



# General Assembly

Distr.: General  
22 July 2011

Original: English

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## Human Rights Council

Working Group on the Universal Periodic Review

Twelfth session

Geneva, 3–14 October 2011

### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

#### Zimbabwe\*

The present report is a summary of 13 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. Zimbabwe Human Rights Organisations (ZHRO), Human Rights Watch (HRW), Freedom House, International Bar Association Human Rights Institute (IBAHRI) and Amnesty International (AI) recommended ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol (OP-CAT)<sup>2</sup> and to reflect the provisions in national legislation.<sup>3</sup>
2. ZHRO encouraged the ratification of the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR-OP1 and ICCPR-OP2), the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (OP-CEDAW) and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR-OP).<sup>4</sup> Defence for Children International (DCI) recommended ratifying the two optional protocols to the Convention on the Rights of the Child (OP-CRC on the Involvement of Children in Armed Conflict AC and OP-CRC on the Sale of Children, Child Prostitution and Child Pornography).<sup>5</sup>
3. ZHRO indicated that no effective steps have been taken to ratify the United Nations Convention on the Rights of Persons with Disabilities (CRPD).<sup>6</sup>
4. ZHRO recommended ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CPED).<sup>7</sup>

### **B. Constitutional and legislative framework**

5. IBAHRI underlined that the Global Political Agreement (GPA), signed in September 2008 after the elections and providing for power-sharing between ZANU-PF and MDC contains provisions for protection of human rights.<sup>8</sup> However, the GPA expired in January 2011, before the Constitution making process was completed.<sup>9</sup> IBAHRI recommended GPA provisions are implemented and the government supports the National Constitutional Assembly so that Constitution making process can go ahead and free and fair elections can be held in the future.<sup>10</sup>
6. AI noted that the country was undergoing a constitutional review process which should lead to a new Constitution by the end of 2011.<sup>11</sup> AI indicated that the Constitution in force in Zimbabwe is that of 1979, as amended in 2009. It provides for fundamental rights and freedoms of the individual placing some limitations on the enjoyment of these 'not to prejudice the public interest or the rights and freedoms of other persons'.<sup>12</sup>
7. HRW, Freedom House and AI recommended amending or repealing laws incompatible with international human rights law, in particular the Criminal Law (Codification and Reform) Act, the Public Order and Security Act (POSA); the Miscellaneous Offences Act (MOA) and the Access to Information and Protection of Privacy Act (AIPPA).<sup>13</sup>
8. ZHRO recommended protecting economic, social and cultural rights in the Constitution.<sup>14</sup>
9. ZHRO noted that the Constitution provides for equal opportunity for women to appointments in key positions in the Zimbabwe Human Rights Commission and the Zimbabwe Electoral Commission.<sup>15</sup> ZHRO indicated that the Constitution should have

provisions requiring all state institutions to have equal employment opportunities for women.<sup>16</sup>

10. HRW noted that the press law and regulations should be aligned with international law and standards regarding freedom of expression.<sup>17</sup>

### **C. Institutional and human rights infrastructure**

11. The Zimbabwe Human Rights Commission (ZHRC) noted that Section 100R of the Constitution does not reflect an essential element of the Paris Principles, in that it fails to provide that the Commission will be an independent constitutional body.<sup>18</sup> The Commission indicated that it is expected that this will in part be remedied by a provision for a legal, though not Constitutional guarantee of such independence, to be provided in the draft Bill and finally in the Zimbabwe Human Rights Commission Act.<sup>19</sup> It recommended the expeditious finalization and enactment of an enabling law that reflects the Paris Principles and the provision of adequate funding to enable the Commission to commence operations and have the capacity to effectively execute its mandate.<sup>20</sup>

12. Zimbabwe Child Rights Organizations (ZCRO) indicated that the Department of Social Services under the Ministry of Labour and Social Services is the engine driving all social protection interventions. The country does not have an operational social protection strategic framework to ensure effective delivery of service to vulnerable people and particularly children. ZCRO recommended establishing a child friendly social protection strategic framework.<sup>21</sup>

### **D. Policy measures**

13. DCI recommended drafting a comprehensive children's law with a cohesive integrated structure and system to bring together laws, policies, procedures and protocols.<sup>22</sup> ZCRO recommended developing child-rights based policies and programmes, in compliance with the CRC's concluding observations of 1996, as well as establishing a system that guarantees availability of updated, disaggregated data on the state of children's rights.<sup>23</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

