

Zimbabwe

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 11 August 2014



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/zimbabwe>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

12 stakeholders' reports were submitted for the UPR. 19 NGOs were contacted. 3 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

55 NGOs (among those, 49 members of the Zimbabwe Civil Society Coalition) responded to our enquiry. None of the UN agencies responded. The State under Review did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **NGOs:** (1) Edmund Rice International (ERI) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (3) International Bar Association's Human Rights Institute (IBAHRI) (4) Justice for Children Trust (JCT) (5) Reporters sans frontières (RSF) (6) Zimbabwe Civil Society Organisations (Coalition) (7) Zimbabwe National Council for the Welfare of Children (ZNCWC)

IRI: 59 recommendations are not implemented, 63 recommendations are partially implemented, and 29 recommendations are fully implemented. No answer was received for 23 out of 180 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



2. Index

Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
20	Algeria	Justice	not impl.	page 44
46	Algeria	Women's rights	partially impl.	page 68
52	Algeria	HIV - Aids	partially impl.	page 21
39	Angola	Women's rights	partially impl.	page 67
47	Angola	Women's rights	partially impl.	page 69
10	Australia	NHRI	not impl.	page 78
122	Australia	General	partially impl.	page 82
159	Australia	Freedom of association and peaceful assembly, Freedom of opinion and expression	partially impl.	page 16
160	Australia	Freedom of association and peaceful assembly, Freedom of opinion and expression	not impl.	page 15
103	Austria	Torture and other CID treatment	not impl.	page 49
106	Austria	Justice, Rights of the Child, Treaty bodies	not impl.	page 40
163	Austria	Freedom of association and peaceful assembly, Freedom of opinion and expression, International instruments	partially impl.	page 15
37	Bangladesh	Women's rights	fully impl.	page 66
65	Bangladesh	Poverty	partially impl.	page 25
1	Belarus	International instruments, Rights of the Child, Trafficking, Women's rights	fully impl.	page 33
91	Belgium	Death penalty, International instruments	-	page 39
148	Belgium	Human rights violations by state agents	not impl.	page 53
149	Belgium	General	not impl.	page 53
173	Belgium	Freedom of association and peaceful assembly, Human rights defenders	not impl.	page 55
63	Brazil	Right to food	partially impl.	page 26
64	Brazil	Right to education, Right to food	not impl.	page 26
100	Brazil	Special procedures	not impl.	page 40
104	Brazil	Death penalty	partially impl.	page 48
105	Brazil	Torture and other CID treatment	fully impl.	page 50
107	Brazil	Justice, Rights of the Child	-	page 73
24	Burkina Faso	ESC rights - general	fully impl.	page 20
30	Burkina Faso	Special procedures	partially impl.	page 35
85	Burkina Faso	International instruments	fully impl.	page 35
23	Canada	Right to health, Rights of the Child, Women's rights	partially impl.	page 56
123	Canada	Other	not impl.	page 84
143	Canada	Elections, Justice	not impl.	page 51
161	Canada	Freedom of association and peaceful assembly, Freedom of opinion and expression	partially impl.	page 11
178	Canada	Other	partially impl.	page 32
31	Chad	Treaty bodies	partially impl.	page 36
87	Chad	International instruments, Torture and other CID treatment	not impl.	page 37



rec. n°	Rec. State	Issue	IRI	page
22	Cuba	Poverty, Right to education, Right to health	fully impl.	page 19
114	Czech Republic	Death penalty, International instruments, Torture and other CID treatment	not impl.	page 35
137	Czech Republic	Detention conditions	not impl.	page 52
164	Czech Republic	Freedom of opinion and expression	-	page 16
12	Democratic Republic of Congo	Justice, NHRI	partially impl.	page 79
59	Democratic Republic of Congo	HIV - Aids	partially impl.	page 24
18	Denmark	NHRI	partially impl.	page 78
174	Denmark	Freedom of association and peaceful assembly	partially impl.	page 15
175	Denmark	Freedom of the press	partially impl.	page 16
55	DPR Korea	Right to land	fully impl.	page 22
56	DPR Korea	Disabilities, Right to education, Right to health	fully impl.	page 23
67	Ethiopia	Right to education	partially impl.	page 27
75	Ethiopia	Technical assistance	fully impl.	page 82
76	Ethiopia	Right to health, Technical assistance	-	page 31
11	France	NHRI	not impl.	page 78
84	France	Enforced disappearances, International instruments	not impl.	page 37
132	France	Women's rights	not impl.	page 75
136	France	International instruments, Torture and other CID treatment	not impl.	page 43
14	Germany	NHRI	partially impl.	page 78
116	Germany	Human rights violations by state agents, International instruments, Torture and other CID treatment	not impl.	page 41
168	Germany	Freedom of association and peaceful assembly, Freedom of the press	not impl.	page 12
8	Ghana	NHRI	not impl.	page 77
28	Indonesia	Justice	not impl.	page 45
29	Indonesia	Civil society, Rights of the Child, Women's rights	partially impl.	page 80
110	Indonesia	Justice, Rights of the Child	partially impl.	page 74
120	Indonesia	National plan of action, NHRI	partially impl.	page 79
42	Iran	Justice	partially impl.	page 46
57	Iran	HIV - Aids, Right to food, Right to health, Technical assistance	fully impl.	page 23
58	Iran	Right to health	partially impl.	page 24
128	Ireland	Human rights defenders, Special procedures, Torture and other CID treatment	not impl.	page 42
170	Ireland	Elections	not impl.	page 17
51	Italy	Freedom of the press	partially impl.	page 10
162	Italy	Freedom of association and peaceful assembly	partially impl.	page 11
50	Japan	Freedom of opinion and expression, Freedom of the press	partially impl.	page 9
99	Japan	Special procedures	not impl.	page 40
16	Malaysia	NHRI	not impl.	page 78
80	Malaysia	Development	partially impl.	page 32
27	Mexico	Rights of the Child	partially impl.	page 62
44	Mexico	Human rights education and training, Justice	partially impl.	page 48



rec. n°	Rec. State	Issue	IRI	page
167	Mexico	Freedom of association and peaceful assembly, Freedom of opinion and expression, International instruments	not impl.	page 11
2	Morocco	Disabilities, International instruments	fully impl.	page 34
40	Morocco	Women's rights	partially impl.	page 67
53	Morocco	HIV - Aids, Right to health, Technical assistance	fully impl.	page 22
54	Morocco	Right to health, Rights of the Child, Women's rights	partially impl.	page 70
68	Morocco	Right to education, Rights of the Child, Women's rights	partially impl.	page 72
78	Morocco	Right to education, Technical assistance	fully impl.	page 82
34	Myanmar	Right to education, Women's rights	partially impl.	page 65
73	Namibia	Right to education, Right to health, Technical assistance, Women's rights	not impl.	page 30
9	New Zealand	NHRI	partially impl.	page 77
69	New Zealand	Right to education, Rights of the Child	not impl.	page 73
83	New Zealand	International instruments, Torture and other CID treatment	not impl.	page 37
98	New Zealand	Special procedures	not impl.	page 40
155	New Zealand	Elections, Freedom of association and peaceful assembly	partially impl.	page 13
156	New Zealand	Freedom of association and peaceful assembly	not impl.	page 15
13	Norway	Corruption, Freedom of the press, NHRI	not impl.	page 80
25	Norway	National plan of action, Right to education, Right to health, Rights of the Child	fully impl.	page 58
26	Norway	Rights of the Child	fully impl.	page 61
62	Norway	ESC rights - general	-	page 25
71	Norway	Civil society, UPR process	fully impl.	page 36
125	Norway	Special procedures	partially impl.	page 42
165	Norway	Civil society, Human rights defenders, International instruments, Impunity	not impl.	page 53
166	Norway	Freedom of opinion and expression	partially impl.	page 16
15	Poland	NHRI	partially impl.	page 78
72	Poland	Civil society, UPR process	fully impl.	page 37
88	Poland	International instruments, Rights of the Child, Torture and other CID treatment	partially impl.	page 38
3	Portugal	International instruments, Rights of the Child	fully impl.	page 35
89	Portugal	Death penalty, International instruments	not impl.	page 38
112	Portugal	Right to water, Special procedures	-	page 32
118	Portugal	International instruments, Torture and other CID treatment	not impl.	page 41
169	Portugal	Civil society, Human rights defenders, International instruments	not impl.	page 55
35	Republic of Korea	Women's rights	partially impl.	page 66
126	Republic of Korea	Human rights defenders, Special procedures	not impl.	page 42
127	Republic of Korea	Treaty bodies	partially impl.	page 36
93	Romania	Death penalty, International instruments, Torture and other CID treatment	partially impl.	page 39
41	Russian Federation	Detention conditions	not impl.	page 45
102	Russian Federation	Death penalty	fully impl.	page 48
134	Russian Federation	Detention conditions, Enforced disappearances	not impl.	page 51
43	Singapore	Justice	not impl.	page 47



rec. n°	Rec. State	Issue	IRI	page
60	Singapore	HIV - Aids	fully impl.	page 25
70	Singapore	Right to education	fully impl.	page 29
90	Slovakia	International instruments	not impl.	page 39
108	Slovakia	Rights of the Child	not impl.	page 73
139	Slovakia	Torture and other CID treatment	partially impl.	page 52
171	Slovakia	Freedom of association and peaceful assembly, Freedom of opinion and expression	partially impl.	page 18
172	Slovakia	Civil society, Freedom of opinion and expression, Freedom of the press, Human rights defenders	not impl.	page 55
38	Slovenia	Women's rights	partially impl.	page 66
92	Slovenia	International instruments	partially impl.	page 39
109	Slovenia	Justice, Rights of the Child	partially impl.	page 74
4	South Africa	International instruments	fully impl.	page 43
5	South Africa	General	fully impl.	page 75
32	South Africa	Women's rights	fully impl.	page 62
49	South Africa	Rights of the Child	partially impl.	page 69
133	South Africa	Detention conditions, Elections, Enforced disappearances, Torture and other CID treatment	not impl.	page 51
96	Spain	Disabilities, Enforced disappearances, International instruments, Torture and other CID treatment	partially impl.	page 35
130	Spain	Special procedures, Treaty bodies	not impl.	page 42
177	Spain	Freedom of association and peaceful assembly, Human rights defenders, Justice	partially impl.	page 15
7	Sri Lanka	NHRI	partially impl.	page 76
33	Sri Lanka	Rights of the Child, Women's rights	fully impl.	page 64
66	Sri Lanka	Right to education, Right to food, Rights of the Child	not impl.	page 72
74	Swaziland	Technical assistance	fully impl.	page 82
19	Switzerland	NHRI	partially impl.	page 78
94	Switzerland	CP rights - general, Death penalty, International instruments	partially impl.	page 40
95	Switzerland	Detention conditions, International instruments, Torture and other CID treatment	not impl.	page 37
129	Switzerland	Special procedures	not impl.	page 42
176	Switzerland	Elections, Freedom of opinion and expression, Freedom of the press, Human rights defenders	not impl.	page 17
17	Thailand	NHRI	not impl.	page 78
36	Thailand	Women's rights	partially impl.	page 66
48	Uganda	Women's rights	fully impl.	page 69
6	United Kingdom	NHRI	partially impl.	page 76
82	United Kingdom	International instruments, Torture and other CID treatment	not impl.	page 37
97	United Kingdom	Special procedures, Torture and other CID treatment	not impl.	page 40
154	United Kingdom	Freedom of association and peaceful assembly	not impl.	page 11
121	United States	Development, Human rights violations by state agents	not impl.	page 50
124	United States	Special procedures, Torture and other CID treatment	not impl.	page 42
157	United States	Other	partially impl.	page 84



rec. n°	Rec. State	Issue	IRI	page
158	United States	Freedom of association and peaceful assembly, Freedom of opinion and expression	partially impl.	page 11
77	Venezuela	Other	partially impl.	page 82
45	Viet Nam	Justice	not impl.	page 48
61	Viet Nam	ESC rights - general, Right to education, Right to health	not impl.	page 25
86	Zambia	International instruments	fully impl.	page 38
119	Zambia	NHRI	fully impl.	page 84
145	Zambia	Justice	partially impl.	page 52



3. Feedback on recommendations

CP Rights

Recommendation n°50: *Make improvements to ensure the freedom of expression, including for the mass media* (Recommended by Japan)

IRI: *partially implemented*

Reporters sans frontières (RSF) response:

La liberté d'expression demeure gravement limitée au Zimbabwe, notamment en raison d'une législation excessivement sévère et d'un climat très hostile envers les acteurs de l'information. En novembre 2011, des agents de police ont volontairement saccagé les locaux du journal "The Standard" et arrêté deux journalistes de la rédaction, accusés de diffamation pour un article mettant en cause le gouverneur de la Banque du Zimbabwe. Plus tard, en décembre 2011, ce sont les journalistes Stanley Gama et Xolisani Ncube, du Daily News qui ont été arrêtés, eux aussi pour diffamation, après un article critiquant un ministre. Toujours en décembre, le reporter Tapfuma Machakaire a été interpellé uniquement parce qu'il couvrait un regroupement syndical auquel la police mettait fin. Il a été ensuite relâché sans qu'aucune charge n'ait été retenue contre lui. Le 26 septembre 2012, c'est près de 10 journalistes qui ont été arrêtés sans raison dans les locaux de l'African Open Media Initiative. Eux aussi ont été relâchés par la suite sans aucune charge à leur encontre. Par la suite, entre septembre et octobre 2012, trois autres journalistes ont été mis en poursuite, à nouveau pour diffamation. A ceci s'ajoute également 2 rédacteurs du Zimbabwe Independent accusés de diffamation en mai 2013, pour un article révélant des tractations secrètes menées par le premier ministre Morgan Tsvangirai. En juin 2013, à l'approche de consultations électorales, deux journalistes ont par ailleurs subis des violences physiques de la part d'inconnus, vraisemblablement affiliés aux partis politiques en compétition. Ces actes demeurent à ce jour impunis. D'une part, la loi extrêmement stricte permet aux autorités du Zimbabwe d'exercer des représailles juridiques envers les professionnels de l'information mettant en avant des questions d'intérêt public. D'autre part, celles-ci maintiennent également un environnement dangereux pour les médias, pour qui les intimidations et les attaques, aussi bien de la part de la police que des formations politiques, sont une menace permanente.



International Bar Association's Human Rights Institute (IBAHRI) response:
There has been some improvement.

Zimbabwe Civil Society Organisations (Coalition) response:

The GoZ agreed to improve the right to freedom of expression, media freedoms, and ensuring a more pluralist media environment. Implementation - Section 61 of the Constitution provides for freedom of expression and freedom of the media. Challenges - Media reforms are still lacking. GoZ has still not licenced community radio stations. In November 2013, the Minister of Media, Information and Publicity emphasised that community radio stations are not a priority for government although they enhance access to information for citizens at grass roots level. Hate language continues through the public broadcaster (the Zimbabwe Broadcasting Corporation). In August 2013, 14 articles in the state-controlled papers contained abusive, intimidating, intolerant and false commentary against human rights lawyer Beatrice Mtetwa. By January 2014, there were 9 counts of hate speech reported. The continued arrest of journalists remains an issue of concern with 9 recorded between December 2012 and May 2013.

Suggested action

- The GoZ is urged to re-establish the Zimbabwe Broadcasting Corporation as an independent, representative body that will safeguard its editorial independence and fulfills its public mandate to report events fairly and accurately as well as reflect fairly the opinions of all sections of Zimbabwean society before and after elections.
- Promote voluntary self-regulation of the media so that media practitioners establish self-regulatory systems
- Repeal the restrictive provisions of the Broadcasting Services Act and Criminal Law (Codification and Reform) Act
- Issue licenses to more players in the industry including community radio stations in order to create a truly pluralistic environment

Recommendation n^o51: *Undertake greater efforts to ensure a more pluralist media environment* (Recommended by Italy)

IRI: *partially implemented*

RSF response:

Les mesures prises par le gouvernement du Zimbabwe jusqu'ici contribuent davantage à diminuer le pluralisme des médias qu'à le promouvoir. Tous les journaux dont des contenus mettent en cause des membres du gouvernement font l'objet de menaces, de procédures judiciaires, voire d'attaques physiques de la part des forces de l'ordre. Une telle politique



décourage clairement le pluralisme d'opinions dans le paysage médiatique national. Par ailleurs, l'autorité de délivrance de licences pour les médias, la Broadcasting Authority of Zimbabwe (BAZ) affiche une tendance nette à ne reconnaître et accorder des licences qu'aux médias proches du Zanu-PF, le parti du président Robert Mugabe. Les arrestations subies par des membres de l'African Open Media Initiative en septembre 2012 sont vraisemblablement un acte d'intimidation de la part des autorités pour réprimer le non-enregistrement de cette dernière auprès de la BAZ. De telles entraves administratives sont un obstacle de taille pour l'émergence de nouveaux médias, qui pourraient pourtant augmenter le pluralisme à ce niveau.

