



General Assembly

Distr.: General
19 July 2011

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twelfth session
Geneva, 3–14 October 2011

National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1*

Zimbabwe

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Introduction

1. Zimbabwe's independence in 1980 was born out of a protracted armed struggle for democracy, justice, political freedom and the right to self determination. In this regard, the country is desirous of promoting and upholding human rights for all. Despite the illegal sanctions induced challenges which the country is going through currently, Government remains committed to the advancement of these rights.

I. Methodology and consultation process

2. The methodology used in compiling this Report is a combination of field, desk, group discussions, research and stakeholders' consultations through a series of workshops and other forms of communication. The Inter-Ministerial Drafting Committee for the UPR coordinated by the Ministry of Justice and Legal Affairs first developed a framework for the compilation of the Report. Pursuant to this, consultative meetings and workshops were held with relevant Ministries and Civil Society Organisations in line with the UN Human Rights Council guidelines adopted at its 6th session in September 2007. UN agencies provided technical assistance, training, funding and information sharing in accordance with UPR guidelines on the drafting of national reports. Stakeholders were also consulted through electronic and print media. A national consultative workshop involving all stakeholders was then held to complement and validate the Report.

II. Normative and institutional framework

A. Geography

3. Zimbabwe is a landlocked country located in the Southern part of Africa. The land area is 390 757 square kilometres, 85% of which is agricultural land. The rest of the land consists of national parks, State forest and urban land. The country is divided into 10 administrative provinces.

4. The country's estimated population is 12.2 million (2008) of whom 70% live in rural areas. The annual average inter-censual population growth rate was 1.1% (1997 to 2002).

5. Zimbabwe is a multi-cultural country, with the majority of the population comprising black indigenous people. The official languages are English, Shona and Ndebele. Other languages spoken in Zimbabwe include Tonga, Nambyia, Venda, Chewa, Shangani and Kalanga.

B. Political system

6. Zimbabwe is a constitutional democracy and there are 23 political parties. It gained independence from Britain on 18 April 1980 and has conducted elections using the First-Past-the-Post electoral model and absolute majority (50% + 1 vote) in case of a Presidential poll. The following provides an election timeline since 1980:

- 1985 – Parliamentary election;
- 1990 – Presidential and Parliamentary elections;
- 1995 – Parliamentary election;

- 1996 – Presidential election;
- 2000 – Constitutional Referendum;
- 2000 – Parliamentary election;
- 2002 – Presidential election;
- 2005 – Parliamentary and Senatorial elections and
- 2008 – Presidential, Parliamentary and Local Government elections.

7. Local Government elections have been held at regular intervals since 1980.

8. There are three arms of the State, the Executive, the Legislature and the Judiciary, which are independent of each other in line with the doctrine of separation of powers as enshrined in the Constitution. The President is the Head of State and Government. Constitutional Amendment No.19 of 2009 created the post of the Prime Minister who chairs the Council of Ministers.

9. The country has a bicameral Parliamentary system consisting of the House of Assembly and Senate. The House of Assembly consists of 214 Members of Parliament of whom 210 are Constituency representatives whilst the other 4 are non-constituency members. The Senate consists of 99 members of whom 60 are Constituency representatives, 10 Provincial Governors, 18 Chiefs and 11 non-constituency members.

C. Legal system

10. Zimbabwe has a dual legal system as provided for by Section 89 of the Constitution which, paraphrased, provides that the law to be applied by the courts shall be African customary law and general law in force in the colony of the Cape of Good Hope on 10 June 1891 as modified by subsequent legislation.

III. National framework within which human rights are protected

A. The Constitution

11. The Constitution is the supreme law of the land. It contains a Declaration of Rights and Fundamental Freedoms. It guarantees the right to life and personal liberty as well as protection from slavery and forced labour, inhuman treatment, deprivation of property, arbitrary search or entry and discrimination on the grounds of race and political affiliation amongst others. It also protects the freedom of conscience, expression, assembly, association and movement. These are not absolute rights as they are subject to limitations to guarantee respect for the rights and freedoms of others and for the public interest.

