



Zimbabwe
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1. Torture, inhumane and degrading treatment

During the last UPR in 2016 over 30 countries recommended that Zimbabwe ratify the Convention against Torture (CAT). The Government of Zimbabwe accepted these recommendations, but has not yet ratified this Convention. The Constitution of Zimbabwe provides in the Bill of Rights that no person may be subjected to physical or psychological torture [Section 53], that the right not to be tortured may not be limited by any law and that no person may violate the right [Section 86(3)]. In recent years, there has been a sharp increase in cases of torture involving women. There have been a large number of people arrested, detained and released without charge.

Some examples of women who have experienced various forms of torture and abuse by state agents: In August 2019, Samantha Kureya (Gonyeti) was picked up at home by state agents, stripped and forced to drink sewage.¹ Last year, MP Joanna Mamombe, Cecilia Chimbiri and Netsai Marova were abducted, stripped of their clothes, abused and abandoned.²

Recommendations

The Government must ratify and implement CAT and its Optional Protocols, and properly investigate all allegations of torture, inhumane and degrading treatment and prosecute all perpetrators in accordance with

¹ <https://www.theguardian.com/world/2019/aug/23/zimbabwean-comedian-samantha-kureya-goes-into-hiding-after-abduction-and-beating>

² [https://www.africanews.com/2020/06/11/zimbabwe-female-politicians-brutalized//](https://www.africanews.com/2020/06/11/zimbabwe-female-politicians-brutalized/)

the law.

Victims of torture must be provided with appropriate medical and psycho-social care, and financial and other support to rebuild their lives.

2. Right to housing and land

In the 2016 UPR of Zimbabwe, there was limited focus on the issue of the right to housing and land, other than one recommendation from Bangladesh which called upon the Government of Zimbabwe to “Undertake efforts as set out in the Sustainable Development Goals, especially those related to poverty, education, health, housing and water and sanitation” (31.101)

Violations with respect to the right to adequate housing are an on-going concern. The 2013 Constitution of Zimbabwe, Section 74, states that, “No person may be evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances.” However, from late 2020, the Government began targeting houses in Harare for demolition, describing them as illegal constructions. About 190 houses were demolished by Harare City Council in Budiriro 5 in December 2020 and about 200 houses in High Glen.³ People had settled there for about 10 years, having paid to secure land and build their houses. Their water connection was controlled by the City Council,⁴ which indicates that the relevant authorities knew of their presence and claim to the land.

The demolitions took place during the rainy season, leading to increased hardships for those who lost their homes.⁵ These people had already been affected by COVID-19 and a series of lockdowns in Zimbabwe, but no plan was put in place for them once their homes were demolished. These demolitions violate Section 28 of the Constitution that alludes to the State’s obligation to take reasonable legislative and other measures within the limits of the resources available to them, to enable every person to have access to adequate shelter. In isolated cases of demolition the Zimbabwe Defence Forces also violated the Constitution and many basic human rights. In September 2020, soldiers were responsible for demolitions of houses that were built adjacent the National Heroes Acre in Belvedere West. Zimbabwe Defence Forces’ spokesperson Colonel Makotore confirmed that the structures in question were indeed demolished by the ZNA and was quoted in the press stating “These houses were built in cantonment, when an outsider invades your territory you do not wait for external help.”⁶

On 26 February 2021, the Minister of Local Government, Public Works and National Housing, July Moyo, issued a Statutory Instrument 150 of 2021⁷ requiring approximately 14,000 indigenous Shangani people occupying approximately 12,940 hectares of communal land at Chilonga in Chiredzi, South Eastern Zimbabwe, to vacate that land immediately unless they could acquire new rights of use or occupation to that land. The legal notice said the land was being set aside for lucerne grass production - which is farming grass to feed animals.

Zimbabwe’s Communal Land Act⁸ section 10, authorizes the local government minister to set aside communal land for any purpose, after consultation with the local Rural District Council, and permits the minister to order evictions, under certain limited circumstances, with reasonable notice and compliance with the Constitution. However, Section 74 of the Zimbabwe Constitution⁹ prohibits eviction in the absence of a court order issued after considering all the relevant circumstances.

