Statutory Instrument 141 of 1997. The JNC consists of Government as the employer and Public Service employee representatives. The role of the JNC is to negotiate and collectively bargain for the improvement of salaries and conditions of service for workers in the Public Service. In the Private Sector, National Employment Councils and Workers' Committees are established to promote the right to collective bargaining between the employer and the employees in terms of part X of the Labour Act.
- 14.8.** Government has put in place the Zimbabwe National Employment Policy Framework, which seeks to stimulate employment growth and overcome unemployment and under-employment. Currently, the labour market is characterised by a significant informal sector with numerous challenges, some of which relate to decent work deficits and social security problems. Notwithstanding the challenges in the informal economy, Government is working towards greater access by informal sector operators to financing, credit facilities, work space, infrastructure and training, through the Ministry of Small and Medium Enterprises.

---

<sup>70</sup> SI 15/2006 and Sections 12 and 12B of the Labour Act

**14.9.** Government through the Integrated Skills Outreach Program (ISOP), has to date funded 2 166 projects and 3 660 jobs have been created through these enterprises since the creation of the Youth Fund in October 2006. In addition, it should be noted that ISOP capacity training has from 2006 produced 4 262 trained youths from all provinces. The training includes hairdressing, dressmaking, carpentry, brick and block laying, market gardening, horticulture, animal health and production, bee-keeping, poultry rearing, livestock management, baking and confectionery among others.

## **Challenges**

**14.10.** There are resource constraints in implementing the National Employment Policy Framework and raising awareness on the "*Kadoma Declaration Towards a Shared National Economic and Social Vision (2009)*."

## **Response**

**14.11.** Government continues to engage developmental partners and the private sector so as to ensure that there is a multi-sectoral approach to issues of employment.

## **15. Article 16 & 18: Family, Adequate Standard of Life and Highest Attainable Health**

### **Constitutional and Legislative Measures**

**15.1.** The Constitution enjoins Government to protect and foster the institution of the family through the provision of care and assistance to mothers, fathers and other family members who have charge of children. The Government is also mandated to

adopt measures aimed at the prevention of domestic violence.<sup>71</sup> The Constitution obligates Government to take all practical measures to ensure the provision of basic, accessible and adequate health services throughout Zimbabwe.<sup>72</sup>

**15.2.** The Public Health Act gives effect to these constitutional provisions as it provides for the protection of public health, including the prevention and suppression of infectious and sexually transmitted diseases, as well as the regulation of the provision of safe water and food supplies and improved sanitation.

## **Administrative Measures**

### **Health Care Delivery System**

**15.3.** The health care services in Zimbabwe consist of four levels; health facility, district, provincial and central levels. Implementation of health services is mainly at district and health facility level with policy formulation and administration at provincial and central level.

### **Health Care Financing**

**15.4.** Health care services are financed from several sources, inclusive of government allocations, private and voluntary medical aid / health insurance schemes, direct out of pocket payments and development assistance from both bilateral and multilateral organizations. Government remains the major source of health financing in the public sector with taxation being the major source of revenue.

**15.5.** Zimbabwe has made progress in the area of Primary Health Care from 1996 to date. Since the presentation of the Initial Report, Government, through Ministry of Health and Child Care, has

---

<sup>71</sup>Section 25 of the Constitution

<sup>72</sup>Section 76 of the Constitution

continued to implement cost effective child survival interventions such as the Expanded Programme on Immunisation (EPI).

### **Expanded Programme on Immunisation**

**15.6.**The EPI programme was adopted in Zimbabwe in 1982 and tremendous progress has been made over the past 3 decades, including improvement of vaccination coverage from 28% (DPT3) in 1982 to 97% (Pentavalent) by 2010. Full vaccination coverage has increased from 53% in 2005/6 to 65% in 2010/11. (ZDHS)

### **Provision of Medical Assistance and Health Care for Children**

**15.7.**Children under 5 years receive free treatment in public health institutions and also access free treatment for HIV related illnesses and tuberculosis. Under current policy, every citizen is supposed to live within eight kilometres (8km) of a health facility.

### **Prevention of Disease and Malnutrition**

**15.8.**Government runs malaria prevention programmes such as the spraying of mosquitoes, provision of treated mosquito nets and anti-malaria tablets, as well as awareness campaigns. Zimbabwe is a signatory to the Abuja Declaration that urged countries to put concerted efforts to attaining interim Progress Indicators towards the 2010 Roll Back Malaria (RBM) goals. The National Malaria Control Programme, with support from various partners, implements interventions such as the Indoor Residual Spraying (IRS), Intermittent Presumptive Treatment in Pregnancy (IPTP), and use of Long Lasting Insecticidal Nets (LLINs). As a result of these interventions there has been a remarkable reduction in the malaria incidence rate.

## **HIV and AIDS**

**15.9.** Government developed the National Policy on HIV and AIDS. This policy was developed to promote and guide present and future responses to AIDS in Zimbabwe. The policy safeguards the rights of children and young people in regard to protection from HIV infection and discrimination on the grounds of HIV infection. It also enshrines the right of children and young people to access knowledge and life skills needed to avoid HIV infection.

**15.10.** Zimbabwe has also made positive efforts to create an enabling policy environment for the improvement of public health. This has been done through the National Health Strategy for Zimbabwe 2016-2020 and a robust HIV response strategy. The National Health Strategy seeks to achieve equity and quality in health, leaving no one behind. The HIV strategy includes domestic resource mobilisation through the AIDS levy to ensure sustainability.

## **Challenges**

**15.11.** The major challenge faced is the lack of resources to fully implement all programmes.

## **Responses**

**15.12.** Government continues to collaborate with developmental partners in order to compliment its efforts on health related programmes.

## **16. Article 17 Education and Compulsory Primary Education**

## **Constitutional and Legislative Measures**

- 16.1.** The Constitution enjoins the State to take all practical measures to promote free and compulsory basic education for children including higher and tertiary education. The State is further mandated to take measures to ensure that girls are afforded the same opportunities as boys to obtain education at all levels.
- 16.2.** The Constitution 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 must make progressively available and accessible<sup>73</sup>.
- 16.3.** The Constitution provides for sixteen (16) languages, including sign language, which are officially recognised and concrete plans are under way to ensure that they are used as medium of tuition in schools<sup>74</sup>.
- 16.4.** The Education Act provides that no child shall be refused admission to any school or discriminated against and that primary education for every child of school-going age shall be compulsory. The Education Act further provides that tuition fees shall be maintained at the lowest possible level at the same time maintaining the high standards of education<sup>75</sup>.

### **Administrative Measures**

- 16.5.** The Government has put in place several administrative measures to enhance the right to education and these include compulsory primary education, Early Childhood Development, schools fees assistance, establishment of schools within 5km – 8 km radius and satellite schools in rural areas. Special facilities for children with special needs and children with disabilities are in place.

---

<sup>73</sup>Section 27 of the Constitution

<sup>74</sup>Section 6 of the Constitution

<sup>75</sup>Chapter 25:04

**16.6.** Policies and National Strategies include the Universal Access to Primary Education Policy and the implementation of programmes such as the Basic Education Assistance Module (BEAM), the Education Development Fund and the Cadetship Scheme to promote access to education for the disadvantaged including persons with disabilities.

**16.7.** Furthermore, Government has introduced the second chance learning initiative whose main objective is to provide a second chance education to children of school going age who have dropped out of school to return to school. The focus of the initiative is not just academic but also takes into account technical and vocational training to equip the children for life after they have left school.

**16.8.** Government has introduced the Science, Technology, Engineering and Mathematics 263 (STEM 263) initiative which contributes towards the realisation of the right to free education. Financial support for the initiative is drawn from the Zimbabwe Manpower and Development Fund (ZIMDEF). The major thrust is to support learners who would have enrolled under the programme. Table below depicts the number of students enrolled under the STEM Programme

**16.9.**

**Table 6 Upper 6 Enrolment under STEM initiative (2017)-update**

Province	No. Sch	Sex			Subject Combinations				Total
		Male	Female	Total	MPC	MBC	MP	MPB	



Bulawayo	27	310	169	479	273	158	29	19	<b>479</b>
Harare	41	585	321	906	568	313	10	15	<b>906</b>
Mash Central	16	189	67	256	153	96	6	1	<b>256</b>
Mash East	32	408	250	658	373	272	4	9	<b>658</b>
Mash West	16	206	91	297	173	122	2	0	<b>297</b>
MatNorth	13	88	58	146	69	49	8	20	<b>146</b>
Mat South	15	166	115	281	139	88	16	38	<b>281</b>
Midlands	39	523	242	765	553	186	6	20	<b>765</b>
Manicalana	36	473	248	721	436	270	3	12	<b>721</b>
Masvingo	26	369	186	555	384	148	9	14	<b>555</b>
<b>Total</b>	<b>26</b>	<b>331</b>	<b>1747</b>	<b>506</b>	<b>312</b>	<b>170</b>	<b>93</b>	<b>148</b>	<b>506</b>

**Key: MPC – Maths, Physics, Chemistry**  
**MBC – Maths, Biology, Chemistry**  
**MPB – Maths, Physics, Biology**  
**MPBC – Maths, Physics Biology, Chemistry**

**Table 7 Lower 6 Enrolment under the STEM Initiative (2017)**

Province	No. Sch	Sex		Subject Combinations				Total
		Male	Female	MPC	MBC	MPB	MPBC	
Bulawayo	27	296	237	224	271	14	24	<b>533</b>
Harare	40	527	310	604	205	10	18	<b>837</b>
Mash Central	12	149	97	175	56	13	2	<b>246</b>
Mash East	29	348	235	550	20	12	1	<b>583</b>
Mash West	17	201	77	191	63	20	4	<b>278</b>
Mat North	13	113	69	112	35	16	19	<b>182</b>
Mat South	16	173	168	239	80	22	0	<b>341</b>
Midlands	39	530	316	502	291	40	13	<b>846</b>
Manicaland	38	550	336	420	391	70	5	<b>886</b>
Masvingo	29	430	269	312	330	54	3	<b>699</b>
<b>Total</b>	<b>260</b>	<b>3317</b>	<b>2114</b>	<b>3329</b>	<b>1742</b>	<b>271</b>	<b>89</b>	<b>5431</b>

**Key: MPC** – **Maths, Physics, Chemistry**  
**MBC** – **Maths, Biology, Chemistry**  
**MPB** – **Maths, Physics, Biology**  
**MPBC** – **Maths, Physics, Biology, Chemistry**

## Challenges

**16.10.** The main challenge faced is the lack of financial resources. The demand for educational assistance outweighs the funds available. There has also been a late disbursement of BEAM funds and this affects the administrative functioning of the schools.