#### **1. Cooperation with treaty bodies**

14. ZHRO recommended that Zimbabwe submits regular reports to the treaty monitoring bodies.<sup>24</sup>

15. ZCRO noted that Zimbabwe has not reported to the Committee on the Rights of the Child since 1995 and has not addressed most of the issues highlighted in the Committee's concluding observations to the initial report. ZCRO urged Zimbabwe to meet its periodic reporting requirements to the Committee on the Rights of the Child.<sup>25</sup>

#### **2. Cooperation with special procedures**

16. Freedom House noted that in 2009, the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment was denied the opportunity of conducting an official fact-finding mission upon his arrival in Harare.<sup>26</sup>

IBHARI and HRW recommended issuing an invitation to the Special Rapporteur on Torture and Other Cruel Inhuman or Degrading Treatment and Punishment<sup>27</sup> with a view to developing a set of recommendations to end torture.<sup>28</sup>

17. HRW and AI recommended issuing invitations to the United Nations and African Commission's special rapporteurs on human rights defenders.<sup>29</sup>

## **B. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

18. ZHRO indicated that the Prevention of Discrimination Act penalises discrimination on the basis of gender. However, gender equality is not fully guaranteed in the Bill of Rights.<sup>30</sup> The right of women to be guardians of their children is not recognised. Women are not guaranteed of getting a fair share of property upon divorce when they are part of unregistered customary marriages.<sup>31</sup> ZHRO recommended that parental rights of women to guardianship of children be recognized in the Constitution and that marriage laws to prevent discrimination of women married under customary law be harmonised.<sup>32</sup>

19. According to ZHRO, another area of concern is the continued discrimination of sexual minorities.<sup>33</sup> ZHRO recommended that non-discrimination provisions in the Constitution be absolute and fully implemented as they relate to sex, race, origin and other grounds with no limitations.<sup>34</sup>

### **2. Right to life, liberty and security of the person**

20. ZHRO noted that section 12 of the Constitution of Zimbabwe and section 20 of the Criminal Law Codification and Reform Act recognise the imposition of the death penalty in some criminal offences.<sup>35</sup>

21. AI reported that it has documented unlawful killings, torture and other ill-treatment of human rights defenders and political activists affiliated to the Movement for Democratic Change (MDC) in the run up to the second round of the presidential election between March and July 2008.<sup>36</sup> AI is concerned that despite having undertaken to reform state institutions, including the security organizations, under article 13 of the GPA, no such measures have been taken more than two years after the Government of National Unity (GNU) was formed.<sup>37</sup>

22. HRW reported on diamond-smuggling, corruption and widespread human rights abuses including killings, torture, beatings and child labour in the Marange diamonds fields in eastern Zimbabwe.<sup>38</sup> It recommended demilitarizing the diamond industry, launching an impartial and independent investigation into alleged human rights abuses, smuggling of diamonds and corruption, and putting in place mechanisms to ensure greater revenue transparency from diamond mining, ensuring that the Marange community benefits directly from the mining of diamonds in their area.<sup>39</sup>

23. HRW noted that torture and other ill-treatment of activists by police and members of Zimbabwe's intelligence services remain a serious problem.<sup>40</sup> In some cases torture is an element of coercive interrogations, while in others, it is used as a form of punishment.<sup>41</sup> HRW recommended conducting prompt, thorough and impartial investigations into all credible allegations of arbitrary arrest and detention; excessive use of force; torture and cruel, inhuman, and degrading treatment by police and other state agents.<sup>42</sup>

24. ZHRO noted that there was a limited prohibition of cruel, inhuman and degrading treatment and torture in section 15 of the Constitution.<sup>43</sup> There is no criminalisation of

torture in the Criminal Code or other laws that regulate the conduct of state security actors.<sup>44</sup> ZHRO noted that women have also been subjected to enforced disappearances and torture.<sup>45</sup>

25. AI reported that it has documented numerous human rights violations by the Law and Order Section of the Zimbabwe Republic Police at Harare Central and Bulawayo Central police stations.<sup>46</sup> AI expressed concern about the targeting by state security agents of human rights defenders involved in documentation of human rights violations and campaigning for accountability for past human rights violations.<sup>47</sup>