The same group of people were evicted from their ancestral land by the colonial government in Chiredzi in the 1960s to pave the way for Gonarezhou National Park.¹⁰ To date, the government has not provided reasonable arrangements for resettlement, compensation, or alternative land with infrastructure such as schools, clinics,

³ <https://www.herald.co.zw/200-houses-demolished/>

⁴ <https://www.aljazeera.com/features/2021/1/11/bulldozed-the-zimbabweans-losing-their-homes-to-a-land-dispute>

⁵ <https://www.herald.co.zw/council-demolishes-190-houses/>

⁶ <https://harare.opencouncil.co.zw/2020/09/03/soldiers-demolish-belvedere-houses/>

⁷ <https://www.hrw.org/news/2021/03/12/chilonga-evictions-show-government-insensitivity>

⁸ <https://zimlil.org/zw/legislation/act/1982/20>

⁹ https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf

¹⁰ <https://www.hrw.org/news/2021/03/06/zimbabwe-thousands-villagers-facing-eviction>

hospitals and roads. This forcible displacement of thousands of people in the midst of a pandemic has increased the vulnerabilities of women and children. The same thing happened between 2012 and 2014 when about 20,000 people were relocated to Chingwizi. Thousands of people who were forcibly relocated to Chingwizi camp were left destitute and relying on food from international aid agencies. More than six years later, without adequate compensation or suitable alternative land from the government, the stranded families are still living in tents, unable to rebuild their lives and secure sustainable livelihoods.¹¹

It is against this background that, once again, the Government has stated its intention to relocate a sizeable group of the population from the Chilonga area.¹² At the time of submission of this report, the evictions had not taken place but the threat remained.¹³

Recommendations

Strict punitive measures should be put in force with respect to public officials who abuse their office and infringe upon the rights of citizens to land and housing. In addition, there should be a law that ensures alternative accommodation is provided in the event of relocation or demolition of any citizen's shelter; anything contrary to this should be brought before the law.

Those who lose their homes through demolitions must be provided with adequate alternative accommodation and compensation.

The Government should put in place a transparent process with regard to compulsory land acquisition and ensure that it is implemented in a fair and consistent manner.

The Government should review Statutory Instrument 150 of 2021 and align it to Constitutional protections with regard to land rights.

3. Rights of women

Several recommendations were made at the UPR in 2016 concerning the rights of women, particularly with respect to gender equality. Recommendations called on the Government of Zimbabwe to update national legislation in line with international commitments, and strengthen measures and policies for the empowerment of women, the elimination of their marginalisation from the social, economic, and political sphere, and for protection of their rights, particularly against gender-based violence. (131.20 Tunisia, 131.52-58 Syrian Arab Republic, Bangladesh, Ecuador, Thailand, Maldives, Republic of Korea)

i) Gender equality

Achieving gender parity remains a challenge in Zimbabwe. Women are still marginalized in many contexts such as in politics, the economic sector and public offices. Gender mainstreaming remains a problem in both the government and private sector. Women continue to face inequalities in the form of discrimination, exclusion, sexual harassment and other forms of abuse. Women are still at the margins in the crucial sectors of the economy as they still struggle to access resources, and to own properties and land.

The establishment of Zimbabwe Gender Commission in 2015 was a positive step and the 2021 National Budget shows an increase in the allocation of funds towards the independent activities of the Chapter 12 Commission to monitor issues concerning gender equality, and to investigate possible violations of rights relating to gender equality as provided for in the Constitution.¹⁴ However, the allocation for Women's Affairs, Community, Small

¹¹ <https://www.hrw.org/node/378193/printable/print>

¹² <https://www.thezimbabwean.co/2021/03/frontier-politics-in-zimbabwe-the-chilonga-case/>

¹³ <https://www.thezimbabwean.co/2021/06/chilonga-evictions-the-future-is-bleak-for-the-shangaan-people/>

¹⁴ https://www.cabri-sbo.org/uploads/bia/Zimbabwe_2021_Approval_External_BudgetSpeech_MinFin_COMESASADC_English.pdf, 43.