## Responses

**16.11.** Government continues to mobilise resources to support enjoyment of the right to education.

## 17. Article 17.2: Right to Take Part in Cultural Life

### Constitutional and Legislative Measures

**17.1.** The Constitution enjoins the State and all institutions and agencies of government at every level to promote cultural values and practices which enhance the dignity, well-being and equality of Zimbabweans, to preserve and protect Zimbabwe's heritage and to take measures to ensure due respect for the dignity of traditional institutions<sup>76</sup>.

**17.2.** The Constitution has also broadened the official languages of the country to include minority languages namely: Chewa, Chibarwe, Kalanga, Koisan, Nambya, Ndau, Shangani, Sotho, Tonga, Tswana, Venda, Xhosa and sign

---

<sup>76</sup>Section 16 of the Constitution

language. This facilitates communication among people in all parts of the country and also promotes cultural unity<sup>77</sup>.

**17.3.**The Constitution provides that every person has the right to use the language of their choice and to participate in the cultural life of their choice.

**17.4.**The National Arts Council of Zimbabwe Act came into operation in 1985 and seeks to provide for a feasible and efficient administration of the Arts and Culture Industry<sup>78</sup>. The role of the Council has since expanded mainly due to the many activities it carries out and the expectations of the artists and the public. Therefore, there are many changes that should be made; hence a new Act to encompass all the changes is under way.

**17.5.**The National Library and Documentation Service Act established the National Library and Documentation Service whose functions include promotion of the widespread enjoyment in Zimbabwe of publications of an educational, scientific, cultural, recreational or sporting value<sup>79</sup>.

### **Administrative Measures**

**17.6.**In respect of arts and culture, Government has ensured that every school establishes a department of arts and culture and that these are timetabled and properly supervised by the Head, the District and the Provincial Offices. Arts and Culture Inter-House Competitions have also been introduced in schools. The competitions are meant to motivate and

---

<sup>77</sup>Section 6 of the Constitution

<sup>78</sup> Chapter 25:07

<sup>79</sup>Chapter 25: 10

encourage learners to perceive Arts and Culture as an important component of the school system.

## **Cultural Diversity**

**17.7.** Zimbabwe ratified the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expression of 2005 in 2007.

**17.8.** The Constitution prohibits harmful cultural practices. Various pieces of legislation including the Children's Act, Domestic Violence Act and the Criminal Law (Codification) and Reform Act give effect to these constitutional provisions and prohibit female genital mutilation, virginity testing and child marriages among others.

## **Challenges**

**17.9.** There has been a lack of resources to carry out awareness campaigns against harmful cultural practices and fully implement all initiatives.

## **Responses**

**17.10.** Government in collaboration with cooperating partners continues to mobilise resources to implementation the fight against harmful cultural practices.

## **18. Article 19: Equality of all Peoples**

### **Constitutional Measures**

**18.1.** The Constitution adjures the State to promote the fair representation of all Zimbabwe's regions in all institutions and agencies of government at every level. In addition, the State is mandated to take practical measures to ensure that all local

communities have equitable access to resources to promote their development<sup>80</sup>.

## **Administrative Measures**

**18.2.** Government has taken an initiative to translate the Constitution in all the officially recognised languages of Zimbabwe and the national broadcaster now offers news bulletin in most of these languages.

## **19. Article 20: Right to Self-determination**

19.1 Zimbabwe is party to the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social, Cultural Rights which provide for the right to self determination.

### **Constitutional and Legislative Measures**

19.2 The Constitution of Zimbabwe pays due regard to the right to self determination in the preamble which recognises that the people of Zimbabwe are united by their common desire for freedom, justice and equality. It recognises the landmark and historical achievements that the country has gone through including the liberation struggle and the entrenchment of democracy and good governance.

19.3 Government enacted the Indigenization and Economic Empowerment Act [*Chapter 14:33*] which confers 51% shareholding of every public company and any other business to indigenous Zimbabweans.

---

<sup>80</sup>Sections 18 of the Constitution

## **Administrative Measures**

19.4 Zimbabwe asserted her right to self-determination through the liberation struggle which brought political independence. The country continues to assert its economic independence and empowerment through the implementation of the indigenisation and empowerment programme.

19.5 Zimbabwe holds elections periodically to elect a government of choice through which the people assert their right to self-determination.

## **Challenges**

19.6 There have been sustained attempts by Europe and the West to interfere with Zimbabwe's democratic existence, by imposing and maintaining illegal sanctions. In addition there has been a failure by the West to recognise the outcomes of Zimbabwe's electoral processes against the will of the people of Zimbabwe and other progressive nations and organizations such as SADC and the AU.

## **Responses**

19.7. Zimbabwe continues to engage the international community with the view to end all these unnecessary attempts to subvert the right of Zimbabweans to self-determination.

## **20. Articles 21 & 22: Right to freely dispose of Wealth or National Resources; Right to Development**

### **Constitutional and Legislative Measures**

20.1. The Constitution provide that every person has the right, in any part of Zimbabwe to acquire, hold, occupy, use, transfer,

hypothecate, lease or dispose of all forms of property, either individually or in association with others<sup>81</sup>.

20.2. Additionally, the Constitution also provide for the rights to national development, self-determination, economic freedom, agricultural land, and safe and clean environment<sup>82</sup>.

20.3. The Mines and Minerals Act also provides for transfer, leasing and hypothecation as well as abandonment of mining title. One can transfer his claim when he has sold his mining title.

### **Administrative Measures**

20.4. In order to promote the right to national development, Government, among other initiatives launched the Zimbabwe Agenda for Sustainable Socio-Economic Transformation (Zim-ASSET) in 2013, which was the Government's major economic blue print that was aimed at achieving sustainable and equitable economic and social development, propelled by the judicious and optimum utilization of the country's natural resources. ZIM-Asset was implemented through a cluster system involving participation of line Ministries, the Private Sector, Civil Society and Developmental Partners. Realisation of the right to national development under the ZIMASSET was undergirded by developmental policies in the mining, agricultural, water and sanitation programmes implemented by Government.

20.5. Following the lapse of the ZIMASSET Programme in 2018, Government introduced Transitional Stabilisation Programme (TSP) which contains and expresses the aspirations of the people of Zimbabwe and draws its policy thrust from Vision 2030. The overarching objectives of the TSP includes the following: improved

---

<sup>81</sup>Sections 71 and 72 of the Constitution

<sup>82</sup>Section 13,16,64and 73



governance and the rule of law, re-orientation of the country towards democracy, upholding of freedom of expression and association, peace and national unity, political and economic re-engagement with the global community, creation of a competitive and friendly business environment, enhance domestic and foreign investment and an aggressive fight against all forms of corruption.

20.6. The GoZ is committed to fully implement all reforms incorporated in the 2019 National Budget as outlined in the TSP. The TSP includes re-engagement with the international community. Government is pursuing a two-pronged approach entailing re-engagement with external creditors for purposes of resolving the external debt overhang including arrears clearance, and on the other hand, containing the domestic debt to sustainable levels.

## **Mining Rights**

20.7. Zimbabwe is a member of the Kimberley Process Certification Scheme which is an international convention for free trade of rough diamonds. This association with other member States has enabled an internationally accepted standard for the trade of alluvial diamonds. In September 2016, Zimbabwe was given the green light by the Kimberley Process Certification Scheme to regulate its diamond industry and the latter undertook not to interfere in the decision by the former to consolidate mining firms into one entity run by the state. Zimbabwe has also managed to have mandatory mining policies for beneficiation and value addition of strategic minerals. This promotes the free disposal of Zimbabwe's diamond resources on the international market.

## **Constituencies Development Fund (CDF)**

20.8. Government established the Constituencies Development Fund (CDF) which was established in 2010 in terms of the Public

Finance Management Act<sup>83</sup>. The purpose of the fund is to finance development projects in the National Assembly constituencies with the aim of alleviating poverty and improving the standard of living of citizens. The paramount objective of the CDF is to empower the Members of Parliament to quickly and directly respond to the needs and development gaps of their constituencies, thereby achieving improved governance at the local level.