IBAHRI response:

There has been some improvement.

Coalition response:

[See response to recommendation n°50]

Recommendation n°154: *Recognize the right to assembly of members of non-political groups by ensuring that such groups do not have to notify the police in advance of any gathering as currently required by the Schedule to the Public Order and Security Act (Recommended by United Kingdom)*

IRI: *not implemented*

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Recommendation n°158: *Repeal or significantly reform the Public Order and Security Act, the Access to Information and Protection of Privacy Act, and criminal code provisions that restrict freedoms of assembly and expression (Recommended by United States)*

IRI: *partially implemented*

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Recommendation n°161: *Amend its legislation, including the Public Order and Security Act, to enshrine the rights to freedom of peaceful assembly and of association and to freedom of expression (Recommended by Canada)*

IRI: *partially implemented*

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Recommendation n°162: *Align its national legislation with international standards to uphold freedom of assembly and association (Recommended by Italy)*

IRI: *partially implemented*

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Recommendation n°167: *Facilitate the process to amend or rescind the Public Order and Security Act, in so that regulations on this matter are*



compatible with the international human rights instruments, and to safeguard the freedom of expression, association and peaceful assembly (Recommended by Mexico)

IRI: not implemented

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Recommendation n°168: Amend existing rules for the security forces, including the Public Order and Security Act, to ensure that the rights to peaceful assembly, freedom of association and freedom of press can be exercised (Recommended by Germany)

IRI: not implemented

Coalition response:

The GoZ agreed to align domestic laws, including customary laws, with ratified human rights instruments, as well as harmonise laws with the Constitution, review and amend the Public Order and Security Act (POSA) and the Private Voluntary Organisations Act (PVOA) to be in line with international standards as POSA and PVOA restrict the work of human rights defenders (HRDs). Implementation - The Constitution addresses some of these recommendations. Discrimination in areas of personal law or African customary law is now outlawed. The GoZ is also in the process of aligning laws with the Constitution. Outstanding - The GoZ has failed to amend or repeal POSA, and the PVOA, and legitimate CSOs continue to be harassed and arrested under these laws.

Suggested action

- GoZ must amend the PVOA to remove undue restrictions on the work of HRDs and repeal offensive sections of POSA inhibiting freedom of assembly.
- GoZ must educate law enforcement agencies on the role and functions of CSOs in a democratic society.

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The GoZ agreed to recognize the right to assembly of members of non-political groups, prioritize efforts to implement domestic policies to give effect to the protection of human rights and the prevention of politically-motivated violence and intimidation. The GoZ also undertook to take necessary measures to investigate all allegations of human rights violations (including unlawful acts of harassment of human rights defenders (HRDs), NGO workers and other members of civil society) and bring perpetrators to justice, taking steps to incorporate and enforce the United Nations Declaration on Human Rights Defenders (UNDHRDs). Implementation - There was less overt politically motivated violence before and during the July 2013 elections. Challenges - There was covert violence leading to many people not being able to fully and freely participate in the elections.



No action has been taken to give effect to the UNDHRDs or ensure that the rights to freedom of assembly and association of non-political groups is upheld.

Suggested action

- GoZ must fully implement the provisions of the UNDHRDs and investigate acts of harassment of HRDs
- The GoZ must bring all those who perpetrate violations against HRDs to account.
- The GoZ must consider the recommendation it rejected to uphold its international obligations to respect the rights to freedom of expression, assembly and cease arrests, harassment and detention of individuals with different views.

Recommendation n^o155: *Take all measures necessary to ensure that the forthcoming presidential elections are peaceful, free and fair and that the right to freedom of assembly is fully respected (Recommended by New Zealand)*

IRI: *partially implemented*

Coalition response:

The GoZ agreed to recognize the right to assembly of members of non-political groups, prioritize efforts to implement domestic policies to give effect to the protection of human rights and the prevention of politically-motivated violence and intimidation. The GoZ also undertook to take necessary measures to investigate all allegations of human rights violations (including unlawful acts of harassment of human rights defenders (HRDs), NGO workers and other members of civil society) and bring perpetrators to justice, taking steps to incorporate and enforce the United Nations Declaration on Human Rights Defenders (UNDHRDs). Implementation - There was less overt politically motivated violence before and during the July 2013 elections. Challenges - There was covert violence leading to many people not being able to fully and freely participate in the elections. No action has been taken to give effect to the UNDHRDs or ensure that the rights to freedom of assembly and association of non-political groups is upheld.

Suggested action

- GoZ must fully implement the provisions of the UNDHRDs and investigate acts of harassment of HRDs
- The GoZ must bring all those who perpetrate violations against HRDs to account.



- The GoZ must consider the recommendation it rejected to uphold its international obligations to respect the rights to freedom of expression, assembly and cease arrests, harassment and detention of individuals with different views.

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The GoZ was encouraged to take immediate steps to bring about reforms to ensure that the electoral process and the legislation were in line with international standards and address concerns on independence of the Zimbabwe Electoral Commission (ZEC) and the accuracy of the voters' roll. GoZ accepted to investigate all credible allegations related to the Presidential elections in 2008, particularly in areas of torture, arbitrary detentions and enforced disappearances. Implementation - There was no progress in implementing these recommendations. Challenges - On 31 July 2013 Zimbabwe held harmonised elections. The credibility of the harmonised elections was compromised by lack of adherence to the UPR recommendations. No official investigation of the 2008 atrocities was carried out, human rights violations such as harassment and intimidation of perceived opposition party supporters continued. While the new Constitution provided for the independence of ZEC, and its management of voter registration and the compilation of voters rolls, in reality these functions continued to be exercised by the Registrar General of Voters. Voter registration was not carried out properly. The mobile voter registration exercise benefitted 99.97% rural voters, while only about 67.94% of urban voters were registered.⁵ Further, ZEC denied political parties access to the electronic version of the voters roll, availing hard copies on the day of election after a court order. Although the election day was peaceful, there were unusually high numbers of assisted voters, despite the country's high literacy rates.

Suggested action

- Investigations into the 2008 violence must be conducted to ensure that perpetrators are held accountable and do not perpetuate electoral violence by re-victimising survivors of the violence.
- The GoZ must ensure the integrity of the voters roll by transferring custody to ZEC in accordance with the provisions of the Constitution.
- The GoZ must consider biometric voters' roll system as a way of enhancing transparency in the electoral system.
- ZEC must be adequately funded to ensure proper implementation of electoral processes, such as voter registration and voter education, among others.



Recommendation n°156: *Amend or repeal the Public Order and Security Act (Recommended by New Zealand)*

IRI: *not implemented*

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Recommendation n°160: *Amend the Public Order and Security Act and the Access to Information and Privacy Act (Recommended by Australia)*

IRI: *not implemented*

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Recommendation n°163: *Repeal or substantially amend 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) to bring them in line with Zimbabwe's international human rights obligations (Recommended by Austria)*

IRI: *partially implemented*

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Recommendation n°174: *Take immediate steps to guarantee freedom of assembly and association through alignment of national legislation, in particular, the Public Order and Security Act with international standards (Recommended by Denmark)*

IRI: *partially implemented*

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Recommendation n°177: *Adopt necessary measures to guarantee the full enjoyment of the rights to freedom of assembly and association, and should not selectively curtail the full enjoyment of these rights, and by reforming the provisions contained in the Public Order and Security Act and more specifically in the Criminal Procedure and Evidence Act, which occasionally have hindered the work of human rights defenders. Rescind the provision contained in Section 121 of the Criminal Procedure Code that can extend to 7 days (in addition to the first 48 hours) the time that security forces can keep a person detained before bringing charges (Recommended by Spain)*

IRI: *partially implemented*

Coalition response:

The GoZ agreed to align domestic laws, including customary laws, with ratified human rights instruments, as well as harmonise laws with the Constitution, review and amend the Public Order and Security Act (POSA) and the Private Voluntary Organisations Act (PVOA) to be in line with international standards as POSA and PVOA restrict the work of human rights defenders (HRDs). Implementation - The Constitution addresses some of these recommendations. Discrimination in areas of personal law or African customary law is now outlawed. The GoZ is also in the process of aligning laws with the Constitution. Outstanding - The GoZ has failed to amend or repeal POSA, and the PVOA, and legitimate CSOs continue to be harassed and arrested under these laws.

**Suggested action**

- GoZ must amend the PVOA to remove undue restrictions on the work of HRDs and repeal offensive sections of POSA inhibiting freedom of assembly.
- GoZ must educate law enforcement agencies on the role and functions of CSOs in a democratic society.

Recommendation n^o159: *Implement fully the Global Political Agreement, including those articles relating to the security of persons and prevention of violence, freedom of expression and freedom of assembly and association (Recommended by Australia)*

IRI: *partially implemented*

Coalition response:

The GoZ agreed to implement fully the provisions of the Global Political Agreement (GPA) especially articles relating to the security of persons and prevention of violence, freedoms of expression, assembly and association, and support the Constitution making Processes by (COPAC). Implementation - Implementation of provisions of the GPA remained outstanding right up the 31 July 2013 elections. A new Constitution was adopted barely two months before the elections. The Inclusive Government failed to implement most of the reforms contemplated under GPA as recommended.

Suggested action

- The GoZ must fully implement all provisions of the new Constitution.
- The GoZ should ensure that the issues raised under reforms in the GPA are implemented, even under the new government

Recommendation n^o164: *Ensure that freedom of speech and of the press is not further restricted as a result of the Interception of Communications Act (Recommended by Czech Republic)*

IRI: -

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Recommendation n^o166: *Ensure an environment where freedom of expression is respected and amend national laws to strengthen this right (Recommended by Norway)*

IRI: *partially implemented*

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Recommendation n^o175: *Take steps to foster a pluralistic media environment, this should include fully implementing reform as stipulated in*



the GPA and liberalise airwaves and allow for private ownership of radio and TV stations (Recommended by Denmark)

IRI: *partially implemented*

Coalition response:

[See response to recommendation n°50]

Recommendation n°170: Take immediate steps to fully implement the commitment on bringing about reforms to ensure that the electoral process and the legislative framework are in line with international standards and in particular to address concerns with regard the independence of the Zimbabwe Electoral Commission and the accuracy of the current voter roll (Recommended by Ireland)

IRI: *not implemented*

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Recommendation n°176: Guarantee freedom of expression for the entire population, especially journalists and human rights defenders, in the run up of the next presidential elections (Recommended by Switzerland)

IRI: *not implemented*

Coalition response:

The GoZ was encouraged to take immediate steps to bring about reforms to ensure that the electoral process and the legislation were in line with international standards and address concerns on independence of the Zimbabwe Electoral Commission (ZEC) and the accuracy of the voters' roll. GoZ accepted to investigate all credible allegations related to the Presidential elections in 2008, particularly in areas of torture, arbitrary detentions and enforced disappearances. Implementation - There was no progress in implementing these recommendations. Challenges - On 31 July 2013 Zimbabwe held harmonised elections. The credibility of the harmonised elections was compromised by lack of adherence to the UPR recommendations. No official investigation of the 2008 atrocities was carried out, human rights violations such as harassment and intimidation of perceived opposition party supporters continued. While the new Constitution provided for the independence of ZEC, and its management of voter registration and the compilation of voters rolls, in reality these functions continued to be exercised by the Registrar General of Voters. Voter registration was not carried out properly. The mobile voter registration exercise benefitted 99.97% rural voters, while only about 67.94% of urban voters were registered. Further, ZEC denied political parties access to the electronic version of the voters roll, availing hard copies on the day of election after a court order. Although the election day was peaceful, there were unusually high numbers of assisted voters, despite the country's high literacy rates.



Suggested action

- Investigations into the 2008 violence must be conducted to ensure that perpetrators are held accountable and do not perpetuate electoral violence by re-victimising survivors of the violence.
- The GoZ must ensure the integrity of the voters roll by transferring custody to ZEC in accordance with the provisions of the Constitution.
- The GoZ must consider biometric voters' roll system as a way of enhancing transparency in the electoral system.
- ZEC must be adequately funded to ensure proper implementation of electoral processes, such as voter registration and voter education, among others.

Recommendation n°171: *Uphold its international obligations to respect the rights to freedom of expression, assembly, and association, and cease arrests, harassment, and detention of individuals with different views* (Recommended by Slovakia)

IRI: *partially implemented*

Coalition response:

The GoZ agreed to recognize the right to assembly of members of non-political groups, prioritize efforts to implement domestic policies to give effect to the protection of human rights and the prevention of politically-motivated violence and intimidation. The GoZ also undertook to take necessary measures to investigate all allegations of human rights violations (including unlawful acts of harassment of human rights defenders (HRDs), NGO workers and other members of civil society) and bring perpetrators to justice, taking steps to incorporate and enforce the United Nations Declaration on Human Rights Defenders (UNDHRDs). Implementation - There was less overt politically motivated violence before and during the July 2013 elections. Challenges - There was covert violence leading to many people not being able to fully and freely participate in the elections. No action has been taken to give effect to the UNDHRDs or ensure that the rights to freedom of assembly and association of non-political groups is upheld.

Suggested action

- GoZ must fully implement the provisions of the UNDHRDs and investigate acts of harassment of HRDs
- The GoZ must bring all those who perpetrate violations against HRDs to account.
- The GoZ must consider the recommendation it rejected to uphold its international obligations to respect the rights to freedom of expression,

assembly and cease arrests, harassment and detention of individuals with different views.

ESC Rights

Recommendation n^o22: *Continue with positive actions and programs aimed at guaranteeing universal education and health services of quality to its people as well as those aimed at reducing poverty* (Recommended by Cuba)

IRI: *fully implemented*

IBAHRI response:

2013 Constitution of Zimbabwe: Article 27 and 75 guarantees right to education. Article 29 and 76 guarantees the right to health care.

[...]

Coalition response:

The GoZ agreed to ensure free access to education for everyone, especially girls and vulnerable children, increase budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material. Implementation – Section 75 of the Constitution provides for the right to basic state funded education, and further made progressively available by the state through reasonable legislative and other measures. There is Education Transition Fund (ETF) programme covering curricula review, teacher training support; textbooks and early childhood development kits, school grants, education information systems. The [Basic Education Assistance Module] programme for underprivileged children is still in place. Challenges - Inadequate government revenue inflows, suspension of cadetship programmes for tertiary institutions has prevented poor students from attaining tertiary education. BEAM programme is undermined by corruption with deserving candidates not benefitting. The pass rate for Ordinary Level remained poor, in 2013 at 20.72%. Although Zimbabwe maintains the highest literacy levels in Africa, focus should be shifted towards quality of education.

Suggested action

- The GoZ must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes.



- The GoZ must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls.
- The GoZ should also improve the conditions of service for teachers and increase their opportunities for professional development.

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The GoZ committed to incorporate principles of the human rights framework created by the SR on the human right to safe drinking water and sanitation into Zimbabwe's national policy on domestic water supply and sanitation. The GoZ also agreed to work with the international community, and development partners to fight diseases through securing relevant expertise. Implementation- Section 77 (a) of the Constitution provides for the right to safe, clean and potable water. Challenges - Water shortages persist in most parts of the country with residents resorting to unsafe sources of water such as open wells. Harare loses 50% of processed water through leakages. Further, in mid-2012, Harare and Chitungwiza reported 112 new cases of water-borne typhoid due to contaminated water supply. In November 2013, the Standards Association of Zimbabwe reported that water pumped into homes by the Harare City Council is not fit for drinking purposes and could soon cause an outbreak of water-borne diseases. The Deputy Minister of Health reported in November 2013 that up to eight children were dying weekly as a result of diarrhea. The situation has not improved with 132 people reported to have died of diarrhea in 2014 and on average 12000 cases are recorded weekly throughout the country. In Jan and Feb 2014 a total of 37 cases of typhoid were reported.

Suggested action

- The GoZ must invest in the upgrading of infrastructure to ensure that all citizens are able to access clean and potable water.
- The GoZ must fully acknowledge the existence of a typhoid outbreak for local and international actors to intervene.
- The GoZ must lift its freeze on posts in the Ministry of health to ensure availability of adequate and qualified personnel who can attend to patients.

Recommendation n°24: *Continue with measures for an enabling environment for economic, social and cultural rights of the people of Zimbabwe (Recommended by Burkina Faso)*

IRI: *fully implemented*

IBAHRI response:

Economic, Social and Cultural rights are specifically protected in the 2013 Constitution.

Coalition response:

The GoZ agreed to consider how the riches of the country can best contribute to the enjoyment of the citizens, and continue with measures for an enabling environment for economic, social and cultural rights, especially in the areas of education, health, social security and the care of the disabled, the implementation of Millenium Development Goals and reducing poverty. The GoZ undertook to implement further policies to support food production, such as farm insurance, access to credit and the purchase of food by the Government to ensure a stable market for family farmers, and implement school meals programmes and link them to local food production. Implementation - Section 77 (b) of the Constitution provides for the right to sufficient food. Challenges - In February 2014, 11 village heads in Mudzi were reportedly distributing food aid only to ZANU PF supporters. As at January 2014, the poverty rate was estimated at 62.6 % (ZIMSTAT). The overall unemployment rate in Zimbabwe is over 95%, with youth unemployment being pegged at over 70%. This undoubtedly is the major reason for the high levels of poverty in the country.

