

ZIMBABWE CIVIL SOCIETY ORGANISATIONS ADVOCACY CHARTER, NOVEMBER 2021¹

ZIMBABWE 3RD CYCLE UNITED NATIONS UNIVERSAL PERIODIC REVIEW SCHEDULED FOR 26 JANUARY 2022

| RECOMMENDATIONS ² | COUNTRY(IES) | IMPLEMENTATION | SUGGESTED QUESTION / PROPOSED RECOMMENDATIONS |
|--|---|---|--|
| <p><u>Ratification of Outstanding Human Rights Instruments</u></p> <p>Need to ratify outstanding human rights instruments and collaborate with treaty and charter-based mechanisms.</p> | <p>United Kingdom of Great Britain & Northern Ireland Kenya, Spain, Germany, Congo Italy, France Guatemala Armenia, Sweden Portugal, Brazil Uruguay, Japan, Montenegro Rwanda, Ghana, Australia, Turkey, New Zealand, Indonesia, Zambia, Philippines Netherlands, Senegal, Namibia, Costa Rica, Djibouti, Czechia, Denmark, Chile, Sierra Leone</p> | <p><i>Outstanding</i> Government of Zimbabwe (GoZ) has not ratified any human rights treaties since the adoption of the last report following the second cycle review in 2017.</p> <p>Adoption of key conventions such as the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment; International Convention for the Protection of all Persons against Enforced Disappearances; the 1961 United Nations Convention on the Reduction of Statelessness; Optional Protocols to the Convention on the Elimination of All forms of Discrimination Against Women, International Covenant on Civil and Political Rights; and International Covenant of Economic, Social and Cultural Rights.</p> | <p>Suggested question - <i>Why is Zimbabwe not fulfilling its commitment to ratify the United Nations Convention on Reduction of Statelessness?</i></p> <p>Proposed recommendations Encourage the GoZ to ratify the following human rights instruments;</p> <ul style="list-style-type: none"> ▪ United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment. ▪ United Nations International Convention for the Protection of all Persons against Enforced Disappearances. ▪ United Nations Convention on the Reduction of Statelessness. ▪ Optional Protocols to (1) the Convention on the Elimination of All forms of Discrimination Against Women; (2) International Covenant on Civil and Political Rights; and (3) International Covenant of Economic, Social and Cultural Rights. ▪ Adopt a National Human Rights Strategy on implementation of human rights instruments. |

¹ The Advocacy Charter is based on the July 2021 Stakeholders Report and additional information provided by civil society organizations from August to November 2021. The list of all contributing organisations is provided on the last page.

² Recommendations accepted by the government during the 2nd Cycle of the UPR are in black, recommendations accepted by the government during 1st Cycle of the UPR that need follow up in 3rd Cycle are in blue, recommendations that remain relevant that were noted (no commitment from government) in 1st and 2nd Cycle are also in blue and qualified as 'Noted' Where no specific recommendations have been made on the issue in the past Cycle, the thematic issues have this *****sign.

| | | | |
|--|---|--|--|
| <p>*****Domestication of international treaties</p> | | <p>Implementation In June 2018, the President established the Anti-Corruption Prosecution Unit housed in the Office of the President and Cabinet to fight corruption in Zimbabwe. High profile personalities in government have been arrested and prosecuted by the Special Anti-Corruption Courts. Between 2017 and 2020, the Judicial Services Commission conducted trainings for judges, magistrates, prosecutors to enhance their role in fighting corruption.</p> <p>Challenges Although GoZ signed (2004) and ratified the UN Convention Against Corruption (2007) corruption remains pervasive in key government departments. GoZ has not fully domesticated the UN Convention Against Corruption. None of the high-profile Ministers or businesspeople accused of corruption have been prosecuted in the Anti-Corruption Courts have been convicted as most of the cases have not been finalised. Instead, human rights defenders charged with violating other provisions of the Criminal Law Codification and Reform Act, that is not linked to corruption have been prosecuted in these Special Anti-Corruption Courts. The Against Corruption Together campaign by the Judicial Service Commission has not resulted in the reduction or eradication of corruption within the judiciary. Illicit financial flows remain rampant and thus continue to affect the economic development in the country.</p> | <p>Suggested question - <i>Does Zimbabwe have a sector wide plan of action to work towards eradicating corruption in the country?</i></p> <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Continue to enhance efforts to eradicate the culture of corruption ▪ Improve management of public resources and enhance law enforcement skills to combat illicit financial flows. |
| <p>Creating/Strengthening Independent Institutions</p> <p>To strengthen constitutional institutions on media, human rights and anti-corruption institutions; Ensuring independence and the law operationalising the Zimbabwe Human Rights Commission complies with Paris Principles</p> | <p>South Africa Norway, Ghana United Kingdom New Zealand Sri Lanka Australia, Thailand Denmark, France Democratic Republic of Congo, Germany, Poland, Malaysia, Switzerland</p> | <p>Challenges The 'Independent Commissions Supporting Democracy' were established in accordance with the 2013 Constitution these include the Zimbabwe Electoral Commission (ZEC), the Zimbabwe Human Rights Commission (ZHRC), the Zimbabwe Gender Commission (ZGC), the Zimbabwe Media Commission (ZMC), the Zimbabwe Anti-Corruption Commission (ZACC), and the National Peace and Reconciliation Commission (NPRC). All the commissions do not have adequate funding or technical capacity. The Executive has been making statements that undermine the integrity of the ZHRC contrary section 235 (2) of the Constitution. The Office of the President and Cabinet has assumed administration of the Anti-Corruption Commission Act and the Prevention of Corruption Act, and this can negatively impact on independence of the ZACC.</p> | <p>Suggested question: - <i>What assistance does the government require to strengthen independent commissions?</i></p> <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Ensure adequate funding and resources for all Constitutional Commissions. ▪ Guarantee independence and effectiveness of all Constitutional Commissions. |
| <p>Constitutional and legislative framework, Reviewing and aligning the Constitution</p> | <p>Islamic Republic of Iran, Germany, Congo, Philippines, Uganda, Egypt, Togo, Mauritius,</p> | <p>An Inter-ministerial task force was established by Cabinet in February 2015 to facilitate the legislative alignment process to the Constitution.</p> <p>Challenges Out of the 59 targeted laws for alignment, only 30 laws have been amended to date,</p> | <p>Suggested question - <i>What measures are being taken to ensure that the alignment of laws take place?</i></p> <p>Proposed recommendations</p> |