26. IBAHRI noted numerous reports of arrests and excessive use of force by the police.<sup>48</sup> AI, ZHRO indicated that the Criminal Procedure and Evidence Act (CPEA) and the Police Standing Orders regulate instances of arrests and minimum treatment of detainees.<sup>49</sup> ZHRO indicated that the security of persons is compromised due to the existence of other informal security actors (militias, war veterans) who harass and intimidate citizens during electoral periods.<sup>50</sup> ZHRO noted that selective application of the criminal laws has resulted in some known perpetrators not being arrested.<sup>51</sup> ZHRO recommended that a guarantee on security of the person be enshrined in the Constitution.<sup>52</sup>

27. Freedom House expressed concern over the treatment of prisoners and detainees on the basis of their political beliefs.<sup>53</sup> Freedom House noted that security forces abuse citizens with impunity, often ignoring basic rights regarding detention, searches and seizures. It further noted that pre-trial detention is a problem, with some inmates held for over 10 years without trial.<sup>54</sup>

28. IBAHRI reported that arrest and detention of gay-rights activists are politically motivated.<sup>55</sup>

29. ZHRO reported that cases of domestic violence continued to be reported. Between 2009 and 2010, 10,115 cases of domestic violence were recorded.<sup>56</sup> Violence against women perpetrated by other non-state actors in the form of political violence also persists. Since 2007, at least 15,105 women have been affected by political violence.<sup>57</sup> ZHRO recommended setting up administrative structures at all police stations to deal with cases of violence against women and to introduce training on the DVA for the police and judicial officers.<sup>58</sup> ZHRO recommended embarking on a nationwide campaign to raise awareness on the negative impact of political violence against women.<sup>59</sup>

30. ZHRO indicated that there are no laws that criminalise trafficking in persons in Zimbabwe.<sup>60</sup> ZHRO recommended penalising trafficking in the criminal laws and to develop policies for the repatriation of victims of trafficking together with administrative structures.<sup>61</sup>

31. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment is lawful in the home.<sup>62</sup> The Constitution (1979, as amended 1990) allows “moderate” corporal punishment “in appropriate circumstances upon a person under the age of eighteen years by his parent or guardian or by someone in *loco parentis* or in whom are vested any of the powers of his parent or guardian” (article 15). The Criminal Law (Codification and Reform) Act (2004) states in article 241 that “(2) (a) a parent or guardian shall have authority to administer moderate corporal punishment for disciplinary purposes upon his or her minor child or ward”.<sup>63</sup> GIEACPC further indicated that corporal punishment is lawful in schools, for boys, under article 241 of the Criminal Law (Codification and Reform) Act, article 15 of the Constitution, and article 66 of the Education Act (2004).<sup>64</sup>

32. ZCRO noted that legislation and systems set to protect children from sexual abuse fall short when it comes to implementation.<sup>65</sup> ZCRO recommended ensuring that all police

stations have established Victim Friendly Units that are adequately resourced and staffed with personnel trained to work with children and communities in a child-friendly manner.<sup>66</sup>

33. DCI noted that Zimbabwe's Children Protection and Adoption Act (CPAA) prohibits exposure of children to hazardous and harmful conditions, and using them for begging purposes. However, because of abject poverty, the employment of children on farms and plantations, in street trading and as beggars was rife and often went on with the 'knowledge, encouragement or instruction of the parents'.<sup>67</sup>

### **3. Administration of justice, including impunity, and the rule of law**

34. ZHRO reported that the right to a fair trial and pre-trial rights of people accused of committing criminal offences are recognised in the Constitution and other laws, such as the CPEA.<sup>68</sup> In this regard, arrests of lawyers in course of their duties of representing human rights defenders who had been arrested remained problematic.<sup>69</sup> Human rights lawyers have also been denied access to their clients.<sup>70</sup> ZHRO recommended recognizing the role of lawyers in the laws and that their security be guaranteed.<sup>71</sup> Likewise, the Law Society noted that at times, the work of human rights lawyers has been compromised due to threats to their security in the form of arrests, harassment and other attacks by state and non-state actors. The Law Society recommended that the government upholds the 1990 UN Basic Principles on the Role of Lawyers.<sup>72</sup>

35. ZHRO indicated that the independence of judicial officers presiding over the courts has been questionable.<sup>73</sup> ZHRO recommended that the judicial independence be guaranteed through an appointment process by an independent Judicial Service Commission constituted through a consultative process with stakeholders in the justice delivery.<sup>74</sup> IBAHRI recommended that the Judicial Service Commission be entirely independent of the Executive as to both its membership and its financing.<sup>75</sup>