20.9. These endeavours go a long way to improve the observance of social economic rights and promote the right to development as many constituencies benefit in the rehabilitation of schools, clinics, boreholes, dip tanks, gardens and other income generating facilities.

### **Right to Land**

20.10. With regards to national development arising from the right to land, the Commission is referred to Paragraph 13 (right to property) of this Report.

### **Infrastructural Developments**

20.11. Under ZIMASSET, Government has implemented various national developmental projects which include the construction of dams, road networks, power generation and water reticulation systems.

### **Dams**

20.12. Accordingly, Government has seen the completion of the Bubi-Lupane and the Tokwe-Mukosi dams which were constructed

---

<sup>83</sup>Chapter 22:19

to alleviate problems of water shortages in Lupane, Masvingo, Chiredzi and Mwenezi towns. The completion of dam projects will assist in the adaptation to the climate change effects and increase in water supply. Zimbabwe's climate change vulnerability is expected to be in terms of water shocks (floods and droughts). Water development projects have been seen as key in increasing the country's storage capacity to supply current and future requirements. The projects will be used for different functions which include water supply, irrigation, hydropower generation and flood control. The Gwayi-Shangani, Marovanyati, Mutange Dams are some of the projects that the Government is working on.

### **Upgrading of Water Supply Projects**

20.13. Rehabilitation and upgrading of water supply projects is being done in Harare (Morton Jeffrey Waterworks), Beitbridge, Victoria Falls, Lupane and Binga water supply as well as Mtshabezi and Wenimbi pipeline. These projects are being done to reduce increased population pressure on limited services. People gain directly from improved access to basic water and sanitation services through improved health, averted health care costs and increased productivity and time saved. The projects are mainly funded under the Public Sector Investment Programmes.

### **Roads**

20.14. Government has embarked on a programme to revamp the road network. Accordingly Plumtree-Forbes border post road has been completed and Government is working on the rehabilitation of the Beitbridge-Chirundu highway.

### **Power Generation**

20.15. Government completed work on Kariba South Hydro Extension and work on Batoka and Hwange thermal power generation projects is still ongoing.

## **Challenges**

- 20.16. The following challenges have been noted:
- a. Illegal mining activities leading to leakages and unlawful dealing in mineral resources thereby prejudicing the State of its much needed revenue.
  - b. Skewed global economic trade policies are a disadvantage on economic growth to developing countries such as Zimbabwe.
  - c. Limited financial resources to complete development programs in time.

## **Responses**

- 20.17. The following measures have been adopted as a response to the challenges faced:
- a. The Government is organising and empowering small scale miners into formal entities to freely and legally prospect and trade in mineral resources with Government.
  - b. Government continues to participate in international trade platforms such as the Kimberley Process.
  - c. Government continues to partner with international community and developmental partners to support these projects.

## **21. Article 23: Peoples' Right to National and International Peace and Security**

### **Constitutional and Legislative Measures**

- 21.1. The Constitution obligates the State and every person, including juristic persons, and every institution and agency of Government at every level, to promote national unity, peace and stability.

Furthermore, the foreign policy of Zimbabwe takes into cognisance the respect for international law, peaceful co-existence with other nations, and settlement of international disputes by peaceful means, through regional and Pan-African cultural, economic and political cooperation and integration and participation in international and regional organisations that stand for peace and the well-being and progress of humanity<sup>84</sup>.

21.2. The Constitution also provides for the national security of Zimbabwe, which must reflect the resolve of Zimbabweans to live as equals in liberty, peace and harmony, free from fear, and in prosperity. In that respect, the security services of Zimbabwe consist of the Defence Forces, Police Service, Prisons and Correctional Service and any other security service established by an Act of Parliament. The underpinning objective of all these security services is to uphold the right to national peace and security.<sup>85</sup>

21.3. The Constitution allows the Police Service to be involved in regional and international bodies to combat crime. The President is also allowed to deploy the Defence Forces outside Zimbabwe for peace keeping operations, under United Nations or any other international or regional organizations of which Zimbabwe is a member and defending the territorial integrity of a foreign country.<sup>86</sup>

---

<sup>84</sup>Section 12 of the Constitution

<sup>85</sup>Section 206 and 207 of The Constitution

<sup>86</sup>Section 213 of the Constitution

## **Administrative Measures**

- 21.4. Zimbabwe continues to cooperate in peace keeping missions within the UN, SADC and AU Peace and Security Architecture. The Zimbabwe Republic Police Service also continues to raise awareness campaigns on peace building, cohesion and unity in the country, through inclusive community policing mechanisms.
- 21.5. Government also continues to maintain and support its foreign missions around the world and has representatives in strategic international organisations such as the AU and UN to advance respect for international law, peaceful co-existence with other nations, and settlement of international disputes by peaceful means, through regional and Pan-African cultural, economic and political cooperation and integration and participation in international and regional organisations that stand for peace and the well-being and progress of humanity.

## **Challenges**

- 21.6. Although Zimbabwe is not under threat of direct terrorist attacks, the region remains under the potential threat of human and economic insecurity caused by periodic droughts and famine.
- 21.7. The situation in some hot spots of the sub-region such as the Democratic Republic of Congo and the region such as the conflict situation in the Horn of Africa, Northern Nigeria, Libya, Mali, Sudan, and South Sudan remain a great threat to Zimbabwe through spill-over and trans-boundary conflict.
- 21.8. There has been interference by the USA, Britain and its allies through its hostile foreign policies such as illegal sanctions in the

form of the USA's Zimbabwe Democracy Recovery Act (ZIDERA) of 2001.

## **Responses**

21.9. As a member of the Inter-State Defence and Security Committee (ISDSC) which falls under the SADC organ for Politics, Defence and Security Cooperation (SADC OPDSC) and through the holding of Joint Permanent Commissions (JPCs) with other SADC member states, Zimbabwe continues to undertake efforts and extensive cooperation to minimise and prevent all acts of terror and threats to the security of the region.

21.10. Zimbabwe continues to cooperate in peace keeping missions within the UN, SADC and AU Peace and Security Architecture.

21.11. Zimbabwe continues to support its foreign Missions and Embassies abroad and engages at international platforms to lift the illegal embargoes by the West.

## **22. Article 24: Peoples' Right to Satisfactory Environment**

### **Constitutional and Legislative Measures**

22.1. The Constitution guarantees every person's right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation, promote conservation; and secure ecologically sustainable

development and use of natural resources while promoting economic and social development<sup>87</sup>.

### **Administrative Measures**

22.2. A national Policy on Domestic Water Supply and Sanitation was launched in May 2013 to guide Government in the provision of adequate water and sanitation.

22.3. Furthermore, the National Environmental Policy was adopted in November 2005. The overall thrust of the policy is to avoid irreversible environmental damage, maintain essential environmental processes, and preserve the broad spectrum of biological diversity so as to sustain the long term ability of natural resources to meet the basic needs of people, enhance food security, reduce poverty and improve the general standard of living of Zimbabweans.

22.4. In addition to what was reported previously Zimbabwe is now party to the following Agreements, Treaties and Conventions:

- a. The Kyoto Protocol which was ratified in June 2009;
- b. The African Eurasian Waterbirds Agreement (AEWA) which was ratified in June 2012;
- c. The Rotterdam Convention which was ratified in May 2012;
- d. The Ramsar Convention on Wetlands of International Importance which was ratified on 3 May 2013;
- e. The Preferential Trade Area Treaty (PTA);
- f. The Lome Convention;
- g. The SADC Protocol on Forestry;
- h. The SADC Protocol on Fisheries; and
- i. The SADC Protocol on Conservation and Law Enforcement.

---

<sup>87</sup>Section 73 of The Constitution



## **Challenges**

22.5. The following challenges have been noted: climate change, poaching, uncontrolled veld fires, stream bank cultivation, environmental pollution and deforestation.

## **Responses**

22.6. Government has established an Environmental Management Authority to address environmental issues.

## **23. Article 25: Duty to Promote Awareness of the Charter Constitutional and Legislative Measures**

23.1. The 2013 Constitution incorporated the provisions of the Charter into the Bill of Rights and national objectives. Additionally Government in terms of the Constitution is obliged to promote the Constitution through public awareness thereby promoting the rights enshrined in the Charter. The Zimbabwe Human Rights Commission is also mandated to promote awareness of and respect for human rights and freedoms at all levels of society.

## **Administrative Measures**

23.2. In keeping with its constitutional mandate, Government spearheads an active and continuous role of promoting public awareness of the Constitution. This is achieved through translating it into all officially recognized languages and disseminating it as widely as possible. The Constitution is also required to be taught in schools and as part of the curricula for the training of members of the security services, the civil service and members and employees of public institutions. Government also encourages all persons and organisations, including civic organisations, to raise awareness and disseminate knowledge of the Constitution throughout society.

