

**United Nations Human Rights Council  
Universal Periodic Review of the Republic of Zimbabwe**

**I. Background**

1. Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Republic of Zimbabwe as a contribution to the Universal Periodic Review.

**II. Scope of international obligations and cooperation with international human rights mechanisms and bodies**

2. Zimbabwe has ratified the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.
3. Zimbabwe has not ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Recommendation(s)**

Jubilee Campaign urges the state of Zimbabwe to:

4. Ratify the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the international Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

**III. Violations of international human rights obligations, considering applicable international humanitarian law**

## **A. Freedom of thought, conscience, and religion; freedom of opinion and expression**

5. Article 60 of Zimbabwe's Constitution of 2013 states that every citizen has the "right to freedom of conscience", including that of "thought, opinion, religion or belief"; this freedom also includes the freedom to practice, propagate, and teach such conscience.<sup>1</sup>
6. Article 42 of Zimbabwe's Criminal Law (Codification and Reform) Act of 2005 includes a section criminalizing acts of blasphemy, including "causing offence to persons of a particular race, religion, etc." More specifically, "any person who publicly makes any insulting or otherwise grossly provocative statement that causes offence to persons of a particular race, tribe, place of origin, colour, creed or religion, intending to cause such offence or realizing there is a real risk or possibility of doing so, shall be guilty of causing offence to persons of a particular race, tribe, place of origin, colour, creed or religion, as the case may be, and liable to a fine not exceeding level six or imprisonment for a period not exceeding one year or both."<sup>2</sup>
7. The Zimbabwean government has been reported to crack down on religious communities that are critical of its actions, as is standard regarding the government's treatment of political dissidents and demonstrators.
8. Numerous human rights and civil society organizations have reported that the Zimbabwean authorities have applied the 2002 Public Order and Security Act (POSA) to crack down on religious gatherings which they often deem "political". In 2019, the new government administration replaced the POSA with the Maintenance of Peace and Order Act (MOPA), which has been applied similarly.<sup>3</sup>

### **Recommendation(s)**

Jubilee Campaign urges the Republic of Zimbabwe to:

9. Repeal Article 42 of Zimbabwe's Criminal Law (Codification and Reform) Act of 2005 criminalizing blasphemy.

## **B. Freedom of opinion and expression**

10. Zimbabwean opposition politician Jacob Ngarivhume, who was charged for his major role in organizing the July 2020 anti-corruption protest – which was swiftly shut down by armed national police forces and soldiers – was finally granted bail in September 2020 after three failed attempts.<sup>4</sup> In May 2021, Ngarivhume was arrested once again for holding a suburb cleaning-up

<sup>1</sup> *Constitution of Zimbabwe Amendment (No. 20) Act, 2013*, 22 May 2013.

<sup>2</sup> *Zimbabwe: Criminal Law (Codification and Reform) Act*, Chapter 9:23, 3 June 2005.

<sup>3</sup> Aid to the Church in Need, *Religious Freedom in the World Report 2021: Zimbabwe*, 2021.

<sup>4</sup> Al Jazeera, "[Zimbabwean protest leader freed on bail in fourth attempt](#)", 2 September 2020.

exercise in Mbare to pick up litter, an event that authorities rejected the application for because he had allegedly “waved placards with political messages in a previous clean up exercise”. No formal charges were raised against Ngarivhume regarding this incident, yet he was arbitrarily detained.<sup>5</sup>

11. Zimbabwean journalist Hopewell Chin’ono has been arrested thrice over the past year for his work exposing corruption among government ministers and for his Tweets critical of the government and other state actors. In August 2020, Chin’ono was arrested and charged with allegedly “inciting violence” regarding the July 2020 anti-government protest; he was granted bail by September. In November 2020, Chin’ono’ was arrested again for “breaking bail conditions” by Tweeting about an upcoming court case; he was also charged with “obstruction of justice”. Chin’ono was released once again, but re-arrested in January 2021 for Tweeting about an incident in which a Zimbabwean police officer physically assaulted and killed a child; Chin’ono was charged with “communicating falsehoods”.<sup>6</sup> Fortunately, in April 2021, the high court of Zimbabwe dismissed his most recent charge as it was pursuant to a former criminal code section that was repealed in 2014.<sup>7</sup>
12. In August 2020, the Zimbabwe Catholic Bishops’ Conference (ZCBC) published a public letter highlighting “the convergence of economic collapse, deepening poverty, food insecurity, corruption and human rights abuses among other crises in urgent need of resolution.”<sup>8</sup> The letter, which was critical of the Zimbabwean government’s corruption – which has caused a decline in the national justice system – and involvement in human rights violations against pro-democracy protesters and political dissidents, was rejected by the Zimbabwean government which alleged it had taken offense to the statements made. The Justice Minister of Zimbabwe, Ziyambi Ziyambi, called the letter “disrespectful” and claimed that the ZCBC were “detractors of our country” with a “nefarious agenda”.<sup>9</sup> Moreover, Zimbabwe’s Minister of Information, Monica Mutsvangwa, publicly insulted the Archbishop of Harare, Robert Christopher Ndlou, by calling him “evil-minded”.<sup>10</sup>