12. The Constitution is a product of a negotiated 1979 Lancaster House Agreement which has been amended in line with the resultant democratic dispensation.

B. Legislation

13. Legislation has been enacted to give effect to Human Rights Principles. These include:

- The **Administration of Estates Act [Chapter 6:01]** which provides for the protection of the inheritance rights of men, women and children.
- The **Administrative Justice Act [Chapter 10:28]** which allows aggrieved parties to lodge complaints through the administrative structures.
- The **Children’s Act [Chapter 5:06]** which provides for protection, adoption and custody of all children.
- The **Criminal Law (Codification and Reform) Act [Chapter 9:23]** which, *inter alia*, criminalises all forms of sexual abuse perpetrated on any individual.
- The **Criminal Procedure and Evidence Act [Chapter 9:07]** which provides for a victim friendly court to all vulnerable witnesses who are called upon to give evidence in court.
- The **Disabled Persons Act [Chapter 17:01]** which provides for the welfare and rehabilitation of disabled persons.
- The **Domestic Violence Act [Chapter 5:16]** which makes provision for the protection and relief of victims of domestic violence.
- The **Education Act [Chapter 25:04]** which provides for the right to education.
- The **Labour Act [Chapter 28:01]** which defines and protects the fundamental rights of workers.
- The **Legal Age of Majority Act** (now in the **General Laws Amendment [Chapter 8:07]**) which was enacted to rectify the cultural gender imbalances by giving majority status to women.
- The **Maintenance Act [Chapter 5:09]** which provides for the making of orders for maintenance of persons, the enforcement of maintenance orders and matters incidental to or connected with the foregoing.
- The **Matrimonial Causes Act [Chapter 5:13]** which amended laws relating to marriage, judicial separation and nullity of marriages and provides for matters incidental thereto.
- The **Private Voluntary Organisation Act [Chapter 17:05]** which regulates and facilitates the operation of Private Voluntary Organisations (PVOs).
- The **Public Health Act [Chapter 15:09]** which makes provision for public health.

C. Remedies

1. Judiciary

Enforceability of human rights before the courts

14. The justice delivery system provides avenues for the enforcement of human rights. It is made up of the Supreme Court, the High Court and such specialised courts as the Administrative Court, the Electoral Court, the Court Martial and the Labour Court. The Supreme Court is the highest Court of the land with jurisdiction over appeals from the High Court and any other Court or Tribunal, as the law may provide. Section 24 of the Constitution empowers the Supreme Court, sitting as the Constitutional Court to hear applications on alleged violations of human rights.

15. Subordinate courts include Magistrates Courts, under which Juvenile and the Small Claims Courts fall and Traditional or local courts which Chiefs and Headmen preside over.

Appeals from Local Courts lie with Magistrates Courts, whilst appeals from Headmen's Courts pass through the Chiefs Courts. Magistrates sitting at criminal courts are empowered by law to order the State to investigate allegations raised by accused persons on human rights violations by the police and any other state agents.

16. Section 79B of the Constitution prohibits any person from interfering with members of the judiciary in the exercise of their judicial authority.

2. Legislature

17. Parliament is an independent institution vested with legislative authority to protect and promote human rights. It also scrutinises and monitors protection of human rights through the Thematic Committee on Human Rights. In addition, it enquires into and makes recommendations relating to any legislative programme and policy concerning human rights through Portfolio Committees. The Parliamentary Legal Committee ensures that draft Bills and Statutory Instruments are not *ultra vires* the Constitution.

3. National Human Rights Institutions

Institutions mandated with the protection, enforcement and promotion of human rights

Zimbabwe Human Rights Commission

18. In order to enhance the protection and promotion of human rights, Government has, through Constitutional Amendment No.19 of 2009 established the Zimbabwe Human Rights Commission (ZHRC). Its functions are to promote awareness of and respect for human rights and freedoms at all levels of society, recommend to Parliament effective measures to promote human rights and freedoms and investigate the conduct of any authority or person, where it is alleged that any of the rights in the Declaration of Rights has been violated by that authority or person.

