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Committee on Economic, Social and Cultural Rights

Second periodic report submitted by Zimbabwe under articles 16 and 17 of the Covenant, due in 1998* **

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* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



List of Abbreviations

AIDS	Acquired Immuno-Deficiency Syndrome
AMTO	Assisted Medical Treatment Order
ASRH	Adolescent Sexual and Reproductive Health Strategy
ART	Anti-Retroviral Treatment
APWC	Accident Prevention and Workers Compensation Scheme
ART	Anti-Retroviral Therapy
ARV	Anti-Retroviral
BEAM	Basic Education Assistance Module
BIPPA	Bilateral Investment Protection and Promotion Agreement
BIT	Bilateral Investment Treaty
CBR	Community Based Rehabilitation
COMESA	Common Market for Eastern and Southern Africa
CPC	Child Protection Committees
CMAM	Community Based Management of Acute Malnutrition
CIMNCI	Community Integrated Management of Neonatal and Childhood Illnesses
CCP	Comprehensive Condom Programme
CRPD	Convention on the Rights of Persons with Disabilities
CRC	Convention on the Rights of the Child
CSFP	Child Supplementary Feeding Programme
DRTB	Drug Resistant Tuberculosis
EBF	Exclusive Breastfeeding
ECD	Early Childhood Development
EPI	Expanded Programme for Immunisation
ESCR	Economic Social and Cultural Rights
EMNOC	Emergency Obstetric and Neonatal Care
FANC	Focused Antenatal Care
FAO	Food and Agricultural Organisation
FNP	Food and Nutrition Policy
GAVI	Global Alliance on Vaccine Immunisation
GMB	Grain Marketing Board
HFP	Health Financing Policy
HBB	Helping Babies Breathe
HTS	HIV Testing Services
HIV	Human Immune Virus
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ILO	International Labour Organisation
IMC	Inter-Ministerial Committee

IMNCI	Integrated Management of National and Childhood Illnesses
ICT	Information and Communication Technology
IYCF	Infant and Young Child Feeding
ISOP	Integrated Skills Outreach Program
JNC	Joint Negotiating Council
JSC	Judicial Service Commission
LLIN	Long Lasting Insecticidal Nets
MDG	Millennium Development Goal
MNH	Maternal and Neonatal Health
MTP	Medium Term Plan
MCAZ	Medicines Control Authority of Zimbabwe
MMR	Maternal Mortality Ratio
MVA	Manual Vacuum Aspiration
NAP	National Action Plan
NAPF	National Agricultural Policy Framework
NSAP	National Strategy and Action Plan
NHDP	National Housing Development Program
NIEEB	National Indigenisation and Economic Empowerment Board
NGO	Non-Governmental Organizations
NER	Net Enrolment Ratio
NSSA	National Social Security Authority
OSH	Occupational Safety and Health
OVC	Orphans and Vulnerable Children
OI	Opportunistic Infection
PTCEC	Part-time Continuing Education Courses
POSA	Public Order and Security Act
POBS	Pensions and Other Benefits Scheme
PSIP	Public Sector Investment Program
PMTCT	Prevention of Mother to Child Transmission Services
PNC	Post Care Service
PGRFA	Plant Genetic Resources for Food and Agriculture
PDL	Poverty Datum Line
QIP	Quality Improvement in Informal Apprentices
REA	Rural Electrification Agency
RBF	Results-Based Financing
RED	Reaching Every District
RBM	Roll Back Malaria
RH	Reproductive Health
SADC	Southern African Development Community
SAM	Severe Acute Malnutrition

SI	Statutory Instrument
SARPCCO	Southern Africa Regional Police Chiefs Cooperation
STERM	Short Term Emergency Recovery Programme
TREE	Training For Rural Economic Empowerment
UN	United Nations
UNICEF	United Nations Children's Fund
USA	United States of America
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
UHC	Universal Health Coverage
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
USA	United States of America
VCT	Volunteering Counselling and Testing Services
VIDCOs	Village Development Committees
VIAC	Visual Inspection with Acetic and Cervicography
VMMC	Voluntary Medical Male Circumcision
WHO	World Health Organisation
WCIF	Workers' Compensation Insurance Fund
WFCL	Worst Forms Child Labour
WADCOs	Ward Development Committees
WASH	Water Sanitation and Hygiene
ZDHS	Zimbabwe Demographic and Health Survey
ZCTU	Zimbabwe Congress of Trade Unions
ZIMPHIA	Zimbabwe Population-based HIV Impact Assessment
ZEC	Zimbabwe Electoral Commission
ZHRC	Zimbabwe Human Rights Commission
ZIMASSET	Zimbabwe Agenda for Sustainable Social Economic Transformation
ZIMSTAT	Zimbabwe National Statistics Agency
ZLC	Zimbabwe Land Committee

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Part I: Introduction

1. The Republic of Zimbabwe (“the State Party/Zimbabwe”) ratified the Covenant on Economic Social and Cultural Rights (“the Covenant/ESCR”) in 1991 and submitted its Initial Report to the ESCR Committee in 1997. The Committee considered the initial Report of Zimbabwe (E/1990/5/Add.28), at its 8th to 10th and 14th meetings, in May 1997 (E/C.12/1997/SR.810 and 14) and gave its concluding observations.
2. This Report will address the concerns raised by the Committee in its concluding observations and recommendations, and will also provide an update on the implementation of the Covenant since the initial Report, which is a period in excess of two decades.
3. Further, this Report combines 2nd to 12th Periodic State Party Reports and cross-references with Reports the State Party has submitted to other treaty bodies. In particular, the Report should be read together with the updated Common Core Document already submitted, which incorporates the fundamental changes to the constitutional framework that have occurred since the last reporting.
4. During the period under review, Zimbabwe has ratified the CRPD and its Protocol, acceded to and domesticated the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Southern African Development Community (SADC) Protocol on Gender and Development.
5. More importantly, the constitutional amendments since 1997 have culminated into the adoption of a Constitution in 2013 (Attached as Annexure 1), which gave birth to a comprehensive constitutional framework the country has ever known. As will be shown throughout this Report, the Constitution has a comprehensive Declaration of Rights under Chapter 4 that essentially domesticates all rights and freedoms contained in the Covenant. Thus, making them justiciable before national courts. This aspect fully implements paragraph 7 of the 1997’s Committee Recommendations.
6. Section 46 of the Constitution requires national courts, when interpreting the Declaration, to take into account international law and treaties ratified by Zimbabwe. This means that the Covenant and all jurisprudence of the Committee (including case law and general comments) is directly applicable before national courts without any need for judicial activism.
7. In giving effect to the Declaration of Rights, Zimbabwe has launched a process to align existing laws to the constitutional principles and to enact new legislation that gives effect to these fundamental rights and freedoms. The Report covers the impact of such laws on the implementation of the Covenant.

The Report writing process

8. The Inter-Ministerial Committee on Human Rights and Humanitarian Law (IMC-HL), compiled a zero draft of this Report and conducted stakeholder consultative meetings in six (6) out of ten (10) provinces and convened a stakeholder validation workshop. The stakeholders ranged from other Government Ministries, departments and agencies, civic society organisations, academia. After consultations, the Report was adopted by heads of Ministries and approved by Cabinet for submission to the Committee. The Report writing process was conducted in line with the recommendation to ensure wide participation of all public bodies and other stakeholders including women’s and human rights organisations.

Part II: Report on the implementation of the covenant and committee recommendations on the initial report

Article 1: Right to Self-Determination

9. Zimbabwe asserted its right to self-determination through the liberation struggle. In addition to this, Zimbabwe has allowed its citizens to determine for themselves the existing political dispensation in the Country by holding elections at regular intervals since its independence in 1980. An independent body, the Zimbabwe Electoral Commission (ZEC), conducts the elections. The Constitution and policy framework underpins efforts by Government to ensure enjoyment of self-determination in various aspects such as economic, political, cultural and religious spheres.

10. The Committee is referred to reporting under article 1 of Zimbabwe's 2nd to 12th Periodic Report to the Human Rights Committee.

Article 2: Obligation to implement provisions of the Covenant; individually and through international assistance and cooperation

Constitutional and Legislative Measures

11. Section 12(2) of the Constitution essentially domesticates Article 2(1) of the Covenant in that it provides that the State must promote regional and pan African, cultural, economic and political cooperation and integration and must participate in international and regional organisations.

12. The Constitution provides for an imperative obligation on the State to domesticate through incorporation into domestic law all international agreements, conventions and treaties that Zimbabwe is party to.¹

13. The Constitution also provides for an expanded Bill of Rights,² which incorporates specific provisions relating to economic, social, and cultural rights such as the right to education and the right to a clean and habitable environment.

14. Other legislative measures have been put in place to give effect to the provisions of the Covenant include:

(a) The Zimbabwe Investment Development Agency Act [*Chapter 14:37*] (ZIDAA), which provides for the promotion and coordination of investment in Zimbabwe. ZIDAA creates investment opportunities for non-citizens in specified business ventures.

(b) The Sovereign Wealth Fund Act [*Chapter 22:20*] provides for the establishment, control and management of the sovereign wealth fund. Among other functions, the Board that manages the fund is required to attract co-investment from other investors, including strategic investors, sovereign and internationally recognised investment funds, and private companies, in order to enhance the Fund's capital and maximise its risk-adjusted returns.³

(c) The Labour Act [*Chapter 28:01*] which seeks to promote social and economic rights especially in the workplace.

(d) The Social Welfare Assistance Act [*Chapter 17:06*] which provides for the granting of social welfare assistance to persons in need and their dependants.

(e) The Traditional Leaders Act [*Chapter 29:17*] which, among many other functions, promotes and upholds cultural values within specific communities.

¹ Section 34 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013.

² Chapter 4 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013.

³ Section 7(1)(f) of the Act.

Administrative Measures

15. Having been isolated from the international community since 2000, the new Government embarked on aggressive re-engagement process since its inception in 2018 especially targeting those countries previously indifferent to Zimbabwe. The re-engagement efforts have so far extracted positive results in the form of bilateral and multilateral cooperations.

16. In September 2018, Zimbabwe crafted the country's Vision 2030 under the theme "Towards a Prosperous and Empowered Upper Middle Income Society by 2030". The objectives of the Vision 2030 are aligned to those of the African Union's Agenda 2063 as well as the United Nations Sustainable Development Goals. The realisation of Vision 2030 was pinned on actions and measures undertaken through Short and Medium Term Development Plans in a multi-stakeholder approach involving Government and its non-state co-operating partners.

17. To achieve the above, Government launched the Transitional Stabilisation Programme (TSP) 2018–2020 and successive Five-Year Medium-Term Development Strategies (2021–2025) and (2026–2030). Further, Zimbabwe adopted the National Development Strategy 2021–2025 (NDS 1), which was launched on 16 November 2020. Having achieved macroeconomic stability under the TSP, the NDS 1's objectives seek to sustain macro-economic stability, lower poverty and inequality, and transform institutions to enhance public sector efficiency and service delivery.

18. Zimbabwe is a member of regional and international bodies, which seek to achieve economic integration by way of a number of initiatives such as creation of economic zones, trade tariffs, and movement of goods, services, and people, among other initiatives. Some of these bodies include, the Southern African Development Community (SADC), Common Market for Eastern and Southern Africa (COMESA) and African Union Cooperating Partners. Zimbabwe has also entered into bilateral and multilateral agreements with cooperating partners including several Joint Commissions (trade, tourism, culture, health and other areas are covered under the bilateral Joint Commissions). The objective of all these partnerships and cooperation is to ensure that rights enshrined in the Constitution and the Covenant are implemented.

19. Government fully cooperates with the United Nations (UN) and its various agencies such as the United Nations Children's Fund (UNICEF), Food and Agricultural Organisation (FAO), the World Health Organisation (WHO), the International Labour Organisation (ILO) and the United Nations Development Programme (UNDP) for the progressive realisation of economic, social, and cultural rights in the country. In fact, this Report was made possible through technical support of the UNDP.

20. International assistance and cooperation to ensure the progressive realisation of ESCR has been largely hampered by direct and indirect illegal sanctions among other concerns. For example, The United States of America (USA) further tightened sanctions on Zimbabwe in 2018 after endorsing 'final rule' stringent measures that will see the Office of Foreign Assets Control intercepting funds and goods such as medicines destined for Zimbabwe.

Article 3: Equality between Women and Men

Constitutional and Legislative Measures

21. Section 56 of the Constitution, specifically provides that all persons are equal before the law and have a right of equal protection and benefit of the law. It further provides for equal treatment between women and men including the right to equal opportunities in political, economic, cultural, and social spheres. The people of Zimbabwe are therefore entitled to the enjoyment of the rights recognised in the Covenant and enshrined in domestic law, without distinction on the grounds recognised in the Constitution.

22. Contrary to the situation during Initial Report where discrimination was allowed on the basis of custom, now grounds for discrimination include nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation,

opinion, custom, culture, sex, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock.

23. The Constitution further provides for affirmative action in order to achieve equality and to protect or advance people or class of people who have been disadvantaged by unfair discrimination.

24. Sections 120 and 124 of the Constitution as read with section 48B of the Electoral Act provides for the representation and participation of women in politics through reserved quota for women in the National Assembly and proportional representation in the Senate.

25. Furthermore, Section 17(b)(ii) of the Constitution stipulates that women should constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under it or any Act of Parliament. Section 80(1) further confers women the right to equal opportunities in political, economic, cultural and social spheres.

26. Section 7 of the Constitution promote public awareness on constitutional mandates government and human rights provisions and this applies to gender equality and women empowerment issues including temporary special measures.

27. For a comprehensive report on other legislative, administrative and other measures Zimbabwe adopted to implement Article 3 of the Covenant, the Committee is referred to the State Party's 6th Periodic Report on CEDAW (2016).⁴

Article 4: Limitations to Economic, Social, and Cultural Rights

Constitutional and Legislative Measures

28. The Constitution now provides for economic, social, and cultural rights such as the right to health care, right to education, right to food and water, marriage rights, right to land, right to language and culture, and the right to equality and non-discrimination. This makes these rights applicable before national courts and remedies given.

29. The limitation framework for the enjoyment of these rights is akin to the international standards especially "availability of resources". The State and the Government remains committed towards ensuring the "progressive" enjoyment of economic, social, and cultural rights by citizens. Where such limitation is based on the limited available resources occurs, Government will ensure that such limitation is fair, reasonable, and justifiable in a democratic society.

30. Notwithstanding an expanded Bill of Rights, the section 86 is the limitation clause. Government recognizes the need for providing fair, reasonable, necessary, and justifiable limitations of rights and freedoms in terms of sections 86 and 87 of the Constitution. These limitations are necessary to ensure a conducive environment in which economic, social, and citizens enjoy cultural rights.

31. Section 86 provides for general limitation of fundamental rights and freedoms, while Section 87 allows for further limitation of rights during a state of public emergency. The declaration of a state of public emergency is a prerogative of the President in terms of Section 113 of the Constitution. the declaration can be in whole or in part.

32. For a comprehensive report on the framework for the limitation of fundamental rights and freedoms, the Committee is hereby referred to the State Party's Common Core Document.

⁴ Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29.

Article 6: The Right to Work

Constitutional and Legislative Measures

33. The Constitution provides for the right to work in terms of Sections 24 and 65. It further obligates Government at every level to adopt reasonable policies and measures to ensure that its citizens enjoy the right to work, safe legal practices, and standards, and to be paid a fair and reasonable wage.

34. As anticipated in the initial Report, the labour laws have since been consolidated into the Labour Act [*Chapter 28:01*], which governs the right to work for all persons other than those whose conditions of employment are governed by the Constitution. There are no legal restrictions on one's choice of work. The laws in place protect and respect the right to work.

