



## ZIMBABWE HUMAN RIGHTS COMMISSION

### Submission to the United Nations Human Rights Council

### NHRI Report on Zimbabwe's Universal Periodic Review 3<sup>rd</sup> Cycle 2021

The Zimbabwe Human Rights Commission (ZHRC) is the National Human Rights Institution (NHRI) for Zimbabwe, accredited with 'A' status by the Global Alliance of NHRIs. ZHRC is established in terms of Section 242 of the Constitution of Zimbabwe (Amendment No. 20) Act, 2013 which is given effect by the Zimbabwe Human Rights Commission Act [**Chapter 10:30**]. It has a general mandate to promote, protect and enforce human rights and administrative justice.

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## **PART I. INTRODUCTION**

### **Background**

During the current reporting period of the Universal Period Review (UPR), the ZHRC received and attended to complaints, investigated human rights violations, produced reports containing recommendations on various human rights issues to the Government of Zimbabwe (GoZ). The ZHRC raised awareness on human rights and monitored the human rights situation in the country and the implementation of UPR Recommendations.

### **Scope and Methodology**

This Report was informed by information gathered by the ZHRC<sup>i</sup>, stakeholder consultations and validation meetings which included the GoZ Ministries, Independent Commissions, Thematic Committees from Parliament and Civil Society Organisations (CSOs) as well as evidence-based data from desk research.

## **PART II. NEW DEVELOPMENTS AND HUMAN RIGHTS**

### **Establishment of the Second Republic**

1. In November 2017, Zimbabwe experienced a political change which saw the former President R. G. Mugabe resigning after the Zimbabwe Defence Forces implemented “Operation Restore Legacy” which was justified on the need to address the deteriorating political and socio-economic situation in the country. This resulted in the establishment of the Second Republic led by His Excellency E. D. Munangagwa who committed to strengthening of democracy, rule of law, respect for human rights and freedoms and upholding the Constitution of Zimbabwe.

### **Economic Policies Inconsistencies**

2. The gazetting of the Statutory Instrument (S.I) 142 of 2019 saw government abolishing the use of the multi-currency system in Zimbabwe which had been in operation since

2009. The Zimbabwe dollar became the sole currency for legal tender. SI 85 of 2020 once more legalised the use of foreign currency for domestic transactions. Such policy inconsistencies, lack of stability of the currency and low productivity impacted negatively on the enjoyment of socio-economic rights. As a result, citizens continue to grapple with hyper-inflation, erosion of incomes, pensions and savings and decline in service delivery.

### **Cyclone Idai**

3. Zimbabwe has not been spared from the ravages of natural disasters due to climate change. ZHRC welcomed efforts by the GoZ in addressing the humanitarian crisis caused by the cyclone which devastated the eastern and south-eastern parts of the country.<sup>ii</sup> However, ZHRC<sup>iii</sup> is concerned about the inadequate provision of decent housing, food aid, water, medical services, rehabilitation of health and educational infrastructure. Concern was further noted on the vulnerabilities of women which included gender-based violence, lack of access to HIV treatment, sexual and reproductive services, and unaffordable costs of sanitary ware.
4. ZHRC recommends the GoZ to:
  - a. Strengthen collaborations with development partners for technical and financial support to ensure sustainable reconstruction of infrastructure.
  - b. Ensure that vulnerable groups (including persons with disabilities, minority groups, Internally Displaced Persons (IDPs) children and women) have access to social services as education, health and access to documentation in a manner that is inclusive.

### **COVID-19 Pandemic**

5. The COVID-19 pandemic affected enjoyment of human rights across various sectors. The GoZ is commended for promulgating effective preventive and restrictive measures which include lockdowns, testing, isolation, quarantining, treatment, and vaccine roll out.
6. However, ZHRC was concerned about the:
  - a. Limited social protection measures to safeguard the livelihoods of citizens.