- 23.3. Government conducts Provincial and district Advocacy Meetings throughout the ten provinces of the country. This gives Government the opportunity to raise public consciousness about the Constitution and relevant provisions relating to various groups, improve the citizens' knowledge of the contents of the Constitution and promote the citizens' sense of ownership of the Constitution. The meetings also help to promote a culture of constitutionalism and increase citizens' participation in civic, political and electoral processes. Moreover, the meetings help to sharpen the citizens' ability to analyze, evaluate, take and defend positions on public issues and facilitate constructive constitutional debate among citizens.
- 23.4. The Government distributes relevant simplified promotional material on Constitutional rights and obligations of citizens in the form of books and pamphlets during the annual exhibitions at the Zimbabwe International Trade Fair (ZITF), Provincial Book Fairs, Agricultural Shows and other Expos. These platforms enable the Government to cast a wider net and reach out to a greater audience in all the corners of the country. The copies of the Constitution in various vernacular languages are also distributed during these exhibitions.
- 23.5. These efforts go a long way in popularizing the Constitution whose provisions reflect those in the African Charter on Human and Peoples' Rights.
- 23.6. Zimbabwe continues to promote the awareness of Human Rights in general, through training of public officials.
- 23.7. The Zimbabwe Human Rights Commission (ZHRC) commemorates the World Human Rights Day annually. This has been an opportunity to make the public aware of the Independent Commission's existence and functions as well as the importance of human rights in general.

23.8. The Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC), whose establishment was previously reported, developed a programme in 2010 to raise awareness on human rights. The activities which have been carried out include exhibiting at national events such as agricultural shows and human rights commemorations.

### **Challenges**

23.9. Financial constraints have limited the carrying out of awareness campaigns.

### **Responses**

23.10. Government continues to engage developmental partners in order to fully implement all awareness raising programmes.

## **24. Article 26: Duty to Guarantee the Independence of the Courts.**

### **Constitutional and Legislative Measures**

24.1. The Constitution guarantees the independence of the Judiciary and the judiciary is empowered to exercise its duties without any interference from the state or any institutions<sup>88</sup>. Furthermore, an order of the court shall bind all persons including the State and Governmental institutions.

24.2. The Constitution guarantees transparency on appointment of judges. The Judicial Service Commission is obliged to advertise vacant positions and thereafter invite the public and the President to make nominations. Public interviews of prospective candidates

---

<sup>88</sup>Section of the Constitution

are carried out and a list of 3 qualified candidates will then be forwarded for selection by the President<sup>89</sup>.

24.3. Judges have a secured tenure of office and this ensures impartiality of the judiciary. Judges thus are appointed for a non-renewable term of not more than 15 years. Further, the office of a judge must not be abolished during his or her tenure of office.

24.4. A fixed and adequate salary for members of the judiciary is a must to ensure their independence. The Constitution provides for fixed salaries and allowances for judges and other judicial officers<sup>90</sup>.

24.5. In order to maintain their impartiality, members of the judiciary are prohibited from accepting any gifts or favour aimed at interfering with their judicial conduct. <sup>91</sup>

24.6. In terms of the Judicial Services Act, magistrates are now under the Judicial Service Commission and this consolidates their independence from the executive arm of the Government<sup>92</sup>.

24.7. Zimbabwe has one of the most progressive legal educational systems on the continent which is designed to protect human and people's rights and respect for the rule of law. The Legal Practitioners Act <sup>93</sup>provides for a Council for Legal Education which is already in place to regulate legal education and training in Zimbabwe. This Council ensures that legal training in Zimbabwe

---

<sup>89</sup>Section 180 of the Constitution

<sup>90</sup>Section 188 of the Constitution

<sup>91</sup>Section 165 (5) of the Constitution

<sup>92</sup>Chapter 7:18

<sup>93</sup>Chapter 27:07

produces independently minded lawyers who will strive to uphold the rule of law.

### **Administrative Measures**

24.8. The JSC is charged with the facilitation of the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice in Zimbabwe. The JSC appropriates direct funding from the Treasury and this has enhanced the Commission's independence from the Executive.

### **Challenges**

24.9. There are limited financial resources to cater to the welfare of judicial officers. This has a danger of increasing inclination towards corruption and inducement, thus compromising independence.

### **Responses**

24.10. Government has approved the retention of 32% of all fees and fines from court users to the Judicial Service Commission for its operations. In addition, Zimbabwe launched the Against Corruption Together (ACT) Campaign in 2015 which stepped up the fight against corruption within the justice delivery sector.

## **25. Articles 27, 28 & 29 Individual Duties**

### **Constitutional and Legislative Measures**

25.1. The Constitution mandates every Zimbabwean citizen to be loyal to Zimbabwe, observe the Constitution and uphold its ideals and institutions, to respect the National flag and the National Anthem and to defend Zimbabwe's independence and sovereignty. In addition, every person including juristic persons, must respect, protect, promote and fulfil all the rights and freedoms set out in

the Constitution.<sup>94</sup> Government has enacted the Flag of Zimbabwe Act to give effect to the Constitution.

25.2. Further to this, the Constitution provide for the State's obligations to take reasonable measures, including legislative measures, to secure respect, support and protection for elderly persons and to enable them to participate in the life of their communities. This obligation is also extended to persons with disabilities and enjoins the State and all institutions and agencies of government at every level to recognise the rights of persons with physical or mental disabilities, in particular their right to be treated with respect and dignity. Government enacted the Disabled Persons Act, and the Older Persons Act to give effect to these constitutional provisions<sup>95</sup>.

25.3. Pertaining to the State's obligation on veterans of the liberation struggle, the Constitution mandates the State and all institutions and agencies of government at every level to accord due respect, honour and recognition to all classes of the veterans of the liberation struggle.

### **Administrative Measures**

25.4. Government has established an Older Persons Board in line with the provisions of the Older Persons Act. There are also Councils for the disabled, children and one to operationalise provisions against domestic violence. There are also a number of social safety net programmes in place to cater for all these categories of people such as BEAM to cater for children's education, grants and quotas

---

<sup>94</sup>Section 35

<sup>95</sup>Chapter 17:01 and Chapter 17:11

for veterans of the liberation struggle in allocation of land, and women's temporary special measures in universities enrolment, representation in Parliament and duty free importation of essential equipment to enhance their standard of living such as cars.

25.5. Government is running programmes on radio and television to foster patriotism in citizens. There is also a National Youth Service Programme that inculcates a sense of nationalism and patriotism among the youth. National Strategic studies in all colleges is now part of the curriculum and the National Pledge introduced in schools all work towards inculcating patriotism among citizens.

## **Challenges**

25.6. The following challenges have been noted:

- a. Resource constraints limit Government efforts to address concerns of the above mentioned groups of people.
- b. Effects of globalisation have degraded the moral and cultural values of the young people.
- c. There is resentment against some of the patriotism-inculcating programmes such as the national pledge and national youth service.

## **Responses**

25.7. The following measures have been adopted as a response to the challenges noted:

- a. The curricula for primary and secondary schools now include cultural education at all levels and awareness on patriotism-inculcating programmes continue to be held.
- b. Government continues to encourage the media fraternity to have an editorial slant giving prominence to the promotion and protection of local cultural practices.

## **26. Racial Discrimination**

### **Constitutional and Legislative Measures**

26.1. Section 56 of the Constitution prohibits discrimination on a myriad of grounds including race. The Prevention of Discrimination Act [*Chapter 8:16*] gives effect to this constitutional provision.

### **Administrative measures**

26.2. In the formulation and implementation of policies across all sectors of the economy, Government pays due regard to the need to ensure that such policies adhere to the dictates of the above constitutional and legislative provisions on the prohibition of racial discrimination.

26.3. The critical sectors that the Government has focused on in the prohibition of racial discrimination include minorities, refugees, education, agriculture, matrimonial issues and sports.

## **27. General Promotion of Human Rights**

27.1. In terms of Section 44 of the Constitution, all Government agencies and institutions at every level have the duty to respect, protect, promote and fulfil fundamental human rights and freedoms.

27.2. Government has established a specific Commission to deal with human rights issues – the Zimbabwe Human Rights



Commission in terms of Section 243 of the Constitution. The functions of the Commission are as indicated earlier under Paragraph 23 of this Report. Government also established a number of other Independent Commissions such as the Zimbabwe Gender Commission, Zimbabwe Media Commission, the National Peace and Reconciliation Commission and the Zimbabwe Electoral Commission charged with quasi-judicial functions and the mandate to promote specific rights falling under their respective portfolios.

## **28. Elimination of All Forms Of Discrimination Against Women**

28.1. The Commission is referred to the Report on the Protocol to the African Charter on the rights of Women (Part C of this Report) which contains detailed information on the measures taken within Zimbabwe to give effect to the rights of women.

## **PART C: THE ZIMBABWE COUNTRY REPORT ON THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA**

### **1. Introduction**

- 1.1 In 2008, Zimbabwe ratified **The African Charter on Human and Peoples' Rights on the Rights of Women in Africa** (hereinafter referred to as the "Maputo Protocol.") Zimbabwe is pleased to submit its initial report under this Protocol. Since ratification, Zimbabwe has continued to take measures to ensure the realisation of the rights enshrined in the Protocol. These measures include Constitutional, legislative and administrative measures.
- 1.2 This report gives a summation of the actions taken by Government in compliance with its obligations under the Protocol. The report is structured in such a way as to respond to each of the specific provisions that Government is obligated to report on. The first part provides a background to the report which includes a brief description of the country's overall legal framework as it relates to women's rights, an explanation of the Protocol's application under domestic law and an outline of the state institutions relevant to the Protocol.