35. Section 4A of the Labour Act prohibits forced labour, thereby guaranteeing everyone the right to freely engage in the employment of his or her choice. Contravention of section 4A attracts a fine and or imprisonment for a maximum term of two years. The Act incorporates the provisions of the two fundamental ILO conventions on the elimination of forced labour namely, Forced Labour Convention No. 29 of 1930 and Abolition of Forced Labour Convention No. 105 of 1957. Both Conventions were ratified on the 27th of August 1998.

36. Section 84 of the Labour Act establishes the Labour Court, which has jurisdiction to hear appeals and applications, and can exercise the same powers as the High Court in relation to labour matters. Appeals from the Court's decisions on questions of law lie with the Supreme Court.

37. Section 12B of the Labour Act and Statutory Instrument 15 of 2006 protect workers from unfair dismissal by providing for the right *inter alia*, to be notified, heard and represented in disciplinary proceedings. Similar provisions are contained in the pieces of legislation governing labour relations in the Public Service.

38. In the Public Service, labour relations are governed by the Public Service Act and the Health Service Act. The Judiciary is governed by the Judicial Services Act [*Chapter 7:18*]. The recruitment into the Public Service is voluntary and based on merit.

39. Government established the Joint Negotiating Council (JNC) through Statutory Instrument 141 of 1997. The JNC consists of Government as the employer and Public Service employee representatives. The role of the JNC is to negotiate and collectively bargain for the improvement of salaries and conditions of service for workers in the Public Service.

40. Government has also laid a platform for the exercise of the right to work, by putting in place a law that regulates the registration and accreditation of institutions of higher education. The Zimbabwe Council for Higher Education Act [*Chapter 25:27*] established the Zimbabwe Council for Higher Education. The Council also promotes equity in access to higher education through the provision of student assistance programmes. The standard of programming is assured through the Council's power to design and recommend quality assurance systems for higher education that evaluate courses, programs and degrees offered by a particular institution, on a regular basis. In so doing, Government therefore ensures that technical and vocational guidance in career development is offered to guarantee the full realisation of the right to work.

41. Within the scope of SDGs, Government has prioritized SDGs focusing on economic growth of decent work which shows the intention of Government to prioritize employment within the scope of sustainable development employment also has been taken as a cross cutting matter within the economic blue print for the next five years which is NDS1.

42. Within the scope of the budget, starting 2020 there is provision for tax rebates to companies that employ young graduates. The idea is to promote employment going forward.

43. Government has also undertaken a labour market diagnostic analysis to understand the character of the labour market with a view to reviewing the employment policy from an evidence based perspective. In this regard, vulnerable sectors of the labour market such as women, older persons will be prioritized.

44. The GoZ has taken various measures to facilitate re-employment of workers especially women and long term unemployment workers who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises have been effected which are;

(a) Establishing a database on retrenched and profiling their skills to facilitate job placement.

(b) Establishing retrenched fund which will provide alternative sustainable livelihoods initiative

(c) Provide training of reskilling for increased employability for reabsorption into lab market.

(d) Within social security they are also in the formative stage of establishing a scheme for unemployment insurance to mitigate risks of loss of employment. We are also working on the formalization strategy for the transition of the informal economy to formality where most of these retrenched people fund livelihoods. It has to ensure we deal with economic deficits to increase promote decent and formal jobs.

Legal safeguards to protect workers from unfair dismissal.

45. Section I2 of the Labour, which protects employees from unfair dismissal. In addition, the *ILO Recommendation on Unfair dismissal* gives guidance. Government has up-scaled the inspectorate system as provided for in the Act. Inspectors ensure compliance with the Labour Act and in the process; any existing intentions or processes of unfair dismissals are dealt with in earlier stages. The Ministry is driving to achieve have a proactive system and not reactive. There is also provision of technical guidance to both employers and workers to avoid unnecessary dismissal.

Administrative Measures

46. According to the 2008 Inter-Censal Demographic Survey (ICDS), about fifty-nine percent (59%) *percent* of the total population of the country was in the fifteen (15) years and above category. The seventy-five *percent* (75%) of persons aged fifteen (15) years and above. Of the economically active population, six *percent* (6%) were unemployed and ninety-four *percent* (94%) employed. The data also shows that more males than females were economically active and that most of the economically inactive were females living in the rural areas.

47. Nearly a decade later, the 2017 ICDS, population above 15 years constituted 60 percent of the total population. Out of these, around 70 percent are in the labour force. The proportion of those in the labour force who are unemployed is about 7 percent. Three percent of children age 10–14 years are economically active and the largest proportion (59 percent) is involved in agriculture. Of the population not in the labour force, 42 percent are students, 44 percent homemakers and, 14 percent retired/sick/elderly.

48. Because of this continuous survey, Government has put in place the Zimbabwe National Employment Policy Framework, which seeks to stimulate employment growth and overcome unemployment and under-employment. Currently, the labour market is characterised by a significant informal sector with numerous challenges, some of which relate to decent work deficits and social security problems. Notwithstanding the challenges in the informal economy, Government is working towards greater access by informal sector operators to financing, credit facilities, workspace, infrastructure, and training, through the Ministry of Women Affairs, Community, Small and Medium Enterprises Development.

49. Government through the Integrated Skills Outreach Program (ISOP) has funded 2 166 projects and 3 660 jobs have been created through these enterprises since the creation of the Youth Fund in October 2006. In addition, it should be noted that ISOP capacity training has since 2006 produced 4 262 trained youths from all provinces. The training includes hairdressing, dressmaking, carpentry, brick and block laying, market gardening, horticulture, animal health and production, bee keeping, poultry rearing, livestock management, baking, and confectionery among others.

Table 1: Training for rural economic empowerment (Tree) Projects (23)

<i>Province</i>	<i>District</i>	<i>Projects</i>
Midlands	Gokwe South	Beekeeping
		Horticulture
	Mberengwa	Cattle fattening Potato production
Mashonaland Central	Gweru	Horticulture
	Mt Darwin	Poultry production
	Shamva	Poultry production
Mashonaland East	Chikomba	Piggery
	Mutoko	Horticulture
	Murehwa	Horticulture
Manicaland	Chimanimani	Beekeeping
	Mutare	Poultry production
	Mutasa	Dairy farming
	Nyanga	Potato production
	Makoni	Dairy farming Piggery
Matebeleland North	Chipinge	Dairy farming
	Nkayi	Beekeeping Cattle fattening
Matebeleland South	Gwanda	Cattle fattening
	Insiza	Cattle fattening
	Beitbridge	Poultry production
Mashonaland West	Chegutu	Fish farming

Table 2: Quality Improvement In Informal Apprentices (QIA) Projects (22)

<i>Province</i>	<i>District</i>	<i>Projects</i>
Bulawayo	Bulawayo	Carpentry
		Hairdressing
		Catering
		Welding
		Motor Mechanics
		Home Decor
		Arts and Crafts
Mashonaland East	Marondera	Dressmaking

<i>Province</i>	<i>District</i>	<i>Projects</i>
Manicaland	Mutare	Hairdressing/Cosmetology Catering
	Makoni	Catering
Mashonaland Central	Mt Darwin	Dress making
Mashonaland West	Hurungwe	Carpentry Welding
		Harare
	Chitungwiza	Motor Mechanics Welding Clothing Carpentry

Article 7: Right to Just and Favourable Conditions of Work

Constitutional and Legislative Measures

50. Section 65 of the Constitution has constitutionalised labour rights in Zimbabwe and subsection 1 provides that: “*every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage.*”

51. Section 65(6) of the Constitution and section 5(2a) of the Labour Act provide for the payment of equal remuneration to both men and women for work of equal value in line with the two ILO Conventions No. 100 and No. 111 on Equality of Treatment and Non-Discrimination which Government has ratified. As previously reported, every person who is engaged in any form of work is entitled to remuneration. Section 13 of the Labour Act guarantees the right to wages for work performed, even after employment is terminated. In the case of *Bata Shoe Co Ltd vs. Pangweni & another* SC 115/02, the Court held that non-payment of wages constituted an unfair labour practice.

52. Section 20 of the Labour Act empowers Government to make regulations that require employers to grant or negotiate increments on annual incomes of specific minimum amounts or percentages. Government no longer stipulates a national minimum wage, as these are now negotiated at sector level in Employment Councils. The Wages and Salaries Board is responsible for setting the minimum wage for unclassified and domestic workers (Annexure 2 attached on 2022 First Quarter Labour Force Survey Results).

53. Similarly, the Public Service Regulations, 2000 as amended prohibit the reduction of any salary, unless such is a punitive measure resulting from a hearing for misconduct. The Public Service Commission fixes the salaries of civil servants; which salaries are subject to periodic review to ensure the wages are sufficient to provide an adequate standard of living.

54. The minimum wage setting is decentralized to sectors through bipartite negotiations within National Employment Councils. There are 46 of them, which negotiate sector specific negotiations covering all grades. Those that are not classified and the domestic sector have their minimum wages negotiated through a Tripartite Wages and Salaries Advisory Council, which sets their wages from time to time.

55. From time to time, Government sets a national minimum wage within broader context of national structure of social dialogue to provide an equilibrium when macro-economic fundamentals require such intervention.

56. All workers except agriculture and domestic have minimum wages set through their NECs. The two do not have because they have a separate mechanism. Agriculture for example does not have minimum wage set because of what was agreed by the Tripartite Negotiating Forum.

57. Working conditions for all workers are discussed at sector level. The Labour Act sets minimum requirements, which must be considered in all sectors. The minimum conditions provided for in the Act cover all the above-mentioned conditions including rest periods. There are also sector specific which are negotiated within bipartite negotiations depending on the peculiarity of every sector. For example, nurses have specific conditions peculiar to them.

58. Equal pay for work value – The Constitution and Labour Act provide for non-discrimination. Since the Constitution is the supreme law of the land, it must be adhered to strictly and therefore the impact through these provisions is high. Efforts are in place to tighten the measures through including a provision to this effect in the Labour Amendment Bill.

59. Government is currently auditing national legislation in practice with a view to closing the gaps and provide legal provisions to specifically address the practice.

60. PSC has now in place a policy on violence and sexual harassment in the public sector (Annexure 3 of the Sexual Harassment Policy).

61. There also various pieces of legislation that provides for Safety and health in different sectors including Mines, Environmental Management Agency. For enforcement, there is an inspectorate system to ensure compliance.

Safe and Health Working Conditions

62. The Factories and Works Act regulates the conditions of work in factories and precautionary measures taken to prevent accidents to persons employed in factories. Section 5 of the Act empowers inspectors appointed by the Minister responsible for labour administration, to freely enter any workplace and inspect the premises to ensure that such premises are safe for the workers. The inspectors have the power to immediately shut down premises, which pose imminent danger to the workers.

63. The National Social Security Authority (NSSA) enforces legislation pertaining to safety and health at work. NSSA convenes annual conferences where organisations or companies showcase the various measures they have put in place to ensure a safe and healthy working environment. This practice promotes a culture of zero tolerance to injuries at work. Those who excel are awarded prizes and this encourages other organisations to emulate same standards.

64. Government is currently engaged in an exercise of merging all relevant Acts and subsidiary regulations pertaining to Occupational Safety and Health (OSH) and has developed principles to guide this exercise. Government, employers and workers pertaining to the need to harmonise all legislation on OSH, has reached consensus. The two principal legislative instruments in force for OSH administration in Zimbabwe at present are The Factories and Works (revised) Act, (Cap 14:08) 1996 and its Regulations and The Pneumoconiosis (revised) Act, (Cap 15:08) 1996. The Statutory Instrument 68 of 1990 on – The Accident Prevention and Workers Compensation scheme supplements the two pieces of legislation. The current provisions of the above listed Instruments do not adequately cover all OSH elements as well as relevant Government undertakings. Such inadequacies have prompted the need to develop and come up with a new legislative framework particularly in light of the instruments recently adopted by the International Labour Organisation (ILO) and in some cases ratified international instruments.

65. In essence, the harmonisation exercise will ensure Occupational Safety and Health coverage of all economic sectors especially the agricultural sector and the public sector. The

harmonized legislation will also include protection of workers from other occupational diseases like noise-induced hearing impairment, heavy metal poisoning, occupational skin and eye conditions, and musculoskeletal disorders.

Equal Opportunity for Promotion

66. Section 5 of the Labour Act outlaws all forms of discrimination at the work place, thereby guaranteeing equal opportunities for promotion. In terms of Section 18, not all benefits that normally accrue to an employee, including promotion, are affected by a woman's absence from work due to maternity leave. Promotion procedures under the Public Service Regulations 2000 apply equally to all persons. However, the Public Service Commission has since established a Gender Task Force chaired by a Commissioner in the Public Service Commission to ensure that women are advanced to positions of leadership. In terms of section 39(7) of the Regulations, a woman's eligibility for advancement or promotion is not affected by her absence on maternity leave.

67. The Labour Act was amended in 2005 to prohibit the demand for sexual favours in return for recruitment for employment, promotion or any other related activities. The prohibition extends to any form of unwelcome sexually determined conduct towards an employee. This protects employees from potential discrimination on the ground of gender.

Rest, Leisure, Limitation of Working Hours and Holiday with Pay

68. Sections 14, 14A, 14B, and 14C of the Labour Act (attached as Annexure 4) and Part VII of the Public Service Regulations, 2000 as amended provide the following types of leave.

Sick Leave

69. Sick leave is granted for a period of ninety (90) days on full pay during any one-year, as recommended by a registered medical practitioner. In the Public Service, a person who exceeds the ninety-day period is placed on half salary, subject to the convening of a medical board, which may recommend that the affected person be retired on medical grounds or resume work on light duty.

70. Under section 14 of the Labour Act, the employer may terminate the services of an employee who exceeds one hundred and eighty (180) days of sick leave on full and half pay respectively. In both cases, an employee may opt to take accrued vacation leave as opposed to sick leave on half pay.

Vacation Leave

71. Section 14A of the Labour Act provides that in both public and private sectors, vacation leave, accrues up to ninety (90) days from the time of commencement of employment.

Special Leave

72. Special leave is designed to serve such purposes as examinations, attendance of court proceedings, and absence on the instructions of a medical practitioner and other justifiable compassionate grounds. Section 14B of the Labour Act states that public servants are entitled to an additional twelve (12) days per year to allow them brief breaks to attend to personal matters.

Weekly Rest and Remuneration for Work during Public Holidays

73. In terms of section 14C of the Labour Act, either every employee is entitled to not less than twenty-four (24) continuous hours of rest each week, on the same day or every week on a day agreed upon by the employee and the employer. Public holidays that fall on days an employee would have been required to work are considered as leave of absence and are remunerated accordingly. Work executed on a public holiday is remunerated at a scale not less than twice the amount the employee would have been entitled to on a normal day.

Article 8: The Right to Organize in the Work Place

Constitutional and Legislative Measures

74. Section 65(2) of the Constitution provides that, “*except for members of the security services, every person has the right to form and join trade unions and employee or employers’ organizations of their choice and to participate in the lawful activities of those unions and organizations.*”

75. Thus, the Constitution guarantees the right to collective bargaining. So does the Labour Act. In the private sector, this is realized through negotiations at sector level within the auspices of bipartite national employment councils. Workers and employers’ representatives can engage in collective bargaining within the auspices of works council. An agreement reached at sector level is therefore superior to an agreement at company level.

76. The Constitution further guarantees freedom of association and as such the Labour Act has provision to guarantee the express enjoyment of this right by not making it mandatory to seek registration to function. A trade union can function without registration and therefore their independence is not compromised. Registration is only done to enjoy privileges that come with it.

77. Section 27 of the Labour Act guarantees the right to form trade unions. This is in compliance with *ILO Convention No. 98 on the Right to Organize and Collective Bargaining, 1949*, which Government ratified on 27 August 1998.