- b. Insufficient Personal Protective Equipment (PPEs) for frontline workers noted at the start of the lockdown.
  - c. Suspension of electoral processes such as by-elections.
  - d. Cases of harassment and assault of citizens in the process of enforcement of the lockdown regulations and limited access to justice for vulnerable groups during lockdown<sup>iv</sup>.
  - e. The impact of COVID-19 restrictions which included limited access to courts, access to SRHR services.
7. ZHRC recommends the GoZ to:
- a. Ensure that its responses restricting human rights for reasons of public health to protect the population must be lawful, necessary, and proportionate<sup>v</sup>.
  - b. Resume electoral processes in line with COVID-19 regulations and World Health Organisation guidelines.
  - c. To ensure that cases of SGBV are prioritised in Courts during lockdown periods.
  - d. Ensure that chronic patients continue to access health services even during lockdown.
  - e. Strengthen social security measures to cushion vulnerable groups.

### **PART III. IMPLEMENTATION OF UPR RECOMMENDATIONS FROM PREVIOUS CYCLES**

#### **Ratification and Domestication of International Human Rights Instruments: UPR Recommendation 132.33**

- 8. During the current cycle, the GoZ did not ratify any of the recommended core international human rights instruments.
  - 9. During its first review, the GoZ accepted a recommendation to ratify CAT. On the second review, Zimbabwe retracted its commitment to ratify CAT citing the adequacy of domestic legislation to protect citizens against torture. ZHRC is concerned that the cited constitutional provision has not been instrumental in addressing allegations of torture by human rights defenders in Zimbabwe.
10. ZHRC recommends the GoZ to:

- a. Ratify recommended core international human rights instruments including the 1961 Convention on the Reduction of Statelessness and the United Nations Convention against Torture.

### **Cooperation with Treaty Bodies: UPR Recommendations 131.49, 131.50, 131.51**

11. While the GoZ is commended for submitting and presenting the African Charter on Human and Peoples Rights Report and the Report on the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa in November 2019<sup>vi</sup> as well as the Convention on the Elimination of all forms of Discrimination against Women in February 2020<sup>vii</sup>, several reports remain outstanding. The notable ones include:

- a. The United Nations (UN) International Covenant on Civil and Political Rights which was last reported in 1998.
- b. The UN International Covenant on Economic, Social and Cultural Rights which was last reported in 1995.
- c. The UN Convention on the Rights of Persons with Disabilities which has never been reported on since 2013 when Zimbabwe ratified the Treaty.
- d. The UN Convention on the Elimination of Racial Discrimination which was last reported in 1998.
- e. The African Charter on the Rights and Welfare of the Child which was last reported on in 2014.

12. ZHRC recommends the GoZ to:

- a. Report on all outstanding ratified core instruments and their optional protocols.
- b. Financially and technically strengthen the national reporting and follow up mechanism: the Inter-Ministerial Committee on Human Rights and International Humanitarian Law (IMC-HR-IHL).

### **Strengthening the National Human Rights Institution: UPR Recommendation 131.26**

13. The ZHRC which has a dual mandate is inadequately funded and understaffed to effectively implement the mandate.

14. The ZHRC Act is not aligned to the Paris Principles on National Human Rights Institutions (NHRIs) and the Constitution of Zimbabwe.
15. The ZHRC is not easily accessible outside Harare and Bulawayo thereby prejudicing marginalised and vulnerable communities.
16. ZHRC recommends the GoZ to:
  - a. Ensure that ZHRC has adequate human, technical and financial resources to effectively fulfil its mandate.
  - b. To accelerate the alignment of the ZHRC Act to the Paris Principles and the Constitution.
  - c. To avail adequate funds and an enabling environment for decentralisation of the ZHRC to provincial and district levels.

**Right to Participation in Public Affairs and Right to Vote: UPR Recommendations 131.34, 131.96**

17. Whilst the 2018 pre-election period up to election day was generally peaceful, this was marred by the post-election violence on 1 August 2018 which resulted in loss of lives, casualties, and damage to properties. This necessitated the setting up of the Motlanthe Commission of Inquiry into the 1 August 2018 Post-Election Violence. The Commission of Inquiry made several recommendations which included payment of compensation for victims of the post-election violence and setting up of a multi-party dialogue.
18. The ZHRC noted that during the 2018 elections, prisoners and citizens living in the diaspora were not afforded the opportunity to exercise their right to vote.
19. The ZHRC through the National Inquiry on Access to Documentation it conducted in 2019 observed the disenfranchisement of undocumented persons.
20. ZHRC recommends the GoZ to:
  - a. To compensate and support victims of electoral violence.
  - b. Fully implement policies and instruments put in place to ensure the participation of special interest groups (women, youth, and persons with disabilities) in politics and public life<sup>viii</sup>.