Suggested action

- The GoZ must reconsider the recommendation that it rejected to take concrete and effective measures to ensure that food, medicine and other humanitarian relief distribution at Government depots take place without reference to partisan political considerations.

Recommendation n°52: *Further reduce the mortality rate caused by the HIV/AIDS* (Recommended by *Algeria*)

IRI: *partially implemented*

IBAHRI response:

There has been some improvement. Every taxpayer pays an AIDS levy but a lot of work needs to be done.

Coalition response:

The GoZ also undertook to continue in its efforts to reduce HIV/AIDS, Malaria and Tuberculosis with the assistance of development partners. Implementation-The GoZ adopted the HIV Combination Prevention Strategy in 2012 to take full advantage of complementary prevention interventions. This includes male circumcision, prevention of mother to child transmission (PMTCT), behaviour change and condom promotion. Challenges - The number of ante-natal care sites that offer both on site HIV testing and ARVs increased from 87% to 89% in 2012. The Anti Retroviral Therapy (ART), coverage was at 86.1% of those estimated to be in need. Yet, the prevalence of HIV is still high at 15%. Women have a higher prevalence (18%) than that of men (12%). The peak age group affected in women is



30-39 (29%) and in men is 45-49 (30%) The prevention of mother-to-child transmission (PMTCT) coverage is at 86%, with 18% of babies currently being infected. Low paediatric ART is a cause for major concern as it is currently estimated at only 40%. The levels of HIV/TB co-infection remain high, with 80% of TB cases estimated to be co-infected with HIV. Human resources for health in Zimbabwe remain a key challenge together with weak health information systems for data collection, analysis and interpretation.

Suggested action

- The GoZ must fully implement the programmes and policies in place, continue education and awareness programmes to combat HIV/AIDS.
- Access to ARVs and health care should be improved particularly in rural areas.

Recommendation n°53: *Continue the efforts to reduce HIV/AIDS, malaria and tuberculosis with the assistance of the WHO (Recommended by Morocco)*

IRI: *fully implemented*

IBAHRI response:

There has been some improvement. Every taxpayer pays an AIDS levy but a lot of work needs to be done.

Edmund Rice International (ERI) response:

Implemented: More awareness programmes on prevention and treatment are widely available in the country though low paediatric ART remains a cause of concern as it is currently estimated at 40%. The government is encouraged to improve access to ART in rural areas

Coalition response:

[See response to recommendation n°52]

Recommendation n°55: *Continue to take steps to ensure that land is made productive (Recommended by DPR Korea)*

IRI: *fully implemented*

Coalition response:

The GoZ undertook to continue to take steps to ensure that land is made productive. Implementation - The production capacity of new farmers who were given 99 year leases after benefiting from the land reform program prevents them from securing loans from banks. The High Court recently confirmed the withdrawal of an offer letter from a farmer and the subsequent re-allocation of the same land to its former owner as the new



owner was under-utilising the land. Challenges - Farmers are still operating with 99 year leases not accepted by banks as collateral. Agribank, the GoZ's primary vehicle for channeling financial resources to the agricultural sector is underfunded and facing financial challenges. Some farmers allocated land do not have the necessary know-how and despite receiving government support in the form of inputs, equipment and tractors this has not boosted crop production. Further, while over 550 000 hectares of Zimbabwe's land is irrigable, only 33.6% or 200 000 hectares is under irrigation development, with a significant number of the irrigation schemes non-functional.

Suggested action

- The GoZ must initiate programmes targeting the rehabilitation of communal irrigation schemes to ensure utilization of idle assets

Recommendation n°56: Continue to take positive steps to enhance the enjoyment of economic, social and cultural rights, especially in the areas of education, health and the care of the disabled (Recommended by DPR Korea)

IRI: fully implemented

IBAHRI response:

The 2013 Zimbabwe Constitution specifically protects people with disabilities.

Coalition response:

[See response to recommendation n°22]

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[See response to recommendation n°24]

Recommendation n°57: Take effective measures, with the assistance of all relevant international organisations, to counter food insecurity, HIV/AIDS pandemics and high morbidity and mortality rates (Recommended by Iran)

IRI: fully implemented

IBAHRI response:

Much work remains to be done.

Coalition response:

[See response to recommendation n°52]

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The GoZ committed to address challenges of maternal and child mortality. Implementation – Section 76 of the Constitution provides for the right to access to basic health-care services, including reproductive health-care services. Section 73(a) provides for the right to an environment that is not



harmful to health or wellbeing. In terms of the Constitution, no person may be refused emergency medical treatment in any healthcare institution. These provisions complement other laws and policies that have been in place on maternal health and the delivery of equitable health services include. There is a multi-donor Health transition fund (2011-2015) providing resources towards reduction of maternal mortality. Challenges - Only 66.6% of births in Zimbabwe are attended to by skilled personnel. Maternal mortality rate in Zimbabwe is the highest in Southern Africa at 960 deaths per 100,000 live births. Of these, 24% are women aged 15-19 due to maternal health-related issues. Maternity fees remain unaffordable, reduced attendance of expectant mothers at antenatal clinics due to associated costs or distances to clinics and the inability of some women to make choices on reproductive health issues due to social or cultural pressures persist. In addition, only 59% of women have access to contraceptives. The National Budget in 2013 allocated 40% less to maternal and health care as compared to 2012. Similarly there was a 56% decrease in budget allocation to village health workers from 2012, yet they play an important role in access to health care for women in the rural areas. In the 2014 national budget the Health and Child Care Ministry got \$337 million which is 8,2% of the total budget allocation and is slightly less than what was allocated in 2013 (9,87%). The health allocation also failed to meet what was stipulated by the 2001 Abuja Declaration on Health that Zimbabwe is signatory to which demands that 15% of all national budgets should go towards health.

Suggested action

- The GoZ should resolve the barrier of user fees and ensure adequate supplies of critical maternal and new-born health and medical equipment and commodities such as blood products.
- The GoZ is encouraged to ensure that there is adequate budgetary support to ensure that the maternal mortality rate is reduced

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[See response to recommendation n°55]

Recommendation n°58: Develop a financing mechanism for the health system that is designed to help the underprivileged (Recommended by Iran)

IRI: partially implemented

IBAHRI response:

There has been some improvement. Every taxpayer pays an AIDS levy but a lot of work needs to be done.

Recommendation n°59: Accelerate its programme to combat HIV/AIDS pandemic that continue to saturate the health system with its high of



morbidity and mortality rates (Recommended by Democratic Republic of Congo)

IRI: *partially implemented*

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Recommendation n°60: Maintain and further build upon its HIV/AIDS prevention, care and treatment programmes (Recommended by Singapore)

IRI: *fully implemented*

IBAHRI response:

There has been some improvement. Every taxpayer pays an AIDS levy but a lot of work needs to be done.

Coalition response:

[See response to recommendation n°52]

Recommendation n°61: Concentrate more resources for the assurance of economic and social rights and for the implementation of MDGs, in particular in the fields of education, healthcare and social security (Recommended by Viet Nam)

IRI: *not implemented*

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Recommendation n°65: Continue its efforts to fight poverty (Recommended by Bangladesh)

IRI: *partially implemented*

IBAHRI response:

Much work remains to be done.

Coalition response:

[See response to recommendation n°24]

Recommendation n°62: Consider how the riches of the country can best contribute to social and economic rights for all (Recommended by Norway)

IRI: -

IBAHRI response:

Much work remains to be done.

Coalition response:

The GoZ made a commitment 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. Challenges - The Constitution is silent on use of natural resources. The Mines and Minerals Act does not permit adequate public participation in the granting of prospecting licenses and mining permits. It lacks provisions for



the protection of the environment and lacks provisions for transparency and accountability

Suggested action

- The GoZ must accelerate the finalization and implementation of the diamond policy.
- The GoZ must enact a Diamond Act to reassert transparent State control and, define the framework of compensation for communities being displaced by Diamond mining.
- The GoZ must also reconsider recommendations that it rejected and create stronger mechanisms to ensure greater revenue transparency from diamond mining, demilitarize the diamond industry and thoroughly investigate cases of beatings and abuse by government and security services in the Marange area.

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[See response to recommendation n°24]

Recommendation n°63: *Implement further policies to support food production, such as farm insurance, access to credit and the purchase of food by the Government to ensure a stable market for family farmers (Recommended by Brazil)*

IRI: *partially implemented*

IBAHRI response:

Much work remains to be done. There is only limited funding for agricultural development.

Coalition response:

[See response to recommendation n°52]

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[See response to recommendation n°24]

Recommendation n°64: *Implement school meals programs and link them to local food production (Recommended by Brazil)*

IRI: *not implemented*

Coalition response:

The GoZ agreed to look into the matter of orphans caught up in the battle for property within the Anglican Church and ensure that the rights of those children are covered. It also undertook to address the issues of school drop-out rates of children and establish a specialised juvenile justice system. Implementation: The Anglican Church dispute was resolved by the courts and the property was returned to the legal trustees. In May 2013, the GoZ launched the pre-trial diversion programme for juveniles for



rehabilitative, educative and restorative support. Challenges - In October 2013, Matebeleland South Province reported school drop-out of 3000 children due to hunger and starvation. The cutting of funding under BEAM [Basic Education Assistance Module] at the beginning of 2014 from \$73million to \$15million affected many children, the majority being orphans and vulnerable children.

Suggested Action:

- GoZ should find alternative ways to fund BEAM in order to ensure basic education for children
- GoZ should find sustainable solution to poverty, to ensure that children have access to food and shelter

Recommendation n^o67: *Invest in education to provide education for all* (Recommended by *Ethiopia*)

IRI: *partially implemented*

IBAHRI response:

There has been very limited investment in education.

Justice for Children Trust (JCT) response:

Section 75 of the Constitution provides that “every citizen and permanent resident of Zimbabwe has a right to basic State – funded education, including adult basic education.” This shows the commitment of the government to ensure that the right to education is realised by all. The government also facilitates the establishment of private schools by other stakeholders. The government has also banned corporal punishment which is a step towards making schools child friendly. On paper it has also increased its funding for Basic Education Assistance Module (BEAM) for the benefit of children from vulnerable families. The government also continues to monitor and control tuition so that they remain affordable. It has also made efforts to raise awareness among parents that their children should not be send away from school by issuing national directives against the sending away of children from school. In this regard the government should act to make sure that the directives that they issue to schools are acted on. When they make such proclamations they should introduce steps to ensure that those who defy their orders are brought to book.

The government has not been consistent with the BEAM educational grants as the increase has been merely on paper. Despite the fact that the constitution places the responsibility on government it has instead relied on agencies like UNICEF to fund the program. The Government has not taken any other steps towards achieving this except for the constitutional



provisions. Funds have not been made available to ensure that this is realised. This is largely because of lack of political will.

Even though the government has introduced measures to monitor level of tuition fees and has issued directives to schools not to increase these it is important for the government to ensure that the learning environment is safe for children. The environment has to be safe in that the classrooms are clean and well ventilated and there is access to clean water and toilets. The government still has the obligation to improve and upgrade government schools as the responsibility primarily lies on them. The infrastructure also has to be improved or built to make it friendly to all children even those with disabilities. The government has not done much to motivate the teachers who have a diminished standing in society. Their salaries have not been upgraded and for the teachers in the rural areas the situation is worse. Nothing has been done to upgrade their living conditions and in some instances they will be overcrowded in the staff quarters.

This means that there is need for proper planning and prioritisation of the realisation of this right to education to be met. Zimbabwe should prioritise child friendly budgets in line with the Dakar Declaration which the government signed in 2006 which stipulates that 20% of the national budget should be allocated to education and prioritise BEAM.

Coalition response:

The GoZ agreed to look into the matter of orphans caught up in the battle for property within the Anglican Church and ensure that the rights of those children are covered. It also undertook to address the issues of school drop-out rates of children and establish a specialised juvenile justice system. Implementation: The Anglican Church dispute was resolved by the courts and the property was returned to the legal trustees. In May 2013, the GoZ launched the pre-trial diversion programme for juveniles for rehabilitative, educative and restorative support. Challenges - In October 2013, Matebeleland South Province reported school drop-out of 3000 children due to hunger and starvation. The cutting of funding under BEAM [Basic Education Assistance Module] at the beginning of 2014 from \$73million to \$15million affected many children, the majority being orphans and vulnerable children.

Suggested Action:

- GoZ should find alternative ways to fund BEAM in order to ensure basic education for children



- GoZ should find sustainable solution to poverty, to ensure that children have access to food and shelter

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The GoZ agreed to ensure free access to education for everyone, especially girls and vulnerable children, increase budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material. Implementation – Section 75 of the Constitution provides for the right to basic state funded education, and further made progressively available by the state through reasonable legislative and other measures. There is Education Transition Fund (ETF) programme covering curricula review, teacher training support; textbooks and early childhood development kits, school grants, education information systems. The BEAM programme for underprivileged children is still in place. Challenges - Inadequate government revenue inflows, suspension of cadetship programmes for tertiary institutions has prevented poor students from attaining tertiary education. BEAM programme is undermined by corruption with deserving candidates not benefitting. The pass rate for Ordinary Level remained poor, in 2013 at 20.72%. Although Zimbabwe maintains the highest literacy levels in Africa, focus should be shifted towards quality of education.

Suggested action

- The GoZ must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes.
- The GoZ must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls.
- The GoZ should also improve the conditions of service for teachers and increase their opportunities for professional development.

Recommendation n^o70: *Continue its strong emphasis on ensuring access to education for all* (Recommended by Singapore)

IRI: *fully implemented*

IBAHRI response:

There has been very limited investment in education.

Coalition response:

The GoZ agreed to ensure free access to education for everyone, especially girls and vulnerable children, increase budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material.



Implementation – Section 75 of the Constitution provides for the right to basic state funded education, and further made progressively available by the state through reasonable legislative and other measures. There is Education Transition Fund (ETF) programme covering curricula review, teacher training support; textbooks and early childhood development kits, school grants, education information systems. The BEAM programme for underprivileged children is still in place. Challenges - Inadequate government revenue inflows, suspension of cadetship programmes for tertiary institutions has prevented poor students from attaining tertiary education. BEAM programme is undermined by corruption with deserving candidates not benefitting. The pass rate for Ordinary Level remained poor, in 2013 at 20.72%. Although Zimbabwe maintains the highest literacy levels in Africa, focus should be shifted towards quality of education.

Suggested action

- The GoZ must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes.
- The GoZ must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls.
- The GoZ should also improve the conditions of service for teachers and increase their opportunities for professional development.

Recommendation n°73: *Continue to invest heavily in education at all levels, invest more in rural development where the majority of women live, and seek technical assistance in the area of fighting disease (Recommended by Namibia)*

IRI: *not implemented*

IBAHRI response:

There has been very limited investment in education.

Coalition response:

[See response to recommendation n°70]

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The GoZ committed to incorporate principles of the human rights framework created by the SR on the human right to safe drinking water and sanitation into Zimbabwe's national policy on domestic water supply and sanitation. The GoZ also agreed to work with the international community, and development partners to fight diseases through securing relevant expertise. Implementation- Section 77 (a) of the Constitution provides for the right to safe, clean and potable water. Challenges - Water shortages persist in most parts of the country with residents resorting to unsafe sources of water such as open wells. Harare loses 50% of processed water through leakages.



Further, in mid-2012, Harare and Chitungwiza reported 112 new cases of water-borne typhoid due to contaminated water supply. In November 2013, the Standards Association of Zimbabwe reported that water pumped into homes by the Harare City Council is not fit for drinking purposes and could soon cause an outbreak of water-borne diseases. The Deputy Minister of Health reported in November 2013 that up to eight children were dying weekly as a result of diarrhea. The situation has not improved with 132 people reported to have died of diarrhea in 2014 and on average 12000 cases are recorded weekly throughout the country. In Jan and Feb 2014 a total of 37 cases of typhoid were reported.

Suggested action

- The GoZ must invest in the upgrading of infrastructure to ensure that all citizens are able to access clean and potable water.
- The GoZ must fully acknowledge the existence of a typhoid outbreak for local and international actors to intervene.
- The GoZ must lift its freeze on posts in the Ministry of health to ensure availability of adequate and qualified personnel who can attend to patients.