78. Section 28 of the same Act regulates the registration of Trade Unions and employers’ organisations. The requirements for registration are not onerous as there are mainly focused on outlining the basis of membership to that trade union, the numbers of officials and office bearers including their powers and functions, tenure of office bearers, the holding of annual general meetings, the call and conduct of meetings of members, an undertaking to prohibit discrimination of any member or group of members on any grounds as those stipulated in Section 56 of the Constitution or any other law, procedures for the amendment of the trade union Constitution and on winding up of a trade union, among others. The Constitution also allows in Section 65(5)(c) the right to form and join federations of such unions and organisations.

79. In terms of ILO Conventions, it is important that trade unions be allowed freedom of association and assembly in order to mobilize for labour purposes. In this sense, Section 58 of the Constitution guarantees to every person the right to freedom of assembly and association and the right not to associate or assemble with others. It further guarantees forced membership to an association or to attend a meeting or gathering. Section 59 of the Constitution reaffirms the right of freedom to demonstrate and petition, which right reinforces the independence of trade unions to organise their activities without interference.

80. In order to facilitate trade unions and other entities’ right to associate and assemble, in 2020, Government repealed the Public Order and Security Act (POSA) and in its place enacted the Maintenance of Peace and Order Act to regulate the holding of public gatherings, meetings and processions, which processes are integral to trade union activities. The view is to facilitate an orderly exercise of these rights and ensure insulation from interference by third parties.

81. The leading trade union federation, the Zimbabwe Congress of Trade Unions (ZCTU), has more than 40 unions affiliated to it, all representing different sectors of the economy. This goes to show Government commitment towards making space for workers’ rights to organise.

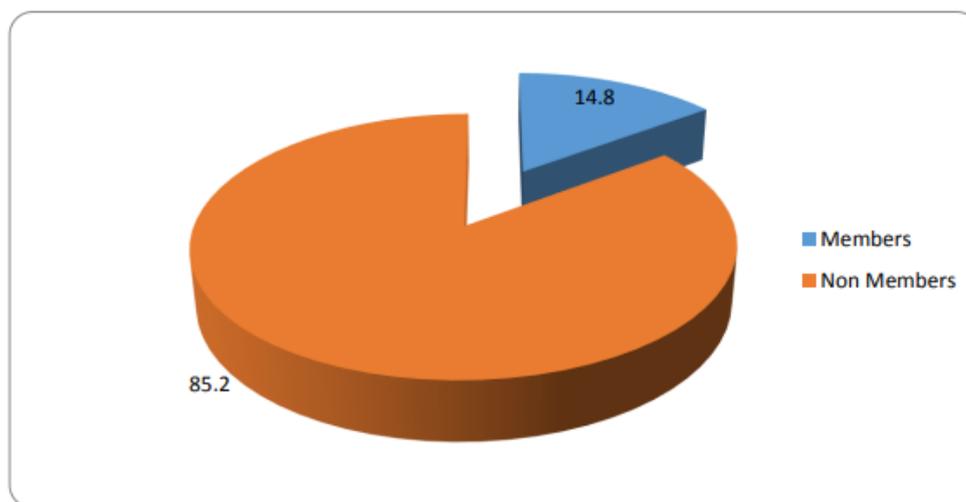
82. The on-going Labour Law Reforms seek to strengthen the invention of this right by providing set criteria that a prospective trade union should comply with in order to obtain automatic registration. Government will be able to report on this in the next Report.

83. In the public sector, collective bargaining happens within the NJNC for the Civil Service and the Judicial Service Commission (JSC) for the judiciary. “Essential services” that are prohibited to strike according to the Constitution are security forces but the rest have the rights to exercise their right to strike. Those allowed include teachers and nurses. In fact,

Public sector staff associations are recognized in terms of section 24 of the Public Service Act [Chapter 16:04] as read with Statutory Instrument 45 of 1998.

84. As stated in Article 6, there is a National Joint Negotiating Council, which is responsible for collective bargaining of salaries and conditions of service in the Civil Service. Areas of negotiation include conditions of employment, levels of remuneration, occupational safety, laws of work and issues relating to housing and transport for workers. Section 75 of the Act specifically places an obligation on the parties to negotiate in absolute good faith. Collective bargaining agreements are binding to the parties.

Figure 1: Percent Distribution of Membership to Employee Associations



Source: Zimbabwe 2014 LFCLS, ZIMSTAT.

The Right to Strike

85. Section 65(3) of the Constitution provides for the right to strike. Section 102 of Part XVII of the Labour Act defines an “essential service” as the interruption of which endangers immediately the life, personal safety or the Minister through a notice in the Gazette declares health of the whole or any part of the public and that after the necessary consultations. Largely these provisions regulate the conduct of collective job action, the powers of courts of law to intervene where there is a dispute as to the lawfulness of a collective job action and liability of the employer or employee in such circumstances (remedies).

86. The same criteria has been used to define “essential services” for purposes of lockdown measures to contain the spread of the Covid-19.

87. Section 104 of the Labour Act provides that, all employees, workers committees and trade unions have the right to resort to collective job action to resolve disputes of interest.

88. In order to engage in collective job action, employees are required to give fourteen (14) days’ written notice of their intention to strike. An attempt should be made to conciliate the dispute before any collective job action, whereupon a Labour Officer issues a certificate of no-settlement.

89. Collective job action is only prohibited concerning ‘disputes of right’. These are disputes involving legal rights and obligations such as those occasioned by unfair labour practices. It is also prohibited in regard to essential services. An essential service means “*any service whose interruption endangers immediately the life, personal safety or health of the whole or any part of the public*”.

90. Peaceful picketing is permitted outside and in some circumstances inside the workplace. The immunity of persons who engage in or threaten lawful collective job action is guaranteed and employees who engage in such action are entitled to certain benefits from their employers.

91. On the other hand, engaging in unlawful job action is criminalized and persons who engage in such action are rendered liable for any damage caused by it after following due process. A socialised court known as the Labour Court has the mandate to deal with labour-related disputes.

92. In the case of *Rutenga and Others v Chiredzi Town Council*, SC 117/02, the Court held that an employee, who has been suspended from his employment, cannot be penalized for subsequently participating in a strike action, unless such person has returned to work after his suspension and the employer has condoned the return.

Article 9: Right to Social Security, Including Social Insurance

Constitutional and Legislative Measures

93. Section 30 of the Constitution provides that “*the State must take all practical measures, within the limits of the resources available to it, to provide social security and social care to those who are in need.*”

94. Furthermore, section 82 (c) states that “*people over the age of seventy years have the right to receive financial support by way of social security and welfare and the State must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of this right.*”

95. The National Social Security Authority NSSA was established in terms of the National Social Security Authority Act [Chapter 17:04] and is mandated to administer the Pensions and Other Benefits Scheme and the Accident Prevention and Workers Compensation Scheme. It also has the mandate to administer future schemes to be established in terms of the Act.

96. In order to enhance the right to social security, Government amended the National Social Security Act to include, among others:

(a) The abrogation of remedies at common law to enable claims for damages for injury, disablement or death and the payment of additional compensation where such injury, disablement or death occurred due partly to the negligence of the employer or defect in the premises or machinery. (Section 3(2a) – Amendment Act No. 12 of 1997).

(b) The introduction of punitive remedies for contravention of any part of a scheme. In terms of section 3A, the contravention attracts six (6) months imprisonment and/or a fine. (Amendment Act No. 22 of 2001).

(c) The empowerment of inspectors to ensure that all employees eligible to register for a scheme are registered. (Section 40C-Amendment Act No. 22 of 2002).

The Factories and Works Act, Chapter 14:08 of 1996

97. The Factories and Works Act, [Chapter 14:08] provides for the registration and control of factories, the regulation of conditions of work in factories, supervision of the use of machinery and precautions against accidental injury to persons employed on structural work. The Act provides for the appointment of inspectors to administer the Act and to ensure compliance with its requirements. It also specifies the powers and duties of the inspector. Any company that is unsure whether or not its premises fall within the scope of the Act can seek guidance on this from the Factory Inspector within the Occupational Safety and Health division of the National Social Security Authority. Boilers and machinery, including elevators and escalators, must be inspected by an inspector appointed by the Minister of Public Service, Labour, and Social Welfare in terms of the Factories and Works Act. The inspector will, if the machinery or boiler passes the inspection, issue a certificate.

98. It is the duty of the factory owner (or occupier) to maintain an accident register in which to enter accidents that occur within a factory or at a workplace where structural work is being carried out. All accidents must be reported to the inspector if they result in the following:

(a) Loss of life;

- (b) Permanent injury;
- (c) The employee being absent from work for at least three days;
- (d) If they involve people not employed on the premises; or
- (e) If they involve machinery.

99. The Act provides for the Minister to make regulations pertaining to the administration of the Act. Currently, there are eight sets of regulations that support the Factories and Works Act. These cover issues such as machinery, electrical, general, building structural and excavation works, elevators and escalators, boilers, pressure-vessels and registration and control of factories. The occupier or user of the factory premises is required to comply with the Act and its regulations as a minimum requirement for ensuring occupational safety and health.

100. The following are the enabling statutory regulations for the Pensions and Other Benefits Scheme and the Accident Prevention and Workers' Compensation Scheme:

Statutory Instrument (SI) 393 of 1993

101. The National Pension Scheme was established, and is administered, in terms Statutory Instrument (SI) 393 of 1993. The workers are entitled to a number of benefits after contributions for a minimum set period and having met the qualifying condition of each of the benefits. The employer and the employee each contribute (3%) three per cent of the earnings covered (i.e. a total contribution rate of (6%) six per cent) up to a ceiling that is adjusted from time to time. The normal retirement age to qualify for an old-age pension is 60 years. However, workers in arduous employment can elect to retire at 55 years with at least ten years of contributions. There is also allowance for late retirement at 65 years.

Statutory Instrument 68 of 1990

102. The Workers' Compensation Insurance Fund (WCIF) was established and is administered in terms of Statutory Instrument 68 of 1990.

103. The main objective of the scheme is to remove from the employer the burden of looking after an injured worker, both in terms of medical expenses and of wages during periods of temporary lay-off. The WCIF scheme pays out both short-term and long-term benefits, the short-term benefits including periodic payments that provide income where it had stopped owing to work-related accidents or injuries. The scheme also pays for all medical fees that include transport, drugs, hospitalization and prostheses, and there is no ceiling on medical expenses. The scheme pays long-term benefits in the form of employees' pensions, dependants' pensions, and rehabilitation services.

Administrative measures

104. .⁵

Pensions and Other Benefits Scheme (POBS)

105. This scheme is contributory, partially funded and is financed through scaled premiums. The current contribution rate is seven percent (7%) shared equally by the employer and the employee. The employer is obligated to register and remit the contributions to NSSA together with all the information of employees contributing to the scheme.

Accident Prevention and Workers Compensation Scheme (AP&WC)

106. Unlike the POBS, the employer finances this scheme wholly. The premium rates, *called assessment rates*, are computed using the previous years' total realised premiums and expenses. Again, the employer is obligated to register and remit the premiums to NSSA together with all the information of the employees being insured.

107. After meeting its obligations, the reserves of the scheme are invested for future liabilities to improve on the current benefit levels. Investment of these funds is done

⁵ No text provided by the State party.

professionally by investment experts through their investment structures to maximise on the returns.

Actuarial Valuations

108. Actuarial reviews are carried out once a year for the Accident Prevention and Workers' Compensation Scheme and after every three years for the Pensions and Other Benefits Scheme. These valuations have helped in determining the viability of the schemes and are also used for policy making of various aspects of the activities done by NSSA. For example: optimization of the investment portfolio mixture.

109. In addition, actuarial valuations assist in the review of the minimum amounts of benefits paid although currently they are still insufficient to ensure an adequate standard of living for recipients and their families.

Coverage

110. Zimbabwe currently does not have universal coverage in terms of Social Security. As stated above through NSSA's Pension and Other Benefits Scheme and the Accident Prevention and Workers' Compensation Scheme the country currently covers four of the nine ILO branches of Social Security which are the:

- (a) Old-age benefit;
- (b) Employment injury benefit;
- (c) Invalidity benefit; and
- (d) Survivors' benefit.

111. These branches are employment based, covering only the formally employed *fourteen percent* (14%) and excluding the informal sector employees eighty-six percent (86%) and domestic workers.

Pension and Other Benefits Scheme

112. This scheme covers all employed persons between the age of 16 and 65 years who are engaged in permanent, seasonal, contract or temporary employment. However, domestic and informal sector workers are not covered by the scheme.

Accident Prevention and Workers' Compensation Scheme

113. This scheme covers all workers, except those in government, private domestic employment and the informal sector.

114. Government seeks to increase social protection coverage through various initiatives designed to reach the informal sector. Listed below are some of the major initiatives

(a) Burial societies are local indigenous organisations which provide mutual help and assistance to members in the event of death and illness, and are an established feature in Zimbabwe

(b) Savings and Credit Cooperative Societies are another form of informal social protection scheme that exists in Zimbabwe. These are commonly referred to as "rounds" in Zimbabwe whereby a group of people come together and contribute a certain amount of money every month and each one has turns to access this money or sometimes goods. Members pool together their resources. These "rounds" exist mainly amongst those in the informal sector however, those who are formally employed also engage in these rounds. They are mainly meant to cushion members financially and socially so that they do not experience financial and economic duress and they are a source of capital injection to embark on a business project.

115. Attached Annexure 5 the National Protection Policy Framework for Zimbabwe.

Article 10: Establishment of, Protection of and Assistance to the Family

Constitutional and Legislative Measures

116. Section 25 of the Constitution stipulates that, “*the State and all institutions and agencies of government at every level must protect and foster the institution of the family and in particular must endeavour, within the limits of the resources available to them, to adopt measures for—*

(a) *The provision of care and assistance to mothers, fathers and other family members who have charge of children; and*

(b) *The prevention of domestic violence.”*

117. The Constitution has set the minimum age of marriage at eighteen (18) years. Section 78 of the Constitution states that every person who has attained the age of eighteen 18 years has the right to found a family and no person may be compelled to enter into marriage against their will. This position of the law was confirmed by the Constitutional Court in the case of *Mudzuru and Another v Minister of Justice and Others*,⁶ in which case the Court declared unconstitutional a legal provision, which allowed minor children to marry with the consent of the Minister. As part of the efforts to implement the Constitution and the above judgement, Government has promulgated the Marriages Act [*Chapter 5:17*] which criminalises the act of marrying or giving a child into marriage for any reason.

118. Section 2 of the Children’s Act [*Chapter 5:06*], has since expanded the definition of ‘*child in need*’ to include a child or young person:

(a) Whose parent or guardian has given him or her up to another person in settlement of a dispute in accordance with custom;

(b) Whose parent or guardian makes him or her perform work that is likely to be hazardous, interfere with his or her education, harmful to his or her health, or physical and mental development;

(c) Whose parent or guardian has denied him or her proper medical care;

(d) Whose parent or guardian has unlawfully removed him or her from lawful custody;

(e) A child who is married or to be married;

(f) A child who lives on the streets; and

(g) A child who is pregnant or sexually abused.⁷

Maternity Protection

119. The Labour Act was amended in 2005 to increase maternity leave to 98 days with full pay in line with ILO Maternity Protection Convention, (Revised) 1952 (No. 183). The Act prohibits discrimination on the grounds of pregnancy. In 2000, the Public Service Regulations were also amended to provide for full pay on maternity leave.

120. Since 2012, Government in partnership with development partners has a policy under a scheme called Results- Based Financing (RBF) to provide free care to pregnant women from primary care centres, which are distributed across the country for ease of access by pregnant women. Such women continue to access the care after birth until the child is 5 years old. The same policy also facilitates free medical care to any person over the age of 65 years old.

Child Labour

121. Government amended section 11 of the Labour Act in 2015, to place the age of employment of young persons at sixteen (16) years. The Act permits the enrolment of

⁶ CCZ12/15.