- c. Ensure that all prisoners and Zimbabwean citizens in the diaspora are afforded the opportunity exercise the right to vote.
- d. Address barriers to registration of national documents.

**Right to Physical and Moral Integrity, Freedom of Association, Arbitrary Arrest and Detention, Enforced Disappearances: UPR Recommendations 131.97, 132.96, 131.63, 131.64.**

- 21. The GoZ is commended for cross-cutting legislative reforms in the civil, political, and electoral policy environments by establishing oversight and monitoring mechanisms through Parliament, Independent Commissions and other Institutions, and the Judiciary.
- 22. ZHRC is concerned that the Maintenance of Peace and Order Act (MOPA) which repealed the POSA remains restrictive and thus needs to be reviewed.
- 23. While ZHRC has investigated<sup>x</sup>, issued reports and statements condemning violence and recommended the GoZ to train law enforcement agencies and prosecute those who use excessive and disproportionate force on civilians and human rights defenders, incidences of arbitrary arrests, detentions and enforced disappearances continued to be recorded during the period under review<sup>x</sup>.
- 24. Accordingly, ZHRC recommends the GoZ to:
  - a. Ensure that HRDs and peaceful civilian demonstrators are protected for them to enjoy their right to life, privacy, freedom of peaceful assembly and association and expression not only from State agents, but also by private persons or entities.

**Conditions of Detention Facilities: UPR Recommendation 131.75, 131.76**

- 25. As part of its prisons reform agenda, the GoZ is in the process of reviewing the Prisons Act. However, ZHRC's monitoring of prisons<sup>xi</sup> has revealed that the minimum standards of detention are not being adhered to<sup>xii</sup>.
- 26. Further, SRHR of women in prisons is compromised due to limited access to specialist health care services, shortages of sanitary ware and clean water.
- 27. ZHRC recommends the GoZ to:
  - a. Protect and promote humane treatment of and provision for prisoners.

- b. Expedite the alignment of the Prison Act in line with the human rights standards and norms.
- c. Decongest prisons. <sup>xiii</sup>
- d. Increase supplies of PPEs to prisoners and prison officers.

**Rights related to Name, Identity and Nationality: UPR Recommendation 132.78**

28. ZHRC conducted a National Inquiry on Access to Documentation<sup>xiv</sup> which established widespread systemic challenges of accessing national documentation by citizens. This has resulted in difficulties by citizens without identification cards to access other rights such as health, education, employment, social services, voting and freedom of movement.
29. The National Inquiry noted unusual and additional challenges in accessing documents by some special interest groups which include minority groups, intersex persons, Tongogara refugees, persons with disabilities and prisoners.
30. The National Inquiry further highlighted that lack of access to documentation had a gender dimension which disproportionately affected women and children.<sup>xv</sup>
32. ZHRC commends the GoZ for measures adopted to improve access to documentation such as assisting Cyclone Idai victims replace their lost documents and countrywide mobile registration programmes.<sup>xvi</sup> However, challenges experienced in accessing documentation remain a cause of concern.
33. Thus, ZHRC recommends the GoZ to:
- a. Implement recommendations of the ZHRC National Inquiry Report including addressing the registration issues for Tongogara Refugees, disaster affected communities and intersex persons.<sup>xvii</sup>
  - b. Align the Citizenship of Zimbabwe Act [*Chapter 4:01*] with Chapter 3 of the Constitution paying due regard to the legality of dual citizenship as pronounced by the Constitutional Court<sup>xviii</sup>.
  - c. Align the Birth and Registration Act with the Constitution and policies and procedures thereof.



### **Discrimination against Women: UPR Recommendations 131.52, 131.57, 131.59**

34. The GoZ should be commended for its concerted efforts to improve its legislative, institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality.<sup>xix</sup>
35. Women continue to face a range of gendered structural barriers to private and political participation and are under-represented at senior and management levels.
36. ZHRC recommends the GoZ to:
- a. Implement Section 17 of the Constitution which provides for gender balance.
  - b. Raise awareness among critical stakeholders on the need to achieve substantive equality.
  - c. Put measures that compel political parties to create an enabling environment for women's participation.
  - d. Strengthen the capacity of the National Gender Machinery.