### **The Report Writing Process**

- 1.3 This Report was prepared in consultation with and including the participation of non-governmental organisations, United Nations agencies, academic institutions, and child-based organisations. The latter were included to ensure that the voice of the girl child is represented. Copies of the Report, in draft form, were availed to all relevant stakeholders followed by discussions of the Report in seminars organised for that purpose

## **International Legal Framework**

**1.4** Zimbabwe is a State Party to a number of international conventions and treaties that provide for gender equality. These include the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which it ratified in 1991; the Convention on Civil and Political Rights (CCPR); the Equal Remuneration Convention; the Convention on Prohibition of Discrimination in Occupations, Convention on the Elimination of the Worst Forms of Child Labour; and the Convention on Economic, and Social and Cultural Rights (CESCR). Zimbabwe also adheres to the Beijing Declaration and its Platform for Action (1995).

## **Regional Legal Framework**

**1.5** At regional level, Zimbabwe has ratified a number of instruments specifically targeting the elimination of gender discrimination and the promotion of gender equality.

**1.6** In 2008, Zimbabwe ratified the Protocol to the 2003 African Charter on Human and People's Rights on the Rights of Women. In 2009 Zimbabwe ratified the SADC Protocol on Gender and Development which was adopted by SADC in that same year. The SADC Protocol was revised in 2016 to align it to the Sustainable Development Goals and AU Agenda 2063. The Revised protocol advocates for gender equality in all sectors and sets out substantive targets for achieving gender equality by 2020. Zimbabwe also adheres to the 2004 Solemn Declaration on Gender and Equality in Africa.

## **National Constitutional and Legal Framework**

**1.7** As alluded to earlier on, in 2013 the new Constitution of Zimbabwe came into force. This Constitution is a product of a consultative process which was characterised by an extensive outreach exercise conducted to solicit views and input from Zimbabwean citizens from all walks of life. Women also got an opportunity to input into the document either individually or through the extensive efforts of the women's movement working with the Ministry of Women Affairs, Gender and Community Development. This resulted in the Constitution largely reflecting the demands women made during the consultation processes and therefore carries a broader human rights framework. The Constitution provides extensive coverage of women's rights including rights provided in the Maputo Protocol; in that regard it differs vastly from the previous Constitutional dispensation. It provides for among others: Zimbabwe's respect for gender equality, respect for women's rights by all state institutions agencies and entrenchment of women rights.

**1.8** In order to realise these gains, Government has completed the process of aligning all gender related legislation to the Constitution.

## **National Legislative and Policy Framework:**

**1.9** At national level, Government has always taken steps to ensure the promotion of the rights of women in different spheres. Government enacted several pieces of legislation and policies aimed at advancing gender equality as well as promoting women's rights. These include: the Legal Age of Majority Act; the Matrimonial Causes Act; the Maintenance Act; the Administration of Estates Act; the Criminal Law Codification and Reform Act; the

Education Act; the Labour Act; the Domestic Violence Act<sup>96</sup>; and the National Gender Policy.

**1.10** A brief description of state institutions if any relevant to the Protocol and information on their budgetary allocations

**1.11** Gender Budgeting

## **EQUALITY/NON DISCRIMINATION**

### **2 Article 2: Elimination of Discrimination Against Women**

#### **Constitutional and Legislative Measures**

2.1 Zimbabwe has taken measures to eliminate discrimination against women through the Constitution as well as the enactment of subsidiary legislation.

2.2 The constitution enjoins the State to promote full gender balance and participation of women in all spheres of society on the basis of equality with men<sup>97</sup>. It also provides that the State must take all measures needed to ensure that both genders are equally represented in all institutions and agencies of Government at every level and that women must constitute at least half the membership of all Commissions and other elected and appointed governmental bodies established by the Constitution or any Act of Parliament.

2.3 The Constitution also provides that every woman has full and equal dignity of the person with men and this includes equal

---

<sup>96</sup> Chapter 5:13 , Chapter 6:01 , Chapter 25:04 , Chapter 28:01 and Chapter 5: 16

<sup>97</sup>Section 17 of the Constitution

opportunities in political, economic and social spheres. Further, it prohibits discrimination on a myriad of grounds including sex, gender, pregnancy and marital status<sup>98</sup>.

### **The Criminal Law (Codification and Reform) Act [Chapter 9:23]**

**2.4** This Act, which came into operation in July 2006, recognises both girls and boys as potential victims of sexual abuse. It prohibits trafficking of persons for purposes of prostitution and imposes stiff penalties for violations. The Act also prohibits wilful transmission of sexually transmitted infections, including HIV. Above all, the Act prohibits marital rape, primarily to protect women against HIV.

**2.5** Part V of the Act also criminalises harmful cultural practices, including the pledging of female persons as compensation for the death of relatives or for other reasons.

**2.6** The Prevention of Discrimination Act, the Domestic Violence Act, the Zimbabwe Gender Commission Act and the Administration of Estates Act also give effect to the constitutional provisions outlined above<sup>99</sup>.

### **Administrative Measures, Institutions and Policies**

**2.7** Government established the Zimbabwe Gender Commission whose functions include the monitoring and investigation of possible violations of rights relating to gender and the securing of redress where rights have been violated.

**2.8** There are several other independent Commissions that complement the work of the Zimbabwe Gender Commission and

---

<sup>98</sup> Section 80 and section 56 of the Constitution

<sup>99</sup>Chapter 8:16, Chapter 5:16, Chapter 10:31, Chapter 6:01

these include the Zimbabwe Human Rights Commission, the National Peace and Reconciliation Commission, the Zimbabwe Media Commission and the Zimbabwe Electoral Commission.

## **National Gender Policy**

2.9 The Government of Zimbabwe in 2017 adopted a National Gender Policy which is the guiding framework for mainstreaming gender in all sectors. The National Gender Policy is premised upon 10 thematic areas namely;

- Constitutional and Legal Rights
- Economic Empowerment
- Politics and Decision making
- Health
- Education and training
- Gender Based Violence
- Environment and Climate Change
- Media and ICTs
- Disability
- Culture and Religion

2.10 The thematic areas covered by the National Gender Policy comprehensively cover all critical areas that affect women and girls and are critical for their empowerment.

**2.11** The National Gender Policy provides strategies to implement monitor and evaluate effectiveness of the various actors and policies in addressing gender inequality. This Policy further provides for an institutional framework to monitor and evaluate gender equality and women empowerment issues across all sectors.

## **Girls and Young Women Empowerment Framework**

**2.12** In a bid to consolidate and strengthen the coordination of several initiatives that are targeted at protecting and eliminating all forms of discrimination against the girl child, Government has developed the first ever Girls and Young Women Empowerment Framework. It is anchored on five strategic areas of intervention namely: education, economic empowerment, reproductive health rights, safety and protection and leadership development. In this regard a Young Women Desk has been established within the Ministry of Women Affairs, Community, Small and Medium Enterprises Development. The desk coordinates all empowerment initiatives targeted at children and girls with the view of eliminating all forms of discrimination.

### **Challenges**

**2.13** So far Zimbabwe has not yet encountered any challenges in the implementation of this Article

## **3 Article 8: Access to Justice**

### **Constitutional and Legislative Measures**

3.0 The Constitution recognises the importance of legal aid in ensuring access to justice and thus enjoins the State to ensure that legal representation is provided in both civil and criminal matters for people who need it but cannot afford it. In addition, the Constitution provides for the right to administrative justice, i.e. administrative conduct that is lawful, prompt, efficient, reasonable, impartial and both procedurally and substantively fair<sup>100</sup>.

---

<sup>100</sup>Sections 31, 68, 69 of the Constitution



## **Administrative Measures**

- 3.1 Government recognises that an important aspect of access to justice is having the physical infrastructure in place. To this end, the Judicial Service Commission, with support from international cooperating partners undertook an extensive programme of construction of court rooms in areas that previously did not have such infrastructure. These courts are at the level of the Magistrates Courts and this is in recognition of the fact that most people access justice at the level of the Magistrates' Court.
- 3.2 Government has established the Legal Aid Directorate which is mandated with the provision of legal aid to the indigent. The Commission is referred to information provided under Article 3 of the Report on the African Charter for information relating to legal aid services for the indigent.
- 3.3 Government is also working with civil society actors in facilitating the provision of legal services through a system of referrals.

## **Legal Literacy Programmes**

- 3.4 Government carries out community based awareness campaigns on Gender Based Violence (GBV) that focus on raising awareness on the domestic violence, popularising the Domestic Violence Act, building community activism against domestic violence, strengthening the capacity of the community to establish mechanisms for preventing and responding to domestic violence.
- 3.5 Sensitisation campaigns are conducted for traditional leaders to take the lead role in discussing transformative masculinity, addressing rigid gender and social norms and the negative effects of patriarchy.

3.6 Table 8 below depicts the number of sensitization programmes undertaken from 2008 to 2019

### **GBV Community Based Campaigns and Family Law Trainings**

<b>YEAR</b>	<b>TOTAL NUMBER OF CAMPAIGNS</b>	<b>NUMBER OF FEMALES</b>	<b>NUMBER OF MALES</b>
<b>2012</b>	8 554	270 849	96 823
<b>2013</b>	8 912	279 780	99 566
<b>2014</b>	9 788	288 386	101 284
<b>2015</b>	11 692	291 534	103 568
<b>2016</b>	12 354	295 040	104 256
<b>TOTAL</b>	<b>51 300</b>	<b>1 425 824</b>	<b>505 515</b>

### **Challenges**

**3.7** There are limited resources to fully implement all programmes aimed at enhancing access to justice for the indigent.

**3.8** Some communities are not fully aware of the Legal Aid Programme

### **Responses**

3.9 Government continues to work with developmental partners in order to mobilise resources for the implementation of programmes.