and Medium Enterprises Development has been reduced from 0.7% in 2020 to 0.5%.¹⁵ In general, women do not own the means of production in the mining and agricultural sector, and there has been insufficient attention paid to the land audit to find out how many women benefitted from the land reform program since 2000 until the present time, and who now own means of production. Moreover, the Defense Forces experiences a relatively low number of females in key strategic or managerial positions of power as compared to males. In the Police Force, 25% of Deputy Commissioners are women. No female has ever held a post as Defense Minister, Army General or Commissioner General¹⁶. The equality clause in section 56 of the Constitution of Zimbabwe has not yet been implemented to ensure that there is an equal representation of women in leadership positions, especially in public office. These are the sectors in which women are least represented apart from public offices: mining and quarrying 10.8%; manufacturing 22.5%; construction 3%; information and communication 15.6%, amongst others.¹⁷

ii) *Violence against women*

In the last UPR in 2016, over 15 recommendations were made to address violence against women and trafficking. Women continue to suffer all kinds of violence, which includes domestic violence, sexual abuse, physical and emotional abuse. According to the Zimbabwe SADC Gender Protocol Barometer of 2017; over 37% of women experience either physical or sexual violence resulting in injuries. This is only in connection to spousal relationships, showing the degree to which women in marriages are subject to different forms of violence and abuse.

At the legislative level, domestic violence is addressed through the Domestic Violence Act of 2006. The Domestic Violence Act defines forms of violence and provides for protection and peace orders. This has created a legal channel that is available to victims of domestic violence (women and men) in the private space so as to criminalise acts of domestic violence. The Act has also defined early child marriage as a form of domestic violence. Beyond the field of domestic violence, political violence perpetrated against women has increased as evidenced by the forced abductions by some political activists, and the shootings in August 2019 which saw the loss of lives of some women.

Recommendations

Although the Zimbabwe Gender Commission (ZGC) is now operational, it remains underfunded. There must be specific national budget allocations that provide support to the activities of this chapter 12 commission, and ensure its independence.

The Zimbabwe Electoral Commission should only accept nomination lists from political parties which ensure an equal representation of women candidates for elections to public life. Political parties which fail to send gender balanced nominations should be barred from participating in elections.

A comprehensive piece of legislation and a specific legal framework should be adopted to criminalize acts of political violence against women especially before, during and after elections.

Awareness should be raised about the publication of the land audit to find out how many women benefitted from the land reform program and own means of production. Similarly, an audit should take place with respect to mining activities in Zimbabwe so has to assess the state of equality in women's ownership of the means of production.

There should be a deliberate effort by the government to establish policy frameworks that promote gender equality in key sectors of the economy, agriculture, land ownership and mining.

There should be continued advocacy around gender sensitive budgeting which should be an ongoing process.

¹⁵ 2021 National Budget Highlights; page 9

¹⁶ https://www.academia.edu/9479437/gender_inequality_a_case_study_of_Zimbabwe

¹⁷ 2015 Data report, 'Understanding Gender Equality in Zimbabwe: Women and Men 2016.'

There is a need for continuous training of law enforcement officers and officers of the court on how to respond in a gender sensitive manner whilst discharging their duties.

A strong legal framework and penalties for perpetrators of violence towards women must be adopted. The definition of violence should not focus on sexual offences alone but be broadened to include other offences that perpetuate violence against women in the public space.

4. The Rights of the Child

i) Early marriage

In Zimbabwe, 34% of women are married by age 18, and 4% are married by age 15.¹⁸ Many girls are sexually exploited and this has resulted in high rates of early pregnancy. This is a big challenge mainly in the rural areas, but cases also happen in urban areas, linked to poverty as a driving factor pushing girls into prostitution at a young age. This has contributed to a high number of girls dropping out from school, with teenage pregnancies and not completing their education. A sharp increase in teen pregnancies and child marriages has been reported in Zimbabwe during the Covid-19 lockdown, with at least 4959 girls falling pregnant, and 1174 cases of child marriages being recorded between January and February this year. A prolonged lockdown due to the pandemic has seen children going for months without attending school, exacerbating the complex factors that drive teen pregnancies and early marriages.¹⁹