Recommendation n°76: Work with the international community, including WHO and the Global Fund, to fight diseases through securing relevant expertise (Recommended by Ethiopia)

IRI: -

Coalition response:

The GoZ committed to incorporate principles of the human rights framework created by the SR on the human right to safe drinking water and sanitation into Zimbabwe's national policy on domestic water supply and sanitation. The GoZ also agreed to work with the international community, and development partners to fight diseases through securing relevant expertise. Implementation- Section 77 (a) of the Constitution provides for the right to safe, clean and potable water. Challenges - Water shortages persist in most parts of the country with residents resorting to unsafe sources of water such as open wells. Harare loses 50% of processed water through leakages. Further, in mid-2012, Harare and Chitungwiza reported 112 new cases of water-borne typhoid due to contaminated water supply. In November 2013, the Standards Association of Zimbabwe reported that water pumped into homes by the Harare City Council is not fit for drinking purposes and could soon cause an outbreak of water-borne diseases. The Deputy Minister of Health reported in November 2013 that up to eight children were dying weekly as a result of diarrhea. The situation has not improved with 132 people reported to have died of diarrhea in 2014 and on average 12000



cases are recorded weekly throughout the country. In Jan and Feb 2014 a total of 37 cases of typhoid were reported.

Suggested action

- The GoZ must invest in the upgrading of infrastructure to ensure that all citizens are able to access clean and potable water.
- The GoZ must fully acknowledge the existence of a typhoid outbreak for local and international actors to intervene.
- The GoZ must lift its freeze on posts in the Ministry of health to ensure availability of adequate and qualified personnel who can attend to patients.

Recommendation n°80: *Continue maintaining close cooperation and coordination with the United Nations Country Team in the implementation of Zimbabwe United Nations Development Assistance Framework 2012-2015 (Recommended by Malaysia)*

IRI: *partially implemented*

IBAHRI response:

Some work has been done.

Recommendation n°112: *Incorporate in the Zimbabwe's Draft National Policy on Domestic Water Supply and Sanitation the principles of the human rights framework created by the Special Rapporteur on the human right to safe drinking water and sanitation (Recommended by Portugal)*

IRI: -

IBAHRI response:

The government takes water pollution very serious but much needs to be done.

Coalition response:

[See response to recommendation n°76]

Recommendation n°178: *Take concrete and effective measures to ensure that food, medicine and other humanitarian relief distribution at Government depots takes place without reference to partisan political considerations (Recommended by Canada)*

IRI: *partially implemented*

Coalition response:

[See response to recommendation n°24]

International Instruments

Recommendation n^o1: *Continue its efforts to combat trafficking in persons and consider the possibility to accede to the Optional Protocol to the CRC relating to sale of children, child prostitution and child pornography and to the United Nations Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children (Recommended by Belarus)*

IRI: *fully implemented*

IBAHRI response:

Zimbabwe passed an anti-trafficking Statute in 2014. Pornography is illegal in Zimbabwe.

Zimbabwe National Council for the Welfare of Children (ZNCWC) response:

The bill is being debated in parliament.

ERI response:

Partly implemented: The government acceded to the UN protocol, the president gazetted Presidential Powers [Temporary Measures, Trafficking in Persons Act] Regulations giving temporary legal effect to provision of the protocol. The government should make a domestication of the protocol permanent through an Act of Parliament. It must also increase awareness campaigns against trafficking in persons.

Coalition response:

Recommendations to ratify outstanding human rights instruments and collaborate with treaty and charter based mechanisms were accepted. Implementation - GoZ has ratified the following Optional Protocols; Convention of the Rights of the Child (CRC) on The Involvement of Children in Armed Conflict (22 May 2013); Sale of Children, Child prostitution and Child Pornography (14 February 2012). The GoZ also ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol (23 September 2013). GoZ also invited the UN Human Rights Commissioner in May 2012. Outstanding - GoZ is yet to ratify the Convention Against Torture and other Cruel, Inhuman or degrading Treatment (CAT), the International Convention for the Protection of all Persons against Enforced Disappearances (ICPED) and Optional Protocols to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); International Covenant on Civil and Political Rights (ICCPR); and International Covenant of Economic, Social and Cultural Rights (ICESCR).



Suggested action

- GoZ must ratify outstanding treaties and invite all UN Special Procedures mandates holders who have made requests to visit Zimbabwe.

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The GoZ was encouraged to continue efforts to combat trafficking in persons and accede to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. Implementation - On 13 December 2013, the GoZ acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons and on 3 January 2014, the President gazetted the Presidential Powers (Temporary Measures) (Trafficking in Persons Act) Regulations giving temporary legal effect to provision of the Protocol.² Outstanding - Regulations must be placed before parliament to make them into permanent law.

Suggested action

- GoZ must make domestication of Protocol permanent through an Act of parliament.
- The GoZ must increase awareness campaigns against trafficking in persons.

Recommendation n°2: *Ratify the Convention on the Rights of Persons with Disabilities* (Recommended by Morocco)

IRI: fully implemented

IBAHRI response:

The 2013 Zimbabwe Constitution (Article 22) specifically protects people with disabilities.

Coalition response:

Recommendations to ratify outstanding human rights instruments and collaborate with treaty and charter based mechanisms were accepted. Implementation - GoZ has ratified the following Optional Protocols; Convention of the Rights of the Child (CRC) on The Involvement of Children in Armed Conflict (22 May 2013); Sale of Children, Child prostitution and Child Pornography (14 February 2012). The GoZ also ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol (23 September 2013). GoZ also invited the UN Human Rights Commissioner in May 2012. Outstanding - GoZ is yet to ratify the Convention Against Torture and other Cruel, Inhuman or degrading Treatment (CAT), the International Convention for the Protection of all Persons against Enforced Disappearances (ICPED) and Optional Protocols



to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); International Covenant on Civil and Political Rights (ICCPR); and International Covenant of Economic, Social and Cultural Rights (ICESCR).

Suggested action

- GoZ must ratify outstanding treaties and invite all UN Special Procedures mandates holders who have made requests to visit Zimbabwe.

Recommendation n°3: *Sign and ratify the Optional Protocols to the CRC on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict* (Recommended by Portugal)

IRI: *fully implemented*

+

Recommendation n°85: *Continue improving its legal human rights framework by ratifying or acceding to core instruments to which it is not yet party* (Recommended by Burkina Faso)

IRI: *fully implemented*

+

Recommendation n°96: *Sign and ratify the CAT, the Convention on the Rights of Persons with Disabilities and the Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Spain)

IRI: *partially implemented*

+

Recommendation n°114: *Ratify the CAT and the second Optional Protocol to ICCPR* (Recommended by Czech Republic)

IRI: *not implemented*

Coalition response:

[See response to recommendation n°2]

Recommendation n°30: *Cooperate further with the Special Procedures and with all the human rights mechanisms* (Recommended by Burkina Faso)

IRI: *partially implemented*

IBAHRI response:

The Zimbabwe Minister participates in the UPR process.

Coalition response:

The GoZ was encouraged to cooperate with all human rights mechanisms, and issue a standing invitation to all UN Special Procedures mandate holders. Implementation - On 5 May 20, 2012, the GoZ invited the United Nations High Commissioner for Human Rights (UNOHCHR) for a five day visit to assess the human rights situation in Zimbabwe. Challenges -



However, GoZ refused or neglected to respond to reminders for requests for country visits sent by several Special Rapporteurs (SRs) on, Freedom of Association and Assembly; violence against women; and Independence of Judges and Lawyers, in 2012, and SR on Torture in 2013.

Suggested action

- GoZ must accept all outstanding requests for country visits before 2016.

Recommendation n°31: *Collaborate with the treaty bodies by submitting regularly reports on human rights situation* (Recommended by Chad)

IRI: *partially implemented*

+

Recommendation n°127: *Submit its periodic reports in a timely manner to treaty bodies* (Recommended by Republic of Korea)

IRI: *partially implemented*

IBAHRI response:

Zimbabwe has submitted reports but these are inadequate and of poor quality.

Recommendation n°71: *Cooperate closely with local human rights organizations in the follow up to this Universal Periodic Review* (Recommended by Norway)

IRI: *fully implemented*

IBAHRI response:

The environment is slightly improved for engagement with NGOs.

ZNCWC response:

The UPR consultations are ongoing, almost finalising the final UPR Mid-term report.

Coalition response:

The GoZ assented to cooperating closely with local human rights organizations in the follow up to the UPR and implementation of the recommendations. Implementation: In 2012, the GoZ invited CSOs to participate in national processes to draft an implementation plan, which resulted in the drafting of a National Plan of Action (NPA) A National Steering Committee was constituted and mandated with implementing the NPA. The steering committee comprises of government departments, independent commissions, CSOs and the Labour Movement. CSOs have carried out activities to further implementation of recommendations by working with arms of government such as parliament in their various fields of expertise.

**Suggested Action**

- GoZ must continue to create platforms for engagement with CSOs in implementing the recommendations.

Recommendation n°72: *Engage civil society in the process of implementation of UPR recommendations* (Recommended by Poland)

IRI: *fully implemented*

IBAHRI response:

The environment is slightly improved for engagement with NGOs.

ZNCWC response:

Civil society has been engaged and is working together with government

Coalition response:

[See response to recommendation n°71]

Recommendation n°82: *Ratify the CAT* (Recommended by United Kingdom)

IRI: *not implemented*

+

Recommendation n°83: *Become a party to the CAT* (Recommended by New Zealand)

IRI: *not implemented*

+

Recommendation n°87: *Ratify the CAT* (Recommended by Chad)

IRI: *not implemented*

+

Recommendation n°95: *Ratify the CAT and its Optional Protocol* (Recommended by Switzerland)

IRI: *not implemented*

IBAHRI response:

Outstanding

Coalition response:

[...] Outstanding - GoZ is yet to ratify the Convention Against Torture and other Cruel, Inhuman or degrading Treatment (CAT), [...]

Recommendation n°84: *Adhere to the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by France)

IRI: *not implemented*

Coalition response:

[...] Outstanding - GoZ is yet to ratify the Convention Against Torture and other Cruel, Inhuman or degrading Treatment (CAT), the International Convention for the Protection of all Persons against Enforced Disappearances (ICPED) [...]

Recommendation n°86: *Consider ratifying outstanding major human rights instruments such as the CAT, the International Convention for the Protection of all Persons against Enforced Disappearances, the International Convention on the rights of Persons with Disabilities and the Optional Protocols to CEDAW, ICCPR, ICESCR and CRC (Recommended by Zambia)*

IRI: *fully implemented*

IBAHRI response:

CAT has not been ratified by Zimbabwe. The International Convention on the Rights of Persons with Disabilities and its Optional Protocol was ratified by Zimbabwe on 23 September 2013, United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children was ratified on 13 December 2013. Neither Optional Protocol to the ICCPR has been ratified. The International Convention for the Protection of all Persons against Enforced Disappearances is not ratified by Zimbabwe.

As for incorporation into domestic legislation, work is outstanding.

Coalition response:

[See response to recommendation n°2]

Recommendation n°88: *Ratify and incorporate into domestic legislation the core human rights treaties, including CAT and CRC (Recommended by Poland)*

IRI: *partially implemented*

IBAHRI response:

Ratification of CAT is outstanding. CRC ratified 11 Sep 1990.

Coalition response:

[See response to recommendation n°2]

Recommendation n°89: *Sign and ratify the Second Optional Protocol to the ICCPR (Recommended by Portugal)*

IRI: *not implemented*

+

Recommendation n°91: *Consider ratifying the Second Optional Protocol to the ICCPR (Recommended by Belgium)*

IRI: -

IBAHRI response:

Outstanding

Coalition response:

[See response to recommendation n°2]

Recommendation n°90: *Ratify the 1961 Convention on the Reduction of Statelessness (Recommended by Slovakia)*

IRI: *not implemented*

IBAHRI response:

Outstanding

Recommendation n°92: *Ratify the core international human rights instruments including the CAT, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, both Optional Protocols to the CRC, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children and both Optional Protocols to the ICCPR and incorporate them into its national legislation (Recommended by Slovenia)*

IRI: *partially implemented*

IBAHRI response:

CAT has not been ratified by Zimbabwe. The International Convention on the Rights of Persons with Disabilities and its Optional Protocol were ratified by Zimbabwe on 23 September 2013, United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children was ratified on 13 December 2013. Neither Optional Protocol to the ICCPR has been ratified. As for incorporation into domestic legislation, work is outstanding.

Coalition response:

[See response to recommendation n°1]

Recommendation n°93: *Abolish the death penalty and consider ratifying the second Optional Protocol to the ICCPR as well the CAT (Recommended by Romania)*

IRI: *partially implemented*

IBAHRI response:

On abolishing the death penalty, declarations of Parliamentary intent have been made. The OP to the ICCPR and CAT are not ratified.

Coalition response:

[See response to recommendation n°2]

Recommendation n°94: *Ratify the ICCPR as well as its Optional Protocols* (Recommended by *Switzerland*)

IRI: *partially implemented*IBAHRI response:

Zimbabwe acceded to the ICCPR on 13 May 1991

It has not signed or ratified the ICCPR Optional Protocols.

Coalition response:

[See response to recommendation n°2]

Recommendation n°97: *Re-issue an invitation to the Special Rapporteur on Torture* (Recommended by *United Kingdom*)

IRI: *not implemented*

+

Recommendation n°98: *Issue a standing invitation to all United Nations Special Procedures mandate holders* (Recommended by *New Zealand*)

IRI: *not implemented*

+

Recommendation n°99: *Issue a standing invitation to Special Procedures mandate holders* (Recommended by *Japan*)

IRI: *not implemented*

+

Recommendation n°100: *Issue a standing invitation to Special Rapporteurs* (Recommended by *Brazil*)

IRI: *not implemented*IBAHRI response:

Not done

Coalition response:

[See response to recommendation n°30]

Recommendation n°106: *Raise the age of criminal responsibility from now 7 to 12 years as the absolute minimum as recommended by the CRC* (Recommended by *Austria*)

IRI: *not implemented*IBAHRI response:

Under Zimbabwean criminal law, the minimum age for criminal responsibility remains 7 years old.



Recommendation n^o116: *Ratify the CAT, implement its standards into national law and take immediate and concrete actions against the practice of torture by State officials (Recommended by Germany)*

IRI: *not implemented*

IBAHRI response:

CAT has not been ratified

Coalition response:

The GoZ agreed to criminalise torture and prevent all forms of torture and inhuman or degrading treatment (including prohibiting corporal punishment as a form of sentence or punishment) ensure full accountability of perpetrators and redress and rehabilitation to victims. Implementation - Torture has not yet been criminalized. At least 89 claims for damages have been filed against the police, members of Defence Forces since 2011. In addition 861 victims have received medical and psychosocial support as a result of torture by state and non-state actors since 2011.

Suggested action

- GoZ must ratify and domesticate the Convention Against Torture, Cruel, inhuman and Degrading Treatment and the Convention on Protection of all Persons from Enforced Disappearances.
- GoZ must criminalise torture and enforced disappearances and these must be prosecuted with very high penalties.
- Damages granted by the courts in cases of civil claims must be honored.

Recommendation n^o118: *Ratify the CAT, clearly criminalize torture and ban all kinds of corporal punishment (Recommended by Portugal)*

IRI: *not implemented*

IBAHRI response:

CAT has not been ratified.

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

The new Constitution adopted in 2013 confirms the right of all persons to freedom from "all forms of violence" and, significantly, does not include the provisions expressly allowing corporal punishment of children that were in the previous Constitution. However, it does not explicitly prohibit corporal punishment, and a number of other laws continue to authorise its use, including the Children's Act 1972, the Criminal Law (Codification and Reform) Act 2004, the Education Act 1987 and the Criminal Procedure and Evidence Act 1927.

Coalition response:

[See response to recommendation n°116]

Recommendation n°124: *Invite the Special Rapporteur on torture and other mandate holders to conduct independent and impartial investigations* (Recommended by United States)

IRI: *not implemented*

+

Recommendation n°125: *Issue standing invitations to United Nations Special Procedures mandates holders, and facilitate and welcome fact-finding missions to Zimbabwe* (Recommended by Norway)

IRI: *partially implemented*

+

Recommendation n°126: *Extend invitations to the Special Rapporteur on torture and the Special Rapporteur on human rights defenders* (Recommended by Republic of Korea)

IRI: *not implemented*

+

Recommendation n°128: *Extend invitations to all United Nations Special Rapporteur mandate holders, in particular the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture* (Recommended by Ireland)

IRI: *not implemented*

+

Recommendation n°130: *Extend an open and standing invitation to all Special Procedures and avoid delays in the submission of reports to treaty bodies that has been occurring since 2000* (Recommended by Spain)

IRI: *not implemented*Coalition response:

[See response to recommendation n°30]

Recommendation n°129: *Cooperate with the United Nations Special Procedures* (Recommended by Switzerland)

IRI: *not implemented*IBAHRI response:

Zimbabwe continues to reject visits by the UN Special Rapporteur, most recently: SR on freedom of association and assembly - reminder of visit October 2013, and SR on violence against women - reminder October 2013.

Coalition response:

[See response to recommendation n°30]



Recommendation n°136: *Ratify, transpose in domestic law and fully implement the CAT, as well as set up an independent mechanism to monitor places of detention and to prevent torture (Recommended by France)*

IRI: *not implemented*

IBAHRI response:

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Outstanding

Zimbabwe has a Human Rights Commission since 2009. Much work needs to be done to transform it into an effective institution.