3.10 Government is also undertaking various awareness programmes on the provision of Legal Aid in order to increase access to justice.

## **4 Articles 4 (2) (a) (c) Article 5 (c): Protection of Women from Violence**

### **Constitutional and Legislative Measures**

4.1 The Constitution guarantees the right to personal security, importantly acknowledging that “every person has the right to bodily and psychological integrity, which includes freedom from all forms of violence from public and private sources.<sup>101</sup>”

### **5 The Domestic Violence Act**

5.1 The Act defines domestic violence broadly enough to cover most instances of gender based violence and criminalizes the acts of domestic violence. The Act also provides various forms of relief for survivors of domestic violence. A key aspect of the Act is the provision for third parties to report domestic violence, where the person experiencing domestic violence themselves is unable to report it.

### **The Criminal Law (Codification and Reform) Act**

5.2 The Act sets out the scope of punishable sexual offences including marital rape. Furthermore, the Criminal Procedure and Evidence Act has been amended to make provision for the support of victims of sexual abuse during court processes. In case of pregnancy as a result of rape, the Termination of Pregnancy Act *provides* for lawful termination of the pregnancy at no cost to the survivor.

---

<sup>101</sup>Section 52 of the Constitution

## Judicial Remedies

5.3 In the event that Government fails to provide post exposure prophylaxis, emergency contraceptives or termination of pregnancy, one can apply for damages through the courts as happened in the case of *Mildred Mapingure v The Minister of Home Affairs, Minister of Health and Child Welfare and Minister of Justice Legal and Parliamentary Affairs*<sup>102</sup>. The Government was ordered to pay damages. This case illustrates the attitude of the courts towards the protection of women.

## Administrative Measures, Policies and Institutions

5.4 Government developed the Gender Based Violence Strategy (2012-2015) as a guiding framework for all stakeholders in preventing and responding to gender based violence. This coordinated multi-sectoral approach also involves civil society and developmental partners.

5.5 The Anti-Domestic Violence Council was established in terms of section 16 of the Domestic Violence Act to ensure the effective implementation of the Act. The Council currently comprises 13 members from selected Government departments, representatives from the traditional and religious leaders and civil society organisations that are concerned with the welfare of victims of domestic violence.

5.6 At Executive level, Government established an Inter-Ministerial Cabinet Committee on Rape and Gender Based Violence (GBV) which is charged with coordinating and implementing Governmental policies and strategies across various line ministries.

---

<sup>102</sup>SC 22/14

5.7 Since 2013, Government has been rolling out the 4Ps campaign (Prevention, Protection, Participation through personal commitment and development of Programmes to end violence against women and girls). The campaign is a community based awareness programme that focuses on raising awareness on the Domestic Violence Act and strengthening the capacity of communities to establish mechanisms for preventing and responding to domestic violence.

5.8 The Victim Friendly System (VFS) was created as a multi-sectoral response to domestic violence. The VFS comprises of the Victim Friendly Units within the police and the Victim Friendly Courts which protect vulnerable witnesses in sexual abuse cases. Although initially intended for child victims of sexual abuse, it has now been extended to adult female rape victims. Nationally there are 419 victim-friendly police stations situated at national, provincial and district levels.

**Table 9 illustrates an increase in Reported Cases of Domestic Violence**

<b>YEAR</b>	<b>CASES REPORTED</b>
2012	12 043
2013	12 052
2014	13 919
2015	18 001
2016	19 666

- 5.9 Government has established 3 One Stop Centres (OSC) in 3 provinces and efforts are underway to create such in all the provinces. These centres offer health services, psycho-social support, victim friendly officers and provision of legal assistance.
- 5.10 Data collected through the Zimbabwe Demographic and Health Survey (ZDHS) and other prevalence studies show that Intimate Partner Violence (IPV) among those 15-49 years is the most prevalent form of violence experienced. Thirty-five percent of girls and women 15-49 years have experienced physical violence since age 15; 14% have experienced sexual violence at least once in their lifetime; and 32% of ever-married women have experienced spousal emotional violence.
- 5.11 Through the Spotlight Initiative, efforts are underway to elevate Ending Violence against Women and Girls (EVAWG) in the political and public discourse in Zimbabwe.
- 5.12 Additionally the GoZ developed a National Programme for GBV Prevention and Response 2016–2020 (Zero tolerance for GBV 365) to ensure coordination of all GBV actors in Zimbabwe. The programme seeks to reduce duplication of efforts while providing greater access to services for GBV survivors on a national scale.
- 5.13 Statistics from 3 one stop centres established under the national programme in Gwanda, Gweru and Rusape show that 3,102 GBV cases were reported in 2017; 3,232 cases reported in 2018 and 742 cases reported in the first half of 2019.
- 5.14 The reporting of incidences of domestic and gender-based violence fluctuates due to various factors, for example reporting increases after awareness campaigns are conducted. To this end, the GoZ

continues to make efforts to disseminate information and raise awareness on family laws and GBV. It is estimated that at least 8 million people were reached using GBV forums such as radio programs and exhibitions

## **Challenges**

5.15 There are inadequate resources to support GBV Programmes. Moreover, sentencing of perpetrators has not been both consistent and deterrent.

## **Responses**

5.16 Government continues to work with development partners in order to mobilise resources for the implementation of GBV programmes. In addition, Government is formulating sentencing guidelines for rape matters.

## **6 Article 9: Political Participation and Decision Making**

### **Constitutional and Legislative Measures**

6.1 Zimbabwe recognises that women's participation in politics and decision making in all developmental processes is a fundamental prerequisite for the attainment of gender equality and women empowerment. 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. The Constitution further confers women the right to equal opportunities in political, economic, cultural and social spheres<sup>103</sup>.

6.2 Moreover, the Constitution provide for the representation and participation of women in politics through a reserved quota for women in the National Assembly and proportional representation

---

<sup>103</sup>Sections 17 and 80 of the Constitution

in the Senate<sup>104</sup>. As a result, the country has witnessed an increase in representation of women in Parliament as they make up to 34% of the 8<sup>th</sup> Parliament that is 32% in the National Assembly and 48% of the Senate. Zimbabwe's National Assembly's Deputy Speaker and the President of the Senate are both female. The election of Senators under a party-list system of proportional representation inherently favours women in that female and male candidates are listed alternately with the list being headed by a female candidate.

## **Administrative Measures, Policies and Institutions**

- 6.3 In order to create a supportive environment for gender parity in politics and decision making positions, Government has taken a number of measures. Government has embarked on a process to review and align enabling legislation that creates Boards, Councils, Authorities and Institutions to reflect 50/50 representation of men and women in all elective and non-elective boards and all government institutions.
- 6.4 Government is also finalising the development of the Women in Politics and Decision Making Strategy. This strategy is an affirmative action framework providing strategies 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.
- 6.5 Government is implementing capacity building programmes for sitting and aspiring women leaders. These programmes are aimed at enhancing assertiveness and leadership confidence in women to

---

<sup>104</sup>Sections 120 and 124



ensure equal participation in leadership. Government has implemented temporary special measures with regards to increasing representation of women in both houses of Parliament. As a result of these measures representation of women in the Public Service has increased remarkably as illustrated in the Table 10 below.

**Table 10 Illustrating Representation of Women in the Public Service- as at July 2017**

<b>Position</b>	<b>Females</b>	<b>Males</b>	<b>Total</b>	<b>%</b>
Deputy Chief Secretary level		3	4	0%
Heads of Ministries (Permanent Secretaries):	11	26	37	29.7%
Senior Principal Directors:	1	5	6	16.6%
Principal Directors:	12	37	49	24.4%
Directors:	72	190	262	27.4%
Deputy Directors:	151	442	493	30.6%
Councillors (in local authorities):	313	1649	1962	16%
Boards of Parastatals /State Enterprises:	29	71	100	29%
Chief Executive Officers of Parastatals/State Enterprises:	23	77	100	23%
Vice Chancellors-State Universities:	3	8	11	27%

Principals of State owned Teachers Colleges	8	6	14	57%
Principals of State owned Agricultural Colleges	2	6	8	25%
Principals of State owned Poly-Technical Colleges:	2	6	8	25%
Heads of Government Primary Schools:	776	2168	2944	8.7%
Heads of Government Secondary Schools:	416	1940	2356	176%
Ambassadors:	10	36	46	27%
Chairperson of Public Service Commission	0	1	1	0%
Auditor General	1	0	1	100%
Commissioners (in Civil Service/Public Service):	2	1	3	66.6%
Commissioners in Other State Commissions:	24	33	57	42%

## Current statistics required

## Challenges

6.6 The absence of special measures for local Government elections has contributed to the decline of female representation in local Government, rural and urban council from 19% to 16% in the 2013 general election. In addition, most women have limited access to financial resources which diminishes their effective participation in politics.

## **Responses**

- 6.7 Government is formulating the Women in Politics strategy and continues to seek ways in which to support women in politics.

## **7 Article 12: Education and Training**

### **Constitutional and Legislative Measures**

- 7.1 The Constitution confers a right to a basic state funded education including adult education and further education to all persons including women on an equal basis with men<sup>105</sup>. Furthermore Section 5 of the Education Act provides for compulsory education for every child of school going age.