In the UPR of 2016, several states made recommendations concerning the rights of the child. Four states made recommendations specifically addressing the issue of early marriage calling on the Government of Zimbabwe to fully implement constitutional provisions in line with international standards and amend all statutory and customary laws, and to create and implement a comprehensive national plan of action to combat early marriage (*131.66-69, Italy, Israel, Ireland, Madagascar*)

In 2016, a landmark case in the Constitutional Court²⁰ *Mudzuru and another v Minister of Justice, Legal and parliamentary Affairs* ruled in favour of two women - Loveness Mudzuru (then 19) and Ruvimbo Tsopodzi (18) - who had been child brides. The two had launched a case to challenge the Marriages Act, claiming that it discriminated against girls by setting the minimum age for marriage at 16 for women, but 18 for men.

According to the ruling, Section 22(1) of the Marriages Act [Chapter 5:11] was declared unconstitutional, stating that "No person, male or female, in Zimbabwe may enter into any marriage, including an unregistered customary law union or any other union, including one arising out of religion or a religious rite, before attaining the age of eighteen (18)."

However, since that time, the law has not yet been amended. In 2017, a Marriage Bill was proposed, which would replace the Customary Marriages Act and the Marriage Act. If adopted, the Bill would reconcile the gaps contained in the existing legislation and would confirm the minimum age of marriage as 18. The Criminal Law (Codification and Reform Act) Chapter 9:23 criminalises the aiding and abetting of early child marriage.

ii) Violence against children

In a welcome development, corporal punishment was outlawed in Zimbabwe and termed as cruel, inhumane and degrading treatment that contravenes the right to dignity espoused in the Constitution. However, much work to reduce violence against children and corporal punishment still needs to be done, both in schools and through society as a whole.

Prohibition of corporal punishment has not yet been confirmed through law reform as legislators remain divided on the issue. However, the Portfolio Committee on Primary and Secondary Education have intimated that the committee upholds the ban.

iii) Access to education

¹⁸ https://reliefweb.int/sites/reliefweb.int/files/resources/Child%20marriage%20mapping_final_digital.pdf, 73.

¹⁹ <https://www.chronicle.co.zw/teen-pregnancies-rise-during-covid-19-lockdown/>

²⁰ <https://africanlii.org/node/1751>

In the UPR of 2016, three states made recommendations relating to access to education. Thailand and Mexico recommended measures to promote equal access for boys and girls to education (131.56, 131.59), and Japan called on the Government of Zimbabwe to act swiftly to address issues of discrimination against girls in education, especially sexual abuse and harassment of girls in schools, as well as difficulties faced by children in rural areas in accessing education (131.60).

Section 75 of the Constitution enshrines the right to basic education supported by the State and that secondary education shall be progressively provided by the State through appropriate legislative and other measures. However, challenges persist with respect to equal access to education for children. The number of children dropping out of schools in rural and high-density areas is increasing, and has been exacerbated by COVID-19. The pandemic has further deepened the inequalities in Zimbabwe; those who can afford private education have continued to learn via online systems whilst those who cannot afford such tuition have been marginalized. In addition, the pass rate of children in rural areas has dropped because of poor remuneration for teachers and poor learning environments.

In the 2020 Zimbabwe Schools Examination Council (ZIMSEC) Grade 7 exams, about 88 schools mostly in rural areas had zero percent pass rate.²¹ There have been a number of strikes by teachers in recent years due to inadequate remuneration for their work. This has affected the majority of children in schools, especially those in public schools and those who cannot afford to study privately. Another challenge is that many girls in rural areas and high-density areas do not have access to sanitary products due to the costs involved, and this contributes to them missing some days of school and hence negatively impacts their access to education. The Education Amendment Act of 2020 is a welcome development in that it includes the provision of free funded sanitary products. However, this needs to be put into practice.