Coalition response:

[See response to recommendation n°116]

Justice

Recommendation n°4: *Take concrete measures to align Zimbabwe's domestic laws, including customary laws with international human rights instruments that it is party to, to ensure harmonization with the protections guaranteed in the Constitution (Recommended by South Africa)*

IRI: *fully implemented*

IBAHRI response:

Work still needs to be done on this issue. Domestic law does not conform with new constitution; in particular, a large number of statutes are not in line with Zimbabwe's international commitments on human rights. Approximately 400 statutes have been identified as requiring reform. Work is, however, underway.

ZNCWC response:

Harmonisation of more than 400 laws is ongoing to be in line with new constitution. Harmonisation of laws is underway.

Coalition response:

The GoZ agreed to align domestic laws, including customary laws, with ratified human rights instruments, as well as harmonise laws with the Constitution, review and amend the Public Order and Security Act (POSA) and the Private Voluntary Organisations Act (PVOA) to be in line with international standards as POSA and PVOA restrict the work of human



rights defenders (HRDs). Implementation - The Constitution addresses some of these recommendations. Discrimination in areas of personal law or African customary law is now outlawed. The GoZ is also in the process of aligning laws with the Constitution. Outstanding - The GoZ has failed to amend or repeal POSA, and the PVOA, and legitimate CSOs continue to be harassed and arrested under these laws.

Suggested action

- GoZ must amend the PVOA to remove undue restrictions on the work of HRDs and repeal offensive sections of POSA inhibiting freedom of assembly.
- GoZ must educate law enforcement agencies on the role and functions of CSOs in a democratic society.

Recommendation n°20: *Preserve the national process of appeasement and reconciliation* (Recommended by *Algeria*)

IRI: not implemented

RSF response:

Une presse indépendante et libre est nécessaire pour établir un débat public sain et élargi, synonyme de dialogue et de réconciliation. Néanmoins, la législation actuelle, notamment via le délit de diffamation, maintient une très forte pression sur la presse, et empêche celle-ci de traiter certains sujets d'intérêt public. Une réforme en profondeur de la loi est nécessaire afin de permettre à la presse de fournir aux citoyens une information fiable et pertinente, qui leur permette de participer pleinement à la vie publique.

IBAHRI response:

Outstanding

Coalition response:

The GoZ was encouraged to ensure that the Organ on National Healing and Reconciliation and Integration (ONHRI) fully implemented its mandates based on truth, reconciliation and forward-looking approaches. Implementation - Despite this undertaking, ONHRI remained a symbolic entity without a clear policy to guide its functions. Right up to the period leading to the 2013 elections, ONHRI failed to ensure accountability for atrocities perpetrated in 2008, and previously. The Constitution now provides for the establishment of a National Peace and Reconciliation Commission (NPRC), to take forward the agenda of healing and reconciliation. Challenges -The NPRC is still to be constituted and operationalized.



Suggested action

- The GoZ is urged to urgently give effect to the constitutional provisions establishing the NPRC such as enacting a law to operationalize it, adequately funding it to ensure that the process of healing and reconciliation gains momentum.

Recommendation n°28: *Ensure the Organ for National Healing, Reconciliation and Integration be able to fully implement its mandates based on truth, reconciliation and forward-looking approaches (Recommended by Indonesia)*

IRI: *not implemented*

IBAHRI response:

The Organ for National Healing, Reconciliation and Integration has been disbanded.

Coalition response:

[See response to recommendation n°20]

Recommendation n°41: *Adopt necessary measures to improve conditions in prisons and other places of detention (Recommended by Russian Federation)*

IRI: *not implemented*

IBAHRI response:

Much work needs to be done.

ZNCWC response:

A Committee set up has completed a study on the state of prison conditions and the results are yet to be published.

ERI response:

Not implemented: There is no notable progress on the state of prisons since 2011 only \$2.5m was allocated in the budget against the ministry's \$21m for prisoner's rations only and this is insensitive to children living with their mothers and inmates on ARTs ,TB medication, pregnant and mentally ill patients.

Coalition response:

The GoZ undertook to adopt necessary measures to improve conditions in prisons and other places of detention and set up an independent mechanism to monitor places of detention and to prevent torture. Implementation - No progress since October 2011. Challenges - The declining economy has made Zimbabwe's prison conditions a human



tragedy and a serious abuse of human rights. Lack of adequate financial and material resources, has contributed to the dire prison conditions. According to The Justice, Legal and Parliamentary Affairs Secretary, “In order to feed prisoners on the prescribed standard dietary scale as prescribed in Statutory Instrument 96 of 2012, the ministry requires \$21 million for the whole year, but the department was only allocated \$2.5 million for prisoner’s rations.” In a 2013 baseline survey ‘The Needs of Female Inmates in Zimbabwean Prisons’ by ZACRO, Female inmates highlighted poor quality and quantity of food, lack of food for children living with their mothers and insensitivity to dietary needs of inmates on ART, TB medication, detained mentally ill patients and those pregnant. Other issues raised were acute shortages of uniforms, sanitary ware and other non-food items. There is no mechanism to monitor prisons. The Zimbabwe Human Rights Commission (ZHRC) has a role of visiting and inspecting prisons, places of detention, refugee camps, places where mentally disordered or intellectually challenged persons are detained and related places. It has not fulfilled its functions due to resource constraints. A new proposed Prison Act is being drafted by Zimbabwe Prisons and Correctional Services to align prison laws to the constitution. There have been no consultations with CSOs, and no information to assess whether proposed new provisions are progressive.

Suggested action

- GoZ must inject adequate funds to ensure adequate resources for prisons and also put in place measures to expedite the hearing of cases to reduce incarceration of pre-trial detainees.
- The GoZ must improve resources of ZHRC for it to carry out its detention conditions monitoring role.

Recommendation n°42: *Take all appropriate legal and administrative measures to bring justice for the people, in particular for vulnerable groups living in remote and rural areas* (Recommended by Iran)

IRI: *partially implemented*

IBAHRI response:

Much work needs to be done.

Coalition response:

GoZ undertook to take all appropriate legal and administrative measures to bring justice to the people (vulnerable groups living in remote and rural areas) and to adopt necessary measures to enhance the courts’ competence and functioning as far as the administration of justice is concerned, including the training of the staff in courts in the area of human



rights. Implementation - A constitutional court was established by the Constitution and is operating. Four courthouses were constructed in outlying areas of Guruve, Murehwa, Mutoko and Tsholotsho, with a victim friendly unit opened in Murewa. There are plans to build 30 other courts. There is improved clearance of cases at Magistrates and Supreme Court. Challenges - The Constitutional Court does not have rules of procedure. There is a backlog of cases in the High Court and the Labour Court with 23% of criminal appeals in High Court being finalized in 2013. The Legal Aid Directorate has not decentralized with two offices in Harare and Bulawayo and is inaccessible to many people that require legal assistance. Practice Directives by the Chief Justice have had the effect of putting justice out of reach of people due to the exorbitant fees required for court processes.

Suggested action

- GoZ must decentralize the legal aid services by the Legal Aid Directorate and expedite construction of courts.
- Case management must be improved through injection of adequate funds for human and material resource sustenance of the judicial system.
- GoZ must ensure that staff members receive adequate training.

Recommendation n°43: *Continue its efforts to ensure the rule of law in its national development (Recommended by Singapore)*

IRI: not implemented

IBAHRI response:

Much work needs to be done.

Coalition response:

GoZ accepted to continue its efforts to strengthen the rule of law, the capacity of national mechanisms on human rights and the promotion of national healing process based on tolerance and respect among different communities. Implementation - There was no progress in giving effect to this recommendation. Challenges - The law continued to be selectively applied against perceived supporters of opposition parties and legitimate HRDs. From January 2012 to December 2013, 2416 HRDs were arrested, detained, with some being prosecuted. The leaders of the security sector also made partisan utterances before the elections with the Police Commissioner General in May 2013 publicly refusing to entertain security sector reforms. The partisanship and selective application of law within the police was apparent with police being accused of failing to protect known MDC candidates and supporters. Such harassment included disruption of



their campaign efforts by militias or themselves, arresting and detaining none ZANU PF candidates and supporters for frivolous charges.

Suggested action

- The GoZ must take measures to guarantee equal application and protection of the law.
- Government must reform state institutions.

Recommendation n°44: *Adopt necessary measures to enhance the courts' competence and functioning as far as the administration of justice is concerned, including the training of the staff in courts in the area of human rights* (Recommended by Mexico)

IRI: *partially implemented*

IBAHRI response:

Much work needs to be done.

ZNCWC response:

Capacity trainings/workshops are ongoing.

Coalition response:

[See response to recommendation n°42]

Recommendation n°45: *Strengthen the rule of law, the capacity of national mechanisms on human rights and the promotion of national healing process based on tolerance and respect among different communities* (Recommended by Viet Nam)

IRI: *not implemented*

IBAHRI response:

Much work needs to be done.

Coalition response:

[See response to recommendation n°43]

Recommendation n°102: *Consider the issue of introducing a moratorium for capital punishment* (Recommended by Russian Federation)

IRI: *fully implemented*

+

Recommendation n°104: *Take measures to abolish the death penalty* (Recommended by Brazil)

IRI: *partially implemented*

IBAHRI response:

Declarations of Parliamentary intent have been made. The new Constitution significantly reduces the imposition of the death penalty.

Recommendation n°103: *Prohibit corporal punishment as a form of sentence as well prohibit corporal punishment in all other settings* (Recommended by Austria)

IRI: *not implemented*

IBAHRI response:

Judicial caning was banned by the Supreme Court on 1989. Since that time it has been rarely used.

GIEACPC response:

The new Constitution adopted in 2013 confirms the right of all persons to freedom from "all forms of violence" and, significantly, does not include the provisions expressly allowing corporal punishment of children that were in the previous Constitution. However, it does not explicitly prohibit corporal punishment, and a number of other laws continue to authorise its use, including the Children's Act 1972, the Criminal Law (Codification and Reform) Act 2004, the Education Act 1987 and the Criminal Procedure and Evidence Act 1927.

Coalition response:

The GoZ agreed to criminalise torture and prevent all forms of torture and inhuman or degrading treatment (including prohibiting corporal punishment as a form of sentence or punishment) ensure full accountability of perpetrators and redress and rehabilitation to victims. Implementation - Torture has not yet been criminalized. At least 89 claims for damages have been filed against the police, members of Defence Forces since 2011. In addition 861 victims have received medical and psychosocial support as a result of torture by state and non-state actors since 2011.

Suggested action

- GoZ must ratify and domesticate the Convention Against Torture, Cruel, inhuman and Degrading Treatment and the Convention on Protection of all Persons from Enforced Disappearances.
- GoZ must criminalise torture and enforced disappearances and these must be prosecuted with very high penalties.
- Damages granted by the courts in cases of civil claims must be honored.



Recommendation n°105: *Consider criminalizing torture under domestic law (Recommended by Brazil)*

IRI: *fully implemented*

IBAHRI response:

Torture is dealt with under general law. No specific crime of torture is defined within the domestic legal framework.

Coalition response:

[See response to recommendation n°103]

Recommendation n°121: *Create stronger mechanisms to ensure greater revenue transparency from diamond mining, demilitarize the diamond industry, and thoroughly investigate cases of beatings and abuse by Government and private security services in the Marange area (Recommended by United States)*

IRI: *not implemented*

Coalition response:

The GoZ made a commitment 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. Challenges - The Constitution is silent on use of natural resources. The Mines and Minerals Act does not permit adequate public participation in the granting of prospecting licenses and mining permits. It lacks provisions for the protection of the environment and lacks provisions for transparency and accountability.

Suggested action

- The GoZ must accelerate the finalization and implementation of the diamond policy.
- The GoZ must enact a Diamond Act to reassert transparent State control and, define the framework of compensation for communities being displaced by Diamond mining.
- The GoZ must also reconsider recommendations that it rejected and create stronger mechanisms to ensure greater revenue transparency from diamond mining, demilitarize the diamond industry and thoroughly investigate cases of beatings and abuse by government and security services in the Marange area.



Recommendation n^o133: *Investigate all credible allegations related with the Presidential elections in 2008, particularly in the areas of torture, arbitrary detentions and enforced disappearances* (Recommended by South Africa)

IRI: *not implemented*

+

Recommendation n^o134: *Conduct independent national investigations of all cases of enforced disappearances and arbitrary detention* (Recommended by Russian Federation)

IRI: *not implemented*

+

Recommendation n^o143: *Undertake impartial, independent and comprehensive investigations into the 2008 election-related violence, including cases of rape, with guarantees of protection for witnesses, survivors and their families, and prosecute the alleged perpetrators* (Recommended by Canada)

IRI: *not implemented*

Coalition response:

The GoZ was encouraged to take immediate steps to bring about reforms to ensure that the electoral process and the legislation were in line with international standards and address concerns on independence of the Zimbabwe Electoral Commission (ZEC) and the accuracy of the voters' roll. GoZ accepted to investigate all credible allegations related to the Presidential elections in 2008, particularly in areas of torture, arbitrary detentions and enforced disappearances. Implementation - There was no progress in implementing these recommendations. Challenges - On 31 July 2013 Zimbabwe held harmonised elections. The credibility of the harmonised elections was compromised by lack of adherence to the UPR recommendations. No official investigation of the 2008 atrocities was carried out, human rights violations such as harassment and intimidation of perceived opposition party supporters continued. While the new Constitution provided for the independence of ZEC, and its management of voter registration and the compilation of voters rolls, in reality these functions continued to be exercised by the Registrar General of Voters. Voter registration was not carried out properly. The mobile voter registration exercise benefitted 99.97% rural voters, while only about 67.94% of urban voters were registered. Further, ZEC denied political parties access to the electronic version of the voters roll, availing hard copies on the day of election after a court order. Although the election day was peaceful, there were unusually high numbers of assisted voters, despite the country's high literacy rates.



Suggested action

- Investigations into the 2008 violence must be conducted to ensure that perpetrators are held accountable and do not perpetuate electoral violence by re-victimising survivors of the violence.
- The GoZ must ensure the integrity of the voters roll by transferring custody to ZEC in accordance with the provisions of the Constitution.
- The GoZ must consider biometric voters' roll system as a way of enhancing transparency in the electoral system.
- ZEC must be adequately funded to ensure proper implementation of electoral processes, such as voter registration and voter education, among others.

Recommendation n°137: *Improve the overall conditions of prisons and detention facilities and adopt relevant measures to tackle the problems such as the overcrowding and unsatisfactory state of some prisons (Recommended by Czech Republic)*

IRI: *not implemented*

Coalition response:

[See response to recommendation n°41]

Recommendation n°139: *Exert utmost efforts towards preventing all forms of torture and inhuman or degrading treatment, while ensuring full accountability of perpetrators as well as redress and rehabilitation to victims (Recommended by Slovakia)*

IRI: *partially implemented*

IBAHRI response:

Much work needs to be done

Coalition response:

[See response to recommendation n°103]

Recommendation n°145: *Consider creating an independent prosecution authority in accordance with the United Nations guidelines and consider to fully implementing the right to a fair trial for all (Recommended by Zambia)*

IRI: *partially implemented*

Coalition response:

[See response to recommendation n°42]

Recommendation n°148: *Investigate in depth on the allegations of human rights violations committed by the private security services, police forces and high officials since 2008 in Marange region, pursue and sanction those who are responsible (Recommended by Belgium)*

IRI: *not implemented*

+

Recommendation n°149: *Take promptly all the necessary measures to put an end to all the human rights violations in Marange region (Recommended by Belgium)*

IRI: *not implemented*

Coalition response:

The GoZ made a commitment 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. Challenges - The Constitution is silent on use of natural resources. The Mines and Minerals Act does not permit adequate public participation in the granting of prospecting licenses and mining permits. It lacks provisions for the protection of the environment and lacks provisions for transparency and accountability

Suggested action

- The GoZ must accelerate the finalization and implementation of the diamond policy.
- The GoZ must enact a Diamond Act to reassert transparent State control and, define the framework of compensation for communities being displaced by Diamond mining.
- The GoZ must also reconsider recommendations that it rejected and create stronger mechanisms to ensure greater revenue transparency from diamond mining, demilitarize the diamond industry and thoroughly investigate cases of beatings and abuse by government and security services in the Marange area.

Recommendation n°165: *Stop the impunity enjoyed by perpetrators of human rights violations against civil society activists, NGOs and human rights defenders and incorporate the United Nations Declaration on Human Rights Defenders in national legislation (Recommended by Norway)*

IRI: *not implemented*

Coalition response:

The GoZ agreed to align domestic laws, including customary laws, with ratified human rights instruments, as well as harmonise laws with the Constitution, review and amend the Public Order and Security Act (POSA) and the Private Voluntary Organisations Act (PVOA) to be in line with



international standards as POSA and PVOA restrict the work of human rights defenders (HRDs). Implementation - The Constitution addresses some of these recommendations. Discrimination in areas of personal law or African customary law is now outlawed. The GoZ is also in the process of aligning laws with the Constitution. Outstanding - The GoZ has failed to amend or repeal POSA, and the PVOA, and legitimate CSOs continue to be harassed and arrested under these laws.