| | | | |
|--|--|--|--|
| <p>Zimbabwe supported recommendations to speed up the process of reviewing and aligning the laws with the Constitution</p> | <p>Maldives, Ghana, Republic of Korea, Australia, Thailand, Czechia, Netherlands, France, Israel, South Africa, Tunisia, Belgium</p> | <p>while 29 are still awaiting Cabinet approval. Much of the legislation introduced fails to substantively reform restrictive laws with provisions that violate human rights and merely amends minor issues without substantively aligning the law to the Constitution. Prior to completion of the alignment Parliament has passed extensive amendments to the Constitution. Constitution Amendment No.1 was passed in 2017, Constitution Amendment No.2 was passed in 2021 (No.1) and (No.2) increasing presidential powers over the judiciary, among other concerns.</p> | <p>Encourage the GoZ to;</p> <ul style="list-style-type: none"> ▪ Prioritise alignment of laws with the Constitution instead of introducing further constitutional amendments that undermine the separation of powers between the Executive, Legislature and Judiciary. ▪ Take all steps to implement the provisions of the Constitution. ▪ Expedite the alignment of the Marriages Act (to protect rights of women and prevent child marriages) ▪ Expedite the alignment of the Police Act, Defence Act with relevant provisions of the Constitution ▪ Expedite the promulgation of the Independent Complaints Mechanism law that is fully aligned with the Constitution ▪ Align all other laws that have an impact on the protection and promotion of human rights. |
| <p>****Enforced disappearances – Right to truth</p> | | <p>Challenges</p> <p>The enforced The enforced disappearances of tens of thousands of people between 1980 and 1989 in Matabeleland and Midlands during Gukurahundi atrocities remains unaddressed and the fate of those who disappeared remains unknown.</p> <p>Originally the constitutional mandate of the National Peace and Reconciliation Commission was to deal with transitional justice issues largely the Gukurahundi issue. The NPR has since been hijacked by the executive, and this is compromising its independence.</p> <p>Failure to deal with Gukurahundi genocide as a state initiated and sponsored gross human rights violations has resulted in the recurring of both physical and structural violence, impunity and the current culture of violence.</p> <p>The government has continuously refused to establish an independent commission on Gukurahundi but established a Commission to look into the death of 6 people after the 1 August 2018 shootings. Government of Zimbabwe continues to deny the victims and survivors of Gukurahundi genocide the right to truth.</p> | <p>Suggested question</p> <p>- <i>What is the government of Zimbabwe doing to establish the facts around those who were forcibly disappeared between 1980 and 1989 during Gukurahundi atrocities?</i></p> <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Encourage the GoZ to immediately release the Dumbuchena and Chihambakwe commission reports. ▪ GoZ to establish a Gukurahundi genocide-specific independent commission that meets international standards and norms, to gather facts around enforced disappearances and the fate of those who disappeared. ▪ Establish a Gukurahundi genocide-specific independent commission on Gukurahundi atrocities to investigate all cases including the enforced disappearances of people between 1980 and 1989 in Matabeleland and Midlands and ensure that those responsible are brought to justice. |
| <p>Enforced Disappearances, Politically Motivated Violence</p> | <p>USA, Czechia, Brazil, Uruguay,</p> | <p>Implementation</p> <p>The police initiated the investigation of the three Movement for Democratic Change Alliance youth leaders Cecilia Chimberi, Joana Mamombe who were abducted in May 2020. They recorded statements from the three victims.</p> | <p>Suggested questions</p> <p>- <i>Does the government of Zimbabwe have an action plan for institutional reforms to prevent the continued use of force by law enforcement and military on unarmed civilians?</i></p> |

| | | | |
|--|--|---|---|
| <p>Agreed to Investigate all cases of politically motivated violence, including the circumstances surrounding the disappearance of human rights defender Itai Dzamara, and ensure that those responsible are brought to justice</p> | <p>France, Sierra Leone, Japan, Ghana, Senegal, Netherlands, Costa Rica, Djibouti,</p> | <p>Challenges</p> <ul style="list-style-type: none"> ▪ In 2019 Tatenda Mombeyarara was abducted and tortured by suspected state agents, in 2020 Tawanda Muchehiwa was severely tortured after being abducted by suspected. ▪ In May 2020, the police proceeded to charge the three MDC-A youth leaders Cecilia Chimhiri, Joana Mamombe and Netsai Marova with violating the Criminal Law (Codification and Reform) Act by making false statements to the police after they reported that they had been abducted and sexually assaulted. • The state has failed to substantively investigate the disappearance of Itai Dzamara, in contravention of court order. • Post the 2018 elections, on 1 August the military indiscriminately opened fire on citizens and killed six people. Several others were seriously injured. The Motlanthe Commission was set up to hear testimonies it came up with recommendations for institutional reform and reparations for victims have not been implemented. • In the build-up to 2023 elections, the state has indicated its intention to re-establish the National Youth Service which was responsible for gross violations around elections in the Mugabe era. | <ul style="list-style-type: none"> - Does the government have a clear roadmap on the implementation of recommendations provided in the Motlanthe Commission of Inquiry Report on 1 August 2018 post-election violence? - Has the government made any progress the implementing recommendations made by the Zimbabwe Human Rights Commission Report in its report produced following the 14th – 16th 2019 nationwide stayaway? <p>Proposed recommendations</p> <p>Encourage the GoZ to;</p> <ul style="list-style-type: none"> ▪ Investigate and prosecute those responsible for the disappearance of Itai Dzamara and provide reparations to his family members. ▪ Investigate and prosecute incidents of abduction and torture of other activists, including Joana Mamombe, Netsai Chimhiri, Samantha Kureva, Tatenda Mombeyarara and Tawanda Muchehiwa. ▪ Ratify the Convention on Enforced Disappearances and invite the UN Working Group on Enforced Disappearances. ▪ Criminalise Enforced Disappearances and torture in domestic legislation. ▪ Encourage the GoZ to enact the Independent Complaints Mechanism Bill to hold the security sector accountable. |
| <p>Arbitrary Arrest and Detention-Use of Force, Torture, Intimidation and Harassment</p> <p>Zimbabwe agreed to cease ungrounded arrests and detentions, as well as to stop the excessive use of force, torture, intimidation and harassment, interference and anti-protest discrimination</p> | <p>Ukraine, Czechia</p> | <p>Challenges</p> <p>Although the Constitution of Zimbabwe protects the rights of arrested and detained persons, the right to human dignity, the right to personal security, and freedom from torture or cruel, inhuman or degrading treatment or punishment law enforcement agents are failing to uphold these constitutional protections. The police and sometime the army that has been called to assist in maintaining law and order have failed to exercise their functions within the confines of the Constitution that required them to protect human rights. The police, army and state security agents continue to use excessive force, torture and ill-treat arrested and detained persons.</p> <p>The State has increased attacks on HRDs, including student union leaders, journalists, teachers and political activists, who have been subjected to systematic abuse of the criminal justice system through arbitrary arrests, excessive pre-trial detention and</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>What actions will the GoZ take to ensure that arrests are being carried out in terms of the law and that there is no use of force, torture, intimidation and harassment?</i> <p>Proposed recommendations</p> <p>Encourage the GoZ to;</p> <ul style="list-style-type: none"> ▪ Ratify the CAT and the Optional Protocol to the ICCPR. ▪ Ratify the Optional Protocol to the ICCPR ▪ Amend the Criminal Law Codification and Reform Act to provide for the crime of torture based on the absolute prohibition of torture in terms of section 86 (3) of the Constitution and international law. |

| | | | |
|--|--------------------------------|---|---|
| | | <p>malicious prosecution. Arrests, detentions and prosecutions have been used to silence dissenting voices. Makomborero Haruzivishe a human rights defender and prominent pro-democracy campaigner was convicted and sentenced to 12 months imprisonment on 6 April 2021 for allegedly resisting arrest. He was also sentenced to 20 months in prison in 2021 for staging an anti-government demonstration in the capital Harare in 2020. Student union leaders and activists have been particularly targeted during lockdown, including Takudzwa Ngadziore who recently spent 28 days in pre-trial detention for conducting a press briefing, and Allan Moyo who spent 73 days in pre-trial detention for a peaceful protest.</p> <p>In January 2019, after a nation-wide stayaway action, the army and police unleashed a reign of terror on residents in affected area. Zimbabwe Human Rights NGO Forum documented 1803 cases of violations by the police and army, including extrajudicial killings, rape, sexual assault, abductions, displacements, assaults, torture, inhuman and degrading treatment, dog bites, and 954 dragnet arrests and detention.</p> <p>The independent complaints mechanism for complaints against the security services is yet to be established as required by section 210 of the Constitution.</p> | <ul style="list-style-type: none"> ▪ Cease groundless arrests and prosecution of people as a way to persecute opposing voices. ▪ Stop criminalising the work of human rights defenders: cease all malicious prosecutions against them, and guarantee their safety and security. ▪ Domesticate the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the UN Declaration on HRDs) ▪ Ratify the Rome Statute. |
| <p><u>Co-operation with civil society, follow up to the UPR</u></p> <p>Supported recommendations to cooperate closely with civil society in the follow-up to the universal periodic review.</p> <p>Noted a recommendation to amend the PVO Act in line with international standards in 2012 during the First Cycle.</p> | <p>Norway, Czechia, Canada</p> | <p>Implementation</p> <p>Some UPR meetings have been held by government. Civil society stakeholders and constitutional commissions have been invited to participate. Some of the meetings were convened by the Ministry of Justice Legal and Parliamentary Affairs</p> <p>Challenges</p> <p>The UPR meetings were not held consistently, and they did not lead to any meaningful dialogue. Although the government consulted civil society before finalizing its state report, contributions from civil society were disregarded.</p> <p>Process of amending the PVO Act started with amendments gazetted in a Bill on 5 November 2021. The proposed amendments are not in line with the Constitution or international standards. The Bill seeks to increase executive control over CSOs, increases regulation of all organizations by the executive with excessive powers to register or de-register organizations and criminalize operations of CSOs. The Bill introduces penalties that include imprisonment for periods such as 6-12 months as well as civil penalty liability on Board members, leaders and staff members of CSOs. It violates many rights such as the right to freedom of assembly and association as provided in the Constitution and human rights instruments that Zimbabwe has ratified.</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>What can be done to improve the co-operation between the government and CSOs?</i> <p>Proposed recommendation</p> <ul style="list-style-type: none"> ▪ Take measures to facilitate genuine engagement with CSOs in all pre and post preparatory meetings for the UPR processes. ▪ Start a sector wide consultative process to determine and agree on any amendments before introducing any amendments to the PVOA. ▪ Promote self-regulation of the civil society actors to maintain their independence and watchdog role. |