## **Recommendation(s)**

Jubilee Campaign urges the Republic of Zimbabwe to:

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<sup>5</sup> Costa Nkomo, “BREAKING: Jacob Ngarivhume Arrested For Picking Litter In Mbare”, *New Zimbabwe*, 4 May 2021.

<sup>6</sup> Columbus Mavhunga, “Prominent Zimbabwe journalist Hopewell Chin’ono arrested for the third time in six months”, *CNN World*, 8 January 2021.

<sup>7</sup> Agence France-Presse, “Zimbabwe court quashes charges against journalist Hopewell Chin’ono”, *The Guardian*, 28 April 2021.

<sup>8</sup> Zimbabwe Catholic Bishops’ Conference (ZCBC), “The March Is Not Ended – Pastoral Letter Of The Zimbabwe Catholic Bishops’ Conference On The Current Situation In Zimbabwe”, 14 August 2020.

<sup>9</sup> Nyasha Chingono, “Catholic bishops in Zimbabwe speak out for first time on human rights abuses”, *The Guardian*, 24 August 2020.

<sup>10</sup> Andrew Mambondiyani, “Zimbabwe government savagely attacks Catholic bishops”, *The Tablet*, 17 August 2020.

13. Cease the practice of arbitrarily detaining and baselessly condemning political dissidents and religious leaders that are exercising right to freedom of expression guaranteed under Article 61 of Zimbabwe’s Constitution of 2013.

### **C. Gender-Based Violence (GBV), Violence against Women and (VAW), & Intimate Partner Violence (IPV)**

14. In a July 2020 report that combined the data of five NGOs operating on the ground in Zimbabwe – Musasa, Real Opportunities for Transformation Support (ROOTS), Adult Rape Clinic (ARC), Women and Law in Southern African (WLSA), and the Zimbabwe Women’s Lawyers Association (ZWLA) – found that between the months of April and May 2020, there was a 38.5% increase in reports of gender-based violence (GBV) and violence against women (VAW) in Zimbabwe. More specifically, physical GBV/VAW increased by 43.8%, emotional GBV/VAW rose 80.3%, and economic GBV/VAW increased by 42.4%. A large portion of all GBV/VAW was intimate partner violence (IPV), and IPV generally increased in frequency and severity during the pandemic lockdown in Zimbabwe. According to the report, “despite the access barriers to help-seeking detailed in this report, more women requested GBV support from NGOs during the COVID-19 crisis than in the preceding months. The increase in help-seeking could be due to increased incidence of violence, increased severity of violence, or the inability to use alternative options for escaping violence.” The existing obstacles to eradicating, addressing, and assisting survivors of GBV/VAW/IPV include: travel restrictions against women who need to report incidents to relevant authorities; police reluctance to arrest perpetrators due to fear of COVID-19 contamination of person and prison; lack of prioritization of rape cases by the criminal justice system.<sup>11</sup>
15. The same five NGOs previously mentioned also released a report in late 2020 focusing on the secondary effects of COVID-19 on GBV/VAW/IPV in Zimbabwe. The NGO Musasa received a total of 6,200 calls reporting GBV incidents between 30 March 2020 to 27 November 2020. The most commonly reported forms of GBV included physical violence (22%), followed by economic violence (15%) and sexual violence (8%); however, the largest increase occurred in the realm of psychological violence. Other noteworthy forms of GBV/VAW – excluding IPV, which accounts for 90% of Musasa’s reports – includes physical and sexual violence against women at food and water distribution centers; violence against women committed by state actors such as military and police; and child marriage as “a negative coping strategy amidst economic hardships”.<sup>12</sup>

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<sup>11</sup> Stopping Abuse and Female Exploitation (SAFE) Zimbabwe Technical Assistance Facility, *Violence Against Women and Girls during the COVID-19 Crisis in Zimbabwe: Analysis of practice-based data from Women’s Coalition of Zimbabwe*, July 2020.

<sup>12</sup> Rebekah Martin & Veronica Ahlenback, *Evidence Synthesis: Secondary impacts of COVID-19 on gender-based violence (GBV) against women and girls in Zimbabwe*, Stopping Abuse and Female Exploitation (SAFE) Zimbabwe Technical Assistance Facility, 10 November 2020.