### **Administrative Measures, Policies and Institutions**

- 7.2 Government encourages enrolment of the girl child into Science and Maths subjects as a way of encouraging them to pursue careers in science, technical and vocational fields. Furthermore, the new curriculum emphasises the teaching of Science and Maths subjects for all learners from infant education level. The new curriculum also empowers all learners to strive to excel in line with their capabilities.
- 7.3 To promote such diversity, Mathematics, Science and Technical and Vocational Camps for girls are held during the April and August school holidays. The camps are run and supervised by female teachers who also serve as role models for girl empowerment. To this end, Career Guidance and Counselling has been strengthened and is one of the subject areas emphasized in the new curriculum.

---

<sup>105</sup>Sections 27,56,75 and 81 of the Constitution

- 7.4 Furthermore to promote a safe education environment for children especially girls in rural areas, Government is taking measures to reduce walking distances to schools by increasing the number of schools, ensuring that there is a secondary school for every three primary schools.
- 7.5 Government is seized with the construction of schools through the Public Sector Investment Programme (PSIP), Public Private Partnerships (PPPs) and support from development partners. The objective is to ensure that no primary school child walks more than 5 km and no secondary school child walks more than 10 kms to get to school and that double sessioning is eradicated.
- 7.6 Government is implementing the Child Friendly Schools concept, focusing on the creation of a healthy, safe, friendly and protective learning environment for all children regardless of sex. This entails among others, protecting all children from harm, either neglect, abuse, violence or exploitation so that their other rights to survival, development and participation can be fully met.
- 7.7 Government has also incorporated the Victim Friendly System into the education sector with a view to empower learners to report abuse. In addition, Child Protection Committees have been established in schools to handle cases of child abuse and provide learners with information on the channels for reporting abuse. Government has put in place teams of educational psychologists who offer psycho-educational counselling to affected learners in order to minimize the trauma of abuse and its effect on the learning process.
- 7.8 A Government directive has seen enrolment of women at technical and teachers' colleges increase to 30 and 50% respectively. In this

regard, teachers' colleges have made significant progress towards the attainment of the parity levels.

7.9 Non-formal education has also been one of the tools used to empower women in education. Government has witnessed gender parity at primary and secondary school levels, with respect to enrolment rates. There is also gender parity in literacy rates of 96% for both women and men. The Net Attendance Ratio at primary school level in 2011 was 87.3% for females and 86.6% for males and Net Enrolment Ratio at the secondary school level, is at 45.9% for females and 43.1% for males (MDG Report). Check on stats.....

## **8 Articles 6-7: Rights Relating To Marriage**

### **Constitutional and Legislative Measures**

8.1 The Constitution prohibits discrimination on a number of grounds including sex, marital status, pregnancy, gender, whether one was born in or out of wedlock and physical disability, all of which impact directly on the rights of women relating to family, marriage and divorce. Furthermore the same Constitution confers the same rights to women as men regarding the custody and guardianship of children. The Constitution also provide for the protection of the family, marriage and marriage rights respectively emphasising that there should be equality of rights and obligations of spouses during marriage and at its dissolution and that marriage should be entered into with the free and full consent of the intending spouses<sup>106</sup>.

8.2 Zimbabwe is currently reviewing all laws governing marriages in order to ensure their conformity to the Constitution. The matrimonial laws are being reviewed with the view to come up

---

<sup>106</sup> Sections 56,80,25,25 and 78 of the Constitution

with a comprehensive and consolidated piece of legislation that addresses all matrimonial issues.

- 8.3 The Deeds Registries Act <sup>107</sup> stipulates that married women have the right to acquire and register property in their own names; The Marriage Act<sup>108</sup> provides that marriage in Zimbabwe is out of community of property, meaning that parties can legally own property individually but also can decide to jointly own property which is then dealt with as matrimonial property;
- 8.4 The Administration of Estates Act<sup>109</sup> protects surviving spouses in the event of death. The Matrimonial Causes Act <sup>110</sup> protects the rights of women and children upon divorce.

### **Judicial Measures**

- 8.5 The Constitutional Court of Zimbabwe, in a landmark ruling in the case of *Mudzuru and Tsopodzo v Minister of Justice, Legal and Parliamentary Affairs and Others*<sup>111</sup>, proscribed child marriages and clarified that persons below the age of 18 cannot enter into a marriage recognised at law, neither could parents or guardians sanction such a union as was the case prior.
- 8.6 In another case, *Margaret Dongo v The Registrar General*<sup>112</sup>, the court ruled that Zimbabwean women are now in a position to

---

<sup>107</sup>Chapter 20:05

<sup>108</sup>Chapter 5:11

<sup>109</sup> Chapter 6:01

<sup>110</sup> Chapter 5:13

<sup>111</sup>CC 2016

<sup>112</sup>CITATION

apply for passports for their minor children without the consent of either an unwilling or unavailable father/guardian.

### **Administrative Measures, Policies and Institutions**

- 8.7 Government in conjunction with the JSC established the Family Law Court System which is aimed at ensuring that cases arising from matrimonial disputes are dealt with in this specialised court rather than the ordinary court system.
- 8.8 Government in partnership with traditional leaders, development partners and civil society organisations is rolling out the 18+ Campaign Against Child Marriages. The campaign is aimed at stopping child marriages. This roll out has seen the sensitisation of the traditional leadership structures (Chiefs) on the Constitution and legal provisions prohibiting child marriages.

## **9 Article 14: Health and Reproductive Rights**

- 9.1 The Commission is referred to Article 16 & 18 of this report on Family, Adequate Standard of Life and Highest Attainable Health. In addition to what has already referred above, Government has also undertaken programmes aimed at enhancing rights of women to the highest attainable standard of health.
- 9.2 Include information on Cervical Cancer screening, breast cancer screening, free maternity booking, free sanitary pads provision for rural girls, Immunisation of girl against cervical cancer, low cost birth control programmes,

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **10 Article 13: Economic and Social Welfare Rights and Article 19 Right to Sustainable Development**

#### **Constitutional and Legislative Measures**

10.1 The Constitution mandates the State to take appropriate measures to create employment for all Zimbabweans especially women and youths and further enjoins Government to promote equal representation of men and women in all institutions and agencies of Government at every level and full participation of women in all other spheres of Zimbabwean society on the basis of equality with men. The Constitution also states that every employee is entitled to just, equitable and satisfactory conditions of work and that men and women have the right to equal remuneration for similar work and the right to three months paid maternity leave<sup>113</sup>.

10.2 The Constitution mandate Government to ensure that every person has the right to choose and carry on any profession trade or occupation. On matters pertaining to right to social security, the Constitution makes it imperative for the State to take all practical measures to provide social security and social care to those who are in need<sup>114</sup>.

10.3 The Constitution further provides for the rights to sustainable development; and food, housing, clean water as well as environmental rights<sup>115</sup>.

10.4 In addition, the Labour Act and the Public Service Act guarantee the same rights of equal pay for similar work.

---

<sup>113</sup>Sections 14,17 and 65 of the Constitution

<sup>114</sup>Sections 24,64 and 30 of the Constitution

<sup>115</sup>Sections 13 and 17 of the Constitution



## **Administrative measures, Policies and Institutions**

- 10.5 In June 2015 the Government adopted and accepted the ILO recommendation 204 on the transition from the informal to the formal economy. And as a follow up to that the formalization strategy is now being worked on. To this end, the Government is working on a policy for affordable social security, tax benefits, infrastructure, finance, healthcare, pension, housing and maternity cover for the SMEs and Cooperatives of whom the majority are women.
- 10.6 Government, through Small and Medium Enterprise Development Cooperatives (SMEDCO) is disbursing 50% of loans for Small and Medium enterprises to women. This policy is in place so as to financially include women as per the financial inclusion strategy, given that 52% of the Zimbabwean population are women according to the 2012 census.
- 10.7 Government fully recognises the rights of women to own land, farming inputs and other property. Women have also been beneficiaries of the land reform programme that the country undertook. The land reform programme introduced at the turn of the century sought, among other things, to mitigate the limited access to resources by women through introduction of quotas in the access to land by women. The policy position is that women should constitute 20% of all those allocated large scale farming land also known as the A2 farming land. In addition, women are also entitled to apply for agricultural land in their own right under the A1 village schemes, a departure from the traditional norm wherein women only accessed land through their husbands, fathers or other male relative. This has empowered women to have control over land as a means of production.

10.8 Government adopted a Broad Based Women's Economic Empowerment Approach. The approach provides a systematic way of mainstreaming women in key economic sectors through establishment of empowerment targets, mobilisation of financial resources and capacity building for women's effective economic participation. The framework is designed to serve women from all backgrounds and to be applied across all sectors, hence broad-based.

10.9 A women's Development Fund was established in 2010 as a means of addressing the lack of collateral amongst women and the high interest rates being charged by banks. To date \$2 887 991.00 has been disbursed to 1 854 women's groups. The projects funded were from the following sectors: mining, cropping, bakeries, goat rearing, indigenous chickens, agro-dealership, honey production processing, garment making, leather products, crafts, beneficiation, cattle buying and selling, and fruit vending. Nine vehicles were purchased for the purposes of monitoring and evaluating projects funded.

10.10 Government established a Women's Bank. The objectives of the Women's Bank are to improve access to affordable capital and operational finance by women. Further the bank facilitates the inclusion of the majority of women who reside in remote areas of the country who are not formally employed.