| <p>Cooperation with Human Rights Mechanisms</p> <p>GoZ was encouraged to cooperate with all human rights mechanisms and issue a standing invitation to all United Nations Special Procedures mandate holders.</p> <p>Seek technical assistance from OHCHR and UN agencies</p> | <p>Brazil Burkina Faso Japan New Zealand Spain United Kingdom Switzerland Malaysia Thailand Morocco</p> | <p>In 2019, the GoZ invited the United Nations Special Rapporteurs (SR) on the Right to Food and the Rights to Peaceful Assembly and Association to visit the country to assess the human rights situation in Zimbabwe. GoZ also invited the SR on Impact of Unilateral Coercive Measures on Human Rights to visit the country.</p> <p>Challenges</p> <p>GoZ refused or neglected to respond to reminders for requests for country visits sent by several Special Rapporteurs (SRs) such as SR on Violence Against Women, SR on the Independence of Judges and Lawyers, SR on Torture, SR on Adequate Housing, the Working Group on Enforced or Involuntary Disappearances, SR on the Human Right to Safe Drinking Water and Sanitation, SR on Extreme Poverty and Human Rights, and SR on Cultural Rights. GoZ has not implemented recommendations made by the SR on the Right to Food and the Rights to Peaceful Assembly and Association.</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>When will Zimbabwe allow the outstanding special mechanisms of the UN to visit the country and offer their technical support?</i> <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Accept all outstanding requests for country visits before 2023. ▪ Issue standing invitations to all Special Procedures mandates of the Human Rights Council. ▪ Submit all outstanding reports to the relevant treaty bodies. ▪ Implement all recommendations made by Special Mechanisms. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|--|--|--------------|-------|---------|--------------|-------|------|-----|-----|----|---|-----|------|-----|-----|-----|---|-----|------|-----|------|-----|---|------|------|-----|-----|----|---|-----|------|-----|-----|----|---|-----|--|--|--|--|-------|------|--|
| <p>HRDs and environment for CSOs</p> <p>Agreed to ensure that violence directed against political activists, regardless of political affiliation, and human rights defenders will not be tolerated and that perpetrators will be held accountable in accordance with the law.</p> | <p>Sweden, Norway, Uruguay, Czechia, Ireland, USA</p> | <p>Challenges</p> <p>HRDs such as lawyers, journalists, and political activists have been subjected to arbitrary arrests, lengthy pre-trial detention in inhuman and degrading conditions in maximum security prisons, and malicious prosecution, for protests and online activism.</p> <p>The government is over-regulating the NGO sector using the Private Voluntary Organisations (PVO) Act and the ungazetted NGO Policy of 2003. In July 2021, NGOs were directed to submit MoUs, work plans and monthly reports or be shut down by law enforcement. The state now intends to further amend the PVO Act to regulate trusts and associations and criminalise NGOs for “political involvement”.</p> <p>Number of cases and HRDs assisted by Zimbabwe Lawyers for Human Rights since 2017.</p> <table border="1" data-bbox="638 1013 1310 1300"> <thead> <tr> <th>Year</th> <th># of Cases</th> <th>Males</th> <th>Females</th> <th>Organisation</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>131</td> <td>346</td> <td>90</td> <td>1</td> <td>568</td> </tr> <tr> <td>2020</td> <td>179</td> <td>429</td> <td>131</td> <td>2</td> <td>562</td> </tr> <tr> <td>2019</td> <td>440</td> <td>1486</td> <td>291</td> <td>3</td> <td>1780</td> </tr> <tr> <td>2018</td> <td>132</td> <td>298</td> <td>85</td> <td>0</td> <td>383</td> </tr> <tr> <td>2017</td> <td>113</td> <td>399</td> <td>90</td> <td>0</td> <td>489</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Total</td> <td>3782</td> </tr> </tbody> </table> | Year | # of Cases | Males | Females | Organisation | Total | 2021 | 131 | 346 | 90 | 1 | 568 | 2020 | 179 | 429 | 131 | 2 | 562 | 2019 | 440 | 1486 | 291 | 3 | 1780 | 2018 | 132 | 298 | 85 | 0 | 383 | 2017 | 113 | 399 | 90 | 0 | 489 | | | | | Total | 3782 | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>What measures are being taken to ensure an improved safe and enabling operating environment for CSOs and HRDs?</i> <p>Proposed recommendations</p> <p>Encourage GoZ to;</p> <ul style="list-style-type: none"> ▪ Adopt a law that specifically protects the rights and freedoms of HRDs. ▪ Invite the Special Rapporteur on the Situation of Human Rights Defenders. ▪ Commence inclusive consultative process to develop a law that promotes self-regulation of the civil society sector. ▪ Amend the PVO Act after sector wide consultations to establish an independent regulator that is effective and representative of the PVOs operating in the country. ▪ Discourage the enactment of patriotism provisions restricting free communication of civic society with the international community on human rights issues of concern. ▪ Cease over-regulation of CSOs. ▪ Cease malicious prosecutions and ill-treatment of HRDs. |
| Year | # of Cases | Males | Females | Organisation | Total | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2021 | 131 | 346 | 90 | 1 | 568 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2020 | 179 | 429 | 131 | 2 | 562 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2019 | 440 | 1486 | 291 | 3 | 1780 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2018 | 132 | 298 | 85 | 0 | 383 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2017 | 113 | 399 | 90 | 0 | 489 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Total | 3782 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | |
|---|--|---|---|
| <p>Freedom of Expression</p> <p>Agreed to ensure that its legislation is in line with the new Constitution and the rights concerning freedom of expression and freedom of media therein, repeal the Access to Information and Protection of Privacy Act and the Public Order and Security Act, and license independent broadcasters.</p> | <p>New Zealand, Canada, Sweden, Netherlands, Uruguay, Chile, Botswana, Ukraine, USA, France, Namibia, Norway</p> | <p>Implementation</p> <p>The government of Zimbabwe repealed the Public Order and Security Act (POSA) in 2019 and passed the Maintenance of Peace and Order Act (MOPA), which regulates protests, gatherings and other related issues. Cabinet repealed the Access to Information and Protection of Privacy Act in February 2019. In April of 2021, the Zimbabwe Media Commission Act No.9 of 2020, was gazetted as law. The Act lays out the powers of the Zimbabwe Media Commission as the regulatory body of the media sector with powers to investigate and hear complaints against the media. Since the 2nd Cycle Review, GoZ has licenced 14 community radios and 6 national televisions.</p> <p>Challenges</p> <p>Respect for freedom of expression in Zimbabwe has worsened since the last review. The government of Zimbabwe is actively seeking to criminalise the unauthorised communication by private citizens with foreign governments by adding repressive provisions to the Criminal Law (Codification and Reform) Act to promote patriotism. The proposed provisions will criminalise communication between private citizens and embassies or representatives of foreign governments.</p> <p>The Maintenance of Peace and Order Act (MOPA) is still as restrictive as POSA, and fails to protect freedom of expression, assembly, and association by criminalising protests.</p> <p>The state has cracked down on freedom of expression online through unlawful internet shutdowns in 2016 and 2019 to prevent online activism. There has been an increase in the targeting and arbitrary arrests of HRDs for online expression with the arrests of journalist Hopewell Chin'ono on numerous occasions on allegations of communicating false information prejudicial to the state, inciting public violence and obstructing justice through online posts. MDC-A executive members such as the Spokesperson – Fadzai Mahere has been arrested for expressing herself on twitter.</p> <p>The State has introduced the Cybersecurity and Data Protection Bill, which will increase monitoring of online activity.</p> <p>The Goz plans to introduce patriotism provisions, through amendments to the Criminal Code, that will criminalise spreading “falsehoods” which undermine Zimbabwe’s national interests, and unauthorised communications with foreign governments. GoZ says this law is necessary to “deal” with citizens who propagate negative information to</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>What measures have been taken to protect the right to freedom of expression?</i> <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Repeal repressive insult laws such as ‘insulting the president’ and treason laws such as ‘subverting constitutional government’, which are restricting legitimate criticisms of the state, which are central to democratic governance. ▪ Take measures to repeal MOPA and align it to the constitutional rights to freedoms of assembly, association, and expression. ▪ Desist from targeting dissenting voices on social media platforms as Twitter, Facebook and criminalising freedom of expression. ▪ End the practice of internet shutdowns and ensure that restrictions on internet access, online expression are consistent with international and regional human rights standards. ▪ Stop introducing amendments to the Criminal Law (Codification and Reform) Act on patriotism that criminalise communicating and sharing information with foreign governments on human rights issues and violations. |
|---|--|---|---|