36. IBAHRI recommended that the Attorney General and his representatives discharge their duties fairly and impartially and that the practice of automatic opposition to bail, so as to secure a further seven days' detention, under section 121 of the Criminal Procedure and Evidence Act is ended.<sup>76</sup>

37. AI expressed concern about the lack of accountability by members of the security forces for human rights violations against human rights defenders and perceived opponents of ZANU-PF party.<sup>77</sup> IBAHRI recommended that impunity for acts of violence committed during the 2008 elections be investigated.<sup>78</sup>

38. HRW recommended adopting legislation to qualify, or completely nullify, past clemencies and amnesties involving perpetrators of serious human rights abuses. These include the Clemency Order (1) of 18 April 1988, the Clemency Order (1) of 1995, and the Clemency Order (1) of 2000.<sup>79</sup> ZHRO recommended criminalizing torture and enforced disappearances in the Criminal Code.<sup>80</sup>

39. Freedom House recommended that all political prisoners held for their political belief and anyone who is neither a threat to national security nor an advocate of violence be immediately released and that individuals responsible for torture and abuse of prisoners are brought to justice and victims compensated.<sup>81</sup> AI recommended to ensure that police allow all detainees, including human rights defenders, access to their lawyers, medical care, food and other needs.<sup>82</sup>

40. ZCRO reported that Zimbabwe promulgate laws in order to promote and respect the rights of children in conflict with the law.<sup>83</sup> Despite the availability of statutes to regulate the juvenile justice system, the challenge has been that judges have not been applying the protections provided for in the provisions. Consequently, some children have had to go through the rigorous process of trial. The other challenge is the use of corporal punishment

as a form of sentence.<sup>84</sup> DCI reported that the system does not provide free legal services to juveniles whose parents or guardians lack the means to engage a lawyer.<sup>85</sup> DCI recommended improving the juvenile justice system and ensuring juveniles the right to legal assistance.<sup>86</sup> DCI recommended adopting a comprehensive children's law with 'a cohesive integrated all-embracing structure and system to bring together related laws, policies, procedures or protocols.'<sup>87</sup>

41. GIEACPC noted that the Constitution allows corporal punishment "in execution of the judgment or order of a court, upon a male person under the age of eighteen years as a penalty for breach of any law".<sup>88</sup> The Criminal Procedure and Evidence Act lists corporal punishment as an available sentence for boys convicted of any offence and prescribes how this is to be carried out. The Prisons Act also prescribes how a sentence of corporal punishment should be carried out. Corporal punishment is lawful as a disciplinary measure in penal institutions under article 15 of the Constitution and article 241 of the Criminal Law (Codification and Reform) Act.<sup>89</sup> GIEACPC further noted that corporal punishment is lawful in the alternative care settings under the Constitution and the Criminal Law (Codification and Reform) Act.<sup>90</sup>

#### **4. Right to privacy, marriage and family life**

42. ZHRO recommended outlawing child marriages in the Marriages Act.<sup>91</sup>

43. ZCRO estimated that in 2009, 45 per cent of children under five in urban areas and 70 per cent in rural areas did not have birth certificates.<sup>92</sup> ZCRO recommended amending the Births and Deaths Registration Act to ensure that all children born in Zimbabwe, regardless of parents' origin, are issued with birth certificates,<sup>93</sup> to decentralise birth registration to all the districts and to introduce information communication technology to enhance documentation of births and record keeping.<sup>94</sup> ZHRO recommended that the law recognizes equality of women's right to register their children births without the assistance of males,<sup>95</sup> and that Zimbabwean men or women who marry foreigners be allowed to maintain their Zimbabwean citizenship to prevent occurrence of incidents of statelessness.<sup>96</sup>

44. ARC International, ILGA and ILGA-Europe recommended that the Human Rights Council urge Zimbabwe to bring its legislation into conformity with its commitment to equality and non-discrimination, and its international human rights obligations, by repealing all provisions which may be applied to criminalize sexual activity between consenting adults.<sup>97</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life**

45. HRW recommended repealing or amending laws that infringe on journalists' right to freedom of expression, such as the Access to Information and Protection of Privacy Act, the Broadcasting Services Act and the Public Order and Security Act.<sup>98</sup>