Office of the Public Protector

19. The Public Protector's office was established by Section 107 of the Constitution. The Public Protector is mandated to investigate any action taken by an officer or person in any Ministry or department. The office investigates any persons or authorities established under any Act of Parliament where there are allegations that an individual has suffered injustice arising out of that person or authority's action in circumstances where no remedy is reasonably available in the courts and this increases the people's access to justice.

IV. International and regional commitments

A. Human rights instruments

20. Zimbabwe is party to several human rights instruments which include; the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of all Forms of Racial Discrimination (CERD); the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

21. Zimbabwe ratified most of the human rights instruments at the regional and sub-regional levels. These include; the African Charter on Human and Peoples' Rights, the African Charter on the Rights and the Welfare of the Child and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the African

Youth Charter, SADC Protocol on Gender and Development and SADC Principles and Guidelines Governing Democratic Elections .

B. Status of State Party reporting

22. Zimbabwe submitted most of its initial reports to the relevant treaty bodies. The periodic reports under the CEDAW are up to date while the reports under the CRC, IESCR and the ICCPR are near completion and will be submitted in the course of 2011 or early 2012. The reports on the African Charter on Human and People's Rights and the African Charter on the Rights and Welfare of the Child are being prepared.

V. Other human rights measures

A. Inter-Ministerial Committee

23. Government established the Inter- Ministerial Committee on Human Rights and International Humanitarian Law (IMC) in 1993 to coordinate the human rights functions of Government Ministries, as well as to prepare State Party Reports. The IMC is hosted and coordinated by the Ministry of Justice and Legal Affairs.

B. Gender Equality Mechanisms

1. National gender machinery

24. The Ministry responsible for Gender and Women Affairs spearheads gender mainstreaming efforts by all sectors and promotes the advancement of women. Gender Focal Persons have been established in all line Ministries at Director level so that they are able to influence policies. Their overall responsibility is to ensure that gender is mainstreamed in their respective Ministries and Departments.

2. The Women's Parliamentary Caucus

25. This comprises women parliamentarians and its mandate is to promote the gender agenda in Parliament.

C. The Parliamentary Portfolio Committees

26. These assess progress and monitor activities and implementation of gender, children's welfare, HIV and AIDS and human rights programmes.

D. Children's rights mechanisms

27. Children's Rights cut across a number of sectors such as health, education, social services, as well as the justice delivery system. Government has put in place different Child Rights mechanisms. One such mechanism is the National Programme of Action for Children (NPAC) which encompasses Child Survival, Development, Protection and Security.

28. Child survival and development mechanisms include, among others, Baby Friendly Initiative and Child Friendly Clinics for provision of comprehensive health care in child friendly environments. Child Friendly Schools have been established with emphasis on the

principle of Best Interest of the Child. Child protection and security mechanisms include Victim Friendly Units, Victim Friendly Courts and the National Action Plan for Orphans and Vulnerable Children.

E. Victims of crime support mechanisms

29. The Justice Delivery System provides support for vulnerable witnesses and survivors of crime in the form of Victim Friendly Courts and Victim Friendly Units at police stations and hospitals.

F. Police Complaints desk

30. The Zimbabwe Republic Police established a Complaints Desk at every police station to provide a platform through which members of the public can report cases of ill-treatment and alleged mishandling of their cases at the hands of the police.

G. Zimbabwe Electoral Commission

31. The Constitution provides for the establishment of the Zimbabwe Electoral Commission which is mandated to ensure that elections and referenda are conducted efficiently, freely, fairly, transparently and in accordance with the law.

H. Anti- Corruption Commission

32. The establishment of this Commission is provided for in the Constitution and it is mandated to combat corruption, theft, misappropriation, abuse of power and other improprieties in the conduct of affairs in both the public and private sectors.

I. Organ for National Healing, Reconciliation and Integration (ONHRI)

33. The Organ was set up to advise Government on necessary and practicable measures to achieve national healing, cohesion and unity in respect of victims of pre and post independence political conflicts.