### **Violence against Women: UPR Recommendations 131.70, 131.71, 131.72, 131.73**

37. The GoZ is commended for launching a National Programme on Gender-Based Violence prevention and response, covering the period 2016–2020 and adopting a National Action Plan (NAP) against Trafficking in Persons covering the period 2019 – 2021 to operationalise the Trafficking in Persons Act [Chapter 9:25]. The NAP guides the implementation of related activities which include protection of women against trafficking and other forms of violence. While significant convictions have not been recorded, the GoZ is applauded that in 2016 alone, 72 cases were reported leading to 21 prosecutions, in 2017, 2 more cases were reported and 2 were convicted, and in 2018, 2 were reported leading to 2 convictions and 2 sentenced to prison.<sup>xx</sup>
38. ZHRC also applauds the GoZ for the concrete steps towards amending Section 64 of the Criminal Law (Codification and Reform) Act [Chapter 9:23] to provide for “*minimum mandatory sentencing for rape and sexual offences*” with the minimum sentences proposed ranging from five (5) years to 30 years depending on the gravity of the offence.

39. Further, the existence of the institutional, policy and legislative frameworks and concrete programmes against gender-based violence is applauded.<sup>xxi</sup>

40. ZHRC is however concerned that:

a. High incidents of violence against women and girls have been recorded in Zimbabwe<sup>xxii</sup> exacerbated by the COVID-19 pandemic. Socio-economic challenges also contributed to domestic violence. The GBV Hotline (Musasa Project) recorded a total of 6,200 GBV calls from the beginning of the lockdown on 30 March until 27 November 2020<sup>xxiii</sup>.

41. Recommendations to the GoZ:

- a. Amend the Domestic Violence Act to criminalise and punish psychological abuse, emotional, verbal, and economic abuse which in terms of Section 4 (2) (a) and (b) of the Domestic Violence Act do not constitute an offence.
- b. Allocate adequate human, technical and financial resources for the implementation of the national programme on gender-based violence prevention and response.
- c. Address the stigma discouraging survivors of gender-based violence from reporting, through advocacy, awareness-raising on the criminality of all forms of violence and grave consequences on women's enjoyment of their rights.
- d. Ensure progressive provision of sanitation facilities and sanitary ware for girls in schools.
- e. Strengthen the capacity of Victim Friendly Unit (VFU) to provide effective services.

**Children: Definition; General Principles; Protection: UPR Recommendations 131.68, 131.69**

42. ZHRC welcomed the abolition of corporal punishment in the case of *S v Chokuramba*.<sup>xxiv</sup>

Further, Section 16 of the Education Amendment Act of 2020 amends Section 68 of the Principal Act to provide on Section 68A (5) that under no circumstance is a teacher allowed to beat up a pupil.

43. Further, ZHRC welcomes the GoZ's efforts in raising awareness on child marriages through advocacy and campaigns. In 2016 the Constitutional Court abolished child marriages in the case of *Mudzuru and another v Ministry of Justice, Legal and Parliamentary Affairs*.<sup>xxv</sup>

44. The GoZ is also commended for expanding the Legal Aid Directorate (LAD) programme to more provincial centres to enhance access to justice including children in conflict with

the law.

45. Thus, ZHRC urges the GoZ to:

- a. Expedite the enactment of the Children Amendment Bill and the Child Justice Bill
- b. Expedite the enactment of laws that prohibit child marriages.
- c. Further decentralise Legal Aid services to all districts.

**Right to Health – General: UPR Recommendations 131.117, 131.118, 131.119, 131.124, 131.124, 132.81**

46. ZHRC applauds the GoZ for concrete efforts towards reduction of maternal mortality and accelerating efforts towards mitigating the impact of COVID-19 pandemic through preventive and restrictive measures and the introduction of vaccination programmes.

47. However, ZHRC is concerned with deteriorating health care standards due to persistent job action by medical personnel, shortage of drugs in public hospitals and clinics, non-availability and outdated infrastructure and medical equipment as well as unaffordability of private health care.

48. ZHRC recommends the GoZ to:

- a. Improve coverage of and access to affordable health care by allocating sufficient resources towards establishment and refurbishment of hospitals particularly in rural areas, recruitment of skilled health personnel, improved remuneration of health personnel and procurement of medical equipment and drugs.