46. HRW, AI, IBAHRI and ZHRO expressed concerns over restrictions on freedom of the press and the media.<sup>99</sup> IBAHRI noted that with the GPA having expired and the President calling for elections before the constitutional making process has been completed, political allegiance and dissent is being stifled.<sup>100</sup>

47. ZHRO noted that the Criminal Law Codification and Reform Act (Criminal Code) creates the crime of criminal defamation and other vague offences in the form of insult laws (insulting the Office of the President) and communicating falsehoods.<sup>101</sup> IBAHRI indicated that although amendments have been made to the Access of Information and Protection of Privacy Act and the Broadcasting Services Act, defamation laws still exist and are heavily utilised.<sup>102</sup> ZHRO noted that the Interception of Communication Act gives government power to monitor communications without restrictions.<sup>103</sup> HRW recommended repealing or

amending all national legislation that is incompatible with international human rights law and standards including the African Charter on Human and People's Rights.<sup>104</sup>

48. ZHRO noted that there continues to be close regulation of non-governmental organizations by the introduction of the Private Voluntary Organisation Act (PVO).<sup>105</sup>

49. AI reported that the rights to freedom of expression, association and peaceful assembly have been curtailed, including through the use of repressive legislation, mainly the Public Order and Security Act (POSA).<sup>106</sup> Human rights defenders have been arbitrarily arrested and unlawfully detained for prolonged periods beyond 48 hours prescribed by law.<sup>107</sup> Others have been charged under the POSA or the Criminal Codification Reform Act for engaging in peaceful protest. While in police custody some of them report having been subjected to torture, inhuman or degrading treatment.<sup>108</sup> AI reported that violations against human rights defenders in police custody often have specific gender manifestations and a gender specific impact on women defenders.<sup>109</sup> AI further reported that it has witnessed and documented incidents of unwarranted surveillance of the activities of human rights defenders by police and intelligence services.<sup>110</sup> ZHRO and AI recommended repealing POSA and criminal code provisions that restrict freedom of assembly.<sup>111</sup>

50. Zimbabwe Election Support Network (ZESN) indicated that the Constitution needs to clearly provide the framework for the Election Management Body's functions, capacity and autonomy.<sup>112</sup> ZHRO noted that no independent Electoral Court exists to deal with election petitions, as the composition of the High Court which seats as the electoral court is highly compromised.<sup>113</sup> ZHRO recommended that the Constitution unequivocally provides that everyone must respect legitimate results and allow for transfer of power.<sup>114</sup> ZHRO recommended establishing an independent Electoral Court to speedily determine electoral disputes.<sup>115</sup> ZESN highlighted that Zimbabwe needs an electoral system that is sensitive to issues of gender disparity in key positions of political authority and minority population. Person with disabilities should be able to participate in elections as voters, candidates and election administrators.<sup>116</sup>

51. ZESN noted that all electoral officials need assurance from the Government and all its departments that they are guaranteed of their security before, during and after an election.<sup>117</sup> HRW recommended ensuring that allegations of violence committed by police officers intelligence officers and political party supporters during elections are investigated and accused persons brought to trial.<sup>118</sup>

## **6. Right to work and to just and favourable conditions of work**

52. ZHRO expressed concern over the deterioration of the employment market as a result of the implementation of the 2008 Indigenisation and Economic Empowerment Act.<sup>119</sup> ZHRO recommended supporting the creation of informal businesses and conducting consultation prior to enacting legislations that negatively impact on livelihoods.<sup>120</sup>

## **7. Right to social security and to an adequate standard of living**

53. JS1 recommended establishing a child friendly social protection strategic framework for effective service delivery.<sup>121</sup> DCI suggested establishing community centres for parents and children to converge and deal with a variety of social problems.<sup>122</sup>

54. ZHRO noted that the right to health care is not protected in the Constitution and that there are no specific laws or policies dealing with maternal health care.<sup>123</sup> The right to adequate standard of living has also been affected by the poor state of the determinants of health – among them access to safe and potable water, basic sanitation, housing, food and nutrition and timely/appropriate health care. This resulted in the cholera outbreak between 2008 and 2009 with all ten of the country's provinces having been affected.<sup>124</sup> To date, Zimbabwe continues to suffer from acute water shortages and burst sewer pipes with little



being done to rehabilitate the water infrastructure.<sup>125</sup> ZHRO recommended that the right to health and to clean water be enshrined in the Constitution, that 15 per cent of the national budget be allocated to health, that the State provides safe and adequate drinking water in both urban and rural areas and that a health services commission be established.<sup>126</sup> ZHRO further recommended to introduce programmes to train midwives in rural areas to ensure availability and accessibility of free antiretroviral to rural women and to introduce programmes to provide medication for orphans and other vulnerable children living with HIV/Aids.<sup>127</sup>