16. Scholars Maybe Zengenene and Emy Susanti in 2019 conducted phone interviews and focus group discussions (FGD) with women in Zimbabwe to gather information on GBV/VAW. The majority of respondents reported that the two main causes of GBV/VAW in Zimbabwe were “the political environment of the day and the patriarchal culture”. Rape, for example, has been used by state and non-state actors – sometimes even men known to their victims – as a form of punishment against women who have engaged in politics.<sup>13</sup>
17. A January 2019 GBV workshop in Victoria Falls, Zimbabwe, gathered information from participants regarding their perceptions on the causes and solutions of GBV/VAW. Among the most commonly reported causes were: “lack of respect” of women and lack of women’s empowerment; alcohol use and abuse; sex work; a culture tolerant towards violence against women; and a focus on local tourism development rather than assistance for communities ravaged by GBV. Among the proposed solutions by respondents were: a GBV-prevention initiative for school curriculum; poster campaigning; and a rebalancing of gender power.<sup>14</sup>
18. A 2020 report examining trends in IPV between 2005 and 2015 revealed that 35% of women in Zimbabwe had experienced some form of physical violence as early as the age of 15; 14% reported being the victim of sexual violence at least once, and 32% of married women reported experiencing spousal emotional violence. Concurrently, 40% of women and 33% of men “accepted and justified physical chastisement of women.”<sup>15</sup>
19. In 2021 the International Commission of Jurists released a publication focusing on the heightened vulnerability of women human rights defenders (WHRDs) to GBV. WHRDs not only face a high risk of GBV in their line of work by male colleagues, but also from state actors as punishment for their work on “politically sensitive cases or issues”. WHRD survey respondents also listed the major obstacles for achieving justice regarding GBV cases, including: police do not conduct investigations in a manner that is “prompt, independent, impartial, thorough, effective and capable of leading to identification and prosecution of those responsible”; overly invasive and accusatory interrogation of female victims/survivors; lack of Victim Friendly Services (VFS); gender stereotypes regarding women can influence the adjudication of GBV cases; the undue suspicion paid by courts to the evidence in GBV cases; and more.<sup>16</sup>

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<sup>13</sup> Maybe Zengenene & Emy Susanti, “Violence against Women and Girls in Harare, Zimbabwe”, *Journal of International Women’s Studies*, Volume 20, Issue 9, December 2019.

<sup>14</sup> Emily A. Waterman, Katie M. Edwards, Evans Irvine Makoni, Laura Siller, Sharon B. Murphy, & Jennifer A. Wagman, “Zimbabwean Stakeholders’ Perspectives on Causes of and Solutions to Gender-Based Violence in Their Community: Findings From a Focus Group”, *Violence Against Women*, 2020.

<sup>15</sup> Jeanette Iman’ishimwe Mukamana, Pamela Machakanja, & Nicholas Kofi Adjei, “Trends in prevalence and correlates of intimate partner violence against women in Zimbabwe, 2005-2015”, *BMC International Health and Human Rights*, 2020.

<sup>16</sup> International Commission of Jurists, *Sexual and Gender-Based Violence in Zimbabwe: Women Human Rights Defenders’ Experiences and Legal Challenges*, 2021.

## **Recommendation(s)**

Jubilee Campaign urges the Republic of Zimbabwe to:

20. Punish all perpetrators of GBV/IPV/VAW;
21. Promote ideas of gender equality, bodily autonomy, and emphasize the illegality and inhumanity of GBV/IPV/VAW;
22. Improve GBV/IPV/VAW evidence gathering and preservation, reporting and referral mechanisms, record-keeping, victim privacy management, and witness protection; expand criminal investigation capacities;
23. Establish and promote health services and psycho-social services tailored to treat survivors of GBV/IPV/VAW and encourage incident reporting among victims and witnesses;
24. Condemn victim-blaming of and negative social stigma against survivors; similarly, condemn the perception that GBV/IPV/VAW, is commonplace, permissible, or deserved.