⁷ New provisions in the Children’s Amendment Bill.

children into apprenticeship programs from the age of sixteen (16) years with the assistance of guardians. The minimum age for a person to perform any work that is likely to jeopardise their health, safety or morals is set at 18 years. Violations of these provisions attract monetary penalties or a custodial sentence of up to two (2) years or both.

122. The Labour Relations (Employment of Children and Young Persons) Regulations under Statutory Instrument 72 of 1997 provides guidelines on the employment of children and young persons.

123. While the law prohibits the employment of children under the age of eighteen (18) years, children of sixteen (16) years and above, may be involved in light work where such work is an integral part of an educational or training program and does not prejudice their education, health, safety, social or mental development. The Labour Act also sets the minimum age for hazardous work at eighteen (18) years. This includes work which is likely to jeopardize a person's health, safety or morals.

124. Children within the permissible age of work may not work for duration of more than three hours without a break of at least fifteen minutes. In total children can only work for six hours on each single day. During each week, children should be accorded, at least one and a half (1 ½) days' break, twenty-four (24) hours of which should be continuous. All these aspects, including the wages paid should be stipulated in every contract of employment, which can only be entered into with the consent of the parent or guardian of the child. Such contracts shall be valid for school holidays only, unless the Minister responsible for labour administration approves to the contrary.

Administrative Measures

125. .⁸

Basic Education Assistance Module (BEAM)

126. Government in conjunction with development partners created BEAM to assist orphans and vulnerable children in primary and secondary schools through the payment of fees. The target for 2021 is 1.5 million pupils. (Annexure 6 attached on Basic Education Assistance Module Operational Manual.)

Assisted Medical Treatment Order (AMTO)

127. The scheme aims to pay health bills for indigent and vulnerable persons. The initiative assisted 25 000 people as at 2011. The system is currently operational in seven districts.

Harmonised Social Cash Transfers

128. Government with the support of development partners makes cash pay-outs to under privileged and labour constrained households. In 2011, about 14,226 households were assisted. The initiative also targets orphans and vulnerable children.

Food Deficit Mitigation Strategy

129. Government distributes grain to households on a means-testing basis. In 2011, Government targeted 75 000 labour constrained and food insecure households.

Support to Older Persons

130. The scheme targets older persons aged 65 years and above in institutions country wide on a means testing basis. There is also the Older Persons Act [*Chapter 17:11*] which was enacted among other things, to provide for the well-being of older persons and create a Fund to finance the interventions. A board created by this law is charged, among other things, with formulating and developing measures and policies to improve the general welfare of older persons, achieve equal opportunities for older persons by ensuring they have adequate basic needs and full participation in recreational and cultural activities as well as access to health

⁸ No text provided by the State party.

and social services. The Board is also charged with preventing discrimination against older persons, neglect abuse and their ill-treatment. Older persons are eligible for social welfare assistance under this law especially those with disabilities, ill-health and dependent on destitute persons who are unable to look after them. Government runs a social welfare scheme in terms of which food assistance is provided to older persons based in the rural areas. The law criminalises denying an older person admission to any public premises or provision of any service ordinarily provided to the public, solely on the ground of age. The penalty could be a custodian sentence of up to twelve (12) months.

Support to Persons Living with Disability

131. Through this initiative, Government paid grants to institutions housing 4 500 people living with disabilities countrywide in 2011. It also makes provision for the welfare and rehabilitation of disabled persons.

Anti-Child Trafficking Initiatives

132. Government is party to regional joint operation initiatives such as International Police (Interpol) and the Southern Africa Regional Police Chiefs Cooperation (SARPCCO) which are designed to curb human trafficking.

133. In addition to the conventions ratified prior to the submission of the Initial Report, Government has since ratified the ILO Minimum Age Convention, 1973 (No. 138) and the Worst forms of Child Labour No. 182 in 2000.

134. Government has further enhanced the protection of children by ratifying the African Charter on the Rights and Welfare of the Child (ACRWC) and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

135. Child Protection Committees (CPC) were also established and can be defined as a set of services and mechanisms put in place to prevent and respond to violence, abuse, exploitation and neglect, which threaten the well-being of children.

136. Government established a National Program for Action for Children in 1990 for the purposes of coordinating the implementation, monitoring and evaluation of the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) to ensure child survival, development and protection.

137. The Victim Friendly System was established with the aim of protecting victims of sexual and other forms of abuse. Under this System, there are Victim Friendly Units housed in Police Stations, Victim Friendly Clinics found in all provinces and Victim Friendly Courts. A pilot project, known as the 'One Stop Centre for Survivors of Gender Based Violence', is in place under the Victim Friendly System. This one stop facility has various services for sexual victims in one place. These include police services, medical assistance, legal services and counselling.

138. The National Action Plan for Orphans and Vulnerable Children (NAP for OVC I) was launched in 2005 and it is a consolidation of various programmes addressing challenges facing orphans and other vulnerable children. Some of the programmes being implemented under the NAP for OVC I are the HIV and AIDS mitigation programmes and the community based child protection programmes meant to provide safety nets for OVC. The Community based child protection program has set up child protection committees at District, Ward and at Village level. NAP for OVC II, an extension of NAP for OVC I was launched in 2011. (Attached Annexure 6 on National Action Plan for Orphans and Vulnerable Children in Zimbabwe Phase III 2016–2020).

139. Government, in partnership with the ILO conducted the Child Labour Survey in 1999. The results of the Survey revealed that child labour was existent in Zimbabwe. This prompted Government to introduce the following programs:

- (a) Protection of working children from occupational health and safety hazards;
- (b) Rehabilitation and integration of children who had been working;

(c) Strengthening of labour inspections; and

(d) In-depth study on the worst forms of child labour for example, bondage and forced labour;

140. A further Labour Force Survey conducted in 2004 revealed thirty-seven percent (37%) of children in the country were in economic labour reflecting the economic hardships being faced by households.

141. In 2008 Government conducted a survey on the elimination of Worst Forms of Child Labour (WFCL). The survey results showed that the WFCL do exist in the areas that were studied. Following the survey, Government and the social partners developed a time-bound program of action for the elimination of WFCL. Efforts are underway to implement the said program with the assistance of development partners.

142. In the 2019 LFCLS, the prevalence of economic child labour was estimated as the proportion of children aged 5 to 14 years working at least 21 hours per week in some economic activities such as retailing or working in paid employment. Out of the 4.2 million children aged 5 to 14 years, about one percent was estimated to be in child labour. Boys were at higher chance of engaging in child labour than girls, about two percent and one percent, respectively.

143. Government has established health centres/clinics all over the country to ensure that all mothers have access to antenatal care services (ANC), prevention of mother to child transmission services (PMTCT), volunteering counselling and testing services (VCT) postnatal care services (PNC), community based activities and health promotion. The Government is also encouraging the use of family planning methods and mothers to deliver at health centres. Village Development Committees (VIDCOs) and Ward Development Committees (WADCOs) were established to maximize community participation and involvement for health as well as mobilizing inter-sectoral action for health within the community. There is also an array of community-based health and development workers found at this level, such as village health workers, community based distributors for the family planning program, chloroquine holders among others. While Government has made strides in establishing the necessary health facilities all over the country, it has been facing challenges of inadequate medical facilities, pharmaceutical drugs logistics support, equipment and skills flights within and beyond the region.

144. This level provides the necessary supervisory support for community activities, as well as a referral system to the next higher level of care. Services at this level are extremely important in the event of potentially fatal conditions such as emergency obstetrics problems.

Article 11: Right to an Adequate Standard of Life

Constitutional and Legislative Measures

145. Section 28 of the Constitution provides that the State and all institutions and agencies of Government must ensure that every person has access to adequate shelter.

146. Section 72 of the Constitution provides for the right to agricultural land for the purposes of improving the livelihood of the people of Zimbabwe.

147. Section 73 also states that every person has the right to an environment that is not harmful to their health and well being.

148. Section 77 of the Constitution also provides that every person has the right to safe, clean, and potable water; and sufficient food.

149. Government enacted the Private Voluntary Organisations Act [*Chapter 17:05*] to provide for the registration of private voluntary organisations which compliment Government efforts by providing for the under privileged. Government enacted the Social Welfare Assistance Act [*Chapter 17:06*] to provide for the granting of social welfare assistance to persons in need and their dependants.

Land Redistribution and Rural Resettlement

The Land Commission Act [Chapter 20:29]

150. The Land Commission Act [Chapter 20:29] s enacted in 2017 creates the Zimbabwe Land Commission, a specialised body to resolve agricultural land disputes among other land related issues, provide procedures for the administration of agricultural land inter alia acquisition and disposal of State land, settlement of persons on and alienation of agricultural land, control of subdivision and lease of land for farming and other purposes, limiting of number of pieces of land one can be owned by any person and sizes of such land.

Statutory Instrument 41 of 2020

151. Set out the maximum farm sizes a farmer can hold in a natural region in the country. This is done to make sure that that the landless citizens have access to land thereby enjoying rights to agricultural land.

Statutory Instrument 62 of 2020

The object of the regulations is to provide for disposal of land *in lieu* of compensation to persons who are in terms of section 295 of the Constitution entitled to compensation for acquisition of previously compulsorily acquired agricultural land. **Global Compensation Agreement.**

152. Section 72 (3) read with 295 (3) of the Constitution provides that the Government has an obligation to pay compensation for improvements on compulsorily acquired agricultural land. Government and the former farmers' representatives engaged in extensive negotiations over the global compensation figure for improvements, including biological assets and land clearing costs, on the land compulsorily acquired from the former farm owners. The successful negotiations culminated in the signing of the landmark US\$3.5 billion Global Compensation Deed Agreement (Agreement) on the 29th July 2020 between government and the former commercial farmers' representatives.

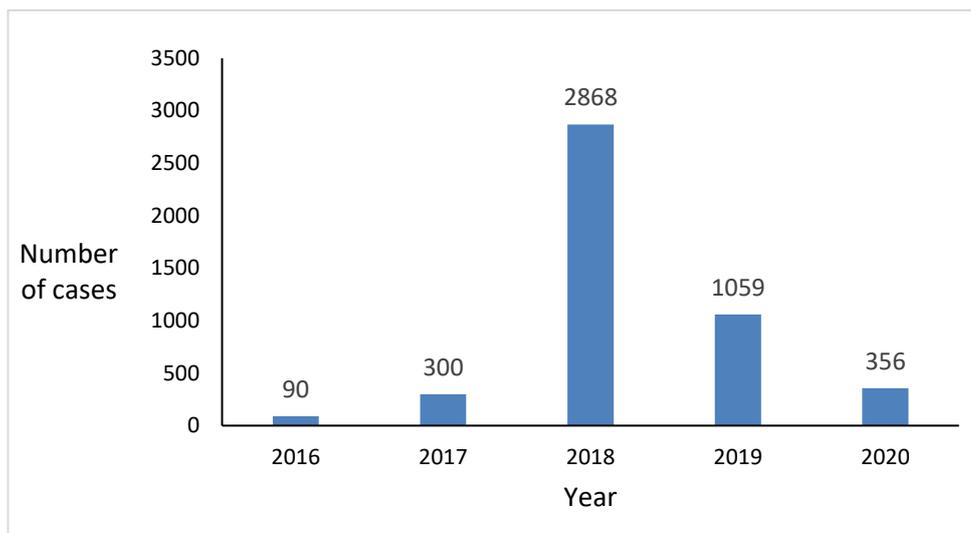
Activities or programs

Land audit

153. The Zimbabwe Land Committee (ZLC) carried out the first phase of the national land audit in 2018 through sampling one district per province. The ultimate intention is to cover each district. The report is being used to inform land policy on various issues.

Land Dispute resolution and decentralisation of ZLC

154. The ZLC is mandated by section 297 of the Constitution to investigate and determine complaints and disputes regarding the administration and allocation of agricultural land. Through resolving disputes ZLC has also made several recommendations to improve on the administration, transparency and accountability in the allocation or withdrawal of tenure thereby improving rights to access land. Since 2016, ZLC has handled 4 668 cases. The information of cases brought to ZLC for the period under review is shown in diagram below.

Fig 2 Number of disputes handled by Zimbabwe Land Committee

155. Decentralisation of ZLC to district level in 2017 has made it easier for farmers to access justice closer home, hence the big jump of reported cases in 2018.

Land tenure document processed

156. In its quest to make sure that everyone is lawfully settled on acquired land, government issued a total of 5 999 tenure documents as illustrated in the below table.

Table 3: Distribution of land tenure documents processed

<i>Tenure document</i>	<i>Number of tenure documents issues</i>
99 year leases	60
Deed of Grant	34
Offer letters	2 563
A1 settlement permits	3 342
Total	5 999

Agriculture

157. Section 77 of the Constitution provides for the right to sufficient food. Section 15 of the Constitution provides for food security as one of the national objectives. Section 77 of the Constitution compels the State to take reasonable measures to achieve the progressive realisation of the right to food. In an effort to fulfil the constitutional obligation to the right to food and other human rights, the government embarked on various measures discussed below.

Policies

National Agricultural Policy Framework (NAPF)

158. Provides policy guidelines to promote investment in agriculture, synchronises agricultural policy interventions, and provide a holistic and time response framework for development.

The Agriculture and Food Systems Transformation Strategy

159. This seeks to develop a robust agriculture sector capable of turning around and steering Zimbabwe towards Vision 2030 by providing strategic responses to the increasing population; low agriculture production and productivity, climate change and low inflow of investment into the agriculture.

160. The Strategy envisages the creation of an US\$8.2 billion agriculture output by 2025 and increase the contribution of agriculture to the GDP from 12% to 20% and propelling Zimbabwe towards the Vision 2030 goal of an upper middle-income economy. The envisaged growth will be driven by the private sector, with Government facilitating through sound macro-economic policies, creating a conducive business environment

Maize, wheat and soybean production recovery plan (Agricultural recovery plan)

161. This Recovery Plan's thrust is to reverse the negative trends in maize, wheat and soybeans production levels and allow the country to move away from the perpetual importation of these strategic and staple commodities and attain self-sufficiency and surplus while placing agriculture at the epicentre. The 2018/2019-production season had a shortfall of over 800,000 MT, which has to be imported during the 2019/20 marketing season to meet human and livestock requirements.

The Livestock Growth Plan

162. The livestock growth plan is part of the Agriculture and Food Systems Transformation Strategy. The growth plan is anchored on livestock as a business paradigm shift by communal and small scale farmers and accelerated growth in the A2 sector supported by coordinated multi-stakeholder responses to livestock value chain challenges. The public sector interventions will be expected to leverage private sector and development partners' funding through existing or new projects, especially those aimed at scaling up successful interventions.

Horticulture recovery and growth plan

163. The HRGP is an implementing tool for the Agriculture and Food Systems Transformation Strategy which is also supported by the National Agricultural Policy Framework (NAPF), Agriculture Sector Recovery Plan and Livestock Growth Plan. The Plan encompasses the entire horticulture value chain including domestic production, processing and value addition as well as export market promotion.

164. The overall purpose of the Plan is to guide and support the revival of the horticulture industry by providing a relevant and evidence-based framework to guide and coordinate the development of commodity-specific strategies, projects and programmes. The Plan identifies the key challenges of the horticulture sub-sector, defines the strategic objectives, key touch points and strategic interventions to achieve the key touch points outcomes.

The National Strategy and Action Plan on Plant Genetic Resources for Food and Agriculture (NSAP on PGRFA)

165. The NSAP on PGRFA provides operational guidelines to promote conservation and sustainable use of plant genetic resources for food and agriculture. The strategy takes into account the contribution made by the indigenous communities particularly the smallholder farmers as custodians of genetic resources and associated knowledge since the beginning of agriculture.