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<sup>i</sup> From the following Departments; Complaints Handling and Investigations, Monitoring and Inspections, Education Promotion and Research and from thematic Committees.

<sup>ii</sup> The government mobilised the military and police on search and rescue operations and airdropping of life-saving support as well as an ongoing effort to open road access to many of the affected wards that remained cut off as a result of damage of power and communication infrastructure and provision of food and nutrition, Water Sanitation and Hygiene (WASH), emergency shelter and non-food items, health, education, protection, logistics and emergency telecommunication, environment, forestry and wildlife restoration.

<sup>iii</sup> Information gathered through the monitoring visits carried out in the Cyclone affected areas

<sup>iv</sup> State of Transparency and Accountability Barometer (STAB) - (April to June, 2020), published by the National Association of Non-Governmental Organisations (NANGO), page 5 illustrates that the following court cases were filed against the police and other law enforcement agencies: High Court case was filed by the Media Institute of Southern Africa-Zimbabwe (Misa-Zim-babwe) and a journalist, Panashe Makufa, against the police and the Zimbabwe Media Commission over alleged harassment of journalists. A favourable judgment was handed down on April 20, 2020 by High Court judge Justice

Jacob Manzunzu that the police and other COVID-19 law enforcement agencies should refrain from unnecessarily arresting, detaining or interfering with the work of journalists; An urgent chamber application by Zimbabwe Lawyers for Human Rights (ZLHR) and a Karoi woman, Lucia Masvondo, against the Ministry of Home Affairs and the ZRP was also granted in favour of the applicant when Justice Happpias Zhou upheld the application ordering the State security agents, soldiers and the police to refrain from beating, harassing, assaulting and violating citizens' rights when enforcing lockdown regulations. This order came in the wake of reports by the ZHRC and Zimbabwe Lawyers for Human Rights that more than 150 cases of brutality on citizens by lockdown enforcers were documented during the first 21-day lockdown period. In two of the cases, a Bulawayo man, Levison Ncube and Paul Munakopa were allegedly assaulted to death by law enforcement agencies during lockdown.

<sup>v</sup> GoZ should be guided by the Siracusa Principles adopted by the UN Economic and Social Council in 1984, and UN Human Rights Committee General Comments on states of emergency and freedom guiding government responses that restrict human rights for reasons of public health or national emergency that such measures taken to protect the population that limit people's rights and freedoms must be lawful, necessary, and proportionate; Further, GoZ should take heed of the March 16, 2020 pronouncement by a group of United Nations Human Rights Experts that "*emergency declarations based on the COVID-19 outbreak should not be used as a basis to target particular groups, minorities, or individuals. It should not function as a cover for repressive action under the guise of protecting health... and should not be used simply to quash dissent*"

<sup>vi</sup> In Banjul, the Gambia in 2019.

<sup>vii</sup> In Geneva, Switzerland in February 202.

<sup>viii</sup> For example the Revised National Gender Policy of 2017, the Gender Commission Act, The Youth Quota and the National Disability Policy

<sup>ix</sup> For example, ZHRC instituted investigations on the case of abduction of Johanna Mamombe and two others...yet to get details of the investigation from ZHRC.

<sup>x</sup> CSU received alarming reports of arbitrary arrests, abductions and forced disappearances in the period before and after the proposed demonstrations on the 31<sup>st</sup> of July 2018. In 2020 alone, the arbitrary arrest and detention of persons like Hopewell Chin'ono, Jacob Ngarivhume,, Godfrey Kurauone, Job Sikhala, Fadzai Mahere, Jacob Mafume and students like Takudzwa Ngadziore and Tawanda Muchehiwa highlight the continued human rights violations.

<sup>xi</sup> ZHRC has monitored 36 prisons and 9 police cells as at August 2020, and produced reports with recommendations for the improvement of detention conditions, see Monitoring and Inspection Report to Karoi Prison, 11 July 2019, available at <http://www.zhrc.org.zw/wp-content/uploads/2020/11/Karoi-Follow-up-Prison-Report-Final.pdf>

<sup>xii</sup> Issues of concern relate to shortage of food, poor nutrition of meals, shortage of water in cells, incarceration of children offenders, overcrowding and related consequences on health conditions especially during the COVID-19 pandemic, poor clothing and limited/lack of medical provision

<sup>xiii</sup> Detention facilities are difficult to subject to social distancing and use of basic protective measures such as social distancing and hygiene rules thus exposing inmates to greater health risks compounded by the fact that the ZPCS face difficulties in regularly supplying masks to every inmate and to supply sanitizers and institute temperature checks.