J. Zimbabwe Media Commission

34. The Commission was established in terms of the Constitution to, amongst others, uphold and develop freedom of the press, print, electronic media and broadcasting.

VI. National policies

A. Vision

35. Zimbabwe's vision is to be a united, strong, democratic and prosperous nation with high quality of life for all Zimbabweans by year 2020.

B. Policies and strategies

36. Human rights promotion policies and strategies are anchored on national policy frameworks enunciated by Government to guide the economic growth and development process. These policy frameworks covering the period 2000 to 2015 include the 2000 Millennium Development Goals Declaration, Short Term Emergency Recovery Programme (STERP) 1&2 (2009 and 2010), Medium Term Plan (MTP)(2011) and Zimbabwe United Nations Development Assistance Framework (ZUNDAF)(2011) .

37. The human rights enhancement policies and strategies include:

Education

38. Universal Access to Primary Education Policy and the implementation of programmes such as the Basic Education Assistance Module (BEAM), Education Transition Fund and Cadetship Scheme to promote access to education for the disadvantaged including persons with disabilities.

Health

39. HIV and AIDS Policy, Draft National Policy on Domestic Water Supply and Sanitation, Draft Infant and Young Child Policy, Cholera Outbreak Policy, National Reproductive Policy, Mental Health Policy, Maternal and Neonatal Roadmap and Zimbabwe National Drug Policy which promote access to health services.

Gender

40. The National Gender Policy facilitates the mainstreaming of gender in all sectors of the economy and the use of Gender budgeting as a tool to integrate gender issues into the budgetary process.

Youth

41. The National Youth Policy facilitates the participation of young people in the mainstream development process of the country.

Indigenisation and Economic Empowerment

42. The Indigenisation and Economic Empowerment Policy seeks to correct the colonial imbalances by facilitating access to, and ownership of, means of production by indigenous Zimbabweans who did not have access to such means.

Agriculture

43. The Agriculture Policy seeks to improve agricultural productivity and production with the objective to ensure food security at both national and household levels.

Social Protection

44. Social protection measures which Government put in place include employment based mechanisms such as public and private sector pension, medical and insurance schemes. In addition, social safety nets such as cash transfer health assistance, drought relief programmes, food assistance and provision of agricultural input assistance have been put in place.

Poverty Alleviation

45. The poverty alleviation strategies include establishment of micro finance schemes, implementation of rural development programmes, promotion of labour intensive production techniques and growth of Micro, Small and Medium Enterprises.

VII. Promotion and protection of human rights on the ground

A. Civil and political rights

46. These rights are guaranteed in the Constitution.

1. The right to life

47. The Constitution protects the right to life. The death penalty is exercised in respect of such crimes as murder, treason and certain military offences. However, Zimbabwe is exercising a *de facto moratorium*, as the last execution was carried out in 2005. All persons sentenced to death have the automatic right of appeal to the Supreme Court, as well as that of application to the President for pardon or commutation of the death sentence to a lesser sentence. Zimbabwe has decreased the number of offences which attract death penalty and this is in line with UN recommendations. Currently there is constitutional debate on whether the death penalty should be retained or abolished.

2. Freedom from torture, inhuman or degrading treatment

48. The Constitution guarantees protection from inhuman and degrading treatment.

49. Zimbabwe administers corporal punishment to juvenile male offenders. However, a medical officer should certify that the juvenile is medically fit to receive corporal punishment. In schools, such punishment is only administered to deviant male learners by the school head or a designated official in the presence of such head and a record is kept. In addition, the **Criminal Law (Codification and Reform) Act [Chapter 9:23]** criminalises activities that infringe on a person's liberty and dignity.

3. Right to fair trial and access to justice

50. The Constitution guarantees the right to a fair trial. The hierarchy of courts in Zimbabwe makes it possible for any aggrieved party to access justice. There is also the presumption of innocence until proven guilty.

51. The Public Service Regulations and the Health Services Regulations also provide for the right to fair adjudication of disciplinary cases and grievance handling.