Mechanisation

166. Mechanisations programmes embarked by government for the period under review are discussed below.

Table 4: Mechanisation programmes

<i>Programme</i>	<i>Outputs</i>
More Food For Africa (Brazil-Zimbabwe) facility	476 tractors and related implements distributed to group scheme farmers throughout the country. More implements are expected to be delivered under phase 2 and 3 of the programme

<i>Programme</i>	<i>Outputs</i>
John Deere Farm Mechanisation Facility	60 tractors and 8 combines which have been delivered to date
Belarus Farm Mechanisation Facility	474 tractors 60 combine harvesters 210 seed drills 5 low bed trucks delivered and distributed to beneficiaries to date
Provision of Mechanisation Services	contract mechanisation service providers for provision of services to farmers without access to equipment
Installation of mobile grain dryers at Grain Marketing Board (GMB) depots	7 dryers were procured and delivered; 4 have since been installed at GMB.

Command agriculture

Command livestock

167. This is a special programme on livestock production since 2017. The programme is based on a cost-recovery basis. The range of livestock covered by the programme included cattle, poultry and pigs. The livestock that was distributed to farmers is as follows.

Table 5: Livestock distributed to farmers

<i>Livestock</i>	<i>Number of livestock</i>
Heifers (beef)	3 139
Heifers (dairy)	400
Poultry	640 000
Pigs	12 000

Command cropping

168. The command agriculture program, which has improved cereal supply in the country thereby ensuring food security. The program targets farmers from high potential areas who are provided with inputs but are expected to pay them back. The average contribution of the programme to cereal production is 14.1%. In 2017/18 agricultural season the programme contributed 25.9% of cereal production.

Table 6: Production and contribution of the command cropping programme

<i>Year</i>	<i>Cereal Requirement</i>	<i>Production (Tonnes)</i>	<i>Contribution (%)</i>
2016/17	1 817 376	618 585	13.0
2017/18	1 735 145	347 762	18.7
2018/19	2 204 225	373 721	25.9
2019/20	2 227 782	287 127	12.9

The Presidential Well-wisher Input Scheme

169. This is mainly targeted for vulnerable households and is targeted at smallholder farmers. Beneficiaries are provided with free inputs. The program has benefitted an average of over 1.2 million farmers per season in the last three seasons and has contributed to at least 11.4% of food production in the country for the period under review. The contribution of the facility is detailed below.

Table 7: Production and contribution of the Presidential scheme

<i>Year</i>	<i>Cereal Requirement</i>	<i>Production (Tonnes)</i>	<i>Contribution (%)</i>
2016/17	1 817 376	260 521	14.3
2017/18	1 735 145	215 568	11.7
2018/19	2 204 225	157 756	10.9
2019/20	2 227 782	196 849	8.8

Climate Smart Agriculture

170. The Government has come up with an ambitious Presidential Input Scheme for the 2020/2021 agricultural season through the Agriculture Recovery Plan. In an effort to climate-proof, the Presidential Input Support Programme has targeted 1.8 million farmers to implement the *Pfumfudza/intwasa* concept, which is one of the conservation agriculture options. The concept is in line with section 73 of the Constitution which provides for environmental rights. Each farmer is expected to establish three plots: one for a cereal crop for food security, one for a cash crop, and a third for a cereal crop that is expected to contribute to the National Grain Reserves. The Cereal Food Security Plot is expected to produce up to 1 metric ton per plot, resulting in up to 1.8 Million tonnes nationally.

Small Grain production programme

171. Zimbabwe has not been spared by climate change and weather variability. To avert hunger induced by droughts, government has come up with the small gran production programme. The programme is meant to lead to improvement of food and nutrition security among vulnerable rural community households, improving the food security and nutrition of targeted households therefore providing an opportunity to develop a market-based approach to resilience building, and a linear transition of farmers from being food insecure to producing marketable surplus. To date, 13 districts in the country have benefited from the programme.

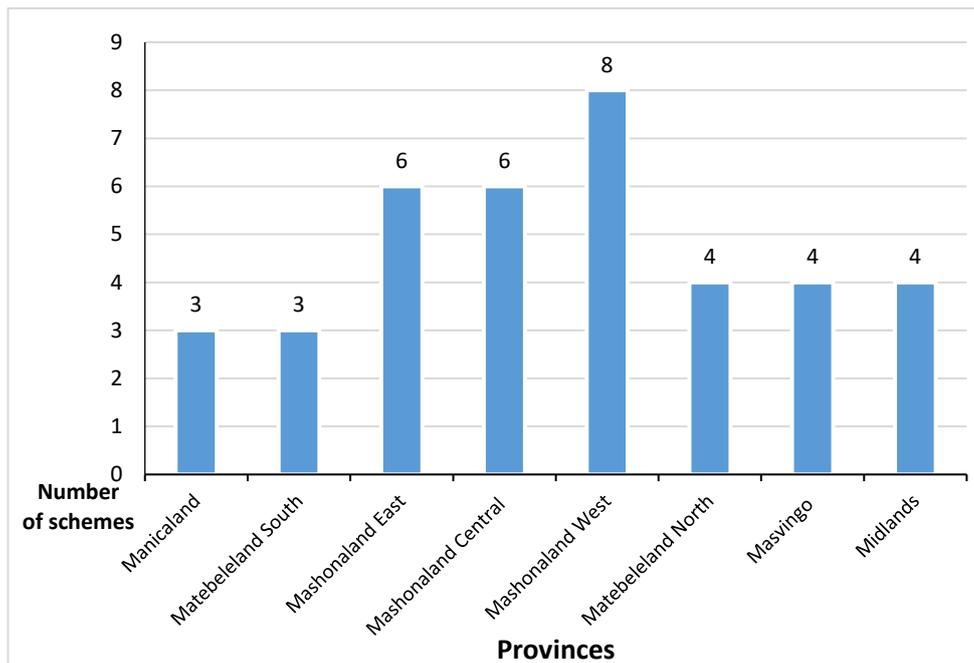
Irrigation

172. Due to the effects of climate change and weather variability globally and Zimbabwe in particular, irrigation development has become an essential component of sustainable agricultural development as it increases production and achieve food security and realisation of the right to food. The Government of Zimbabwe has undertaken the following measures to ensure food security and realisation of the right to food for the period under review.

Irrigation schemes established

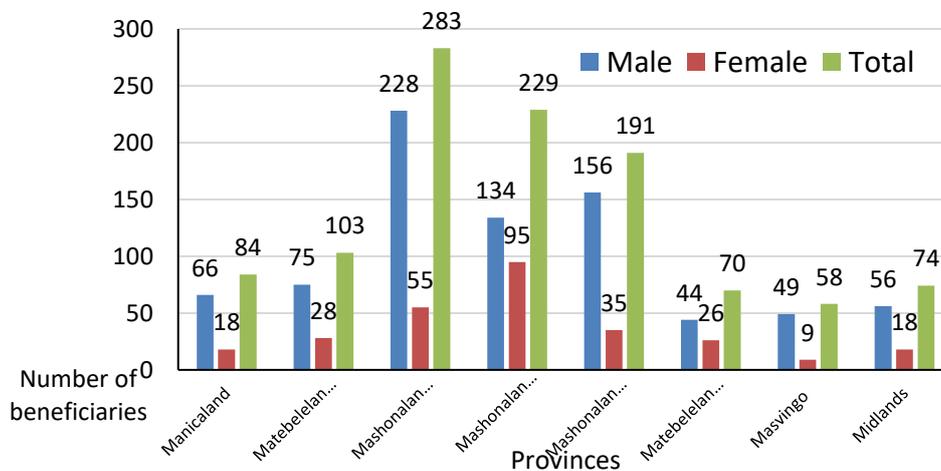
173. Under the More Food Programme (Brazil-Zimbabwe), 38 irrigation schemes benefited from the facility. The government ensured that every province was represented. In other words, there was equitable distribution of resources so that all provinces enjoy the benefits of the facility.

Fig 3: Irrigation schemes under the More Food Programme



174. A total of 1 092 beneficiaries were selected including women, a development that emancipate women. The beneficiary information is shown below.

Fig 4: Beneficiaries under the More Food Programme



Centre Pivots Irrigation Facility

175. The facility targeted to develop 3200ha through the installation of 80 centre pivots for 80 farmers. To date all the 80 centre pivots were erected with 2920ha now irrigating under 74 centre pivots. The total amount of the loan facility is \$6.8 million.

Irrigation projects under construction

176. A total of 80 projects are under construction covering a total area of 10 203 hectares as follows.

Table 8: Irrigation projects under construction by province

<i>Province</i>	<i>Number Of Projects</i>	<i>Area (Ha) Works In Progress</i>
Manicaland	14	1 179
Mashonaland Central	7	731
Mashonaland East	9	290
Mashonaland West	8	457
Masvingo	13	1 758
Matebeleland North	6	640
Matebeleland South	6	3 045
Midlands	17	2 103
Total	80	793

Water

177. The right to safe and clean drinking water is central realisation of other human rights such as the right to food and livelihoods, children rights, rights of the disabled and women. Section 77 of the Constitution states that every person has the right to safe, clean and potable water. In this regard, the State is directed to take reasonable legislative and reasonable measures, within its limits to achieve the progressive realisation of this right. The government undertook the following programmes to achieve the realisation of the right to water and other related human rights.

Water Sanitation and Hygiene (WASH)

Rural Wash programmes

178. The goal of rural WASH programmes is to contribute to the reduction of morbidity and mortality due to WASH related diseases; to reduce the burden of water collection on women and girls, to improve dignity, basic education outcomes and gender equality towards achievement of the SDGs. The programmes undertaking are as detailed below.

Table 9: Rural wash programmes

<i>Activity</i>	<i>Number</i>
Borehole drilling	2 575
Borehole rehabilitation	5 574
Community managed piped water schemes	12
Water points rehabilitation	10 377
Construction of Blair Ventilated Improved Pit Latrines	181 646
Capacity building	11 272
Open defecation free villages	1 069

WASH in Schools

179. The goals of WASH in schools are improved access to safely managed WASH infrastructure to learners and teachers (disability and girl friendly, and age appropriate), improved hygiene behaviour among learners (with age appropriate messaging), enhanced capacity for operation and maintenance of WASH infrastructure in the target schools.

180. The Government reached out to 279 schools with. The breakdown is as follows: A total of 107 new boreholes drilled in unserved schools including rehabilitation of 233 broken down hand pumps across the country, construction of age, sex, disability and MHM friendly latrines for the same schools targeted with access to water, establishment of 340 school health clubs and training of 680 school health coordinators in hygiene promotion including menstrual hygiene management.

Water resources management

181. Tugwi Mukosi dam, which was built through Public Sector Investment Project, was commissioned in 2017. The main goal for the construction of the dam is to improve water security to support livelihoods and irrigation in Masvingo Province. The dam is expected to provide water for Irrigation land totalling 25,000 hectares, construction of a 15MW mini hydro project, fishing and tourism among both opportunities meant to improve livelihoods.

182. **The National Water Harvesting Programme** whose goal is to enhance water security for domestic use and cattle watering in rural communities and enhanced food security through irrigation. The information for this programme is detailed below.

Table 10: Distribution of water harvesting programmes

<i>Programme</i>	<i>Number</i>
Construction of Weirs/Small dams	117
Model rooftops systems installed	22
Offtakes implemented	6
Integrated projects established	6
Dam under construction	11

Disaster Response*Covid-19 pandemic response*

183. In response to this global pandemic, the Government intervened with the following.

Table 11: Covid-19 interventions

<i>Intervention</i>	<i>Number</i>
Boreholes drilled at isolation centres	62
Boreholes rehabilitated across the 10 provinces	2 848
Piped water schemes rehabilitated in 7 provinces	38
Water trucked to major cities during the course of the pandemic	2 515 000 l – Bulawayo City 5512000 l – Harare
Hygiene kits (<i>aquatabs, soap, water container, hand washing bucket, IEC material</i>)	31 540
Hand washing facilities constructed and/or installed at public places	17 888

Cyclone Idai

184. Cyclone Idai, one of the worst cyclones in the southern hemisphere left a trail of destruction in Chimanimani and Chipinge. The Government intervened by the following.

Table 12: Cyclone Idai Interventions

<i>Intervention</i>	<i>Number</i>
Boreholes drilled in affected areas	20
Restoration of water supplies for stations affected	18
Rehabilitation of dams and conveyance systems affected	5

Droughts

185. The country has been affected by droughts for the period under review. Each year, the Government carries out a national crop and livestock assessment each year to ascertain the food situation in the country, when deficit is experienced, the Government through the Grain

Mobilisation Programme chip on to close the deficit gap through imports and movement of grain from surplus regions to those in deficit. The selling of grain during droughts is decentralised to GMB depots in all the country's districts. A deliberate and well-coordinated effort to ensure that everyone get the subsidised grain is done through local leadership.

Administrative Measures

186. The Poverty alleviation policy articulates strategies and programs adopted by Government to alleviate poverty among its citizens. The strategies include:

- (e) Microfinance schemes
- (f) Rural development programmes and income generating projects
- (g) Community based Nutrition Programmes, Community Home Based Care Programme

187. To improve the standard of living Government has introduced various poverty reduction strategies such as the Short Term Emergency Recovery Programme (STERP) – 2009, the Medium Term Plan (MTP) 2010–2015 and Zim Asset 2013–2018. The strategies are aimed at the eradication of extreme poverty and hunger through implementation of projects and programs that promote pro-poor sustainable growth and economic development as well as those that increase access to decent employment opportunities especially for women and youth.

188. Government has initiated an orphan care program namely the National Plan of Action for Orphans and Vulnerable Children (OVC). The program caters for orphans, children living in the street and other vulnerable children who are estimated to be around eight hundred thousand (800 000) in the country. The program benefits households with OVCs by providing school fees, books and The National Plan of Action was developed in response to the HIV and AIDS pandemic whose prevalence rate stood at 14.3 *percent* according to the MDG Report (2010). AIDS has left an estimated seven hundred and sixty-one thousand (761 000) orphans in its wake. The OVC Plan of Action aims at offering basic services to affected children.

Food Security

189. In 2012 and 2013, Government launched the National Water Policy and the Food and Nutrition Policy, which provide for access to clean water and which enhance food security in Zimbabwe respectively. To further support the implementation of these policies, Government has dedicated a whole cluster to food security and nutrition in its economic blue print, ZIMASSET. This cluster aims to create a self-sufficient and food surplus economy.

The Reform of the Agrarian System

190. The Land Reform program intended to provide the deprived with access to the means of production in an agrarian society, to boost food security. Land was distributed in two (2) models; to the landless people who required homes and small-scale farming through the A1 Model and to commercial farmers through the A2 Model. A total of one hundred and twenty-seven thousand, one hundred and ninety-two (127 192) households were settled under the A1 Model, taking 4 231 080 hectares of land, while seven thousand two hundred and sixty (7 260) beneficiaries were settled under the A2 Model on two million, one hundred and ninety-eight thousand, eight hundred and fourteen (2 198 814 ha) hectares. Of the settled households under the A1 Model, ninety-seven percent (97%) have taken up their land, while the A2 Model has seen a take-up rate of sixty-six percent (66%). Government set aside a twenty *percent* (20%) quota for women under the fast track land reform programme. As of 2009 seventeen *percent* (17%) women were allocated A1 Model Farms and twelve *percent* (12%) were allocated under the A2 Model.

191. Government enacted the Food and Food Standards Act [Chapter 15:04] as an instrument to regulate the sale, importation and manufacture for sale of food free from substances, to prohibit the sale importation and manufacture for sale of food which is falsely described and to provide for the fixing of standards relating to food. In terms of regulations adopted to enforce this law no person may manufacture any food or sale without a sanitary

certificate for food. Premises at which food is manufactured are regularly inspected with or without notice, among other things.

192. Government established the Food and Nutrition Council charged with the role of coordinating food and security information analysis, within the context of a natural food and nutrition information system that is credible, transparent, scientific, relevant and timely and that informs multi-sectoral actions that address food and nutrition security.