iv) Birth registration

In the UPR of 2016, two recommendations were made with respect to access to birth registration in Zimbabwe. Turkey recommended that the Government “Continue to adopt measures to increase the rate of issuance of birth certificates, especially in rural areas and in low-income households” (131.61); and Kenya called for an increase in “prompt access to birth registration and public awareness for the same” (131.62)

According to UNICEF²² (2019), only 48% of children under 5 have birth registration. Achieving birth registration is difficult due to the parents' lack of awareness about the existence of birth registration laws, especially in rural areas where people have little information that there are sanctions in place for non-compliance with birth registration. The government needs to set aside funds for mobile birth and ID registration periodically. These can be stationed at clinics or schools periodically, possibly once a quarter, to ensure every child is captured. By this means orphans and vulnerable children are closer to witnesses from the community who can assist them to get documentation. This is very important as many young people are failing to secure employment when they are older due to lack of documentation.

Studies²³ have indicated a lack of awareness of the legal requirement of a birth certificate, that the process is mandatory and should be fulfilled within the first 42 days of the child's birth, or that there are sanctions involved for non-compliance. To address this, campaigns are carried out by some NGOs and the government at the local level and during meetings with community members to encourage caregivers to apply for birth certificates.

Recommendations

²¹ <https://www.newzimbabwe.com/misihairabwi-mushonga-fumes-over-0-grade-7-pass-rates-urges-re-write/>

²² https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=ZWE.PT_CHLD_YOT4_REG.&startPeriod=1970&endPeriod=2021

²³ Zimbabwe Educational Trust - <https://zimbabweeducationaltrust.org.uk/fundraising/laws-on-birth-registration-in-zimbabwe/>

The Marriage Bill should be adopted as a matter of urgency, to protect children from early marriage. It should be accompanied by implementing mechanisms to enforce the law and hold to account those who continue to perpetrate the harmful practice of early marriage.

In addition to a strong legislative framework being put in place to end early marriage, the Government must take a holistic approach to promote the cultural acceptance of this concern, involving civil society as a whole, both the public and private sector, and religious leaders and communities.

Schools in rural communities must be better supported through deliberate budgeting and tracking of budget allocations and adherence to the Dakar Declaration²⁴ on minimum allocation towards education of 12% of the national Budget.

In this time of the pandemic; the government must put in place a system and resources to ensure that all children in Zimbabwe have equal access to learning opportunities. No child must be left behind.

Teachers must be provided with a basic and reasonable level of remuneration to avoid continuing strikes.

A national plan of action - such as registration centres in all municipalities, including rural areas, maternity hospitals, and schools - should inform the population about the importance of registration, and encourage people to register their children at birth or within 42 days.

Sanctions for failure to register a child should be enforced.

Primary education for all must be free.

5. Rights of people with disabilities

Zimbabwe ratified the UN Convention on the Rights of Persons with Disabilities in 2013, but the inclusion of persons with disabilities remains a challenge. Their access to opportunities, accurate information and space to represent themselves has remained inadequate. The approach to persons with disabilities continues to be driven by charity rather than human rights. Persons with disabilities continue to suffer marginalisation in all facets of life. Women and girls with disabilities face double marginalization and are at increased risk of gender-based violence, exploitation and exclusion.²⁵ Children with disabilities are often excluded from full participation in their communities and are at greater risk of violence and abuse. With the advent of humanitarian crises such as Cyclone Idai in 2019 and recently COVID-19, women and girls with disabilities have been exposed even more to the already existing inequalities.

Recommendations

The Constitution of Zimbabwe should be fully implemented with respect to persons with disabilities and ensure their equality in all aspects of their lives.

The Government must ensure inclusive policy planning and mainstreaming for persons with disabilities in all areas.

Access to affordable health services for women and persons with disabilities must be a priority of the Government.

Deliberate economic interventions must be put in place which capacitate and support persons with disabilities to have sustainable economic strategies during and beyond humanitarian crisis.

²⁴ 12%

²⁵<https://en.unesco.org/news/hear-us-too-how-improve-lives-and-rights-persons-disabilities-zimbabwe>

Continuous training of law enforcement officers and officers of the court on disability concerns and ensuring inclusion should be provided.