| | | | |
|--|---|--|--|
| | | foreign governments, which undermine the Government of Zimbabwe's efforts to attract foreign investment. | |
| <p><u>Administration of Justice, Fair Trial and Judicial Independence</u></p> <p>Agreed to ensure that all individuals who have been detained and charged with an offence are given a fair and impartial trial, while ensuring the independence of the judiciary.</p> | <p>New Zealand Timor-Leste Denmark Chile Panama Libya</p> | <p>Challenges</p> <p>Although the right to a fair trial, administrative justice, and judicial independence, separation of powers and rule of law are protected in the Constitution of Zimbabwe, GoZ has not implemented recommendations from 2017.</p> <p>Fair trial rights and independence of the judiciary have been compromised in political/high profile HRD cases which are being determined by some selected magistrates who sit in specialised "anti-corruption units" of the Magistrates Court. These courts are extending pre-trial detention periods by reserving judgments in bail applications, arbitrarily denying bail, and delaying the production of court records for appeals.</p> <p>Some independent judges who make independent decisions in high profile political cases have faced disciplinary hearings and removal from office.</p> <p>Constitutional Amendments Number 1 & Number 2 increased executive powers over the promotion of judges, the tenure of office for judges by extending the retirement age, and the appointment of the Chief Justice, Deputy Chief Justice and Judge President was changed. These appointments will no longer require public interview process by the Judicial Services Commission. These three judicial officers will be appointed by the President in consultation with Judicial Services Commission. This undermines separation of powers as the President (executive) has a greater role in choosing key office bearers – who lead the judiciary.</p> <p>Lawyers representing HRDS have been associated with their clients' causes and faced reprisals such as attacks, ill-treatment and arrests, and even threats of disbarment. These include Beatrice Mtetwa a prominent human rights lawyer who was threatened with disbarment, Doug Coltart who was assaulted and prosecuted after being associated with the cause of his clients.</p> <p>Cabinet has proposed an amendment to the Legal Practitioners Act, which would increase state control over the Law Society of Zimbabwe, including by limiting any foreign funding to the organisation.</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>What measures are being taken to ensure all court orders are complied with?</i> - <i>What steps are being taken to ensure adequate remuneration for judicial officers?</i> - <i>What measures are being taken to ensure the independence of magistrates and judges?</i> <p>Proposed recommendations</p> <p>Encourage the GoZ to;</p> <ul style="list-style-type: none"> ▪ Put in place (specific) measures to affirm the independence of the judiciary. ▪ Introduce case allocation procedures that are independent at the High Court through the registry office and not the head of the judiciary – being the Judge President of the High Court. ▪ Apply the law without fear or favour, and guarantee equal protection of the law for all, and desist from further amending the Constitution. ▪ Facilitate the visit of the Special Rapporteur on the Independence of Judges and Lawyers. ▪ Cease referring HRD and political cases to the specialised Anti-Corruption unit of the Magistrates Court. Disband the unit. ▪ Cease amendments to the Legal Practitioners Act, and allow for self-regulation of the legal profession. ▪ Cease attacks and arrests of lawyers representing HRDs. |
| <p><u>Effective Remedy- Improve Access to Justice</u></p> | <p>France, South Africa, Timor-Leste,</p> | <p>Implementation</p> <p>The government of Zimbabwe has taken positive steps to decentralise courts from Harare, three High Courts were constructed other towns and city – Masvingo, Chinhoji</p> | <p>Possible question</p> <ul style="list-style-type: none"> - <i>What steps are being taken by the government to improve access to justice during the COVID-19 pandemic?</i> |

| | | | |
|---|---|--|---|
| <p>Agreed to take further measures to improve citizens' access to justice.</p> | <p>Sweden, Guatemala, Armenia, Portugal, Rwanda, Slovenia, Uruguay, Turkey, Australia</p> | <p>and Mutare.</p> <p>The National Peace and Reconciliation Commission was operationalised in 2018 and not in 2013 when the Constitution was adopted. However, it is not clear whether it will remain operational for a full ten years. The High Court issued an order interpreting the provisions of the Constitution confirming that the NPRC which was operationalised in 2018 should remain in existence up to 2028. The independent complaints mechanism that will have a mandate to receive and determine complaints against the security services has not been established, but a Bill has been introduced for discussion.</p> <p>Challenges The ZHRC has effectively investigated numerous human rights issues since it was established, produced reports and proposed important recommendations. However, its recommendations have largely been ignored by the state and not implemented.</p> <p>COVID-19 has impacted negatively on access to justice. The courts have been closed and when open, they have received few select cases to minimise the spread of COVID-19. There are no rules and procedures to conduct virtual court hearings.</p> | <p>Suggested recommendations</p> <ul style="list-style-type: none"> ▪ Ensure that legal aid, education, and awareness are intensified notwithstanding the pandemic to enable citizens to seek justice. ▪ Provide sufficient fiscal and human resources, as well as the necessary legislative/policy framework (rules of court) to enable the expansion of operations of the courts to include video conferencing and virtual hearings. ▪ Consider and implement alternative access to justice initiatives such as formal recognition of paralegals to ensure that marginalised communities such as rural areas have access to justice. ▪ Invest in accelerating digitalisation to enable initiation and full functionality of Integrated Electronic Case Management System (IECMS) to enhance e-justice. ▪ Implement recommendations of the ZHRC in all human rights matters. |
| <p>****Effective Remedy – Victims and survivors of past gross violations</p> | | <p>Challenges The Government of Zimbabwe continues to deny victims and survivors of Gukurahundi genocide truth and justice, including the right to mourn and memorialize. The most disturbing violation of human rights in Matabeleland and Midlands lately is the denial of the right to mourn those who died or forcibly disappeared as a result of the Gukurahundi genocide. The state continues to refuse to allow victims and survivors the right to gather, in small groups in keeping with coronavirus (COVID-19) restrictions, and erect memorial monuments in remembrance. Some violations documented include but is not limited to;</p> <ol style="list-style-type: none"> 1. In May 2018, state agents prevented the erection of a plaque in Bhalagwe concentration camp in Matobo District. 2. In February 2019, a plaque that was erected at Bhalagwe by communities, was destroyed by state agents within a week. 3. On the 25th of May 2021, a replacement plaque was erected in Bhalagwe by communities and this was stolen by the state agents within 24hours. Those wishing to conduct memorial activities were also harassed for several hours- on the same day as hundreds gathered without interference to commemorate the unveiling of a statue in Harare. 4. In June 2021, a plaque on a Gukurahundi genocide massacre site in the Midlands province was also removed. This is indicative of the selective right to remember in | <p>Suggested questions <i>What steps are being taken by government to ensure truth and justice on the Gukurahundi Genocide?</i></p> <p>Proposed recommendations GoZ must be encouraged to:</p> <ul style="list-style-type: none"> • Facilitate the establishment of processes free from state control that will ensure truth and justice on Gukurahundi genocide. The state must not preside over a case where it is the accused. • Government of Zimbabwe should protect the memorials and right of victims and survivors to mourn and freely express themselves without fear or intimidation. • Undertakes measures to ensure safe spaces for victims, survivors and witnesses to freely tell their story. • Government of Zimbabwe to invite the UN Special Rapporteur and the UN working group on enforced disappearances to assist in the resolutions of Gukurahundi genocide on the basis of truth and justice. |