The Right to Water

193. Due to lack of capacitation in local authorities, which enjoys monopoly in the provision of water to ensure safe and secure water to citizens, Government in 2020 disbursed an amount of ZWL\$110, 000,000.00 to the manufacturer of water treatment chemicals in order for local authorities to increase the provision of safe water for the realisation of right to water.

194. Public and private suppliers of portable water for domestic and other uses are required to submit samples of their products for certification through the Department of Environmental Health under the Ministry of Health and Child Care. The samples are analyzed by a Government analyst and a laboratory technician for purposes of certification by SAZ. The sample analysis process also serve to designated use of such water sources such as drinking, laboratory use, other domestic use etc. The same process applies to the certification of water sources such as boreholes which are privately owned by individuals. Upon certification a permit authorizing the extraction of water is issued also certifying whether the water is safe for drinking for private purposes.

195. About seventy-seven percent (77%) of the population of Zimbabwe was living in households using improved sources of drinking water (MICS 2019). Use of improved sources of drinking water was almost universal in urban areas (97%) compared to sixty-eight percent (68%) in rural areas. National Policy on Domestic Water Supply and Sanitations.

The Right to Housing

196. Although the Constitution does not provide for the right to shelter it however guarantees to every person the right to freedom from arbitrary eviction to prevent evictions or demolition of the home in the absence of a court order made after the court has considered all the relevant circumstances or factors. This freedom is given effect by subsidiary legislation such as the Urban Councils Act in so far as it requires authorities to serve a notice of the eviction or any resident for non-compliance with planning laws, which notice is challengeable before a court of law before it can be enforced.

197. Constitutional Amendment No. 17 afforded Government a legal framework to acquire land, hence opening up more opportunities for the acquisition of land for urban development. Following the land reform over twenty thousand, seven hundred and seventy-eight 20 778 residential stands were created on six farms acquired by Government for housing development.

198. Tenants are protected from arbitrary eviction through the Rent Regulations of 2007, which provide for three (3) months' notice prior to eviction. The Statutory Instrument also goes further to provide that rent can only be increased every six (6) months. A Rent Board to adjudicate disputes between landlords and tenants was established.

Rural Housing

199. Government established the Ministry of Rural Housing and Social Amenities in 2006, whose main aim was to raise the standard of housing in rural areas from the traditional type of housing to modern standards. Government provided model houses in the rural areas including the most remote rural parts of the country. Eight (8) modern model houses have been constructed in the eight rural provinces. Government has since established the Ministry of National Housing and Social Amenities with a broader mandate to cater for both rural and urban housing.

200. Government is also targeting Rural Service Centres in the provision of housing in order to reduce rural urban migration and congestion in urban areas. Rural Service Centres

are model nodde points of economic growth and development. These are targeted because they will be the nucleus of future development. Elementary industries are being promoted to create employment thereby, attracting people to stay in rural areas. The growth of the industries will create need for accommodation in growth points. The Government is acquiring land, servicing stands using the Revolving Funds and selling them to prospective homeowners.

201. There is also, in place, a rural electrification program being spearheaded by the Rural Electrification Agency (REA). The Agency whose mandate is to provide electricity in the rural areas was established under the Rural Electrification Funds Act [*Chapter 13:20*]. The Agency is mainly funded through a levy and contributions from Government and its partners.

202. The program has since resulted in a substantial number of rural households, and service centres being electrified. The program targets such institutions as schools, business centres, Government Extension offices, chiefs' homesteads, small-scale farms, villages, and irrigation schemes borehole and dam points, among others. Six thousand three hundred and thirty-four (6 334) sites were electrified, as of June 2011.

203. The electrification program has opened opportunities for rural people to put up modern housing and engage in income generating projects. It has also improved access to health facilities, as 70.6% of rural health centres were electrified by June 2011. 74.3% Secondary Schools, 40.5% primary Schools eighty-two percent (82%) Government Extension Offices and seventy-eight percent (78%) Chiefs' homesteads have also been electrified within the same period.

Urban Housing

204. It is Government's policy to ensure that as many people living in urban areas as possible are housed. Government developed a National Housing Policy to promote, facilitate and coordinate the development of the built environment. To implement the Policy, the civil service housing loan scheme was created and state land was previously provided on request to housing co-operatives. Currently, local authorities are allocated land for the development of housing estates.

205. The National Housing Development Program (NHDP) adopted in 2003, has the objective of creating an environment for investment in the housing sector and stimulates economic development. Prior to the introduction of the program, housing provision in urban centres had decreased from an annual average of between fifteen thousand (15 000) and twenty thousand (20 000) units during the period 1985–1995 to a mere five thousand (5 000) in 2000.

206. The housing strategy recommends the involvement of other actors in housing developments such as local authorities, private land developers, employer organisations, housing cooperatives, NGOs and the prospective homeowners. The NHDP has revolutionarised housing delivery with the revision of housing policies and standards to facilitate the introduction of new and appropriate building technology allowing the participation of the informal sector in the building industry and ultimately achieving affordability.

207. The Infrastructure Development Bank of Zimbabwe has been established to focus on financing infrastructure in urban centres and also providing bridging finance to housing co-operatives and indigenous land developers in order to speed housing development.

208. Other measures include the provision by Central Government of funds to enhance infrastructural development through the Public Sector Investment Program (PSIP) at an affordable interest rate to Local Authorities.

209. Aided self-help schemes are also in place to provide land and technical assistance in the form of layout plans, engineering and architectural drawings.

210. In 2003, the Civil Servants Housing Scheme was introduced to promote home ownership among public servants in both urban and rural areas. The scheme has a revolving fund administered by the Ministry of Finance and Economic Development.

211. To cater for Zimbabweans living abroad, and assist them to acquire, build or buy properties in Zimbabwe, the Homelink Program was introduced. Under this Scheme, residential stands are purchased and houses built in various suburbs. The houses are then advertised through the internet and interested persons purchase the houses on terms agreed upon. In line with the General Comments, Government conducted the 2019 Labour Force and Child Labour Survey assessing, among others, the right to housing and access to basic infrastructure. With regards to the tenure status, the arrangement under which the household occupies its living quarters and the nature of its right to be there, Owners/Purchasers accounted for about sixty-five percent (65%) of the households (down from sixty-nine percent (69%) in 2008) while households in tied accommodation were thirteen percent (13%) (As it was in 2008). About fifteen percent (15%) were lodgers (up from 13 percent in 2008).

212. In all provinces in the country, owners/purchasers constituted by far the largest proportion except in Bulawayo where the proportion of lodgers was more at forty-one percent (41%) in comparison to twenty-nine percent (29%) for owners.

Operation Restore Order (Murambatsvina)

213. Government, mindful of the Committee's concerns and observations regarding the continued occupations of illegal structures or unauthorized housing, undertook an operation to ameliorate the situation by demolishing illegal structures such as shacks and squatter camps that had sprouted around all towns. The operation was a response premised on the need to effectively enforce planning and development control as stipulated in the Regional, Town and Country Planning Act, 1976. Due notice was given and some persons complied with the notice to demolish the illegal structures whilst the rest defied it.

214. In response to Operation Murambatsvina, Government undertook Operation Garikai/Hlalani Kuhle to provide decent and affordable housing to families that had been displaced. In addition, it catered for low income members of communities who were on local authorities' housing waiting lists. Government constructed housing units, country wide, under phase one of the program. Phase two (2) of Operation Garikai provided land to individuals, employers, co-operatives and private constructors for development.

Article 12: Right to Highest Attainable Standard of Physical and Mental Health

Constitutional and Legislative Measures

Basic Health

215. The Constitution guarantees the right to health, through section 76 (1) which states "*every citizen and permanent resident of Zimbabwe has the right to have access to basic health-care services, including reproductive health-care services.*"

216. The Public Health Act [Chapter 15:09] provides for the protection of public health, including the prevention and suppression of infectious and sexually transmitted infections, as well as the regulation of the provision of safe water and food supplies and improved sanitation. The Public Health Act also makes provisions for the promotion of good infant nutrition through encouraging and promoting breastfeeding and the setting of standards on the composition and quality of infant foods and feeding articles. It further provides for the sampling, testing and the regulation of marketing and sale of infant foods, and feeding articles. The Act also provides for the immunization of children.

217. The Children's Act [Chapter 5:06] section 7 specifically prohibits the neglect or ill treatment of children in any manner that would affect their health and morals. Neglect, ill treatment or abandonment of the child includes failure to provide necessities such as food and clothing. Contravention of the Act attracts sentences of up to five years.

218. In terms of section 3(1) of the Termination of Pregnancy Act [Chapter 15:10], no person may terminate a pregnancy with the exception of the specific provisions provided in the Act in line with the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa.

Administrative Measures

219. The National Health Financing Policy (2017) focuses on achieving the following objectives which are, mobilizing adequate resources for predictable sustainable funding of the health sector; Ensuring effective, equitable, efficient and evidence based allocation and utilization of health resources.

220. Zimbabwe has strengthened domestic health financing and abides by the Abuja Declaration on Health where 13.9% of budget was allocated to health, leaving a 1.1% shortfall. It spends not less than \$50 per capita per year to ensure the financing of a minimum comprehensive benefit package. Zimbabwe raises progressive earmarked taxes and levies, examples include the National AIDS Levy, Health Services Fund, Workman's Compensation Fund, Assisted Medical Treatment Order, and Accident Victims Compensation Fund on Motor Vehicle Insurance. Domestic funding is contributing an average 10% of the resources supporting the national response. Priority has always been given to the purchasing of cost effective services and those essential for achieving universal health care, that is, the Essential Health Benefit package at all levels of care.

Health Care Delivery System

221. The health care services in Zimbabwe consist of four levels; Rural and Primary Care Level, district, provincial and central levels. Implementation of health services is mainly at district and health facility level with policy formulation and administration at provincial and central level. There are sixty (60) districts and each has a hospital and several clinics. While the Ouagadougou Declaration of 2008 states that health services accessibility should be within a 10 km radius, in practice accessibility remains a challenge.

Health Care Financing

222. Government adopted the 2016 Health Financing Policy (HFP) followed up by the Health Financing Strategy of 2017 with the overarching goal of achieving Universal Health Coverage (UHC).

223. Government allocations to health have fluctuated significantly over the years. Although this has been partly as a result of the changing macro-economic and fiscal environment, it has resulted in unpredictability in public sector financing. Also, budget execution has been a challenge; averaging 81.6% within the period 2009 to 2016.

Table 13: Government Expenditure Allocation to Health and Child Welfare: Trends Analysis during the Decade

<i>Period</i>	<i>Health budget</i>	<i>As a percent of total budget</i>	<i>Population</i>	<i>Per Capita Z\$</i>	<i>Reserve Bank Exchange Rate</i>	<i>Per Capita US\$</i>
1999	3 667 544 000	9	11 286 184	325	38	8.55
2000	6 189 168 000	10.5	11 400.186	543	55	9.87
2001	14 026 298 000	11.5	11 515 340	1 218	55	22.15
2002	22 459 863 000	9.5	11 631 657	1 931	55	35.11
2003	73 427 927 000	12.7	11 747 974	6 250	824	7.59
2004	701 209 680 000	14	11 865 453	59 097	824	71.72
2005	3 006 296.970 000	16.95	11 984 108	250 857	26 000	9.65
2006	8 110 431 506 000	9.33	12 103 949	670 065	100 000	6.70
2007	590 082 761 000	13.48	12 224 988	48 269	250 000	0.19

224. Government, through its economic development strategies and partnership with development partners such as United Nations Agencies provides partners with information on the national development agenda. The main development partners in the health sector are a cross section of both multilateral and bilateral institutions, international NGOs, humanitarian and faith based organizations.

225. To boost human resources, Government has entered into bilateral arrangements with other Governments to source medical personnel, in particular, Doctors. Bilateral arrangements have been made with Cuba, Democratic Republic of Congo and most recently China.

226. Zimbabwe has made progress in the area of Primary Health Care from 1996 to date. Since the presentation of the Initial Report, Government, through Ministry of Health and Child Care, has continued to implement cost effective child survival interventions such as the Expanded Programme of Immunisation (EPI).

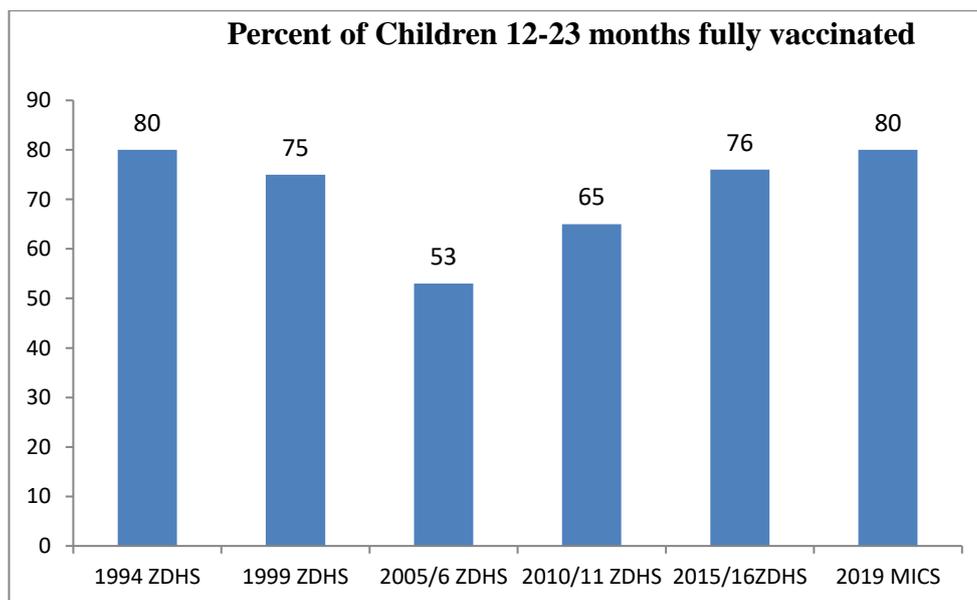
Expanded Programme on Immunisation

227. Zimbabwe introduced the Expanded Programme for Immunisation (EPI) in 1982. The purpose of immunization is to harmonize efforts that contribute to reduction of morbidity, mortality and disability rates due to vaccine preventable diseases. Routine immunization is carried out against the following target diseases:

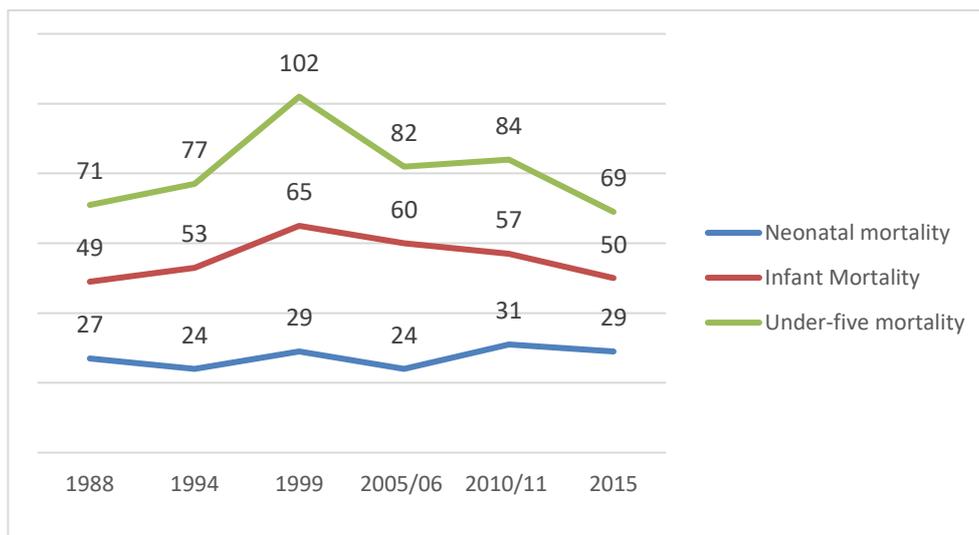
- (a) Tuberculosis, Measles, Rubella, Pertussis (whooping cough),
- (b) Diphtheria, Maternal and Neonatal tetanus, Pneumococcal Infections,
- (c) Poliomyelitis, Hepatitis B, Rota virus diarrhoea,
- (d) Haemophilus influenza type B disease, cancer of the cervix.