Suggested action

- GoZ must amend the PVOA to remove undue restrictions on the work of HRDs and repeal offensive sections of POSA inhibiting freedom of assembly.
- GoZ must educate law enforcement agencies on the role and functions of CSOs in a democratic society.

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The GoZ agreed to recognize the right to assembly of members of non-political groups, prioritize efforts to implement domestic policies to give effect to the protection of human rights and the prevention of politically-motivated violence and intimidation. The GoZ also undertook to take necessary measures to investigate all allegations of human rights violations (including unlawful acts of harassment of human rights defenders (HRDs), NGO workers and other members of civil society) and bring perpetrators to justice, taking steps to incorporate and enforce the United Nations Declaration on Human Rights Defenders (UNDHRDs). Implementation - There was less overt politically motivated violence before and during the July 2013 elections. Challenges - There was covert violence leading to many people not being able to fully and freely participate in the elections. No action has been taken to give effect to the UNDHRDs or ensure that the rights to freedom of assembly and association of non-political groups is upheld.

Suggested action

- GoZ must fully implement the provisions of the UNDHRDs and investigate acts of harassment of HRDs
- The GoZ must bring all those who perpetrate violations against HRDs to account.
- The GoZ must consider the recommendation it rejected to uphold its international obligations to respect the rights to freedom of expression, assembly and cease arrests, harassment and detention of individuals with different views.

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[See response to recommendation n°43]



Recommendation n^o169: *Investigate and prosecute those responsible for the unlawful acts of harassment of human rights defenders, namely NGO workers and other members of civil society, and take steps to incorporate and enforce the United Nations Declaration on Human Rights Defenders (Recommended by Portugal)*

IRI: *not implemented*

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Recommendation n^o172: *Ensure that human rights defenders, independent journalists or lawyers and civil society representatives are effectively protected from any form of intimidation and harassment while performing their legitimate duties (Recommended by Slovakia)*

IRI: *not implemented*

Coalition response:

The GoZ agreed to recognize the right to assembly of members of non-political groups, prioritize efforts to implement domestic policies to give effect to the protection of human rights and the prevention of politically-motivated violence and intimidation. The GoZ also undertook to take necessary measures to investigate all allegations of human rights violations (including unlawful acts of harassment of human rights defenders (HRDs), NGO workers and other members of civil society) and bring perpetrators to justice, taking steps to incorporate and enforce the United Nations Declaration on Human Rights Defenders (UNDHRDs). Implementation - There was less overt politically motivated violence before and during the July 2013 elections. Challenges - There was covert violence leading to many people not being able to fully and freely participate in the elections. No action has been taken to give effect to the UNDHRDs or ensure that the rights to freedom of assembly and association of non-political groups is upheld.

Suggested action

- GoZ must fully implement the provisions of the UNDHRDs and investigate acts of harassment of HRDs
- The GoZ must bring all those who perpetrate violations against HRDs to account.
- The GoZ must consider the recommendation it rejected to uphold its international obligations to respect the rights to freedom of expression, assembly and cease arrests, harassment and detention of individuals with different views.

Recommendation n^o173: *Review and amend the public Order and Security Act and the Private Voluntary Organisation Act that impose considerable*



restrictions to the work of human rights defenders in order to bring them into line with the international standards and respect for freedom of association (Recommended by Belgium)

IRI: not implemented

Coalition response:

The GoZ agreed to align domestic laws, including customary laws, with ratified human rights instruments, as well as harmonise laws with the Constitution, review and amend the Public Order and Security Act (POSA) and the Private Voluntary Organisations Act (PVOA) to be in line with international standards as POSA and PVOA restrict the work of human rights defenders (HRDs). Implementation - The Constitution addresses some of these recommendations. Discrimination in areas of personal law or African customary law is now outlawed. The GoZ is also in the process of aligning laws with the Constitution. Outstanding - The GoZ has failed to amend or repeal POSA, and the PVOA, and legitimate CSOs continue to be harassed and arrested under these laws.

Suggested action

- GoZ must amend the PVOA to remove undue restrictions on the work of HRDs and repeal offensive sections of POSA inhibiting freedom of assembly.
- GoZ must educate law enforcement agencies on the role and functions of CSOs in a democratic society.

Women & Children

Recommendation n°23: Put in place and adequately fund mechanisms for the collection and analysis of disaggregated data on maternal mortality and morbidity and domestic violence in order to better understand prevailing trends and assess the effectiveness of measures in place (Recommended by Canada)

IRI: partially implemented

IBAHRI response:

Underway. There is a specific Statute prohibiting domestic violence.

ZNCWC response:

Measures have been put in place by Ministry of Health and Child Care.

JCT response:

Law enforcement agencies have been capacitated to enforce the Domestic Violence Act. According to the Zimbabwe Republic Police 617 officers have been trained on the Act and the trainings are ongoing. A secretariat for the Anti- Domestic Violence Council has been set up but it is under staffed and has no resources to carry out its mandate. Failure to provide it with funds has rendered it ineffective. Funding should be a priority for effective protection of victims of domestic violence.

The police have also made efforts to raise community awareness on where they can get protection from domestic violence. These have not been very effective and progress is hampered by cultural and religious beliefs that domestic violence is normal. In some instances the perpetrators of domestic violence will be the breadwinners such that victims find it difficult to act against them. This has been worsened by the police who sometimes discourage people from reporting. They are encouraged to resolve the issues with their spouses. The main problem is that many people do not really know that they should report domestic violence at the victim friendly unit not the charge office where they usually get mocked.

The strengthening of gender based violence information systems was hampered by lack of connectivity of district offices that have the mandate to collect the information. This shows lack of prioritisation of the exercise which the government should improve on.

It is important for women to be empowered on the Domestic Violence Act, not only through one awareness but it should be an ongoing exercise. The Anti-Domestic Violence Council should also be well funded so that it fulfils its mandate.

Coalition response:

The GoZ undertook to collect and analyse disaggregated data on domestic violence to better understand prevailing trends and assess effectiveness of measures in place and consolidate mechanisms to protect women against all forms of violence. Implementation - While the GoZ collates information on number of victims of domestic violence seeking assistance from the police, there is inadequate protection mechanisms for survivors of domestic violence. There are two shelters only in country to cater for women experiencing violence. One is run by an NGO, and in the 2013 National budget, inadequate funds were allocated to the Victim Friendly system at US\$10 000, and only \$44 000 for the Victim Friendly Courts.



Suggested action

- The GoZ is further urged to put in place a better framework to implement the Domestic Violence Act.

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The GoZ committed to address challenges of maternal and child mortality. Implementation – Section 76 of the Constitution provides for the right to access to basic health-care services, including reproductive health-care services. Section 73(a) provides for the right to an environment that is not harmful to health or wellbeing. In terms of the Constitution, no person may be refused emergency medical treatment in any healthcare institution. These provisions complement other laws and policies that have been in place on maternal health and the delivery of equitable health services include. There is a multi-donor Health transition fund (2011-2015) providing resources towards reduction of maternal mortality. Challenges - Only 66.6% of births in Zimbabwe are attended to by skilled personnel. Maternal mortality rate in Zimbabwe is the highest in Southern Africa at 960 deaths per 100,000 live births. Of these, 24% are women aged 15-19 due to maternal health-related issues. Maternity fees remain unaffordable, reduced attendance of expectant mothers at antenatal clinics due to associated costs or distances to clinics and the inability of some women to make choices on reproductive health issues due to social or cultural pressures persist. In addition, only 59% of women have access to contraceptives. The National Budget in 2013 allocated 40% less to maternal and health care as compared to 2012. Similarly there was a 56% decrease in budget allocation to village health workers from 2012, yet they play an important role in access to health care for women in the rural areas. In the 2014 national budget the Health and Child Care Ministry got \$337 million which is 8,2% of the total budget allocation and is slightly less than what was allocated in 2013 (9,87%). The health allocation also failed to meet what was stipulated by the 2001 Abuja Declaration on Health that Zimbabwe is signatory to which demands that 15% of all national budgets should go towards health.

Suggested action

- The GoZ should resolve the barrier of user fees and ensure adequate supplies of critical maternal and new-born health and medical equipment and commodities such as blood products.
- The GoZ is encouraged to ensure that there is adequate budgetary support to ensure that the maternal mortality rate is reduced

Recommendation n°25: *Continue the work according to the National Action Plan II to focus on the situation of orphans and vulnerable children to*



ensure their access to health care and education (Recommended by Norway)

IRI: *fully implemented*

IBAHRI response:

Much work remains to be done.

ZNCWC response:

Increase in the number of orphans has strained the resources allocated under NAP II, need for more resources to be allocated to cater for the increasing number of orphans.

JCT response:

The New Constitution came in force in July 2013 and it makes specific provisions for the rights of children. It makes provision for socio-economic rights such as education and the right to health. The right to education includes the right to state funded education. The government has also made efforts to ensure that health care is accessible to all, particularly the indigent by introducing the following a) the Assisted Medical Treatment Order (AMTO) which caters for children below 5 years and the elderly above 65 and other vulnerable people b) Health Transition Funding (HTF) which addresses access to health services mainly by pregnant women and children under 5 years.

A draft National Child Rights Policy has been made which is still awaiting approval by Cabinet.

It is sad to note that the government has not provided adequate resources to complement these important structures. Hospitals continue to receive inadequate disbursements from the treasury and have remained without sufficient medical stocks, medical gases, blood and blood products. Even though children are treated for free when there is no medication at the clinics and hospitals their parents and guardians have to get the medication from expensive pharmacies. For children in the rural areas the dream is not easily realised as failure to access medication at local clinics is failure to access medication. Health centres are still far apart in rural areas such that most people still have to travel long distances to reach clinics. This is worsened by the transport system which in some instances is nonexistent.

For children the right to health is largely dependent on parents and in some instances parents fail to ensure their children enjoy these rights due to religious or cultural beliefs. The government has to introduce stricter measures against parents who deprive their children of the right to health.



The government should allocate 15% of the national budget to health in line with the Abuja Declaration which Zimbabwe signed in July 2005. This will see a great improvement in the health delivery system

Coalition response:

The GoZ agreed to look into the matter of orphans caught up in the battle for property within the Anglican Church and ensure that the rights of those children are covered. It also undertook to address the issues of school drop-out rates of children and establish a specialised juvenile justice system. Implementation: The Anglican Church dispute was resolved by the courts and the property was returned to the legal trustees. In May 2013, the GoZ launched the pre-trial diversion programme for juveniles for rehabilitative, educative and restorative support. Challenges - In October 2013, Matebeleland South Province reported school drop-out of 3000 children due to hunger and starvation. The cutting of funding under BEAM at the beginning of 2014 from \$73million to \$15million affected many children, the majority being orphans and vulnerable children.

Suggested Action:

- GoZ should find alternative ways to fund BEAM in order to ensure basic education for children
- GoZ should find sustainable solution to poverty, to ensure that children have access to food and shelter

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The GoZ agreed to ensure free access to education for everyone, especially girls and vulnerable children, increase budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material. Implementation – Section 75 of the Constitution provides for the right to basic state funded education, and further made progressively available by the state through reasonable legislative and other measures. There is Education Transition Fund (ETF) programme covering curricula review, teacher training support; textbooks and early childhood development kits, school grants, education information systems. The BEAM programme for underprivileged children is still in place. Challenges - Inadequate government revenue inflows, suspension of cadetship programmes for tertiary institutions has prevented poor students from attaining tertiary education. BEAM programme is undermined by corruption with deserving candidates not benefitting. The pass rate for Ordinary Level remained poor, in 2013 at 20.72%. Although Zimbabwe maintains the highest literacy levels in Africa, focus should be shifted towards quality of education.



Suggested action

- The GoZ must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes.
- The GoZ must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls.
- The GoZ should also improve the conditions of service for teachers and increase their opportunities for professional development.

Recommendation n°26: Look into the matter of orphans caught up in the battle for property within the Anglican Church and ensure that orphans are being given experienced caretakers and have their basic rights covered (Recommended by Norway)

IRI: fully implemented

IBAHRI response:

Much work still needs to be done.

ZNCWC response:

The Anglican dispute has been resolved by the court and the affected children have been taken care of.

ERI response:

Partly implemented: the Anglican Church dispute was resolved by the courts. 3 000 children dropped out of school in Matebeleland South province in 2013 owing to the cutting of funding under BEAM from \$73m to \$15m. The government should find alternative ways to fund BEAM in order to ensure basic education for children. The government should find a sustainable solution to poverty and ensure children's access to food and shelter.

JCT response:

The dispute within the Anglican Church was resolved and the orphans are now better placed. However, to avoid such incidences from occurring the property rights of the church particularly those who protect the interests of children should be regulated.

Coalition response:

The Goz agreed to look into the matter of orphans caught up in the battle for property within the Anglican Church and ensure that the rights of those children are covered. It also undertook to address the issues of school drop-out rates of children and establish a specialised juvenile justice system. Implementation: The Anglican Church dispute was resolved by the



courts and the property was returned to the legal trustees. In May 2013, the GoZ launched the pre-trial diversion programme for juveniles for rehabilitative, educative and restorative support. Challenges - In October 2013, Matebeleland South Province reported school drop-out of 3000 children due to hunger and starvation. The cutting of funding under BEAM at the beginning of 2014 from \$73million to \$15million affected many children, the majority being orphans and vulnerable children.

Suggested Action:

- GoZ should find alternative ways to fund BEAM in order to ensure basic education for children
- GoZ should find sustainable solution to poverty, to ensure that children have access to food and shelter

Recommendation n°27: Create a system to collect updated and disaggregated data on the situation of the rights of the child (Recommended by Mexico)

IRI: partially implemented

IBAHRI response:

Much work still needs to be done.

ZNCWC response:

Not yet done but the process of establishing an independent body to look into children's issues has begun.

JCT response:

The data could not be provided as it seemed there were capacity constraints in data collection systems on the part of the government. This shows a lack of prioritisation as funds should have been channelled to the exercise.

Recommendation n°32: Elaborate and implement where gaps exist, legislative and administrative measures to outlaw discrimination against women and eliminate gender based violence (Recommended by South Africa)

IRI: fully implemented

IBAHRI response:

Prohibition of discrimination against women and gender-based violence are provided for in the Constitution.

ZNCWC response:

Gender Policy was launched; multi-sectoral approach against Gender Based Violence is being implemented.

Coalition response:

The GoZ agreed to implement legislative and administrative measures to outlaw discrimination against women; promote the status of women and prevent marginalization and exclusion of women from the economic, social and political spheres of society as well as strengthen the representation of women in decision-making process, including efforts to reach the quotas established by SADC. Implementation - The Constitution protects women's rights, outlawing discrimination on the basis of gender, including under customary law. Death penalty for women has been abolished and an additional 60 additional seats of the House of Assembly are reserved for women. Challenges - Reserved seats resulted in less women participating in the contested seats. Women are only 34% of the Parliament (SADC quota is 50%), while there are only 3 female Ministers in a cabinet of 26. There are no provisions for gender equality in local government leading to decreased women's representation from 19% in 2008 elections to 16% in 2013 elections. The percentage of women in economic decision making positions in the public sector is 33% as compared to 67% for men. The new economic policy Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZimASSET) does not set a target for the participation of women in the economy

Suggested action

- The realignment of laws should include a review of economic and financial legislation to ensure more participation of women and economic empowerment of women.

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The GoZ undertook to collect and analyse disaggregated data on domestic violence to better understand prevailing trends and assess effectiveness of measures in place and consolidate mechanisms to protect women against all forms of violence. Implementation - While the GoZ collates information on number of victims of domestic violence seeking assistance from the police, there is inadequate protection mechanisms for survivors of domestic violence. There are two shelters only in country to cater for women experiencing violence. One is run by an NGO, and in the 2013 National budget, inadequate funds were allocated to the Victim Friendly system at US\$10 000, and only \$44 000 for the Victim Friendly Courts.



Suggested action

- The GoZ is further urged to put in place a better framework to implement the Domestic Violence Act.

Recommendation n^o33: *Undertake continued action including legislation to address the marginalization of women, children and other vulnerable groups from socio-economic and political spheres (Recommended by Sri Lanka)*

IRI: *fully implemented*

IBAHRI response:

Covered by the Constitutional framework.

ZNCWC response:

New constitution has specific provisions that ensure children and women's rights.