| | | | |
|---|---|--|---|
| | | <p>Zimbabwe, and it constitutes a denial of and continuation of the genocide.</p> <p>5. Survivors and witnesses who speak on their experiences during public meetings are being followed up and intimidated. For instance, in Bulawayo, during the Motlanthe commission (2018) hearings, a witness was arrested immediately after testifying and many more have faced similar fate after National Peace and Reconciliation Public meetings.</p> <p>Victims and survivors of Gukurahundi genocide continue to be denied the right to exhume and rebury their relatives through an independent forensic team of their choice. Unless the Gukurahundi genocide is addressed, there is a potential that the bitterness of unaddressed trauma and anger will end up triggering a devastating ethnic conflict in Zimbabwe.</p> | |
| <p><u>The right of children's access to birth registration</u></p> <p>Agreed to amend the existing legislation to ensure that all children born in Zimbabwe, regardless of their parents' origin, are issued with birth certificates and ensure the paternity rights of children born out of wedlock. Also agreed to Increase prompt access to birth registration.</p> | <p>Holy Sea Mexico Namibia Kenya Turkey</p> | <p>Implementation</p> <p>In 2021, the Zimbabwe Human Rights Commission carried out a National enquiry on Access to Documentation. The report identified numerous challenges in accessing documentation in Zimbabwe: with regard birth registration challenged in obtaining birth certificates include inaccessibility of registration centres, cost of registration, cumbersome registration requirements, and the inefficiency of the registration offices, among others. The report highlighted special interest groups particularly at risk of statelessness, such as descendants of the 1980s Matebeleland massacres who do not have documentation.</p> <p>Challenges</p> <p>In 2016, UNHCR estimated that there are approximately 300,000 people at risk of Statelessness in Zimbabwe. Very little has been done by government to eradicate statelessness.</p> <p>There are no laws in place to implement the provisions in the Constitution, and international treaties, to protect against Statelessness. The Citizenship Act, Birth and Deaths Registration Act and Immigration Act contain numerous discriminatory provisions placing people at risk of statelessness, particularly those of foreign origin, and those born out of wedlock.</p> <p>Since 2019, there has been no action taken to align the citizenship laws with the Constitution. Zimbabwe does not have a dedicated statelessness determination procedure in place to identify stateless persons, establish the extent of the stateless population in the country, and fast-track and ease birth registration and citizenship</p> | <p>Suggested questions</p> <ul style="list-style-type: none"> - <i>What measures is the government taking to ease birth registration processes and issuance of birth certificates?</i> - <i>What measures are being taken to implement regulations and laws against Statelessness?</i> - <i>Are there any timelines for the amendment of the Citizenship Act and the implementation of the Citizenship Bill?</i> - <i>What measures are being taken to implement a National Action Plan on statelessness?</i> <p>Proposed Recommendations</p> <p>Encourage the GoZ to;</p> <ul style="list-style-type: none"> ▪ Fulfil its UNHCR pledge and take measures to achieve universal birth registration in the country by 2024. ▪ Establish registration centres at every district hospital in the country. ▪ Establish a National Action Plan to end Statelessness and a statelessness determination procedure. ▪ Consider scrapping all administrative and operational impediments including fees for birth registration and search fees, which expensive for most rural dwellers and refugees. ▪ Align the Citizenship Act, the Birth and Deaths Registration Act and the Immigration Act to the Constitution to remove discriminatory provisions placing people at risk of statelessness, and to ease birth registration and documentation issues. ▪ Ratify the 1961 Convention on the Reduction of Statelessness (recommendation accepted during First Cycle UPR Review) and |

| | | | |
|--|---|---|---|
| | | application processes for those affected. | domesticate its provisions through nationality/citizenship laws to ensure that every child enjoys the right to a nationality. |
| <p><u>Statelessness and the right to an identity</u></p> <p><i>That all persons who do not have identity documents because of Gukurahundi genocide speedily receive such documents with correct information.</i></p> | Not raised in previous Cycles | <p>Challenges</p> <p>“Capture as in the right of children’s right to birth certificates”</p> <p>Currently, hundreds of thousands of victims and survivors of Gukurahundi genocide cannot vote or be elected into office because they do not have identity documents, thus denying them the right to participate in public life. In addition, as a result they and their children cannot:</p> <ul style="list-style-type: none"> • Proceed with their education and some find it difficult to start schooling • Own a house • Buy anything on higher purchase • Lawfully register a civil marriage • Open a bank account • Own a mobile phone line • Secure employment • Lawfully travel to other countries • Enter into contracts, <p>Or enjoy, or assert other rights and freedoms that require them to have identification</p> <p>Currently, victims and survivors of Gukurahundi genocide require death certificates before they can get birth certificates and national identity documents, but the government is not issuing death certificates for persons who were killed or forcibly disappeared during the Gukurahundi genocide.</p> | <p>Suggested questions</p> <ul style="list-style-type: none"> - <i>What measures is GoZ taking to ensure that every person who does not have identity documentation including birth certificates because of Gukurahundi genocide is issued with such documents?</i> - <i>What measures are being taken to implement laws and regulations against statelessness for the victims and survivors of Gukurahundi genocide?</i> - <i>What measures is the government taking to ensure that citizens can vote and be voted for without being restricted by identity documents?</i> <p>Proposed recommendations</p> <p>Call upon the GoZ to:</p> <ul style="list-style-type: none"> • Undertake an outreach exercise to register all persons in Matabeleland and Midlands regions. • Ensure that no person is denied the right to vote or be voted for because of lack of identity documents. • Establish a moratorium on existing legal requirements for a person to acquire a birth certificate and identity documents in the affected regions. |
| <p><u>Violence against women</u></p> <p>Zimbabwe committed to adopting measures to prevent and eradicate violence against women and girls, especially the adoption of legislation, the establishment of more shelters and the training of judges, prosecutors and police officers</p> | <p>Israel Turkey Panama Israel Canada Thailand Tunisia Belgium Sweden Maldives Republic of Korea Madagascar Italy Argentina</p> | <p>Implementation</p> <p>The government of Zimbabwe is commended for its efforts to put in place legislative measures to deal with gender-based violence. Also commendable is the policy and institutional framework to address GBV.</p> <p>Challenges</p> <p>The COVID-19 pandemic and the lockdown measures have amplified gender-based violence in Zimbabwe. CSOs have reported an increase in reports of domestic violence. COVID-19 has made it harder for survivors to report domestic violence & access help especially due to challenges such as restricted movement within certain radius as provided by the COVID-19 Regulations.</p> | <p>Suggested question:</p> <ul style="list-style-type: none"> - <i>What steps is the government taking to deal with GBV cases that are occurring during lockdowns?</i> <p>Proposed recommendations:</p> <ul style="list-style-type: none"> ▪ Government should coordinate GBV interventions to ensure programming is extended to sexual and reproductive health rights (SRHR), sexual based violence (SGBV), and harmful cultural practices (HCP). ▪ Amend the Domestic Violence Act to ensure that it recognises other forms of violence such as verbal, economic, psychological, and emotional abuse. ▪ Always designate all GBV services (including shelters, VFUs and helplines) as essential services during the COVID-19 lockdown. |