228. Since 1982 there has been tremendous progress, including improvement of vaccination coverage from 28% (DPT3) in 1982 to 97% (Pentavalent) by 2010.

Fig 5: Percentage of Children 12–13 months vaccinated



229. The ZDHS also explores the mortality trends from successive rounds of DHS surveys in Zimbabwe. The table below shows the neonatal, infant and Under-5 mortality rates for the five-year periods preceding the 1988, 1994, 1999, 2005/6, 2010/11 and 2015 ZDHS Surveys.

Fig 6: Deaths per 1000 live births

230. Since most of these diseases can be prevented, Government has been implementing simple evidence based cost effective high impact interventions that can reduce morbidity and mortality such as immunization, providing mosquito nets, skilled attendants at births and encouraging breast feeding, provision of safe water and sanitation and prevention of mother to child transmission of HIV services and providing communities with ART⁹. To this end, Government has launched the following policies:

(a) Food and Nutrition Policy (FNP) was launched in 2013 to enhance food security in Zimbabwe. This policy will contribute to reduction of child morbidity and mortality arising from malnutrition.

(b) National Water Policy was launched in 2012, which among other issues provides for access to clean water. This policy will contribute to child survival by reducing exposure to diarrheal and other water borne diseases.

Provision of Medical Assistance and Health Care for Children

231. Children under 5 years receive free treatment in public health institutions and also access free treatment for AIDS and tuberculosis. Under current policy, every citizen is supposed to live within eight kilometres (8km) of a health facility. Geographic access is reasonable, with a wide network of health facilities particularly in the rural communal areas and urban areas.

232. The country only manufactures imports or accepts as donations medicines/vaccines that are registered with the Medicines Control Authority of Zimbabwe (MCAZ) or are WHO prequalified. Samples of medicines are taken for quality tests by the MCAZ per each import. Physical counts are done at the end of each month at NatPharm and health facilities where, in the event of expired stock as a result of low demand or any other grounds, such is removed from usable stock. The Board of Survey was established to certify drugs for purposes of approving disposal and the incineration of the expired stock.

Figure 8: Trends of IRS Coverage and Population Protected 2001–2011

233. ¹⁰

Disability and Rehabilitation

234. Government screens children under the age of five years for first line type of disability. In 2017 60% were screened, 65% in 2018 (with 70% projection), which figure went up to 66% in 2019 (with projected target of 70%. In 2020, projection is 75%.

⁹ Ministry of Health and Child Welfare, Annual Report, 2011.

¹⁰ Editing comment: No graphic provided.

235. The mandate of the Mental Health Department is to ensure provision of comprehensive, coordinated and quality mental health services throughout the country. To promote mental health services and prevent mental illness, IEC materials to create awareness on mental illness and substance abuse (drugs, alcohol and tobacco) were developed and distributed.

236. Treatment Guidelines and Protocols were developed, printed, launched and distributed to health workers to improve competence and skills to effectively manage mental illness and substance abuse. Health workers were also trained in substance abuse management.

237. National Alcohol Policy was finalized and is awaiting Cabinet approval. The Strategy to implement the provisions of the National Mental Health Policy was developed but is still to be printed and distributed. Cabinet approved the Framework Convention on Tobacco Control Accession.

238. Rehabilitative services for the mentally ill in the country remain a challenge. However, the few half way homes such as Bellevue, Makhandeni, Tariro, Tirivanhu, Beatrice, Chinhoyi, Queen of Peace, and Ngomahuru are rendering care in rehabilitating mentally ill patients.

239. To ensure access to comprehensive habilitation and rehabilitation services for the populace of Zimbabwe, Government has developed a network of habilitation and rehabilitation services throughout the country. All central hospitals, provincial hospitals, district hospitals and a substantial number of Mission hospitals have purpose built facilities offering a wide range of habilitation and rehabilitation services that include physical therapy, occupational therapy, communication therapy, audiology, orthotic and prosthetic services and necessary corrective surgery. Furthermore, to ensure wide coverage including those living in the remotest parts of the country, Government has developed outreach services and adopted community based rehabilitation (CBR) as a strategy for enhancing the quality of life of persons with disability through improving service delivery, provision of more equitable opportunities and promoting and protecting their human rights.

240. Government is refurbishing rehabilitation departments and rehabilitation villages and updating treatment equipment at all levels of care in order to improve the quality of care and increase accessibility to services. A Monitoring and Early Intervention System for babies and young children “at risk” of disability and those with established disabilities has been put in place to ensure that babies and young children who are at risk of disability are detected early and timely intervention measures are put in place to ensure improved quality of life and that impairments do not develop to severe disability. For children ‘functional rehabilitation’ is the gateway for access to all social services and full enjoyment of rights.

241. In 2011, Government, working with development partners, established a ‘Children’s Rehabilitation Programme’ whose main goal is to ensure that ‘children with disability enjoy their right to a protective and nurturing environment within which they reach their full potential’. The expected outcome is improved functional, educational, and social development for the children. Major objectives include; improving the capacity of rehabilitation personnel in both urban and rural areas to provide comprehensive care and services to children with disability, their careers, and family.

Access to Rehabilitation and Other Services: Efforts to Increase and Improve Access to Rehabilitation Facilities

242. Disability Strategy 2018–2020 whose mandate is to achieve equality, dignity, and equal opportunities for children with disabilities in specific areas. This requires ensuring best interest of the child, independence, freedom of choice, full and active participation in all areas of life and society.

243. This Strategy defines disability in line with the Zimbabwe Disabled Persons Act that views disability as a human rights and developmental issue. Under the Disability Strategy, PWDs in need of assistive devices are given devices free of charge, while the Government through the Social Welfare Department pay for the devices; most hospitals in Zimbabwe have ramps for easy accessibility by people who use wheelchairs. Central hospitals have lifts to

ease access to services on higher floors; and there are specialised rehabilitation centres like such as:

- (a) Ruwa National Rehabilitation Centre,
- (b) Workmen's Compensation Rehabilitation Centre,
- (c) St Giles Rehabilitation Centre,
- (d) Tsanga Lodge Rehabilitation Centre,
- (e) King George Rehabilitation Centre,
- (f) Danhiko Rehabilitation Centre.

244. Special education programmes have been included in the curricula of teacher training institutions and universities to address issues of children with disabilities. Rehabilitation/Technician Training Schools have been established to train personnel in the care of persons with disabilities.

Article 13 and 14: Right to Education and plans for Compulsory and Free Primary Education

Constitutional and Legislative Measures

245. Section 27 and 75 of the Constitution makes basic State-funded education, including adult basic education a right. There is a further education, which the State, through reasonable legislative and other measures, must make progressively available and accessible.

246. Every person has the right to establish and maintain, at their own expense, independent educational institutions of reasonable standards, provided they do not discriminate on any ground prohibited by this Constitution. Yet Government should adopt reasonable legislative and other measures within the limits of the resources available to it, to achieve the progressive realisation of the right.

The Education Act

247. Apart from what was reported in the Initial Report, the Education Act [*Chapter 25:04*] was amended in 2020. Government maintained that primary education be compulsory to every child. This is the official Government position.

248. The Act as amended in 2006 to also provide that no child shall be refused admission to any school or discriminated against and that primary education for every child of school-going age shall be compulsory. The amendment further provides that tuition fees shall be maintained at the lowest possible level at the same time maintaining the high standards of education.

249. The Amended Act also provides that the three main languages of Zimbabwe, namely ChiShona, IsiNdebele and English, be taught on an equal time basis in all schools up to Form 2 Level. This was designed to facilitate communication among people in all parts of the country and also to promote national unity. At the same time, the Act provides for the teaching of local languages in areas where they are spoken thereby preserving culture. The Act further provides for the teaching of foreign languages such as French and Portuguese to enable the country to participate fully at international fora. Sign language is the priority medium for the deaf and hard of hearing.

Administrative Measures

250. The education sector is the largest recipient of Government budgetary allocation. Government put in place measures to enhance the right to education through compulsory primary education, Early Childhood Development, schools' fees assistance, establishment of schools within 5km–8 km radius and satellite schools in rural areas. Special facilities for children with special needs are in place.

251. Since independence, Government established nine universities and several tertiary institutions and provides scholarships for disadvantaged students to access university education.

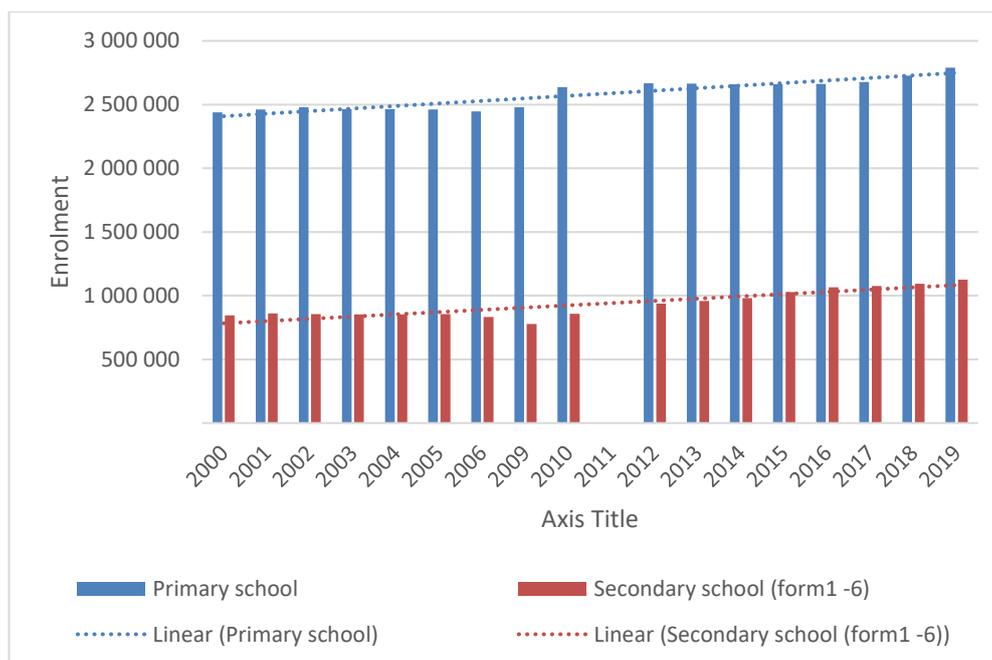
252. Policies and National Strategies include the Universal Access to Primary Education Policy and the implementation of programmes such as the Basic Education Assistance Module (BEAM), the Education Development Fund, and the Cadetship Scheme to promote access to education for the disadvantaged including persons with disabilities are in place.

Right to Primary Education

253. One of the objectives of the Constitution is that the State must take measures to ensure that free and compulsory basic education to children is provided. Government's objective to make primary education free was carried through for a period of approximately ten (10) years after independence. The Social Dimension Fund was then established to provide a safety net for the vulnerable children. Now, the amended Education Act provides that no child shall be refused admission to any school and that primary education for every child shall be compulsory.

254. In order to make education accessible to the majority of learners, the amended Education Act enabled Government to regulate the charging of fees and levies. Accordingly, it is mandatory for every responsible authority to first apply for approval before charging or increasing any fee or levy.

Figure 10: Primary and Secondary Enrolment



255. Enrolment in primary education remains high with a Net Enrolment Ratio (NER) consistently above ninety percent (90%), with no major differences in urban and rural settings. Government has achieved gender parity in primary and secondary education. In 2010, more than ninety-seven percent (97%) of all primary schools had ECD classes. More than one thousand (1000) satellite schools were established to cater for the needs of the population in resettlement areas.

256. Parents and communities continue to have confidence in education and to send their children to school. Enrolment in both primary and secondary schools, which declined between 2007 and 2009 owing to the economic meltdown, recovered significantly in 2010 due to the introduction of the multi-currency system.

257. Zimbabwe has achieved universal primary education as required by the declarations made on the Millennium Development Goals and the World Fit for Children. There are

almost equal numbers of female and male pupils in grades one (1) to seven (7), while in forms one (1) and two (2) there are more females enrolled in schools. Female enrolment declines with subsequent forms and reaches a low of just over forty percent (40%) in A-level.

258. In 2019, there were 2 789 692 primary school enrolments, with almost equal numbers for males and females. Zimbabwe's primary school enrolment grew from 820 266 in 1997 to reach the 2019 level, a percentage change of 240.10 percent. Since 2015 primary school enrolment has generally risen, with a small decline in 2015. Enrolment increased by 63 722 between 2018 and 2019.

259. In the same year, 2 100 465 (75.29 percent) of the primary school learners are enrolled in rural schools, with 689 227 (24.71 percent) enrolled in urban ones.

260. See Figure 10 above for more on Primary and Secondary school enrolment in Zimbabwe.

Increase in Rate of Drop-Outs

261. In 2006, thirty thousand, three hundred and fifty-nine (30 359) primary school pupils of whom forty-eight percent (48%) were female, dropped out of school. There was no major difference between the percentages of pupils dropping out of school for both primary and secondary school with an average dropout rates for Grade one (1) to six (6) and Form one (1) to three (3), in 2003 of nine percent (9%) for both levels. Primary school dropouts generally increased between 2000 and 2005. The same pattern prevailed for Form one (1) to three (3). Since 2000 Grade ones had the highest dropout rates, followed by Grade six (6). The drop-out rates for girls are generally higher than those for boys at various levels.

262. There are various reasons why children in primary schools are dropping out of school. In 2006, twenty-nine percent (29%) of the pupils dropped out of school due to financial reasons (thirty percent (30%) for girls and twenty-eight percent (28%) for boys), seven percent (7%) were ill (seven percent (7%) of both girls and boys), six percent (6%) died (seven percent (7%) of boys and six percent (6%) girls), one percent (1%) were married (two percent (2%) for girls and 0.2 percent for boys), 0.3 percent for pregnancy related reasons (0.6 percent for girls and 0.1 percent for boys) and 0.4 percent were expelled (0.4 percent for girls and 0.3 percent for boys).

263. As a response to the increasing drop-out rates, Government introduced the BEAM programme, discussed below, as one of the means to reduce the number of children dropping out of school. Pregnant girls also used to be expelled from schools. However, in 1999, Government changed the policy and allowed the girls to go back into the formal education system after delivery. This is accompanied by counselling of the girl and the responsible boy, if he too is a schoolboy, as well as their parents. Both are sent on leave and readmitted after delivery of the baby.

264. Government has made strides in providing financial assistance to children who are struggling to attend school, in particular, orphans and vulnerable children, through the BEAM. The BEAM has one hundred percent (100%) government funding through the National Budget and National AIDS Council Fund and it is the largest education assistance program in the country.

265. This module, a successor to the Social Dimension Fund, was established in 2001 to continue education assistance of orphans, the poor and other vulnerable children. It is one of the social protection measures provided by Government, under the Enhanced Social Protection Program. The primary objective of BEAM is 'to reduce the number of children dropping out of school, and reach out to children who have never been to school due to economic hardships. Its main development objective is to prevent irreversible welfare losses for poor households who resort to perverse coping mechanisms, like withdrawing children from school in response to increasing poverty.

266. As of June 2012, 430 000 primary school and 150 000 secondary school children benefitted under the program, whilst twenty thousand (20 000) ordinary and advanced level candidates had their exam fees paid.