6. The right to health

The healthcare sector in Zimbabwe has gone through a series of crises in recent years. From 2018 to date, there have been a series of strikes by doctors and nurses (2018,²⁶ 2019,²⁷ and 2020). Last year, the Zimbabwe Association of Doctors for Human Rights (ZADHR) approached the High Court to get the government to provide personal protective equipment (PPE) to over 1500 medical professionals who were working without proper protection.²⁸ The health sector is facing challenges such as poor remuneration, poor working conditions, lack of adequate equipment, insufficient levels of staffing, poor infrastructure and other concerns including corruption. In 2020, a former Health Minister, Dr Obadiah Moyo, was charged with illegally awarding \$60 million in contracts, through the Health Ministry, without a competitive tender process to purchase Covid-19 testing materials and equipment.

These challenges have led to many people losing confidence in public hospitals and therefore seeking health care in private hospitals, which are out of the reach of most citizens. This has created many challenges for people especially girls and women, and has led to many people losing their lives due to lack of health care. The Ministry of Finance has allocated ZWL 54.7 billion for the Ministry of Health and Child Care, which is about 13% of the national budget for 2021.²⁹ There was a slight improvement from 7% in 2019 to 10% in 2020, but the health budget is still below the 15% Abuja Declaration Target.³⁰ In addition to these concerns, many people do not have access to clean and safe water and sanitation, which further compounds their health concerns.

Recommendations

The government should increase the funds allocated to the health sector in the National Budget. Furthermore the government must intensify efforts to mobilize domestic resources for key social service sectors. The use of allocated funds to the health sector must be closely monitored and tracked, with strong penalties in place for those who embezzle public funds. Government must act to curb corruption and financial leakages in the health sector and others.

Greater access to affordable health facilities must be ensured for women and girls to protect their right to health and minimize maternal, neonatal and child mortality.

An adequate minimum wage and conducive working environment for health workers must be provided.

7. Impact of Covid-19

Since the advent of COVID-19, the pandemic has left negative impacts - social, economic and political - in every country, including Zimbabwe. Businesses have been shut which has led to the subsequent loss of employment and income for families. Rural developmental activities were also halted thus affecting the agricultural sector. Covid-19 has impacted the socio-economic climate of society with a drastic increase in the crime rate as more and more people struggle to make a decent living and also to feed and provide for their families.

In an attempt to contain the pandemic, the nation has implemented a series of lockdown measures. During the March-December 2020 period, there was a 40% increase in gender-based violence.³¹ Many people in Zimbabwe work in the informal sector, and there was massive loss of livelihoods among such workers. Many hospitals and clinics were converted into COVID-19 centres, leaving some patients without local access to

²⁶ <https://www.theguardian.com/global-development/2018/dec/31/zimbabwe-health-crisis-doctors-pay-strike>

²⁷ <https://www.reuters.com/article/us-zimbabwe-health-idUSKBN1Y026K>

²⁸ <https://www.hrw.org/news/2020/04/09/zimbabwe-doctors-sue-government-over-covid-19>

²⁹ <https://healthtimes.co.zw/2020/11/26/health-sector-gets-zwl54-7-billion-in-2021-budget/>

³⁰ <https://www.unicef.org/esa/media/6501/file/UNICEF-Zimbabwe-2020-Health-Budget-Brief.pdf>, 2.

³¹ <https://reports.unocha.org/en/country/zimbabwe/card/2XxB9GOV93/>

medication and basic health care. During this period of COVID-19, at least 4,959 girls became pregnant and 1,174 cases of child marriages were registered between January and February 2021.³² The Government was able to provide financial assistance to some people, but it was not consistent. There is unequal application of the law as has been demonstrated during the pandemic where lockdown regulations have been used to infringe upon some rights of people. At the same time, some government programs or functions held by government officials have exceeded the allowed numbers. Ever since the beginning of Covid-19, the Government relied on the enactment of Statutory Instruments, subverting the oversight role of Parliament.

³² http://www.china.org.cn/world/Off_the_Wire/2021-03/13/content_77305236.htm