| | | | |
|---|--|---|---|
| | | | <ul style="list-style-type: none"> ▪ Simplify procedures for women to obtain protection orders against perpetrators of GBV. ▪ Adopt measures that address the negative attitude of men towards the participation of women in politics, and to protect women in politics against violence during elections. |
| <p><u>Discrimination Against Women, Empowerment</u></p> <p>Agreed to ensure more effective enforcement of policies and legislation to address discrimination against and marginalization of women and taking legislative action to eliminate the marginalization of women from socioeconomic and political spheres and strengthen mechanisms for protection against gender-based violence.</p> | <p>Slovenia Czechia South Africa Tunisia, Sweden Syrian Arab Republic, Maldives Republic of Korea, Thailand, Mexico Japan, Guatemala Spain, Costa Rica Djibouti, Norway Bangladesh</p> | <p>Implementation Parliament has approved recent amendments to the Constitution extending the provisions of the party-list women members of the National Assembly (quota of 60 parliamentary seats)</p> <p>Challenges Although section 56 of the 2013 Constitution of Zimbabwe provides for equality and non-discrimination, GoZ has not taken adequate measures to ensure equality between men and women. Although the extension of the National Assembly quota system increases the number of women in Parliament in principle, it has done little to achieve gender equality in Parliament. Even with the quota seats, Parliament has not achieved 50% representation of women in Parliament. Women are being excluded from the section 210 direct election parliamentary seats. Women representation in elected and appointed offices currently stands as follows: Cabinet members 22.7%; National Assembly 31%, Local Government Councillors 13,3%, Diplomats 25,6%, and Judiciary 39%. Women are not adequately represented in cabinet and other key positions in government and other sectors.</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>What are the government's plans for implementing section 17 of the Constitution to achieve 50 % representation in the 210 direct election parliamentary seats?</i> <p>Proposed recommendations</p> <p>Encourage GoZ to;</p> <ul style="list-style-type: none"> ▪ Facilitate coordination of the national gender policy, availing sufficient funding to develop and implement gender equality programmes in all key sectors of society. ▪ Accelerate efforts to domesticate outstanding treaties on women's rights, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; ▪ Implement constitutional provisions requiring 50% gender representation in executive elective and appointed positions, including through amendment of legislation. |

| | | | |
|--|--|--|---|
| <p><u>Right to Health - Primary and Secondary Health-Care Infrastructure, Training of Health Personnel</u></p> <p>Supported recommendations to provide access to free, quality health-care services for all children and to upgrade primary and secondary health-care infrastructure and increase budgetary allocations to the Ministry of Health and Child Care in line with regional and international obligations.</p> | <p>Slovenia, Bangladesh, Uganda, Myanmar, Democratic People's Republic of Korea, Panama Kenya, Botswana, Ghana, Morocco Angola, Tanzania, Maldives</p> | <p>Implementation COVID-19 vaccines were readily available free of charge from February 2021 until May 2021 but have since been relatively scarce.</p> <p>Challenges The welfare of health workers – doctors, nurses and other support staff remains a concern. There have been frequent strikes, which have been met by reprisals with the government initiating disciplinary proceedings against the health workers. Dr Magombeyi led strike action in 2019 by the Hospital Doctors Association and was held incommunicado and ill-treated for 5 days before he was released.</p> <p>The health annual budget allocation has not improved. There have been allegations of corruption in the management of COVID-19 funding.</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>What is the government doing to make vaccines readily accessible?</i> - <i>What measures are being taken by the government to improve the welfare of health workers?</i> <p>Proposed recommendations Encourage the GoZ to;</p> <ul style="list-style-type: none"> ▪ Continue to strengthen the public health system by improving institutions (governance), enhancing human resource capacity and addressing infrastructure deficits. ▪ Improve the welfare of health workers to avert crippling strikes. ▪ Adopt an HRBA to public/national budgeting process ▪ Expand specialist services to district hospitals throughout the country. ▪ Invite the Special Rapporteur on the Right to Health to assess situation and make necessary recommendations. |
| <p><u>Rights to Drinking Water, Sanitation and Food</u></p> <p>GoZ accepted to undertake efforts as set out in the Sustainable Development Goals, especially those related to poverty, education, health, housing and water and sanitation.</p> | <p>Syrian Arab Republic, Bangladesh, Spain, Pakistan Uganda, New Zealand, Ethiopia, Chile, Mexico</p> | <p>Challenges Section 77 of Constitution of Zimbabwe provides for the right to food and water. However, acute lack of access to safe and readily available water in urban and rural areas remains common. Poor water service delivery in urban areas continues to expose residents to diseases and an unclean environment. The local and central government has failed to address water shortages and sewerage reticulation in high-density suburbs.</p> <p>Food aid distribution by the government in the country is often politicised especially in the rural areas where most vulnerable people live.</p> <p>Poor urban planning and regulation have led to rampant developments on wetlands, causing pollution, floods, and degradation of water sources.</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>What measures is the government of Zimbabwe taking to ensure the provision of clean and safe water?</i> <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Adopt an HRBA to budgeting and allocate sufficient funding for the provision of potable water for all in urban and rural areas. ▪ Implement all recommendations of the Special Rapporteur on the Right to Food given after her visit in 2019. ▪ Implement legislation to domesticate the Ramsar Convention and protect wetlands. ▪ Invite the United Nations Special Rapportuer on the Right to Drinking Water and Sanitation |
| <p><u>Right to Education-Free, Compulsory Primary Education</u></p> <p>GoZ undertook to ensure a</p> | <p>Slovenia, Israel Bangladesh, Morocco, Armenia Belarus, Kenya,</p> | <p>The GoZ amended section 64 of the Education Act in 2020. It now provides for free and compulsory primary education. The law further provides for free sanitary ware for girls to keep them in schools and outlaws corporal punishment in schools. Although the</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>Is there a National Action plan to implement free and compulsory education?</i> - <i>What are the measures being put in place to ensure that children from marginalised communities get access to education during</i> |