Table 16: Primary School Learners with Funding Assistance by Type, Sex and Province, Number and Percentage, Zimbabwe 2019

Province	Total on beam, No			Other learners paid for outside beam, No			Grand Total	Percent learners on BEAM	Percent OVC on beam
	M	F	T	M	F	T			
Bulawayo	2 833	3 105	5 938	1 003	1 186	2 189	8 127	5.22	39.01
Harare	6 837	7 078	13 915	1 321	1 391	2 712	16 627	4.68	57.38
Manicaland	31 868	34 143	66 011	2 676	2 973	5 649	71 660	15.04	67.61
Mashonaland Central	21 343	20 770	42 113	1 525	1 491	3 016	45 158	16.37	83.31
Mashonaland East	19 476	19 568	39 044	1 558	1 556	3 114	42 158	13.03	67.67
Mashonaland West	20 011	19 995	40 006	1 328	1 577	2 905	429 111	12.26	59.72
Masvingo	19 723	19 660	39 383	1 241	1 242	2 483	41 866	10.60	48.94
Matabeleland North	14 147	14 902	29 049	1 628	1 724	3 352	32 401	17.03	64.35
Matabeleland South	9 316	9 710	19 026	560	761	1 321	20 347	12.54	50.03
Midlands	25 070	25 436	50 506	1 480	1 712	3 192	53 698	13.93	67.12
Total	170 624	174 367	344 991	14 320	15 613	29 933	374 924	12.37	62.58

Source: MOPSE; 2019 Primary and Secondary Education Statistics Report.

Second Chance Education

267. Government with the support of cooperating partners has introduced the *second chance learning initiative* whose main objective is to provide a second chance education to children of school going age who have dropped out of school to return to school. The focus of the initiative is not just academic but also takes into account technical and vocational training to equip the children for life after they have left school.

Curriculum Innovations

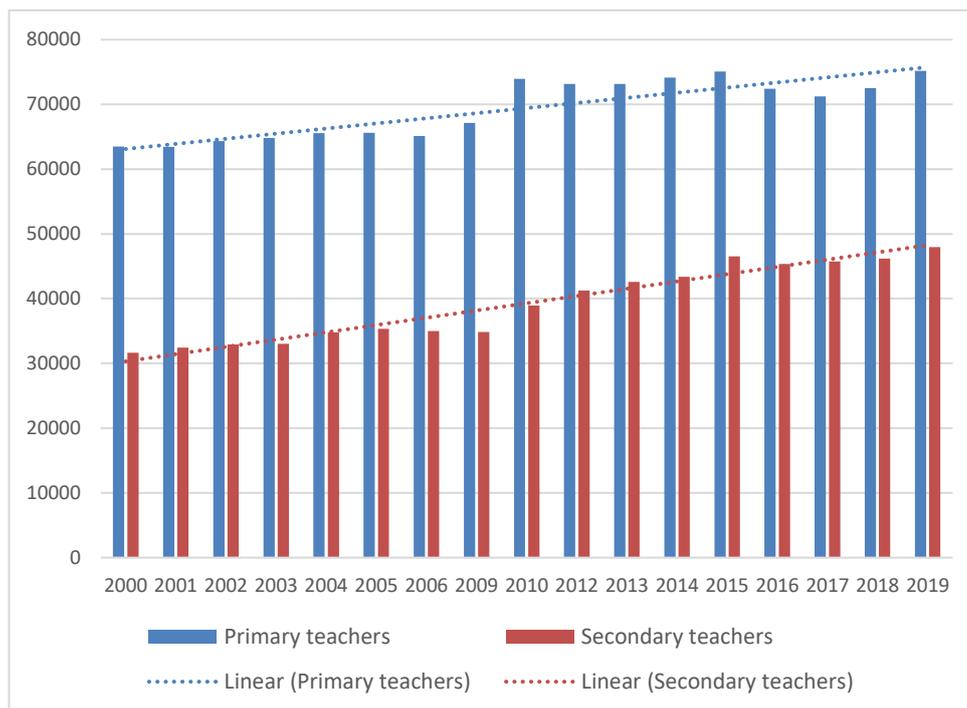
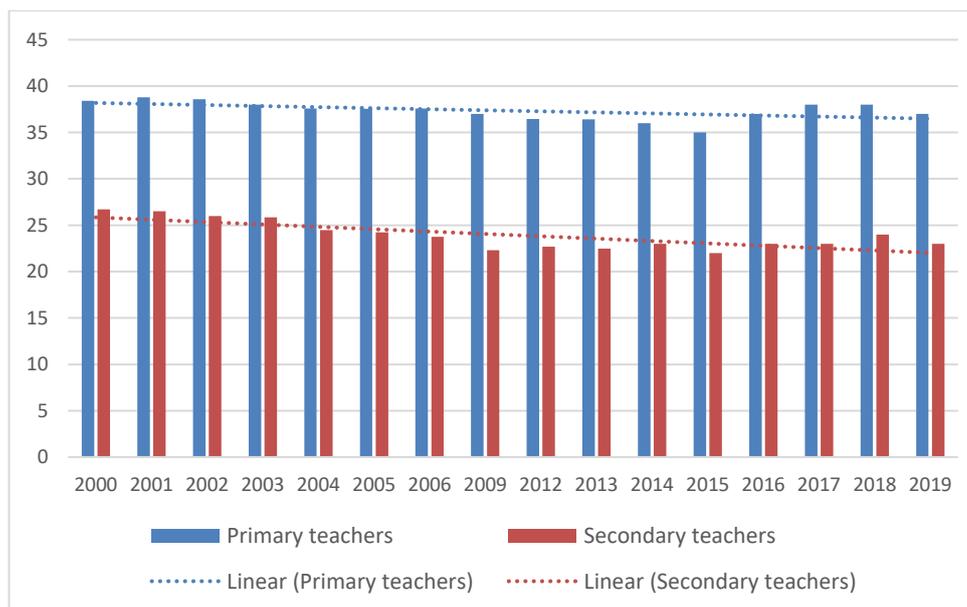
268. Section 6 of the Constitution provides that the following languages namely; Chewa, Chibarwe, English, Kalanga, Koisan, Nambya, Ndau, SiNdebele, Shangaan, ChiShona, sign language, Sotho, Tonga, Tswana, Venda and Xhosa are the officially recognised languages in Zimbabwe.

269. In a bid to ensure continuing education and also improve access to education, Government established non-formal education programmes such as Part-time Continuing Education Courses (PTCEC), Life Long Education, Adult Distance Education and Zimbabwe Adult Basic Education Course, to cater for the education needs of those adults who may want to continue their education or who may have been deprived of a chance to education.

Improvement of the Material Conditions of Teaching Staff

270. Progress has also been achieved in the recruitment of teachers, with 2010 showing a substantial recovery in the number of teachers in both primary and secondary schools.

271. Figures below show that teacher numbers have grown slightly faster than enrolment in secondary, resulting in a declining pupil teacher ratio in secondary education, and a slightly higher ratio in primary level.

Figure 11: Teacher Numbers 2000–2019**Figure 12: Teacher-Pupil Ratio 2000–2019**

272. At the turn of the millennium up to 2008, the country faced a number of challenges that resulted in twenty thousand (20 000) teachers leaving their positions.

273. In 2009, Government put into place mechanisms to re-appoint teachers who had been deemed to have abandoned their posts. However, there are still considerable vacancies in high demand subjects such as Mathematics, Science and in Practical and Commercial subjects. As of January 2013, Government has managed to fill posts for other subjects. The extremely high pupil teacher ratios in the remote districts of Zimbabwe, such as Binga with a pupil trained teacher ratio of 65:1 and 66:1 in primary and secondary schools respectively, remain a major concern. This is caused by the fact that teachers shun being deployed in remote areas. In order to create a conducive socio-economic environment to attract teachers to remote areas, Government has introduced rural allowances over and above other allowances to cater for the hardships faced by rural teachers. Through this incentive

Government has managed to motivate trained teachers to go to remote areas of the country. Furthermore, as a result of the Rural Electrification Programme, Government has managed to retain a number of qualified teachers at rural schools.

274. Government through the Public Sector Investment Programme (PSIP) established schools in newly settled areas of the land reform programme, and new schools in urban areas in new housing development schemes to alleviate hot-seating.

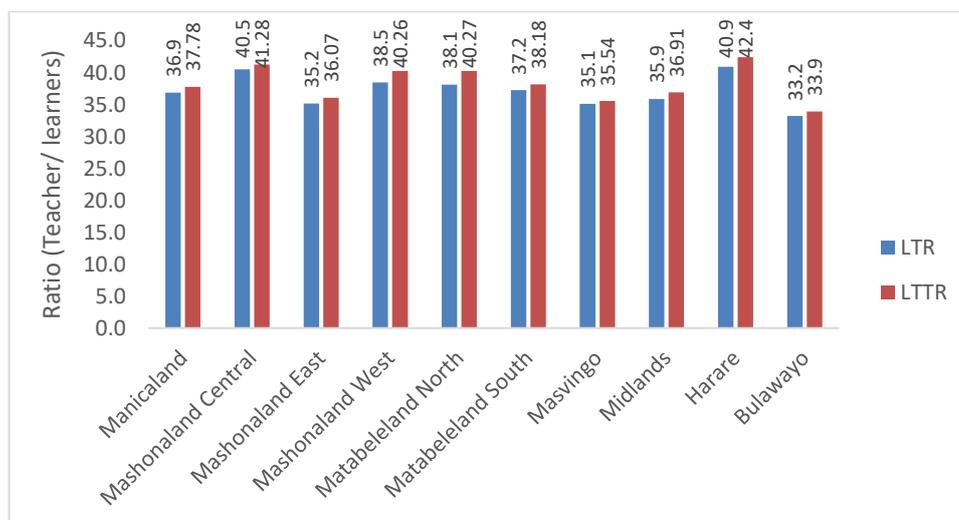
275. Government has continued to provide funds for the construction of schools under the Public Sector Investment Programme (PSIP) and the building grants-in-aid programme for non-government schools to complement community efforts in the development of schools especially in the rural and newly resettled areas. Government also offers grants for the construction of Science laboratories to strengthen the teaching of Mathematics and Science.

276. The amendment of the Education Act brought in the establishment of School Parents Assemblies which, through their School Development Committees, are also responsible for the maintenance and extension of existing schools as well as the construction of new schools. Government pays for teachers' salaries in both public and private schools.

277. Government also encourages the establishment of private and independent colleges which offer day and evening classes. School dropouts also have a choice to further their education through these programmes.

278. Government is upgrading public schools by deploying more trained teachers and improving resource allocation. Tertiary education is offered at institutions of Higher learning comprising of Agricultural colleges, teachers' colleges, polytechnics, and universities.

Figure 13: Primary School Teachers and Learner to Teacher Ratio by Province, Number, Zimbabwe, 2019



Source: MOPSE; 2019 Primary and Secondary Education Statistics Report.

Article 15: Right to Take Part in Cultural Life, Scientific Progress, and Protection of Scientific and Artistic Material.

Constitutional and Legislative Measures

279. Section 16 of the Constitution has broadened the official languages to include; Chewa, Chibarwe, Kalanga, Koisian, Nambya, Ndau, Shangani, Sotho, Tonga, Tswana, Venda, Xhosa and sign language. This facilitates communication among people in all parts of the country and also promotes cultural unity.

280. Section 16 of the Constitution provides that:

(a) The State and all institutions and agencies of government at every level must promote and preserve cultural values and practices which enhance the dignity, well-being and equality of Zimbabweans.

(b) The State and all institutions and agencies of government at every level, and all Zimbabwean citizens, must endeavour to preserve and protect Zimbabwe's heritage.

(c) The State and all institutions and agencies of government at every level must take measures to ensure due respect for the dignity of traditional institutions.

281. Section 61(1)(b) of the Constitution guarantees to everyone freedom of artistic expression and scientific research and creativity as a fundamental freedom.

282. Further, section 63 of the Constitution provides that "every person has the right to use the language of their choice and to participate in the cultural life of their choice."

283. The National Arts Council of Zimbabwe Act [Chapter 25:07] came into operation in 1985 to provide for a feasible and efficient administration of the Arts and Culture Industry. The role of the Council has since expanded mainly due to the many activities it carries out and the expectations of the artists and the public.

284. The Education Act allows the Minister for Sport, Arts and Recreation to authorize, in areas where indigenous languages are spoken, the teaching of such languages in schools in addition to Shona, Ndebele, and English. The Indigenous Languages Bill is currently being drafted.

285. Government has put in place legislation to protect intellectual property rights, which include:

(a) The Copyright and Neighbouring Rights Act [Chapter 26:05]

(b) Patents Act [Chapter 26:03],

(c) Industrial Designs Act [Chapter 26:02],

(d) Intellectual Property Tribunal Act [Chapter 26:08] whose purpose is to protect the moral and material interests resulting from scientific, literary, or artistic production.

(e) The Broadcasting Services Act [Chapter 12:06] provides for the broadcasting of creative arts.

(f) The Research Council Act [Chapter 10:22].

(g) Integrated Circuits Layout – Designs Act [Chapter 26:07] that provides for the protection of proprietary rights.

(h) Trademarks Act [Chapter 26:04].

(i) Patents Act [Chapter 26:03].

(j) Geographical Indications Act [Chapter 26:06] that provides for the protection and registration of geographical indications.

(k) Printed Publications Act [Chapter 25:14].

(l) National Archives of Zimbabwe Act [Chapter 25:06]

(m) National Museums and Monuments Act [Chapter 25:11]

(n) Censorship & Control of Entertainment Act

Administrative Measures

286. In 2004 Government developed a National Cultural Policy whose main objective is to promote cultural expression of different ethnic, linguistic, and religious groups. The policy promotes inter alia, cultural diversity with various radio stations, which broadcast in different languages. The Policy also seeks to provide for the development and promotion of cultural activities in schools and afford pupils access to cultural education.

Cultural Diversity

287. Zimbabwe ratified the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expression of 2005 in 2007. Zimbabwean cultural groups, including children, tour other countries such as China, South Africa, India, the United States, on cultural exchange programmes such as Chipawo (Children's Performing Arts Workshop).

288. The country's artefacts sell very well all over the world. Most of the country's sculptors have works that depict different cultures found in Zimbabwe and abroad.

289. To discourage harmful cultural practices, various pieces of legislation have been enacted prohibiting female genital mutilation, virginity testing (section 52 of the Constitution) and child marriages (section 78 of the Constitution) among others. These Acts include the Children's Act, Domestic Violence Act, and the Criminal Law (Codification) and Reform Act [Chapter 9:23].

290. The national museums and monuments are the custodians of the national symbols and manifestations and these are explained in the way they promote cultural diversity and human rights. However, Government has placed other cultural issues under the mandate of the Ministry of Sport, Arts, and Recreation.

291. In 2002 Government established the Science, Technology and Innovation Policy with the aim of promoting national scientific and technological self-reliance. by ensuring the following:

- (a) Rapid and sustainable industrialisation;
- (b) Adequate shelter and food production;
- (c) A good health and delivery system;
- (d) Environmentally sound development programmes;
- (e) Provision of sufficient energy resources; and
- (f) Sustained employment creation.

292. In 2017, Government adopted the Zimbabwe Intellectual Property Policy 2018–2022. Some of the objectives include ensuring that the entire IP governance framework (diverse laws and regulations, strategies, action plans, treaties, protocols, practices etc. with the bearing on IP) leverages the country IP potential for inclusive and sustainable economic growth and development.

293. Zimbabwe is a member of the State of the World Intellectual Property Organization (WIPO) and African Regional Intellectual Property Organization (ARIPO) and it has ratified the various instruments that are found there under. The Zimbabwe Intellectual Property Organization (ZIPO) carries out awareness raising campaigns through the use of national *fora* such as the Zimbabwe International Trade Fair and the Harare Agricultural Show.