### **Mechanisms to assist and promote entrepreneurship**

10.11 The Government of Zimbabwe recognises the importance of promoting entrepreneurship as the majority of Zimbabweans are in the informal sector. Government has put in place a number of financial windows to promote entrepreneurship and facilitate

women's access to capital and financial services. Some of the windows are as follows;

#### **a) The Women's Micro-Finance Bank**

The Government of Zimbabwe in 2018 established a Zimbabwe Women's Micro-Finance Bank whose objectives are to;

- Improve access to affordable capital and operational finance by women.
- Facilitate financial inclusion by decentralising the banking system so that it becomes accessible to the majority of women who reside in the rural or remote areas.

#### **b) The Women's Development Fund.**

The Government has continued to implement the Women's Development Fund which is a credit facility for marginalised women particularly those who live in the rural areas. The credit facility has relaxed collateral requirements whereby women beneficiaries guarantee each other. The interest rates for the loans are also very low to attract marginalised women to access.

#### **c) The Reserve Bank of Zimbabwe (RBZ) Loan Facility**

In 2016 the Reserve Bank of Zimbabwe launched the Financial Inclusion Strategy and has put in place the following loan facilities targeted at improving women's access to capital, means of production and employment opportunities-:

- i. \$15 million Women Empowerment Fund
- ii. \$10 million Horticulture Facility;
- iii. \$40 million Gold Mobilisation Facility;
- iv. \$50 million Export Facility;
- v. \$10 million Business Linkage Facility and
- vi. \$15 million Cross Border Facility.

10.12 These facilities are accessed through Microfinance Institutions, Deposit Taking Microfinance Institutions and Commercial Banks.

Banking institutions are charging an all-inclusive interest rate not exceeding **10% per annum**, while microfinance institutions are charging a maximum of **2% per month**. A quota of all the above highlighted facilities is reserved for rural women while the \$15 million Women Empowerment Fund is solely for women.

10.13 In addition, in line with the Financial Inclusion Strategy, the Reserve Bank of Zimbabwe mandates that each bank should-;

- i. Have a special window for women and enhance women's access to finance.
- ii. Have a women's desk to deal with women targeted loan applications.
- iii. Mandatorily submit sex disaggregated data of loan beneficiaries to monitor compliance with the women finance empowerment targets.

**Table 11: Distribution of Establishments by Majority Share Ownership and Type of Ownership as at 30 June 2014.**

Type of Ownership	Majority Share Ownership				Total	% Female Owned
	Male- Owned	Female- Owned	Equally Owned	Not Known		
Sole Proprietor	16 221	4 786	1 284	362	22 653	21.1
Private Limited Company	4 040	729	2 256	1 053	8 078	9.0
Partnership	475	124	1 304	30	1 933	6.4
Cooperatives	603	147	101	17	868	16.9
<b>Total</b>	<b>21 339</b>	<b>5 786</b>	<b>4 945</b>	<b>1 462</b>	<b>33 532</b>	<b>17.3</b>

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

10.13 To ensure full participation of women in the agricultural sector, the Government is promoting contract farming, cropping, animal husbandry, agro-dealership, value addition by women farmers. Capacity development is also being carried out. Government facilitated formation of the Women in Agriculture Apex Board to help in coordinating female farmers' activities and mobilise women to participate in agriculture. The Apex has structures from national level down to the ward levels.

10.14 According to the 2011 LFS, 78 percent of the households used safe water for drinking and cooking. Thirty-four percent of the households had their source of water on the premises. The survey also revealed that 63% of households used safe sanitation, that is they used either of the following toilet facilities: flush, Blair or pit toilet with slab. 26% of the households did not have any toilet facility.

10.15 Government has engaged cooperating partners to provide food assistance and other social safety measures including cash transfers to mitigate the effects of the economic challenges the country is facing.

### **Challenges**

10.16 There is gender imbalance in participation in key sectors of the economy as illustrated on the table on paragraph 37.11 above.

### **Response**

10.17 Government continues to formulate and implement policies which promote the rights of women across all economic, social and cultural and developmental areas.

## **11 Articles 20 to 24: Rights of Specially Protected Women's Groups**

### **Constitutional and Legislative Measures**

11.1 The Constitution provides for the rights of the elderly including elderly women and makes provision for their right to care and assistance, health care and medical assistance from the State and the right to receive financial support by way of social security and welfare<sup>116</sup>.

---

<sup>116</sup>Section 82 of the Constitution

11.2 Furthermore, the Constitution enjoins the state to take all measures to ensure that people with disabilities including women with disabilities realise their full mental and physical potential, including measures to enable them to become self-reliant, enable them to live with their families and participate in social and other activities, to protect them from exploitation and abuse and to provide state funded education and training where it is needed among other rights<sup>117</sup>.

11.3 Further, the Constitution provides that the composition of the Senate should include two members who represent persons with disabilities<sup>118</sup>. Currently one female Senator represents the rights of females with disabilities.

11.4 Government also enacted the Older Persons Act which provides for the well-being of older persons including women and the creation of an Older Persons Fund<sup>119</sup>.

### **Administrative Measures, Policies and Institutions**

11.5 Widows receive assistance in the administration of their late husbands' estates and this is done administratively through the offices of the Master of the High Court as well as at the civil magistrates' courts in the country. Moreover, the Legal Aid Directorate assists vulnerable women with legal representation in filing claims and registering estates.....to include infor on the First Lady's women empowerment programme, stats from LAD and Master of High Court

11.6 Government with assistance of technical partners and working in collaboration with NGOs and Disabled Persons' Organisations has

---

<sup>117</sup>Section 83 of the Constitution

<sup>118</sup>Section 120 of the Constitution

<sup>119</sup>Chapter 17:11

embarked on initiatives that ensure that women and girls with disability have access to quality health and are given equal treatment like their able bodied counterparts. Accordingly, there is ongoing training in Sign Language for health workers to ensure access to effective and quality health services to women and girls with disability. Notable progress has been made at central and provincial health institutions. Fourteen (14) central and provincial institutions have at least one health worker able to communicate in sign language. The programme is currently being rolled out down to district level.

- 11.7 Disability and rehabilitation awareness training for health workers is an ongoing programme and to date training has been conducted in all the 6 Central Hospitals in Zimbabwe. The outcome is increased knowledge and awareness on disability issues by health workers, deeper understanding of disability issues in relation to health provision and enjoyment of health rights by PWDs.
- 11.8 Government is addressing key HIV and Sexual Reproductive Health Rights (SRHR) issues among women and girls with disability through skills training workshops, dialogue and meetings. This allows women with disabilities to interact openly on HIV and AIDS and SRH issues, hence increasing their knowledge and reducing risk.
- 11.9 Government continues to increase training programmes of persons with disability including women and girls on condom use, promotion and distribution. This increased motivation in condom use by PWDs who further advocate for safe sexual practices.
- 11.10 Through the community based rehabilitation programme, the Government is working with partners to support livelihood projects



for persons with disability including women as a basis for improved health.

## **Challenges**

11.11 Government's effective provision for the rights and welfare of the elderly as well as people with disabilities has been severely hampered by the significant economic challenges that the country experienced over the last decade.

## **12 Conclusion**

12.1 Zimbabwe continues to make efforts towards eradicating discrimination against women by the enactment of the necessary legislation and policy frameworks, the development and implementation of programmes and projects, the creation of partnerships with national and multinational organisations and the establishment of a national machinery to address issues of gender inequality and women's empowerment in society. Government is also a signatory to and has ratified several regional, continental and global instruments that not only seek to further define discrimination against women, but also commit Government to take measure to address gender issues in national socio-economic development.

12.2 By enshrining a non-discrimination clause in the Constitution that specifically prohibits discrimination on the grounds of gender, sex or marital status, Government has set a platform for the development of both legal and administrative measures to further eliminate discrimination against women. The effective implementation of the National Gender Policy and other policies that promote the advancement of women will not only complement but also enhance these efforts. On the ground, the application of affirmative action will ensure that women and men are treated equally in all aspects of life. In sectors such as

education and the public service, inroads have already been made to advance the status of women.

12.3 Government, through ZIMSTAT, has already started to compile Gender Disaggregated Data (GDD) to facilitate the monitoring of the situation of women in Zimbabwe. These efforts, however, still need to be extended to all sectors of society to ensure that a clear picture of the situation of women is adequately portrayed in official statistics.

12.4 Despite these significant efforts to promote the rights of women, this report has demonstrated that a lot more still needs to be done to enhance the status of women and improve their quality of life in general. Gender inequalities and imbalances continue to manifest themselves in several sectors. In politics and decision-making women continue to lag behind their male counterparts, despite the commitment of Government. Women have consistently owned less than 20% of land since 1980 despite efforts through legislative and administrative measures to ensure that women and men have equal and/or equitable access to control over and ownership of land over the years. Furthermore, women continue to bear the brunt of the HIV pandemic. They not only continue to be disproportionately infected by the virus, but they also bear the brunt of the impact of the HIV epidemic as they carry a disproportionate share of the burden of caring for their ill relatives and those sick members of the community through home based care. All this is done with little or no remuneration. Women and girls constitute the majority of the victims of gender and domestic violence and sexual abuse.

12.5 It is in recognition of the need for continued and sustained efforts to address these and many other forms of discrimination against women that Government has revised the 2004 National Gender Policy, the National Gender-Based Violence Strategy, the National

Strategic Plan for the Education of Girls, Orphans and Other Vulnerable Children amongst others. It is hoped that these strategies will play a leading role in addressing the concerns on the elimination of discrimination against women in Zimbabwe.