| | | | |
|---|--|--|--|
| <p>free and compulsory primary education by implementing the Education Act.</p> | <p>Democratic People's Republic of Korea, South Sudan, Bolivarian Republic of Venezuela, Turkey, Iraq, Panama, China</p> | <p>Constitution of Zimbabwe provides that the state must take all practical measures to promote free and compulsory basic education for children, and higher and tertiary education, the introduction of the 2020 amendments have not led to improved attendance of girl children in schools</p> <p>Challenges There are no policy measures in place to implement free and compulsory education.</p> <p>COVID-19 pandemic has disrupted access to learning for at least 4.6 million children in Zimbabwe. It has deepened existing vulnerabilities and inequalities, especially for girls, children with disabilities, those in rural areas, orphans, as well as those from low-income households. The lack of school activity has deprived affected children of the opportunity to continue with their education, and increased reported cases of child marriages and this have affected girl children.</p> <p>Although there was the introduction of e-learning to mitigate the effects of the pandemic, many children have no internet access and those who have access barely afford the exorbitant bandwidth costs</p> <p>Teacher strikes against low salaries and the rapidly depreciating local currency have forced educational institutions to increase fees beyond the reach of many families thereby resulting in increased dropout rates, The strikes have also disrupted learning.</p> | <p><i>the COVID-19 pandemic?</i></p> <p>Proposed recommendations Encourage GoZ to;</p> <ul style="list-style-type: none"> ▪ Take measures to implement genuine and comprehensive free and compulsory primary education. ▪ Seek international assistance to provide the infrastructure that support online learning during the COVID-19 pandemic especially for rural schools. ▪ Adopt measures for sustainable funding to improve teachers' working conditions to stop the brain drain and retain critical skills. |
| <p><u>Persons With Disabilities, Inclusive Education, Access to Public Buildings</u></p> <p>Accepted to promote the rights of persons with disabilities and to strengthen social inclusion measures, in particular for persons with physical disabilities.</p> | <p>Slovenia Israel Mexico Panama Angola</p> | <p>The government of Zimbabwe is drafting a law to domesticate the Convention on the Rights of Persons with (UNCRPD) but it is not yet public. The new law will repeal the Disabled Persons Act and other outdated legislation on disability.</p> <p>Challenges Currently there is no plan in place with timelines within which the infrastructure should be availed for pupils with a disability to access education in equality with others. Access to public buildings by persons with disabilities (PWDs) remains constrained as the policy on access only covers persons with mobility challenges. Those with other impairments, such as visual, are unable to access public buildings without assistance.</p> | <p>Suggested questions</p> <ul style="list-style-type: none"> - <i>Are there timelines for the enactment of legislation domesticating the UNCRPD?</i> - <i>What measures is the GoZ government implementing to provide suitable infrastructure for use by persons with disabilities?</i> <p>Suggested recommendations Encourage the GoZ to;</p> <ul style="list-style-type: none"> ▪ Expedite the enactment of the law domesticating the UNCRPD in consultation with PWDs and their organisations. ▪ Take clear steps to ensure the progressive realisation of school infrastructure that supports genuine inclusive education in all schools, for children with disabilities especially rural public schools. |

| | | | |
|---|--|---|---|
| | | | <ul style="list-style-type: none"> ▪ Make information available in the appropriate format to PWDs especially regarding measures to prevent the spread of the COVID-19 virus and its mutation. ▪ Adopt a national action plan to implement the National Disability Policy. |
| <p><u>Rights of sexual minorities</u></p> <p>Recommendations were noted on ending discrimination based on actual or perceived sexual orientation and also criminalising sexual minorities.</p> | <p>Israel Brazil Canada Uruguay Spain France Italy Argentina Chile Czechia</p> | <p>Implementation</p> <p>Since Zimbabwe’s last Universal Periodic Review (UPR), incidents of human rights violations against LGBTI persons have decreased in number. This is due, in part, to the paradigm shift the nation witnessed with the end of Robert Mugabe’s decades-long presidency. Nevertheless, oppressive structural and societal barriers towards realizing the rights of LGBTI persons remain in various areas. Under President Mnangagwa’s administration, an opportunity has been presented for comprehensive protection of LGBTI persons in the country.</p> <p>Challenges</p> <p>In the previous cycle Zimbabwe received 11 SOGIESC recommendations, sadly the government merely noted these recommendations. Laws directly discriminate against persons based on their real or imputed sexual orientation. These include:</p> <ol style="list-style-type: none"> a. Section 73 of the Criminal Law (Codification and Reform) Act [Chapter 9:23], which criminalizes consensual same-sex sexual relations regardless of the age of the persons involved, and imposes a penalty of up to one-year imprisonment and/or a fine b. Section 14(1)(f) of the Immigration Act [Chapter 4:02], which classifies “homosexuals” as prohibited persons, and sections 17(1) and 18(1)-(2) of the same Act, which ban prohibited persons from entering or remaining in the country, and empower immigration officers to ban persons from entering the country or to deport them based on their actual or imputed sexual orientation c. Section 78 of the Constitution, which restricts marriage rights to heterosexual relationships. | <p>Suggested questions</p> <ul style="list-style-type: none"> - What mechanisms has Zimbabwe put in place to prevent and monitor stigma, discrimination, and lack of justice for LGBTI persons? - Does the state of Zimbabwe allow for trans and intersex individuals to change gender markers assigned at birth to align with their gender identity and if so, what are the provisions, processes and frameworks for this process? - What efforts is the Zimbabwe Government making to ensure that the Ministry of Health is supporting other ministries such as Home Affairs, Justice and Education in working with LGBTI communities in Zimbabwe. - What efforts is the Zimbabwe Government making to eradicate violence, including monitoring abuse of LGBTI people in Zimbabwe. <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Repeal the crime of sodomy as fully described under section 73 Criminal Code and Reform Act, 2006, to ensure that same-sex activity between consenting adults is not subject to criminal sanctions. ▪ Repeal all laws and policies which discriminate against LGBTI persons and amend laws to effectively combat discrimination against LGBTI persons to ensure their rights and fundamental freedoms are safeguarded. ▪ Adopt urgent measures to make progress on the elimination of all forms of discrimination, stigmatisation and violence against people on the basis of their real or perceived sexual orientation and gender identity and to promote the respect of the rights of all persons by society ▪ Take proper measures to ensure that the National Human Rights |

| | | | |
|---|---|--|--|
| | | | <p>Commission is fully aligned with the Paris Principles relating to the Status of National Institutions.</p> <ul style="list-style-type: none"> ▪ Legislation to allow the change of gender markers on government issued documentation in line with human rights principles. ▪ Take adequate steps to protect intersex minors from bodily harm, non-consensual surgeries and violation of bodily integrity. ▪ In line with SDG3 and the goal to achieve universal health coverage (UHC) ensure public medical facilities offer gender affirming services including hormonal therapy for transgender persons. |
| <p>Domestic Violence</p> <p>Collect and analyse disaggregated data on domestic violence to better understand prevailing trends, assess effectiveness of measures in place and consolidate mechanisms to protect women against all forms of violence.</p> | <p>South Africa Angola Morocco</p> | <p>GoZ collates information on victims of domestic violence seeking assistance from the police (In 2011 and 2012 the Zimbabwe Republic Police received reports of domestic violence totalling 21894)</p> <p>Challenges</p> <p>There are inadequate protection mechanisms for survivors of domestic violence, with nine shelters for women experiencing violence run by one NGO. The national budget allocates inadequate funds to the Victim Friendly system within courts.</p> | <p>Suggested question</p> <p>- <i>What measures will Zimbabwe take to incrementally address the root causes of domestic violence;</i></p> <p>Proposed recommendations</p> <p><i>Encourage the GoZ to;</i></p> <ul style="list-style-type: none"> ▪ Government should coordinate gender based violence (GBV) interventions to ensure programming is extended to Sexual and Reproductive Health Rights (SRHR), Sexual Based Violence (SGBV), and Harmful Cultural Practices (HCP). ▪ Amend the legal framework to ensure that it recognises other forms of violence such as verbal, economic, psychological and emotional abuse. ▪ Designate all GBV services (including shelters, VFUs and helplines) as essential services at all times during the lockdown. ▪ Simplify procedures for women to obtain protection orders against perpetrators of GBV. ▪ Adopt measures that address the negative attitude of men towards the participation of women in politics, and to protect women in politics against violence during elections. ▪ Provide adequate resources for implementation of the Domestic Violence Act. |
| <p>(Elections)</p> | <p>(New Zealand, Ireland France South Africa,</p> | <p>GoZ noted recommendations to take immediate steps to reform electoral processes and legislation in line with international standards and address concerns on independence of the Zimbabwe Electoral Commission (ZEC) and accuracy of the voters' roll. GoZ and it also noted recommendation to investigate all credible allegations of torture, arbitrary detentions</p> | <p>Suggested question</p> <p>- <i>What measures will be taken to create a conducive electoral environment that enables free participation in electoral processes by all citizens and political parties?</i></p> |