## **D. Violence against Children (VAC), Child Sexual Abuse (CSA), Child Neglect, & Other Rights Violations**

25. In 2019, the Zimbabwe Ministry of Health and Child Care released survey results from its 2017 Young Adult Survey of Zimbabwe: A Violence Against Children Study (VACS). The 2017 VACS revealed that 26.5% percent of girls and 26.3% of boys experience violence before the age of 18 years. 9.1% of girls experience sexual violence during their childhood, while just 1% of boys report likewise. The primary reasons for refraining from reporting incidents or seeking help were: perception that violence was not a problem (27.8%), that they did not want help (16%), or that they were embarrassed or ashamed (10%). 30.6% of female respondents who experienced childhood sexual violence had suicidal ideations following the incident. Moreover, female and male survivors of childhood sexual violence are more likely to be diagnosed with a sexually transmitted infection; experience mental disturbances; and engage in unsafe sex practices later.<sup>17</sup>
26. Childline Zimbabwe's statistics show a drastic increase in 116 Helpline calls and drop-in appointments reporting violence against children (VAC) within the past decade. In Just 2020 alone, January saw 1,235 documented VAC cases, whereas the number increased to 2,377 by August. Of all of Childline's documented cases, 31% were physical VAC, 38% were sexual VAC, 15% emotional VAC, with child marriage (9%) and child labor (7%) being less

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<sup>17</sup> Zimbabwe Ministry of Health and Child Care, *Young Adult Survey of Zimbabwe: A Violence Against Children Survey, 2017*, 2019.

frequently reported. Childline receives an average of 95,000 calls per month reporting VAC incidents, and up to 3,000 calls per day.<sup>18</sup>

27. Throughout 2020 and 2021, child prostitution became more frequent in Zimbabwe as girls – in the vacuum created by the temporary closure of schools due to COVID-19 and the high dropout rates due to expenses – began to sell sex services to men in exchange for money that they could use to feed themselves and provide for their families. The rise in child prostitution in Zimbabwe is associated with a simultaneous increase of HIV/AIDS among young age groups.<sup>19</sup>
28. ‘Voluntary’ child prostitution is the most common form of child prostitution in Zimbabwe, and it involves – as explained in the above paragraph, a child deciding to engage in prostitution in light of “no good options”. The second type, forced child prostitution, involves persuasion and coercion, and sometimes results in Zimbabwean children being trafficked into adjacent nations such as South Africa. Victims of forced child prostitution also are subjected to physical violence, death threats, and corporal punishment. Unaccompanied street children are often lured into prostitution.<sup>20</sup>
29. Disabled women and girls in Zimbabwe are at an even higher risk of experiencing sexual violence and rape, namely due to subdual by able-bodied perpetrators, and dehumanization and harmful stereotypes of disabled individuals. These victims also face obstacles to seeking justice and assistance due to lower accessibility of sexual health service; compounded negative stigmas towards disabled individuals, women in general, and victims of sexual violence; insufficient training for staffs of victim friendly services (VFS) with regards to assisting disabled survivors.<sup>21</sup>
30. In July 2021, a 19-year-old Zimbabwean girl was charged with murder after defending herself from a 40-year-old man who “aggressively demanded sex” and exposed himself to her. The girl, who used a piece of firewood to hit her assailant who fled and was found dead the following day, is due to receive her sentence on 23 July. This is despite national legislation that stipulates that if someone “genuinely and on reasonable grounds, but mistakenly, believes that he or she is defending himself or herself or another person against an unlawful attack, he or she shall be entitled to a complete or partial defence to any criminal charge.” The girl is being legally represented by the Zimbabwe Women Lawyers Association and Women and Law in Southern Africa (WLSA), both of which reiterate that the girl “acted in self-defence and did

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<sup>18</sup> Childline Zimbabwe, *Knowledge Management*.

<sup>19</sup> Jeffrey Moyo, “Hunger and poverty make young girls sell their bodies”, *Development and Cooperation*, 15 February 2021.

<sup>20</sup> Blessing Mushohwe, LLB., LL.M., “Child Prostitution in Zimbabwe and the Tragedy of the ‘Victim by Choice’ Tag: An Overview”, *University of Zimbabwe*, 2018.

<sup>21</sup> Paidamoyo Chikate, “Disabled Women in a Dictatorial regime: Sexual Assault and Disability in Zimbabwe”, *Cornerstone: A Collection of Scholarly and Creative Works for Minnesota State University, Mankato*, 2020.

not intend on committing murder”.<sup>22</sup>

### **Recommendation(s)**

Jubilee Campaign urges the Republic of Zimbabwe to:

31. Prosecute all perpetrators of child marriage, child labor, intentional child neglect, corporal punishment, and sexual violence against children;
32. Establish and promote health services and psycho-social services tailored to treat child survivors of VAC/CSA and encourage incident reporting among victims and witnesses;
33. Improve VAC/CSA evidence gathering and preservation, reporting and referral mechanisms, record-keeping, victim privacy management, and witness protection; expand criminal investigation capacities;
34. Condemn victim-blaming of and negative social stigma against survivors; similarly, condemn the perception that VAC/CSA, is commonplace, permissible, or deserved.

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<sup>22</sup> Nyasha Chingono, “Uproar in Zimbabwe as teenager who ‘fought off sexual assault’ charged with murder”, *The Guardian*, 1 July 2021.