52. The **Legal Aid Act [Chapter 7:16]** makes provision for free legal services to persons who do not have sufficient means to obtain the services of legal practitioners from their own resources. The State provides legal assistance *pro deo* to accused persons charged with offences that attract the death penalty.

4. Freedom of expression

53. The Constitution guarantees freedom of expression which protects the right of citizens to receive and impart information.

54. Other laws that facilitate freedom of expression include the **Broadcasting Services Act [Chapter 12:06]**, the **Access to Information and Protection of Privacy Act [Chapter 10:27]**, and the **Postal and Telecommunications Act [Chapter 12:05]**. Where any of these laws have been found to violate some rights under the Declaration of Rights in the Constitution, the Supreme Court has declared them unconstitutional and the legislature has amended such laws.

5. Freedom of association

55. The Constitution provides for the right to assemble freely, to associate with other persons and to form or belong to political parties or trade unions or other associations. This is also provided for in Articles 10 and 11 of the GPA and the right is exercised subject to the provisions of the **Public Order and Security Act [Chapter 9:23]**.

6. Elimination of discrimination against vulnerable groups

(a). *People with Disabilities*

56. A legal framework that offers social protection to people living with disabilities is in place. The framework provides for direct budgetary allocation of resources into the Disabled Persons Fund. In an effort to protect and promote the rights of persons with disabilities, Government formulated a policy on the Equalisation of Employment Opportunities for Disabled Persons in the Public Service, in line with the United Nations Standard Rules on the Equalisation of Employment Opportunities for the Disabled Persons of 1993.

57. In addition the **Social Welfare Assistance Act [Chapter 17:06]** provides for health and education assistance, maintenance allowances, cash transfers, purchase of assistive technologies, importation of special equipment for the disabled, means tested criteria for assessment of poverty amongst vulnerable groups.

(b). *Children*

58. The Children's Act provides for the special care, protection and security of children in need. In addition, mechanisms such as the National Programme of Action for Children (NPAC) facilitate and coordinate the implementation, monitoring and evaluation of the CRC and the ACRWC to ensure survival, development and protection.

(c). *Older Persons*

59. Government is currently providing care for the needy elderly persons through the public assistance programme where they are granted a monthly payment per individual. Older persons aged 65 years and above do not pay medical fees at government health institutions.

(d). *Women*

60. The Constitution prohibits discrimination on the grounds of sex, gender and marital status. It provides for the application of affirmative action to previously disadvantaged women. In addition there are several laws that have been put in place to protect the rights of women.

(e). *Rights of Prisoners*

61. In order to protect and promote the rights of prisoners, Government has, *inter alia*, enacted legislation that draws from the **International Standards Minimum Rules, Principles and Guidelines on the Treatment of Prisoners**. It established a health delivery system at every prison, an open prison system to facilitate rehabilitation and reintegration of prisoners into society and upgraded prison facilities. Inmates are housed according to sex and age and there are rehabilitation programmes which include academic education and skills training in various fields.

B. Social and economic rights

62. Although the Constitution does not enshrine social, economic and cultural rights Government has taken a number of measures to protect and promote these rights. However, the country has not been able to fully realise these rights due to a number of factors, key among them being illegal sanctions which some developed countries imposed on Zimbabwe.

1. Right to Health

63. Government put in place strategies to ensure that the fundamental right to health is upheld. Among these, the National Health Strategy addresses issues on equity and quality of health across all ages and the location of most health facilities within 5km-8km radius is in accordance with the Primary Health Care Principles. It also provides for free health services at public institutions to persons below 5 and above 65 years through the Assisted Medical Treatment Orders (AMTOS) from social services. The country has a National HIV and AIDS Strategic Framework which includes Prevention of Mother to Child Transmission, National Antiretroviral Therapy Rollout Plan and Male Circumcision. Furthermore, bilateral schemes for doctors and other health professionals with other countries are in place to alleviate the shortage of health personnel.

2. Right to education

64. The education sector is the largest recipient of Government budgetary allocation. Government put in place measures to enhance the right to education through compulsory primary education, Early Childhood Development, schools fees assistance, establishment of schools within 5km-8km radius and satellite schools in rural areas. Special facilities for children with special needs are in place.