Coalition response:

The GoZ agreed to implement legislative and administrative measures to outlaw discrimination against women; promote the status of women and prevent marginalization and exclusion of women from the economic, social and political spheres of society as well as strengthen the representation of women in decision-making process, including efforts to reach the quotas established by SADC. Implementation - The Constitution protects women's rights, outlawing discrimination on the basis of gender, including under customary law. Death penalty for women has been abolished and an additional 60 additional seats of the House of Assembly are reserved for women. Challenges - Reserved seats resulted in less women participating in the contested seats. Women are only 34% of the Parliament (SADC quota is 50%), while there are only 3 female Ministers in a cabinet of 26. There are no provisions for gender equality in local government leading to decreased women's representation from 19% in 2008 elections to 16% in 2013 elections. The percentage of women in economic decision making positions in the public sector is 33% as compared to 67% for men. The new economic policy Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZimASSET) does not set a target for the participation of women in the economy.

Suggested action

- The realignment of laws should include a review of economic and financial legislation to ensure more participation of women and economic empowerment of women.



Recommendation n°34: *Intensify its efforts to promote the status of women and continue its commitments to fulfil quality education* (Recommended by Myanmar)

IRI: *partially implemented*

IBAHRI response:

This is within the Constitutional framework. Efforts are being made.

ZNCWC response:

Laws to improve status of women have been put in place, there is need to implement and allocate adequate resources for the implementation of these policies and programmes.

Coalition response:

[See response to recommendation n°33]

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The GoZ agreed to ensure free access to education for everyone, especially girls and vulnerable children, increase budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material. Implementation – Section 75 of the Constitution provides for the right to basic state funded education, and further made progressively available by the state through reasonable legislative and other measures. There is Education Transition Fund (ETF) programme covering curricula review, teacher training support; textbooks and early childhood development kits, school grants, education information systems. The BEAM programme for underprivileged children is still in place. Challenges - Inadequate government revenue inflows, suspension of cadetship programmes for tertiary institutions has prevented poor students from attaining tertiary education. BEAM programme is undermined by corruption with deserving candidates not benefitting. The pass rate for Ordinary Level remained poor, in 2013 at 20.72%. Although Zimbabwe maintains the highest literacy levels in Africa, focus should be shifted towards quality of education.

Suggested action

- The GoZ must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes.
- The GoZ must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls.
- The GoZ should also improve the conditions of service for teachers and increase their opportunities for professional development.



Recommendation n°35: *Enforce its established policies and uphold its legislation to prevent instances of marginalization and discrimination against women (Recommended by Republic of Korea)*

IRI: *partially implemented*

IBAHRI response:
Efforts being made.

Coalition response:
[See response to recommendation n°33]

Recommendation n°36: *Enforce relevant national policies and legislation to prevent and address the marginalisation and exclusion of women (Recommended by Thailand)*

IRI: *partially implemented*

IBAHRI response:
There is some protection within the Constitutional framework

ZNCWC response:
Ongoing

Coalition response:
[See response to recommendation n°33]

Recommendation n°37: *Continue to strengthen its policies and measures for the empowerment of women (Recommended by Bangladesh)*

IRI: *fully implemented*

IBAHRI response:
There is some protection within the Constitutional framework.

ZNCWC response:
Introduction of a quota system in parliamentary representation making sure women are allocated adequate space.

Coalition response:
[See response to recommendation n°33]

Recommendation n°38: *Enforce national legislation and policies to prevent and address the marginalization and exclusion of women from the economic, social and political spheres of society (Recommended by Slovenia)*

IRI: *partially implemented*

IBAHRI response:
There is some protection within the Constitutional framework.

Coalition response:

[See response to recommendation n°33]

Recommendation n°39: *Strengthen protection mechanisms against gender-based violence* (Recommended by *Angola*)

IRI: *partially implemented*

IBAHRI response:

Prohibition of discrimination against women and GBV are provided for in the Constitution.

ZNCWC response:

Public campaigns against gender based violence are underway with support from the political leaders.

ERI response:

Implemented; The reporting system for such cases are becoming widely known though a further investigation of the African independent churches still need to be looked at where women are still disadvantaged in an extremely patriarchal religious system.

Coalition response:

The GoZ undertook to collect and analyse disaggregated data on domestic violence to better understand prevailing trends and assess effectiveness of measures in place and consolidate mechanisms to protect women against all forms of violence. Implementation - While the GoZ collates information on number of victims of domestic violence seeking assistance from the police, there is inadequate protection mechanisms for survivors of domestic violence. There are two shelters only in country to cater for women experiencing violence. One is run by an NGO, and in the 2013 National budget, inadequate funds were allocated to the Victim Friendly system at US\$10 000, and only \$44 000 for the Victim Friendly Courts.

Suggested action

- The GoZ is further urged to put in place a better framework to implement the Domestic Violence Act.

Recommendation n°40: *Consolidate the mechanisms to protect women against all forms of violence* (Recommended by *Morocco*)

IRI: *partially implemented*

IBAHRI response:

Prohibition of discrimination against women and gender-based violence are provided for in the Constitution.

ZNCWC response:

Ongoing, but need to allocate adequate financial resources for implementation.

Coalition response:

[See response to recommendation n°39]

Recommendation n°46: *Strengthen the representation of women in decision-making process* (Recommended by Algeria)

IRI: *partially implemented*

IBAHRI response:

Much work needs to be done. However, Zimbabwe has a 50/50 law in relation to gender parity within government.

ZNCWC response:

Quota system in Parliament and Senate has been established.

Coalition response:

The GoZ agreed to implement legislative and administrative measures to outlaw discrimination against women; promote the status of women and prevent marginalization and exclusion of women from the economic, social and political spheres of society as well as strengthen the representation of women in decision-making process, including efforts to reach the quotas established by SADC. Implementation - The Constitution protects women's rights, outlawing discrimination on the basis of gender, including under customary law. Death penalty for women has been abolished and an additional 60 additional seats of the House of Assembly are reserved for women. Challenges - Reserved seats resulted in less women participating in the contested seats. Women are only 34% of the Parliament (SADC quota is 50%), while there are only 3 female Ministers in a cabinet of 26. There are no provisions for gender equality in local government leading to decreased women's representation from 19% in 2008 elections to 16% in 2013 elections. The percentage of women in economic decision making positions in the public sector is 33% as compared to 67% for men. The new economic policy Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZimASSET) does not set a target for the participation of women in the economy

Suggested action

- The realignment of laws should include a review of economic and financial legislation to ensure more participation of women and economic empowerment of women.



Recommendation n^o47: *Make efforts to reach the quotas established by the Southern African Development Community with regard to the integration of women in all sectors of society (Recommended by Angola)*

IRI: *partially implemented*

IBAHRI response:

Much work needs to be done.

ZNCWC response:

These have been implemented.

Coalition response:

[See response to recommendation n^o33]

Recommendation n^o48: *Continue to seek ways to overcome the challenges and constraints identified regarding vulnerable groups, especially the increase of women representation in elective bodies (Recommended by Uganda)*

IRI: *fully implemented*

IBAHRI response:

Much work needs to be done. However, Zimbabwe has a 50/50 law in relation to gender parity within government.

ZNCWC response:

Significant progress has been made.

Coalition response:

[See response to recommendation n^o33]

Recommendation n^o49: *Undertake a review with a view to ensuring a coordinated system bridging gaps, especially with respect to the provision of birth certificates (Recommended by South Africa)*

IRI: *partially implemented*

IBAHRI response:

Much work needs to be done.

ZNCWC response:

A lot still needs to be done especially the need to decentralise birth certificate registration up to district level in remote rural areas, most child are not able to acquire birth certificates due to various reasons



Recommendation n°54: *Continue the efforts to reduce maternal and child mortality* (Recommended by Morocco)

IRI: *partially implemented*

IBAHRI response:

Much work remains to be done.

ZNCWC response:

More still needs to be done to improve service provision in public health institutions, need for more financial resources.

ERI response:

Partly implemented; The government failed to meet the 15% national budget allocation towards stipulated by the 2001 Abuja declaration that it is a signatory to. Only 9.87% was allocated in 2013 for health. The government is urged to ensure budgetary support with the aim of reducing the maternal mortality rate.

JCT response:

Through the Health Transition Fund (HTF) the government supports pregnant women and children under 5 years with free medical health care at government institutions. At district level pregnant women do not pay user fees. From the period 2012 to date 20 mothers' waiting rooms have been established around the country and 25 sites are being worked on.

The government managed to scale up Anti-Retroviral Therapy (ART) services to reduce child mortality by making it free of charge and accessible. It has also mobilised and empowered communities to support improved care and access. From the period 2012 to date 1442 Antenatal Care facilities are offering comprehensive PMTCT services to pregnant women which has resulted in pregnant women assessed for ART rising from 56 % in 2011 to 60% in 2012. This significantly reduced the number of children born with HIV. Communities still need to be empowered to access these rights as the government's efforts are commendable.

Vaccinations for children below 5 against the killer diseases has intensified and statistics from the Ministry of Health and Child Care shows that 421 099 babies received BCG in 2013 and 37 011 babies received the same in January 2014. Efforts have been made by the government to ensure that vaccinations are made available for children the government has to go further and empower communities to ensure they access these services. There should also be stern measures taken against parents who deprive their children of these rights.



People are still facing challenges of proximity to hospitals such that some still give birth to children on the way to hospitals. Mother's waiting rooms are still few and there is also need to encourage communities to enrol at the waiting rooms.

Coalition response:

The GoZ committed to address challenges of maternal and child mortality. Implementation – Section 76 of the Constitution provides for the right to access to basic health-care services, including reproductive health-care services. Section 73(a) provides for the right to an environment that is not harmful to health or wellbeing. In terms of the Constitution, no person may be refused emergency medical treatment in any healthcare institution. These provisions complement other laws and policies that have been in place on maternal health and the delivery of equitable health services include. There is a multi-donor Health transition fund (2011-2015) providing resources towards reduction of maternal mortality. Challenges - Only 66.6% of births in Zimbabwe are attended to by skilled personnel. Maternal mortality rate in Zimbabwe is the highest in Southern Africa at 960 deaths per 100,000 live births. Of these, 24% are women aged 15-19 due to maternal health-related issues. Maternity fees remain unaffordable, reduced attendance of expectant mothers at antenatal clinics due to associated costs or distances to clinics and the inability of some women to make choices on reproductive health issues due to social or cultural pressures persist. In addition, only 59% of women have access to contraceptives. The National Budget in 2013 allocated 40% less to maternal and health care as compared to 2012. Similarly there was a 56% decrease in budget allocation to village health workers from 2012, yet they play an important role in access to health care for women in the rural areas. In the 2014 national budget the Health and Child Care Ministry got \$337 million which is 8,2% of the total budget allocation and is slightly less than what was allocated in 2013 (9,87%). The health allocation also failed to meet what was stipulated by the 2001 Abuja Declaration on Health that Zimbabwe is signatory to which demands that 15% of all national budgets should go towards health.

Suggested action

- The GoZ should resolve the barrier of user fees and ensure adequate supplies of critical maternal and new-born health and medical equipment and commodities such as blood products.
- The GoZ is encouraged to ensure that there is adequate budgetary support to ensure that the maternal mortality rate is reduced



Recommendation n°66: *Address the issue of school drop-out rates of children and examine related issues of child malnutrition (Recommended by Sri Lanka)*

IRI: *not implemented*

IBAHRI response:

Much work remains to be done.

ZNCWC response:

Need to address causes of school drop-out, need to scale up supplementary schools feeding especially in rural areas.

Coalition response:

[See response to recommendation n°26]

Recommendation n°68: *Continue the free access to education, notably for girls and vulnerable children (Recommended by Morocco)*

IRI: *partially implemented*

IBAHRI response:

There has been very limited investment in education.

ERI response:

Partly implemented: The poor remuneration of teachers and lack of subsidies to poor schools has a negative impact on orphaned and vulnerable children.

Coalition response:

The GoZ agreed to ensure free access to education for everyone, especially girls and vulnerable children, increase budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material. Implementation – Section 75 of the Constitution provides for the right to basic state funded education, and further made progressively available by the state through reasonable legislative and other measures. There is Education Transition Fund (ETF) programme covering curricula review, teacher training support; textbooks and early childhood development kits, school grants, education information systems. The BEAM programme for underprivileged children is still in place. Challenges - Inadequate government revenue inflows, suspension of cadetship programmes for tertiary institutions has prevented poor students from attaining tertiary education. BEAM programme is undermined by corruption with deserving candidates not benefitting. The pass rate for Ordinary Level remained poor,



in 2013 at 20.72%. Although Zimbabwe maintains the highest literacy levels in Africa, focus should be shifted towards quality of education.

Suggested action

- The GoZ must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes.
- The GoZ must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls.
- The GoZ should also improve the conditions of service for teachers and increase their opportunities for professional development.

Recommendation n°69: *Reprioritize resources to increase the budget for basic education, including the provision of additional tuition assistance to orphans and vulnerable children* (Recommended by New Zealand)

IRI: *partially implemented*

IBAHRI response:

There has been very limited investment in education.

ZNCWC response:

BEAM is overwhelmed and there is need to increase financial resources, expand the child friendly budget consultations.

Coalition response:

[See response to recommendation n°68]

Recommendation n°107: *Consider raising (from 7 years old) the minimum age of criminal responsibility* (Recommended by Brazil)

IRI: -

IBAHRI response:

Under Zimbabwean criminal law, the minimum age for criminal responsibility remains 7 years old.

ZNCWC response:

Yet to be done.

Recommendation n°108: *Provide for a child-sensitive, accessible complaint mechanism, ensuring a proper redress, rehabilitation and social reintegration and for the child victim of abuse* (Recommended by Slovakia)

IRI: *not implemented*

IBAHRI response:

Outstanding

ZNCWC response:

The Victim Friendly System is operational but need for more resource allocation.

Recommendation n°109: Set a higher age of criminal responsibility for children and take all necessary measures to establish a specialised juvenile justice system, where children are treated in accordance with the principle of the best interest of the child (Recommended by Slovenia)

IRI: *partially implemented*

Coalition response:

[See response to recommendation n°26]

Recommendation n°110: Ensure the protection of the minors, including through adopting juvenile justice system and increasing the age of criminal responsibility for children (Recommended by Indonesia)

IRI: *partially implemented*

IBAHRI response:

Under Zimbabwean criminal law, the minimum age for criminal responsibility remains 7 years old.

ZNCWC response:

The Juvenile Diversion Programme is now operational, children are now treated separately.

JCT response:

A pre trial diversion programme has been implemented which channels cases of juvenile offenders away from the formal justice delivery system to try and protect the rights of juvenile offenders. The Judicial Services Commission has also increased imposition of non custodial sentences on juvenile offenders in favour of suspended sentences. Imprisonment has been made the last resort and the Zimbabwe Prisons and Correctional Services is no longer detaining juveniles in the same cells as adult offenders. In all cases of juvenile offenders free bail is being offered even though the condition is always that there is a parent or guardian in whose custody the juvenile will be released. Where this adult cannot be located the juvenile is remanded in custody. Where this happens the ZPCS is now detaining these juveniles separately from adult offenders.

Trainings are on going on prison officers, the police, prosecutors and magistrates on juvenile justice and they have been conducted in partnership with civil society organisations and development partners.



The challenge has been that the government relies on civil society organisations for the positive developments that have occurred as far as the protection of juvenile offenders is concerned. For the juvenile justice system to be effective the government should be the one that takes the leading role and not to lag behind. They must prioritise the issue of protect the child who will be in conflict with the law.

The other challenge is that the pre trial diversion programme is only being implemented in HARARE, Gweru and Murehwa. Resources should be made available to ensure that it is implemented in other parts of the country.

Coalition response:

[See response to recommendation n°26]

Recommendation n°132: *Ensure equality between men and women, including in parents' rights and property's rights* (Recommended by France)

IRI: *not implemented*

IBAHRI response:

Gender equality' is protected in the 2013 Constitution. Much work needs to be done in terms of equality in practice.

ZNCWC response:

New constitution has provisions, maintenance act, inheritance laws are in place but need for more sensitisation campaigns.

Coalition response:

[See response to recommendation n°33]

Other

Recommendation n°5: *Continue to strengthen its institutions* (Recommended by South Africa)

IRI: *fully implemented*

IBAHRI response:

The Judicial Service Commission was recently upgraded to give it a greater role in the appointment and selection of judges. A number of constitutional commissions were established under the 2013 Constitution. However, a lot of work still needs to be done. The judiciary needs to be strengthened as relates to its role in promoting democracy and human rights. Funding is



inadequate. For example, the Judicial Services Commission is awaiting funding.

Coalition response:

The GoZ agreed to strengthen media, human rights and anti-corruption institutions and ensure that the law operationalising the Zimbabwe Human Rights Commission (ZHRC) complies with the Paris Principles. Implementation - Progress to operationalise the ZHRC has been very slow, with no full, functional Secretariat. Challenges - Independent Commissions created under the Constitution such as the Gender Commission (GC), National Peace and Reconciliation Commission (NPRC) are not operational. The existing Anti-Corruption Commission is inadequately financed and technically incapacitated.