55. ZHRO indicated that administrative practices by state actors in the past four years have not improved the provision of shelter to citizens and to those (at least 200,000 people) affected by the 2005 demolition of houses.<sup>128</sup> ZHRO recommended decentralising to local authorities the construction of houses.<sup>129</sup> ZHRO and AI also recommended implementing recommendations made in 2005 by the United Nations Special Envoy of the Secretary-General for Human Settlement Issues in Zimbabwe.<sup>130</sup> AI recommended, in genuine consultation with affected communities, developing a comprehensive human rights-based housing programme to address the housing needs of all victims of Operation Murambatsvina.<sup>131</sup> AI recommended ending all forced evictions, including through enforcing a clear prohibition on forced evictions, and developing and implementing guidelines for evictions which comply with international human rights law. Pending such steps, a moratorium on mass evictions should be issued.<sup>132</sup> It also recommended ensuring a minimum degree of security of tenure to provide legal protection to all persons against forced eviction.<sup>133</sup>

56. ZHRO informed that the Constitution recognizes the right to own property with limitations, such as acquisition of property by the State. The Constitution also ousts the jurisdiction of the Courts to determine the legality of land acquisition by the Government. ZHRO recommended that Courts be allowed to adjudicate over all land matters in the country.<sup>134</sup>

## **8. Right to education and to participate in the cultural life of the community**

57. Marist International Solidarity Foundation Onlus (FMSI) reported that in 2011, the Ministry of Education, Sport, Art and Culture responsible for education from early childhood to the age of 18 as well as adult and non-formal education, and the Ministry of Higher and Tertiary Education received the largest allocation of total government budget.<sup>135</sup> FMSI further noted that education in Zimbabwe is not free, since pupils are required to pay tuition fees as well as development levies. According to FMSI, many schools have in place development levies that some parents cannot afford. FMSI indicated that there is no legislation that compels parents or the state to ensure that children are sent to school<sup>136</sup> and noted that the drop-out rate in both primary and secondary schools is higher among girl children than boys.<sup>137</sup> DCI noted that increased poverty and the impact of the AIDS pandemic had also affected the school dropout rate.<sup>138</sup>

58. FMSI noted that the existence of specialised schools, which are segregated schools for persons with disability, precludes inclusivity. At the same time, very few teachers in ordinary schools have the necessary skills to be able to work with pupils with special education needs.<sup>139</sup> FMSI recommended, *inter alia*, to ensure that primary education is free for all children and secondary schools is available; to ensure human rights education; to improve the salaries and conditions of service of teachers; to provide adequate resources that will promote quality education.<sup>140</sup>

59. ZCRO reported that a number of factors have contributed to the poor quality of education.<sup>141</sup> ZCRO recommended to abolish tuition fees and levies and introducing universal free primary education and to subsidize tuition fees and levies in secondary schools. ZRCO further recommended introducing initiatives that increase the quality of

education, such as in-service training for all operational teachers. It recommended allocating school grants specifically targeted at infrastructure and maintenance with particular focus on remote rural areas<sup>142</sup> and implementing the 2000 Dakar Declaration that requires 20 per cent of the national budget to be allocated to education.<sup>143</sup>

#### 9. Internally displaced persons

60. ZHRO reported that the largest groups of IDPs are farm workers and their families who have been displaced as a result of the fast-track land reform programme, which began in 2000 and continues to this day; and people displaced as a result of arbitrary evictions in Zimbabwe's towns and cities.<sup>144</sup>

61. According to ZHRO, persons have been displaced by Government campaigns against informal mine workers and by politically motivated violence.<sup>145</sup> ZHRO recommended that the State and mining companies comply with international standards on relation of the communities and that the legislature should pass a law that requires mining companies to carry out corporate social responsibility projects in the community.<sup>146</sup>