65. Government established nine universities and several tertiary institutions and provides scholarships for disadvantaged students to access university education.

3. Right to food

66. The Agricultural Policy provides the framework for Government to promote and ensure food security at both national and household levels.

67. Measures put in place to promote and ensure food security include, among others, capacitating farmers to increase agricultural production and productivity, importation of grain in times of grain shortages, building and maintaining grain reserves, provision of drought relief food to people affected by drought and increased investment in irrigation development.

4. Right to environmental protection

68. Zimbabwe has put in place the National Environmental Policy and various strategies to guarantee the right to environmental protection. These include the enactment of the **Environmental Management Act [Chapter 20:27]** of 2002. This provides for, among others, the sustainable management of natural resources and the protection of the environment.

69. In addition, Government developed a water, sanitation and hygiene strategy whose focus is 'Zero Open Defecation'. Pursuant to the water and sanitation policy, Government in partnership with development partners is supporting and upgrading the water and sanitation infrastructure in both urban and rural areas.

5. Right to housing

70. Government developed a National Housing Policy to promote, facilitate and coordinate the development of the built-environment. To implement the policy, the Civil Service Housing Loan Scheme was created and State land is provided on request to housing cooperatives and local authorities for the development of housing estates.

71. In 2005, Government embarked on a clean-up campaign which involved the demolition and removal of unauthorised building structures, including houses that did not meet local authorities' by-laws under "Operation **Murambatsvina**" (Operation 'Clean Up'). The Operation was a Government response premised on the need to effectively enforce planning and development control as stipulated in the **Regional, Town and Country Planning Act (1976)**.

72. In response to "Operation **Murambatsvina**", "Government undertook Operation **Garikayi/ Hlalani Khuhle**" to provide decent and affordable housing to families that had been displaced. In addition, it catered for low income members of communities on local authorities housing waiting lists. Government constructed housing units country-wide under the housing development programme.

6. Right to work

73. Government has a two tier labour law system, the **Labour Act** which covers all workers in the private sector and the **Public Service Act** and **Health Services Act** which cover workers in the public sector.

74. Government ratified such ILO instruments as Convention 87 which deals with Freedom of Association and Protection of the Right to Organise and Convention 98 dealing with the Right to Organise and to Collective Bargaining.

VIII. Achievements and best practices, challenges and constraints

75. Prior to 2009 the country went through political and economic instability which adversely affected both the private and public sectors' capacity to provide economic and social services. This was mainly attributed to the illegal sanctions imposed against the country as manifest in parlous macro-economic environment. To address these challenges a number of policy measures and interventions were put in place and achievements were realised in the following areas:

A. Civil and political rights

76. Following an inconclusive election process in 2008 the three main political parties signed the GPA which led to the formation of the Inclusive Government in 2009. This has brought about political and economic stability.

77. Government established the Organ for National Healing, Reconciliation and Integration to spearhead the national healing, cohesion and unity in respect of victims of pre and post independence political conflicts.

78. To enhance the protection and promotion of human rights, Government established the Human Rights, Media, Anti Corruption and Electoral Commissions.

79. In 2010 Government embarked on a consultative constitutional review process which has seen the participation of people across the social and political divide comprising 39.44% females, 37% males, 22.64% youths and 0.72% people with special needs.

80. The Country has made progress in promoting the participation of women in politics and decision making. There are, for example, females in the following posts Vice President, Deputy Prime Minister, President of the Senate, Deputy Speaker of Parliament and Judge President (2004–2009).

81. Since 2007 the country has witnessed a steady growth in the registration of local and foreign publications.

82. Government opened up communication platforms in the broadcasting sector through the licensing of commercial radio broadcasting services and satellite-based subscription services.

83. The establishment of the Victim Friendly Initiative which is multi-sectoral in composition has seen the introduction of the victim friendly courts, clinics, police units, social services and communities. These institutions guided by the law and VFI protocol create a conducive and homely atmosphere for vulnerable witnesses to give testimony in courts.