Suggested action

- The GoZ must urgently facilitate the appointment of all the Secretariat members for the ZHRC and enact laws to operationalise the NPRC and the GC.
- The GoZ must also guarantee the independence of the Anti-Corruption Commission and the Zimbabwe Media Commission as well as ensure that they are adequately resourced.

Recommendation n°6: Take additional steps to ensure that the legislation establishing the Zimbabwe Human Rights Commission is fully compliant with the Paris Principles and includes guarantees for independence in order for the Commission to see accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) (Recommended by United Kingdom)

IRI: partially implemented

IBAHRI response:

The Human Rights Commission has been established and has an independent mandate.

Coalition response:

[See response to recommendation n°5]

Recommendation n°7: Render the National Human Rights Commission operational with the enactment of relevant legislation (Recommended by Sri Lanka)

IRI: partially implemented

IBAHRI response:

The Human Rights Commission has been established and has an independent mandate. However, it lacks the financial resources to be operational.

ZNCWC response:

The Human Rights Commission is now operational.

Coalition response:

[See response to recommendation n°5]

Recommendation n°8: Provide the Zimbabwe Human Rights Commission with adequate financial and technical capacity and take concrete steps to ensure its independence, transparency and impartiality (Recommended by Ghana)

IRI: not implemented

IBAHRI response:

Although established, there is currently no Chair of the Human Rights Commission. The former Chairman resigned.

ZNCWC response:

This is ongoing.

Coalition response:

[See response to recommendation n°5]

Recommendation n°9: Empower by statute the Zimbabwe Human Rights Commission to enable it to act in accordance with the Paris Principles and provide it with adequate resources to function effectively (Recommended by New Zealand)

IRI: partially implemented

IBAHRI response:

The Human Rights Commission has been established and has an independent mandate. However, it lacks the financial resources to be operational.

ZNCWC response:

Ongoing

Coalition response:

[See response to recommendation n°5]



Recommendation n°10: *Ensure Zimbabwe's Human Rights Commission has the resources and independence to carry out its mandate in accordance with Paris Principles* (Recommended by Australia)

IRI: *not implemented*

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Recommendation n°11: *Bring the Human Rights Commission in conformity with the Paris Principles* (Recommended by France)

IRI: *not implemented*

+

Recommendation n°14: *Provide for legislation ensuring an independent functioning of the National Human Rights Commission according to the Paris Principles* (Recommended by Germany)

IRI: *partially implemented*

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Recommendation n°15: *Establish and make operational a national human rights institution in accordance with the Paris Principles* (Recommended by Poland)

IRI: *partially implemented*

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Recommendation n°16: *Ensure that the Zimbabwe Human Rights Commission is provided with appropriate support and facilities* (Recommended by Malaysia)

IRI: *not implemented*

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Recommendation n°17: *Ensure that the national Human Rights Commission becomes operational as soon as possible and that its operation be in line with the Paris Principles* (Recommended by Thailand)

IRI: *not implemented*

+

Recommendation n°18: *Ensure adequate conditions for human rights institutions, including the Human Rights Commission, to fulfil their functions with sufficient legal, political and financial independence* (Recommended by Denmark)

IRI: *partially implemented*

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Recommendation n°19: *Enact as soon as possible the statute of the Human Rights Commission to make it operational* (Recommended by Switzerland)

IRI: *partially implemented*

+



Recommendation n°120: *Enact the statute of the Human Rights Commission whose mandates are in line with the Paris Principles and draw up a comprehensive national human rights' plan of action (Recommended by Indonesia)*

IRI: *partially implemented*

IBAHRI response:

The Human Rights Commission has been established and has an independent mandate. However, it lacks the financial resources to be operational.

Coalition response:

[See response to recommendation n°5]

Recommendation n°12: *Pursue relentlessly the implementation of the national priorities, initiatives and commitments, especially the national process of healing and reconciliation as well as the creation of a Human Rights Commission (Recommended by Democratic Republic of Congo)*

IRI: *partially implemented*

IBAHRI response:

The Human Rights Commission has been established and has an independent mandate. However, it lacks the financial resources to be operational.

Coalition response:

[See response to recommendation n°5]

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The GoZ was encouraged to ensure that the Organ on National Healing and Reconciliation and Integration (ONHRI) fully implemented its mandates based on truth, reconciliation and forward-looking approaches. Implementation - Despite this undertaking, ONHRI remained a symbolic entity without a clear policy to guide its functions. Right up to the period leading to the 2013 elections, ONHRI failed to ensure accountability for atrocities perpetrated in 2008, and previously. The Constitution now provides for the establishment of a National Peace and Reconciliation Commission (NPRC), to take forward the agenda of healing and reconciliation. Challenges -The NPRC is still to be constituted and operationalized.

Suggested action

- The GoZ is urged to urgently give effect to the constitutional provisions establishing the NPRC such as enacting a law to operationalize it, adequately funding it to ensure that the process of healing and reconciliation gains momentum.

Recommendation n°13: *Further strengthen the Commissions of the media, human rights and anti-corruption* (Recommended by Norway)

IRI: *not implemented*

IBAHRI response:

The Media and Anti-corruption Commission still needs strengthening and needs resources. Its mandate needs to be strengthened and clarified in relation to its relationship with the police.

Coalition response:

[See response to recommendation n°5]

Recommendation n°29: *Intensify efforts to implement national programmes that promote the rights of its people, including in the field of the rights of Children and Women as well as rights of education, to health, to adequate water and to sanitation, through enhancing the capacity of the Government and cooperation with relevant stakeholders, including civil society, media and international community* (Recommended by Indonesia)

IRI: *partially implemented*

IBAHRI response:

Much work needs to be done.

Coalition response:

The GoZ agreed to ensure free access to education for everyone, especially girls and vulnerable children, increase budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material. Implementation – Section 75 of the Constitution provides for the right to basic state funded education, and further made progressively available by the state through reasonable legislative and other measures. There is Education Transition Fund (ETF) programme covering curricula review, teacher training support; textbooks and early childhood development kits, school grants, education information systems. The BEAM programme for underprivileged children is still in place. Challenges - Inadequate government revenue inflows, suspension of cadetship programmes for tertiary institutions has prevented poor students from attaining tertiary education. BEAM programme is undermined by corruption with deserving candidates not benefitting. The pass rate for Ordinary Level remained poor, in 2013 at 20.72%. Although Zimbabwe maintains the highest literacy levels in Africa, focus should be shifted towards quality of education.



Suggested action

- The GoZ must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes.
- The GoZ must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls.
- The GoZ should also improve the conditions of service for teachers and increase their opportunities for professional development.

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The GoZ committed to incorporate principles of the human rights framework created by the SR on the human right to safe drinking water and sanitation into Zimbabwe's national policy on domestic water supply and sanitation. The GoZ also agreed to work with the international community, and development partners to fight diseases through securing relevant expertise. Implementation- Section 77 (a) of the Constitution provides for the right to safe, clean and potable water. Challenges - Water shortages persist in most parts of the country with residents resorting to unsafe sources of water such as open wells. Harare loses 50% of processed water through leakages. Further, in mid-2012, Harare and Chitungwiza reported 112 new cases of water-borne typhoid due to contaminated water supply. In November 2013, the Standards Association of Zimbabwe reported that water pumped into homes by the Harare City Council is not fit for drinking purposes and could soon cause an outbreak of water-borne diseases. The Deputy Minister of Health reported in November 2013 that up to eight children were dying weekly as a result of diarrhea. The situation has not improved with 132 people reported to have died of diarrhea in 2014 and on average 12000 cases are recorded weekly throughout the country. In Jan and Feb 2014 a total of 37 cases of typhoid were reported.

Suggested action

- The GoZ must invest in the upgrading of infrastructure to ensure that all citizens are able to access clean and potable water.
- The GoZ must fully acknowledge the existence of a typhoid outbreak for local and international actors to intervene.
- The GoZ must lift its freeze on posts in the Ministry of health to ensure availability of adequate and qualified personnel who can attend to patients.

+

The GoZ assented to cooperating closely with local human rights organizations in the follow up to the UPR and implementation of the recommendations. Implementation: In 2012, the GoZ invited CSOs to participate in national processes to draft an implementation plan, which



resulted in the drafting of a National Plan of Action (NPA) A National Steering Committee was constituted and mandated with implementing the NPA. The steering committee comprises of government departments, independent commissions, CSOs and the Labour Movement. CSOs have carried out activities to further implementation of recommendations by working with arms of government such as parliament in their various fields of expertise.

Suggested Action

- GoZ must continue to create platforms for engagement with CSOs in implementing the recommendations.

Recommendation n^o74: *Seek international assistance to fund programmes and capacity building initiatives* (Recommended by Swaziland)

IRI: *fully implemented*

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Recommendation n^o75: *Seek the support of the international community on capacity building and technical assistance in promotion and protection of human rights* (Recommended by Ethiopia)

IRI: *fully implemented*

IBAHRI response:

International assistance has been sought.

Recommendation n^o77: *Continue to strengthen the successful social policies undertaken to meet the needs of its people, especially in the most needy areas of society, that unfair economic sanctions imposed should be lifted and international cooperation should be provided without any condition* (Recommended by Venezuela)

IRI: *partially implemented*

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Recommendation n^o122: *Prioritize efforts to implement domestic policies to give effect to the protection of human rights, and the prevention of politically-motivated violence and intimidation* (Recommended by Australia)

IRI: *partially implemented*

IBAHRI response:

Much work remains to be done.

Recommendation n^o78: *Request necessary technical assistance in the education sector, particularly when it comes to teaching tools and technological and scientific material* (Recommended by Morocco)

IRI: *fully implemented*

JCT response:

The Government has formed partnerships with Development partners, and private companies to provide technological and scientific materials. This has seen an increase in textbooks, learning equipment and computers given to schools. Although this has seen an improvement in these materials the government has to play a leading role in providing these at schools. Some schools in the rural areas do not have electricity and even though the government claims to have provided all schools with computers where there is no electricity therefore wasting resources. Positive developments can only occur once there is a separate budget for the educational needs of the nation. This requires prioritisation and political will which seem to be lacking as the government has to go beyond planning and putting on paper and ensure that they are put into practise.

Coalition response:

The GoZ agreed to ensure free access to education for everyone, especially girls and vulnerable children, increase budget for basic education, providing additional tuition assistance to orphans and vulnerable children and requesting necessary technical assistance in the education sector such as teaching tools and technological and scientific material. Implementation – Section 75 of the Constitution provides for the right to basic state funded education, and further made progressively available by the state through reasonable legislative and other measures. There is Education Transition Fund (ETF) programme covering curricula review, teacher training support; textbooks and early childhood development kits, school grants, education information systems. The BEAM programme for underprivileged children is still in place. Challenges - Inadequate government revenue inflows, suspension of cadetship programmes for tertiary institutions has prevented poor students from attaining tertiary education. BEAM programme is undermined by corruption with deserving candidates not benefitting. The pass rate for Ordinary Level remained poor, in 2013 at 20.72%. Although Zimbabwe maintains the highest literacy levels in Africa, focus should be shifted towards quality of education.

Suggested action

- The GoZ must stem corruption in the education sector to ensure that underprivileged students benefit from state-funded programmes.
- The GoZ must increase resources for programmes like BEAM to ensure universal access to primary education for both boys and girls.
- The GoZ should also improve the conditions of service for teachers and increase their opportunities for professional development.



Recommendation n^o119: *Consider amending the Zimbabwe Human Rights Commission legislation in order to bring it in line with the Paris Principles (Recommended by Zambia)*

IRI: *fully implemented*

IBAHRI response:

The Human Rights Commission has been established and has an independent mandate. However, it lacks the financial resources to be operational.

Recommendation n^o123: *Take concrete steps to comply fully with the minimum standards of the Kimberly Process, including by increasing accountability and transparency in the use of profits from natural resources, and investigating any credible allegation of human rights abuses, particularly in the Marange region (Recommended by Canada)*

IRI: *not implemented*

Coalition response:

The GoZ made a commitment 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. Challenges - The Constitution is silent on use of natural resources. The Mines and Minerals Act does not permit adequate public participation in the granting of prospecting licenses and mining permits. It lacks provisions for the protection of the environment and lacks provisions for transparency and accountability

Suggested action

- The GoZ must accelerate the finalization and implementation of the diamond policy.
- The GoZ must enact a Diamond Act to reassert transparent State control and, define the framework of compensation for communities being displaced by Diamond mining.
- The GoZ must also reconsider recommendations that it rejected and create stronger mechanisms to ensure greater revenue transparency from diamond mining, demilitarize the diamond industry and thoroughly investigate cases of beatings and abuse by government and security services in the Marange area.

Recommendation n^o157: *Fully implement the Global Political Agreement (GPA) provisions supporting the Constitutional Parliamentary Committee (Recommended by United States)*

IRI: *partially implemented*

Coalition response:

The GoZ agreed to implement fully the provisions of the Global Political Agreement (GPA) especially articles relating to the security of persons and prevention of violence, freedoms of expression, assembly and association, and support the Constitution making Processes by (COPAC). Implementation - Implementation of provisions of the GPA remained outstanding right up the 31 July 2013 elections. A new Constitution was adopted barely two months before the elections. The Inclusive Government failed to implement most of the reforms contemplated under GPA as recommended.

Suggested action

- The GoZ must fully implement all provisions of the new Constitution.
- The GoZ should ensure that the issues raised under reforms in the GPA are implemented, even under the new government

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.



Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
21	Continue facing the attempts of external interference in the country's internal affairs and continue exercising fully its sovereignty and right to self-determination	Cuba	Accepted	2	Other
79	Seek technical assistance from the OHCHR, other relevant United Nations agencies and funds with a view to implement its treaty body reporting obligations	Malaysia	Accepted	1	Technical assistance, Treaty bodies
81	Seek technical cooperation and assistance for capacity building from the international community and relevant United Nations agencies so as to successfully implement the Zimbabwe - United Nations Development Assistance Framework	Thailand	Accepted	1	Development, Technical assistance
101	Consider making the declaration provided for in Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination	Ghana	Accepted	3	International instruments, Racial discrimination
111	Amend expeditiously the Births and Deaths Registration Act to ensure that all children born in Zimbabwe, regardless of their parents' origin, are issued with birth certificates	Slovakia	Noted	5	Rights of the Child
113	Set up independent mechanisms to fight against impunity towards perpetrators of human rights violations committed, including those committed before 2009, ratify the Rome Statute of the International Criminal Court	France	Noted	5	International instruments, Justice, Impunity
115	Withdraw its reservations to the 1951 Refugee Convention	Czech Republic	Noted	5	Asylum-seekers - refugees, International instruments
117	Ratify the Rome Statute of the International Criminal Court	Poland	Noted	5	International instruments, Justice
131	Decriminalise as soon as possible sexual relations between consent adults of same sex and repeal the 2006 law	France	Noted	5	Sexual Orientation and Gender Identity
135	Commute without delay death sentences into imprisonment and establish a de jure moratorium on executions with a view to fully abolish the death penalty	France	Noted	5	Death penalty
138	Establish a formal moratorium on executions with view to abolishing the death penalty and support the United Nations General Assembly resolution on the moratorium on the use of death penalty	Portugal	Noted	5	Death penalty



rec. n°	Recommendation	SMR	Response	A	Issue
140	Pursue the current debate on the abolition of the death penalty in a transparent manner including with respect to civil society	Belgium	Noted	2	Civil society, Death penalty
141	Establish a moratorium on all executions and, eventually, abolish the death penalty	Switzerland	Noted	5	Death penalty
142	Speedily abolish the death penalty	Spain	Noted	5	Death penalty
144	Establish an independent civilian authority charged with receiving complaints and investigating allegations of crimes committed by members of the Zimbabwe Republic Police, military and armed forces	Austria	Noted	5	Human rights violations by state agents, Justice
146	Endeavour to depoliticize the police and military authorities to ensure impartial administration of justice and respect for the right to a fair trial and compliance with minimum guarantees in pre-trial detention	Ireland	Noted	4	Detention conditions, Justice
147	Expedite the investigation of all human rights allegations with a view towards bringing the perpetrators to justice	Thailand	Noted	4	General
150	Strengthen its efforts in the fight against impunity	Slovenia	Noted	4	Impunity
151	Implement legal reform to ensure an independent Prosecuting Authority promoting effectiveness, impartiality and fairness of prosecutors in criminal proceedings	Denmark	Noted	5	Justice
152	Take the necessary measures so that all allegations of human rights violations are duly investigated and that the perpetrators are brought to justice	Switzerland	Noted	4	General
153	Embark on a reform of the judiciary to ensure its independence and impartiality	Spain	Noted	4	Justice
179	Stop all forced evictions, develop and implement guidelines which comply with international human rights law	Romania	Noted	4	International instruments, Right to housing
180	Embark on an efficient strategy and remedies to end the lack of decent housing or resettlements for internally displaced persons from Marange region	Spain	Noted	4	Right to housing

A= Action Category (see on [our website](#))

SMR = State making recommendation

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