<sup>xiv</sup> Final Report with recommendations available at: <http://www.zhrc.org.zw/wp-content/uploads/2020/11/NI-Report-1.pdf>.

31. <sup>xv</sup>National Inquiry Report available on <http://www.zhrc.org.zw/wp-content/uploads/2020/11/NI-Report-1.pdf> It was established that four thousand and sixty-five (4,065) females submitted written evidence on challenges related to accessing birth certificates compared to two thousand nine hundred and ninety-nine (2,999) males. An analysis of statistics from the National Inquiry database revealed that sixty-four-point four point per cent (64.4%) of women experienced

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economic challenges compared to thirty-five point six per cent (35.6%) of men experiencing the same, indicating that women were more likely not to afford costs related to access to documentation.

<sup>xvi</sup> as opposed to the past whereby these were only held during the run-up time to elections<sup>xvi</sup>

<sup>xvii</sup> Recommendations include reviewing the policy and legal framework of national documentation; institutional efficiency of documentation, family structures, gender and cultural dimensions of documentation and knowledge, attitudes and practices of duty bearers and citizens towards documentation and punitive measures in cases of violations of legal frameworks. The National Inquiry focused on access to birth certificates, national identity cards, passports, death certificates and citizenship. A total of seven hundred and forty-one (741) stakeholders and twenty thousand, five hundred and sixty-four (20,564) people were engaged in the national Inquiry process. The National Inquiry received seven thousand five hundred and forty-four (7544) written submission forms from individuals and one hundred and ninety-one (191) written submission forms from stakeholders. It is from these submissions that statistics of this research are drawn from.

<sup>xviii</sup> See *Madzimbamuto vs Registrar General & Others (CCZ114/13) [2014] ZWCC*; *Mawere vs Registrar General & Others (CCZ27/13) [2015] ZWCC 04*.

<sup>xix</sup> The Constitutional Amendment no 2 (2021) and enactment of proposed Gender Equality Bill and Sexual Harassment Bill.

<sup>xx</sup> GoZ Responses to List of Issues by the CEDAW Committee, 2020, page, 12.

<sup>xxi</sup> Notably, the following:

- a. The Domestic Violence Act [Chapter 4:01] and the Council it creates;
- b. The Victim Friendly system incorporating the courts, police and probationers.
- c. The Case Management System to ensure a coordinated approach to ending violence against women.
- d. Robust multi-stakeholder programming through the National Action Plan and Communication Strategy on ending Child Marriages, with the Justice, Law and Order Sector housed under the Ministry of Justice, Legal and Parliamentary Affairs spearheading access to justice and using the law as an instrument to fight embedded stereotypes and attitudes which promote deep rooted gendered violence in matrimonial settings anchored on skewed power dynamics which favour men versus disempowered women.

<sup>xxii</sup> Data collected through the Zimbabwe Demographic and Health Survey (ZDHS) 2015 show that Intimate Partner Violence (IPV) among those 15-49 years is the most prevalent form of violence experienced. Thirty-five percent of girls and women 15-49 years have experienced physical violence since age 15; 14% have experienced sexual violence at least once in their lifetime; and 32% of ever-married women have experienced spousal emotional violence.

<sup>xxiii</sup> (1,312 in April, 915 in May 2020, 776 in June, 753 in July, 766 in August, 629 in September, 546 in October, and 503 from 1 to 27 November), with an overall average increase of over 60 per cent compared to the pre-lockdown trends. About 94 per cent of the calls are from women. Psychological violence remains the most frequent form (55 per cent of total cases) followed by physical violence (22 per cent of total cases), economic violence (15 per cent) and sexual violence (8 per cent). About 90 per cent of cases are intimate partner violence.

<sup>xxiv</sup> *Willard Chokuramba Case, CCZ 10/19*, Constitutional Court decision which confirmed the 2014 judgment by the Harare High Court which had found that judicial corporal punishment violated Section 53 of the Constitution

<sup>xxv</sup> CC 12 of 2016