84. In 2000 Government established the Open prison System which seeks to promote rehabilitation and re-integration by allowing the inmates to live and work under minimal supervision.

85. In 1994 Government established the Community Service System as a form of punishment for non - serious offenders who should repay the community for the criminal wrong by performing non – paid work at public institutions whilst they are spared incarceration.

86. In 2009 Government set up the Pre-Trial Diversion programme which is aimed at the removal of juvenile offenders from the formal criminal justice system for their rehabilitation.

87. Police Complaints Desk has strengthened and promoted the accountability and transparency of the police force in the handling of reported cases.

88. The establishment of the One Stop Centre for Victims of Domestic Violence where survivors of domestic violence get health, legal and psycho-social support at one centre facilitates easy access to protection of justice. In addition, an Anti-Domestic Violence Council has been put in place to monitor the problem of domestic violence in the country.

89. The Judiciary and Attorney-General's Office, have been separated from the Public Service in an effort to ensure and enhance their independence.

B. Economic, social and cultural rights

90. In 2009 Government achieved macro-economic stability following the implementation of policy measures and the adoption of the multi-currency system under the Inclusive Government. This led to inflation rate significantly declining from hyper inflationary levels to – 5.5 % in 2009, restoration of basic social services in the health, education and other sectors and improved capacity utilisation in all sectors of the economy.

91. Establishment of special empowerment funds such as Women's Development Fund, Youth Empowerment Fund, National Indigenisation and Economic Empowerment Fund, Mining Fund serve as a mechanism of addressing unemployment and poverty.

92. The estimated prevalence rate of HIV and AIDS among the 15 - 49 year old age group decreased from 20.1%(2005) to 13.7% (2009), the number of public health facilities offering Prevention of Mother to Child Transmission increased from 1,422 (2006) to 1,560

(2009) and the number of sites offering Paediatric Anti-retroviral Therapy increased from 23 (2006) to 112 (2009).

93. Introduction of the National Aids Trust Fund to mobilise resources for the prevention of infection and care of those infected and affected by HIV and AIDS remains as one of the country's positive developments.

94. Measles immunisation coverage increased from 55.9% (2005–2006) to 76.8% in 2009 (MIMS 2009). The achievement is attributed to National Immunisation and Child Health Days in addition to routine immunisation and establishment of the National Millennium Development Goals Taskforce.

95. Reported incidences of TB decreased from 782 per 100 000 people (2007) to 714 per 100 000 (2009).

96. Malaria annual incidence level decreased by more than 74% in 2010 when compared to the year 2000 levels, thereby surpassing the set Abuja 2010 target of a 50% reduction.

97. 60 % of communities live within a 5 km radius of the nearest health facility.

98. Following the implementation of the Early Childhood Development (ECD) policy in 2005, 96% of all primary schools have established ECD classes resulting in an increased number of grade one children with ECD background.

99. As a result of the Education for All Policy, Zimbabwe has achieved a high literacy rate of 92% according to the UNDP assessment of 2010. In the same assessment it is noted that Zimbabwe has the highest literacy rate on the African continent. In terms of basic education, Zimbabwe surpassed the MDG 2 gender parity target.

100. Progress has been made in the unconditional acceptance of students with psychological and special needs as demonstrated by the admission of 45 % of children with special needs in schools.

101. In its effort to achieve gender parity of 50-50 with respect to student enrolment in institutions of higher learning, Government, through the Affirmative Action policy, has achieved enrolment levels of 71.82% and 63.09% for primary and secondary teachers' colleges respectively. Polytechnics, at 44.28% are close to parity whereas universities are nearly at 40% female enrolment.

102. Establishment of the Constituency Development Fund in 2010 supports community initiated development projects. These projects include but are not limited to water and sanitation, infrastructure development and economic empowerment.

103. To redress the colonial land ownership imbalances, Government empowered the indigenous majority through a land reform programme.

104. From 2009 to 2011 the agricultural sector recorded an increase in the production of food crops and livestock resulting in the reduction of imports.