| | | | |
|-----------------|--|---|--|
| | Canada) | <p>and enforced disappearances during 2008 elections.</p> <p>Challenges Outcome of 31 July 2018 elections was contested, as recommendations on ZEC were not implemented. Protest over the release of election results occurred on 1 August 2018. The police and the military opened fire on unarmed civilians and shot and killed at least 6 people. The protests over the release of results followed the lack of trust in ZEC as this election management body remains unreformed. Hate speech remains prevalent. The Electoral Act has not been adequately aligned with the 2013 Constitution.</p> <p>Although many vacancies have arisen in the national assembly, local government and senate as a result of death, recalls of members of parliament, ZEC has not conducted any by elections, depriving the electorate of representation in parliament.</p> | <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Completely align the Electoral Act with the Constitution of Zimbabwe. ▪ Prioritise adequate funding for ZEC for proper administration of electoral processes; ▪ Increase transparency of all ZEC processes to boost citizens and stakeholders confidence. ▪ Implement all recommendation proffered by the 2018 harmonised elections observer missions to Zimbabwe. ▪ Establish an inclusive, credible platform/ taskforce/ committee (political parties, civil societies, government, institutions supporting democracy add faith based organisations) with oversight role on implementation of electoral reforms. ▪ Put in place mechanisms to enable the Diaspora and prisoners to enjoy the right to vote. |
| (Mining) | (Canada United States of America, Belgium) | <p>GoZ noted recommendations requiring it to take concrete steps to comply fully with the minimum standards of the Kimberly Process and create stronger mechanisms to ensure greater revenue transparency from diamond mining. It further noted recommendations to put an end to human rights violations in Marange.</p> <p>Challenges All rights to minerals are vested in the President. The Mining Affairs Board and the Mines and Mining Development Ministry review license applications and the President approves them. Major companies often negotiate contract terms directly with the government, and industry representatives (including officials of state-owned companies) sit on the Mining Affairs Board, compromising its independence. National law requires that licensing decisions be made in the "national interest". The "national interest" clause has been used to frustrate normal bidding process and award mining licenses in an opaque manner. Contracts are signed in secret. The Mines and Minerals Act does not permit adequate public participation in the granting of prospecting licenses and mining permits. It lacks transparency and accountability. They have attended meetings with EITI and invited the EITI to Zimbabwe but GoZ is yet to join the process.</p> <p>There are many documented human rights violations perpetrated by Chinese companies.</p> | <p>Suggested question</p> <ul style="list-style-type: none"> - <i>Does Zimbabwe have a plan to devolve administration of mineral resources for local communities to benefit?</i> <p>Proposed recommendations</p> <ul style="list-style-type: none"> ▪ Reconsider recommendations to create stronger mechanisms to ensure greater revenue transparency from diamond (and other natural resource) mining, demilitarise the diamond industry. ▪ Explore national level or international revenues transparency and accountability initiatives ▪ Revise diamond policy to be inclusive to include community benefit ▪ Disclose any investigations done by state on cases of beatings, abuse and other reported violations by government and security services, particularly in the Marange diamond mining area. ▪ Enact a Diamond Act to reassert transparent state control and, define the framework of compensation for communities displaced by mining. ▪ Join the Extractive Industries Transparency Initiative to foster transparency in the mining sector. ▪ Benefit local communities through local services infrastructure development. ▪ Increase transparency and accounting on community ownership schemes. |

| | | | |
|--|--|--|--|
| | | | <ul style="list-style-type: none">▪ Improve the capacity of the Environmental Management Agency to effectively monitor compliance with environmental standards and mining.▪ Licence communities to undertake small scale and artisanal mining for improved livelihoods and economic rights Engage artisanal communities |
|--|--|--|--|

**LIST OF CSOS AND INDIVIDUALS THAT CONTRIBUTED TO INFORMATION FOR PRODUCTION
OF STAKEHOLDERS REPORT AND THIS ADVOCACY CHARTER**

1. African Women Leaders Network Zimbabwe
2. Anglican Relief and Development in Zimbabwe
3. Avant-Garde Youth Association
4. Batanai HIV & AIDS Service Organisation
5. Building Bridges Zimbabwe Trust
6. Bulawayo Progressive Residents Association
7. Climate Action Network Zimbabwe
8. Caritas Masvingo
9. Centre for Children with Disabilities
10. Centre for Innovation and Technology, Zimbabwe
11. Chitungwiza Residence Trust
12. Christian Legal Society, Zimbabwe
13. Climate Action Network Zimbabwe
14. Community Alliance for Human Settlements
15. Community Development Trust
16. Community Youth Development Trust
17. Community Tolerance Reconciliation and Development Trust
18. Compassion Zimbabwe
19. Concerned Youth And Young Adults Trust
20. Development trust
21. Dumiso Dabengwa Foundation
22. Ecumenical Church Leaders Forum
23. Effie Ncube (Researcher)
24. Emthonjeni Women's Forum
25. Environmental Management Trust
26. Fambidzanai Permaculture Centre
27. Farm Orphan Support trust
28. Gays and Lesbians of Zimbabwe
29. Habakkuk Trust
30. Hope alive Child Network
31. Hope Tariro Trust
32. Host Zvishavane
33. Ibhesthu-Likazulu
34. Inkanyezi Development Trust
35. Institute for Gender Justice and Inclusive Development Trust
36. Institute for Public Policy Analysis and Implementation
37. Institute of Gender and Justice
38. Jointed Hands Welfare
39. Kariba United Residence Association
40. Kwayedza
41. Lower Guruve Development Association
42. Mapako Trust
43. Masakhaneni Trust
44. Mashambanzou Care Trust
45. Masvingo Association of Residential Care Facilities Trust (MARCFT)
46. Masvingo Centre For Research
47. Medical Assist Network Trust
48. Multiple Therapies Trust
49. National Association of Non-Government Organisations
50. National Council for the Welfare of Children
51. National Youth Development Trust
52. Patsaka Trust
53. Peace Building and Capacity Development Foundation
54. Qazabadlulayo Women and Girls foundation
55. Quadriplegics and Paraplegics Association of Zimbabwe
56. Real Agenda For Youth Transformation Trust
57. Smile Action International
58. Southern Africa Human Rights Defenders Network
59. South Western Region Gender Network
60. Space for Marginalised Groups in Diversity in Zimbabwe Trust

61. Teach for Zimbabwe
62. Together As One
63. Tose Respite Care Home
64. Transparency International Zimbabwe
65. Tree of Life
66. Ukuthula Trust
67. Victory Siyanqoba Trust
68. Women and Law in Southern Africa
69. Women's Institute for Leadership Development
70. Women's Coalition of Zimbabwe
71. Women in Politics Support Unit
72. Women's Academy for Leadership and Political Excellence
73. Women's Media Development Foundation
74. Young Women Christian Association in Zimbabwe
75. Youth Empowerment Satellite Organisation
76. Youth Essence
77. Zimbabwe Christian Alliance
78. Zimbabwe Community Health Intervention Research
79. Zimbabwe Congress of Trade Unions
80. Zimbabwe Election Support Network
81. Zimbabwe Environmental Lawyers Association
82. Zimbabwe European Network
83. Zimbabwe Human Rights NGO Forum
84. Zimbabwe Lawyers for Human Rights
85. Zimbabwe National Council for the Welfare of Children
86. Zimbabwe Peace Building Trust
87. Zimbabwe Reveal for Generations trust
88. Zimbabwe Women's Bureau