### III. Achievements, best practices, challenges and constraints

62. ZCRO appreciated the commitment of Zimbabwe to children's rights through ratification of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.<sup>147</sup> ZRCO commended the review of the Children's Act in 2001 and the adoption of several initiatives like the Victims Friendly System and the National Action Plan for Orphans and Vulnerable Children.<sup>148</sup> It also commended the creation of the Child Welfare Council, the National Programme of Action and the Inter-Ministerial Committee on Human Rights and International Humanitarian Law.<sup>149</sup> It indicated that it is however regrettable to note that the Government has not been allocating adequate resources to these important structures.<sup>150</sup>

### IV. Key national priorities, initiatives and commitments

N/A

### V. Capacity-building and technical assistance

N/A

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council)

#### *Civil society*

AI	Amnesty International*, London (United Kingdom);
DCI	Defence of Children International* (Zimbabwe);
Freedom House	Freedom House*, Washington (USA);
FMSI	Marist International Solidarity Foundation Onlus, Roma (Italy);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
HRW	Human Rights Watch*, Geneva (Switzerland);

IBAHRI	International Bar Association* Human Rights Institute, London (United Kingdom);
JS1	Joint Submission No 1 – Zimbabwe Child Rights Organizations: Save the Children* (SC), London (United Kingdom); Justice for Children Trust (JCT), Harare (Zimbabwe); Zimbabwe National Council For the Welfare of Children; Plan International* (Plan), Surrey (United Kingdom);
JS2	Joint Submission No 2 – ARC International (ARC International) Geneva (Switzerland); International Lesbian, Gay, Bisexual and Intersex Association (ILGA), Brussels (Belgium); ILGA-Europe*.
The Law Society	The Law Society of England and Wales, London (United Kingdom);
ZESN	Zimbabwe Election Support Network, Harare (Zimbabwe);
ZHRO	Joint Submission No 3 – Zimbabwe Human Rights Organizations; National Association of Non Governmental Organizations* (NANGO); Zimbabwe Lawyers for Human Rights (ZLHR); Zimbabwe Human Rights NGO Forum; Zimbabwe Association of Doctors for Human Rights (ZADHR); Zimbabwe Peace Project (ZPP); Zimbabwe Election Support Network (ZESN); Zimbabwe Human Rights Association (ZimRights); Media Monitoring Project of Zimbabwe (MMPZ); Media Information of Southern Africa (MISA); Zimbabwe Women Lawyers Association (ZWLA); Musasa Project; Catholic Commission for Justice and Peace (CCJPZ); Women in Politics Support Unit (WiPSU); Zimbabwe Congress of Trade Unions (ZCTU); Women’s Action Group* (WAG); Save the Children*; Zimbabwe National Council for the Welfare of Children; Plan Zimbabwe; Counselling Service Unit; Bulawayo Agenda; Institute for a Democratic Alternative of Zimbabwe (IDAZIM); Zimbabwe Environmental Law Association (ZELA); Nonviolent Action and Strategies for Social Change (NOVASC); Radio Dialogue; Christian Legal Aid Society (CLS); Matebeleland Constitutional Reform Agenda; Organization for Youth Advancement (OYA); Zimbabwe;

*National human rights institution*

ZHRC Zimbabwe Human Rights Commission, Zimbabwe.

- <sup>2</sup> Zimbabwe Human Rights Organizations, p. 4; Human Rights Watch, p. 3; Freedom House, p. 4; International Bar Association Human Rights Institute, p. 5; Amnesty International, p. 4.
- <sup>3</sup> Amnesty International, p. 4.
- <sup>4</sup> Zimbabwe Human Rights Organizations, p. 10.
- <sup>5</sup> Defence for Children International, p. 5.
- <sup>6</sup> Zimbabwe Human Rights Organizations, p. 2.
- <sup>7</sup> Zimbabwe Human Rights Organizations, p. 4.
- <sup>8</sup> International Bar Association Human Rights Institute, p. 5.
- <sup>9</sup> International Bar Association Human Rights Institute, p. 2.
- <sup>10</sup> International Bar Association Human Rights Institute, p. 5.
- <sup>11</sup> Amnesty International, p. 1.
- <sup>12</sup> Amnesty International, p. 1.
- <sup>13</sup> Human Rights Watch, p. 1; Freedom House, p. 3; Amnesty International, p. 4.
- <sup>14</sup> Zimbabwe Human Rights Organizations, p. 10.
- <sup>15</sup> Zimbabwe Human Rights Organizations, p. 1.
- <sup>16</sup> Zimbabwe Human Rights Organizations, p. 1.
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