C. Challenges and constraints

105. Notwithstanding the foregoing achievements, the country is facing a number of challenges which militate against the realisation of fundamental human rights.

106. The illegal sanctions imposed on the country continue to adversely affect people's lives as they have a negative effect on the economy.

107. Limited access to international lines of credit and development assistance is constraining industry to operate at full capacity.

108. Unresolved issues under the GPA, the imposed illegal sanctions in particular, continue to threaten both political and economic stability.
109. Lack of specific legislative provisions on quotas is a barrier to increased women representation in elective bodies.
110. Socio-economic instability has resulted in the migration of highly skilled labour, high staff turnover and low staff morale in the public and private sectors negatively affecting service delivery.
111. High rate of unemployment due to low capacity utilisation increases vulnerability of the unemployed.
112. Food insecurity as a result of climatic change and inadequate financial support presents a challenge for Government to fully provide for the vulnerable.
113. HIV and AIDS pandemic continues to overwhelm the health system by its high rates of morbidity and mortality.
114. A health system financing mechanism that is not pro-poor e.g. user fees remain a significant barrier to access to reproductive health resulting in increase in maternal mortality.
115. Limited access to legal representation by the majority as a result of high legal fees presents a challenge to access to justice for the vulnerable groups.
116. Limited access to justice due to administrative challenges, as a result of insufficient decentralisation of the courts and inadequate infrastructure presents a challenge to Government to bring justice to the people.
117. Limited coverage of social safety nets for the vulnerable groups due to budgetary constraints remains a challenge.
118. Capacity constraints to provide social amenities infrastructure resulting in constrained service delivery is yet another challenge.

IX. Key national priorities, initiatives and commitments

119. The following is a summary of national priorities and initiatives Government is pursuing in support of human rights. These priorities and initiatives are anchored on national policies and the MDGs.

A. Constitutional review process

120. The current Constitution was a result of a political settlement between the liberation war movement and the former colonial regime. Article 6 of the GPA provides for the writing of a new constitution by Zimbabweans and for Zimbabweans. The writing of this new Constitution is in line with democratic principles and good governance.

B. National healing and reconciliation

121. Sustenance of the national healing process creates an environment of tolerance and respect among Zimbabweans.

C. Improved access to justice

122. Decentralisation of superior courts to grassroots level and capacitation of the Legal Aid Directorate in both human and material resources remains a *sine qua non* aspect of Zimbabwe's justice delivery system.

D. Access to information

123. Acceleration of the availability and accessibility of delivery platforms for imparting and receiving information remains a priority of Government.

E. Economic growth and development

124. Consolidation of macro-economic stabilisation, economic growth and development through implementation of sound and credible policies.

125. Support to social service delivery and poverty reduction targeting to achieve MDG 1, 3 and 6. This is to be achieved through increased budgetary support towards education, health and social safety nets.

126. Provision of support to agriculture in order to ensure food security

127. Improving capacity utilisation in the productive sectors targeting agricultural, manufacturing, mining, tourism and transport sectors.

128. Energy and Infrastructure Development.

X. Expectations in terms of technical assistance and capacity-building in the area of human rights and justice

129. In order to consolidate gains that Zimbabwe has attained in human rights, support is required to develop capacity in human rights indices that enable the country to monitor and evaluate the gains achieved in the different rights on a sustained basis. Such support could be rendered to compilation of State Party reports and Independent Commissions, among others.

XI. Conclusion

130. Despite economic challenges arising out of illegally imposed sanctions, Zimbabwe remains committed to the protection and promotion of fundamental rights and freedoms of her people as enshrined in both its Constitution and International Conventions and to actively participate in international human rights *fora*.

131. The Amendment of the Constitution to provide for the establishment of the Human Rights Commission which will protect, promote and ensure respect for human rights is a positive step since Zimbabwe is a signatory to various International Treaties and Conventions that necessitate the existence of an independent human rights monitoring body.

132. Indeed the review of Zimbabwe at this 12th Session of the Universal Periodic Review is a great opportunity for the country to interact and share with fellow members of the Human Rights Council her challenges and achievements on human rights.

